

CITY OF ONTARIO
CITY COUNCIL AND HOUSING AUTHORITY
AGENDA
APRIL 16, 2013

Paul S. Leon
Mayor

Jim W. Bowman
Mayor pro Tem

Alan D. Wapner
Council Member

Debra Dorst-Porada
Council Member

Paul Vincent Avila
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 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

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

CLOSED SESSION PUBLIC COMMENT The Closed Session Public Comment portion of the Council/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 (1) or more cases.*
- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN 156-020-049 and 156-020-048, 12450 East Philadelphia Street; City/Authority Negotiator: Chris Hughes or his designee; Negotiating parties: Dan Webb; Under negotiation: Price and terms of payment.
- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN 156-020-044, 3100 South Milliken Avenue; City/Authority Negotiator: Chris Hughes or his designee; Negotiating parties: Tony Rigdon; Under negotiation: Price and terms of payment.
- GC 54956.9 (b), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION:
One (1) or more cases: City of Los Angeles/Los Angeles World Airports (LAWA).

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

PLEDGE OF ALLEGIANCE

Council Member Wapner

INVOCATION

Pastor Carlos Gonzales, Inland Valley Church of Christ

REPORT ON CLOSED SESSION

City Attorney

PUBLIC COMMENTS

6:30 p.m.

The Public Comment portion of the Council/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.

I. APPROVAL OF MINUTES

Minutes for the regular meeting of the City Council and Housing Authority of March 19, 2013, and approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

Bills March 10, 2013 through March 23, 2013 and **Payroll** March 10, 2013 through March 23, 2013, when audited by the Finance Committee.

3. A RESOLUTION OF INTENT TO ESTABLISH THE GREATER ONTARIO TOURISM MARKETING DISTRICT AND FIXING THE TIME AND PLACE OF A PUBLIC MEETING AND A PUBLIC HEARING THEREON AND GIVING NOTICE THEREOF

That the City Council adopt a resolution declaring its intention to establish the Greater Ontario Tourism Marketing District (GOTMD); and fixing the time and place of a public meeting and a public hearing thereon and giving notice thereof.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING ITS INTENTION TO ESTABLISH THE GREATER ONTARIO TOURISM MARKETING DISTRICT (GOTMD) AND FIXING THE TIME AND PLACE OF A PUBLIC MEETING AND A PUBLIC HEARING THEREON AND GIVING NOTICE THEREOF.

4. A RESOLUTION SUPPORTING EFFORTS TO PROVIDE ADEQUATE, EQUITABLE, AND ONGOING STATE FUNDING FOR SAN BERNARDINO COUNTY SUPERIOR COURTS

That the City Council adopt a resolution in support of efforts to provide adequate, equitable, and ongoing State funding to ensure that residents of San Bernardino County, and Ontario residents in particular, continue to have access to justice through the San Bernardino County Superior Court system.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, IN SUPPORT OF EFFORTS TO PROVIDE ADEQUATE, EQUITABLE, AND ONGOING STATE FUNDING TO ENSURE THAT RESIDENTS OF SAN BERNARDINO COUNTY, AND ONTARIO RESIDENTS IN PARTICULAR, CONTINUE TO HAVE ACCESS TO JUSTICE THROUGH THE SAN BERNARDINO SUPERIOR COURT SYSTEM.

5. VARIOUS CONSTRUCTION AGREEMENTS FOR RAIL-HIGHWAY GRADE SEPARATION PROJECTS

That the City Council:

- (A) Approve two Cooperative Funding Agreements (on file with the Records Management Department) with the San Bernardino Associated Governments (SANBAG) for funding the Construction phase of the South Milliken Avenue and North Vineyard Avenue Rail-Highway Grade Separation Projects; and authorize the City Manager to execute said agreements and future amendments within the City Council approved budget; and
- (B) Approve a Reimbursement Agreement (on file with the Records Management Department) with Jurupa Community Services District (JCSD) for construction of the South Milliken Avenue Rail-Highway Grade Separation Project; and authorize the City Manager to execute said agreement and future amendments within the City Council approved budget; and
- (C) Approve two Construction and Maintenance Agreements with Union Pacific Railroad (UPRR) for the South Milliken Avenue and North Vineyard Avenue Rail-Highway Grade Separation Projects; a Memorandum of Understanding with Southern California Edison (SCE) for the construction of the South Milliken Avenue Rail-Highway Grade Separation Project; a Memorandum of Understanding with Los Angeles World Airports (LAWA); a Pipeline Relocation Agreement with SFPP; a Utility Relocation Reimbursement Agreement with Level 3 Communications; and a Relocation Agreement with AT&T for the construction of the North Vineyard Avenue Rail-Highway Grade Separation Project; and authorize the City Manager and City Attorney to finalize and execute said agreements (with non-substantial changes and within current appropriation limits); and
- (D) Authorize the City Manager to execute other documents as may be necessary to receive Right of Way certification associated and related to the construction of the South Milliken Avenue and North Vineyard Avenue Rail-Highway Grade Separation Projects within the City Council approved budget.

6. CONSTRUCTION CONTRACT FOR FY 2012/2013 PAVEMENT REHABILITATION PROGRAM/SILVIA CONSTRUCTION, INC.

That the City Council approve the plans and specifications and award the construction contract (on file in the Records Management Department) to Silvia Construction, Inc. of Rancho Cucamonga, California, for FY 2012/2013 Pavement Rehabilitation Program for the bid amount of \$3,733,743 plus a twenty (20%) percent contingency of \$746,748 for a total authorized expenditure of \$4,480,491; authorize the City Manager to execute related documents necessary and file a notice of completion at the conclusion of construction activities.

7. A RESOLUTION AUTHORIZING AN APPLICATION FOR TRANSPORTATION DEVELOPMENT ACT (TDA), ARTICLE 3 FUNDING FOR BICYCLE AND PEDESTRIAN FACILITIES

That the City Council adopt a resolution authorizing staff to submit an application through the San Bernardino Associated Governments (SANBAG) for Transportation Development Act (TDA) Article 3 Bicycle and Pedestrian Facilities grant program funds for the installation of Class II and III bicycle improvements on G Street, Inland Empire Boulevard and Ontario Mills Parkway; and authorize the City Manager to execute all required SANBAG grant and funding agreements.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING APPLICATION FOR TRANSPORTATION DEVELOPMENT ACT (TDA), ARTICLE 3 FUNDING FOR BICYCLE AND PEDESTRIAN FACILITIES THROUGH THE SAN BERNARDINO ASSOCIATED GOVERNMENTS (SANBAG) FOR CLASS II AND CLASS III BICYCLE IMPROVEMENTS ON G STREET, INLAND EMPIRE BOULEVARD AND ONTARIO MILLS PARKWAY.

8. A CONSTRUCTION CONTRACT FOR THE HOMELESS OUTREACH SERVICE CENTER PROJECT/BRAUGHTON CONSTRUCTION, INC.

That the City Council:

- (A) Reject the bid protest submitted by Braughton Construction, Inc, of Rancho Cucamonga, California, as without merit; and
- (B) Authorize the City Manager, or his designee, to execute a construction contract (on file with the Records Management Department) with 4-Ace Construction, Inc., of Rancho Cucamonga, California, in the amount of \$904,126 plus a 15% contingency of \$135,619 for a total authorized amount of \$1,039,745 for both the site improvements and accessory parking lot to create the Homeless Outreach Service Center to be located at 435 South Bon View Avenue and the parking lot to be located at 914 East Washington Street.

9. AN ORDINANCE AMENDING VARIOUS PROVISIONS OF TITLE 9, CHAPTER 1, OF THE ONTARIO MUNICIPAL CODE, INCLUDING PART 3, ARTICLE 13 (LAND USE AND SPECIAL REQUIREMENTS), AND PART 4, ARTICLE 14 (RESIDENTIAL DISTRICTS)

That the City Council adopt an ordinance approving File No. PDCA13-001, a Development Code Amendment revising Title 9 (Development Code), Chapter 1 (Zoning and Land Use Requirements), of the Ontario Municipal Code, including Part 3 (Zoning Districts and Land Use), Article 13 (Land Use and Special Requirements), and Part 4 (Base District Regulations), Article 14 (Residential Districts), adding the HDR-45 (High Density Residential—25.1 to 45.0 du/acre) Zoning District, and related land use and development standards.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA13-001, A DEVELOPMENT CODE AMENDMENT REVISING TITLE 9 (DEVELOPMENT CODE), CHAPTER 1 (ZONING AND LAND USE REQUIREMENTS), OF THE ONTARIO MUNICIPAL CODE, INCLUDING PART 3 (ZONING DISTRICTS AND LAND USE), ARTICLE 13 (LAND USE AND SPECIAL REQUIREMENTS), AND PART 4 (BASE DISTRICT REGULATIONS), ARTICLE 14 (RESIDENTIAL DISTRICTS), ADDING THE HDR-45 (HIGH DENSITY RESIDENTIAL—25.1 TO 45.0 DU/ACRE) ZONING DISTRICT, AND RELATED LAND USE AND DEVELOPMENT STANDARDS, AND MAKING FINDINGS IN SUPPORT THEREOF.

10. CONSTRUCTION CONTRACT FOR THE SAN ANTONIO AVENUE, ROSEWOOD COURT AND “J” STREET WATER MAIN IMPROVEMENTS

That the City Council:

- (A) Approve the project plans and specifications;
- (B) Award Contract No. UT 1112-03 (on file with Records Management Department) to Norstar Plumbing and Engineering, Inc. of Alta Loma, California, in the amount of \$2,563,124 plus a 15% contingency (\$384,469) for a total of \$2,947,593 for the construction of the San Antonio Avenue, Rosewood Court and “J” Street Water Main Improvements Project; authorize the City Manager to execute said contract and file a notice of completion at the conclusion of all construction activities related to the project;
- (C) Authorize the City Manager to execute a Professional Services Agreement (on file with Records Management Department) with Albert A. Webb and Associates, Inc. of Riverside, California, in the amount of \$207,500 plus a 15% contingency (\$31,125) for a total of \$238,625 for construction management and inspection services; and
- (D) Authorize the City Manager to execute a Purchase and Sale Agreement (on file with Records Management Department) in the amount of \$50,000 with San Antonio Water Company located in Upland, California, for water infrastructure.

COUNCIL MATTERS

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

STAFF MATTERS

City Manager Hughes

ADJOURNMENT

**CITY OF ONTARIO
CLOSED SESSION REPORT**
City Council / / Housing Authority / / (GC 54957.1)
April 16, 2013

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

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

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

- GC 54956.9 (b), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION:
One (1) or more cases.

No Reportable Action	Continue	Approved
/ /	/ /	/ /

Disposition: _____

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

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN: 156-020-049 and 156-020-048, 12450 East Philadelphia Street; City/Authority
Negotiator: Chris Hughes or his designee; Negotiating parties: Dan Webb; Under negotiation:
Price and terms of payment.

No Reportable Action	Continue	Approved
/ /	/ /	/ /

Disposition: _____

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

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN: 156-020-044, 3100 South Milliken Avenue; City/Authority Negotiator: Chris
Hughes or his designee; Negotiating parties: Tony Rigdon; Under negotiation: Price and terms
of payment.

No Reportable Action	Continue	Approved
/ /	/ /	/ /

Disposition: _____

CITY OF ONTARIO
CLOSED SESSION REPORT
City Council / / Housing Authority / / (GC 54957.1)
April 16, 2013
(continued)

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

- GC 54956.9 (b), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION:
One (1) or more cases: City of Los Angeles/Los Angeles World Airports (LAWA).

Disposition: _____

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

CITY OF ONTARIO

Agenda Report
April 16, 2013

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION OF INTENT TO ESTABLISH THE GREATER ONTARIO TOURISM MARKETING DISTRICT AND FIXING THE TIME AND PLACE OF A PUBLIC MEETING AND A PUBLIC HEARING THEREON AND GIVING NOTICE THEREOF

RECOMMENDATION: That the City Council adopt a resolution declaring its intention to establish the Greater Ontario Tourism Marketing District (GOTMD); and fixing the time and place of a public meeting and a public hearing thereon and giving notice thereof.

**COUNCIL GOALS: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, 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**

FISCAL IMPACT: The GOTMD will collect assessments from all lodging businesses with fifty (50) or more rooms located within the jurisdictional boundaries of the cities of Rancho Cucamonga and Ontario. The total GOTMD annual budget for each year of its five-year operational period is anticipated to be approximately \$2,000,000. Annual assessment rates will be two percent (2%) of gross short-term (stays less than 31 days) room rental revenue. Assessments will not be collected on any stays exempt from transient occupancy taxes.

BACKGROUND: The City of Ontario is uniquely located at the intersection of three major freeways, passenger and freight railroad routes, and serves as the home of the Ontario International Airport. Capitalizing on the City's geographic assets, Ontario's tourism is bolstered by entertainment and public gathering facilities such as the Ontario Mills Mall, the Citizens Business Bank Arena, and the Ontario Convention Center. Supporting the tourism sector of the local economy are a number of lodging businesses.

STAFF MEMBER PRESENTING: Chris Hughes, City Manager
Michael Krouse, President & CEO - OCVB

Prepared by: Al Boling
Department: Citywide Administration
City Manager Approval: 

Submitted to Council/O.H.A. 04/16/2013
Approved: _____
Continued to: _____
Denied: _____

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Certain tourism-related business owners, primarily those providing lodging services, have requested that the City consider the creation of a tourism marketing district under the Property and Business Improvement District Law of 1994. As envisioned, the GOTMD would encompass the area included as the city limits of Ontario and also Rancho Cucamonga. Since both cities lie within the boundaries of the proposed district and both cities will benefit from the improvements and activities of the GOTMD, a single comprehensive organization is recommended. On February 19, 2013, the Ontario City Council requested the consent of the City of Rancho Cucamonga to participate in the creation of the GOTMD; and on March 6, 2013, the Rancho Cucamonga City Council granted said consent.

The GOTMD is a five-year benefit assessment district proposed to help fund marketing and sales promotion efforts for lodging businesses. The district will be a partnership between lodging businesses with fifty (50) or more rooms, the City of Ontario, and the City of Rancho Cucamonga. This approach has been used successfully in other destination areas throughout the country to improve tourism and will drive additional room nights through marketing and promotion of the greater Ontario area as a tourist, meeting, and event destination.

The City of Ontario will serve as the lead agency in the formation of the district. Petitions were collected from lodging businesses with 50 or more rooms operating within the cities of Rancho Cucamonga and Ontario. Staff from the Ontario City Clerk/Records Management Department in conjunction with the finance staff of both cities, tabulated the petitions based upon the total annual assessment. As of April 9, 2013, petitions representing 73.5% of the total annual assessment were received and counted in favor of forming the district; this exceeds the 50% threshold necessary to move forward in the formation process. The next step is the mailing of written notices to all eligible lodging businesses informing them of a public meeting, tentatively scheduled for May 7, 2013, where testimony may be heard on the district formation and the levy of assessments. Following that, a public hearing is required at which time the City Council will consider adoption of a resolution of formation (tentatively scheduled for June 4, 2013). If the district formation is approved, the GOTMD assessment will begin July 1, 2013 and will continue for five years through June 30, 2018.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING ITS INTENTION TO ESTABLISH THE GREATER ONTARIO TOURISM MARKETING DISTRICT (GOTMD) AND FIXING THE TIME AND PLACE OF A PUBLIC MEETING AND A PUBLIC HEARING THEREON AND GIVING NOTICE THEREOF.

WHEREAS, the Property and Business Improvement Law of 1994, Streets and Highways Code § 36600 et seq., authorizes cities to establish property and business improvement districts for the purposes of promoting tourism; and

WHEREAS, the Greater Ontario Convention and Visitors Bureau, lodging business owners, members of the business community and representatives from the City of Ontario have met to consider the formation of the Greater Ontario Tourism Marketing District (GOTMD); and

WHEREAS, the Greater Ontario Convention and Visitors Bureau has drafted a Management District Plan which sets forth the proposed boundary of the GOTMD, a service plan and budget, and a proposed means of governance; and

WHEREAS, a majority of the lodging business owners subject to assessment under the GOTMD have petitioned the City Council to establish the GOTMD.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL THAT:

SECTION 1. The recitals set forth herein are true and correct.

SECTION 2. The City Council finds that the lodging businesses that will pay more than fifty percent (50%) of the assessment proposed in the Management District Plan have signed and submitted petitions in support of GOTMD formation. The City Council accepts the petitions and adopts this resolution of intention to establish the GOTMD and to levy an assessment on lodging businesses with fifty (50) or more rooms within the GOTMD boundaries in accordance with the Property and Business Improvement District Law of 1994.

SECTION 3. The City Council finds that the Management District Plan satisfies all requirements of Streets and Highways Code § 36622.

SECTION 4. The City Council declares its intention to establish the GOTMD and to levy and collect assessments from lodging businesses within the GOTMD boundaries pursuant to the Property and Business Improvement District Law of 1994.

SECTION 5. The boundaries of the GOTMD shall be the boundaries of the cities of Ontario and Rancho Cucamonga. The boundaries are shown on the attached map, incorporated herein as Exhibit A.

SECTION 6. The name of the district shall be Greater Ontario Tourism Marketing District (GOTMD).

SECTION 7. Annual assessment rates are two percent (2%) of gross short-term (stays less than 31 days) room rental revenue. Based on the benefit received, assessments will not be collected on: stays by any Federal officer or employee when on official Federal government business, or any officer or employee of a foreign government who is exempt from transient occupancy taxes by reason of express provision of Federal law or international treaty; stays for a period of more than thirty (30) consecutive calendar days; or stays pursuant to contracts executed prior to July 1, 2013.

SECTION 8. The assessments levied for the GOTMD shall be applied toward sales promotion and marketing programs to market Greater Ontario area lodging businesses as tourist, meeting and event destinations as described in the Management District Plan. Funds remaining at the end of any year may be used in subsequent years in which GOTMD assessments are levied as long as they are used consistent with the requirements of this resolution and the Management District Plan.

SECTION 9. The GOTMD will have a five-year term unless renewed pursuant to Streets and Highways Code § 36660.

SECTION 10. Bonds will not be issued.

SECTION 11. The time and place for the public meeting to hear testimony on establishing the GOTMD and levying assessments are set for May 7, 2013, at 6:00 p.m., or as soon thereafter as the matter may be heard, at the Council Chambers located at 303 East B Street, Ontario, CA 91764.

SECTION 12. The time and place for the public hearing to establish the GOTMD and the levy of assessments are set for June 4, 2013, at 6:00 p.m., or as soon thereafter as the matter may be heard, at the Council Chambers located at 303 East B Street, Ontario, CA 91764. The City Clerk is directed to provide written notice to the lodging businesses subject to assessment of the date and time of the hearing and to provide that notice as required by Streets and Highways Code § 36623.

SECTION 13. At the public meeting and public hearing the testimony of all interested persons for or against the establishment of the GOTMD may be received. If at the conclusion of the public hearing, there are of record written protests by the owners of the lodging businesses within the proposed GOTMD that will pay fifty percent (50%) or more of the estimated total assessment of the entire GOTMD, no further proceedings to establish the GOTMD shall occur.

SECTION 14. The complete Management District Plan is on file with the City Clerk and may be reviewed upon request.

SECTION 15. This resolution shall take effect immediately upon its adoption by the City Council.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 16th day of April 2013.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2013- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held April 16, 2013 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2013- duly passed and adopted by the Ontario City Council at their regular meeting held April 16, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
April 16, 2013

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION SUPPORTING EFFORTS TO PROVIDE ADEQUATE, EQUITABLE, AND ONGOING STATE FUNDING FOR SAN BERNARDINO COUNTY SUPERIOR COURTS

RECOMMENDATION: That the City Council adopt a resolution in support of efforts to provide adequate, equitable, and ongoing State funding to ensure that residents of San Bernardino County, and Ontario residents in particular, continue to have access to justice through the San Bernardino County Superior Court system.

COUNCIL GOALS: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, 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

Pursue City's Goals and Objectives by Working with Other Governmental Agencies

FISCAL IMPACT: The adoption of the resolution in support allocating State funds to the San Bernardino County Superior Court system will not result in any direct fiscal impact to the City.

BACKGROUND: Concerns have risen about recent budget reductions to the State's judicial branch and the impacts the cuts will have on the San Bernardino County Court System and other courts throughout the state. The San Bernardino County Superior Court is implementing more than \$22 million in cost reductions through layoffs and reductions in court operations, including the complete closure of courthouses in Barstow, Big Bear Lake and Needles. These courthouse closures are in addition to the previous closure of the Chino and Twin Peaks courthouses. These closures will mean justice delayed and denied, and create further public safety problems in communities throughout the County.

Despite all of the closures, it is reported that the San Bernardino County Superior Court is still projecting a deficit of approximately \$10 million. These challenges arise from historic inequity and higher-than-average population and caseload growth. San Bernardino County Superior Court is one of

STAFF MEMBER PRESENTING: Chris Hughes, City Manager

Prepared by: Al Boling
Department: Citywide Administration

City Manager
Approval: 

Submitted to Council/O.H.A. 04/16/2013

Approved: _____

Continued to: _____

Denied: _____

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the most underfunded in the State, has the largest deficit of judicial positions and lacks the necessary staff to address current caseloads. San Bernardino County only has 60% of the judges and 62% of the staff needed to address the current workload.

It is for these reasons that the City of Ontario supports efforts for the State to provide an allocation of sufficient funding for trial courts to avoid further staff reductions, courtroom and courthouse closures, and to ensure that San Bernardino County residents, and Ontario residents in particular, have access to justice.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, IN SUPPORT OF EFFORTS TO PROVIDE ADEQUATE, EQUITABLE, AND ONGOING STATE FUNDING TO ENSURE THAT RESIDENTS OF SAN BERNARDINO COUNTY, AND ONTARIO RESIDENTS IN PARTICULAR, CONTINUE TO HAVE ACCESS TO JUSTICE THROUGH THE SAN BERNARDINO SUPERIOR COURT SYSTEM.

WHEREAS, an essential component of justice is the public's accessibility to courtrooms; and

WHEREAS, courts provide the necessary medium to protect and defend constitutional and statutory rights and freedoms; and

WHEREAS, it has been reported that the San Bernardino Superior Court system is one of the most underfunded courts in the state, has the largest deficit of judicial positions and is substantially understaffed; and

WHEREAS, recent court reductions are exacerbated in San Bernardino County due to historic inequity and higher than average population and caseload growth; and

WHEREAS, due to court closures, some individuals living in the County will soon no longer have a courtroom within a reasonable distance from their homes, leaving many facing hardship to get to court, given limited public transportation and extensive distances; and

WHEREAS, limited access to courts, further limits the available jury pool; and

WHEREAS, on February 19, 2013, the San Bernardino County Board of Supervisors convened a Special Meeting that included a study session related to funding and closures affecting the San Bernardino Superior Court; and

WHEREAS, testimony was given on the impact historic and current underfunding, unequal funding and understaffing of the San Bernardino Superior Court has had on County residents (including Ontario); and

WHEREAS, the San Bernardino County Board of Supervisors has indicated that this is a significant issue that has countywide implications.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ONTARIO DOES HEREBY RESOLVE AS FOLLOWS:

Supports efforts to engage the State Legislature and other invested stakeholders to provide for adequate, equitable and ongoing State funding consistent with the courts' workload in order to ensure that the residents of the County of San Bernardino, and Ontario residents in particular, continue to have access to justice.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 16th day of April 2013.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2013- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held April 16, 2013 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2013- duly passed and adopted by the Ontario City Council at their regular meeting held April 16, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
April 16, 2013

SECTION:
CONSENT CALENDAR

SUBJECT: VARIOUS CONSTRUCTION AGREEMENTS FOR RAIL-HIGHWAY GRADE SEPARATION PROJECTS

RECOMMENDATION: That the City Council:

- (A) Approve two Cooperative Funding Agreements (on file with the Records Management Department) with the San Bernardino Associated Governments (SANBAG) for funding the Construction phase of the South Milliken Avenue and North Vineyard Avenue Rail-Highway Grade Separation Projects; and authorize the City Manager to execute said agreements and future amendments within the City Council approved budget; and
- (B) Approve a Reimbursement Agreement (on file with the Records Management Department) with Jurupa Community Services District (JCSD) for construction of the South Milliken Avenue Rail-Highway Grade Separation Project; and authorize the City Manager to execute said agreement and future amendments within the City Council approved budget; and
- (C) Approve two Construction and Maintenance Agreements with Union Pacific Railroad (UPRR) for the South Milliken Avenue and North Vineyard Avenue Rail-Highway Grade Separation Projects; a Memorandum of Understanding with Southern California Edison (SCE) for the construction of the South Milliken Avenue Rail-Highway Grade Separation Project; a Memorandum of Understanding with Los Angeles World Airports (LAWA); a Pipeline Relocation Agreement with SFPP; a Utility Relocation Reimbursement Agreement with Level 3 Communications; and a Relocation Agreement with AT&T for the construction of the North Vineyard Avenue Rail-Highway Grade Separation Project; and authorize the City Manager and City Attorney to finalize and execute said agreements (with non-substantial changes and within current appropriation limits); and
- (D) Authorize the City Manager to execute other documents as may be necessary to receive Right of Way certification associated and related to the construction of the South Milliken Avenue and

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

Prepared by: Jay Bautista
Department: Engineering
City Manager Approval: 

Submitted to Council/O.H.A. 04/16/2013
Approved: _____
Continued to: _____
Denied: _____

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North Vineyard Avenue Rail-Highway Grade Separation Projects within the City Council approved budget.

COUNCIL GOALS: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, 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 approved Five-Year Capital Improvement Program Budget includes appropriations for the construction phase of both the South Milliken Avenue and North Vineyard Avenue Rail-Highway Grade Separation Projects. If approved, the two Cooperative Agreements with SANBAG will authorize the use of Measure I funds, Trade Corridor Improvement Funds (TCIF) and State Local Partnership Program (SLPP) funds on a reimbursement basis.

For the South Milliken Avenue Project, the City's share of the project is estimated to be \$15,574,000 with \$9,215,000 from Old Model Colony Development Impact Fees (OMC-DIF) \$3,238,000 from New Model Colony Development Impact Fees (NMC-DIF) and \$3,121,000 of construction funding which represents the unexpended share of the City's contribution towards the North Milliken Avenue Grade Separation Project. The funding split is in accordance with the City's adopted DIF Program and SANBAG's approved Measure I Nexus Study.

For the North Vineyard Avenue Project, the City's share of the project is 20% of the actual expenses estimated to be \$8,756,000 with funds from OMC-DIF. The funding split is in accordance with the City's adopted DIF Program and SANBAG's approved Measure I Nexus Study.

BACKGROUND: Design of the South Milliken Avenue and North Vineyard Avenue Rail-Highway Grade Separation Projects is completed and the projects will be out to bid in August 2013 with construction to begin no later than December 2013 in accordance with requirements of the TCIF program. The California Transportation Commission (CTC) is expected to allocate TCIF and SLPP funding at their May 2013 meeting. One of the prerequisites required by the CTC for all projects is that they be ready for construction, including certification that all necessary rights of way, easements and other rights of entries are secured. Right of way certification must be completed no later than April 26, 2013.

Various agreements with other agencies, including but not limited to Union Pacific Railroad, Southern California Edison, Jurupa Community Services District and Los Angeles World Airports, SFPP, Level 3 Communications and AT&T will need to be executed in order to obtain the right of way certification and secure TCIF and SLPP funds for the projects. Authorization is requested for the City Manager to execute those agreements and future amendments within the current appropriation limit of the City Council approved budget.

The Cooperative Funding Agreements with SANBAG and Reimbursement Agreement with JCSD have been negotiated and are ready for execution. The Construction and Maintenance Agreements with UPRR have gone through several iterations of negotiations with UPRR's final contribution amount as the remaining item currently being refined. UPRR's contribution would only reduce the City's share of the project costs and therefore does not negatively impact current construction appropriations. The Memorandum of Understanding (MOU) with SCE is in final draft form and covers SCE's procurement responsibilities. The City and SCE have outlined the major deal points. The MOU with LAWA is also in final draft form with only non-substantive language left to be resolved. The MOUs with SCE and

LAWA do not contain any funding commitments from the City. The agreements with SFPP, Level 3 Communications and AT&T are within current appropriation limits.

It is recommended that the City Manager be authorized to finalize negotiations and execute the final agreements subject to non-substantive changes and consistent with the major deal points included in the final draft agreements.

CITY OF ONTARIO

Agenda Report
April 16, 2013

SECTION:
CONSENT CALENDAR

SUBJECT: CONSTRUCTION CONTRACT FOR FY 2012/2013 PAVEMENT REHABILITATION PROGRAM

RECOMMENDATION: That the City Council approve the plans and specifications and award the construction contract (on file in the Records Management Department) to Silvia Construction, Inc. of Rancho Cucamonga, California, for FY 2012/2013 Pavement Rehabilitation Program for the bid amount of \$3,733,743 plus a twenty (20%) percent contingency of \$746,748 for a total authorized expenditure of \$4,480,491; authorize the City Manager to execute related documents necessary and file a notice of completion at the conclusion of construction activities.

COUNCIL GOALS: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, 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 current FY 2012-2013 budget includes appropriations of \$3,668,000 from Measure I funds and \$1,400,000 from Gas Tax funds for a total budget of \$5,068,000 related to the Pavement Rehabilitation Program. Silvia Construction, Inc. submitted the lowest bid of \$3,733,743. A 20% contingency is recommended due to the extremely poor pavement conditions of Guasti Road, and the potential for additional repair work and project limit extension.

BACKGROUND: The scope of services for FY 2012/2013 Pavement Rehabilitation Program includes cold planing, removal and replacement of damaged pavement, construction of Asphalt Rubber Hot Mix (ARHM) overlay, construction of ADA compliant access ramps, and placement of traffic striping, pavement markings, and raised markers.

The project locations include: rehabilitation of Milliken Avenue from I-10 to Fourth Street (Project No. ST1201); Guasti Road from Milliken Avenue to Road End West (Project No. ST1202); Philadelphia Street from Euclid Avenue to Campus Avenue (Project No. ST1203); Philadelphia Street from Grove Avenue to Vineyard Avenue (Project No. ST1204); Airport Drive from Wineville Avenue to Etiwanda

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

Prepared by: Bill Braun
Department: Engineering

City Manager
Approval: 

Submitted to Council/O.H.A. 04/16/2013

Approved: _____

Continued to: _____

Denied: _____

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Avenue (Project No. ST1205); Rockefeller Avenue from Jurupa Street to Airport Drive (Project No. ST1206); Ontario Mills Parkway from Rochester Avenue to Barrington Avenue (Project No. ST1207); Francis Street from Baker Avenue to Vineyard Avenue (Project No. ST1208); Fourth Street Lane Repair from Barrington Avenue to Etiwanda Avenue, Guasti Road from Milliken Avenue to 1,200' east of Milliken Avenue, and Street Resurfacing preparation work at various locations. Location maps are attached for reference. This project will extend the lifespan of the streets by 10 to 20 years. It is anticipated that construction will start in May 2013 and be completed by September 2013.

In March 2013, the City solicited bids for this project; and three (3) bids were received. The bid results are:

COMPANY	LOCATION	AMOUNT
Silvia Construction, Inc.	Rancho Cucamonga, CA	\$ 3,733,743
All American Asphalt	Corona, CA	\$ 3,798,000
Hardy & Harper, Inc.	Santa Ana, CA	\$ 4,044,000

Silvia Construction, Inc. submitted the lowest responsive bid. Silvia Construction, Inc. has previously performed similar work for the City of Ontario in a satisfactory manner.

CITY OF ONTARIO

Agenda Report
April 16, 2013

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION AUTHORIZING AN APPLICATION FOR TRANSPORTATION DEVELOPMENT ACT (TDA), ARTICLE 3 FUNDING FOR BICYCLE AND PEDESTRIAN FACILITIES

RECOMMENDATION: That the City Council adopt a resolution authorizing staff to submit an application through the San Bernardino Associated Governments (SANBAG) for Transportation Development Act (TDA) Article 3 Bicycle and Pedestrian Facilities grant program funds for the installation of Class II and III bicycle improvements on G Street, Inland Empire Boulevard and Ontario Mills Parkway; and authorize the City Manager to execute all required SANBAG grant and funding agreements.

COUNCIL GOALS: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, 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 engineers estimate for this project is \$325,000. The maximum TDA grant award is 90% or \$292,500 on a reimbursement basis. The City's local share is 10% or \$32,500. If the City receives the grant award, appropriations and corresponding revenue adjustments will be included in a future quarterly budget report for Council consideration. Matching funds are available through Gas Tax and Measure I.

BACKGROUND: On March 6, 2013 the San Bernardino Associated Governments (SANBAG) Board of Directors approved a call-for-projects to local jurisdictions for the Transportation Development Act (TDA) Article 3 Bicycle and Pedestrian Facilities grant program. The TDA program funds can be used for design and construction of bicycle improvements identified in the San Bernardino County Non-Motorized Transportation Plan or qualifying local agency bicycle plan.

In 2010, the City Council adopted The Ontario Plan (TOP). The TOP Policy Plan Mobility Element includes the City of Ontario vision for future transportation infrastructure including pedestrian and

STAFF MEMBER PRESENTING: Louis Abi-younes, City Engineer

Prepared by: Tom Danna
Department: Engineering

City Manager
Approval: 

Submitted to Council/O.H.A. 04/16/2013
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Continued to: _____
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bicycle facilities. Figure M-3, Multi-Purpose Trails and Bikeway Corridor Plan in the Mobility Element identifies a comprehensive network of on and off street bicycle facilities to be built over the life of the plan. On July 17, 2012 the City Council also adopted the San Bernardino County Non-Motorized Transportation Plan which is compatible with the TOP. To begin implementation of the bicycle plan, it was determined to set aside the New Model Colony area and focus on the Old Model Colony (OMC) facilities because the majority of bicycle facilities south of Riverside Drive will be constructed in conjunction with new development. Staff recommends a focus on selected primary routes in the OMC, seeking grant funds to implement one of the routes then branch out to other connecting routes in future years as funds become available. The first recommended route includes G Street, Inland Empire Boulevard and Ontario Mills Parkway between Benson and Rochester Avenues. Several activity centers either abut or are very near the route including the Ontario Mills Mall, Citizens Business Bank Arena, Guasti Regional Park and Omnitrans bus routes and stops. A location map is provided as Exhibit "A" showing the selected route.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING APPLICATION FOR TRANSPORTATION DEVELOPMENT ACT (TDA), ARTICLE 3 FUNDING FOR BICYCLE AND PEDESTRIAN FACILITIES THROUGH THE SAN BERNARDINO ASSOCIATED GOVERNMENTS (SANBAG) FOR CLASS II AND CLASS III BICYCLE IMPROVEMENTS ON G STREET, INLAND EMPIRE BOULEVARD AND ONTARIO MILLS PARKWAY.

WHEREAS, on March 6, 2013 the SANBAG Board of Directors issued a call-for-projects for the Transportation Development Act (TDA) Article 3 Bicycle and Pedestrian Facilities funding program; and

WHEREAS, the City of Ontario recognizes the need to plan for and construct non-motorized transportation infrastructure to provide alternative modes of travel; and

WHEREAS, the City Council of the City of Ontario through adoption of The Ontario Plan (general plan) approved a Multi-Purpose Trails and Bikeway Corridor Plan and also adopted the San Bernardino County Non-Motorized Transportation Plan, which said plans identify the master planned bicycle routes and facilities; and

WHEREAS, the City of Ontario desires to submit an application for TDA funds to construct a portion of the master planned bicycle network on G Street, Inland Empire Boulevard and Ontario Mills Parkway between Benson and Rochester Avenues.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Ontario, that application be made to SANBAG for Transportation Development Act (TDA) Article 3 Bicycle and Pedestrian Facilities funding, that the City of Ontario will provide the required matching funds and that the City Manager is hereby authorized to file such application and execute all required TDA funding agreements and other documents as needed to secure and administer the funding.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 16th day of April 2013.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2013- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held April 16, 2013 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2013- duly passed and adopted by the Ontario City Council at their regular meeting held April 16, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
April 16, 2013

SECTION:
CONSENT CALENDAR

SUBJECT: A CONSTRUCTION CONTRACT FOR THE HOMELESS OUTREACH SERVICE CENTER PROJECT

RECOMMENDATION: That the City Council:

- (A) Reject the bid protest submitted by Braughton Construction, Inc, of Rancho Cucamonga, California, as without merit; and
- (B) Authorize the City Manager, or his designee, to execute a construction contract (on file with the Records Management Department) with 4-Ace Construction, Inc., of Rancho Cucamonga, California, in the amount of \$904,126 plus a 15% contingency of \$135,619 for a total authorized amount of \$1,039,745 for both the site improvements and accessory parking lot to create the Homeless Outreach Service Center to be located at 435 South Bon View Avenue and the parking lot to be located at 914 East Washington Street.

COUNCIL GOALS: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: The recommended award is for \$904,126, plus a 15% contingency of \$135,619, for a total authorized amount of \$1,039,745. The contract amount includes both the site improvements, located at 435 South Bon View Avenue in the amount of \$823,093 and the bid alternate for an accessory parking lot to be located at 914 East Washington Street in the amount of \$81,033, resulting in the combined award amount of \$904,126.

The total estimated cost of \$1,090,020 to complete the Homeless Outreach Service Center will include this construction contract with the requested 15% contingency, architectural services, and furnishings. The current project balance of appropriations is approximately \$864,685 and is funded from U.S. Department of Housing and Urban Development Community Development Block Grant (CDBG) funds.

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

Prepared by: Julie Bjork
Department: Housing Agency
City Manager Approval: 

Submitted to Council/O.H.A. 04/16/2013
Approved: _____
Continued to: _____
Denied: _____

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The remaining \$225,335 of funds required will be provided by savings from other CDBG-funded projects during Fiscal Year 2012–13 including Community Improvement Team (“CIT”), Foreclosure Opportunities Response Team (“FORT”), and administration activities.

BACKGROUND: On May 3, 2005 and January 28, 2011, the City Council approved and subsequently modified the Homeless Services Continuum of Care Program (“Continuum”) in partnership with Mercy House Living Centers (“Mercy House”). The Continuum is a multi-phased program that includes the following components: a homeless outreach service center; a 34-bed transitional housing facility; 62 permanent affordable housing units; and after care services. To date, the following activities have been achieved:

- Completed a 34-bed transitional housing facility (Assisi House);
- Acquired, substantially rehabilitated and leased-up 47 two-bedroom permanent affordable housing units (Guadalupe Residence, Francis Apartments, and Begonia Apartments);
- Rehabilitated and leased-up 15 four-bedroom permanent affordable housing units (Guadalupe Residence);
- Established a temporary Intake Center, a 500 square foot building, located at 905 E. Holt Boulevard;
- Reduced the Temporary Homeless Service Area (“THSA”) population from over 400 to 3 persons;
- Implemented and completed the Homeless Prevention and Rapid Re-Housing Program (HPRP) which assisted over 200 households over a three year period. Of which, 148 households were provided homeless prevention services and 52 households were assisted with rapid re-housing services;
- Established Project Gateway in conjunction with Mercy House, County of San Bernardino Department of Behavioral Health, and the Housing Authority of the County of San Bernardino to assist up to 12 hard-to-serve homeless persons with disabilities. This program provides rental assistance associated with 12 units within the permanent housing inventory to qualified households with supportive services; and
- Acquired the site location and designed the Center as the entry point for access into the Continuum.

The construction of the Homeless Outreach Service Center will complete the final phase of the Continuum. Designed to serve as the intake offices for the entire Continuum, the Center will provide amenities to Ontario’s chronically homeless in an effort to facilitate participation in the Continuum and transition people out of homelessness and into more stable housing options. The amenities offered at the site will include: case management offices, showers, lockers, and laundry facilities. Access to the showers, lockers, and laundry facilities will be offered to Ontario’s chronically homeless who are participating in the program and will be scheduled during early morning hours prior to opening the facility to the general public.

The proposed Center operating hours for service are four days a week from 9:00 am – 1:00 pm. Mercy House staff will work with outside organizations to provide additional programs and food distribution services, which will result in the Center being open for up to seven days per week, depending upon the participation of these groups. The adjacent parcel, located at 914 East Washington Street, has been designed, consistent with The Ontario Plan, to serve as a parking lot. Food distribution activities will be offered within the parking area through Mercy House’s coordination with local faith-based and non-profit organizations.

This construction project will include the rehabilitation of the existing 1,155 square foot building, installation of two modular buildings to provide the bathrooms, showers, and laundry facilities, installation of lockers, parking lot construction and landscaping. The site plan and architectural illustration are attached as Exhibits A and B.

A Notice Inviting Bids was advertised on March 1, 2013 for the Homeless Outreach Service Center. A mandatory pre-bid meeting was conducted on March 12, 2013; and the bid opening was held on April 1, 2013.

A total of five bids were received, and a summary of the bid results is shown below.

Contractor Name	Location	Site Improvements Bid Amount (435 S. Bon View)	Accessory Parking Lot (914 E. Washington)	TOTAL
AVI-CON, Inc., dba CA Construction	Riverside, CA	\$670,000	\$167,000	\$837,000
4-Ace Construction, Inc.	Rancho Cucamonga, CA	\$823,093	\$81,033	\$904,126
Jergensen Construction	Oak Hills, CA	\$856,044	\$175,663	\$1,031,707
Broughton Construction, Inc.	Rancho Cucamonga, CA	\$1,069,866	\$115,776	\$1,185,642
Nuera Contracting and Consulting LP	Poway, CA	\$1,183,036	\$143,902	\$1,326,938

AVI-CON, Inc., dba CA Construction withdrew their bid on April 1, 2013 due to a clerical error. The next lowest responsive bidder is 4-Ace Construction, Inc.

On April 2, 2013, the City of Ontario received a bid protest from Broughton Construction, Inc. The bid protest requested that the first three low bidders be dismissed as non-responsive for not including the alternate fire sprinklers cost associated with the modular buildings. The modular trailers were a design build item.

Broughton’s bid protest alleges that the fire sprinklers are required based on the following language included on Page A0.2-B of the Plans: “Provide a complete supervised automatic sprinkler system throughout the building in accordance with all applicable codes...”

Staff and the City Attorney’s Office have reviewed the bid protest and have determined that the City code does not require fire sprinklers to be installed in the modular trailers and that the language included on the plans only requires the installation of a fire sprinkler system to the extent required by City code. Staff also confirmed that 4-Ace Construction did not include the fire sprinklers in their bid because their design build concept did not require fire sprinkler installation pursuant to City code requirements. Therefore, staff recommends that the City Council reject Broughton’s bid protest as without merit, and award the construction contract to 4-Ace Construction, Inc.

If approved, a Pre-Construction Conference will be conducted and a Notice to Proceed will be issued allowing 10 days to commence work. The rehabilitation is estimated to begin on or about April 29, 2013 and will take five months to complete (September 2013).

CITY OF ONTARIO

Agenda Report
April 16, 2013

SECTION:
CONSENT CALENDAR

SUBJECT: AN ORDINANCE AMENDING VARIOUS PROVISIONS OF TITLE 9, CHAPTER 1, OF THE ONTARIO MUNICIPAL CODE, INCLUDING PART 3, ARTICLE 13 (LAND USE AND SPECIAL REQUIREMENTS), AND PART 4, ARTICLE 14 (RESIDENTIAL DISTRICTS)

RECOMMENDATION: That the City Council adopt an ordinance approving File No. PDCA13-001, a Development Code Amendment revising Title 9 (Development Code), Chapter 1 (Zoning and Land Use Requirements), of the Ontario Municipal Code, including Part 3 (Zoning Districts and Land Use), Article 13 (Land Use and Special Requirements), and Part 4 (Base District Regulations), Article 14 (Residential Districts), adding the HDR-45 (High Density Residential—25.1 to 45.0 du/acre) Zoning District, and related land use and development standards.

COUNCIL GOALS: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: There is no direct fiscal impact as a result of adoption of this Development Code Amendment.

BACKGROUND: At a public hearing on April 2, 2013, the City Council introduced and waived further reading of the ordinance to amend various provisions of Title 9, Chapter 1, of the Ontario Municipal Code, including Part 3, Article 13, and Part 4, Article 14. In 2010, the City Council adopted an update to the City's General Plan (File No. PGPA06-001), including the adoption of The Ontario Plan and the Preferred Land Use Plan, together with the creation of the High Density Residential (25.1 to 45 dwelling units per acre) land use designation. Revisions to Articles 13 (Land Use and Special Requirements) and 14 (Residential Districts) of Chapter 1 (Zoning and Land Use Requirements) of the City's Development Code (Title 9 of the Ontario Municipal Code) are now being proposed, which:

STAFF MEMBER PRESENTING: Jerry L. Blum, Planning Director

Prepared by: Charles Mercier

Department: Planning

City Manager Approval: 

Approval: _____

Submitted to Council/O.H.A. 04/16/2013

Approved: _____

Continued to: _____

Denied: _____

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- Establish the HDR-45 (High Density Residential — 25.1 to 45 dwelling units per acre) zoning district consistent with the High Density Residential land use designation established by the Policy Plan component of The Ontario Plan. No actual properties would be affected by the creation of the HDR-45 zoning district. All future zone changes intended to bring the zoning of properties into consistency with the Policy Plan will require that neighborhood meetings be conducted by Planning Department staff, followed by public hearings before the Planning Commission and City Council;
- Add the HDR-45 zoning district to Table 13-1 (Permitted, Conditional, and Ancillary Land Uses—All Zoning Districts) of the Development Code, which establishes the land uses allowed within the proposed zoning district. The land uses proposed within the HDR-45 zoning district mirror those land uses allowed within the R3 zoning district; and
- Add development standards and guidelines for the HDR-45 zoning district, which serve to further the City’s desired level of high quality multiple-family residential development.

Sections 3 through 7 of the ordinance contain each of the changes proposed within Articles 13 (Land Use and Special Requirements) and 14 (Residential Districts) of Chapter 1 (Zoning and Land Use Requirements) of the City’s Development Code, which will serve to implement the HDR-45 zoning district.

All Development Code updates that were a part of the original public hearing and not relative to the creation of the HDR-45 zoning district will not be acted on at this time, and will come forward at a future date as part of the comprehensive Development Code update program.

ENVIRONMENTAL REVIEW: The environmental impacts of this project were previously reviewed in conjunction with The Ontario Plan (File No. PGPA06-001), an update of the City of Ontario General Plan and Preferred Land Use Plan, for which an Environmental Impact Report (SCH No. 2008101140) was adopted by the City Council on January 27, 2010. This Project introduces no new significant environmental impacts.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA13-001, A DEVELOPMENT CODE AMENDMENT REVISING TITLE 9 (DEVELOPMENT CODE), CHAPTER 1 (ZONING AND LAND USE REQUIREMENTS), OF THE ONTARIO MUNICIPAL CODE, INCLUDING PART 3 (ZONING DISTRICTS AND LAND USE), ARTICLE 13 (LAND USE AND SPECIAL REQUIREMENTS), AND PART 4 (BASE DISTRICT REGULATIONS), ARTICLE 14 (RESIDENTIAL DISTRICTS), ADDING THE HDR-45 (HIGH DENSITY RESIDENTIAL—25.1 TO 45.0 DU/ACRE) ZONING DISTRICT, AND RELATED LAND USE AND DEVELOPMENT STANDARDS, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, the City of Ontario ("Applicant") has initiated an amendment to Title 9 of the Ontario Municipal Code ("Development Code"), File No. PDCA13-001, as described in the title of this Ordinance (hereinafter referred to as "Project"); and

WHEREAS, an amendment is proposed to the provisions of Development Code Chapter 1 (Zoning and Land Use Requirements), Part 3 (Zoning Districts and Land Use), Article 13 (Land Use and Special Requirements), which regulates the establishment of land uses, activities and facilities within each zoning district of the City, and prescribes special requirements for certain land uses, activities and facilities within the City; and

WHEREAS, an amendment is proposed to the provisions of Development Code Chapter 1 (Zoning and Land Use Requirements), Part 4 (Base District Regulations), Article 14 (Residential Districts), which regulates the development of properties within the residential zoning districts of the City; and

WHEREAS, in January 2010, the City Council adopted an update to the City's General Plan and Preferred Land Use Plan (File No. PGPA06-001), which requires the completion of numerous significant and comprehensive changes to the City's Development Code and Official Zoning Map, and over the past three years, staff has worked toward completing the necessary zoning and Development Code revisions; and

WHEREAS, the first phase of Development Code revisions is reflected in proposed changes to Chapter 1 (Zoning and Land Use Requirements), Part 3 (Zoning Districts and Land Use), Article 13 (Land Use and Special Requirements), and Part 4 (Base District Regulations), Article 14 (Residential Districts), which includes:

- The establishment of the HDR-45 zoning district, a high density residential zoning district allowing for the development of multiple-family dwellings at a density of 25.1 to 45.0 dwellings per acre, consistent with the High Density Residential land use designation established by the Policy Plan component of The Ontario Plan;

- The addition of the HDR-45 zoning district to Table 13-1 (Permitted, Conditional, and Ancillary Land Uses—All Zoning Districts) of the Development Code, which establishes the land uses allowed within the proposed zoning district. The land uses proposed within the HDR-45 zoning district mirror those land uses allowed within R3 zoning district; and
- The addition of development standards and guidelines for the HDR-45 zoning district, which serve to further the City's desired level of high quality residential development.

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA"); and

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with The Ontario Plan (File No. PGPA06-001), an update of the City of Ontario General Plan and Preferred Land Use Plan, for which an Environmental Impact Report (SCH No. 2008101140) was adopted by the City Council on January 27, 2010; and

WHEREAS, on February 26, 2013, the Planning Commission of the City of Ontario conducted a duly noticed public hearing and issued Resolution No. PC13-015, recommending the City Council approve the proposed Development Code Amendment.

WHEREAS, on April 2, 2013, the City Council of the City of Ontario conducted a public hearing to consider the proposed Development Code Amendment, and concluded said hearing on that date; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND ORDAINED by the City Council of the City of Ontario, as follows:

SECTION 1. As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the City Council, the City Council finds as follows:

(a) The environmental impacts of this project were previously reviewed in conjunction with The Ontario Plan (File No. PGPA06-001), an update of the City of Ontario General Plan and Preferred Land Use Plan, for which an Environmental Impact Report (SCH No. 2008101140) was adopted by the City Council on January 27, 2010;

(b) This Project introduces no new significant environmental impacts; and

(c) The determination reflects the independent judgment of the City Council.

SECTION 2. Based upon the substantial evidence presented to the City Council during the above-referenced hearing and upon the specific findings set forth in Section 1 above, the City Council hereby concludes as follows:

(a) The proposed Development Code Amendment is consistent with the goals and policies of the Policy Plan component of The Ontario Plan;

(b) The proposed Development Code Amendment is reasonable and beneficial, and in the interest of good zoning practice; and

(c) The proposed development code amendment will not have a significant adverse impact on the environment.

SECTION 3. Amend Table 13-1 (Permitted, Conditional, and Ancillary Land Uses—All Zoning Districts) of Chapter 1 (Zoning and Land Use Requirements) of the Development Code, adding the “HDR-45” column to the “Residential Districts” grouping of “Zoning Districts,” and matching the R3 zoning district as to the allowed and prohibited land uses within the HDR-45 zone.

SECTION 4. Amend Article 14 (Residential Districts) of Chapter 1 (Zoning and Land Use Requirements) of the Development Code, adding Paragraph 9-1.1400.B.7 to read as follows:

“The HDR-45 zoning district is intended to accommodate high-density multiple-family developments in an urban environment, generally located within 1/2-mile of a transit corridor or station, at a density range of 25.1 to 45.0 dwelling units per acre. The HDR-45 zoning district is consistent with and implements the High Density Residential land use designation of the Policy Plan component of The Ontario Plan.”

SECTION 5. Amend Table 14-2 (Multiple-Family Residential Development Standards) of Chapter 1 (Zoning and Land Use Requirements) of the Development Code, adding the “HDR-45” column to the “Zoning Districts” grouping, and adding the following development standards:

<i>Requirement</i>	<i>HDR-45</i>	<i>Notes</i>
Site Requirements		
A. Maximum Lot Coverage	100%	
B. Minimum Lot Size (in SF)	20,000	Note 1
C. Maximum Density (in dwelling units per acre)		
1. Base Density	N/A	
2. Maximum Density	45	
D. Minimum Lot Dimensions (in FT)		
1. Lot Width		
a. Interior Lots	100	Note 1

Requirement	HDR-45	Notes
b. Corner Lots	100	Note 1
c. Cul-De-Sac Lots		
i. Measured Along Front Property Line	40	Note 1
ii. Measured at Front Building Setback	40	Note 1
2. Lot Depth	200	Note 1
E. Minimum Access Drive, Access Aisle, and Parking Space Setbacks (in FT)		
1. Access Drive, Access Aisle or Parking Space to Front Property Line	10	
2. Access Drive, Access Aisle or Parking Space to Street Side Property Line		
a. Arterial Streets	20	
b. Other Streets	10	
3. Access Drive, Access Aisle or Parking Space to Interior Side Property Line	5	
4. Access Drive, Access Aisle or Parking Space to Rear Property Line	5	
F. Off-Street Parking and Circulation	Off-street parking facilities shall be provided pursuant to Article 30 (Off-Street Parking and Loading Requirements) of this Chapter.	
G. Landscaping	Landscaping shall be provided pursuant to Section 9-1.3205 (Landscape Design Guidelines) and Section 9-1.3040 (Landscaping of Parking Facilities) of this Chapter.	

Building Requirements

A. Front Yard Setback		
1. From Public Streets (measured from property line)	5	
2. From Private Streets (measured from back of sidewalk)	15	
B. Street Side Setback (in FT)		
1. Arterial Streets (measured from street property line)	5	
2. Other Public Street (measured from street property line)	5	
3. Private Streets (measured from back of sidewalk)	15	
C. Interior Side Yard Setback (in FT)		
1. First Floor	10	
2. Second or More Floors	10	
3. Adjacent to R1 Zone	10	
D. Rear Yard Setback (in FT)	10	

Requirement	HDR-45	Notes
E. Building to Parking Space Setback (in FT)		
1. From Living Area and Other Habitable Space	3	
2. From Garage and Other Nonhabitable Space	3	
F. Building to Access Drive Setback (in FT)		
1. From Living Area and Other Habitable Space	3	
2. From Garage and Other Nonhabitable Space	3	
G. Building to Access Aisle Setback (in FT)		
1. From Living Area and Other Habitable Space	3	
2. From Garage and Other Nonhabitable Space	3	
H. Freeway Setback (in FT)	20	
I. Maximum Structure Height (in FT)	75	
J. Maximum Building Separations (in FT)		
1. Habitable Structures		
a. Front to Front	30	
b. Front to Back	30	
c. Other	Front to Side: 25; Side to Side: 10; and Rear to Rear: 20	
2. Nonhabitable Structures	10	
K. Open Space	Open space shall be provided pursuant to Section 9-1.1425 (Open Space Requirements)	
L. Minimum Setback From Major Pipelines (habitable structures only) (in FT)	50	
M. Maximum No. of Units Per Building	N/A	

Notes:

1. *Reductions in the minimum lot size and dimensions may be permitted in conjunction with a "planned residential development" designed pursuant to Section 9-1.1430 (Planned Residential Development) of this Chapter.*
2. *Residential projects in the R1.5, R2 and R3 zones, which exceed the base density, must comply with the "bonus requirements" contained in Section 9-1.1420 (Residential Densities) of this Chapter.*
3. *The minimum side yard setback for legally established lots with a width less than 50 FT, shall be 10 percent of the lot width or 3 FT, whichever is greater.*
4. *Within the R1.5 and R2 zoning districts, no dwelling unit shall occupy space above another dwelling unit.*

SECTION 6. Amend Table 14-3 (Open Space Requirements for Multiple-Family Developments) of Chapter 1 (Zoning and Land Use Requirements) of the Development Code, adding the "HDR-45" column to the "Zoning Districts" grouping, and adding the following open space requirements:

Open Space Type	HDR-45
Private Open Space (in SF)	60
Common Open Space (in SF)	250

SECTION 7. Amend Article 14 (Residential Districts) of Chapter 1 (Zoning and Land Use Requirements) of the Development Code, adding Paragraph 9-1.1425.B.3 to read as follows:

“Within the HDR-45 zoning district, the ratio of private open space area to common open space area established by the Table14-3 (Open Space Requirements for Multiple-Family Developments) may be adjusted, based upon the housing market (occupants) the proposed development is intended to serve and subject to approval by the Approving Authority for the project. At a minimum, however, a total of 310 SF of open space (private plus common) shall be provided for each dwelling unit.”

SECTION 8. Based upon the findings and conclusions set forth in Sections 1 through 4, above, the City Council hereby approves File No. PDCA13-001, amending Chapter 1, Articles 13 and 14 of the City of Ontario Development Code.

SECTION 9. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is for any reason held to be invalid, unconstitutional or otherwise struck-down by a court of competent jobs, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more portions of this ordinance might be declared invalid.

SECTION 10. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 E. B Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 11. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 16th day of April, 2013.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO FORM:

JOHN E. BROWN, CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. _____ was duly introduced at a regular meeting of the City Council of the City of Ontario held April 2, 2013 and adopted at the regular meeting held April 16, 2013 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. _____ duly passed and adopted by the Ontario City Council at their regular meeting held April 16, 2013 and that Summaries of the Ordinance were published on April 9, 2013 and _____, in the Inland Valley Daily Bulletin newspaper.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
April 16, 2013

SECTION:
CONSENT CALENDAR

SUBJECT: CONSTRUCTION CONTRACT FOR THE SAN ANTONIO AVENUE, ROSEWOOD COURT AND "J" STREET WATER MAIN IMPROVEMENTS

RECOMMENDATION: That the City Council:

- (A) Approve the project plans and specifications;
- (B) Award Contract No. UT 1112-03 (on file with Records Management Department) to Norstar Plumbing and Engineering, Inc. of Alta Loma, California, in the amount of \$2,563,124 plus a 15% contingency (\$384,469) for a total of \$2,947,593 for the construction of the San Antonio Avenue, Rosewood Court and "J" Street Water Main Improvements Project; authorize the City Manager to execute said contract and file a notice of completion at the conclusion of all construction activities related to the project;
- (C) Authorize the City Manager to execute a Professional Services Agreement (on file with Records Management Department) with Albert A. Webb and Associates, Inc. of Riverside, California, in the amount of \$207,500 plus a 15% contingency (\$31,125) for a total of \$238,625 for construction management and inspection services; and
- (D) Authorize the City Manager to execute a Purchase and Sale Agreement (on file with Records Management Department) in the amount of \$50,000 with San Antonio Water Company located in Upland, California, for water infrastructure.

COUNCIL GOALS: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, 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, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: The Fiscal Year 2012-13 Capital Improvement Program includes appropriations from the Water Capital Fund for this project. The recommended contract awards to Norstar Plumbing and Engineering, Inc., Albert A. Webb and Associates, Inc., and San Antonio Water Company will total \$2,820,624 plus \$415,594 of contingencies for a total of \$3,236,218. There is no impact to the General Fund.

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

Prepared by: Dennis Mejia, P.E.
Department: MU/Engineering
City Manager Approval: 

Submitted to Council/O.H.A. 04/16/2013
Approved: _____
Continued to: _____
Denied: _____

10

BACKGROUND: The City’s Water Master Plan has identified the need to replace undersized and aging pipelines to maintain the reliability of water service to the community and to improve service pressure and fire flow availability. The San Antonio Avenue, Rosewood Court and “J” Street Water Main Improvements Project consists of the installation of 3,300 linear feet of 30-inch water pipeline, 3,100 linear feet of 18-inch water pipeline, 2,700 linear feet of 12-inch water pipeline and 1,200 linear feet of 8-inch water pipeline. A location map is provided for reference.

On September 19, 2012, proposals were solicited for the preparation of plans and specifications for the design of San Antonio Avenue, Rosewood Court and “J” Street Water Main Improvements Project. Albert A. Webb Associates, Inc. was awarded the contract based on their qualifications and successful completion of similar projects. Award of the construction management and inspection services was deferred to coincide with the construction phase of the project. Approval of the Professional Services Agreement between the City and Albert A. Webb and Associates, Inc. will maintain continuity of the project and complete the award of this phase of the contract.

On February 21, 2013, nineteen (19) bids were received for the construction portion of the San Antonio Avenue, Rosewood Court and “J” Street Water Main Improvements Project. The bids ranged from a low of \$2,563,124 to a high of \$4,049,862. The lowest five (5) bids are summarized below:

<u>Bidder</u>	<u>Location</u>	<u>Amount</u>
Norstar Plumbing & Engineering, Inc	Alta Loma, CA	\$2,563,124
MCC Equipment Rentals, Inc.	Yucaipa, CA	\$2,670,373
CP Construction Co., Inc.	Ontario, CA	\$2,869,830
Vido Artukovich & Son, Inc./Vidmar Inc. A JV	South El Monte, CA	\$2,899,750
GRFCO, Inc.	Moreno Valley, CA	\$3,085,780

Staff recommends the award to Norstar Plumbing and Engineering, Inc. of Alta Loma, California, based on their expertise, ability to perform the work in a timely manner and successful completion of this type of work in the past.

Additionally, San Antonio Water Company (SAWCO) is owner in fee of a waterline and steel casing in an existing cell within the San Antonio Avenue/Caltrans I-10 Freeway bridge structure. SAWCO no longer uses the water infrastructure and desires to sell the infrastructure to the City for \$50,000 as set forth in the terms and conditions of the Purchase and Sale Agreement. Due to the lack of available cells within the bridge, Ontario needs the infrastructure to cross the San Antonio Avenue/Caltrans I-10 Freeway bridge. The City Attorney’s office has reviewed the agreement and has approved it as to form.

The project is a component of the 2012 Infrastructure Master Plans that was approved by the City Council on December 4, 2012. A Mitigated Negative Declaration (MND) was prepared and approved for the 2012 Infrastructure Master Plans pursuant to the provisions of CEQA. The MND addressed the drainage, sewer, water and recycled water master plans (2012 Infrastructure Master Plans) including their alignments, pipe sizes and installation for the City. An analysis of the project has determined that there is no deviation from the description of this component of the overall 2012 Infrastructure Master Plans. Thus, no further CEQA analysis is required.