CITY OF ONTARIO
CITY COUNCIL, REDEVELOPMENT AGENCY, AND HOUSING AUTHORITY
AGENDA
OCTOBER 4, 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

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.

PLEDGE OF ALLEGIANCE

Mayor pro Tem Dorst-Porada

INVOCATION

Reverend Frank Hamilton, First Christian Church of Ontario

PUBLIC COMMENTS 6:30 p.m.

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

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

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

SPECIAL CEREMONIES

RECOGNITION OF JONATHAN ARELLANO: WORLD BOXING COUNCIL (WBC) – YOUTH INTERCONTINENTAL CHAMPION

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 September 6, 2011, and approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

Bills July 31, 2011 through August 13, 2011 and **Payroll** July 31, 2011 through August 13, 2011, when audited by the Finance Committee.

3. ADOPTION OF THE COUNTYWIDE VISION

That the City Council adopt a resolution approving the Countywide Vision as established through the participative community input of the County of San Bernardino and San Bernardino Associated Governments.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING A COUNTYWIDE VISION FOR OUR FUTURE.

4. AGREEMENT FOR THE PROVISION OF ANIMAL CONTROL SERVICES/INLAND VALLEY HUMANE SOCIETY & SPCA

That the City Council approve a three-year agreement (on file with the Records Management Department) with the Inland Valley Humane Society & SPCA, of Pomona, California, for the provision of animal control services and adopt a resolution updating license fees.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, MODIFYING CERTAIN DOG LICENSING FEES AND RESCINDING PORTIONS OF RESOLUTION NO. 2008-045.

5. RESOLUTION APPROVING THE MEASURE I, 2012/2013 THROUGH 2016/2017 FIVE-YEAR CAPITAL PROJECTS NEEDS ANALYSIS

That the City Council adopt a resolution approving the 2012/2013 through 2016/2017 Measure I Five-Year Capital Projects Needs Analysis (CPNA) and authorize the City Manager to approve minor changes to the plan as may be required by the City and SANBAG.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING THE MEASURE I, 2012/2013 THROUGH 2016/2017 FIVE-YEAR CAPITAL PROJECTS NEEDS ANALYSIS.

6. RECOGNITION OF OCTOBER 9-15, 2011 AS "NATIONAL FIRE PREVENTION WEEK"

That the City Council recognize the week of October 9-15, 2011 as "Fire Prevention Week" in the City of Ontario and invite the public to attend the Ontario Fire Department Open House 2011 to be held on October 8, 2011.

7. PROJECT GATEWAY MEMORANDUM OF UNDERSTANDING AND PROJECT-BASED VOUCHER ASSISTANCE PAYMENTS CONTRACT FOR RENTAL ASSISTANCE THROUGH THE MERCY HOUSE HOMELESS CONTINUUM OF CARE PROGRAM

That the Ontario Housing Authority Board authorize the Executive Director, subject to review and approval of the Ontario Housing Authority legal counsel, to execute all documents necessary and desirable to implement the Project Gateway Memorandum of Understanding for Housing and Urban Development Shelter + Care Grant: CA0878C9D090900 between the Housing Authority of the County of San Bernardino (HACSB), Mercy House Living Centers Inc. (Mercy House), and the Ontario Housing Authority; and a Project-Based Voucher Housing Assistance Payments Contract (HAP) (both documents on file in the Records Management Department) between the Housing Authority of the County of San Bernardino and the Ontario Housing Authority for twelve units of rental assistance at ten different locations.

8. CONSTRUCTION CONTRACT FOR SOUND INSULATION OF 58 HOUSES UNDER THE ONTARIO QUIET HOME PROGRAM/S&L SPECIALTY CONTRACTING, INC

That the City Council award Contract No. P150-1112-01 (on file with the Records Management Department) to S&L Specialty Contracting, Inc. of Syracuse, New York, in the amount of $1,624,000, plus 15% contingency of $243,600 for a total not to exceed amount of $1,867,600 to sound insulate 58 houses; and authorize the City Manager, or his designee, to execute the contract, other related documents necessary to implement said contract, and file a Notice of Completion at the conclusion of all construction activities related to this contract.

PUBLIC HEARINGS

9. A PUBLIC HEARING TO ADD CHAPTER 23 TO TITLE 4 OF THE ONTARIO MUNICIPAL CODE TO REGULATE CONDUCT OF REGISTERED SEX OFFENDERS IN THE CITY OF ONTARIO

That the City Council introduce and waive further reading of an ordinance to add Chapter 23 to Title 4 of the Ontario Municipal Code (OMC) to create protective measures that mandate and restrict registered sex offenders from living within 2,000 feet of a child safety zone; loitering within 300 feet of locations (public and private) where children may be present; and/or actively soliciting children to go to the registered sex offenders home during Halloween.

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. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADDING CHAPTER 23 TO TITLE 4 RELATING TO THE REGULATION OF REGISTERED SEX OFFENDERS CONDUCT.

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

October 4, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: ADOPTION OF THE COUNTYWIDE VISION

RECOMMENDATION: That the City Council adopt a resolution approving the Countywide Vision as established through the participative community input of the County of San Bernardino and San Bernardino Associated Governments.

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 adoption of the Countywide Vision has no direct fiscal impact to the City of Ontario; however, the common application and adherence to the principals contained in the Vision by governmental agencies, private industry and residents will result in a complete County with a vibrant economy.

BACKGROUND: In Fall 2010, the County of San Bernardino and San Bernardino Associated Governments (SANBAG) initiated an effort to engage the county's residents, businesses, non-profits and other governmental agencies in the creation of a Countywide Vision for the future. The County and SANBAG facilitated forums throughout the county and received feedback from the public to identify the vision that community residents have for their future. Input was gathered from thousands of residents, employers, educators, community and faith-based organizations, and elected and appointed government leaders throughout the county. There were 18 community meetings, two dozen roundtable discussions with topical experts, an online survey, and input from each of the county's 24 cities and towns.

The data was summarized into a Countywide Vision Report, which includes nine core vision elements, a set of shared values and a collection of great examples that demonstrate innovative and collaborative solutions to critical issues.

STAFF MEMBER PRESENTING: Chris Hughes, City Manager

Prepared by: Al Boling
Department: Citywide Administration

City Manager Approval:

Submitted to Council/O.R.A./O.H.A. 10/4/11
Approved:
Continued to:
Denied:

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The resulting Countywide Vision Statement is as follows:

> *We envision a complete county that capitalizes on the diversity of its people, its geography, and its economy to create a broad range of choices for its residents in how they live, work, and play.*
>
> *We envision a vibrant economy with a skilled workforce that attracts employers who seize the opportunities presented by the county's unique advantages and provide the jobs that create countywide prosperity.*
>
> *We envision a sustainable system of high-quality education, community health, public safety, housing, retail, recreation, arts and culture, and infrastructure, in which development complements our natural resources and environment.*
>
> *We envision a model community which is governed in an open and ethical manner, where great ideas are replicated and brought to scale, and all sectors work collaboratively to reach shared goals.*
>
> *From our valleys, across our mountains, and into our deserts, we envision a county that is a destination for visitors and a home for anyone seeking a sense of community and the best life has to offer.*

On June 30, 2011, the County Board of Supervisors and the San Bernardino Associated Governments Board of Directors adopted the Countywide Vision Statement.

CITY OF ONTARIO

Agenda Report

October 4, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: AGREEMENT FOR THE PROVISION OF ANIMAL CONTROL SERVICES

RECOMMENDATION: That the City Council approve a three-year agreement (on file with the Records Management Department) with the Inland Valley Humane Society & SPCA, of Pomona, California, for the provision of animal control services and adopt a resolution updating license fees.

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

FISCAL IMPACT: The Inland Valley Humane Society & SPCA (IVHS) collects animal licensing and other service fees directly from its customers and retains such fees to offset the costs of the animal control and educational programs. The FY2011-12 budget includes $435,250 for these services based on the prior three-year agreement initiated in 2008. The costs for services under the proposed agreement for FY2011-12 are $487,000, including the impact of updating license fees. An appropriations adjustment will be included in the next quarterly budget report presented to the City Council. Under the proposed 3-year agreement, future years' costs may be adjusted based upon the change in the Consumer Price Index with a cap of 5%. Additionally, IVHS has made extensive facility improvements for which Ontario's pro-rata share was $100,000 to be paid over a five-year period beginning in 2008. The proposed agreement would continue the facility improvement payment of $20,000 per annum for the first two years of the three-year agreement.

BACKGROUND: The IVHS operates a newly renovated facility offering a wide range of animal care services including training, a pet store, pet adoptions, and pet care information and education. Improvements include dog kennel renovations, construction of a cat adoption ward, and expansion of the dispatch center. The City of Ontario has contracted with IVHS for animal control and shelter services since 1990. In 2005, at the request of the City Council, staff performed a comprehensive review of service alternatives and concluded that IVHS is the only viable regional provider of animal control services available and the most cost-effective alternative. The contractual services include: collection of stray and unwanted, injured or dead animals; enforcement of leash laws and other City regulatory ordinances relating to animals within the City; provision of animal ambulance services; and operation of

STAFF MEMBER PRESENTING: Al Boling, Deputy City Manager

Prepared by:	Al Boling	Submitted to Council/O.R.A./O.H.A.	10/4/11
Department:	Citywide Administration	Approved:	
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City Manager Approval:		Denied:	
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an animal shelter in compliance with State standards. The existing contract with the Humane Society was for a three-year period ending in FY2010-11, converting to a month-to-month agreement in July 2011. Over the last year (June 2010 to June 2011), IVHS has experienced a 16% increase in the number of calls for service in Ontario, as compared to a 19% for all cities they serve. IVHS' efforts to market their services and adopt animals has resulted in a 50% increase in the number of dogs adopted; and a 22% decrease in the number of dogs euthanized. Statistics with cats, however, are not as favorable. During the current economic downturn, there has been a noticeable increase in the number of cats handled by IVHS and a decrease in cat adoptions. This industry trend is primary reason for the IVHS' focused efforts to expand and improve their cat adoption ward. During the proposed contract term, City staff will track and monitor IVHS' progress in addressing feline conditions within Ontario.

Evaluation of the net cost to the City for animal control services includes a review of license fees and other fee revenues. The City last modified fees in 2008, when license fees and daily board and care charges were adjusted. The City's current license fees are $40 for unaltered dogs and $20 for altered dogs. Current license fees for surrounding communities are as follows; and like Ontario, several cities' contracts with IVHS are under review as their terms expire:

City	Unaltered	Altered
Chino	$35	$15
Chino Hills	$35	$15
Claremont	$40	$20
La Verne	$45	$20
Montclair	$40	$20
Pomona	$75	$25
San Bernardino*	$75	$20
San Bernardino County*	$96	$15
Rancho Cucamonga*	$60	$15
Upland*	$50	$20
Fontana*	$60	$10
Area Average	$56	$18

* - *not serviced by IVHS*

As indicated above, the license fees for cities that contract with IVHS are lower than most other area cities. Ontario's current unaltered license fee is 28% lower than the average of surveyed non-IVHS agencies and 16% lower than the area average. It is recommended that Ontario's license fee for unaltered dogs be modified to $45. The City's license fee for altered dogs would remain at $20 to reflect a fee incentive to owners who spay or neuter their pets.

The proposed contract is for a three-year period ending in FY2013-14 and maintains the existing terms and conditions regarding:

- defined requirements for services and hours of operations,
- defined emergency response requirements,
- defined minimum staffing,
- delineated responsibilities for prosecution between IVHS and the City Attorney's office,
- public information and outreach through IVHS' website, and
- low-cost rabies vaccinations for Ontario residents.

CITY OF ONTARIO

Agenda Report

October 4, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: RESOLUTION APPROVING THE MEASURE I, 2012/2013 THROUGH 2016/2017 FIVE-YEAR CAPITAL PROJECTS NEEDS ANALYSIS

RECOMMENDATION: That the City Council adopt a resolution approving the 2012/2013 through 2016/2017 Measure I Five-Year Capital Projects Needs Analysis (CPNA) and authorize the City Manager to approve minor changes to the plan as may be required by the City and SANBAG.

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

FISCAL IMPACT: The Measure I Five-Year CPNA is a tool to assist the SANBAG Board of Directors and SANBAG staff in programming available and projected Measure I fund revenues. The CPNA is not a budget commitment. The individual projects listed in the CPNA are either currently identified or will be identified in the City of Ontario Capital Improvement Program Budget at the time that the local fund share is needed and approved by the City Council.

BACKGROUND: San Bernardino County voters approved passage of the 2010 through 2040, thirty year Measure I program in November 2004 authorizing San Bernardino Associated Governments, acting as the San Bernardino County Transportation Authority, to impose a one-half percent retail transactions and use tax in the incorporated and unincorporated territory of the County of San Bernardino. Revenue from the tax can only be used for transportation improvements and traffic management programs authorized in the 2010-2040 Measure I Expenditure Plan set forth in Ordinance No. 04-1 of the Authority. The Expenditure Plan for the San Bernardino Valley Subarea requires that Measure I revenue be applied to the following programs.

Freeways	29%
Freeway Interchanges	11%
Major Streets (including Railroad Grade Separations)	20%

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

Prepared by: Tom Danna
Department: Engineering

City Manager Approval: [signature]

Submitted to Council/O.R.A./O.H.A. 10/4/11
Approved:
Continued to:
Denied:

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Local Streets (per capita pass through)	20%
Metrolink/Passenger Rail	8%
Senior/Disabled Transit Service	8%
Express Bus/Bus Rapid Transit Service	2%
Traffic Management Systems	2%

Ontario has eight freeway interchanges, four highway-railroad grade separations, and nearly fifty arterial street projects that are eligible for the Valley Major Streets and Freeway Interchange Programs funding. A sampling of Ontario's projects are the North Milliken Avenue, South Milliken Avenue and North Vineyard Avenue highway-railroad grade separations, Mission Boulevard and Holt Boulevard widenings, I-10 Freeway at Grove Avenue/Fourth Street Interchange and SR 60 Freeway Interchange reconstructions at Mountain Avenue, Euclid Avenue, Grove Avenue, Vineyard Avenue and Archibald Avenue.

The 2010-2040 Measure I Strategic Plan requires each local jurisdiction applying for revenue from the Valley Major Street and Freeway Interchange Programs to annually adopt and update a Five-Year CPNA. The Five-Year CPNA is not a funding commitment by either SANBAG or the City, but a tool to assist SANBAG staff and their Board of Directors in programming available Measure I fund revenues.

The CPNA process requires that the City Council approve the CPNA by resolution. City staff anticipates that there may need to be minor changes to the CPNA during the fiscal year. Therefore, staff is recommending that the City Manager be given the authority to approve minor changes to the CPNA as requested by SANBAG and/or City staff.

Ontario's eight (8) CPNA projects for fiscal years 2012/2013 through 2016/2017 are identified and included in the proposed resolution. Also provided in the resolution for reference is a map which shows the location for each project.

CITY OF ONTARIO

Agenda Report
October 4, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: RECOGNITION OF OCTOBER 9-15, 2011 AS "NATIONAL FIRE PREVENTION WEEK"

RECOMMENDATION: That the City Council recognize the week of October 9-15, 2011 as "Fire Prevention Week" in the City of Ontario and invite the public to attend the Ontario Fire Department Open House 2011 to be held on October 8, 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**
Maintain the Current High Level of Public Safety
Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Polices and Activities

FISCAL IMPACT: The Fiscal Year 2011-12 Adopted Budget includes appropriations for the minimal staff and materials cost associated with the annual Ontario Fire Department Open House.

BACKGROUND: "National Fire Prevention Week" commemorates the Great Chicago Fire of 1871, which killed more than 250 persons, left 100,000 homeless and destroyed more than 17,400 buildings. Every year since 1925, the President of the United States has signed a proclamation pronouncing a national observance during Fire Prevention Week.

The National Fire Protection Association announced Fire Prevention Week 2011 to be observed throughout the nation on October 9-15. Their theme, "Protect Your Family from Fire!" will also be the theme at the Ontario Fire Department Open House 2011 on Saturday, October 8, 2011, from 9:00 a.m. until 2:00 p.m. at the Ontario Fire Training facility located at 1408 East Francis Street.

This year's theme actively works to motivate Ontario residents to take actions to keep their homes and family safe from fire. The annual observance serves as a way to keep the public informed about the importance of fire prevention.

STAFF MEMBER PRESENTING: David A. Carrier, Fire Chief

Prepared by: Floyd E. Clark
Department: Fire

City Manager Approval: [signature]

Submitted to Council/O.R.A./O.H.A. 10/4/11
Approved:
Continued to:
Denied:

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CITY OF ONTARIO

Agenda Report

October 4, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: PROJECT GATEWAY MEMORANDUM OF UNDERSTANDING AND PROJECT-BASED VOUCHER ASSISTANCE PAYMENTS CONTRACT FOR RENTAL ASSISTANCE THROUGH THE MERCY HOUSE HOMELESS CONTINUUM OF CARE PROGRAM

RECOMMENDATION: That the Ontario Housing Authority Board authorize the Executive Director, subject to review and approval of the Ontario Housing Authority legal counsel, to execute all documents necessary and desirable to implement the Project Gateway Memorandum of Understanding for Housing and Urban Development Shelter + Care Grant: CA0878C9D090900 between the Housing Authority of the County of San Bernardino (HACSB), Mercy House Living Centers Inc. (Mercy House), and the Ontario Housing Authority; and a Project-Based Voucher Housing Assistance Payments Contract (HAP) (both documents on file in the Records Management Department) between the Housing Authority of the County of San Bernardino and the Ontario Housing Authority for twelve units of rental assistance at ten different locations.

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 HUD Shelter + Care Grant will provide up to $797,760 in rental subsidies for up to 12 permanent housing units contained with the Mercy House Homeless Continuum of Care for a five-year term. In addition, the County of San Bernardino Department of Behavioral Health (DBH) agrees to provide half of the required match, in an amount up to $398,880, in supportive housing services to the participating residents and Mercy House agrees to provide the other half of the required match, in an amount up to $398,880, in supportive housing services to the participating residents.

BACKGROUND: Project Gateway will provide 12 Project-Based Rental Assistance units (12 two-bedroom units) at the following ten locations through the Mercy House Homeless Continuum of Care Program: 209, 216, 217, 222, 223, 228, 231 and 305 North Begonia Avenue; 307 – 311 West Francis Street; and 411 and 412 North Parkside Drive for a term of up to five years. The intent of the

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

Prepared by: Julie Bjork
Department: Housing

City Manager Approval:

Submitted to Council/O.R.A./O.H.A. 10/4/11
Approved:
Continued to:
Denied:

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program is to assist qualified homeless clients to live independently and to make available services and supports necessary to enable them to remain stably housed. The rental assistance is restricted to qualified clients that are homeless and mentally ill, or dual diagnosed. All supportive housing services and supports will be provided by Mercy House and DBH.

To qualify for this program, Mercy House will make an initial referral of homeless individuals and/or families to DBH for eligibility screening. Mercy House will collect and ensure all data required by DBH is full and complete prior to referral. DBH will determine if the client will be eligible and will also accept referrals from other approved clinics. If approved by DBH, the client is referred to the HACSB for further eligibility screening, including income qualifications, citizenship or qualified immigration status, and criminal background review for the applicant and all adult family members. Once the client is deemed eligible by both the HACSB and DBH, the client will be referred to the Ontario Housing Authority and Mercy House for an application of tenancy. At this stage in the process, the Ontario Housing Authority staff will review the client for eligibility based upon the tenant selection criteria established for the apartments. If approved for tenancy, the HACSB staff will inspect and lease-up the unit. The rental assistance subsidy will require that the tenants pay approximately 30% of their income towards the established rent and the remaining rental payment will be provided to the Ontario Housing Authority and/or Mercy House by the HACSB pursuant to the HAP contract.

During the term of the HAP contract, the Ontario Housing Authority will advise DBH and the HACSB as units become available, partner with supportive service providers to assist participating tenants in maintaining their housing, and perform ongoing property management. All participants shall be expected to have some level of income upon entry into the program and shall be assisted with supportive housing services designed to increase their household income and future self-sufficiency. All participants are required to actively participate in the program and must commit a minimum of 20 hours a week to enrichment activities such as employment and/or vocation/educational training.

The HACSB will also provide up to two (2) months of rent as a vacancy payment to the Ontario Housing Authority should a unit become vacant, which will allow the participating agencies to work together to identify other eligible participants.

This program will provide another tool within the Mercy House Homeless Continuum of Care to assist homeless individuals and families transition into stable permanent housing within Ontario.

CITY OF ONTARIO

Agenda Report

October 4, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: CONSTRUCTION CONTRACT FOR SOUND INSULATION OF 58 HOUSES UNDER THE ONTARIO QUIET HOME PROGRAM

RECOMMENDATION: That the City Council award Contract No. P150-1112-01 (on file with the Records Management Department) to S&L Specialty Contracting, Inc. of Syracuse, New York, in the amount of $1,624,000, plus 15% contingency of $243,600 for a total not to exceed amount of $1,867,600 to sound insulate 58 houses; and authorize the City Manager, or his designee, to execute the contract, other related documents necessary to implement said contract, and file a Notice of Completion at the conclusion of all construction activities related to this contract.

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

FISCAL IMPACT: The Federal Aviation Administration (FAA) and Los Angeles World Airports (LAWA) awarded sound insulation grants to fund the specified work under the Contract. The adopted Fiscal Year 2011-12 Quiet Home Program budget includes appropriations to implement the Contract. Therefore, there will be no impact to the City's General Fund.

BACKGROUND: City staff solicited bids for Contract No. P150-1112-01 as part of a 58-house sound insulation project under the Quiet Home Program. In September 2011, the City received a total of five (5) bids for the proposed Contract. The project architect, The Jones Payne Group, estimated the cost of construction at $1,766,565.

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

Prepared by: Ivette Iraheta
Department: Housing Agency

City Manager Approval:

Submitted to Council/O.R.A./O.H.A. 10/4/11
Approved:
Continued to:
Denied:

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The bid results were as follows:

Company	Location	Bid Amount
S&L Specialty Contracting, Inc.	**Syracuse, NY**	**$1,624,000**
SPEC Construction Co., Inc.	Rancho Cucamonga, CA	$1,716,352
NSA Construction Group, Inc.	Tarzana, CA	$1,757,000
Karabuild Development, Inc.	Encino, CA	$1,786,390
G&G Specialty Contractors	Phoenix, AZ	$1,791,042

Program staff and the project architect reviewed the bid submittals and determined that S & L Specialty Contracting, Inc. (S&L) is the lowest responsible and responsive bidder to perform the specified sound insulation work. The FAA has issued a letter of concurrence to award the contract to S&L. The contractor's bid is almost 8 percent below the architect's probable cost of construction. The other four (4) bids were also deemed responsible and responsive. Bid prices were from 8% below to only 1.3% above the architect's probable cost of construction.

S&L Specialty Contracting. Inc. has extensive sound insulation construction experience and has performed this type of work throughout the country. Between 2004 and 2011, the Contractor completed five (5) separate sound insulation projects for the City of Ontario, totaling 377 houses. S&L's work performance to date has been very good and on schedule. References were checked, and no unsatisfactory issues were noted. The Contractor will maintain an office and a warehouse in the City of Ontario for the duration of the Contract. Construction work is anticipated to start in the spring of 2012 and be completed by summer 2012.

The houses in this project are located throughout neighborhoods generally bounded on the north by State Street, on the south by Francis Street, on the east by Campus Avenue, and on the west by Palm Avenue. A location map is provided as Exhibit "A." Sound insulation work includes installation of acoustic doors and windows, central air conditioning, heating and ventilation systems, attic insulation, vent baffles and other noise reducing improvements. These improvements help enhance the quality of life of the homeowners, eliminate certain health and safety conditions, and enhance the energy efficiency of the homes. Safety is improved by installing new electrical panels, smoke detectors, carbon monoxide detectors, acoustic windows that meet emergency egress requirements and removing unsafe electrical wiring from sound insulation work areas. Energy efficiency benefits include the incorporation of 14 SEER (Seasonal Energy Efficiency Ratio) condensing units which exceed federal government mandates, 90% efficiency-rated forced air units, and Energy Star windows with heat-resistant glass coating. All sound insulation and related work is done at no cost to the homeowners.

To date the Quiet Home Program has sound insulated 1,133 houses and expended approximately $30 million in FAA and LAWA sound insulation Grant funds. After the completion of this proposed project, and two others currently in the construction and design phase, the program will have sound insulated over 1,300 houses.

CITY OF ONTARIO

Agenda Report

October 4, 2011

SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO ADD CHAPTER 23 TO TITLE 4 OF THE ONTARIO MUNICIPAL CODE TO REGULATE CONDUCT OF REGISTERED SEX OFFENDERS IN THE CITY OF ONTARIO

RECOMMENDATION: That the City Council introduce and waive further reading of an ordinance to add Chapter 23 to Title 4 of the Ontario Municipal Code (OMC) to create protective measures that mandate and restrict registered sex offenders from living within 2,000 feet of a child safety zone; loitering within 300 feet of locations (public and private) where children may be present; and/or actively soliciting children to go to the registered sex offenders home during Halloween.

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 minor incremental costs associated with enforcement of this amendment to the Ontario Municipal Code will be covered by the existing operating budget of the Police Department. Penalties are also being proposed for any violation of the provisions of this ordinance, which could result in a $1,000 fine and/or six months imprisonment.

BACKGROUND: Statistics show that sex offenders are about four times more likely than non-sex offenders to be arrested for another sex crime after their discharge from prison. Consequently, the City Council finds that sex offenders pose a potential threat to children residing in or visiting the City of Ontario.

The U. S. Supreme Court has determined that an imposition of restrictive measures on sex offenders adjudged to be dangerous is a legitimate, non-punitive governmental objective (*Kansas v. Hendricks*, 521 U. S. 346). On November 7, 2006, the voters of the State of California overwhelmingly approved Proposition 83, "The Sexual Predator Punishment and Control Act: Jessica's Law," to better protect Californians, and the children of this State in particular, from sex offenders. Proposition 83 enacted a new Section 3003.5(b) of the Penal Code which made it unlawful for any registered sex offender to

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City Manager Approval:

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Continued to:
Denied:

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reside within two thousand (2,000' 0") feet of any public or private school or any park where children regularly gather. Proposition 83 also specifies in Section 3003.5(c) of the Penal Code that municipal jurisdictions may enact local ordinances that further restrict the residency of sex offenders. The City of Ontario may impose safety precautions in furtherance of the compelling interest to protect children.

The proposed ordinance is a precaution in which specified restrictions limit registered sex offenders' access to locations where children regularly gather. It is the intent of these restrictions to reduce the threat sex offenders pose to children by impeding the ability of sex offenders to be in contact with children at public and private locations and/or events (i.e., Halloween, youth sport competitions, etc.) that are primarily dedicated to providing programs to children. Some of these safety zones are specifically identified in the proposed ordinance as follows:

- Any registered sex offender is prohibited from being located within 300 feet of a school, day care center, park, bus stops in the immediate vicinity of parks, public and private playgrounds, public library, public museum, public or private crisis center or shelter, arcade, youth sports facilities, and amusement parks (indoor and outdoor), when children are present.
- Any registered sex offender is prohibited from residing within 2,000 feet of any school, park or day care center.
- A registered sex offender shall not, on October 31st (or any other date set by the City of Ontario for trick-or-treaters) between the hours of 4:00 p.m. and 12:00 a.m., leave an exterior porch light, which faces the street, on or otherwise invite trick-or-treaters to solicit the premises in which the sex registrant resides.
- Any registered sex offender is prohibited from living in single family dwellings, multi-family dwellings, duplex dwelling, multi-unit residential dwellings, or hotel/motel/inns where another sex offender already resides.

Additionally, penalties are also being proposed for any violation of the provisions of this ordinance, which could result in a $1,000 fine and/or six months imprisonment.

There are exceptions to the above restrictions under the following conditions:

- If the registered sex offender is a parent or guardian of a child and the child is present with the registered sex offender;
- If a registered sex offender's place of residence is regulated by state law;
- If to the extent that it restricts access for the purposes of exercising constitutional rights such as freedom of expression, assembly and religion;
- If "incidental proximity" does not amount to loitering;
- If the registered sex offender is lawfully employed at a location within 300 feet of protected location.

This proposed ordinance is not intended to conflict with, but to supplement, state law by imposing more stringent restrictions on the locations where sex offenders may reside and by imposing restrictions on the locations which sex offenders may frequent.

If approved, staff anticipates a significant reduction in registered sex offenders frequenting locations and events where children gather, thereby mitigating to an extent the risk of children being victimized by these child predators.