

CITY OF ONTARIO
CITY COUNCIL, REDEVELOPMENT AGENCY,
AND HOUSING AUTHORITY
AGENDA
JUNE 21, 2011

Paul S. Leon
Mayor

Debra Dorst-Porada
Mayor pro Tem

Alan D. Wapner
Council Member

Sheila Mautz
Council Member

Jim W. Bowman
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

Dorst-Porada, Wapner, Mautz, Bowman, 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 (a), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: WalMart, Case No. E049432
- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN: 0110-322-30, 2445 East Guasti Road; APN: 0110-322-31, 2501 East Guasti Road; APN: 0110-322-08, 2507 East Guasti Road; APN: 0110-322-29, 2545 East Guasti Road; APN: 0110-322-21, 2619 East Guasti Road; APN: 0110-322-22, 2653 East Guasti Road; APN: 0110-322-18, 2695 East Guasti Road; APN: 0110-322-17; City/Agency/Authority Negotiator: Chris Hughes or his designee; Negotiating parties: M-K Associates or Designee; Under negotiation: Price and terms of payment.

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

PLEDGE OF ALLEGIANCE

Council Member Mautz

INVOCATION

Reverend Larry Pitcher, First Church of the Nazarene

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.

SPECIAL CEREMONIES

PUSH AMERICA JOURNEY OF HOPE

11TH ANNUAL MODEL COLONY AWARDS

That the City Council present the 2011 "Model Colony" Awards for Historic Preservation.

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 May 17, 2011, and the Special Meeting of the City Council, Redevelopment Agency, Housing Authority on June 3, 2011, and approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

Bills April 10, 2011 through April 23, 2011 and **Payroll** April 10, 2011 through April 23, 2011, when audited by the Finance Committee.

3. RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT NO. 5 FOR FISCAL YEAR 2011-12

That the City Council adopt a resolution establishing the annual special tax within Community Facilities District No. 5 for Fiscal Year 2011-12.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 5 (FREEWAY INTERCHANGE PROJECT), ESTABLISHING THE ANNUAL SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT NO. 5 FOR FISCAL YEAR 2011-12.

4. RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT NO. 9 (EDENGLLEN) FOR FISCAL YEAR 2011-12

That the City Council adopt a resolution establishing the annual special tax within Community Facilities District No. 9 (Edenglen) for Fiscal Year 2011-12.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 9 (EDENGLLEN), ESTABLISHING THE ANNUAL SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT NO. 9 FOR FISCAL YEAR 2011-12.

5. RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT NO. 10 FOR FISCAL YEAR 2011-12

That the City Council adopt a resolution establishing the annual special tax within Community Facilities District No. 10 for Fiscal Year 2011-12.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 10 (ONTARIO AIRPORT TOWERS), ESTABLISHING THE ANNUAL SERVICES SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT NO. 10 FOR FISCAL YEAR 2011-12.

6. RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT NO. 13 FOR FISCAL YEAR 2011-12

That the City Council adopt a resolution establishing the annual special tax within Community Facilities District No. 13 for Fiscal Year 2011-12.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 13 (CALIFORNIA COMMERCE CENTER – PHASE IV), ESTABLISHING THE ANNUAL SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT NO. 13 FOR FISCAL YEAR 2011-12.

7. ANNUAL LEVY OF ASSESSMENTS WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2, 3 AND 4 FOR FISCAL YEAR 2011-12

That the City Council adopt resolutions pertaining to the levy of assessments within Ontario Parkway Maintenance Assessment Districts (OPMAD) No. 1, 2, 3 and 4:

- (A) A resolution initiating proceedings and ordering the preparation of an Engineer's Report for each district relating to the annual levy of assessments, and
- (B) A resolution giving preliminary approval of the Engineer's Reports, and
- (C) Resolutions declaring the City's intention to levy the special assessments for Fiscal Year 2011-12 and setting the date of July 19, 2011 for a Public Hearing on each district in accordance with the Landscaping and Lighting Act of 1972.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE PREPARATION OF THE ASSESSMENT ENGINEER'S REPORTS PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, FOR PROCEEDINGS FOR THE ANNUAL ASSESSMENT LEVY WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2, 3 AND 4 FOR FISCAL YEAR 2011-2012.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE ASSESSMENT ENGINEER'S REPORTS FOR THE ANNUAL LEVY OF ASSESSMENTS WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2, 3 AND 4 FOR FISCAL YEAR 2011-2012.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2011-2012 IN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2 AND 3, PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2011-2012 IN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICT NO. 4, PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON.

8. ANNUAL LEVY OF ASSESSMENTS WITHIN STREET LIGHTING MAINTENANCE DISTRICTS NO. 1 AND 2 FOR FISCAL YEAR 2011-12

That the City Council adopt resolutions pertaining to the levy of assessments within Street Lighting Maintenance Districts (SLMD) No. 1 and 2:

- (A) A resolution initiating proceedings and ordering the preparation of an Engineer's Report for each district relating to the annual levy of assessments, and
- (B) A resolution giving preliminary approval of the Engineer's Reports, and
- (C) Resolutions declaring the City's intention to levy the special assessments for Fiscal Year 2011-12 and setting the date of July 19, 2011 for a Public Hearing on each district in accordance with the Landscaping and Lighting Act of 1972.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE PREPARATION OF THE ASSESSMENT ENGINEER'S REPORTS PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, FOR PROCEEDINGS FOR THE ANNUAL ASSESSMENT LEVY WITHIN ONTARIO STREET LIGHTING MAINTENANCE DISTRICTS NO. 1 AND 2 FOR FISCAL YEAR 2011-2012.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE ASSESSMENT ENGINEER'S REPORTS FOR THE ANNUAL LEVY OF ASSESSMENTS WITHIN ONTARIO STREET LIGHTING MAINTENANCE DISTRICTS NO. 1 AND 2 FOR FISCAL YEAR 2011-2012.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2011-2012 IN ONTARIO STREET LIGHTING MAINTENANCE DISTRICT NO. 1 PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2011-2012 IN ONTARIO STREET LIGHTING MAINTENANCE DISTRICT NO. 2, PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON.

9. CONSTRUCTION CONTRACT FOR 2011 SLURRY SEAL PROGRAM AND BRIDGE REPAIR/AMERICAN ASPHALT SOUTH, INC.

That the City Council approve the plans and specifications; allow Pavement Coatings, Inc. of Mira Loma, California, to withdraw their bid; and award a construction contract (on file in the Records Management Department) to American Asphalt South, Inc. of Fontana, California, for the 2011 Slurry Seal Program and Bridge Repair for the bid amount of \$997,810 plus a ten (10%) contingency of \$99,781 for a total authorized expenditure of \$1,097,591; and authorize the City Manager to execute said contract and related documents, and file a notice of completion at the conclusion of all construction activities related to the project.

10. AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH BUCKNAM & ASSOCIATES FOR THE UPDATE OF ONTARIO'S PAVEMENT MANAGEMENT PROGRAM FOR FY 2010-11/BUCKNAM & ASSOCIATES

That the City Council approve Amendment No. 4 to the Professional Services Agreement (on file in the Records Management Department) with Bucknam & Associates of Laguna Niguel, California, for Engineering Consultant Services for the Update of Ontario's Pavement Management Program (PMP) for FY 2010-11 in the amount of \$41,000 for a revised total contract amount of \$202,993; approve extensions for up to two years contingent upon City Council appropriation of funds for each of the subsequent years; and authorize the City Manager to execute said amendment and related documents.

11. CONSTRUCTION CONTRACT FOR 2011 PAVEMENT REHABILITATION PROGRAM PHASE B/HARDY & HARPER, INC.

That the City Council reject all bids received as of April 19, 2011; approve the plans and specifications, and award a construction contract (on file in the Records Management Department) to Hardy & Harper, Inc. of Santa Ana, California, in the amount of \$1,345,000 plus a fifteen (15%) percent contingency of \$201,750 for a total amount of \$1,546,750; and authorize the City Manager to execute said contract and related documents, and file a notice of completion at the conclusion of all construction activities related to the 2011 Pavement Rehabilitation Program Phase B which includes: rehabilitation of Haven Avenue from Guasti Road to 750' North of I-10 (Project No. ST1001), Grove Avenue from Sixth Street to Eighth Street (Project No. ST1003), Mission Boulevard (North Half) from Baker Avenue to Grove Avenue (Project No. ST1004), and Mission Boulevard from 1,500' East of Haven Avenue to Milliken Avenue (Project No. ST1005).

12. AMENDMENT TO THE SERVICES AGREEMENT WITH REPUBLIC ITS FOR TRAFFIC SIGNAL MAINTENANCE/REPUBLIC ITS

That the City Council approve Amendment No. 6 to the agreement for traffic signal maintenance services (on file in the Records Management Department) with Republic ITS, of Novato, California, extending the agreement for Fiscal Year 2011-12 in the amount of \$535,000; approve an option to extend the agreement for a subsequent year contingent upon City Council appropriation of funds; and authorize the City Manager to execute said amendment and related documents.

13. A RESOLUTION ORDERING THE SUMMARY VACATION OF A PUBLIC UTILITY EASEMENT

That the City Council adopt a resolution ordering the summary vacation of a Public Utility Easement located east of Euclid Avenue, west of Lemon Avenue, between C and D Streets.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE SUMMARY VACATION OF A PUBLIC UTILITY EASEMENT LOCATED EAST OF EUCLID AVENUE, WEST OF LEMON AVENUE, BETWEEN C AND D STREETS.

14. AGREEMENTS FOR REPLACEMENT OF OVERHEAD WITH UNDERGROUND ELECTRIC FACILITIES/SOUTHERN CALIFORNIA EDISON

That the City Council approve agreements (on file with the Records Management Department) with Southern California Edison for Replacement of Overhead with Underground Electric Facilities at Mission Boulevard and Turner Avenue as a part of the Mission Boulevard Widening Project from Archibald Avenue to Haven Avenue at an estimated cost of \$403,537 plus 10% contingency (\$40,354) for a total of \$443,891, and authorize the City Manager to execute the agreements and all amendments.

15. PROFESSIONAL SERVICES AGREEMENTS FOR ON-CALL ENVIRONMENTAL, APPRAISAL, AND TITLE/ESCROW SERVICES

That the City Council, Redevelopment Agency Board, and Housing Authority Board approve Professional Services Agreements (all on file with the Records Management Department); authorize the City Manager/Executive Director to execute the agreements with the selected Consultants listed below; and to extend the agreements for up to two (2) successive one (1) year terms consistent with the City Council, Agency Board and Authority Board approved budgets.

Environmental	Appraisal	Title & Escrow
Converse Professional Group (Redlands, CA)	Hennessey & Hennessey LLC (Tustin, CA)	Fidelity National Title (Newport Beach, CA)
E2 Manage Tech (Long Beach, CA)	Integra Realty Resources (Encino, CA)	Stewart Title (Riverside, CA)
	R.P. Laurain & Associates (Long Beach, CA)	

16. PROFESSIONAL SERVICES AGREEMENT WITH E.S. BABCOCK & SONS, INC. FOR ANALYTICAL LABORATORY SERVICES/E.S. BABCOCK & SONS, INC.

That the City Council approve a Professional Services Agreement (on file in the Records Management Department) with E.S. Babcock & Sons, Inc., of Riverside, California for analytical laboratory services for water and wastewater in the amount of \$150,000; authorize extensions for up to three years contingent upon City Council appropriation of funds for each of the subsequent years; and authorize the City Manager to execute said agreement.

17. AWARD BID FOR THE PURCHASE OF TWO FIRE PUMPERS/KOVATCH MOBILE EQUIPMENT (KME)

That the City Council:

- (A) Reject the bid submitted by American La France located in Summerville, South Carolina, as non-responsive; and
- (B) Award Bid No. 64 to Kovatch Mobile Equipment (KME) located in Ontario, California, in the amount of \$1,126,026 for the purchase and delivery of two (2) 1750 Custom GPM Triple Combination Pumpers.

18. CONSTRUCTION CONTRACT WITH T. E. ROBERTS, INC. FOR THE RECYCLED WATER PIPELINE PROJECT, PHASE III-B/T.E. ROBERTS, INC.

That the City Council:

- (A) Approve the plans and specifications for the Recycled Water Pipeline Project, Phase III-B;
- (B) Reject the bid protest submitted by Christensen Brothers General Engineering, Inc.;
- (C) Award Contract No. UT0910-01, for the Recycled Water Pipeline Project, Phase III-B to T. E. Roberts, Inc. of Tustin, California, for a bid amount of \$691,142 plus a 15% contingency of \$103,672 for a total amount of \$794,814;
- (D) Authorize the City Manager to execute said Contract (on file with Records Management Department); and
- (E) File a notice of completion at the conclusion of all construction activities related to the project.

19. AWARD A MAINTENANCE AND REPAIR SERVICE AGREEMENT FOR HVAC MAINTENANCE AND REPAIR SERVICES AT VARIOUS CITY FACILITIES/WESTERN ALLIED CORPORATION

That the City Council:

- (A) Award a three-year Maintenance and Repair Service Agreement, Contract No. MS 1011-4, to Western Allied Corporation of Santa Fe Springs, California, for \$92,568 annually;
- (B) Authorize urgency repairs based on the established contract rates, the addition of future service areas, and the option to extend the Agreement for up to two years consistent with City Council approved budgets; and
- (C) Authorize the City Manager to execute said contract (on file in the Records Management Department).

20. AN ORDINANCE AMENDING THE DOWNTOWN CIVIC CENTER PLANNED UNIT DEVELOPMENT, INCREASING THE MAXIMUM RESIDENTIAL DENSITY RANGE FOR THE COMMERCIAL/RESIDENTIAL MIXED-USE DEVELOPMENT PROJECT IN THE C1 BLOCK FROM 45-50 DWELLING UNITS PER ACRE TO 45-65 DWELLING UNITS PER ACRE, AND CLARIFYING THAT BOTH "FOR SALE" AND "FOR RENT" HOUSING IS ALLOWED WITHIN THE DISTRICT'S A1 AND C1 BLOCKS, AFFECTING PROPERTIES GENERALLY LOCATED AT THE NORTHEAST CORNER OF EUCLID AVENUE AND HOLT BOULEVARD (BLOCK A1), AND PROPERTIES LOCATED AT THE SOUTHEAST CORNER OF EUCLID AVENUE AND D STREET (BLOCK C1)

That the City Council adopt an ordinance approving File No. PUD08-001, amending the Downtown Civic Center Planned Unit Development.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PUD08-001, AN AMENDMENT TO THE DOWNTOWN CIVIC CENTER PLANNED UNIT DEVELOPMENT, INCREASING THE MAXIMUM RESIDENTIAL DENSITY RANGE WITHIN BLOCK C1 FROM 45-50 DWELLING UNITS PER ACRE TO 45-65 DWELLING UNITS PER ACRE, AND CLARIFYING THAT BOTH "FOR SALE" AND "FOR RENT" HOUSING IS ALLOWED WITHIN THE COMMERCIAL/RESIDENTIAL MIXED-USE DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 1048-551-10 THROUGH 13; 1048-552-13 THROUGH 19; 1048-553-01 THROUGH 17; 1048-547-04 THROUGH 94; AND 1048-548-01 THROUGH 54.

21. AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT WITH LAW ENFORCEMENT MEDICAL SERVICES FOR FORENSIC MEDICAL EVIDENCE COLLECTION AND NURSE SERVICES/LAW ENFORCEMENT MEDICAL SERVICES, INC. (LEMS)

That the City Council approve a second amendment to the Professional Services Agreement (on file in the Records Management Department) with Law Enforcement Medical Services, Inc., (LEMS) of Fontana, California, for Fiscal Year 2011-12 forensic medical evidence collection and nurse services in the estimated annual amount of \$70,000, for a revised contract amount of \$186,354; and authorize the City Manager to execute said amendment and related documents.

22. A SERVICES AGREEMENT WITH THE ONTARIO/MONTCLAIR YMCA FOR SENIOR TRANSPORTATION SERVICES/WEST END YMCA (ONTARIO/MONTCLAIR YMCA)

That the City Council authorize the City Manager to execute a two-year Service Agreement (on file with Records Management Department) with the West End YMCA (Ontario/Montclair YMCA) of Ontario, California, for Senior Transportation Services for a cumulative amount not to exceed \$199,000; and authorize the option to extend the agreement for one additional year consistent with City Council approved budgets.

PUBLIC HEARINGS

23. AMENDMENT TO THE LAND USE AND SAFETY ELEMENTS OF THE POLICY PLAN (FILE NO. PGPA11-001) FOR CONSISTENCY WITH THE ONTARIO INTERNATIONAL AIRPORT LAND USE COMPATIBILITY PLAN AND TO IMPROVE CLARITY AND INTERNAL CONSISTENCY

That City Council approve File No. PGPA11-001, an amendment to the land use and safety elements of the Policy Plan for consistency with the Ontario International Airport Land Use Compatibility Plan and to improve clarity and internal consistency.

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 FILE NO. PGPA11-001, A GENERAL PLAN AMENDMENT TO BRING THE LAND USE ELEMENT AND SAFETY ELEMENT OF THE ONTARIO PLAN POLICY PLAN INTO CONSISTENCY WITH THE AIRPORT LAND USE COMPATIBILITY PLAN FOR ONTARIO INTERNATIONAL AIRPORT, AND MAKING FINDINGS IN SUPPORT THEREOF.

24. A PUBLIC HEARING TO RECEIVE AND RESPOND TO PUBLIC COMMENTS ON THE DRAFT 2010 URBAN WATER MANAGEMENT PLAN AND A RESOLUTION ADOPTING THE 2010 URBAN WATER MANAGEMENT PLAN

That the City Council:

- (A) Conduct a public hearing to receive and respond to public comments on the report of the City's Draft 2010 Urban Water Management Plan (UWMP) (on file with the Records Management Department); and
- (B) Adopt a resolution adopting the 2010 Urban Water Management Plan.

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, ADOPTING THE
2010 URBAN WATER MANAGEMENT PLAN.

COUNCIL MATTERS

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

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)

June 21, 2011

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

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

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

- GC 54956.9 (a), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION:
Walmart, Case No. E049432

No Reportable Action Continue Approved

/ / / / / /

Disposition: _____

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: APN: 0110-322-30, 2445 East Guasti Road; APN: 0110-322-31, 2501 East Guasti Road; APN: 0110-322-08, 2507 East Guasti Road; APN: 0110-322-29, 2545 East Guasti Road; APN: 0110-322-21, 2619 East Guasti Road; APN: 0110-322-22, 2653 East Guasti Road; APN: 0110-322-18, 2695 East Guasti Road; APN: 0110-322-17

City/Agency/Authority Negotiator: Chris Hughes or his designee; Negotiating parties: M-K Associates or Designee; Under negotiation: Price and terms of payment.

No Reportable Action Continue Approved

/ / / / / /

Disposition: _____

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

CITY OF ONTARIO

Agenda Report

June 21, 2011

SECTION:
SPECIAL CEREMONIES

SUBJECT: 11TH ANNUAL MODEL COLONY AWARDS

RECOMMENDATION: That the City Council present the 2011 "Model Colony" Awards for Historic Preservation.

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
Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: The Model Colony Awards presentation will not have a fiscal impact.

BACKGROUND: The Planning Commission, acting as the Historic Preservation Commission, developed the "Model Colony" Awards program to recognize outstanding achievements in the preservation of Ontario's historic properties.

The "Model Colony" Awards are presented by the City Council each spring to coincide with National Preservation Month. Six awards will be presented in the categories of Restoration, Rehabilitation, Landscape, Merit, and, introducing a new award category this year, the Founder's Heritage Award. On May 24, the Planning Commission considered each category and chose the following recipients:

Founder's Heritage

For recognition of a historic site or structure that is of citywide significance (Tier I or Tier II) and its uniqueness and exemplary historic authenticity.

Recipients: The Latimer House, 945 North Euclid Avenue-
Margaret Latimer and Frank Ramme

Restoration Award:

For achievement in the interior restoration of a historic property.

Recipients: The Ester Anderson House, 220 East Harvard
Place- Rick and Jennifer Caughman

STAFF MEMBER PRESENTING: Jerry L. Blum, Planning Director

Prepared by: Diane Ayala
Department: Planning Department

City Manager
Approval: 

Submitted to Council/O.R.A./O.H.A. 06/21/2011

Approved: _____

Continued to: _____

Denied: _____

Rehabilitation Award: For achievement in the exterior and interior rehabilitation of a historic property.

***Recipient: The Envoy/Beverly Hotel, 110 South Euclid Avenue-
Derek Robertson***

**John S. Armstrong
Landscape Award:** For achievement in the restoration and preservation of landscaping of a historic property.

Recipients: 227 West Sixth Street- Ken and Sue Miller

Award of Merit: For achievement in the ongoing preservation of a historic property.

***Recipient: The Mrs. Mary Grotholtman House, 307 East Plaza
Serena Street- Richard Gonzalez***

Award of Merit: For achievement in the ongoing preservation of a historic property.

***Recipients: The W.H. Joss House, 558 East Rosewood Court-
Brad and Natalie Collins***

CITY OF ONTARIO

Agenda Report
June 21, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT NO. 5 FOR FISCAL YEAR 2011-12

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within Community Facilities District No. 5 for Fiscal Year 2011-12.

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: Special tax revenue, required to pay debt service on the District's outstanding bonds, administration and incidental expenses in the coming year, will be generated in the amount of \$817,632.

BACKGROUND: On June 6, 1995, the City Council adopted Resolution No. 95-65 establishing the formation of Community Facilities District No. 5, as shown on the attached location map. Community Facilities District No. 5 was formed to provide funding for the construction of three projects, as follows:

- Improvement of the Milliken Avenue/I-10 Freeway Interchange,
- Improvement of the Fourth Street/I-15 Freeway Interchange, and
- Improvement of Milliken Avenue from the I-10 Freeway to the south side of Guasti Road, including portions of Guasti Road east and west of Milliken Avenue to the entrances of the two truck stops.

These improvements are vital to traffic circulation in the northeastern portion of Ontario, to the Ontario Mills, to The Ontario Center, and to the truck stops south of the I-10 Freeway at Milliken Avenue.

On September 12, 1995, upon conclusion of the property owner election, the District received an eighty-two and one-half percent (82.5%) affirmative vote of the property owners in favor of approving

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

Prepared by: Mark Lassler

Department: Management Services

City Manager Approval: 

Submitted to Council/O.R.A./O.H.A. 06/21/2011

Approved: _____

Continued to: _____

Denied: _____

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the sale of bonds and the levy of an annual special tax to secure the bonded indebtedness. On July 15, 1997, the City Council adopted Resolution No. 97-059, authorizing the issuance of \$12,000,000 in bonds, and Ordinance No. 2639, authorizing the levy of an annual special tax.

Due to the varying levels of benefit received by the properties within the District from the improvements, the District is divided into two tax rate zones identified as Zone A and Zone B. The special tax for the properties within Zone B was prepaid prior to the issuance of bonds; therefore, there is no special tax levy on the properties within Zone B for this District.

The modification of the Fourth Street/I-15 Freeway Interchange was completed in March 1997. The Milliken Avenue and Guasti Road project was completed in January 1999. The modification of the Milliken Avenue/I-10 Freeway Interchange was completed in May 2001. Bond proceeds have been fully expended and the District has no further obligation for funding of the improvements. Special tax collections and expenses for the District were \$840,705.85 and \$991,997.50, respectively, during Fiscal Year 2009-10, which is the most recent fiscal year ended.

The adoption of a resolution by the City Council is required annually to establish the special tax rates to be levied, until the bonds mature in 2017. The tax rates required for Fiscal Year 2011-12 are \$1,411.79 per Taxable Acre for Zone A, and \$0.00 per Taxable Acre for Zone B, where the property owners have prepaid their tax obligation. The tax rates for Fiscal Year 2010-11 were \$1,442.66 per Taxable Acre for Zone A, and \$0.00 per Taxable Acre for Zone B. This special tax finances the annual debt service, administration and incidental expenses for the bonds issued by the District. The Maximum annual special tax that may be levied is \$2,500.00 per Taxable Acre within Zone A.

CITY OF ONTARIO

Agenda Report
June 21, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT NO. 9 (EDENGLLEN) FOR FISCAL YEAR 2011-12

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within Community Facilities District No. 9 (Edenglen) for Fiscal Year 2011-12.

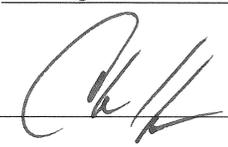
COUNCIL GOALS: Develop Strategies and Take Actions to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Operate in a Businesslike Manner
Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony

FISCAL IMPACT: Special tax revenue will be generated in the amount of \$339,561 to fund City services, administration and incidental expenses.

BACKGROUND: On March 20, 2007, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of Community Facilities District No. 9 (Edenglen) with the adoption of Resolution No. 2007-036, declaring the City's intention to establish the District and to authorize the levy of special taxes, and Resolution No. 2007-037, to issue bonds for the District. On May 1, 2007, the City Council adopted Resolution No. 2007-056 establishing the formation of the District.

Upon a successful property owner election, the City Council adopted Ordinance No. 2860 on May 15, 2007, authorizing the levy of special taxes for the District to finance facilities (Special Tax A) and to fund City services (Special Tax B). Due to the downturn in the housing market, Edenglen Ontario LLC, the developer, retracted its request for bond financing of facilities. On October 16, 2007, the City Council adopted Resolution No. 2007-120 determining that Special Tax A for facilities cease to be levied. Special Tax B for City services remains in full force and effect.

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

Prepared by: Mark Lassler
Department: Management Services
City Manager Approval: 

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The District, shown in the attached boundary map, is within the westerly portion of the Edenglen Specific Plan development within the New Model Colony. The Edenglen Specific Plan addresses the development of approximately 160 acres and is generally located on the south side of Riverside Drive, north of Chino Avenue, west of Milliken Avenue and east of Mill Creek Avenue. The residential portion of the development, which comprises the District, is approximately 80 acres and consists of 310 single family units and 274 multi-family units.

Special Tax B is levied each fiscal year to fund authorized services and administrative expenses associated with administering CFD No. 9. The authorized services to be funded from special taxes are police protection services, fire protection and suppression services, ambulance and paramedic services, maintenance of parks, parkways and open space and flood and storm protection services. Special tax collections and expenses for the District were \$199,346.90 and \$197,015.49, respectively, during Fiscal Year 2009-10, which is the most recent fiscal year ended.

The adoption of a resolution by the City Council is required annually to establish the special tax rates to be levied. Fiscal Year 2008-09 was the first year that this special tax was levied. Pursuant to the Rate and Method of Apportionment of Special Tax, as approved by the property owners, on July 1, 2010, and annually thereafter, the maximum annual tax rates shall be increased by an amount equal to 2% of the amount in effect the previous Fiscal Year. The maximum and proposed annual tax rates for Fiscal Year 2011-12 are as follows:

**Tax Levy
Fiscal Year 2011-12**

Land Use Class	Land Use	Tax Zone	FY2010-11 Annual Tax Rates	FY 2011-12 Annual Tax Rate	FY 2011-12 Maximum Tax Rate	No. of Units or SF	Totals
1-11	Residential	1	\$ 1,264.80 per Unit	\$ 1,290.10 per Unit	\$ 1,290.10 per Unit	134	\$ 172,873.40
13-21	Residential	2	\$ 990.42 per Unit	\$ 1,010.23 per Unit	\$ 1,010.23 per Unit	165	\$ 166,687.95
12 or 22	Non-Residential	N/A	\$ 0.2448 Per SF	\$ 0.2497 Per SF	\$ 0.2497 Per SF	0	\$ -

Total Annual Tax \$ 339,561.35

CITY OF ONTARIO

Agenda Report
June 21, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT NO. 10 FOR FISCAL YEAR 2011-12

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within Community Facilities District No. 10 for Fiscal Year 2011-12.

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: Special tax revenue will be generated in the amount of \$9,956 to fund City services, administration and incidental expenses.

BACKGROUND: On June 5, 2007, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of Community Facilities District No. 10 with the adoption of Resolution No. 2007-066, declaring the City's intention to establish the District and to authorize the levy of a special tax, and Resolution No. 2007-067, to issue bonds for the District. On July 17, 2007, the City Council adopted Resolution No. 2007-093 establishing formation of the District. Upon a successful property owner election, on August 21, 2007, the City Council adopted Ordinance No. 2871, authorizing the levy of a special tax for the District to finance facilities, City services, administration and incidental expenses related to the Ontario Airport Towers project. The District boundaries are shown on the attached boundary map.

The Ontario Airport Towers project, which is being developed by Ontario Airport Center, LLC (J.R.Wetzel, RREEF America REIT), addresses the development of approximately 25 acres and is generally located on the south side of Interstate 10, north of Guasti Road, east of Archibald Avenue and west of Turner Avenue. Ontario Airport Center, LLC proposes to develop in 5 phases: 850,000 square feet of Class A office space (five buildings), 10,000 square feet of retail space, and a 175 room hotel.

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

Prepared by: Mark Lassler

Department: Management Services

City Manager
Approval: 

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Approved: _____

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Denied: _____

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Subsequent to the initial proceedings forming the District, authorizing the issuance of bonds and the levy of the special tax, the City Council conducted several additional proceedings relating to amending the rate and method of apportionment of the special tax, reauthorizing the issuance of bonds, and reauthorizing the levy of the special tax. On March 17, 2009, the City Council adopted Ordinance No. 2902 which authorized the levy of a special tax pursuant to the last amended rate and method of apportionment of the special tax. Ordinance No. 2902 also rescinded the previously adopted special tax ordinances.

Public infrastructure facilities that are required for the development of the Ontario Airport Towers project were to be financed with the issuance of bonds by the District. However, due to the economic downturn the issuance of bonds is no longer being contemplated. The special tax for City services remains in full force and effect.

The special tax for City services is levied each fiscal year to fund services and administrative expenses as follows: police protection services, fire protection and rescue services and parkway and open space maintenance services; and all costs related to financing and administering the services, the determination of the amount of special taxes to be levied and costs otherwise incurred in order to carry out the authorized purposes of the District and administering the District. Special tax collections and expenses for the District were \$9,569.94 and \$9,645.23, respectively, during Fiscal Year 2009-10, which is the most recent fiscal year ended.

The adoption of a resolution by the City Council is required annually to establish the special tax rate to be levied. Fiscal Year 2008-09 was the first year that the special tax for City Services was levied. Pursuant to the Rate and Method of Apportionment of Special Tax that was approved by the property owners, on July 1, 2008, and annually thereafter, the maximum annual Services Special tax rate shall be increased by an amount equal to the greater of (i) the increase, if any, in the Consumer Price Index for the Los Angeles-Riverside-Orange County Area for All Urban Consumers, or (ii) 2% of the amount in effect the previous Fiscal Year. The special tax rate for Fiscal Year 2010-11 was \$514.54 per acre. The proposed tax rate for Fiscal Year 2011-12 is \$524.83 per acre, which is a 2% increase over the previous Fiscal Year.

CITY OF ONTARIO

Agenda Report

June 21, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT NO. 13 FOR FISCAL YEAR 2011-12

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within Community Facilities District No. 13 for Fiscal Year 2011-12.

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 Growth and Evolution of the City's Economy
Operate in a Businesslike Manner
Invest in the City's Infrastructure (Water, Streets, Sewers, Storm Drains and Public Facilities)

FISCAL IMPACT: Special tax revenue, required to pay the debt service on the District's outstanding bonds, administration and incidental expenses, will be generated in the amount of \$384,181.

BACKGROUND: On April 1, 2008, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of Community Facilities District No. 13 with the adoption of Resolution No. 2008-018, declaring the City's intention to establish the District and to authorize the levy of special taxes, and Resolution No. 2008-019, to issue bonds for the District. On May 6, 2008, the City Council adopted Resolution No. 2008-032 establishing the formation of the District. The District is located along the south side of Francis Street, between Haven and Milliken Avenues, as shown on the attached boundary map.

Upon a successful property owner election, the City Council adopted Ordinance No. 2893 on June 3, 2008, authorizing the levy of special taxes for the District to finance facilities, administration and incidental expenses. The facilities are public infrastructure facilities required for the development of the California Commerce Center – Phase IV, which was developed by SR Acquisition Corporation, LLC and Ontario Industrial, LLC (affiliates of the SARES REGIS Group and J.P. Morgan). The facilities include street improvements and utility connections on Francis Street between Haven Avenue

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

Prepared by: Mark Lassler
Department: Management Services
City Manager Approval: 

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Approved: _____
Continued to: _____
Denied: _____

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and Dupont Street, and the installation of new storm drain facilities to tie into the existing Lower Deer Creek storm drain system.

The California Commerce Center - Phase IV project addresses the development of approximately 100 acres and is generally located on the south side of Francis Street, east of Haven Avenue and west of Milliken Avenue. SR Acquisition Corporation, LLC and Ontario Industrial, LLC are developing 6 parcels of warehouse industrial buildings comprising approximately 1.94 million square feet of floor space, and 1 parcel of commercial retail building(s) totaling approximately 20,000 square feet of floor space.

The public infrastructure facilities authorized to be funded by the special tax were fully completed by the developer and accepted by the City in January 2009. Bond proceeds have been fully expended and the District has no further obligation for funding of the facilities. Special tax collections and expenses for the District were \$385,178.75 and \$381,365.26, respectively, during Fiscal Year 2009-10, which is the most recent fiscal year ended.

The adoption of a resolution by the City Council is required annually to establish the special tax rates to be levied, until the bonds mature in 2038. Fiscal Year 2008-09 was the first year that the special tax was levied. The proposed annual tax rates for Fiscal Year 2011-12 are as follows:

**Tax Levy
Fiscal Year 2011-12**

Land Use Class	Description	Maximum Annual Tax Rates	Proposed Annual Tax Rates	Totals
1	Industrial 1,936,142 Bldg. SF	\$ 0.2111 per SF	\$ 0.1931 per SF	\$ 373,869.02
2	Commercial 2.05 Acres	\$ 11,275.00 per Parcel	\$ 10,312.40 per Parcel	\$ 10,312.40
Total Annual Tax				\$ 384,181.42

CITY OF ONTARIO

Agenda Report
June 21, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: ANNUAL LEVY OF ASSESSMENTS WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2, 3 AND 4 FOR FISCAL YEAR 2011-12

RECOMMENDATION: That the City Council adopt resolutions pertaining to the levy of assessments within Ontario Parkway Maintenance Assessment Districts (OPMAD) No. 1, 2, 3 and 4:

- (A) A resolution initiating proceedings and ordering the preparation of an Engineer's Report for each district relating to the annual levy of assessments, and
- (B) A resolution giving preliminary approval of the Engineer's Reports, and
- (C) Resolutions declaring the City's intention to levy the special assessments for Fiscal Year 2011-12 and setting the date of July 19, 2011 for a Public Hearing on each district in accordance with the Landscaping and Lighting Act of 1972.

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 total proposed special assessment revenue for Fiscal Year 2011-12 is \$576,968 (\$282,437 from OPMAD No's. 1, 2 and 3, and \$294,531 from OPMAD No. 4). The operation and maintenance costs of \$546,253 within OPMAD No's. 1, 2 and 3 will exceed the assessment revenues by \$263,816. The differential will be funded with \$37,875 from available fund balance in the Parkway Maintenance District Fund; and with \$225,941 from the General Fund. The General Fund portion is included in the City's proposed budget for Fiscal Year 2011-12. The total proposed special assessment for OPMAD No. 4 is sufficient to pay all expenses within this service area. The proposed assessments for OPMAD No.'s 1, 2 and 3-Zone 2000-1 remain consistent with those for Fiscal Year 2010-11. The proposed assessments for OPMAD No. 3-Zone 2000-2 are increasing by 3.9%, and

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

Prepared by: Mark Lassler
Department: Management Services

City Manager Approval: 

Submitted to Council/O.R.A./O.H.A. 06/21/2011

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the assessments for OPMAD No. 4 are increasing by a weighted average of 2.8% across its 6 Maintenance Areas.

BACKGROUND: The first of these districts was formed in 1976 pursuant to the Landscaping and Lighting Act of 1972 (the "1972 Act"). Additional territories are annexed to the districts from time to time as development proceeds. The districts were formed to help minimize the continually increasing cost of maintaining and operating the landscaping along public streets where the property owners do not have direct access to the landscaping. A special assessment is levied annually on benefiting properties for the cost of operation and maintenance of certain parkway landscaping facilities within the districts. The City's Community and Public Services Agency establishes the annual operation and maintenance costs and administers the maintenance of the landscaping. Annually, an Engineer's Report for each district must be prepared which apportions these costs to each parcel within the districts. The locations of the districts are shown on the attached maps.

OPMAD No's. 1, 2, and 3 are comprised of single-family residential developments. Due to varying characteristics, the districts are organized into benefit zones and/or maintenance areas. Each zone/maintenance area is assessed for only the operation and maintenance of the facilities from which it receives special direct benefit. The total assessment for each maintenance area is then apportioned to its constituent parcels.

Special assessment revenue will be generated in the combined amount of \$282,437 from OPMAD No's. 1, 2 and 3. The combined operation and maintenance costs of \$546,253 will exceed the assessment revenues by \$263,816. The differential is within OPMAD No's. 1, 2 and 3-Zone 2000-1 where assessment limitations exist, and which will be funded with \$37,875 from available fund balance in the Parkway Maintenance District Fund and \$225,941 from the General Fund. The General Fund portion is included in the City's proposed budget for Fiscal Year 2011-12. OPMAD No. 3-Zone 2000-2 will generate sufficient revenue to pay all expenses within this service area.

	Prior Year 2010-11	Proposed 2011-12	Maximum 2011-12
OPMAD No. 1	\$ 66.32 Per lot	\$ 66.32	\$ 66.32
OPMAD No. 2	\$ 34.04 Per lot	\$ 34.04	\$ 34.04
OPMAD No. 3, Zone 2000-1	\$ 41.29 Per lot	\$ 41.29	\$ 41.29
OPMAD No. 3, Zone 2000-2	\$ 152.35 Per lot	\$ 158.25	\$ 198.03

OPMAD No. 4 is comprised of single-family residential tracts and the Ontario Mills development area. The district is organized into 6 Maintenance Areas (MAs). Each maintenance area is assessed for only the operation and maintenance of the facilities from which it receives direct special benefit. The total assessment for each maintenance area is then apportioned to its constituent parcels.

The assessments for OPMAD No. 4 will generate a total of \$294,531. OPMAD No. 4 will generate sufficient revenue to pay all expenses within this service area.

	Prior Year		Proposed	Maximum
	2010-11		2011-12	2011-12
MA# 99-1	\$ 46.64	Per lot	\$ 48.14	\$ 48.18
MA# 99-2	\$ 298.52	Per lot	\$ 303.95	\$ 303.94
MA# 99-3	\$ 927.46	Per Acre	\$ 963.83	\$ 1,091.35
MA# 00-1	\$ 238.82	Per lot	\$ 248.10	\$ 299.34
MA# 04-1	\$ 938.83	Per lot	\$ 957.85	\$ 1,906.71
MA# 05-1	\$ 1,368.81	Per lot	\$ 1,396.66	\$ 2,363.48

Pursuant to the "1972 Act," Engineer's Reports have been prepared for each district, and are on file with the Records Management Department. Each report includes plans and specifications for the improvements and the maintenance, an estimate of costs, a diagram of the area proposed to be assessed, and an assessment of the costs to the various parcels within each district.

A public hearing is required for each district prior to adoption of the proposed assessments. A combined public hearing will be held on July 19, 2011 for the purpose of accepting comments and written protests. At the conclusion of the public hearing, the Council will consider adoption of resolutions confirming the assessments and ordering the levy of the assessments for tax year 2011-12. Notice of the public hearing for the levy of assessments will be published in the local newspaper, according to the statutes.

CITY OF ONTARIO

Agenda Report
June 21, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: ANNUAL LEVY OF ASSESSMENTS WITHIN STREET LIGHTING MAINTENANCE DISTRICTS NO. 1 AND 2 FOR FISCAL YEAR 2011-12

RECOMMENDATION: That the City Council adopt resolutions pertaining to the levy of assessments within Street Lighting Maintenance Districts (SLMD) No. 1 and 2:

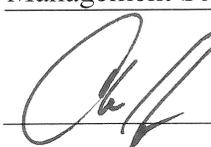
- (A) A resolution initiating proceedings and ordering the preparation of an Engineer's Report for each district relating to the annual levy of assessments, and
- (B) A resolution giving preliminary approval of the Engineer's Reports, and
- (C) Resolutions declaring the City's intention to levy the special assessments for Fiscal Year 2011-12 and setting the date of July 19, 2011 for a Public Hearing on each district in accordance with the Landscaping and Lighting Act of 1972.

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: Special assessment revenue will be generated in the amount of \$358,706 from SLMD No. 1 and \$84,085 from SLMD No. 2 during Fiscal Year 2011-12. A portion of the facilities within SLMD No. 1 provide general benefit to the public at large and cannot be funded with the assessment. The General Fund obligation for general benefit is \$18,690 and is included in the City's proposed budget for Fiscal Year 2011-12. The total of the recommended assessments is increasing by a weighted average of 1.9% for the two Benefit Zones within SLMD No. 1, and increasing by a weighted average of 4.0% for the 12 Maintenance Areas in SLMD No. 2.

BACKGROUND: Street Lighting Maintenance District No. 1 was formed in 1984, and Street Lighting Maintenance District No. 2 was formed in 1999, pursuant to the Landscaping and Lighting Act of 1972 (the "1972 Act"), to help minimize the continually increasing cost for maintaining and operating the

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

Prepared by: Mark Lassler
Department: Management Services
City Manager Approval: 

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Approved: _____
Continued to: _____
Denied: _____

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City's street lighting system. A special assessment is levied annually on benefiting properties for the cost of maintenance and operation of certain street lighting facilities within the districts. The locations of the districts are shown on the attached maps.

The City's Municipal Services Department establishes the annual maintenance costs and maintains the street lighting system. An Engineer's Report for each district must be prepared annually, apportioning the costs to each parcel within the districts. The districts are comprised of commercial, industrial and some multi-family residential properties. Due to varying characteristics, the districts are organized into Benefit Zones and/or Maintenance Areas. Each zone/maintenance area is assessed for only the operation and maintenance of the facilities from which it receives direct special benefit. The total assessment for each zone/maintenance area is then apportioned to its constituent parcels. Therefore, the assessments are unique and specific to each individual parcel of property.

The total assessment during tax year 2010-11 was \$351,866 in SLMD No. 1, and \$80,847 in SLMD No. 2. The proposed total assessment levy for tax year 2011-12 is \$358,706 in SLMD No. 1, and \$84,085 in SLMD No. 2. A portion of the facilities within SLMD No. 1 provide general benefit to the public at large and cannot be funded with the assessment. The General Fund obligation for general benefit is \$18,690 and is included in the City's proposed budget for Fiscal Year 2011-12. The total of the recommended assessments is increasing by a weighted average of 1.9% for the two Benefit Zones within SLMD No. 1, and increasing by a weighted average of 4.0% for the 12 Maintenance Areas in SLMD No. 2.

	Prior Year 2010-11	Proposed 2011-12	Maximum 2011-12
SLMD No. 1, Zone 2000-1	\$ 125.75 Per AU	\$ 127.98	\$ 128.01
SLMD No. 1, Zone 2000-2	\$ 58.98 Per AU	\$ 65.13	\$ 104.92
SLMD No. 2, MA# 99-1	\$ 3,581	\$ 3,723	\$ 9,129
SLMD No. 2, MA# 99-2	\$ 1,865	\$ 1,940	\$ 4,539
SLMD No. 2, MA# 99-3	\$ 3,731	\$ 3,883	\$ 7,564
SLMD No. 2, MA# 99-4	\$ 1,244	\$ 1,295	\$ 3,029
SLMD No. 2, MA# 99-5	\$ 1,128	\$ 1,172	\$ 2,840
SLMD No. 2, MA# 99-6	\$ 11,065	\$ 11,503	\$ 26,509
SLMD No. 2, MA# 99-7	\$ 338	\$ 351	\$ 819
SLMD No. 2, MA# 99-8	\$ 2,487	\$ 2,588	\$ 6,051
SLMD No. 2, MA# 00-1	\$ 2,370	\$ 2,465	\$ 2,785
SLMD No. 2, MA# 00-2	\$ 1,243	\$ 1,295	\$ 1,858
SLMD No. 2, MA# 00-3	\$ 6,838	\$ 7,118	\$ 10,212
SLMD No. 2, MA# 00-4	\$ 44,957	\$ 46,752	\$ 58,475

AU-Assessment Unit (e.g.– Zone 2000-1: 1 vacant acre = 0.25 AU; Zone 2000-2: 1 vacant acre = 1 AU)

Pursuant to the "1972 Act," Engineer's Reports have been prepared for each district, and are on file with the Records Management Department. Each report includes plans and specifications for the improvements being operated and maintained, an estimate of costs, a diagram of the area proposed to be assessed, and an assessment of the costs to the various parcels within the districts.

A public hearing is required for each district prior to adoption of the proposed assessments. A combined public hearing will be held on July 19, 2011 for the purpose of accepting comments and written protests. At the conclusion of the public hearing, the Council will consider adoption of resolutions confirming the assessments and ordering the levy of the assessments for tax year 2011-12. Notice of the public hearing for the levy of assessments will be published in the local newspaper, according to the statutes.

CITY OF ONTARIO

Agenda Report

June 21, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: CONSTRUCTION CONTRACT FOR 2011 SLURRY SEAL PROGRAM AND BRIDGE REPAIR

RECOMMENDATION: That the City Council approve the plans and specifications; allow Pavement Coatings, Inc. of Mira Loma, California, to withdraw their bid; and award a construction contract (on file in the Records Management Department) to American Asphalt South, Inc. of Fontana, California, for the 2011 Slurry Seal Program and Bridge Repair for the bid amount of \$997,810 plus a ten (10%) contingency of \$99,781 for a total authorized expenditure of \$1,097,591; and authorize the City Manager to execute said contract and related documents, and file a notice of completion at the conclusion of all construction activities related to the project.

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 Growth and Evolution of the City's Economy
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: The current Fiscal Year 2010-11 budget allocates \$455,668 of Gas Tax funds and \$559,000 of Measure I funds for the FY 2010-11 Slurry Seal Program and provides \$114,000 of General Fund appropriations for the Bridge Repair portion of the contract for a total of \$1,128,668.

BACKGROUND: The contract includes the slurry-sealing of certain local residential streets and collector/arterial streets throughout the City and repair work to certain bridges which are maintained by the City and that have been found to be deficient in condition by a Caltrans-sponsored inspection program. More specifically, the scope of work for the project includes skin-patching and localized removal and replacement of damaged pavement, localized removal of damaged curbs and gutters, removal and replacement of existing traffic striping, placement of a Rubber-Polymer Modified Slurry Seal (RPMS) and rehabilitative work to the concrete bridge decks and asphalt approaches of the four bridges which were found to have minor deficiencies requiring the necessary specialized maintenance provided by this contract. Location maps (Exhibit Nos. 1-12) are attached for reference. This project will rejuvenate the aging asphalt concrete pavement surfaces of the affected streets, averting more costly

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

Prepared by: Gary Harms
Department: Engineer
City Manager Approval: 

Submitted to Council/O.R.A./O.H.A. 06/21/2011
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repairs and extending the service life by 6 to 10 years. The project will also improve the condition of the subject bridges to an acceptable level which is a condition required by Caltrans in order that the City continues to receive bi-annual inspection services of all bridges within the City at no charge by qualified Caltrans personnel.

In May 2011, the City solicited bids for this project and four (4) were received. Pavement Coatings, Inc. submitted the lowest bid. Shortly after the bid opening, Pavement Coatings, Inc. submitted a written request asking that their bid be withdrawn due to an error in pricing which they were unable to change before the close of the bidding period. American Asphalt South, Inc. is therefore determined to be the lowest responsible bidder. American Asphalt South, Inc. has previously performed similar work for the City in a satisfactory manner.

The bid results are:

COMPANY	LOCATION	AMOUNT
Pavement Coatings, Inc.	Mira Loma, CA	\$904,270*
American Asphalt South, Inc.	Fontana, CA	\$997,810
Rubberized Pavement Contractors	Santa Fe Springs, CA	\$1,128,835
All American Asphalt, Inc.	Corona, CA	\$1,271,001

* Bid response withdrawn by bidder.

CITY OF ONTARIO

Agenda Report
June 21, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH BUCKNAM & ASSOCIATES FOR THE UPDATE OF ONTARIO'S PAVEMENT MANAGEMENT PROGRAM FOR FY 2010-11

RECOMMENDATION: That the City Council approve Amendment No. 4 to the Professional Services Agreement (on file in the Records Management Department) with Bucknam & Associates of Laguna Niguel, California, for Engineering Consultant Services for the Update of Ontario's Pavement Management Program (PMP) for FY 2010-11 in the amount of \$41,000 for a revised total contract amount of \$202,993; approve extensions for up to two years contingent upon City Council appropriation of funds for each of the subsequent years; and authorize the City Manager to execute said amendment and related documents.

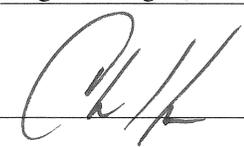
COUNCIL GOALS: Develop Strategies and Take Actions to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: The FY 2010-11 Adopted Budget includes \$41,000 in Measure I appropriations for services related to this year's PMP. The revised total contract amount will be \$202,993. Appropriations will be included in future fiscal year budgets for City Council consideration and approval.

BACKGROUND: In 2005 an agreement in the amount of \$34,824 was awarded to Bucknam & Associates to provide PMP Services. In 2006, the City Council authorized a three-year extension to the agreement which resulted in a current contract value of \$161,993. The proposed amendment will add \$41,000 for FY 2010-11 PMP activity and allow for up to two additional extensions of the agreement to cover PMP projects in Fiscal Years 2011-12 and 2012-13. The average annual cost since 2005 has been \$40,500.

Bucknam & Associates was originally selected as a result of a competitive procurement process that included evaluation of five consulting firms. Bucknam's extensive knowledge; experience with

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

Prepared by: Gary Harms
Department: Engineering
City Manager Approval: 

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analyzing, testing and visual inspections; and creating a pavement index for the City of Ontario's PMP allows them to now provide a competitive proposal for updating the City's current PMP to assist in prioritizing maintenance projects and provide planning information for the yearly Capital Improvement Program. The contract extension will provide benefits to the City as Bucknam & Associates has since 2005 maintained the PMP database for the entire network of Ontario streets and is able to format the related program software characteristics to provide the numerous scenarios necessary for project and budgetary planning.

CITY OF ONTARIO

Agenda Report
June 21, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: CONSTRUCTION CONTRACT FOR 2011 PAVEMENT REHABILITATION PROGRAM PHASE B

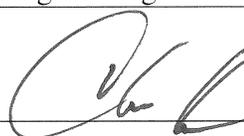
RECOMMENDATION: That the City Council reject all bids received as of April 19, 2011; approve the plans and specifications, and award a construction contract (on file in the Records Management Department) to Hardy & Harper, Inc. of Santa Ana, California, in the amount of \$1,345,000 plus a fifteen (15%) percent contingency of \$201,750 for a total amount of \$1,546,750; and authorize the City Manager to execute said contract and related documents, and file a notice of completion at the conclusion of all construction activities related to the 2011 Pavement Rehabilitation Program Phase B which includes: rehabilitation of Haven Avenue from Guasti Road to 750' North of I-10 (Project No. ST1001), Grove Avenue from Sixth Street to Eight Street (Project No. ST1003), Mission Boulevard (North Half) from Baker Avenue to Grove Avenue (Project No. ST1004), and Mission Boulevard from 1,500' East of Haven Avenue to Milliken Avenue (Project No. ST1005).

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 current Fiscal Year 2010-11 budget includes appropriations of \$460,300 from Measure I funds and \$1,389,000 from Local Stimulus Program funds for a total budget of \$1,849,300. Hardy & Harper, Inc. submitted the lowest bid of \$1,546,750 (15% contingency included).

BACKGROUND: As of April 19, 2011, the City received five (5) bids for construction of this project. Due to inconsistencies in the bidding instructions and the electronic bidding process, resulting in a bid protest, the City Attorney advised that the City Council reject all bids received April 19, 2011 and rebid the project. The scope of services for the 2011 Pavement Rehabilitation Program Phase B 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. Location maps are attached for reference. This project will

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

Prepared by: Bill Braun
Department: Engineering
City Manager Approval: 

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extend the lifespan of the affected streets by 10 to 20 years. It is anticipated that construction will start in July 2011 and be completed by October 2011.

In May 2011, the City re-solicited bids for this project; and five (5) bids were received. Hardy & Harper, Inc. submitted the lowest responsive bid. Hardy & Harper, Inc has previously performed similar work for the City of Ontario in a satisfactory manner.

A summary of the bid results follow:

COMPANY	LOCATION	AMOUNT
Hardy & Harper, Inc.	Santa Ana, CA	\$ 1,345,000
All American Asphalt	Corona, CA	\$ 1,390,390
Silvia Construction, Inc.	Rancho Cucamonga, CA	\$ 1,408,463
E.B.S. General Engineering	Corona, CA	\$ 1,421,710
R.J. Noble Company	Orange, CA	\$ 1,493,222

CITY OF ONTARIO

Agenda Report
June 21, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: AMENDMENT TO THE SERVICES AGREEMENT WITH REPUBLIC ITS FOR TRAFFIC SIGNAL MAINTENANCE

RECOMMENDATION: That the City Council approve Amendment No. 6 to the agreement for traffic signal maintenance services (on file in the Records Management Department) with Republic ITS, of Novato, California, extending the agreement for Fiscal Year 2011-12 in the amount of \$535,000; approve an option to extend the agreement for a subsequent year contingent upon City Council appropriation of funds; and authorize the City Manager to execute said amendment 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 proposed budget for Fiscal Year 2011-12 includes \$603,580 of General Fund appropriations for traffic signal maintenance and operations. The estimated annual cost for FY 2011-12 is \$535,000 for a revised total contract amount of \$2,983,000. If the option year is exercised, appropriations will be included in the future fiscal year's budget for City Council consideration and approval.

BACKGROUND: In July 2006, an agreement was approved by the City Council for Republic ITS to provide routine and preventative traffic signal maintenance services, as well as extraordinary maintenance services. Extraordinary maintenance includes the repair of knock-downs and other similar emergencies. The original agreement provided the option to extend for up to four (4) one-year periods, which have all been exercised. This proposed amendment will add \$535,000 for FY 2011-12 services and would result in a revised contract amount of \$2,983,000 (\$2,448,000 current contract amount plus \$535,000). The City would also have the ability to extend the agreement to cover FY 2012-13. Republic ITS continues to perform well with highly skilled staff. During the current contract period,

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

Prepared by: Mauricio Diaz
Department: Engineering
City Manager Approval: 

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Republic ITS has held compensation rates at their 2008 levels; and has agreed to continue to hold the 2008 rates during the extension period.

CITY OF ONTARIO

Agenda Report

June 21, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION ORDERING THE SUMMARY VACATION OF A PUBLIC UTILITY EASEMENT

RECOMMENDATION: That the City Council adopt a resolution ordering the summary vacation of a Public Utility Easement located east of Euclid Avenue, west of Lemon Avenue, between C and D Streets.

COUNCIL GOALS: Develop Strategies and Take Action to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Invest in the Growth and Evolution of the City's Economy

FISCAL IMPACT: None. The City did not pay for acquiring the subject easement and will not incur any cost by vacating this easement. The applicant has paid the applicable processing fees to defray the City's cost to process this request.

BACKGROUND: The owner, Ontario Housing Authority, has requested that the City vacate the 20-foot wide public utility easement located east of Euclid Avenue, west of Lemon Avenue, between C and D Streets within the Downtown Civic Center Planned Unit Development (P.U.D.) as shown on the attached Exhibits "A" and "B" of the resolution. This easement was dedicated to the City as a result of the vacation of an alley by Council Resolution No. 2006-129. The subject easement is not needed and has been determined to be excess by the easement holders (Gas Company and Southern California Edison). There are no other public utilities located within the easement.

Section 8333 (c) of California Streets and Highway Code authorizes the City to summarily vacate (by resolution with no public hearing) a public service easement that has been determined to be excess by the easement holder and if there are no other public utilities located within the easement.

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

Prepared by: Mike Eskander, P.E.

Department: Engineering

City Manager Approval:  _____

Submitted to Council/O.R.A./O.H.A. 06/21/2011

Approved: _____

Continued to: _____

Denied: _____

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CITY OF ONTARIO

Agenda Report

June 21, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: AGREEMENTS FOR REPLACEMENT OF OVERHEAD WITH UNDERGROUND ELECTRIC FACILITIES

RECOMMENDATION: That the City Council approve agreements (on file with the Records Management Department) with Southern California Edison for Replacement of Overhead with Underground Electric Facilities at Mission Boulevard and Turner Avenue as a part of the Mission Boulevard Widening Project from Archibald Avenue to Haven Avenue at an estimated cost of \$403,537 plus 10% contingency (\$40,354) for a total of \$443,891, and authorize the City Manager to execute the agreements and all amendments.

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 2010-2011 budget includes appropriations of \$196,000 of Gas Tax Funds and \$642,308 of Ground Access Funds for Utility Undergrounding work for the Mission Boulevard Widening Project. The estimated cost to complete the undergrounding at Turner Avenue and Mission Boulevard is \$403,537 with a 10% contingency (\$40,354) for a total of \$443,891. The City's required local match of 30% would be met using \$133,167 of Gas Tax Funds.

BACKGROUND: In May 2005, the Federal Highway Administration, through Caltrans, authorized the City of Ontario to proceed with the Preliminary Engineering phase of the Mission Boulevard Widening Project. The Preliminary Engineering work is anticipated to be completed in June 2011, which will include completed Plans, Specifications and Estimates.

In October 2009, the City received Authorization to Proceed with the Utility Relocations phase for this project. The original project plans included the undergrounding of utility crossings at both Archibald Avenue at Mission Boulevard and Turner Avenue at Mission Boulevard. However, the undergrounding cost estimates provided by Southern California Edison (SCE) for the combined Archibald Avenue and Turner Avenue locations exceeded the available utility undergrounding budget. In addition, a future

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

Prepared by: Steve Latino, P.E.
Department: Engineering

City Manager Approval: 

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rail-highway grade separation project is expected at Archibald Avenue/UPRR Los Angeles Line and will include the undergrounding of the SCE line at Archibald Avenue. As a result, staff recommends undergrounding the crossing at Turner Avenue only (see Exhibit "A" for a location map).

The utility undergrounding work is anticipated to begin in the fall of 2011.

CITY OF ONTARIO

Agenda Report
June 21, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: PROFESSIONAL SERVICES AGREEMENTS FOR ON-CALL ENVIRONMENTAL, APPRAISAL, AND TITLE/ESCROW SERVICES

RECOMMENDATION: That the City Council, Redevelopment Agency Board, and Housing Authority Board approve Professional Services Agreements (all on file with the Records Management Department); authorize the City Manager/Executive Director to execute the agreements with the selected Consultants listed below; and to extend the agreements for up to two (2) successive one (1) year terms consistent with the City Council, Agency Board and Authority Board approved budgets.

Environmental	Appraisal	Title & Escrow
Converse Professional Group (Redlands, CA)	Hennessey & Hennessey LLC (Tustin, CA)	Fidelity National Title (Newport Beach, CA)
E2 Manage Tech (Long Beach, CA)	Integra Realty Resources (Encino, CA)	Stewart Title (Riverside, CA)
	R.P. Laurain & Associates (Long Beach, CA)	

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
Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: Each firm will be compensated at the rates set forth in their respective agreements on an on-call basis for three (3) years, with an option to extend them for up to two (2) successive one (1) year terms. The original term extends through June 30, 2014. The total compensation paid by the City, Agency, or Housing Authority under the original term and any subsequent term extensions shall not exceed the amounts allocated in their budgets for the respective fiscal year.

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

Prepared by: Ivette Iraheta
Department: Housing
City Manager Approval: 

Submitted to Council/O.R.A./O.H.A. 06/21/2011
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BACKGROUND: In October 2008, the City, Agency Board and Authority Board authorized on-call agreements with several firms to provide environmental, appraisal and title/escrow consulting services on an as needed basis. These agreements will expire on June 30, 2011. To ensure the City, Agency and Authority continue to have these services readily available for their current and future projects, staff initiated the necessary consultant procurement process. Staff anticipates that these services will be primarily used by the Quiet Home Program, which has current and upcoming demolition and property acquisition project needs. The Quiet Home Program is funded by Federal Aviation Administration (FAA) and Los Angeles World Airports (LAWA) grants.

In February 2011, staff released a Request for Qualifications (RFQs) in accordance with the City's and FAA's consultant procurement guidelines. The RFQs were advertised in the Inland Valley Daily Bulletin and posted to Planet Bid to maximize consultant outreach. Also, the RFQs were distributed to firms that had previously provided similar consulting services to the City, Agency, or Authority. Staff received a total of forty-eight (48) responses, thirty-three (33) from environmental consultants, thirteen (13) from appraisal firms, and two (2) from title/escrow firms. Each proposal was screened and scored by City, Agency, and Authority staff, according to the scoring criteria outlined in the RFQ.

Staff invited the highest scoring firms from each discipline to participate in a panel interview. The panels included staff from the City, the Redevelopment Agency and Housing Authority. After considering responses and interview scores, staff finalized the scopes of services and negotiated rate structures with the top ranking firms from each discipline. The negotiated rate structures were found to be reasonable and competitive. The rates will remain unchanged for the duration of all the agreements, including through the proposed term extension periods. Staff received positive comments from the references provided by the recommended firms.

The on-call services will be used primarily in property acquisition, demolition/site clearance, housing rehabilitation and development projects. The environmental services will include, but not be limited to: preparation of environmental site assessment reports, lead-base paint and asbestos survey reports, environmental abatement, and oversight. Appraisal services will include, but will not be limited to: preparation of appraisal reports, land valuation estimates, fixtures and equipment appraisals, and appraisal reviews. Title and escrow services will include all services needed to obtain a clean and marketable title and to meet all escrow needs for any City, Agency, or Authority property acquisition.

CITY OF ONTARIO

Agenda Report

June 21, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: PROFESSIONAL SERVICES AGREEMENT WITH E.S. BABCOCK & SONS, INC. FOR ANALYTICAL LABORATORY SERVICES

RECOMMENDATION: That the City Council approve a Professional Services Agreement (on file in the Records Management Department) with E.S. Babcock & Sons, Inc., of Riverside, California for analytical laboratory services for water and wastewater in the amount of \$150,000; authorize extensions for up to three years contingent upon City Council appropriation of funds for each of the subsequent years; and authorize the City Manager to execute said 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
Operate in a Businesslike Manner**

FISCAL IMPACT: This agreement is for Fiscal Year 2011-12 with an option to extend services for up to three (3) additional years. The estimated annual cost is \$150,000 (\$125,000 from the Water Operating Fund and \$25,000 from the Sewer Operating Fund). Expenditures will be based on listed prices and actual need for analytical laboratory services, consistent with Council approved budgets for the Water and Sewer Operating Funds. Prices for the first year are fixed through the end of June 2012. After the first year, any proposed increase in fees will be negotiable annually, but will not exceed a 5% cumulative total over the life of the contract. Appropriations will be included in future fiscal year budgets for City Council consideration and approval. There is no impact to the General Fund.

BACKGROUND: The Ontario Municipal Utilities Company recently issued a Request for Proposal (RFP) for analytical laboratory services for the City's drinking water and wastewater monitoring. Proposals were received from four analytical laboratories:

Vendors	Location
E.S. Babcock & Sons, Inc.	Riverside
Moore Twining Associates	Fresno
MWH Laboratories	Monrovia
Test Maerica Laboratories	Irvine

STAFF MEMBER PRESENTING: Mohamed El-Amamy, Utilities General Manager

Prepared by: Alisa Hasbrouck
Department: MU/Environmental Programs

City Manager Approval: 

Submitted to Council/O.R.A./O.H.A. 06/21/2011

Approved: _____

Continued to: _____

Denied: _____

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All proposals received were reviewed and evaluated for factors such as fees, Environmental Laboratory Accreditation Program (ELAP)/National Environmental Laboratory Accreditation (NELAP) Certification, proficiency testing reports, on-site assessments, qualifications and experience, equipment, location, ability to perform all required analyses, and quality/responsiveness of the proposal. Of the four proposals, E.S. Babcock & Sons, Inc. was best able to comprehensively provide the analytical services needed by the City.

The City must ensure that all regulatory monitoring is performed in a manner that is both timely and meets all State and Federal requirements. The U.S. Environmental Protection Agency and the California Department of Public Health require the City to monitor the quality of water at each source and at selected locations throughout the distribution system in accordance with the Federal Clean Water Act and Title 22 of the California Code of Regulations. Under the Joint Wastewater Discharge Permit issued by the Inland Empire Utilities Agency and the County Sanitation Districts of Los Angeles County for discharge to the Non-Reclaimable Wastewater System, the City must monitor the quality of wastewater discharged from the John Galvin Ion Exchange Treatment Plant. Additionally, wastewater flow monitoring, sample collection, and analyses are needed to monitor industrial user compliance with 40 Code of Federal Regulations (CFR) Parts 136 – 424, and local limits.

CITY OF ONTARIO

Agenda Report
June 21, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: AWARD BID FOR THE PURCHASE OF TWO FIRE PUMPERS

RECOMMENDATION: That the City Council:

- (A) Reject the bid submitted by American La France located in Summerville, South Carolina, as non-responsive; and
- (B) Award Bid No. 64 to Kovatch Mobile Equipment (KME) located in Ontario, California, in the amount of \$1,126,026 for the purchase and delivery of two (2) 1750 Custom GPM Triple Combination Pumpers.

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 Fiscal Year 2010-11 Adopted Budget includes appropriations in the amount of \$1,400,000 for the purchase and equipping of two replacement fire pumpers. The total cost of the fire pumpers without equipment is \$1,126,026. The remaining appropriations will be carried over into Fiscal Year 2011-12 to purchase the equipment necessary to place the two pumpers in service. The additional equipment includes ladders, hoses, breathing fire apparatus, fittings, and other tools.

BACKGROUND: The recommended purchase to replace two existing model year 1999 fire pumpers is consistent with the City's equipment replacement criteria. This purchase will enable the Fire Department to re-assign the replaced 1999 units into reserve, and remove from the fleet two units (1985 and 1993) currently in reserve.

Staff recommends that the Council find the bid submitted by American La France as non-responsive because it does not fully comply with the submission instructions provided in the City's Special Terms and Conditions, fails to meet the minimum specification requirements, and does not appropriately identify all exceptions to the specifications.

STAFF MEMBER PRESENTING: Mohamed El-Amamy, Utilities General Manager

Prepared by: Allen Rothey
Department: MS /Fleet Services
City Manager Approval: 

Submitted to Council/O.R.A./O.H.A. 06/21/2011
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Denied: _____

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The following summary of bid results is presented for comparison purposes:

- Bid No. 64: Bids were solicited from twenty four (24) vendors, and the City received four (4) responses.

<u>Vendor</u>	<u>Location</u>	<u>Bid No. 64</u>
American La France	Summerville, SC	\$1,007,411*
Kovatch Mobile Equipment	Ontario, CA	\$1,115,672**
Pierce Manufacturing, Inc.	Appleton, WI	\$1,180,930
Robert Pearson Motors	Holden, LA	\$1,288,662

* *Bid deemed non-responsive*

** *For comparison purposes, the bid amount listed for Kovatch Mobile Equipment reflects a 1% (\$10,354) local vendor preference in accordance with Section 2-6.19(b) of the Ontario Municipal Code. The actual bid amount is \$1,126,026.*

Staff recommends awarding Bid No. 64 to Kovatch Mobile Equipment based on their bid pricing, parts pricing and availability, technical expertise, and ability to provide the required equipment in a timely manner.

CITY OF ONTARIO

Agenda Report
June 21, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: CONSTRUCTION CONTRACT WITH T. E. ROBERTS, INC. FOR THE RECYCLED WATER PIPELINE PROJECT, PHASE III-B

RECOMMENDATION: That the City Council:

- (A) Approve the plans and specifications for the Recycled Water Pipeline Project, Phase III-B;
- (B) Reject the bid protest submitted by Christensen Brothers General Engineering, Inc.;
- (C) Award Contract No. UT0910-01, for the Recycled Water Pipeline Project, Phase III-B to T. E. Roberts, Inc. of Tustin, California, for a bid amount of \$691,142 plus a 15% contingency of \$103,672 for a total amount of \$794,814;
- (D) Authorize the City Manager to execute said Contract (on file with Records Management Department); and
- (E) File a 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, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: The Fiscal Year 2010-11 Capital Improvement Program includes appropriations from the Water Capital Fund for the construction of the Phase III-B Recycled Water Pipeline. The total recommended contract authorization of \$794,814 includes a 15% contingency (\$103,672). There is no impact to the General Fund.

BACKGROUND: The City's 2005 Urban Water Management Plan (UWMP) identifies the use of recycled water as a critical element of the City's supply to meet its growing demand for water. Expanding the use of recycled water provides a long-term sustainable water source that is not subject to the same limitations under drought conditions as other potable water supplies. Recycled water is used for irrigation and industrial applications as approved by the California Department of Public Health and will result in significant reductions in the City's 2005 UMMP long-term reliance on more expensive and increasingly less reliable imported water supplies.

STAFF MEMBER PRESENTING: Mohamed El-Amamy, Utilities General Manager

Prepared by: Dennis Mejia
Department: MU/Engineering
City Manager Approval: 

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Continued to: _____
Denied: _____

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The Recycled Water Pipeline Project is part of the City's five-year Recycled Water Plan to increase the use of recycled water. Phase III-B consists of approximately 4,200 lineal feet of pipeline and will provide approximately 110 acre-feet per year of recycled water to 11 customer connections within the Center Lake Association. This project will also provide recycled water service to future developments in the Guasti Plaza Specific Plan and Ontario Gateway Specific Plan. Plans and specifications for the project were prepared by City staff.

On May 12, 2011, the following twelve (12) bids were received for the Phase III-B project.

<u>Bidder</u>	<u>Location</u>	<u>Amount</u>
T. E. Roberts, Inc.	Tustin, CA	\$691,142
Norstar Plumbing & Engineering, Inc.	Alta Loma, CA	\$732,691
Downing Construction, Inc.	Yucaipa, CA	\$734,937
Sandoval Pipeline Engineering, Inc.	Rancho Cucamonga, CA	\$745,399
Kana Pipeline, Inc.	Placentia, CA	\$767,000
Paulus Engineering, Inc.	Anaheim, CA	\$775,902
VCI Telecom, Inc.	Upland, CA	\$787,610
CNB Excavating, Inc.	Sun City, CA	\$815,000
TL Pavlich Construction, Inc.	Highland, CA	\$856,315
J.A. Salazar Construction & Supply Corp	La Habra, CA	\$876,884
Doty Bros. Equipment Company	Norwalk, CA	\$969,326
Vido Samarzich, Inc.	Alta Loma, CA	\$1,020,838

A bid protest was received on May 16, 2011 from Christensen Brothers General Engineering, Inc. challenging that their bid be listed and recognized as the lowest bidder. At the recommendation of the City Attorney's Office, a response to the bid protest was sent, stating that Christensen Brothers General Engineering, Inc. did not follow the correct format of submittal and did not submit in a timely manner as required in the Notice Inviting Bids.

It is recommended that the City Council award Contract No. UT 0910-01 to T. E. Roberts, Inc. of Tustin, California. T. E. Roberts, Inc. has previously performed this type work in the past and has the expertise and ability to perform the work in a timely manner.

CITY OF ONTARIO

Agenda Report
June 21, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: AWARD A MAINTENANCE AND REPAIR SERVICE AGREEMENT FOR HVAC MAINTENANCE AND REPAIR SERVICES AT VARIOUS CITY FACILITIES

RECOMMENDATION: That the City Council:

- (A) Award a three-year Maintenance and Repair Service Agreement, Contract No. MS 1011-4, to Western Allied Corporation of Santa Fe Springs, California, for \$92,568 annually;
- (B) Authorize urgency repairs based on the established contract rates, the addition of future service areas, and the option to extend the Agreement for up to two years consistent with City Council approved budgets; and
- (C) Authorize the City Manager to execute said contract (on file in 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
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: The annual cost of the proposed heating, ventilation and air conditioning (HVAC) system maintenance and repair service agreement is \$92,568 plus (15%) contingency of \$13,885 for urgency services for a total annual amount of \$106,453 for each of the first three years beginning Fiscal Year 2011-12. At the City's discretion, two additional one-year extensions may be exercised and pricing for these optional years will be negotiated. Future contracting actions will be commensurate with City Council authorized work programs and budgets.

BACKGROUND: This Maintenance and Repair Service Agreement will provide for regularly scheduled maintenance of HVAC equipment in accordance with manufacturer's warranties and specifications, as well as repair services on an as-needed basis at 29 City facilities.

STAFF MEMBER PRESENTING: Mohamed El-Amamy, Utilities General Manager

Prepared by: Robert Gluck
Department: MS/Building Facilities
City Manager Approval: 

Submitted to Council/O.R.A./O.H.A. 06/21/2011
Approved: _____
Continued to: _____
Denied: _____

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In May 2011, the City solicited proposals for HVAC Maintenance and Repair Services. The City received four (4) proposals from the following companies:

<u>Vendor</u>	<u>Location</u>
Western Allied Corporation	Santa Fe Springs, CA
Allison Mechanical, Inc.	Redlands, CA
Christian Brothers	Mira Loma, CA
F.M. Thomas Air Conditioning, Inc.	Brea, CA

Staff evaluated all proposals and recommends award to Western Allied Corporation based on the quality of proposal, credentials, pricing, references, and ability to respond to urgencies in a timely manner. Western Allied Corporation submitted a proposal that met all the required specifications. Of the proposals that were deemed complete and met all required specifications, Western Allied submitted the lowest cost proposal, and their pricing represents a reduction of about 4% from Fiscal Year 2010-11 contract pricing.

CITY OF ONTARIO

Agenda Report
June 21, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: AN ORDINANCE AMENDING THE DOWNTOWN CIVIC CENTER PLANNED UNIT DEVELOPMENT, INCREASING THE MAXIMUM RESIDENTIAL DENSITY RANGE FOR THE COMMERCIAL/RESIDENTIAL MIXED-USE DEVELOPMENT PROJECT IN THE C1 BLOCK FROM 45-50 DWELLING UNITS PER ACRE TO 45-65 DWELLING UNITS PER ACRE, AND CLARIFYING THAT BOTH "FOR SALE" AND "FOR RENT" HOUSING IS ALLOWED WITHIN THE DISTRICT'S A1 AND C1 BLOCKS, AFFECTING PROPERTIES GENERALLY LOCATED AT THE NORTHEAST CORNER OF EUCLID AVENUE AND HOLT BOULEVARD (BLOCK A1), AND PROPERTIES LOCATED AT THE SOUTHEAST CORNER OF EUCLID AVENUE AND D STREET (BLOCK C1)

RECOMMENDATION: That the City Council adopt an ordinance approving File No. PUD08-001, amending the Downtown Civic Center Planned Unit Development.

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 Growth and Evolution of the City's Economy

FISCAL IMPACT: The proposed amendment to the Downtown Civic Center Planned Unit Development would have a positive fiscal impact by way of an increase in development impact fees and property taxes resulting from an increase in residential density.

BACKGROUND: At the meeting of June 7, 2011, the City Council introduced the ordinance to approve an amendment to the Downtown Civic Center Planned Unit Development. At that time the City Council amended the proposed ordinance by removing the A1 Block from consideration of increasing the density range, thus keeping the A1 Block at a density of 45-50 dwelling units per acre.

STAFF MEMBER PRESENTING: Jerry L. Blum, Planning Director

Prepared by: Charles Mercier
Department: Planning

City Manager Approval: 

Submitted to Council/O.R.A./O.H.A. 06/21/2011

Approved: _____

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In 2006, the City Council adopted the Downtown Civic Center Planned Unit Development (“DCCPUD”), which governs land use and development within a 6-block area immediately adjacent to the Civic Center complex, including the blocks located on the east side of Euclid Avenue, between D Street and Holt Boulevard, and on the north side of Holt Boulevard, between Euclid and Sultana Avenues. Following adoption of the DCCPUD, the Planning Commission approved a Development Plan (File No. PDEV06-009) for the development of 4 of the 6 blocks, including the C1 Block with a 4-story mixed-use development consisting of 108 housing units above 32,850 square feet of commercial space (at ground level), the A2 Block with 160 apartment units in 4 stories, and the A3 and A4 Blocks with 140 townhomes. The A2, A3 and A4 blocks have been fully developed by the JH Snyder Company (the “Applicant”) and have been occupied since 2009. The C1 block, however, was not constructed due to the economic downturn.

In April 2011, the Ontario Housing Authority entered into a Disposition and Development Agreement (“DDA”) with the Applicant, which stipulates that the Authority will ground lease the C1 block to the Applicant and will contribute affordable housing funds toward the development, operation, and maintenance of 153 affordable housing units within the C1 block. Furthermore, the DDA requires the Applicant obtain necessary development entitlements and obtain the approval of an amendment to the DCCPUD, as the number of dwelling units currently allowed to be developed within the C1 block (108 units maximum) is less than stipulated by the DDA. Therefore, the Applicant is requesting an amendment to the DCCPUD, which proposes an increase in the maximum density range for residential development within the Commercial/Residential Mixed-Use District from 45-50 dwelling units per acre to 45-65 dwelling units per acre. The amendment, which affects both the A1 and C1 blocks, will also include changes to the Commercial/Residential Mixed-Use District descriptive language, clarifying that both “for sale” and “for rent” housing is allowed within the District, consistent with the other land use districts of the DCCPUD and the City’s Development Code.

The density increase for the C1 block would be contained within the previously approved building footprint, and will be facilitated by replacing approximately one-half of the two-bedroom units with one-bedroom units, along with a reduction in unit sizes. The proposed density increase is well within the housing unit count of the *Preferred* development scenario analyzed in the Downtown Civic Center Concept Plan, adopted by the City Council in 2004, and the Downtown Civic Center Project Environmental Impact Report, and the mixed use land use designation adopted with The Ontario Plan in January 2010.

ENVIRONMENTAL REVIEW: On November 16, 2004, the City Council and the Ontario Housing Authority Board approved the Downtown Civic Center Concept Plan and certified the Final Environmental Impact Report (FEIR).

To assess development intensity, three development scenarios were analyzed: *High Scenario*, *Preferred* or *Medium Scenario*, and *Low Scenario*. The *High Scenario* incorporates the maximum yield per land use type, with 963 housing units, 234,266 square feet of retail uses, and 591,455 square feet of office and academic uses. The *Preferred* or *Medium Scenario* presents the optimum development scenario for the Project, with 734 housing units, 146,146 square feet of retail uses, and 391,455 square feet of office and academic uses. The *Low Scenario* incorporates 493 housing units, 133,527 square feet of retail uses, and 352,632 square feet of office and academic uses.

All potential adverse direct indirect and cumulative impacts have been thoroughly analyzed and discussed in the Downtown Civic Center FEIR, including, but not limited to, potential traffic, noise, air quality, and aesthetic impacts, and all feasible mitigation has been identified and incorporated into the proposed Project. The proposed Project does not contemplate any actions that would require the preparation of a subsequent or supplemental environmental document under State CEQA Guidelines Sections 15162 or 15163. Furthermore, the proposed Project is consistent with the development scenarios identified within the FEIR.

An Addendum to the Downtown Civic Center FEIR, prepared in conjunction with the previously mentioned April 2011 DDA, was adopted by the City Council on April 5, 2011, indicating that the FEIR adequately addressed and mitigated the Project's significant environmental impacts, and no further environmental review is required.

CITY OF ONTARIO

Agenda Report
June 21, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT WITH LAW ENFORCEMENT MEDICAL SERVICES FOR FORENSIC MEDICAL EVIDENCE COLLECTION AND NURSE SERVICES

RECOMMENDATION: That the City Council approve a second amendment to the Professional Services Agreement (on file in the Records Management Department) with Law Enforcement Medical Services, Inc., (LEMS) of Fontana, California, for Fiscal Year 2011-12 forensic medical evidence collection and nurse services in the estimated annual amount of \$70,000, for a revised contract amount of \$186,354; and authorize the City Manager to execute said amendment 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
Maintain the Current High Level of Public Safety

FISCAL IMPACT: The cost for the 12-month extension period is estimated at \$70,000; however, the actual cost to be incurred during the extension year will be determined by the type, nature, and frequency of use for forensic medical evidence collection and nurse services. Services will be billed based on the established contract Fee Schedule, which LEMS has agreed to extend current rates for another year. Appropriations for this effort will be included in the Proposed Fiscal Year 2011-12 Budget. The current contract value is \$116,354; and if approved, the revised contract will be \$186,354.

BACKGROUND: Under State law, the collection of forensic medical evidence and medical samples is required to be performed by State licensed and certified examiners in the cases of sex crime investigations, driving under the influence, and in the registration of sex offenders. For the past 11 years, LEMS has provided these services for the Ontario Police Department in a satisfactory manner. The staff of LEMS consists of fully trained and State certified nurses, phlebotomists, sexual assault nurse examiners, and licensed vocational nurses. The current Professional Services Agreement between the City and LEMS began in August 2009, with the option to extend for two successive one-year periods. Amendment No. 1 was approved in September 2010 extending the Agreement to June 30, 2011, and modifying the Schedule of Services and Fee Schedule. The proposed Amendment No. 2 exercises the

STAFF MEMBER PRESENTING: Eric Hopley, Police Chief

Prepared by: Lorena Villa
Department: Police

City Manager Approval:  _____

Submitted to Council/O.R.A./O.H.A. 06/21/2011

Approved: _____

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Denied: _____

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City's option to extend the Agreement for a second one-year term. LEMS has agreed to maintain its current billing rates as set forth in last year's Services and Fee Schedules.

In an attempt to receive competitive proposals for these highly specialized services, staff drafted a request for proposal and invited several like vendors from the counties of Los Angeles, Riverside, and San Bernardino to register in the City's online bid system. LEMS was the only vendor to register. Therefore, staff recommends that the City's current agreement with LEMS be extended for a second one-year period. Staff will continue to seek competitive proposals for future forensic medical evidence collection and nurse services to ensure the City receives services and value commensurate with the marketplace.

The terms of the agreement call for LEMS to provide all labor, materials, tools, equipment, services, and incidental and customary work necessary to fully and adequately supply forensic medical evidence collection services to the Ontario Police Department.

LEMS also performs these forensic medical collection services for the San Bernardino County Sheriff's Department, California Highway Patrol, and police departments from the cities of Colton, Fontana, Montclair, and Redlands.

CITY OF ONTARIO

Agenda Report

June 21, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: A SERVICES AGREEMENT WITH THE ONTARIO/MONTCLAIR YMCA FOR SENIOR TRANSPORTATION SERVICES

RECOMMENDATION: That the City Council authorize the City Manager to execute a two-year Service Agreement (on file with Records Management Department) with the West End YMCA (Ontario/Montclair YMCA) of Ontario, California, for Senior Transportation Services for a cumulative amount not to exceed \$199,000; and authorize the option to extend the agreement for one additional year consistent with City Council approved budgets.

COUNCIL GOALS: Develop Strategies and Take Action to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Encourage, Provide, or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities.

FISCAL IMPACT: The annual cost of the proposed Services Agreement is estimated to be \$99,500 for each of the first two years and covers program costs for drivers, call-taking, dispatching and administrative support as well as vehicle operation and maintenance. Funding for the agreement is provided through the General Fund and will be included in the Fiscal Year 2011-2012 Proposed Operating Budget. Appropriations will be included in future fiscal year budgets for City Council consideration and approval.

BACKGROUND: For the last three years, the City has contracted with the Ontario/Montclair YMCA to provide a Senior Transportation Program that consists of door-to-door transport of Ontario's senior citizens to attend programs and activities at the Ontario Senior Center. The program operates Monday through Friday from 8:30 a.m. to 5:00 p.m. by reservation.

In April 2011, the YMCA used Federal Transportation Agency 5310 grant funds to purchase a new 16-passenger bus with wheelchair access. The new bus will enhance vehicle reliability, increase transport productivity, and provide a better service to our senior community. Based on FY 2010-11 statistics through April 2011, the program provided an average of 830 one-way trips per month (with an

STAFF MEMBER PRESENTING: Mark Chase, Community and Public Services Director

Prepared by: Stacy Orton
Department: Recreation and Community Svcs

City Manager
Approval: 

Submitted to Council/O.R.A./O.H.A. 06/21/2011

Approved: _____

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Denied: _____

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increase since the new bus became operational), or the equivalent of 415 round trips per month. Ridership averages 20+ persons per day with Thursdays increasing to 30+ persons due to high-demand programming at the Ontario Senior Center. A recent review of ridership showed that approximately 110 individuals use the Senior Transportation Program; and it is estimated that 18% are “new” participants at the Senior Center. Since the 2009 inception of the program, over 300 people have utilized the service.

CITY OF ONTARIO

Agenda Report

June 21, 2011

SECTION:
PUBLIC HEARINGS

SUBJECT: AMENDMENT TO THE LAND USE AND SAFETY ELEMENTS OF THE POLICY PLAN (FILE NO. PGPA11-001) FOR CONSISTENCY WITH THE ONTARIO INTERNATIONAL AIRPORT LAND USE COMPATIBILITY PLAN AND TO IMPROVE CLARITY AND INTERNAL CONSISTENCY

RECOMMENDATION: That City Council approve File No. PGPA11-001, an amendment to the land use and safety elements of the Policy Plan for consistency with the Ontario International Airport Land Use Compatibility Plan and to improve clarity and internal consistency.

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.

FISCAL IMPACT: None.

BACKGROUND: The City Council adopted the Airport Land Use Compatibility Plan (ALUCP) for Ontario International Airport (ONT) on April 19, 2011 (Ordinance No. 2935). The proposed general plan amendment is necessary to comply with State law (Government Code Section 65302.3) which requires general plans to be made consistent with adopted airport land use compatibility plans. The amendment includes changes to introductions, policies, exhibits and tables within the Land Use and Safety Elements of the Policy Plan. The updates eliminate inconsistencies between the two documents and include clarification to fire-related goals and policies. The amendment does not include changes to general plan land use designations. All proposed changes are listed and described within the attached Planning Commission staff report.

The environmental impacts of this project were previously analyzed within the Negative Declaration prepared for the Ontario International Airport Land Use Compatibility Plan (SCH#2011011081) adopted by the City Council on April 19, 2011.

STAFF MEMBER PRESENTING: Jerry L. Blum, Planning Director

Prepared by: Lorena Mejia

Department: Planning

City Manager
Approval: 

Submitted to Council/O.R.A./O.H.A. 06/21/2011

Approved: _____

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CITY OF ONTARIO

Agenda Report

June 21, 2011

SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO RECEIVE AND RESPOND TO PUBLIC COMMENTS ON THE DRAFT 2010 URBAN WATER MANAGEMENT PLAN AND A RESOLUTION ADOPTING THE 2010 URBAN WATER MANAGEMENT PLAN

RECOMMENDATION: That the City Council:

- (A) Conduct a public hearing to receive and respond to public comments on the report of the City's Draft 2010 Urban Water Management Plan (UWMP) (on file with the Records Management Department); and
- (B) Adopt a resolution adopting the 2010 Urban Water Management Plan.

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 water programs described in the UWMP are consistent with existing water supply, conservation and planning programs and activities in the Municipal Utilities Company and are included in the current rates and budget. There is no impact to the General Fund.

BACKGROUND: The State Urban Water Management Planning Act (Water Code Section 10610 et. seq.) mandates that every urban water supplier providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually (acre-ft/yr) prepare an Urban Water Management Plan (UWMP) to specify long-term water resource planning objectives and ensure adequate water supplies to meet existing and future demands. State law also mandates each water supplier to update its UWMP every five years.

The City's current approved UWMP was completed in December 2005. The Draft 2010 UWMP update has been prepared by AKM Consulting Engineers in accordance with State guidelines and requirements. Once the Draft UWMP is adopted by City Council and then approved by the State Department of Water Resources (DWR), it will remain valid through 2015 at which time another update will be required.

STAFF MEMBER PRESENTING: Mohamed El-Amamy, Utilities General Manager

Prepared by: Dennis Mejia
Department: MU/Engineering

City Manager Approval: 

Submitted to Council/O.R.A./O.H.A. 06/21/2011

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Pursuant to State requirements, an UWMP describes and evaluates sources of supply, reasonable and practical efficient water uses—such as recycling and water demand management activities. It must evaluate the capability to supply in drought periods as well as normal years. The Draft 2010 UWMP satisfies the requirements and indicates that the City has planned for adequate supplies to meet the ultimate build-out condition identified in The Ontario Plan. The 2010 UWMP also outlines the City's plan for complying with Senate Bill SBX7-7 which requires a 20% reduction in per capita water consumption by 2020. In addition, the 2010 UWMP can be used as a foundation for preparing water supply assessments and written verifications, as required by the Senate Bills 610 and 221 for new projects subject to CEQA consisting of more than 500 dwelling units or equivalent water use.

For consistency, staff has coordinated the City UWMP with the UWMPs prepared by the Water Facilities Authority (an imported water treatment plant jointly owned by the City), the Chino Basin Desalter Authority (local water supply wells and treatment plants jointly owned by the City) and the Inland Empire Utilities Agency (the regional imported water wholesaler). This provides a solid framework for water supply assessment and planning for the City.