

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

**MINUTES
OCTOBER 18, 2011**

JOINT MEETINGS

Regular meetings of the Ontario City Council, Ontario Housing Authority and Ontario Redevelopment Agency were held on Tuesday, October 18, 2011, at the Ontario City Hall, 303 East B St.

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. All Members were present and no one requested to be heard.

- GC 54956.9 (a), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: City of Ontario vs. Safeco Insurance Company et. al., Case No. CIVRS 901508

Council Member Wapner requested the addition of discussions and possible emergency actions regarding anticipated litigation against a medical marijuana dispensary and changes in existing litigation regarding bar (both located at the southwest corner of Mountain Avenue and Mission Boulevard), not known to Council prior to posting of the agenda.

Mayor Leon adjourned the meeting to Closed Session at 6:02 p.m.

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 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 Council Member Mautz.

The Invocation was offered by *Pastor Chuck Singleton*, Loveland Worship Center.

CLOSED SESSION REPORT

Mayor Leon indicated that no reportable action was taken in the matter of Safeco Insurance Company. He then reported that staff has been directed to close down a medical marijuana dispensary located at 856 South Mountain Avenue; and in the matter of the bar at the same shopping center, consideration of reinstatement of a Conditional Use Permit will be returned to the Planning Commission whose decision will be monitored by the Council. He stressed that the Council reserves the right to call it for consideration.

Mayor Leon thanked Pastor Singleton for coming this evening adding that he is not often available.

PUBLIC COMMENT

Mona Butler, accompanied by *Veronica Palomares*, expressed concern about the strip mall located near children that has a bar, liquor store and marijuana dispensary. She indicated groups of young people gather there noting it is counterproductive to observe Red Ribbon Week next week and then allow these businesses at this location. Ms. Butler advised they are collecting signatures opposing these facilities.

Cory Briggs, accompanied by a group representing Ontario Mountain Village Association (OMVA), said he wants the public to know of the Council's actions regarding the Walmart development. He alleged that Council Members do not listen, confidences were broken and Council Members failed to take steps to secure \$80,000 for schools. He further questioned why public records were not disclosed to the OMVA when they were needed last June at which time a continuance was refused. Mr. Briggs then addressed specific Council Members who he felt betrayed their trust and failed to keep promises. Mr. Briggs stated his belief that their group did not receive a fair hearing in the matter of Walmart.

Mayor Leon said he feels the actions taken were correct and the process was fair; Council Members have been honest with their findings and their vote.

Mike Chavez, Ontario Police Officers' Association, invited Council Members and the public to Tip A Cop, a fundraiser at Applebee's Restaurant that will benefit Special Olympics. From 5:00 p.m. to 9:00 p.m., on October 27th officers will wait tables as part of the event.

Richard Stubblefield thanked the Ontario Fire Department and Ontario Police Department on behalf of the "many who have lost faith." He said he is an ex-hoodlum in this community and noted that people do hear the good going on and it is motivating. He wants people to stand up for what they feel is right and for what they believe in.

Council Member Bowman stated that the City Council takes into consideration the thoughts and feelings of groups and added leadership is not always about making people happy, advising the Council represents all the people in the community.

AGENCY REVIEW/ ANNOUNCEMENTS

City Manager Hughes advised Council Members there were no announcements.

JOINT AGENCIES CONSENT CALENDAR

City Clerk Wirtes advised that updated exhibits have been submitted in the matter of Agenda Item #6 – *Special Assessments*.

Mayor Leon thanked Council for approving Agenda Item #4 – *Sports Hall of Fame* that he considers to be visionary and will include recognition for the many key sports figures with ties to California. He said the display cases will be similar to those at the rear of the Council Chambers. Mayor Leon introduced *Christian Okoye* who was present in the Chambers and thanked him and the City Manager for their work on this project.

Mayor pro Tem Dorst-Porada called attention to Agenda Item #5 – *Chaffey Community Art Association* who are returning to Ontario with their art collection.

Council Member Wapner commented on Agenda Item #8 – *Registered Sex Offenders* and thanked Police Chief Hopley and City Manager Hughes for presenting this item. Mr. Wapner noted the City wants to take steps to help protect our children adding the Police Department will be enforcing the Ordinance.

MOTION: Moved by Mayor pro Tem Dorst-Porada, seconded by Council Member Bowman, the Joint Agencies to approve the following Consent Calendar items as recommended.

1. APPROVAL OF MINUTES

Minutes for the regular meetings of the City Council, Redevelopment Agency and Housing Authority of September 20, 2011, were approved as on file in the Records Management Department.

2. BILLS/PAYROLL

Bills August 14, 2011 through August 27, 2011, in the amount of \$13,529,698.99 and **Payroll** August 14, 2011 through August 27, 2011, in the amount of \$2,354,192.18 were approved subject to audit by the Finance Committee.

3. DESIGNATION OF VOTING DELEGATE FOR THE NATIONAL LEAGUE OF CITIES ANNUAL BUSINESS MEETING

City Council designated Alan Wapner as the City's voting delegate for the National League of Cities (NLC) Annual Business Meeting scheduled November 12, 2011.

4. LEASE AGREEMENT FOR USE OF CITY PROPERTY AND FACILITIES LOCATED AT THE ONTARIO CONVENTION CENTER BY THE CALIFORNIA SPORTS HALL OF FAME

City Council authorized the City Manager to execute a Lease Agreement with California Sports Hall of Fame, Rancho Cucamonga, CA, for use of portions of a City-owned building located at 2000 Convention Center Way for display and exhibit purposes of the California Sports Hall of Fame.

5. LEASE AGREEMENT FOR USE OF CITY PROPERTY AND FACILITIES LOCATED AT 217 SOUTH LEMON AVENUE BY THE CHAFFEY COMMUNITY ART ASSOCIATION, DBA CCAA MUSEUM OF ART

City Council authorized the City Manager to execute a Lease Agreement with Chaffey Community Art Association, dba CCAA Museum of Art, of Upland, CA, for use of a City-owned building and adjacent property located at 217 South Lemon for the purpose of exhibiting and promoting local art and artists.

6. A RESOLUTION FOR PLACEMENT OF SPECIAL ASSESSMENTS ON COUNTY TAX ROLLS

City Council adopted a Resolution to recover costs incurred in abating property and dangerous building violations as well as fees and penalties associated with property maintenance violations, and placing special assessments on County tax rolls.

RESOLUTION NO. 2011-063 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 CIVIL PENALTIES OR RECOVERY OF COSTS INCURRED FOR ABATEMENT OF VIOLATIONS OF CITY CODES AND ORDINANCES

7. RECOGNIZE OCTOBER 23-31, 2011 AS RED RIBBON WEEK

City Council recognized October 23-31, 2011, as "Red Ribbon Week" in the City of Ontario 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.

8. AN ORDINANCE TO ADD CHAPTER 23 TO TITLE 4 OF THE ONTARIO MUNICIPAL CODE TO REGULATE CONDUCT OF REGISTERED SEX OFFENDERS IN THE CITY OF ONTARIO

City Council adopted an Ordinance adding Chapter 23 to Title 4 of the Ontario Municipal Code (OMC) to create protective measures that mandate and restrict registered sex offenders from living within 2,000 feet of a child safety zone; loitering within 300 feet of locations (public and private) where children may be present; and/or actively soliciting children to go to the registered sex offenders home during Halloween. Introduction and first reading of the Ordinance occurred at the regular meeting on October 4, 2011.

ORDINANCE NO. 2941 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADDING CHAPTER 23 TO TITLE 4 RELATING TO THE REGULATION OF REGISTERED SEX OFFENDERS CONDUCT

MOTION UNANIMOUSLY CARRIED. The Mayor/ Chairman declared Resolution No. 2011-063, and Ordinance No. 2941 duly passed and adopted.

END OF JOINT CONSENT CALENDAR

PUBLIC HEARINGS

9. AN ORDINANCE AMENDING ONTARIO MUNICIPAL CODE TITLE 1 (GENERAL PROVISIONS), CHAPTER 5 (ADMINISTRATIVE CITATIONS), SECTION 1-5.04 AND TITLE 4 (PUBLIC SAFETY), CHAPTER 13 (PARKING ON UNPAVED SURFACES), SECTION 4-13.04

City Council introduced and waived further reading of an Ordinance amending the Ontario Municipal Code:

(A) Title 1 (General Provisions), Chapter 5 (Administrative Citations), Section 1-5.04 pertaining to fine amounts for administrative citations; and

(B) Title 4 (Public Safety), Chapter 13 (Parking On Unpaved Surfaces), Section 4-13.04 pertaining to civil penalty amounts for violation of provisions restricting parking on unpaved surfaces.

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.

ORDINANCE NO. 2942 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING ONTARIO MUNICIPAL CODE TITLE 1, CHAPTER 5, SECTION 1-5.04 TO ESTABLISH THE AMOUNTS FOR ADMINISTRATIVE CITATION PENALTIES BY RESOLUTION; AND AMENDING TITLE 4, CHAPTER 13, SECTION 4-13.04 TO ESTABLISH THE CIVIL PENALTIES FOR PARKING ON UNPAVED SURFACES BY RESOLUTION

was introduced for first reading by title only. **MOTION:** Moved by Council Member Mautz, seconded by Mayor pro Tem Dorst-Porada, and unanimously carried to accept the Ordinance for introduction.

10. **AN ORDINANCE APPROVING A DEVELOPMENT CODE AMENDMENT (FILE NO. PDCA11-002) REVISING ONTARIO MUNICIPAL CODE TITLE 9, CHAPTER 1 (ZONING AND LAND USE REQUIREMENTS), ARTICLE 13 (LAND USE AND SPECIAL REQUIREMENTS), SECTION 9-1.1305**

City Council introduced and waived further reading of an Ordinance approving a Development Code amendment (File No. PDCA11-002) revising Ontario Municipal Code Title 9, Chapter 1 (Zoning and Land Use Requirements), Article 13 (Land Use and Special Requirements), Section 9-1.1305 to include criteria pertaining to alcoholic beverage sales operating standards and approval requirements.

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.

ORDINANCE NO. 2943 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA11-002, A DEVELOPMENT CODE AMENDMENT TO INCLUDE CRITERIA PERTAINING TO ALCOHOLIC BEVERAGE SALES OPERATING STANDARDS AND APPROVAL REQUIREMENTS, AND MAKING FINDINGS IN SUPPORT THEREOF.

was introduced for first reading by title only. **MOTION:** Moved by Council Member Mautz, seconded by Mayor pro Tem Dorst-Porada, and unanimously carried to accept the Ordinance for introduction.

COUNCIL/ STAFF COMMENT

Mayor pro Tem Dorst-Porada indicated she enjoyed acting as Principal for the Day at Woodcrest Junior High School recently. She announced the opening of a Sports

Authority store at the Ontario Mills Mall, and the upcoming Military Banner Ceremony at 10:00 a.m. on October 25th at Ontario Plaza. Mayor pro Tem Dorst-Porada reminded the community of the 50th Anniversary of the Chaffey Tournament of Bands, and the Spirit Walk at Bellevue Cemetery to be held on at 10:00 a.m., on October 29th.

Council Member Wapner thanked the Police Officers' Association for the Tip a Cop fundraiser at Applebee's and suggested people enjoy a good meal. Council Member Wapner stated he is appalled that a business would come into the City and blatantly violate federal, state and local laws with respect to marijuana, and said he looks forward to code enforcement action on the South Mountain Avenue location.

Council Member Bowman announced that Council Members support City Manager Hughes who he said works to the highest standards and ethics. Mr. Bowman noted that comments made earlier were very unprofessional. Mr. Bowman added that Council acts and rules in favor of the City. Council Member Bowman said the concert to honor Jack Mercer last Monday was attended by Council Member Mautz, Mayor pro Tem Dorst-Porada and himself, and honored an icon of music in the City where Mr. Mercer started in 1957 and has participated for 50 plus years. Mr. Bowman added that Jack provides great training and mentoring for young people. Council Member Bowman also advised that, while not a fan of Governor Jerry Brown, he was very pleased that he vetoed SB 496 with respect to government land use that would have eliminated jobs. He added our economy needs every opportunity for people to work. Mr. Bowman requested that tonight's meeting be adjourned to the memory of *Wayne Young*, owner of Main Street Fibers since the mid-60's, who has contributed much to the community as a business owner and member of the Rotary Club.

Council Member Mautz also spoke of Mr. Young as a long-time businessman and contributor to many fine causes. She emphasized the Military Banner Program ceremony that will be held on October 25th, the opening of a Sports Authority at the Mills, and the Airplane Pull that will be held at 9:30 a.m., on October 22nd at ONT Terminal 1 to benefit the USO. Council Member Mautz announced the Kaiser Hospital in Ontario will conduct an Open House from 11:00 a.m. to 3:00 p.m. on Saturday, October 22nd and the public is invited to attend. She also reminded the community of the Job Fair that will be held on Thursday, October 27th in Terminal 1 at ONT, and the Halloween Costume Parade and Contest at the Ontario Senior Center on October 31st.

Mayor Leon said it is amazing how many events occur in Ontario. He noted the US Figure Skating Championships are being held in Ontario tonight and have for the past few days at Ontario Ice south of City Hall. He added these are wonderful athletes, future Olympians and world class skaters. Continuing, Mayor Leon stated that, beginning tomorrow, Skate America will be performing in the Citizens Business Bank Arena also with a high level of skilled professional athletes. The Mayor reminded the community that "Phantom of the Opera" will be performed at Chaffey High School with a lot of special effects and staging. Mr. Leon added that this inexpensive but semi-professional performance will occur the first and second weeks of December. Mayor Leon reminded the community that Ryan Andreas, performer on America's Got

Talent will sing the National Anthem at the meeting on November 1st and world-renowned artist Robert Lyn Nelson, originator of over- and under-seascapes, will also attend the November 1st meeting and will exhibit a few of his original paintings. Mr. Nelson was the U.S. entry at a previous World's Fair, has art work at the Reagan Library and in the White House and now lives in Maui.

ADJOURN IN MEMORIAM

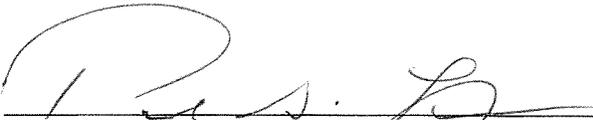
At 7:29 p.m., Mayor Leon adjourned the joint meetings to the memory of Wayne Young of Main Street Fibers as previously requested. The next regular meeting will be held on November 1, 2011.

Respectfully submitted,



MARY E. WIRTES, MMC, CITY CLERK/ SECRETARY

APPROVED:



PAUL S. LEON, MAYOR/ CHAIRMAN