

CITY OF ONTARIO
CITY COUNCIL, REDEVELOPMENT AGENCY,
AND HOUSING AUTHORITY
AGENDA
SEPTEMBER 6, 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 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*)

6:30 p.m.

ROLL CALL

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

PLEDGE OF ALLEGIANCE

Council Member Bowman

INVOCATION

Pastor Carlos Gonzales, Inland Valley Church of Christ

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 August 2, 2011, and approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

Bills July 3, 2011 through July 16, 2011 and **Payroll** July 3, 2011 through July 16, 2011, when audited by the Finance Committee.

3. RECOGNITION OF NATIONAL PREPAREDNESS MONTH

That the City Council recognize the month of September 2011 as National Preparedness Month in the City of Ontario.

4. PROFESSIONAL SERVICES AGREEMENT TO UPGRADE CODE ENFORCEMENT DEPARTMENT'S INFORMATION MANAGEMENT, MONITORING, AND REPORTING SYSTEM/MS GOVERN

Authorize the City Manager to execute a Professional Services Agreement (on file in the Records Management Department) with MS Govern, of Victoria, British Columbia, in the amount of \$199,512 plus a 10% contingency (\$20,000) for a total of \$219,512 to provide software licensing, implementation services, training and maintenance services necessary to implement the conversion and upgrade of the Code Enforcement Department's CityView system.

5. PROFESSIONAL SERVICES AGREEMENT FOR THE DESIGN OF THE 13TH STREET UNDERGROUND RESERVOIRS SEISMIC RETROFIT PROJECT/TETRA TECH, INC.

That the City Council approve a Professional Services Agreement (on file with the Records Management Department) with Tetra Tech, Inc. of Ontario, California, for the design of the 13th Street Underground Reservoirs Seismic Retrofit Project in the amount of \$367,183 plus a 15% contingency (\$55,077) for a total authorized expenditure of \$422,260; and authorize the City Manager to execute said Agreement.

6. AN ORDINANCE TO AMEND CHAPTER 12 OF TITLE 4 CONCERNING COST RECOVERY FOR POLICE SERVICES AT LARGE PARTIES ON PRIVATE PROPERTY

That the City Council adopt an ordinance amending Chapter 12 of Title 4 of the Ontario Municipal Code (OMC) to reduce calls for service, streamline enforcement procedures, and enhance recovery of police services costs relating to large parties on private property.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTER 12 OF THE TITLE 4 OF THE ONTARIO MUNICIPAL CODE, WITH CERTAIN AMENDMENTS AND ADDITIONS THERETO RELATING TO COST RECOVERY FOR POLICE SERVICES AT LARGE PARTIES ON PRIVATE PROPERTY.

7. APPLICATION FOR A GRANT FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY FY2012 SOBRIETY CHECKPOINT PROGRAM

That City Council authorize the City Manager to execute all documents necessary to apply for and accept a 10-month grant in the amount of \$80,720 from the California Office of Traffic Safety (OTS) for participation in the FY2012 Sobriety Checkpoint Mini-Grant Program.

8. A RESOLUTION APPROVING AN ENFORCEABLE OBLIGATION PAYMENT SCHEDULE PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 34169

That the Ontario Redevelopment Agency Board adopt a resolution approving the Redevelopment Agency's Enforceable Obligation Payment Schedule.

RESOLUTION NO. _____

A RESOLUTION OF THE ONTARIO REDEVELOPMENT AGENCY OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING AN ENFORCEABLE OBLIGATION PAYMENT SCHEDULE PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE 34169.

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

Agenda Report
September 6, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: RECOGNITION OF NATIONAL PREPAREDNESS MONTH

RECOMMENDATION: That the City Council recognize the month of September 2011 as National Preparedness Month in the City of Ontario.

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: None.

BACKGROUND: The Federal Emergency Management Agency (FEMA) has announced that September 2011 will be National Preparedness Month. National Preparedness Month (NPM) is sponsored by the Ready Campaign in partnership with Citizen Corps and the Ad Council. The goal of NPM is to encourage Americans to take simple steps to prepare for emergencies in their homes, business, and communities.

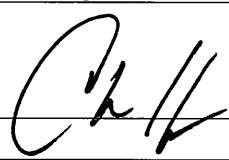
The City of Ontario is registered as a National Preparedness Month Coalition Member. This designation recognizes the City of Ontario as an active partner in emergency preparedness. All residents are encouraged to visit the City of Ontario website for additional information on emergency plans, hazard mitigation, family emergency kits, and general emergency preparedness guidance.

STAFF MEMBER PRESENTING: David A. Carrier, Fire Chief

Prepared by: Michael R. Gregory, CEM

Department: Fire Department

City Manager

Approval: 

Submitted to Council/O.R.A./O.H.A. 09/06/2011

Approved: _____

Continued to: _____

Denied: _____

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CITY OF ONTARIO

Agenda Report
September 6, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: PROFESSIONAL SERVICES AGREEMENT TO UPGRADE CODE ENFORCEMENT DEPARTMENT'S INFORMATION MANAGEMENT, MONITORING, AND REPORTING SYSTEM

RECOMMENDATION: Authorize the City Manager to execute a Professional Services Agreement (on file in the Records Management Department) with MS Govern, of Victoria, British Columbia, in the amount of \$199,512 plus a 10% contingency (\$20,000) for a total of \$219,512 to provide software licensing, implementation services, training and maintenance services necessary to implement the conversion and upgrade of the Code Enforcement Department's CityView system.

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 Fiscal Year 2011-12 Capital Improvement Program Budget includes appropriations of \$250,000 in the Information Technology Fund for this CityView conversion and upgrade project. The total recommended contract authorization is \$219,512 which includes a 10% contingency amount of \$20,000 for unforeseen or additional efforts that may be necessary to complete project implementation.

BACKGROUND: The Code Enforcement Department is currently using a custom-built CityView application purchased in 2001. The department conducts an average of 24,000 annual inspections of residential and commercial units, and manages premise information on approximately 8,000 properties as part of the following programs. abandoned and distressed properties, rental inspection, and general code enforcement. Consistent with the City Council's direction to develop and promote "e-government" opportunities and programs, the recommended upgrade for the Code Enforcement Department will include new capabilities to provide customer online access and improve records management integration, remittance processing, mobile inspections and case management.

STAFF MEMBER PRESENTING: Brent Schultz, Housing & Neighborhood Revitalization Director
Elliott Ellsworth, Information Services Director

Prepared by: Peter Witherow
Department: Information Technology

City Manager
Approval: 

Submitted to Council/O.R.A./O.H.A. 09/06/2011

Approved: _____

Continued to: _____

Denied: _____

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CITY OF ONTARIO

Agenda Report
September 6, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: PROFESSIONAL SERVICES AGREEMENT FOR THE DESIGN OF THE 13TH STREET UNDERGROUND RESERVOIRS SEISMIC RETROFIT PROJECT

RECOMMENDATION: That the City Council approve a Professional Services Agreement (on file with the Records Management Department) with Tetra Tech, Inc. of Ontario, California, for the design of the 13th Street Underground Reservoirs Seismic Retrofit Project in the amount of \$367,183 plus a 15% contingency (\$55,077) for a total authorized expenditure of \$422,260; 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
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: The Fiscal Year 2011-2012 Capital Improvement Program includes adequate appropriations from the Water Capital Fund for the design of the 13th Street Underground Reservoirs Seismic Retrofit Project. The total recommended expenditure authorization of \$422,260 includes 15% contingency (\$55,077). There is no impact to the General Fund.

BACKGROUND: The City has a water storage facility located at the southwest corner of Campus Avenue and 13th Street in the City of Upland. The facility consists of three underground concrete reservoirs located beneath Upland's 13th Street Reservoir Park with volumes of 2, 3, and 3.75 million gallons, constructed in 1955, 1958, and 1972, respectively. Based on continuing efforts to improve the reliability of the City's water facilities, the City Council approved a professional services agreement with Tetra Tech, Inc. in July 2007, to evaluate all of the City's reservoirs for seismic, structural, and safety deficiencies. This evaluation is the basis for ongoing reservoir improvements to ensure that the City's reservoirs are structurally sound, and to maintain the reservoir's reliability to the City and public after a seismic event. The recommended improvements for the three 13th Street Reservoirs consist of seismically retrofitting the overall structure to reinforce the walls, floor and roof.

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

Prepared by: Dennis Mejia
Department: MU/Engineering Division

City Manager
Approval: 

Submitted to Council/O.R.A./O.H.A. 09/06/2011

Approved: _____

Continued to: _____

Denied: _____

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In April 2011, a request for proposals (RFP) for the preparation of plans, specifications, and cost estimates for the design of the recommended improvements was sent to six pre-qualified professional engineering consulting firms, from which three firms submitted proposals

<u>Name</u>	<u>Location</u>
MWH Americas, Inc.	Arcadia, CA
Tetra Tech, Inc.	Ontario, CA
URS Corporation Americas	Ontario, CA

The proposals were reviewed and evaluated following a qualifications-based selection process in accordance with State Law governing selection of professional engineering consulting services. Tetra Tech, Inc. is recommended as the most qualified to perform the scope of services based on their proposal, engineering expertise, cost of services, and capability to perform the work in a timely manner.

CITY OF ONTARIO

Agenda Report
September 6, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: AN ORDINANCE TO AMEND CHAPTER 12 OF TITLE 4 CONCERNING COST RECOVERY FOR POLICE SERVICES AT LARGE PARTIES ON PRIVATE PROPERTY

RECOMMENDATION: That the City Council adopt an ordinance amending Chapter 12 of Title 4 of the Ontario Municipal Code (OMC) to reduce calls for service, streamline enforcement procedures, and enhance recovery of police services costs relating to large parties on private property.

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: Amendment of the existing provisions of the OMC will result in the City of Ontario recovering an estimated \$15,000 annually for the cost of police services and penalty assessments for violation of OMC 4-12.07 (Loud or Unruly Gatherings; Public Nuisance).


BACKGROUND: At the meeting of August 16, 2011, the City Council introduced this ordinance Amending Chapter 12 of Title 4 of the OMC to reduce calls for service, streamline enforcement procedures, and enhance recovery of police services costs relating to large parties on private property.

On February 5, 2008, the City Council adopted Ordinance No. 2889, amending Chapter 12 of Title 4 of the City's Municipal Code to better define what is a threat to the general public resulting from loud parties, gatherings or events and to modify the cost recovery schedule in order to discourage the occurrence of repeated loud and unruly gatherings. Since the adoption of Ordinance No. 2889, the Ontario Police Department has expended a significant amount of manpower and resources in responding to loud and disturbing noise calls. Although the current provisions contained in OMC 4-12, Title 4, allow for the issuance of a penalty for subsequent responses, these civil penalty assessments have not had a significant effect on the reduction of calls for service relating to "party/music" calls, nor has the recovery of police services costs been successful.

STAFF MEMBER PRESENTING: Eric V. Hopley, Chief of Police

Prepared by: Melissa Ramirez

Department: Police

City Manager
Approval: 

Submitted to Council/O.R.A./O.H.A. 09/06/2011

Approved: _____

Continued to: _____

Denied: _____

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To address the limitations of the current OMC provisions, staff reviewed the implementation and impact of the existing OMC 4-12 provisions and identified the following:

- During calendar year 2009, there were approximately 290 “First Response Party Cards” issued. Each of these incidents required, at minimum, two patrol officers and approximately 30 minutes at each location to investigate the violation. Consequently, 290 manhours were spent responding to these party calls, and an estimated \$21,975 in penalty assessments were ceded since under the current provisions a penalty can only be assessed for subsequent offenses.
- There have been only 7 cases against repeat violators that have been filed, enforced and successfully completed during the past 2 years following the approval and adoption of OMC 4-12.07.
- The current procedure of posting a large, red “Public Nuisance” notice on the property of a violator by a Field Supervisor requires, at minimum, three officers and a supervisor—heavily taxing patrol resources.
- The overall enforcement process, filing process, and tracking system is not effectively meeting the needs of the Ontario Police Department in:
 - Providing a positive impact in reducing calls for service related to party/noise nuisances
 - Improving the quality of life for the citizens of Ontario
 - Recovering the direct cost of enforcement

Additionally, staff reviewed loud party/noise ordinances from the following counties and cities whose cost recovery schedules include a penalty for the first and subsequent police responses to large parties on private property: Riverside County, California (adopted 6/2007), City of Riverside (6/2007), California; City of Pullman, Washington (7/2007), and the City of Mesa, Arizona (5/2009). To date, these ordinances have been successful in abating party nuisances and improving the agencies’ quality of life for their citizens. Staff believes the success of these ordinances is due to the assessment of a penalty for the first offense, which has deterred repeat offenses.

If the proposed amendments are approved, the following key procedural changes will take effect:

- Officers will have the discretion to issue a warning or to cite as an infraction or misdemeanor
- A citation may be issued for a violation on the *first* police response using a standard citation form and completion of an Ontario Police Department “Loud Party, Gatherings and Events Report.”
- Officers will regard an infraction/misdemeanor citation of OMC 4-12.07 with the same importance and diligence of a traffic citation. Similar to a traffic citation, citizens wishing to contest the citation may do so at court.

- Officers may issue citations for a violation **without** requiring a private person's arrest form signed by the reporting party.
- Citations will be forwarded to the City Attorney's Office, and the City Attorney will prosecute misdemeanor cases.
- The schedule for civil penalties will be modified as follows:
 - For the first violation within a one hundred eighty (180) day period, the minimum mandatory fine shall be two hundred fifty dollars (\$250);
 - For any further violations in a one hundred eighty (180) day period, the minimum mandatory fine shall be no less than two hundred fifty dollars (\$250), no more than one thousand dollars (\$1000), **or imprisonment in the County jail for a period not exceeding six (6) months, or both.**
 - All infractions can include cost recovery for police services at the discretion of the court.
- The Ontario Police Department COPS Unit will be responsible for issuing "Notice to Property Owner" advisals; the Notice will be sent via certified mail.

If approved, staff anticipates a significant reduction in calls for service as well as enhanced cost recovery efforts. Ultimately, these revisions will enable patrol officers to focus efforts on proactive law enforcement activities to make Ontario a safer community.

CITY OF ONTARIO

Agenda Report
September 6, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: APPLICATION FOR A GRANT FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY FY2012 SOBRIETY CHECKPOINT PROGRAM

RECOMMENDATION: That City Council authorize the City Manager to execute all documents necessary to apply for and accept a 10-month grant in the amount of \$80,720 from the California Office of Traffic Safety (OTS) for participation in the FY2012 Sobriety Checkpoint Mini-Grant 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
Maintain the Current High Level of Public Safety
Pursue City's Goals and Objectives by Working with Other Governmental Agencies

FISCAL IMPACT: This is a reimbursable grant program funding police overtime and supplies to conduct sobriety checkpoints. The approximate grant funding reimbursement is \$80,720. The grant period is November 1, 2011 – September 4, 2012. The City is not required to provide matching funds for this grant. If approved and after notification of grant award, the associated revenue and expenditure adjustments will be included in the next quarterly budget report presented to the City Council.

BACKGROUND: The California Office of Traffic Safety (OTS), through the National Highway Traffic Safety Administration (NHTSA), is offering local law enforcement agencies overtime grants to conduct sobriety checkpoints. The grant period includes two "National Impaired Driving Campaign" mobilization periods: Winter holiday period is from December 16, 2011 through January 1, 2012; and Labor Day period is from August 17, 2012 through September 3, 2012. A checkpoint will be scheduled during each of the mobilization periods. Additionally, the Ontario Police Department will conduct four reimbursable sobriety checkpoints outside the mobilization periods. The goal of the grant program is to reduce the number of people killed in alcohol-involved crashes through combined efforts of local law enforcement agencies, California Highway Patrol, and OTS. Each checkpoint will be conducted with approximately one supervisor, 16 officers, 6 technicians, and 2 clerical/other staff members.

STAFF MEMBER PRESENTING: Eric V. Hopley, Chief of Police

Prepared by: Donna Bailey
Department: Police

Submitted to Council/O.R.A./O.H.A. 09/06/2011

Approved: _____

Continued to: _____

Denied: _____

City Manager
Approval: _____



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CITY OF ONTARIO

Agenda Report
September 6, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION APPROVING AN ENFORCEABLE OBLIGATION PAYMENT SCHEDULE PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 34169

RECOMMENDATION: That the Ontario Redevelopment Agency Board adopt a resolution approving the Redevelopment Agency's Enforceable Obligation Payment Schedule.

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: None. This action lists and restates existing obligations previously approved by the Agency/City in the form of an Enforceable Obligation Payment Schedule.

BACKGROUND: On August 16, 2011, the City Council adopted an ordinance agreeing to participate in the Alternative Voluntary Redevelopment Program, which allows the Agency to continue to operate and use its assets and tax increment revenue for redevelopment purposes. This action is required by Assembly Bill X1 26 which would have abolished the Ontario Redevelopment Agency effective October 1, 2011 unless the City complies with Assembly Bill X1 27 and agrees to participate in the Alternative Voluntary Redevelopment Program and pay the voluntary payment.

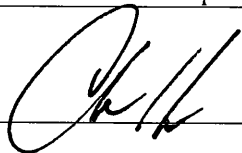
On August 11, 2011, the California Supreme Court issued a partial stay on the effectiveness of Assembly Bill X1 26 and Assembly Bill X1 27 until the Court can rule on the constitutionality of the two bills. As a result, Section 34161 through 34167 of the California Health and Safety Code remain in effect. These sections call for the suspension of non-administrative redevelopment activities and the adoption and filing of an Enforceable Obligation Payment Schedule by the Agency Board.

With the Court's stay on Assembly Bill X1 27, even though the City of Ontario Redevelopment Agency opted-in and adopted a continuation ordinance, the Agency should adopt the Enforceable Obligation

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. 09/06/2011

Approved: _____

Continued to: _____

Denied: _____

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Payment Schedule in order to ensure that it has the clearest authority to continue to make payments on indebtedness after September 6, 2011. Because the Supreme Court's recent order, there has been limited time to prepare this Enforceable Obligation Payment Schedule, and it may need to be necessary to amend the Enforceable Obligation Payment Schedule from time to time.