

CITY OF ONTARIO
CITY COUNCIL, REDEVELOPMENT AGENCY,
AND HOUSING AUTHORITY
AGENDA
JANUARY 17, 2012

Paul S. Leon
Mayor

Sheila Mautz
Mayor pro Tem

Alan D. Wapner
Council Member

Jim W. Bowman
Council Member

Debra Dorst-Porada
Council Member



Chris Hughes
City Manager

John E. Brown
City Attorney

Mary E. Wirtes, MMC
City Clerk

James R. Milhiser
Treasurer

WELCOME to a meeting of the Ontario City Council.

- All documents for public review are on file with the Records Management/City Clerk's Department located at 303 East B Street, Ontario, CA 91764.
- Anyone wishing to speak during public comment or on a particular item will be required to fill out a blue slip. Blue slips must be turned in prior to public comment beginning or before an agenda item is taken up. The Clerk will not accept blue slips after that time.
- Comments will be limited to 3 minutes. Speakers will be alerted when they have 1 minute remaining and when their time is up. Speakers are then to return to their seats and no further comments will be permitted.
- In accordance with State Law, remarks during public comment are to be limited to subjects within Council's jurisdiction. Remarks on other agenda items will be limited to those items.
- Remarks from those seated or standing in the back of chambers will not be permitted. All those wishing to speak including Council and Staff need to be recognized by the Chair before speaking.

ORDER OF BUSINESS: The regular City Council, Redevelopment Agency, and Housing Authority meeting begins with Closed Session and Closed Session Comment at 6:00 p.m., Public Comment at 6:30 p.m. immediately followed by the Regular Meeting and Public Hearings. No agenda item will be introduced for consideration after 10:00 p.m. except by majority vote of the City Council.

(EQUIPMENT FOR THE HEARING IMPAIRED AVAILABLE IN THE RECORDS MANAGEMENT OFFICE)

CALL TO ORDER (*OPEN SESSION*)

6:00 p.m.

ROLL CALL

Mautz, Wapner, Bowman, Dorst-Porada, Mayor/Chairman Leon

CLOSED SESSION PUBLIC COMMENT The Closed Session Public Comment portion of the Council/Redevelopment Agency/Housing Authority meeting is limited to a maximum of 3 minutes for each speaker and comments will be limited to matters appearing on the Closed Session. Additional opportunities for further Public Comment will be given during and at the end of the meeting.

CLOSED SESSION

- GC 54956.9 (b), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION:
One or more cases: City of Los Angeles/Los Angeles World Airports (LAWA), ongoing effort to review all alternatives with respect to ONT management and operations, specifically the 1967 Joint Powers Agreement, and the possibility of resumption by the City.
- GC 54956.9 (a) & (c), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION:
Inland Empire Utilities Agency v. All Persons Interested In the Matter Of The Validity Of Ordinance No. 2936 Of The City Council Of The City Of Ontario Dated May 17, 2011, et al., Case No. SBSC CIVRS1107454.
- GC 54956.9 (a) & (c), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION:
Inland Empire Utilities Agency v. Ontario Redevelopment Agency, et al., Case No. SBSC CIVRS 1110390.

In attendance: Mautz, Wapner, Bowman, Dorst-Porada, Mayor/Chairman Leon

PLEDGE OF ALLEGIANCE

Council Member Wapner

INVOCATION

Brother Donald Sanders, Calvary Apostolic Tabernacle

REPORT ON CLOSED SESSION

City Attorney

PUBLIC COMMENTS

6:30 p.m.

The Public Comment portion of the Council/Redevelopment Agency/Housing Authority meeting is limited to 30 minutes with each speaker given a maximum of 3 minutes. An opportunity for further Public Comment may be given at the end of the meeting. Under provisions of the Brown Act, Council is prohibited from taking action on oral requests.

As previously noted -- if you wish to address the Council, fill out one of the blue slips at the rear of the chambers and give it to the City Clerk.

AGENDA REVIEW/ANNOUNCEMENTS: The City Manager will go over all updated materials and correspondence received after the agenda was distributed to ensure Council Members have received them. He will also make any necessary recommendations regarding Agenda modifications or announcements regarding Agenda items to be considered.

CONSENT CALENDAR

All matters listed under CONSENT CALENDAR will be enacted by one motion in the form listed below – there will be no separate discussion on these items prior to the time Council votes on them, unless a member of the Council requests a specific item be removed from the Consent Calendar for a separate vote.

Each member of the public wishing to address the City Council on items listed on the Consent Calendar will be given a total of 3 minutes.

1. APPROVAL OF MINUTES

Minutes for the regular meeting of the City Council, Redevelopment Agency and Housing Authority of December 20, 2011, and approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

Bills November 20, 2011 through December 17, 2011 and **Payroll** November 20, 2011 through December 17, 2011, when audited by the Finance Committee.

3. ONTARIO REDEVELOPMENT AGENCY ANNUAL REPORT FOR FISCAL YEAR ENDED JUNE 30, 2011

That the Agency Board accept the Ontario Redevelopment Agency's Annual Report for Fiscal Year ended June 30, 2011

4. UPDATE TO ADMINISTRATIVE POLICIES

That the City Council receive and approve updates to administrative policies including (i) the City Boards, Commissions, and Committees Handbook and (ii) adoption of a resolution rescinding Resolution No. 2009-022 and restating the policy regarding the receipt and distribution of tickets and/or passes.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, RESCINDING RESOLUTION NO. 2009-022 AND RESTATING THE CITY'S POLICY REGARDING THE RECEIPT AND DISTRIBUTION OF TICKETS AND/OR PASSES IN THE FURTHERANCE OF THE CITY'S REASONABLY DEFINED PUBLIC PURPOSES.

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

That the City Council adopt a resolution for recovery of fees and costs incurred in abating property and dangerous building violations as well as administrative citations and civil penalties associated with property maintenance violations, and placing special assessments on County tax rolls.

RESOLUTION NO. _____

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.

6. CENTRACS ADVANCED TRAFFIC MANAGEMENT SYSTEM SOFTWARE

That the City Council approve the sole source purchase of the Centrac's Advanced Traffic Management System Software from Econolite Control Products, Inc. of Anaheim, California, in the amount of \$145,000 including applicable sales tax and estimated shipping.

7. AMENDMENT TO THE CONSTRUCTION CONTRACT FOR EECBG AND CDBG ENERGY EFFICIENT STREET LIGHT PROJECT/INTELLIGENT TRANSPORTATION SERVICES INC. DBA REPUBLIC ITS

That the City Council approve Contract Change Order No. 3 (on file in the Records Management Department) in an amount of \$41,541, to Intelligent Transportation Services Inc. dba Republic ITS of Anaheim, California, to revise the existing contract amount (including contingency) from \$663,070 to \$704,611; and authorize the City Manager to execute said contract change order up to the appropriations limits approved by the City Council in the current adopted budget and overall grant award and related documents.

8. NORTH MILLIKEN AVENUE GRADE SEPARATION PROJECT TRANSLOADING FUNDING AGREEMENTS WITH ARMORCAST PRODUCTS CO. (ARMORCAST) AND CEREAL FOOD PROCESSING OF KANSAS, INC. (CEREAL FOODS)

That the City Council approve transloading funding agreements (on file in the Records Management Department) with Armorcast Products Co. of North Hollywood, California, and Cereal Food Processors, Inc. of Mission Woods, Kansas; and authorize the City Manager to execute said agreements and related documents.

9. PROFESSIONAL SERVICES AGREEMENT FOR HAZARDOUS MATERIALS COLLECTION AND DISPOSAL SERVICES/FILTER RECYCLING SERVICES, INC.

That the City Council award Contract No. MS 11-11.01 to Filter Recycling Services, Inc. of Bloomington, California, and authorize the City Manager to execute a one-year agreement (on file in the Records Management Department) for hazardous materials collection and disposal services with the option to extend for up to three additional one-year periods.

10. A RESOLUTION AUTHORIZING APPLICATION FOR A CATALYST COMMUNITY GRANT AND EXECUTION OF A MEMORANDUM OF UNDERSTANDING REGARDING THE DOWNTOWN CORE CATALYST PROJECT UNDER THE CATALYST PROJECTS FOR CALIFORNIA SUSTAINABLE STRATEGIES PILOT INNOVATIVE HOUSING PROGRAM

That the City Council adopt a resolution authorizing staff to submit an application to the State of California Department of Housing and Community Development ("HCD") for \$500,000 under the Catalyst Projects for California Sustainable Strategies Pilot Program (the "Program"); approve a Memorandum of Understanding ("MOU") between HCD and the City regarding the Downtown Core Catalyst Project in substantially the same form as the MOU on file with the Records Management Department; and authorize the City Manager to execute any and all documents necessary or desirable for the submission of the grant application and implementation of the Program including, but not limited to, execution of a State of California Standard Agreement.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ONTARIO, CALIFORNIA, AUTHORIZING AN APPLICATION FOR
CATALYST COMMUNITY GRANT PROGRAM.

11. APPROVAL OF AGREEMENTS WITH THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (SCAQMD) FOR REIMBURSEMENT OF CERTAIN COSTS ASSOCIATED WITH THE PURCHASE OF COMPRESSED NATURAL GAS (CNG) POWERED VEHICLES AND UPGRADES TO THE CNG FUELING STATION/SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

That the City Council approve agreements with the SCAQMD to participate in the Local Government Match Program to receive reimbursements of \$180,000 for the purchase of six (6) replacement CNG refuse trucks and up to \$400,000 for upgrades to the CNG fueling station and authorize the City Manager to execute said agreements (on file with the Records Management Department).

12. CONSTRUCTION CONTRACT FOR WELL DRILLING AT MULTIPLE SITES

That the City Council approve the specifications for the Well Drilling at Multiple Sites project; authorize the City Manager to award and execute Ontario Municipal Utilities Company Contract No. UT 1112-05 and related documents to the lowest responsible and responsive bidder for an amount not to exceed the current City Council authorized budget including a 15% contingency or to reject all bids if needed; and authorize the filing of the Notice of Completion at the conclusion of all construction activities related to the project.

PUBLIC HEARINGS

13. CONSIDERATION OF A RESOLUTION APPROVING THE CONCEPTUAL PLAN AND THE EXPANDED INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR THE MILL CREEK WETLANDS RECREATION AND RESTORATION PROJECT, A PROPOSED 47-ACRE NATURAL WATER TREATMENT SYSTEM CONSISTING OF A RECREATION PLAN, NATIVE HABITAT PLAN, AND WATER QUALITY PLAN

That the City Council consider adoption of a resolution approving the conceptual plan, the Expanded Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Mill Creek Wetlands Recreation and Restoration Project; and authorize the City Manager to sign documents necessary to effectuate the Project submitted by the City of Ontario which is bisected by Chino Corona Road, east of Comet Avenue and west of Cucamonga / Mill Creek in the City of Chino.

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

Written communication.

Oral presentation.

Public hearing closed.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE CONCEPTUAL PLAN AND THE EXPANDED INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR THE MILL CREEK WETLANDS RECREATION AND RESTORATION PROJECT, ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM, AND AUTHORIZING THE CITY MANGER TO EXECUTE DOCUMENTS NECESSARY TO EFFECTUATE THE PROJECT.

COUNCIL MATTERS

REPORT FROM AIRPORT LIAISON SUBCOMMITTEE

Mayor Leon
Mayor pro Tem Mautz
Council Member Wapner
Council Member Bowman
Council Member Dorst-Porada

STAFF MATTERS

City Manager Hughes

ADJOURNMENT

CITY OF ONTARIO CLOSED SESSION REPORT

City Council / / Housing Authority / / Redevelopment Agency / /
Redevelopment Financing Agency / / Other / / (GC 54957.1)

January 17, 2012

ROLL CALL: Mautz __, Wapner __, Bowman __, Dorst-Porada __
Mayor / Chairman Leon __.

STAFF: City Manager / Executive Director __, City Attorney __

In attendance: Mautz __, Wapner __, Bowman __, Dorst-Porada __, Mayor / Chairman Leon __

- GC 54956.9 (b), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION:
One or more cases: City of Los Angeles/Los Angeles World Airports (LAWA), ongoing effort to review all alternatives with respect to ONT management and operations, specifically the 1967 Joint Powers Agreement, and the possibility of resumption by the City.

| No Reportable Action | Continue | Approved |
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Disposition: _____

In attendance: Mautz __, Wapner __, Bowman __, Dorst-Porada __, Mayor / Chairman Leon __

- GC 54956.9 (a) & (c), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION:
Inland Empire Utilities Agency v. All Persons Interested In the Matter Of The Validity Of Ordinance No. 2936 Of The City Council Of The City Of Ontario Dated May 17, 2011, et al., Case No. SBSC CIVRS1107454.

| No Reportable Action | Continue | Approved |
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Disposition: _____

**CITY OF ONTARIO
CLOSED SESSION REPORT**

City Council / / Housing Authority / / Redevelopment Agency / /
Redevelopment Financing Agency / / Other / / (GC 54957.1)

January 17, 2012

In attendance: Mautz __, Wapner __, Bowman __, Dorst-Porada __, Mayor / Chairman Leon __

- GC 54956.9 (a) & (c), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION:
Inland Empire Utilities Agency v. Ontario Redevelopment Agency, et al., Case No. SBSC
CIVRS 1110390.

No Reportable Action

Continue

Approved

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Disposition: _____

Reported by: _____
City Attorney / City Manager / Executive Director

CITY OF ONTARIO

Agenda Report
January 17, 2012

SECTION:
CONSENT CALENDAR

SUBJECT: ONTARIO REDEVELOPMENT AGENCY ANNUAL REPORT FOR FISCAL YEAR ENDED JUNE 30, 2011

RECOMMENDATION: That the Agency Board accept the Ontario Redevelopment Agency's Annual Report for Fiscal Year ended June 30, 2011

COUNCIL GOALS: : Develop Strategies and Take Actions to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health Operated in a Businesslike Manner


FISCAL IMPACT: No fiscal impact.

BACKGROUND: Pursuant to Health and Safety Code Section 33080, the Ontario Redevelopment Agency is required to file a copy of its Annual Report with the State Controller's Office. The Annual Report contains the following:

1. An independent financial audit report for Fiscal Year 2010-11;
2. A fiscal statement for Fiscal Year 2010-11 which includes outstanding indebtedness of each project area, tax increment revenues generated in each project area, tax increment paid to taxing agencies, and the financial transaction report required pursuant to Section 53891 of the Government Code; and
3. A description of the Agency's activities affecting housing and displacement.

The audit for Fiscal Year 2010-11 was performed in accordance with generally accepted auditing standards by the accounting firm of Lance, Soll & Lunghard, LLP. These standards are followed to obtain reasonable assurances that the general purpose financial statements are free from material misstatements. The opinion given in the Report of Independence states that the general purpose financial statements present fairly the financial position of the Agency as of June 30, 2011, and the results of the Agency's operations are reported in accordance with generally accepted accounting principles. Moreover, the submittal of these reports to the Agency Board for review to understand the

STAFF MEMBER PRESENTING: Grant D. Yee, Administrative Services Director

Prepared by: Doreen Nunes
Department: Fiscal Services
City Manager Approval: 

Submitted to Council/O.R.A./O.H.A. 01/17/2012
Approved: _____
Continued to: _____
Denied: _____

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Ontario Redevelopment Agency's internal controls and financial matters is required under auditing standard SAS No. 112.

A copy of the Annual Report has been filed with the Records Management Department.

CITY OF ONTARIO

Agenda Report
January 17, 2012

SECTION:
CONSENT CALENDAR

SUBJECT: UPDATE TO ADMINISTRATIVE POLICIES

RECOMMENDATION: That the City Council receive and approve updates to administrative policies including (i) the City Boards, Commissions, and Committees Handbook and (ii) adoption of a resolution rescinding Resolution No. 2009-022 and restating the policy regarding the receipt and distribution of tickets and/or passes.

COUNCIL GOALS: Develop Strategies and Take Actions to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Operate in a Businesslike Manner

FISCAL IMPACT: None.

BACKGROUND: The City's boards, commissions, and committees have been operating under expectations and rules of conduct contained in multiple documents including the Ontario Municipal Code, board bylaws, commission rules and procedures, and the Ralph M. Brown Act. To help ensure overall consistency in expectations, staff recommends that the City Council approve a single handbook with those components applicable to all of the City's advisory bodies. The purpose of this handbook is to assist board, commission, and committee members in understanding the responsibilities of the body on which they have been asked to serve and their role as envisioned by the City Council. The handbook contains general information on the City's organization and structure, a description of duties and powers for the advisory bodies, procedural guidelines and specific Ontario Municipal Code sections relative to each body. The handbook was developed with staff input representing the Planning Department, Recreation & Community Services Department, Library, and Museum of History and Art.

Additionally, the Fair Political Practices Commission (FPPC) recently adopted new regulations clarifying reporting requirements for public agencies and officials regarding the distribution of tickets and/or passes. The proposed policy update ensures that all tickets and/or passes provided to the City shall be distributed in furtherance of governmental and/or public purposes and disclosed in accordance with the new changes to applicable State law.

STAFF MEMBER PRESENTING: Chris Hughes, City Manager

Prepared by: Al Boling
Department: City Administration

City Manager
Approval: 

Submitted to Council/O.R.A./O.H.A. 01/17/2012

Approved: _____

Continued to: _____

Denied: _____

CITY OF ONTARIO

Agenda Report
January 17, 2012

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION FOR PLACEMENT OF SPECIAL ASSESSMENTS ON COUNTY TAX ROLLS

RECOMMENDATION: That the City Council adopt a resolution for recovery of fees and costs incurred in abating property and dangerous building violations as well as administrative citations and civil penalties associated with property maintenance violations, and placing special assessments on County tax rolls.

COUNCIL GOALS: Develop Strategies and Take Actions to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Operate in a Businesslike Manner

FISCAL IMPACT: The levy of special assessments will result in the recovery of \$60,689 in costs the City has expended for inspection or abatement as well as the collection of \$321,430 associated with civil penalties and/or fines for continued violations for a total of \$382,119 related to 188 parcels. When received, reimbursement will be made to the General Fund \$367,986 and the Dangerous Building Fund \$14,133.

BACKGROUND: The City has established revolving funds to cover City costs for abatement of property and dangerous building violations as a result of code enforcement activities as well as the generation of fines associated with administrative citations for property maintenance violations and fees and penalties associated with the Abandoned and Distressed Property Program. These costs, fines, fees and penalties are recovered through placement of special tax assessments upon the properties. The placement of special assessments and collection of revenue is done under Ordinance 2553, Property Appearance (Title 5, Chapter 22 of the Ontario Municipal Code), Chapter 9 of the Uniform Code for the Abatement of Dangerous Buildings and Ordinance 2920 for civil penalties for continued violations of the Ontario Municipal Code (Title 1, Chapter 2 of the Ontario Municipal Code) and fines associated with administrative citations (Title 1, Chapter 5 of the Ontario Municipal Code). The City and the County currently have a contractual agreement regarding implementation of special assessments; however, a resolution authorizing the placement of the specific assessments is required.

STAFF MEMBER PRESENTING: Karen De Vrieze, Code Enforcement Director

Prepared by: Erin Bonett
Department: Code Enforcement Department

City Manager
Approval: 

Submitted to Council/O.R.A./O.H.A. 01/17/2012
Approved: _____
Continued to: _____
Denied: _____

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This assessment cycle, the Code Enforcement Department has billed \$606,157 in costs for the abatement of violations, the issuance of fines associated with administrative citations, and the issuance of registration fees and civil penalties associated with the Abandoned and Distressed Property Program on 888 parcels. Of this amount, \$244,841 has already been collected as a result in direct invoicing. Attached are itemized accountings of: 1) costs associated with inspection or abatement as shown in Exhibit A of the resolution; 2) civil penalties and/or fines for continued violations as shown in Exhibit B of the resolution; and 3) total amounts assessed per parcel as shown in Exhibit C of the resolution. The expenditure list, with any necessary corrections and adjustments, will be submitted to the County prior to August 2012 for placement on its 2012-2013 tax rolls. While the total amount to be collected through the special assessment process appears to be more than what has been billed, the amount of \$20,803 reflects funds expended in previous assessment cycles on matters that were being tracked at the City Attorney's office. Those matters have since been settled and the outstanding balances have been approved to be collected.

All affected property owners were given notice of the imposition of the special assessment via certified mail as provided in Ontario Municipal Code Section 1-4.05(a), and either have not requested an appeal or have exhausted the appellate procedure as provided in Ontario Municipal Code Section 1-4.05(b).

CITY OF ONTARIO

Agenda Report
January 17, 2012

SECTION:
CONSENT CALENDAR

SUBJECT: CENTRACS ADVANCED TRAFFIC MANAGEMENT SYSTEM SOFTWARE

RECOMMENDATION: That the City Council approve the sole source purchase of the Centrac's Advanced Traffic Management System Software from Econolite Control Products, Inc. of Anaheim, California, in the amount of \$145,000 including applicable sales tax and estimated shipping.

COUNCIL GOALS: Develop Strategies and Take Actions to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: The Fiscal Year 2011-12 Capital Improvement Program includes appropriations of \$125,000 from Gas Tax funds for the Traffic Signal Management System Upgrade Project. The remaining funds required of \$20,000 are available from other Gas Tax funds appropriated for miscellaneous traffic signal upgrades.

BACKGROUND: This project will upgrade the City's outdated Econolite Aries and ICONS traffic signal system software with the latest Econolite Advanced Transportation Management System (ATMS) software known as Centrac's. The Econolite Centrac's software is capable of fully integrating the existing signal controllers and includes licensing for 200 intersections which should accommodate new installations during the next five to ten years. This purchase includes software, installation on City-owned equipment, on-site integration, training, testing and a one-year warranty.

The City of Ontario has utilized traffic signal control equipment manufactured by Econolite Control Products for over 20 years. This represents a large investment of City funds for equipment and technology that functions exceptionally well. The Centrac's ATMS software maintains operational continuity with existing infrastructure and adheres to performance specifications unique to the traffic signal control equipment specified by the City.

STAFF MEMBER PRESENTING: Louis Abi-younes, P.E., City Engineer

Prepared by: Mauricio N. Diaz, P.E.
Department: Engineering

City Manager
Approval: 

Submitted to Council/O.R.A./O.H.A. 01/17/2012

Approved: _____

Continued to: _____

Denied: _____

CITY OF ONTARIO

Agenda Report
January 17, 2012

SECTION:
CONSENT CALENDAR

SUBJECT: AMENDMENT TO THE CONSTRUCTION CONTRACT FOR EECBG AND CDBG ENERGY EFFICIENT STREET LIGHT PROJECT

RECOMMENDATION: That the City Council approve Contract Change Order No. 3 (on file in the Records Management Department) in an amount of \$41,541, to Intelligent Transportation Services Inc. dba Republic ITS of Anaheim, California, to revise the existing contract amount (including contingency) from \$663,070 to \$704,611; and authorize the City Manager to execute said contract change order up to the appropriations limits approved by the City Council in the current adopted budget and overall grant award and related documents.

COUNCIL GOALS: Develop Strategies and Take Actions to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Pursue City's Goals and Objectives by Working with Other Governmental Agencies
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: The Fiscal Year 2011-2012 budget includes the following appropriation for energy efficient street lighting: \$186,173 of Community Development Block Grant (CDBG) funds, and \$518,881 of Energy Efficiency and Conversion Block Grant (EECBG) funds, which is sufficient to cover CCO #3.

BACKGROUND: On July 5, 2011 the City Council awarded Contract No's. GR0936A and GR0910A to Republic ITS for \$663,070 (including contingency) to replace 1,809 existing High Pressure Sodium (HPS) luminaires with Light Emitting Diode (LED) luminaires. There is approximately \$41,541 of unencumbered EECBG funds that could be used to replace additional existing HPS luminaries with LED luminaries. To take advantage of the additional funds, staff reviewed pricing with Republic ITS to replace an additional 114 lamps with LED units. Location maps are attached for reference as Exhibits "A" and "B". The original project is now complete and it is anticipated that change order work will be completed by April 2012, allowing for material delivery time.

STAFF MEMBER PRESENTING: Louis Abi-younes, P.E., City Engineer

Prepared by: Harold F. Reehs Jr.

Department: Engineering

City Manager
Approval: 

Submitted to Council/O.R.A./O.H.A. 01/17/2012

Approved: _____

Continued to: _____

Denied: _____

CITY OF ONTARIO

Agenda Report
January 17, 2012

SECTION:
CONSENT CALENDAR

**SUBJECT: NORTH MILLIKEN AVENUE GRADE SEPARATION PROJECT
TRANSLOADING FUNDING AGREEMENTS WITH ARMORCAST
PRODUCTS CO. (ARMORCAST) AND CEREAL FOOD PROCESSING OF
KANSAS, INC. (CEREAL FOODS)**

RECOMMENDATION: That the City Council approve transloading funding agreements (on file in the Records Management Department) with Armorcast Products Co. of North Hollywood, California, and Cereal Food Processors, Inc. of Mission Woods, Kansas; and authorize the City Manager to execute said agreements and related documents.

COUNCIL GOALS: Develop Strategies and Take Actions to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Pursue City's Goals and Objectives by Working with Other Governmental Agencies
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: The cost associated with the transloading funding agreements was included in the appropriations for the City's 20% share towards the North Milliken Grade Separation Project construction cost which was budgeted in Fiscal Year 2009-10. The total estimated cost of the transloading funding agreements is \$250,000; the City's share is estimated to be \$50,000 which will be funded from Development Impact Fees.

BACKGROUND: The construction for North Milliken Grade Separation Project started in April 2011. Two industrial lead tracks servicing the surrounding businesses are proposed to be shut down starting January 23, 2012 to accommodate the grade separation project for four to six months. These tracks will be re-constructed as part of the grade separation project.

During the rail shut down period, the materials being delivered by these tracks will be transloaded and delivered via trucks to the impacted businesses. The two impacted businesses are Armorcast Product Company located on 500 S. Dupont Avenue and Cereal Food's facility located on 1051 S. Rockefeller Avenue. A location map is provided for reference.

STAFF MEMBER PRESENTING: Louis Abi-younes, P.E., City Engineer

Prepared by: Cindy Hackett
Department: Engineering Department

City Manager
Approval: 

Submitted to Council/O.R.A./O.H.A. 01/17/2012

Approved: _____

Continued to: _____

Denied: _____

CITY OF ONTARIO

Agenda Report
January 17, 2012

SECTION:
CONSENT CALENDAR

**SUBJECT: PROFESSIONAL SERVICES AGREEMENT FOR HAZARDOUS MATERIALS
COLLECTION AND DISPOSAL SERVICES**

RECOMMENDATION: That the City Council award Contract No. MS 11-11.01 to Filter Recycling Services, Inc. of Bloomington, California, and authorize the City Manager to execute a one-year agreement (on file in the Records Management Department) for hazardous materials collection and disposal services with the option to extend for up to three additional one-year periods.

COUNCIL GOALS: Develop Strategies and Take Actions to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Maintain the Current High Level of Public Safety
Operate in a Businesslike Manner

FISCAL IMPACT: The City spends approximately \$43,000 annually for the containment, collection and disposal of hazardous materials. Funding for these services is included in the operating budgets for the Fire Department, Police Department, Community and Public Services Agency, and the Ontario Municipal Utilities Company. The recommended agreement would establish labor, materials and equipment billing rates for the initial term as well as optional extension periods; expenditures for any given year would vary dependent upon the number of cleanups and calls for service. Continuation of the agreement under the same fee structure would be contingent upon approval of the respective future fiscal years' budgets by the City Council. Contracting for goods and services on a multi-year basis allows the City to: limit yearly increases to the bid amount; eliminate man-hours in re-bidding the contract annually; and project estimated future costs. The amounts for future years will be based on City Council approved budget amounts and departmental requirements for service.

BACKGROUND: The Ontario Fire Department's HazMat Team routinely responds to calls for service involving the illegal or accidental release of hazardous waste or materials on public property. These incidents require immediate action to contain and dispose of the hazardous materials. Additionally, the City's public household chemical collection center and fleet maintenance program generate materials and waste products that must be disposed of in accordance with State and Federal regulations.

STAFF MEMBER PRESENTING: Floyd E. Clark, Fire Chief

Prepared by: Cathy Thomas
Department: Fire

City Manager
Approval: 

Submitted to Council/O.R.A./O.H.A. 01/17/2012

Approved: _____

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Accordingly, the Community and Public Services Agency and the Ontario Municipal Utilities Company contracts for hazardous waste removal at regular intervals. To address both sets of needs, the various departments utilized a coordinated contracting approach with primary responsibility for contract management residing with the Fire Department.

In November 2011, the City solicited proposals through the City's bid management system. Proposals were based on the type and level of activity historically experienced. Viable proposals were received from only two of the ten vendors showing interest.

Filter Recycling Services, Inc., located in Bloomington, was recommended by a review committee consisting of representatives from various City departments which utilize hazardous materials collection and disposal services. Filter Recycling Services, Inc. has been contracting with the City since July 2003, and the utilizing departments have been very satisfied with the level of services received. The selection committee also found their overall pricing to be favorable relative to the other response received.

The recommended action covers an initial one-year term and permits the extension of services for up to three additional one-year periods at the sole discretion of the City.

CITY OF ONTARIO

Agenda Report
January 17, 2012

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION AUTHORIZING APPLICATION FOR A CATALYST COMMUNITY GRANT AND EXECUTION OF A MEMORANDUM OF UNDERSTANDING REGARDING THE DOWNTOWN CORE CATALYST PROJECT UNDER THE CATALYST PROJECTS FOR CALIFORNIA SUSTAINABLE STRATEGIES PILOT INNOVATIVE HOUSING PROGRAM

RECOMMENDATION: That the City Council adopt a resolution authorizing staff to submit an application to the State of California Department of Housing and Community Development ("HCD") for \$500,000 under the Catalyst Projects for California Sustainable Strategies Pilot Program (the "Program"); approve a Memorandum of Understanding ("MOU") between HCD and the City regarding the Downtown Core Catalyst Project in substantially the same form as the MOU on file with the Records Management Department; and authorize the City Manager to execute any and all documents necessary or desirable for the submission of the grant application and implementation of the Program including, but not limited to, execution of a State of California Standard Agreement.

COUNCIL GOALS: Develop Strategies and Take Actions to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Pursue City's Goals and Objectives by Working with Other Governmental Agencies
Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: The application will request \$500,000 from HCD for an eligible project identified within the City's Downtown Core Catalyst Program. If funds are awarded by HCD, the City will receive the funds as a grant and include the appropriations in a future budgetary report to the City Council.

BACKGROUND: On August 18, 2010, HCD announced that the City of Ontario had been selected as a California Catalyst Community for the City's Downtown Core Catalyst Project. Catalyst Projects were selected based on their commitment to incentivize sustainable communities and test innovative strategies to increase housing supply and affordability, improve jobs and housing relationships, stimulate

STAFF MEMBER PRESENTING: Brent Schultz, Housing & Neighborhood Revitalization Director

Prepared by: Julie Bjork
Department: Housing Agency

City Manager
Approval: 

Submitted to Council/O.R.A./O.H.A. 01/17/2012

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job creation and retention, and enhance transportation modal choices to promote environmental objectives.

The City's Downtown Core Catalyst Project is a multi-phased project consisting of the following eight individual projects: City Center Senior Apartments, Ontario Town Square C-1 Apartments, Grove/Holt Multi-Generational Apartments, Emporia Artist Colony, Ontario Downtown Plaza, Historic Bank of Italy Project, Civic Center Conservation Garden, and Downtown Civic Center Improvements. The general boundaries of the downtown core area are D Street to the north, Grove Avenue to the east, Emporia Street to the south, and Vine Avenue to the west.

Only thirteen communities were selected throughout California as catalyst communities. The City of Ontario as a designated Catalyst Community is eligible for a variety of resources and technical assistance, including but not limited to:

- A commitment on behalf of HCD and other State Departments to provide and facilitate technical resources in support of the Downtown Core Catalyst Project;
- Priority and/or bonus points for specified State funds; and
- Eligibility for \$500,000 in funds for capital improvements costs associated with the individual projects identified in the Downtown Core Catalyst Project. Applications for funds are due by January 31, 2012. Only designated Catalyst Communities are eligible for this funding.

City staff recommends the \$500,000 be applied towards the Downtown Civic Center Improvements Projects which includes the following activity:

- City Hall Annex Improvements, including the installation of equipment for the Emergency Operations Center.

If HCD approves the City's application, the City would satisfy all Award Letter conditions including the execution of the Memorandum of Understanding between HCD and the City of Ontario, and execution of a State of California Standard Agreement. A condition of the MOU is that the City will be required to submit reports in program years 1, 3, 5, and a final report regarding the results and outcomes of the Program.

The estimated approval time from the receipt of application to contract execution is approximately eight to ten weeks. Funds must be fully expended by June 30, 2016.

CITY OF ONTARIO

Agenda Report
January 17, 2012

SECTION:
CONSENT CALENDAR

SUBJECT: APPROVAL OF AGREEMENTS WITH THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (SCAQMD) FOR REIMBURSEMENT OF CERTAIN COSTS ASSOCIATED WITH THE PURCHASE OF COMPRESSED NATURAL GAS (CNG) POWERED VEHICLES AND UPGRADES TO THE CNG FUELING STATION

RECOMMENDATION: That the City Council approve agreements with the SCAQMD to participate in the Local Government Match Program to receive reimbursements of \$180,000 for the purchase of six (6) replacement CNG refuse trucks and up to \$400,000 for upgrades to the CNG fueling station and authorize the City Manager to execute said agreements (on file with the Records Management Department).

COUNCIL GOALS: Develop Strategies and Take Actions to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Operate in a Businesslike Manner
Pursue City's Goals and Objectives by Working with Other Governmental Agencies
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: The City has been awarded grant funds from the Mobile Source Air Pollution Reduction Review Committee (MSRC) Local Government Match Program in the amounts of \$180,000 for the incremental cost increase of outfitting replacement refuse trucks with CNG fuel systems and up to \$400,000 for planned expansion and improvements to the City's CNG fueling station. The Fiscal Year 2011-12 Budget includes appropriations in the amount of \$1,560,000 for the purchase of six (6) replacement CNG refuse trucks, and \$1,031,176 for upgrades to the CNG fueling station (\$400,000 of which was included in the First Quarter Budget Report). There is no impact to the General Fund.

BACKGROUND: The MSRC Local Government Match Program was designed to encourage the development and increased availability of alternative-fuel refueling infrastructure within the SCAQMD. The program offers to co-fund projects implemented by cities and counties that utilize their Motor

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

Prepared by: Allen Rothey
Department: MU/Fleet Services

City Manager
Approval: 

Submitted to Council/O.R.A./O.H.A. 01/17/2012

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Vehicle Registration Fee Subvention Funds (AB2766 Subvention Funds) and local resources to expand access to and availability of CNG, along with the use of alternative fuel vehicles.

The funding identified in these grants will be used to assist with the purchase of six (6) replacement CNG refuse trucks and to complete necessary maintenance and expansion of the existing CNG fueling system in order to meet operational needs. The project includes the installation of new and replacement fuel dispensers and provision of additional CNG fuel storage capacity.

CITY OF ONTARIO

Agenda Report
January 17, 2012

SECTION:
CONSENT CALENDAR

SUBJECT: CONSTRUCTION CONTRACT FOR WELL DRILLING AT MULTIPLE SITES

RECOMMENDATION: That the City Council approve the specifications for the Well Drilling at Multiple Sites project; authorize the City Manager to award and execute Ontario Municipal Utilities Company Contract No. UT 1112-05 and related documents to the lowest responsible and responsive bidder for an amount not to exceed the current City Council authorized budget including a 15% contingency or to reject all bids if needed; and authorize the filing of the Notice of Completion at the conclusion of all construction activities related to the project.

COUNCIL GOALS: Develop Strategies and Take Actions to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: The approved Fiscal Year 2011-2012 Capital Improvement Program includes \$600,000 in the Water Capital Fund for the Well Drilling at Multiple Sites Project. There is no impact to the General Fund.

BACKGROUND: The City's Water Master Plan identifies the need for additional groundwater production facilities to meet future demands. On November 15, 2005, Council approved an agreement with the City of Los Angeles for the exchange of real property interests at the Ontario International Airport, which includes four (4) new well sites. The agreement requires the "commencement of drilling" on each of the well sites by January 24, 2012. One well site (Well No. 43) has been drilled and three sites remain to be drilled.

On December 6, 2011, the City received four (4) bids for the Well Drilling at Multiple Sites project. This project consists of the drilling and construction of three (3) new wells in order to monitor the water table and ground water quality at sites where future potable water production wells may be installed.

STAFF MEMBER PRESENTING: Scott Burton, P.E., Utilities General Manager

Prepared by: Dennis Mejia, P.E.

Department: MU/Engineering

City Manager
Approval:



Submitted to Council/O.R.A./O.H.A. 01/17/2012

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These new wells and future potable water production wells are located east of the airport (see attached location map).

Below is a summary of the bids:

| <u>Bidder</u> | <u>Location</u> | <u>Amount</u> |
|---------------------------------|-----------------|---------------|
| Yellow Jacket Drilling Services | Phoenix, AZ | \$371,553 |
| Best Drilling and Pump, Inc. | Colton, CA | \$420,333 |
| Southwest Pump & Drilling, Inc. | Coachella, CA | \$461,670 |
| Layne Christensen | Fontana, CA | \$706,650 |

Ontario has request a time extension to commence drilling at the three well sites. Los Angeles World Airports (LAWA) staff has concurred with Ontario's request, subject to the approval of the Los Angeles Board of Airport Commissioners and the Los Angeles City Council.

Contract No. UT 1112-05 is recommended for award if a time extension is not approved by the City of Los Angeles. The bids are valid for 180 days.

CITY OF ONTARIO

Agenda Report
January 17, 2012

SECTION:
PUBLIC HEARINGS

SUBJECT: CONSIDERATION OF A RESOLUTION APPROVING THE CONCEPTUAL PLAN AND THE EXPANDED INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR THE MILL CREEK WETLANDS RECREATION AND RESTORATION PROJECT, A PROPOSED 47-ACRE NATURAL WATER TREATMENT SYSTEM CONSISTING OF A RECREATION PLAN, NATIVE HABITAT PLAN, AND WATER QUALITY PLAN

RECOMMENDATION: That the City Council consider adoption of a resolution approving the conceptual plan, the Expanded Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Mill Creek Wetlands Recreation and Restoration Project; and authorize the City Manager to sign documents necessary to effectuate the Project submitted by the City of Ontario which is bisected by Chino Corona Road, east of Comet Avenue and west of Cucamonga / Mill Creek in the City of Chino.

COUNCIL GOALS: Develop Strategies and Take Actions to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Pursue City's Goals and Objectives by Working with Other Governmental Agencies
Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony.

FISCAL IMPACT: Construction of the Mill Creek Wetlands Recreation and Restoration Project ("Project") will be funded through Development Impact Fees and a \$5 million grant from the State Water Resources Control Board

BACKGROUND: The US Army Corp of Engineers ("ACOE") recently initiated a Feasibility Study to evaluate habitat enhancement and recreation opportunities, as well as improvements to water quality, over a 300-acre area within Prado Basin. Detailed elements include identification of potential locations for habitat restoration along Mill Creek and Chino Creek, expansion of the recreational components of the Prado Regional Park, expansion of the regional trail system within the local communities as well as

STAFF MEMBER PRESENTING: Jerry L. Blum, Planning Director

Prepared by: Scott Murphy
Department: Planning Department

City Manager
Approval: 

Submitted to Council/O.R.A./O.H.A. 01/17/2012

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the Coast to Crest inter-county trail system, and opportunities to create natural water quality treatment systems.

Because of the time involved in the development of the Feasibility Study, the City has been working with the ACOE on a smaller standalone project to provide regional water quality benefits/treatment. The Project is proposed on 47-acres of ACOE and private lands at the outfall of the Cucamonga Creek Flood Control Channel, on the north and south sides of Chino Corona Road in the City of Chino.

The Project contains the same three basic components as the larger plan: 1) the recreation plan; 2) the native habitat plan; and, 3) the water quality plan. The recreation plan proposes new active and passive recreation opportunities. Over three miles of new trails are proposed around the basins. These trails will provide vistas and wildlife viewing locations and interpretive signage. The Native Habitat Plan will create several habitat types that benefit the local wildlife, including endangered species. The Native Habitat Plan will create open water, wetlands, riparian, and oak woodlands that will support a wide range of wildlife. And finally, the water quality plan proposes to divert water from Cucamonga Creek into a series of basins that will remove pollutants through settlement, ultraviolet light treatment, and biological activity from the wetland vegetation

ENVIRONMENTAL REVIEW: The application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") and an Expanded Initial Study has been prepared to determine possible environmental impacts. Because of the sensitive environmental in which the project is located, the Prado Basin, a great deal of time has been spent positioning the basins to minimize potentially significant impacts to the environment. In areas where the potential impacts can not be avoided, mitigation measures have been placed on the project to lessen the potential impacts to a level of less than significant. Because all the potential environmental impacts could be reduced to a level of less than significant, a Mitigated Negative Declaration was prepared pursuant to CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines.

The location of the project is such that reviews and/or permits are required from several agencies. These include the ACOE, City of Chino, San Bernardino County Flood Control District, San Bernardino County Parks Department, Santa Ana Regional Water Quality Control Board, California Department of Fish & Game, and US Fish & Wildlife Service. Additionally, the project is considered a "project of regional significance" under CEQA. As a result, the IS/MND was sent to the State Office of Planning and Research for a 30-day public comment period beginning December 22, 2008, and extending through January 20, 2009. During the public comment period, comments were received from several individuals or organizations – Dan Silver, Endangered Habitats League; Southern California Edison; State Water Resources Control Board; California Department of Fish & Game; Dr. Jack Bath; and, the City of Chino. Staff and the City's consultant have reviewed the comments received and provided responses to the comments (see attached). The response letters were sent to the commenters prior to the hearing. Staff does not believe the content of the letters identifies impacts not previously considered in the IS/MND. Additionally, given the length of time that has passed since distribution of the IS/MND, the Lead Agency has reviewed the document pursuant to CEQA Guidelines Section 15073.5, Recirculation of a Negative Declaration Prior to Adoption. The Lead Agency is required to recirculate a negative declaration when substantial revisions occur to the document. Substantial revisions include:

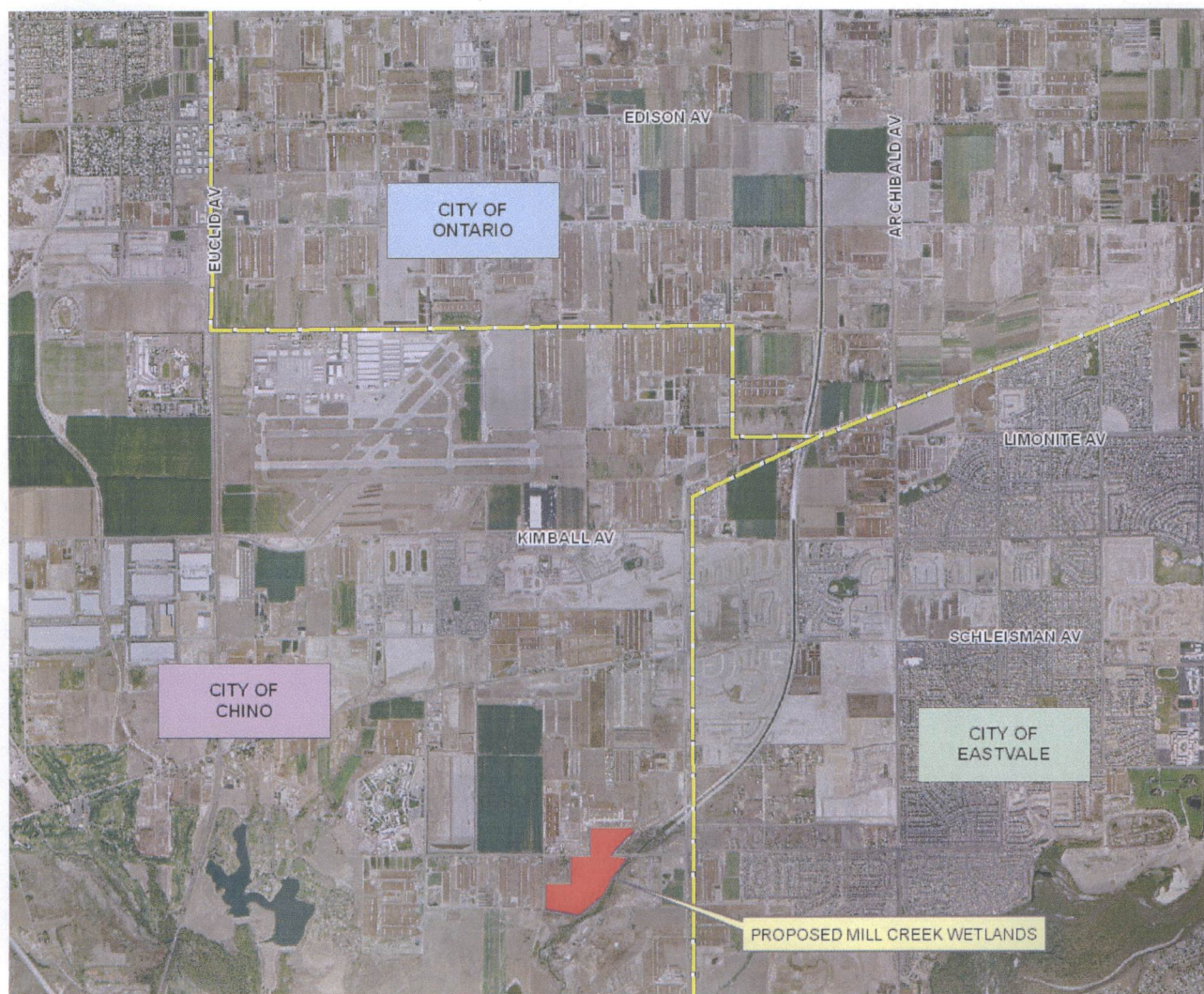
- New avoidable significant impacts are identified and mitigation measures must be added in order to reduce the impact to less than significant.

- New measures or revisions are required because proposed measures will no longer reduce potential effects to less than significant.

Upon review of the IS/MND, the Lead Agency has determined that substantial revisions are not required to the document and therefore recirculation is not required.

As previously mentioned, the IS/MND contains mitigation measures to reduce the potential environmental impacts to less than significant levels. To ensure that the mitigation measures are implemented, a Mitigation Monitoring and Reporting Program has been prepared for the Project pursuant to CEQA Guidelines Section 15097. The Mitigation Monitoring and Reporting Program specifies responsible agencies/departments, monitoring frequency, timing and method of verification and possible sanctions for non-compliance with mitigation measures.

Staff recommends that the City Council approve the conceptual plan, the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Mill Creek Wetlands Recreation and Restoration Project through adoption of the attached Resolution.



Vicinity Map



Concept Plan