

CITY OF ONTARIO
CITY COUNCIL, REDEVELOPMENT AGENCY,
AND HOUSING AUTHORITY
AGENDA
JULY 19, 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: Eduviges Sevilla and Anthony Sevilla vs. City of Ontario, Denise Veronica Duarte, Daniel Duarte and Does 1 through 30, Case No. CIVRS 902421

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

PLEDGE OF ALLEGIANCE

Mayor pro Tem Dorst-Porada

INVOCATION

Reverend Nelson Grande, Westminster Presbyterian Church

REPORT ON CLOSED SESSION

City Attorney

PUBLIC COMMENTS

6:30 p.m.

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

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

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

CONSENT CALENDAR

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

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

1. APPROVAL OF MINUTES

Minutes for the regular meeting of the City Council, Redevelopment Agency and Housing Authority of June 21, 2011, and approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

Bills May 22, 2011 through June 4, 2011 and **Payroll** May 22, 2011 through June 4, 2011, when audited by the Finance Committee.

3. DESIGNATION OF VOTING DELEGATES FOR THE LEAGUE OF CALIFORNIA CITIES ANNUAL BUSINESS MEETING

That the City Council designate Mayor pro Tem Dorst-Porada as the City's voting delegate and Council Member Wapner as an alternate for the League of California Cities Annual Business Meeting scheduled for September 23, 2011.

4. STUDENT REPRESENTATIVE AND ALTERNATE APPOINTMENTS TO THE RECREATION AND PARKS COMMISSION FOR 2011/12 AND RECOGNITION OF THE CURRENT STUDENT REPRESENTATIVE FOR THE YEAR SERVED 2010/2011

That the City Council confirm Ana Villanueva as the Student Representative and Cody Thach as the alternate to the Recreation and Parks Commission for terms to expire June 30, 2012; and recognize Christopher Le Marr for serving as the Student Representative for the past year.

5. TEST CLAIM FILING FOR UNFUNDED MANDATES UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM STORMWATER PERMIT (MS4 PERMIT)

That the City Council authorize joint participation with the San Bernardino County Flood Control District and other Co-Permittee cities in the Test Claim filing; contract the law firm of Burhenn & Gest, LLP, of Los Angeles, California, to prepare and file the Test Claim with the Commission on State Mandates concerning unfunded mandates in the MS4 Permit, Regional Water Quality Control Board Order No. R8-2010-0036; and authorize the City Manager to execute all related Test Claim documents.

6. RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NOS. 18789 AND 18791

That the City Council adopt a resolution approving an Improvement Agreement, Improvement Security and Final Tract Map Nos. 18789 and 18791 located east of Edenglen Avenue and south of Riverside Drive, within the Edenglen Specific Plan area.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NOS. 18789 AND 18791 LOCATED EAST OF EDENGLLEN AVENUE AND SOUTH OF RIVERSIDE DRIVE, WITHIN THE EDENGLLEN SPECIFIC PLAN AREA.

7. AMENDMENT TO THE PURCHASING AGREEMENT WITH BOUND TREE MEDICAL, LLC FOR THE PURCHASE OF PARAMEDIC SUPPLIES/BOUND TREE MEDICAL, LLC

That the City Council authorize the extension of the purchase agreement (Bid No. 09.07-01) awarded to Bound Tree Medical, LLC, of Visalia, California, for the purchase of paramedic supplies utilized by Fire Department EMS response personnel at an estimated annual cost of \$40,000.

8. AWARD BID FOR THE PURCHASE OF A HAZMAT RESPONSE VEHICLE/KOVATCH MOBILE EQUIPMENT CORPORATION (KME)

That the City Council award Bid No. 103 to Kovatch Mobile Equipment Corporation (KME), of Ontario, California, in the amount of \$831,551 for the purchase and delivery of a new HazMat Response Vehicle.

9. RESOLUTION AUTHORIZING THE SUBMISSION OF A KAISER PERMANENTE SOUTHERN CALIFORNIA REGION HEALTHY EATING ACTIVE LIVING HEAL ZONE INITIATIVE GRANT PROPOSAL

That the City Council adopt a resolution authorizing the submittal of a Kaiser Permanente Southern California Region Healthy Eating Active Living (HEAL) Zone Initiative grant proposal and authorizing the City Manager to execute required grant agreements.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE SUBMISSION OF A KAISER PERMANENTE SOUTHERN CALIFORNIA REGION HEALTHY EATING ACTIVE LIVING HEAL ZONE INITIATIVE GRANT PROPOSAL AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE REQUIRED GRANT AGREEMENTS.

10. NATIONAL NIGHT OUT – AUGUST 2, 2011

That the City Council recognize August 2, 2011 as Ontario's National Night Out Celebration.

11. RESOLUTION APPROVING APPLICATION FOR THE 2011-2012 USED OIL PAYMENT PROGRAM FROM THE DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE)

That the City Council adopt a resolution approving an application for the 2011-2012 Used Oil Payment Program from the State of California Department of Resources Recycling and Recovery (CalRecycle), and authorize the City Manager or his designee to execute all necessary documents to participate in the program.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE SUBMITTAL OF AN ANNUAL APPLICATION TO PARTICIPATE IN THE 2011-2012 USED OIL PAYMENT PROGRAM FROM THE STATE OF CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE).

12. ON-CALL SERVICES FOR WATER DISTRIBUTION AND SEWAGE COLLECTIONS SYSTEM REPAIRS/ T.E. ROBERTS, INC.

That the City Council:

- (A) Reject all previous bids and authorize the return of all appropriate bid materials;
- (B) Award Contract No. UT 1112-01 to T.E. Roberts, Inc. of Tustin, California, for on-call services for water distribution and sewage collection system repairs, for \$1,200,000;
- (C) Authorize the City Manager to execute said contract (on file in the Records Management Department);
- (D) Authorize the City Manager to extend the contract for up to three years, consistent with City Council approved budgets; and
- (E) File a Notice of Completion at conclusion of all construction activities related to the work.

13. AN ORDINANCE AUTHORIZING THE CITY OF ONTARIO TO PARTICIPATE IN THE ALTERNATIVE VOLUNTARY REDEVELOPMENT PROGRAM, A RESOLUTION REDUCING THE ONTARIO REDEVELOPMENT AGENCY ALLOCATION TO THE LOW AND MODERATE INCOME HOUSING FUND FOR THE 2011-2012 FISCAL YEAR, A REMITTANCE AGREEMENT BY AND BETWEEN THE CITY OF ONTARIO AND THE ONTARIO REDEVELOPMENT AGENCY PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 34194.2

That the City Council and Redevelopment Agency Board take the following actions to authorize participation in the Alternative Voluntary Redevelopment Program in order to permit the continued existence and operation of the Ontario Redevelopment Agency;

- (A) The City Council introduce and waive further reading of an ordinance to approve the City of Ontario's participation in the Alternative Voluntary Redevelopment Program, subject to certain condition and reservations;
- (B) The Agency Board adopt a resolution reducing the Ontario Redevelopment Agency's allocation to the Low and Moderate Income Housing Fund for the 2011-12 Fiscal Year, and making certain findings and determinations thereto;
- (C) The City Council and Agency Board consider and approve a Remittance Agreement by and between the City of Ontario and the Ontario Redevelopment Agency pursuant to California Health & Safety Code Section 34194.2; and
- (D) Authorize the City Manager/Executive Director to take any and all actions necessary and appropriate to comply with the Alternative Voluntary Redevelopment Program and to implement and carry out the City Council ordinance, Agency Board resolution, and the terms and conditions of the Remittance Agreement.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE CITY OF ONTARIO TO PARTICIPATE IN THE ALTERNATIVE VOLUNTARY REDEVELOPMENT PROGRAM, SUBJECT TO CERTAIN CONDITIONS AND RESERVATIONS.

RESOLUTION NO. _____

A RESOLUTION OF THE ONTARIO REDEVELOPMENT AGENCY OF ONTARIO, CALIFORNIA, REDUCING ITS ALLOCATION TO THE LOW AND MODERATE INCOME HOUSING FUND FOR THE 2011-12 FISCAL YEAR AND MAKING CERTAIN FINDINGS AND DETERMINATIONS.

PUBLIC HEARINGS

14. 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 take the following actions pertaining to the levy of assessments within Ontario Parkway Maintenance Assessment Districts (OPMAD) No. 1, 2, 3 and 4:

- (A) Conduct a combined public hearing on the levy of the annual assessments for each district, and
- (B) Adopt the attached resolution approving the Engineer's Reports relating to the levy of assessments for each district, and
- (C) Adopt the attached resolutions confirming the diagrams and assessments, and providing for the assessment levy within each District.

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

Written communication.

Oral presentation.

Public hearing closed.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE 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, CONFIRMING THE DIAGRAMS AND ASSESSMENTS, AND PROVIDING FOR THE ANNUAL ASSESSMENT LEVY WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2 AND 3 FOR FISCAL YEAR 2011-12.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT AND PROVIDING FOR THE ANNUAL ASSESSMENT LEVY WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICT NO. 4 FOR FISCAL YEAR 2011-2012.

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

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

- (A) Conduct a combined public hearing on the levy of the annual assessments for each district, and
- (B) Adopt a resolution approving the Engineer's Reports relating to the levy of assessments for each district, and
- (C) Adopt resolutions confirming the diagrams and assessments, and providing for the assessment levy for each District.

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

Written communication.

Oral presentation.

Public hearing closed.

RESOLUTION NO. _____

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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT AND PROVIDING FOR THE ANNUAL ASSESSMENT LEVY WITHIN STREET LIGHTING MAINTENANCE DISTRICT NO. 2 FOR FISCAL YEAR 2011-2012.

16. AN ORDINANCE APPROVING A DEVELOPMENT CODE AMENDMENT, FILE NO. PDCA11-001, REVISING ONTARIO MUNICIPAL CODE TITLE 9, CHAPTER 1 (ZONING AND LAND USE REQUIREMENTS), ARTICLE 26 (HISTORIC PRESERVATION), SECTION 9-1.2625 (H) WAIVERS

That the City Council introduce and waiver further reading of an ordinance approving File No. PDCA11-001 revising Ontario Municipal Code Title 9, Chapter 1 (Zoning and Land Use Requirements), Article 26 (Historic Preservation), Section 9-1.2625 (h) Waivers, for the purpose of eliminating the 40-year dimensional composition shingle replacement requirement and replacing it with a 30-year dimensional composition shingle or equivalent roof replacement requirement.

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.

ORDINANCE NO. _____

A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA11-001, A DEVELOPMENT CODE AMENDMENT REVISING ARTICLE 26 (HISTORIC PRESERVATION), SECTION 9-1.2625(H) OF TITLE 9 (DEVELOPMENT CODE), CHAPTER 1 (ZONING AND LAND USE REQUIREMENTS), OF THE ONTARIO MUNICIPAL CODE, FOR THE PURPOSE OF ELIMINATING THE 40-YEAR DIMENSIONAL SHINGLE ROOF REPLACEMENT REQUIREMENT AND TO INCLUDE A 30-YEAR COMPOSITION DIMENSIONAL SHINGLE OR EQUIVALENT ROOF REPLACEMENT REQUIREMENT, AND MAKING FINDINGS IN SUPPORT THEREOF.

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)

July 19, 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:
Eduviges Sevilla and Anthony Sevilla vs. City of Ontario, Denise Veronica Duarte,
Daniel Duarte and Does 1 through 30, Case No. CIVRS 902421

No Reportable Action Continue Approved

// // //

Disposition: _____

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

CITY OF ONTARIO

Agenda Report
July 19, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: DESIGNATION OF VOTING DELEGATES FOR THE LEAGUE OF CALIFORNIA CITIES ANNUAL BUSINESS MEETING

RECOMMENDATION: That the City Council designate Mayor pro Tem Dorst-Porada as the City's voting delegate and Council Member Wapner as an alternate for the League of California Cities Annual Business Meeting scheduled for September 23, 2011.

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

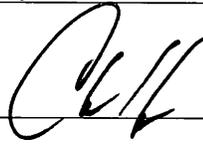
FISCAL IMPACT: There is no direct fiscal impact by taking this action; however, representation and participation in the League's upcoming business meeting will help establish League policy on matters which affect the City's finances.

BACKGROUND: The League of California Cities has scheduled their Annual Business Meeting for September 23, 2011 during the Annual League Conference in San Francisco, California. The Annual Business Meeting will include consideration of resolutions requiring approval of the membership of the League.

League bylaws require that the City's voting delegates be designated by the City Council.

STAFF MEMBER PRESENTING: Chris Hughes, City Manager

Prepared by: Al C. Boling
Department: Citywide Administration

City Manager Approval: 

Submitted to Council/O.R.A./O.H.A. 07/19/2011
Approved: _____
Continued to: _____
Denied: _____

CITY OF ONTARIO

Agenda Report
July 19, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: STUDENT REPRESENTATIVE AND ALTERNATE APPOINTMENTS TO THE RECREATION AND PARKS COMMISSION FOR 2011/12 AND RECOGNITION OF THE CURRENT STUDENT REPRESENTATIVE FOR THE YEAR SERVED 2010/2011

RECOMMENDATION: That the City Council confirm Ana Villanueva as the Student Representative and Cody Thach as the alternate to the Recreation and Parks Commission for terms to expire June 30, 2012; and recognize Christopher Le Marr for serving as the Student Representative for the past year.

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
Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities

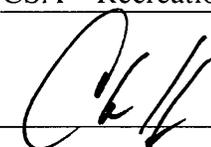
FISCAL IMPACT: None.

BACKGROUND: The Student Representative Program was approved by the City Council on January 15, 2002 to provide the perspective of the City's youth on the Recreation and Parks Commission. The Student Representative is a non-voting member of the Recreation and Parks Commission. Since its inception, eighteen (18) different students have participated in the program.

A recruitment process was conducted which included all local high schools and City teen programs. A total of ten (10) applications were received.

The new candidates, Ana Villanueva, Colony High School, and Cody Thach, Ontario High School, were invited to the Commission meeting on June 27, 2011 for the final step in the recommendation process before being presented to the City Council. These appointments represent the recommendation of the Recreation and Parks Commission.

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

Prepared by: Julie Dorey
Department: CSA - Recreation/CS
City Manager Approval: 

Submitted to Council/O.R.A./O.H.A. 07/19/2011
Approved: _____
Continued to: _____
Denied: _____

CITY OF ONTARIO

Agenda Report
July 19, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: TEST CLAIM FILING FOR UNFUNDED MANDATES UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM STORMWATER PERMIT (MS4 PERMIT)

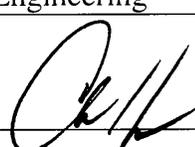
RECOMMENDATION: That the City Council authorize joint participation with the San Bernardino County Flood Control District and other Co-Permittee cities in the Test Claim filing; contract the law firm of Burhenn & Gest, LLP, of Los Angeles, California, to prepare and file the Test Claim with the Commission on State Mandates concerning unfunded mandates in the MS4 Permit, Regional Water Quality Control Board Order No. R8-2010-0036; and authorize the City Manager to execute all related Test Claim 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 Growth and Evolution of the City's Economy
Pursue City's Goals and Objectives by Working with Other Governmental Agencies

FISCAL IMPACT: The City, as a Co-Permittee of the MS4 Permit program, pays a contribution toward its share of the annual program cost. Legal fees associated with the Test Claim filing are included in the FY11-12 MS4 Permit program budget. Accordingly, there is no additional Ontario funding required to participate in the Test Claim filing. Further, the Test Claim filing does not obligate the City to any future financial commitment. Ontario can withdraw from the claim at any time, without incurring additional expenses.

BACKGROUND: On January 29, 2010, the Regional Water Quality Control Board, Santa Ana Region, adopted a new MS4 Permit for the San Bernardino County Flood Control District, San Bernardino County, the City of Ontario and fifteen other Co-Permittee cities. The MS4 Permit includes numerous new requirements that may exceed federal requirements and were not included in the previous Permit.

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

Prepared by: Stephen Wilson
Department: Engineering
City Manager Approval: 

Submitted to Council/O.R.A./O.H.A. 07/19/2011
Approved: _____
Continued to: _____
Denied: _____

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Staff has reviewed the new requirements and concurs with the view of other Co-Permittees that the permit contains elements that are in excess of federal requirements. These new requirements may constitute unfunded State mandates for the Permittees and may entitle the Permittees to reimbursement under Article XIII B, Section 6 of the California Constitution. In order to comply with the new MS4 Permit requirements, the City would need to provide and fund additional work in the areas of sampling, monitoring, inspection, reporting, and staff training.

The purpose of the Test Claim is to determine if the Commission and the Court agree that there are unfunded mandates associated with the new permit. The Test Claim filing will initiate a process to identify activities that are unfunded mandates and establish the basis for reimbursement for such activities.

The San Bernardino County Flood Control District, as the Principal Permittee, has invited all other Co-Permittee cities to file as claimants with the District in this Test Claim filing. To date, eleven of the cities expressed support. The strength of the case improves with increased Co-Permittees' participation. Alternatively, those cities that choose not to participate in the Test Claim filing will not have direct access to potentially vital information pertaining to the Test Claim, due to attorney-client privilege.

CITY OF ONTARIO

Agenda Report
July 19, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NOS. 18789 AND 18791

RECOMMENDATION: That the City Council adopt a resolution approving an Improvement Agreement, Improvement Security and Final Tract Map Nos. 18789 and 18791 located east of Edenglen Avenue and south of Riverside Drive, within the Edenglen Specific Plan area.

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, Sewers, Parks, Storm Drains and Public Facilities)
Ensure the Development of a Well-Planned, Balanced, and Self-Sustaining Community in the New Model Colony

FISCAL IMPACT: None. All public infrastructure improvements required for this project will be constructed by the developer at its sole cost.

BACKGROUND: Final Tract Map No. 18789 consisting of fifty-one (51) single family residential lots on 5.1 acres and Final Tract Map No. 18791 consisting of eight (8) single family residential lots on 0.7 acres, have been submitted by the developer, Edenglen Ontario, LLC (Adrian Foley, President) of Costa Mesa, California. These tracts are located in the Planning Area 6 of the Edenglen Specific Plan on the east side of Edenglen Avenue and south side of Riverside Drive. A location map is attached as Exhibit A for reference. The Tentative Tract Map Nos. 18789 and 18791 were approved by the Planning Commission on February 22, 2011 and are consistent with the Edenglen Specific Plan Amendment approved by the City Council on May 5, 2009.

Improvements will include drive approaches, water main, sewer main, water services and sewer laterals. The developer has entered into an improvement agreement with the City and has posted adequate security to ensure completion of the aforementioned public improvements.

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

Prepared by: Hsing Chao
Department: Engineering

City Manager Approval: 

Submitted to Council/O.R.A./O.H.A. 07/19/2011
Approved: _____
Continued to: _____
Denied: _____

6

These maps meet all conditions of the Subdivision Map Act and the Ontario Municipal Code and have been reviewed and approved by the City Engineer.

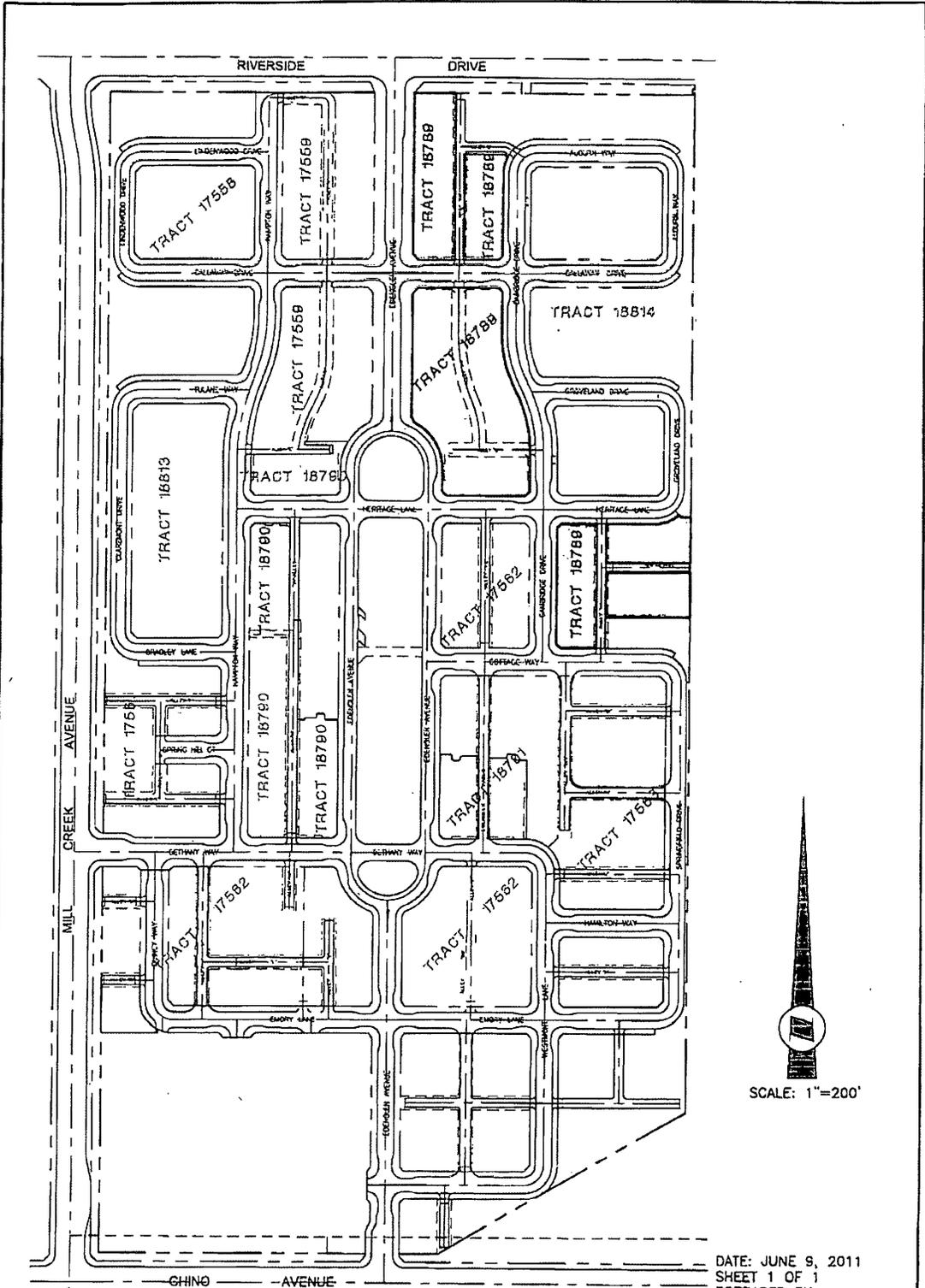


EXHIBIT 'A'

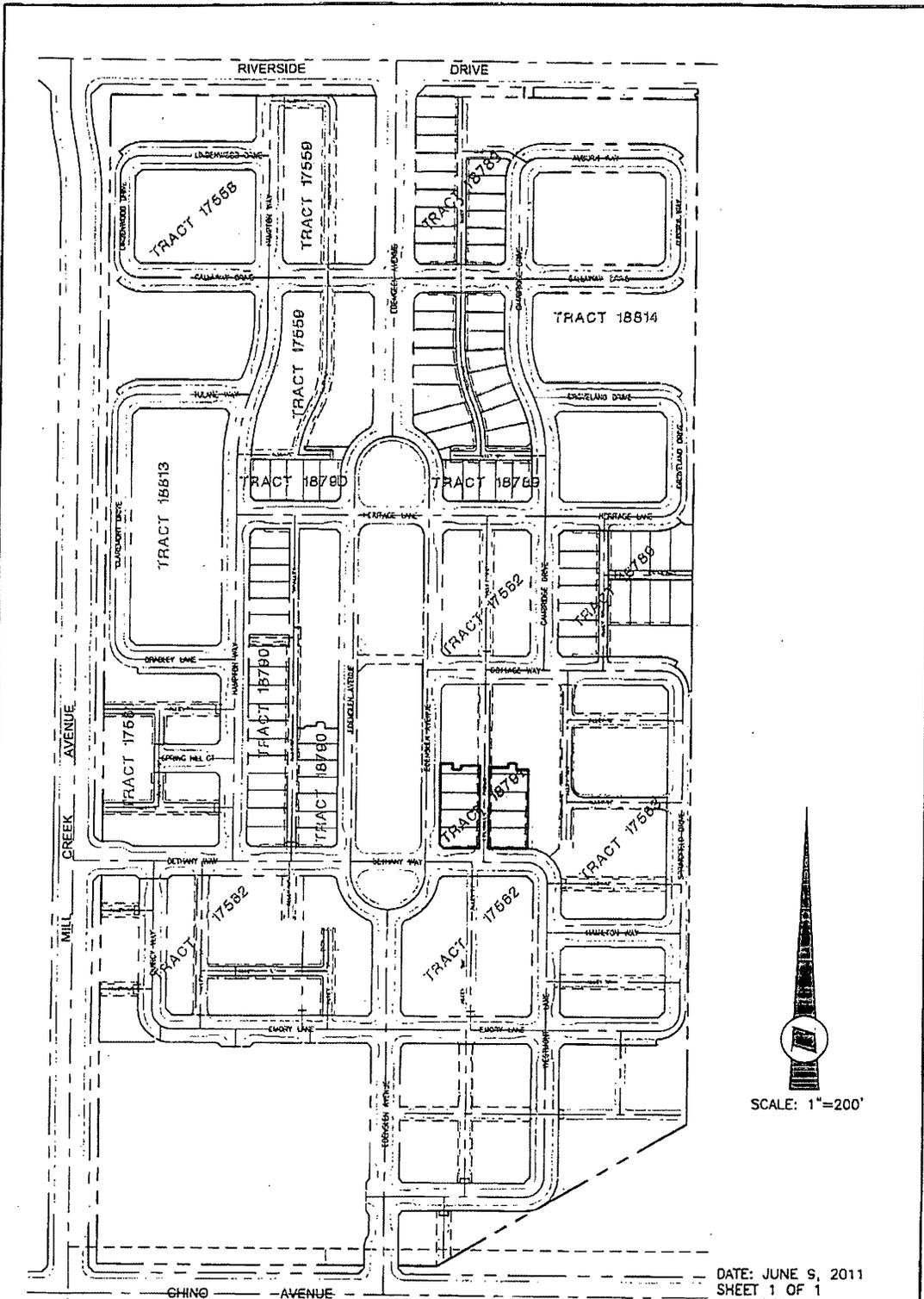
Sheet 1 of 2

EXHIBIT FOR TRACT 18789

DATE: JUNE 9, 2011
 SHEET 1 OF 1
 PREPARED BY:



2850 Inland Empire Boulevard, Suite B
 Ontario, California 91764
 tel 909.581.0676 • fax 909.581.0696
 www.fuscoe.com



SCALE: 1"=200'

DATE: JUNE 9, 2011
 SHEET 1 OF 1
 PREPARED BY:

EXHIBIT 'A'
 Sheet 2 of 2
EXHIBIT FOR TRACT 18791

FUSCOE
 ENGINEERING
 2850 Inland Empire Boulevard, Suite B
 Ontario, California 91764
 tel 909.581.0676 • fax 909.581.0696
 www.fuscoe.com

CITY OF ONTARIO

Agenda Report
July 19, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: AMENDMENT TO THE PURCHASING AGREEMENT WITH BOUND TREE MEDICAL, LLC FOR THE PURCHASE OF PARAMEDIC SUPPLIES

RECOMMENDATION: That the City Council authorize the extension of the purchase agreement (Bid No. 09.07-01) awarded to Bound Tree Medical, LLC, of Visalia, California, for the purchase of paramedic supplies utilized by Fire Department EMS response personnel at an estimated annual cost of \$40,000.

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: Bid No. 09.07-01 was awarded to Bound Tree Medical, LLC in August 2009, with an initial term to expire June 30, 2010. The City exercised its right to extend for Fiscal Year ended June 30, 2011. The City has the option to renew, solely at the City's discretion, for up to three (3) subsequent one-year periods. The estimated annual cost for paramedic supplies is \$40,000, and appropriations are included in the Fiscal Year 2011-12 Adopted Budget. Total costs incurred for the prior two fiscal years total \$83,690.

BACKGROUND: EMS paramedic supplies consist of small implements and supplies needed to respond to basic and advance life support incidents. Generalized supply categories include: airway/suction, infection control, patient monitoring, splinting, pharmaceuticals and I.V. therapy products. In order to maintain and manage required Fire Department inventory levels it is imperative that these supplies are available when ordered and that delivery is prompt.

Bound Tree provided timely product delivery, and has been responsive and attentive to the City's operational requirements. Bound Tree has agreed to generally hold pricing at the 2009 levels with the exception of a small percentage of items in which the manufacturer's price increase was passed along.

STAFF MEMBER PRESENTING: David A. Carrier, Fire Chief

Prepared by: Cathy Thomas

Department: Fire Department

City Manager Approval: 

Submitted to Council/O.R.A./O.H.A. 07/19/2011

Approved: _____

Continued to: _____

Denied: _____

CITY OF ONTARIO

Agenda Report
July 19, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: AWARD BID FOR THE PURCHASE OF A HAZMAT RESPONSE VEHICLE

RECOMMENDATION: That the City Council award Bid No. 103 to Kovatch Mobile Equipment Corporation (KME), of Ontario, California, in the amount of \$831,551 for the purchase and delivery of a new HazMat Response Vehicle.

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

FISCAL IMPACT: On February 15, 2011, the City Council approved the acceptance of a \$800,000 grant award through the Urban Area Security Initiative (UASI) grant program with a spending plan that included a HazMat Response Vehicle to serve the Riverside UASI region. The lowest responsive bid, submitted by KME, was in the amount of \$831,551. The balance of funding required (\$31,551) will be allocated from the Equipment Services Fund. Appropriations will be included in the next quarterly budget report to City Council.

BACKGROUND: This new, grant-funded HazMat Response Vehicle is a critical component of the HazMat/CBRNE response capability in the Riverside UASI region, providing efficient and effective mutual-aid or single-agency response to Hazmat/CBRNE incidents. This vehicle will provide safe transport of personnel and equipment to all local and regional Hazmat/CBRNE incidents, including all major incidents at the Ontario International Airport and other regional mass gathering venues. In accordance with UASI grant guidelines, this vehicle will interface with other public safety agencies within the UASI region.

The HazMat Response vehicle will be operated by Ontario Fire Department's twenty-one member Hazardous Materials Team and will support operations in multiple facets including: interoperable communications, computer/internet access, equipment storage, air monitoring, product sampling, hazard

STAFF MEMBER PRESENTING: David A. Carrier, Fire Chief

Prepared by: Cathy Thomas
Department: Fire Department

City Manager
Approval: 

Submitted to Council/O.R.A./O.H.A. 07/19/2011

Approved: _____

Continued to: _____

Denied: _____

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identification, mitigating response actions, and decontamination activities. This vehicle will also support Firefighting, Bomb Squad, and Urban Search and Rescue (USAR) activities and play an important role in any natural or man-made disaster event.

In May 2011, the City issued a request for bids (Invitation No. 103) through the City's electronic bid management system. From the list of 11 prospective registered bidders and other vendors with access to the public website only two bid responses were received as of bid closing on June 21, 2011.

A summary of the bid results is provided below:

Bidder	Location	Bid Amount*
Kovatch Mobile Equipment Corp.	Ontario, CA	\$831,551
South Coast Fire Equipment Inc.	Ontario, CA	\$845,933

Staff recommends awarding Bid No. 103 to KME based on their bid pricing, parts pricing and availability, technical expertise, and ability to provide the required equipment in a timely manner.

* For comparison purposes, bid amounts are typically adjusted to reflect a 1% local vendor preference in accordance with Section 2-6.19(b) of the Ontario Municipal Code. Since all responding vendors are located in Ontario, no adjustments were made in the evaluation of bids.

CITY OF ONTARIO

Agenda Report
July 19, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: RESOLUTION AUTHORIZING THE SUBMISSION OF A KAISER PERMANENTE SOUTHERN CALIFORNIA REGION HEALTHY EATING ACTIVE LIVING HEAL ZONE INITIATIVE GRANT PROPOSAL

RECOMMENDATION: That the City Council adopt a resolution authorizing the submittal of a Kaiser Permanente Southern California Region Healthy Eating Active Living (HEAL) Zone Initiative grant proposal and authorizing the City Manager to execute required grant agreements.

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

Focus Resources in Ontario's Commercial and Residential Neighborhoods

Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities

FISCAL IMPACT: As part of their 2011-13 Community Benefit Program, Kaiser Permanente requested proposals from nine Southern California agencies with strong healthy community collaboratives to develop and implement obesity reduction strategies. Three of the nine agencies will be selected to receive an award of up to \$1 million. The City of Ontario was selected due to Healthy Ontario's strong collaborative partnership. There is no local matching funds requirement.

BACKGROUND: In 2007, Healthy Ontario was formed to leverage resources and services to improve community health. The grant proposal is being prepared by the City in conjunction with Healthy Ontario's core collaborative partners. If awarded, a nine-month planning period will be provided to develop a Community Action Plan that contains community-based healthy eating active living strategies and a three-year implementation period to put the strategies into action. The grant proposal is due on August 5, 2011 and the awards are expected to be announced by October 2011.

STAFF MEMBER PRESENTING: Jerry L. Blum, Planning Director

Prepared by: Cathy Wahlstrom
Department: Planning

City Manager
Approval: 

Submitted to Council/O.R.A./O.H.A. 07/19/2011

Approved: _____

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CITY OF ONTARIO

Agenda Report
July 19, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: NATIONAL NIGHT OUT – AUGUST 2, 2011

RECOMMENDATION: That the City Council recognize August 2, 2011 as Ontario's National Night Out Celebration.

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 Fiscal Year 2011-12 Proposed Budget includes appropriations for the nominal staff and materials cost associated with the event.

BACKGROUND: The first National Night Out was held in 1984. The event has grown to the point where 37 million citizens and law enforcement agencies in 15,449 communities in all 50 states participated in the event last year. National Night Out is designed to heighten the awareness of crime and drug prevention, generate support and participate in local anti-crime efforts, strengthen neighborhood spirit and police-community partnerships, and send a message to criminals that neighborhoods are organized and fighting back.

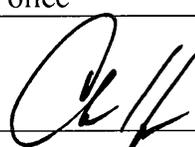
Since 1990, the City of Ontario has received national recognition for its participation. Last year, the City placed 6th in the nation for cities with populations from 100,000 to 249,999 and was recognized with an award from the National Association of Town Watch.

The City plans to celebrate its 25 years of neighborhood unity by giving our largest ever Neighborhood Crime and Drugs Going Away Party. All parts of the community have committed to this citywide celebration of unity. In addition to the traditional Neighborhood Watch block parties, a community block party will be held at the De Anza Community Center and Ontario International Airport.

The De Anza Community Center will feature food, games, entertainment, and information tables of the various community services offered by the City. The Ontario International Airport will join the event by involving travelers coming through our City.

STAFF MEMBER PRESENTING: Cecelia Huggins, Crime Prevention Specialist

Prepared by: Cecelia Huggins
Department: Police

City Manager Approval: 

Submitted to Council/O.R.A./O.H.A. 07/19/2011

Approved: _____

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Denied: _____

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As in previous years, various units within the Police Department, Fire Department, Code Enforcement, Ontario Municipal Utilities Company, Community & Public Services Agency, as well as the American Medical Response, Inland Valley Humane Society, California Highway Patrol, and many more will join in visiting the various block parties.

CITY OF ONTARIO

Agenda Report
July 19, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: RESOLUTION APPROVING APPLICATION FOR THE 2011-2012 USED OIL PAYMENT PROGRAM FROM THE DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE)

RECOMMENDATION: That the City Council adopt a resolution approving an application for the 2011-2012 Used Oil Payment Program from the State of California Department of Resources Recycling and Recovery (CalRecycle), and authorize the City Manager or his designee to execute all necessary documents to participate in the program.

**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: The Used Oil Payment Program provides reimbursement for qualifying expenses up to \$48,383 in per capita grant funding during FY 2011-12. There are no additional costs and no matching requirements for the City to participate in this grant program, and there is no impact on the General Fund. If approved, the additional appropriations and corresponding revenue will be included in the next quarterly budget report to the City Council.

BACKGROUND: The California Oil Recycling Enhancement Act provides annual payments to local governments for the implementation of used oil and filter collection and recycling programs. Dumping used motor oil and filters is illegal in the State of California. Used oil is a hazard to humans and the environment, and it is unlawful to dump used motor oil in trash cans, storm drains, sewers, rivers, or on the ground. Used motor oil and filters can be recycled. Used oil can be re-refined and filters are recycled into new metal products. Each year, Californians recycle over 100 million gallons of used oil.

This grant will be used for the production and distribution of educational materials promoting proper handling and recycling of used oil and used oil filters, and the promotion of the City's Household Hazardous Waste Collection Facility and other Certified Collection Centers through printed materials and advertisements.

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

Prepared by: Bonnie Butler
Department: MU/Solid Waste

City Manager
Approval: 

Submitted to Council/O.R.A./O.H.A. 07/19/2011

Approved: _____

Continued to: _____

Denied: _____

CITY OF ONTARIO

Agenda Report
July 19, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: ON-CALL SERVICES FOR WATER DISTRIBUTION AND SEWAGE COLLECTIONS SYSTEM REPAIRS

RECOMMENDATION: That the City Council:

- (A) Reject all previous bids and authorize the return of all appropriate bid materials;
- (B) Award Contract No. UT 1112-01 to T.E. Roberts, Inc. of Tustin, California, for on-call services for water distribution and sewage collection system repairs, for \$1,200,000;
- (C) Authorize the City Manager to execute said contract (on file in the Records Management Department);
- (D) Authorize the City Manager to extend the contract for up to three years, consistent with City Council approved budgets; and
- (E) File a Notice of Completion at conclusion of all construction activities related to the work.

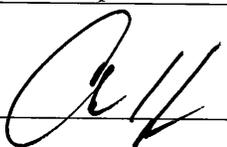
COUNCIL GOALS: Develop Strategies and Take Actions to Minimize the Negative Impacts of the Global Financial downturn on Ontario's Economy and the City's Fiscal Health
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: The recommended contract establishes a rate schedule for the various services that may be required in order to meet operational needs for performing maintenance and emergency system repairs for water and sewer. The Fiscal Year 2011-12 Operating Budget includes \$1,200,000 in the Water and Sewer Funds for these services. Expenditures will be based on work completed at established contract rates. At the City's discretion, the contract may be extended for up to three additional years consistent with City Council approved work programs and budgets. Pricing for any future year may include up to a three percent (3%) per year cost escalation in unit pricing, subject to negotiation. There is no impact to the General Fund.

BACKGROUND: The City's water distribution and sewer collection systems have over 800 miles of pipelines and related service laterals that are currently maintained by City forces. At times, the amount of work required to maintain the system exceeds available City resources. This annual contract will

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

Prepared by: Don Meyer
Department: MU - Operations

City Manager
Approval: 

Submitted to Council/O.R.A./O.H.A. 07/19/2011

Approved: _____

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Denied: _____

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assist staff with planned maintenance and emergency repairs on an "as needed" basis to address sudden and unexpected system failures.

In April 2011, the City solicited bids for this work and six (6) bids were received. Upon review, it was determined that all six (6) bids received contained inconsistencies including missing or incomplete information, resulting in a bid protest. Staff consulted with the City Attorney's Office and recommends that in accordance with Section 2-6.13 (g) of the Ontario Municipal Code the City Council reject all bids received in April 2011.

In June 2011, the City again solicited bids for this work. T.E. Roberts, Inc. submitted the lowest responsive bid. The following is a summary of the six (6) bids received.

Company	Location	Amount
T.E. Roberts, Inc.	Tustin, CA	\$1,597,025
Vido Artukovich & Son Inc./Vidmar Inc. AJV	South El Monte, CA	\$1,733,921
C.P. Construction CO., Inc.	Ontario, CA	\$1,839,225*
Norstar Plumbing & Engineering, Inc.	Alta Loma, CA	\$1,842,895
KANA Pipeline Inc.	Placentia, CA	\$2,092,475
Mike Bubalo Construction Co., Inc.	Baldwin Park, CA	\$2,774,426

* For comparison purposes, the bid amount listed for C.P. Construction Co., Inc. reflects a 1% (\$1,500) local vendor preference in accordance with Section 2-6.19(b) of the Ontario Municipal Code representing the proportionate revenue the City would ultimately receive based upon the estimated taxable sales of materials. The actual bid amount is \$1,840,725.

Staff recommends contract award to T.E. Roberts, Inc. since they have preformed this type of work previously, have the ability to perform the work in a timely manner, and have the necessary expertise in water distribution and sewer system repairs.

CITY OF ONTARIO

Agenda Report
July 19, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: AN ORDINANCE AUTHORIZING THE CITY OF ONTARIO TO PARTICIPATE IN THE ALTERNATIVE VOLUNTARY REDEVELOPMENT PROGRAM, A RESOLUTION REDUCING THE ONTARIO REDEVELOPMENT AGENCY ALLOCATION TO THE LOW AND MODERATE INCOME HOUSING FUND FOR THE 2011-2012 FISCAL YEAR, A REMITTANCE AGREEMENT BY AND BETWEEN THE CITY OF ONTARIO AND THE ONTARIO REDEVELOPMENT AGENCY PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 34194.2

RECOMMENDATION: That the City Council and Redevelopment Agency Board take the following actions to authorize participation in the Alternative Voluntary Redevelopment Program in order to permit the continued existence and operation of the Ontario Redevelopment Agency;

- A. The City Council introduce and waive further reading of an ordinance to approve the City of Ontario's participation in the Alternative Voluntary Redevelopment Program, subject to certain condition and reservations;
- B. The Agency Board adopt a resolution reducing the Ontario Redevelopment Agency's allocation to the Low and Moderate Income Housing Fund for the 2011-12 Fiscal Year, and making certain findings and determinations thereto;
- C. The City Council and Agency Board consider and approve a Remittance Agreement by and between the City of Ontario and the Ontario Redevelopment Agency pursuant to California Health & Safety Code Section 34194.2; and
- D. Authorize the City Manager/Executive Director to take any and all actions necessary and appropriate to comply with the Alternative Voluntary Redevelopment Program and to implement and carry out the City Council ordinance, Agency Board resolution, and the terms and conditions of the Remittance Agreement.

STAFF MEMBER PRESENTING: John Andrews, Economic Development Director

Prepared by: Charity Hernandez
Department: Economic Development

City Manager Approval: 

Submitted to Council/O.R.A./O.H.A. 07/19/2011
Approved: _____
Continued to: _____
Denied: _____

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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 Remittance Agreement will allow the City of Ontario to comply with remittances required pursuant to Part 1.9 of the California Health and Safety Code in order to continue existence of the Ontario Redevelopment Agency. The Fiscal Year 2011-12 remittance payment is estimated at Eighteen Million Three Hundred Seventy Eight Thousand Five Hundred Ninety Dollars (\$18,378,590). On or about October 1, 2011, the State Department of Finance will provide to the Agency the respective remittance amount; upon receipt, the Agency will enter into the proposed Remittance Agreement with the City to provide the funds necessary to make said payment and make all necessary appropriations.

BACKGROUND: As part of the 2011-12 State budget bill, the California Legislature enacted and the Governor has signed, companion bills Assembly Bill 1X 26 and Assembly Bill 1X 27, requiring that each redevelopment agency be dissolved unless the community that created the agency enacts an ordinance committing to make certain annual payments. Assembly Bill 1X 26, effective upon execution, prohibits agencies from continuing to do business as usual, and provides that agencies are deemed to be dissolved as of October 1, 2011. Assembly Bill 1X 27 provides that a community may participate in an Alternative Voluntary Redevelopment Program enabling the agency to remain in existence and carry out provisions of the California Community Redevelopment Law by enacting an ordinance agreeing to comply with Part 1.9 Division 24 of the California Health and Safety Code. The Alternative Voluntary Redevelopment Program requires that a community agree to remit specified annual payments to augment the State's budget.

On June 29, 2011, Assembly Bill 1X 26 was enacted which essentially put all redevelopment agencies "out of business". Agency staff and Agency Counsel determined that if approved, the proposed ordinance will prevent the dissolution of the Ontario Redevelopment Agency by committing to make the 2011-12 Fiscal Year remittance and subsequent annual remittance payments. Additionally, passage of the recommended ordinance will allow the Agency to resume all its redevelopment and economic development activities.

Should any or all provisions of Assembly Bills 1X 26 and 1X 27 be determined to violate applicable law, the City reserves the right to continue its participation of the Alternative Voluntary Redevelopment Program and shall not make any remittance payment. If there is a final determination that Assembly Bills 1X 26 and 1X 27 are illegal, invalid or otherwise unenforceable or inapplicable, for any reason or in any manner, the recommended ordinance and resolution shall be deemed null and void and no longer in force or effect.

CITY OF ONTARIO

Agenda Report
July 19, 2011

SECTION:
PUBLIC HEARINGS

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 take the following actions pertaining to the levy of assessments within Ontario Parkway Maintenance Assessment Districts (OPMAD) No. 1, 2, 3 and 4:

- (A) Conduct a combined public hearing on the levy of the annual assessments for each district, and
- (B) Adopt the attached resolution approving the Engineer's Reports relating to the levy of assessments for each district, and
- (C) Adopt the attached resolutions confirming the diagrams and assessments, and providing for the assessment levy within each District.

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

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. 07/19/2011

Approved: _____

Continued to: _____

Denied: _____

14

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, 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 adopted 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 <u>2010-11</u>		Proposed <u>2011-12</u>	Maximum <u>2011-12</u>
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.

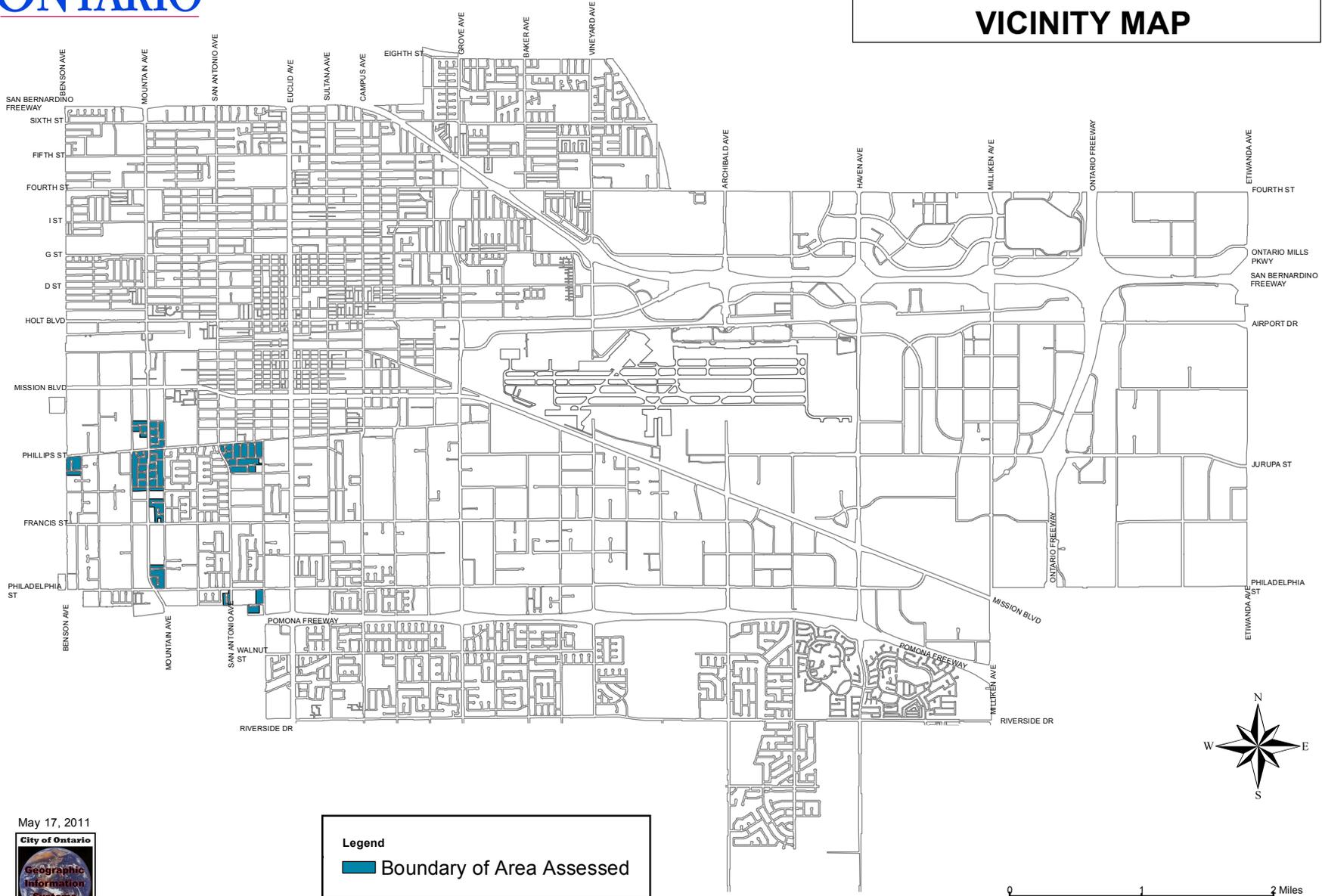
	Prior Year		Proposed	Maximum
	2010-11		2011-12	2011-12
MA# 99-1	\$ 46.64	Per lot	\$ 48.14	\$ 48.18
MA# 99-2	\$ 298.52	Per lot	\$ 303.95	\$ 303.94
MA# 99-3	\$ 927.46	Per Acre	\$ 963.83	\$ 1,091.35
MA# 00-1	\$ 238.82	Per lot	\$ 248.10	\$ 299.34
MA# 04-1	\$ 938.83	Per lot	\$ 957.85	\$ 1,906.71
MA# 05-1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

On June 21, 2011, the City Council adopted resolutions which ordered the preparation of Engineer's Reports for the annual levy of assessments within each District, preliminarily approved the Engineer's Reports, declared Council's intention to levy and collect assessments within the Districts for the referenced fiscal year, and set tonight as the date for the public hearing for each district. Notices of the public hearings have been published and proof of publication is on file in the Records Management Department.

The Engineer's Reports, which have been prepared for each district pursuant to the "1972 Act", are on file with the Records Management Department. Each report includes plans and specifications for the improvements and 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.



Ontario Parkway Maintenance Assessment District No. 1 VICINITY MAP

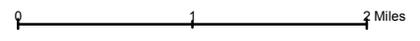
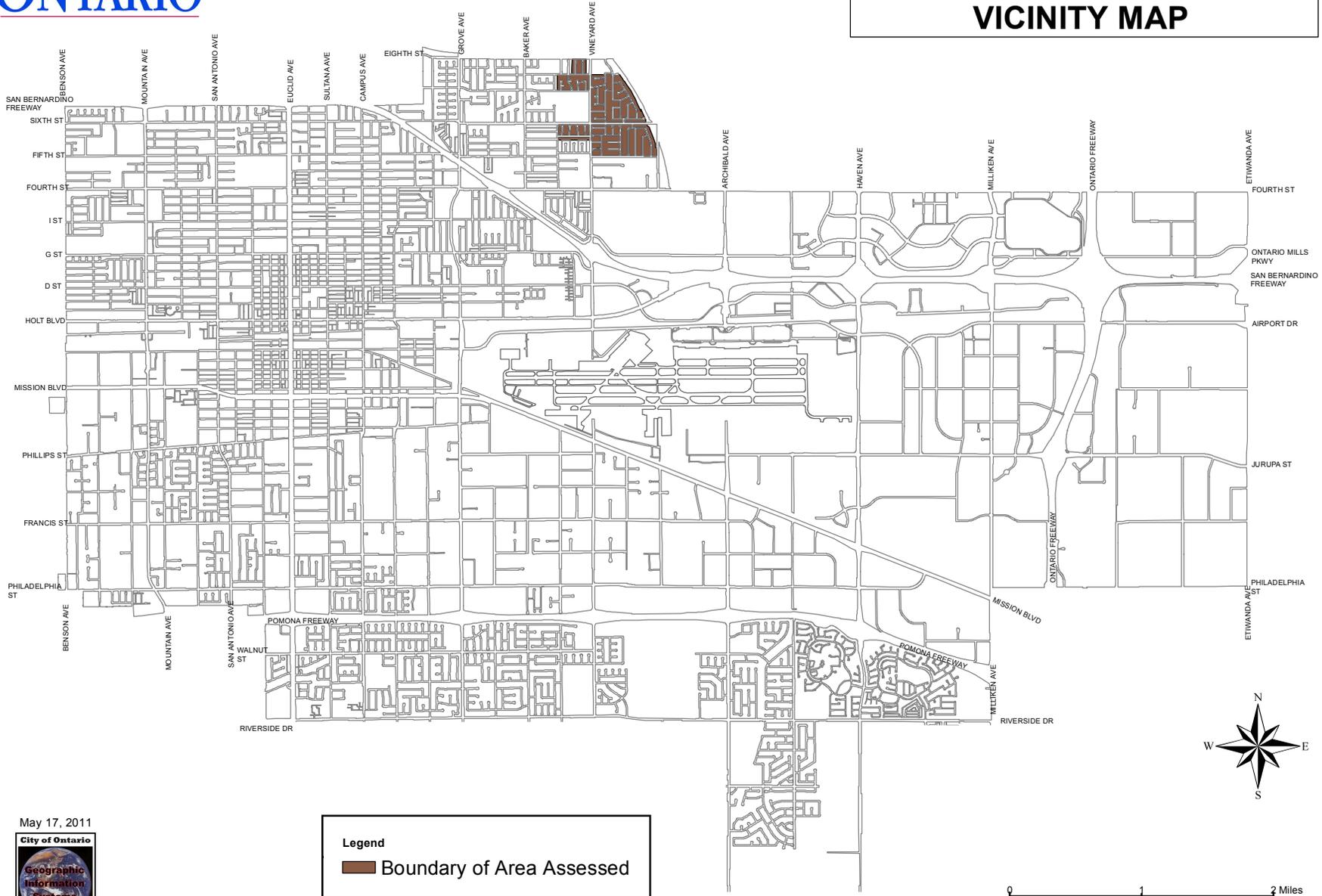


Legend

 Boundary of Area Assessed



Ontario Parkway Maintenance Assessment District No. 2 VICINITY MAP



Legend
■ Boundary of Area Assessed

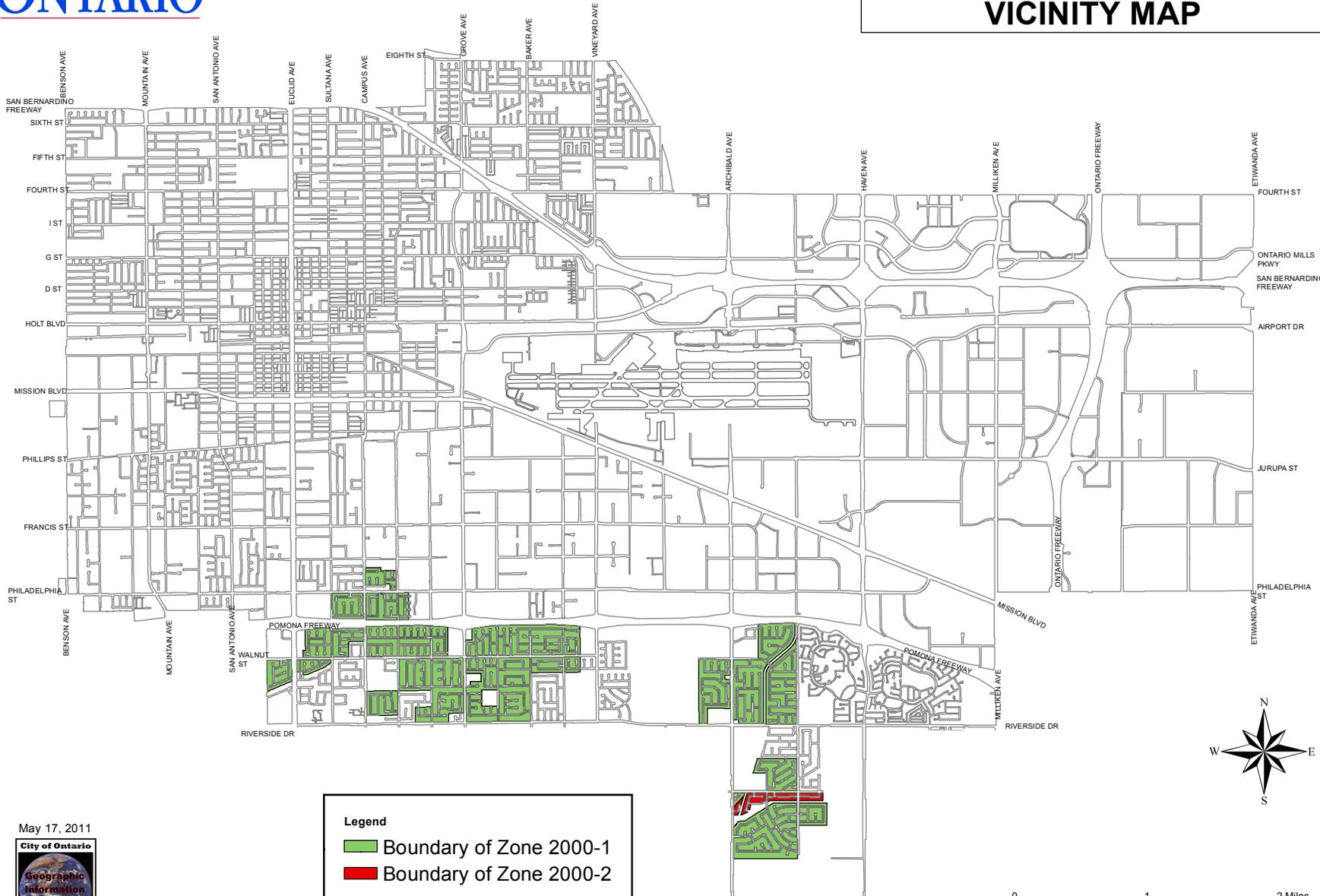
May 17, 2011



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Ontario Parkway Maintenance Assessment District No. 3 VICINITY MAP



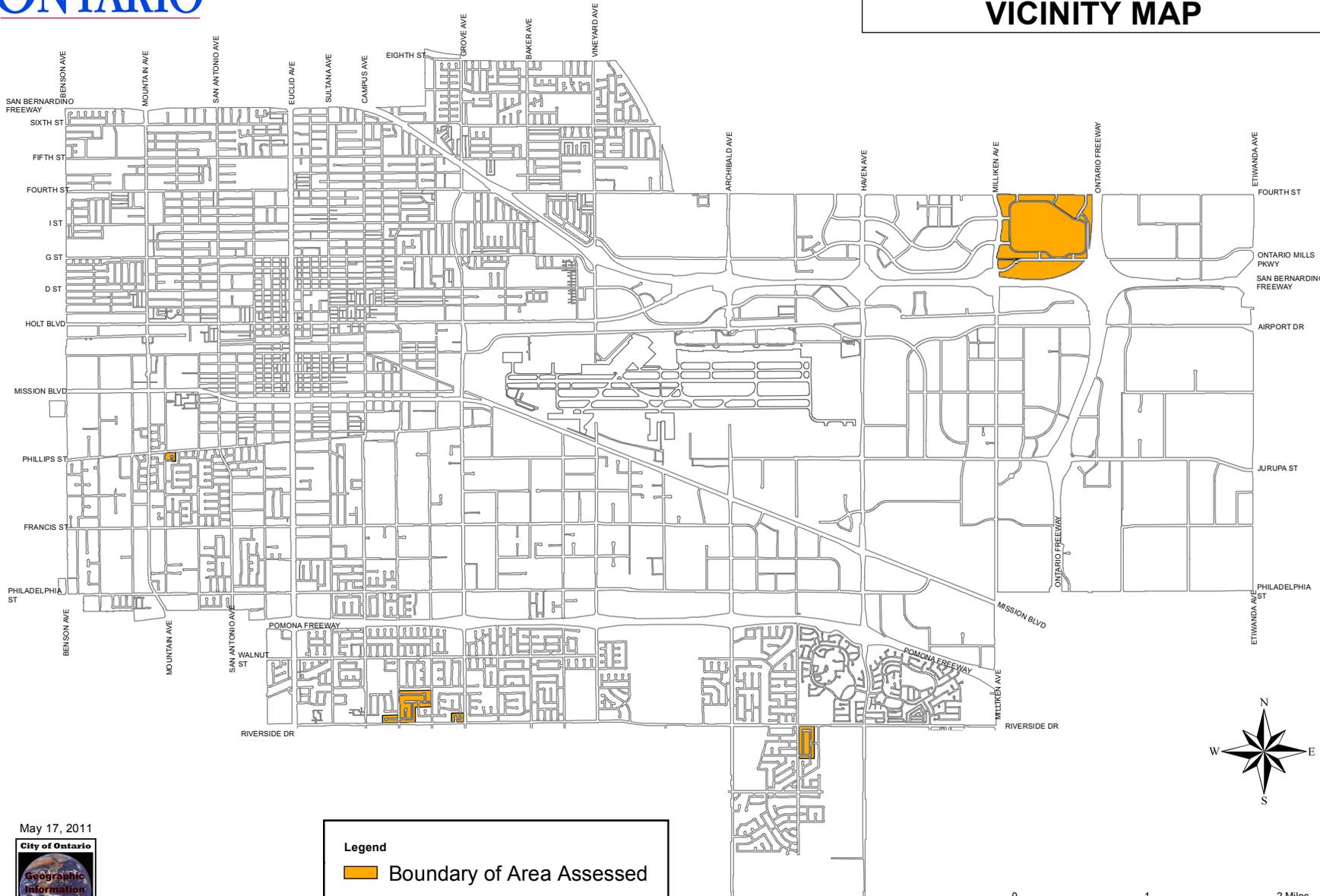
Legend

- Boundary of Zone 2000-1
- Boundary of Zone 2000-2



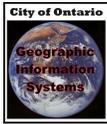


Ontario Parkway Maintenance Assessment District No. 4 VICINITY MAP



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May 17, 2011



Legend

 Boundary of Area Assessed

0 1 2 Miles

CITY OF ONTARIO

Agenda Report
July 19, 2011

SECTION:
PUBLIC HEARINGS

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

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

- (A) Conduct a combined public hearing on the levy of the annual assessments for each district, and
- (B) Adopt a resolution approving the Engineer's Reports relating to the levy of assessments for each district, and
- (C) Adopt resolutions confirming the diagrams and assessments, and providing for the assessment levy for each District.

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 adopted 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: 

Submitted to Council/O.R.A./O.H.A. 07/19/2011

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 adopted 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)

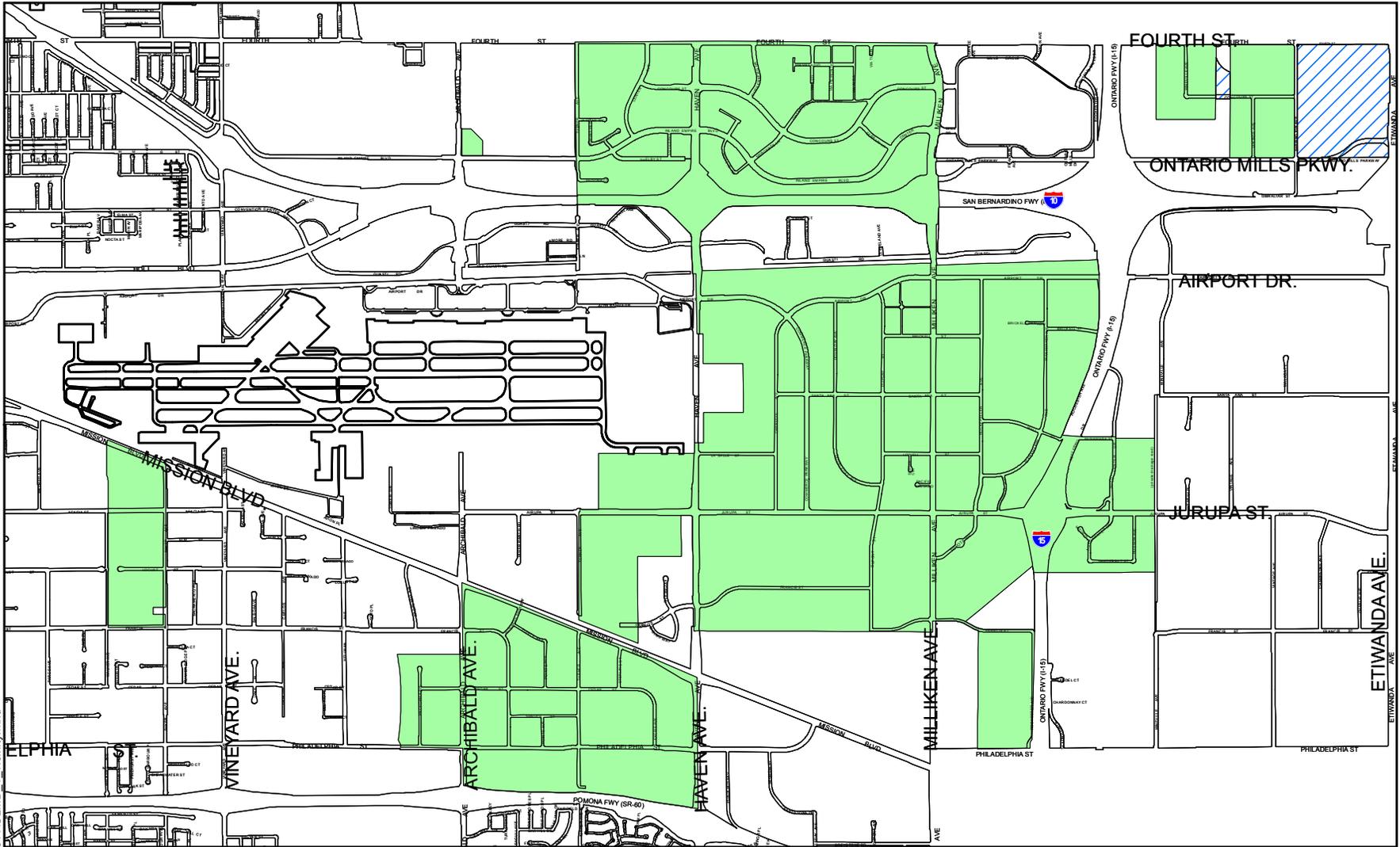
On June 21, 2011, the City Council adopted resolutions which ordered the preparation of Engineer's Reports for the annual levy of assessments within each district, preliminarily approved the Engineer's Reports, declared Council's intention to levy and collect assessments within the districts for the referenced fiscal year, and set tonight as the date for the public hearing for each district. Notices of the

public hearings have been published, and proof of publication is on file in the Records Management Department.

The Engineer's Reports, which have been prepared for each district pursuant to the "1972 Act", 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.

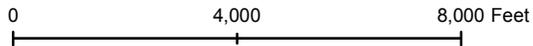
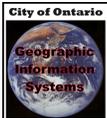


Street Lighting Maintenance District No.1 VICINITY MAP



U:\users\scottmark\2011\SLMD_1_vicinity.mxd

May 4, 2011



Legend

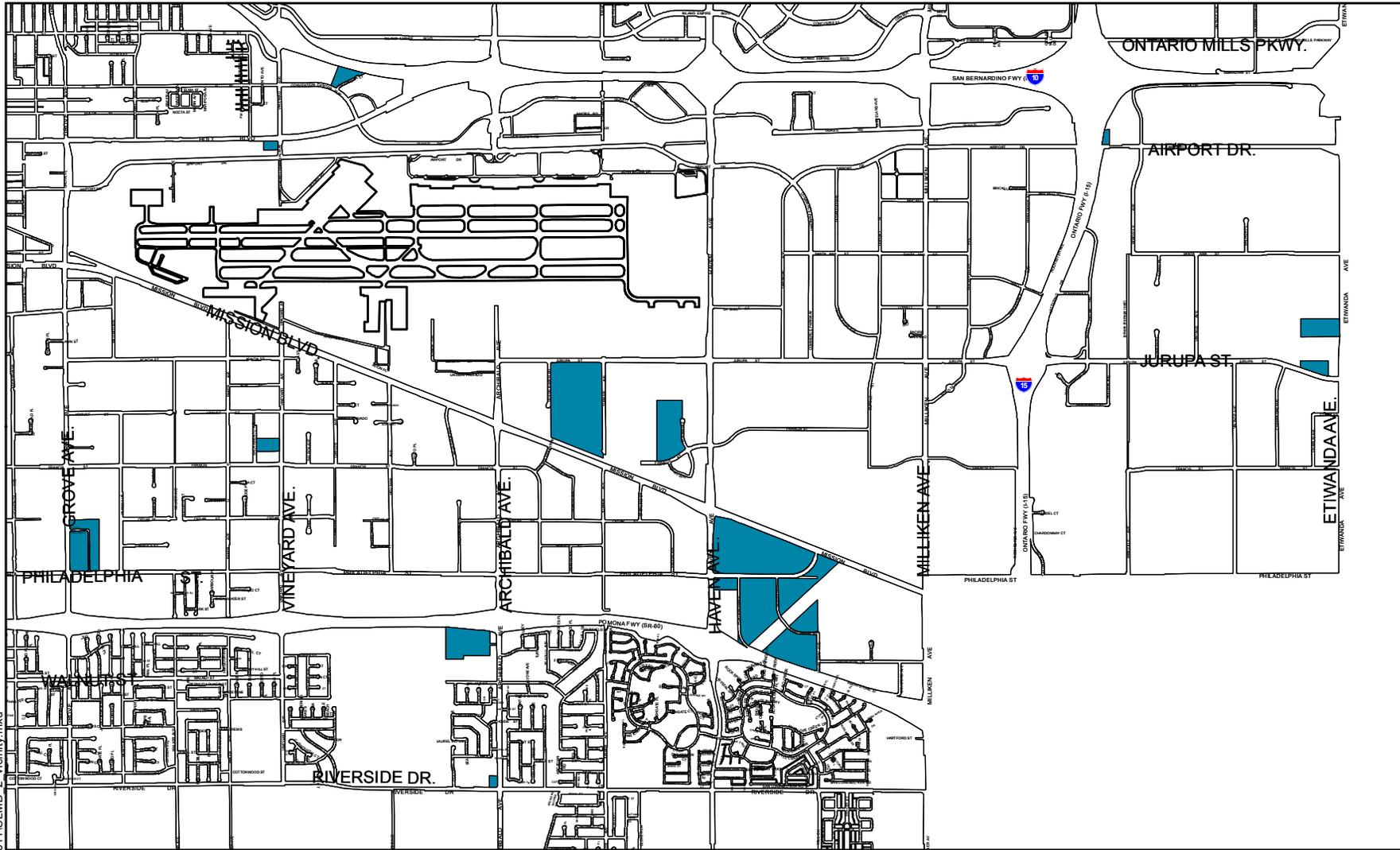
- ZONE 2000-1
- Zone 2000-2

Note:

Reference is hereby made to the Maps of The Assessor of the County of San Bernardino, California, for a detailed description of the lines and dimensions of the parcels shown hereon.

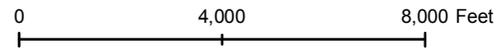
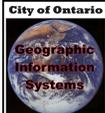


Street Lighting Maintenance District No.2 VICINITY MAP



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May 4, 2011



Legend

- Street Light Maintenance District 2

Note:
Reference is hereby made to the Maps of The Assessor of the County of San Bernardino, California, for a detailed description of the lines and dimensions of the parcels shown hereon.

CITY OF ONTARIO

Agenda Report
July 19, 2011

SECTION:
PUBLIC HEARINGS

SUBJECT: AN ORDINANCE APPROVING A DEVELOPMENT CODE AMENDMENT, FILE NO.PDCA11-001, REVISING ONTARIO MUNICIPAL CODE TITLE 9, CHAPTER 1 (ZONING AND LAND USE REQUIREMENTS), ARTICLE 26 (HISTORIC PRESERVATION), SECTION 9-1.2625 (H) WAIVERS

RECOMMENDATION: That the City Council introduce and waiver further reading of an ordinance approving File No. PDCA11-001 revising Ontario Municipal Code Title 9, Chapter 1 (Zoning and Land Use Requirements), Article 26 (Historic Preservation), Section 9-1.2625 (h) Waivers, for the purpose of eliminating the 40-year dimensional composition shingle replacement requirement and replacing it with a 30-year dimensional composition shingle or equivalent roof replacement requirement.

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
Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: None are anticipated.

BACKGROUND: In 2003, a standard was adopted for historic homes that required the use of a 40-year composition shingle roof for replacement of wood roofs. At the time, the 40-year composition shingle was the only dimensional composition material available to ensure roof replacement compatibility on historic homes originally constructed with wood roof shingles. Allowing the substitution of materials is an acceptable method of treatment for historic resources provided that the replacement material maintains the same character, scale and design of the original roof.

Recently, the North American industry leader, GAF Materials Corporation, stopped producing a 40 year product and reclassified their composition dimensional shingle nomenclature from a year warranty (30, 40, and 50) to "Timberline HD" (30-year equivalent) and a "Timberline Ultra HD (50-year equivalent)" with a lifetime warranty. In an effort to stay ahead of the industry changes, the Planning Commission recommending a Development Code amendment to eliminate the 40-year material requirement and

STAFF MEMBER PRESENTING: Jerry L. Blum, Planning Director

Prepared by: Rudy Zeledon
Department: Planning

City Manager
Approval: 

Submitted to Council/O.R.A./O.H.A. 07/19/2011

Approved: _____

Continued to: _____

Denied: _____

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replace it with a minimum of a 30-year requirement for composition dimensional shingle roof replacement or equivalent. The 30-year composition dimensional shingle has been vastly improved in its appearance, leaving it relatively undistinguishable between the 40-year composition dimensional shingle. Although GAF is leading the movement in the industry to phase out the 40-year roof material, other manufacturers continue to offer this product at this time.

The Planning Commission has recommended the following proposed change to the Development Code Article 26, Section 9-1.2625 (H), Waivers. All deletions are identified by strikethrough text (~~xxxxxx~~) and additions are identified by underlined text (xxxxxx).

Sec. 9-1.2625: Certificates of Appropriateness

A Certificate of Appropriateness process is established to ensure that any alteration to an Historical Resource is in keeping with the historic character of the resource.

H. Waivers. When alterations, restorations, rehabilitations, remodeling and additions to Historical Resources are accomplished in substantial accord with the Guidelines set forth in this section, as determined by the ~~City Planner~~ Planning Director, a Certificate of Appropriateness from the Ontario Historic Preservation Commission is not required prior to issuance of a building permit.

1. Minor Alterations. The ~~City Planner~~ Planning Director may deem that certain alterations to Historical Resources are “minor”. Those alterations may include, but are not limited to the following, if no change in appearance occurs or the proposed change restores period features:

- a. Roofing, provided that for replacing asphalt shingles or wood shingles, a 40 30 year dimensional shingle, or an aesthetically-equivalent dimensional shingle is used. The replacement shingle must maintain the architectural character of the historic resource in terms of scale, pattern, texture and coloration;
- b. Foundation;
- c. Chimney;
- d. Construction, demolition or alteration of side, rear and front yard fences;
- e. Landscaping, unless the Landmark designation specifically identifies the landscape, layout, features, or elements as having particular historical, architectural, or cultural merit.
- f. Wall or Monument Sign.

On June 27, 2011, the Planning Commission reviewed the proposed Development Code Amendment and unanimously recommended approval of it to the City Council.