

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

**6:30p.m.**

***ROLL CALL***

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

***PLEDGE OF ALLEGIANCE***

Mayor pro Tem Dorst-Porada

***INVOCATION***

Bishop Perkins, Church of Jesus Christ of Latter Day Saints

**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 November 1, 2011, and approving same as on file in the Records Management Department.

### **2. BILLS/PAYROLL**

**Bills** September 25, 2011 through October 8, 2011 and **Payroll** September 25, 2011 through October 8, 2011, when audited by the Finance Committee.

### **3. AMENDMENT TO THE CONSTRUCTION CONTRACT FOR FISCAL YEAR 2010-11 NEW MODEL COLONY PAVEMENT REHABILITATION/ALL AMERICAN ASPHALT, INC.**

That the City Council approve Change Order No. 1 (on file in the Records Management Department) in the amount of \$388,000, with All American Asphalt, Inc. of Corona, California, adding an adjacent portion of Archibald Avenue between Chino Avenue and Edison Avenue and revising the existing contract authority (including contingency) from \$1,696,250 to \$2,084,250; and authorize the City Manager to execute said contract change order and related documents.

### **4. ORDINANCES AMENDING CHAPTERS 3, 7 AND 8B OF TITLE 6 OF THE ONTARIO MUNICIPAL CODE RELATING TO SOLID WASTE, SEWER AND WATER SERVICES AND FEES**

That the City Council adopt:

- (A) An ordinance amending Chapter 3, of Title 6 of the Ontario Municipal Code related to solid waste services and fees; and
- (B) An ordinance amending Chapter 7, of Title 6 of the Ontario Municipal Code related to sewer services and fees, and authorizing increases to the rates for sewer service charges; and
- (C) An ordinance amending Chapter 8B, of Title 6 of the Ontario Municipal Code relating to water services and fees, and authorizing increases to the rates for water service charges.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTER 3, OF TITLE 6 OF THE ONTARIO MUNICIPAL CODE RELATED TO SOLID WASTE SERVICES AND FEES.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTER 7 OF TITLE 6 OF THE ONTARIO MUNICIPAL CODE RELATED TO SEWER SERVICES AND CHARGES, AND AUTHORIZING INCREASES TO THE RATES FOR ITS SEWER SERVICE CHARGES

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTER 8B OF TITLE 6 OF THE ONTARIO MUNICIPAL CODE RELATED TO WATER SERVICES AND FEES, AND AUTHORIZING INCREASES TO THE RATES FOR ITS WATER SERVICE FEES AND CHARGES AND OTHER MISCELLANEOUS ONE TIME WATER SERVICE FEES.

**5. CONVEYANCE OF TITLE TO REAL PROPERTY FROM VULCAN MATERIALS COMPANY (AKA CALMAT COMPANY) TO THE CITY OF ONTARIO**

That the City Council approve and accept the conveyance of title to real property located in the City of Upland from Vulcan Materials Company, also known as Calmat Company, a Delaware Corporation; and authorize the City Manager to execute a Grant Deed (on file with the Records Management Department) and other documents necessary reflecting the conveyance.

**PUBLIC HEARINGS**

**6. CONSIDERATION OF AN ORDINANCE GRANTING A ONE-YEAR TIME EXTENSION TO ALL DEVELOPMENT PLAN, CONDITIONAL USE PERMIT AND VARIANCE APPROVALS**

That the City Council introduce and waive further reading of an ordinance granting a one year time extension to all Development Plan, Conditional Use Permit and Variance approvals which are due to expire on or before March 1, 2013.

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, GRANTING A ONE-YEAR TIME EXTENSION TO ALL DEVELOPMENT PLAN, CONDITIONAL USE PERMIT AND VARIANCE APPROVALS WHICH ARE ACTIVE AND DUE TO EXPIRE ON OR BEFORE MARCH 1, 2013, AND MAKING FINDINGS IN SUPPORT THEREOF.

**7. CONSIDERATION OF A SPENDING PLAN FOR THE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND/CITIZEN'S OPTION FOR PUBLIC SAFETY GRANT PROGRAM**

That the City Council receive public comment on the proposed spending plan for the Fiscal Year 2011-12 Supplemental Law Enforcement Services Fund (SLESF)/Citizen's Option for Public Safety (COPS) Grant; and approve the proposed spending plan.

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

Written communication.

Oral presentation.

Public hearing closed.

**COUNCIL MATTERS**

**8. A PRESENTATION FROM THE COUNCIL SUB-COMMITTEE ON THE CONVENTION CENTER AND POSSIBLE DIRECTION REGARDING OPERATION OF THE ONTARIO CONVENTION CENTER**

That the City Council consider current operations of the Ontario Convention Center and provide possible direction on future operations of the Center.

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*  
December 6, 2011

SECTION:  
CONSENT CALENDAR

**SUBJECT: AMENDMENT TO THE CONSTRUCTION CONTRACT FOR FISCAL YEAR 2010-11 NEW MODEL COLONY PAVEMENT REHABILITATION**

**RECOMMENDATION:** That the City Council approve Change Order No. 1 (on file in the Records Management Department) in the amount of \$388,000, with All American Asphalt, Inc. of Corona, California, adding an adjacent portion of Archibald Avenue between Chino Avenue and Edison Avenue and revising the existing contract authority (including contingency) from \$1,696,250 to \$2,084,250; and authorize the City Manager to execute said contract change order and related documents.

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

**FISCAL IMPACT:** The Fiscal Year 2010-11 budget includes appropriations of \$2,100,000 in the Capital Project Fund for "December Winter Storms Street Asphalt Replacement." The current All American Asphalt, Inc. contract is \$1,475,000; and a 15% contingency (\$221,250) was approved by Council. If approved, Change Order No. 1 (\$388,000) will result in a total contract authority of \$2,084,250.

**BACKGROUND:** On September 20, 2011 the City Council awarded a construction contract to All American Asphalt, Inc. (AAA) in the amount of \$1,696,250 (including contingency) for the rehabilitation of portions of five streets in the New Model Colony: Edison Avenue, Grove Avenue, Archibald Avenue, Haven Avenue and Bon View Avenue.

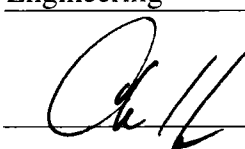
Staff recommends adding the adjacent segment of Archibald Avenue from Chino Avenue to 1,000 feet south of Edison Avenue. This stretch of Archibald is a heavily traveled north/south route and requires costly pavement repair by City staff after rain storms. The recommended work includes cold planning, removal and replacement of damaged pavement and construction of Asphalt Rubber Hot Mix (ARHM) overlays which would extend the pavement life by about 12 years. The City's maintenance staff can then focus their time and efforts on other priorities and repairs that may be necessary after rain storms.

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

Prepared by: Cindy Hackett, P.E.

Department: Engineering

City Manager

Approval: 

Submitted to Council/O.R.A./O.H.A. 12/06/2011

Approved: \_\_\_\_\_

Continued to: \_\_\_\_\_

Denied: \_\_\_\_\_

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# CITY OF ONTARIO

*Agenda Report*  
December 6, 2011

SECTION:  
CONSENT CALENDAR

**SUBJECT: ORDINANCES AMENDING CHAPTERS 3, 7 AND 8B OF TITLE 6 OF THE ONTARIO MUNICIPAL CODE RELATING TO SOLID WASTE, SEWER AND WATER SERVICES AND FEES**

**RECOMMENDATION:** That the City Council adopt:

- (A) An ordinance amending Chapter 3, of Title 6 of the Ontario Municipal Code related to solid waste services and fees; and
- (B) An ordinance amending Chapter 7, of Title 6 of the Ontario Municipal Code related to sewer services and fees, and authorizing increases to the rates for sewer service charges; and
- (C) An ordinance amending Chapter 8B, of Title 6 of the Ontario Municipal Code relating to water services and fees, and authorizing increases to the rates for water service charges.

**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  
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

**FISCAL IMPACT:** A review of the service charges for the Utilities Enterprise Funds (Solid Waste, Sewer and Water) has been prepared covering Fiscal Year 2011-12 and Fiscal Year 2012-13. This review is provided as Exhibit "A" to the ordinances and is incorporated by reference as part of the administrative record. Current solid waste service charges will provide adequate revenues to meet operational needs through FY 2012-13, and no rate increase is recommended. Rate increases are recommended for sewer effective January 6, 2012, and for water effective January 6, 2012 and January 1, 2013. Adopting the recommended sewer and water service charges will provide adequate revenues to meet operational and capital facility needs through FY 2012-13. The current average residential combined utility bill (solid waste, sewer and water) for City charges is \$109.39 per month. These recommendations will result in an average monthly increase of \$1.77, or 1.6% in the first year and \$1.42, or 1.3% in the second year.

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

Prepared by: Michael Sigsbee  
Department: MU/Administration

Submitted to Council/O.R.A./O.H.A. 12/06/2011

Approved: \_\_\_\_\_

Continued to: \_\_\_\_\_

Denied: \_\_\_\_\_

City Manager  
Approval: \_\_\_\_\_



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**BACKGROUND:** On November 15, 2011, the City Council held a public hearing to consider all written protests against the proposed increase to sewer and water service charges in accordance with California Constitution, Article XIII D, Section 6(a). At conclusion of the hearing, it was determined that the 242 written protests out of 39,570 parcels did not constitute a majority protest. The public hearing was closed and City Council introduced three ordinances amending Chapters 3, 7 and 8B of Title 6, of the Municipal Code and amending sewer and water service charges.

Pursuant to Proposition 218 (California Constitution, Article XIII D, Section 6), the City is required to comply with the following procedures prior to increasing sewer and water services fees and charges:

**Proposition 218 Procedure**

1. Parcels upon which the increased fee or charge is proposed to be imposed have been identified, and Proposition 218 Notice ("Notice") was mailed on September 29, 2011 to (a) the record owner as defined in California Government Code Section 53750(j) (the "Owner") of each identified parcel as defined in California Government Code Section 53750(g); and (b) any customer of record who, at the time the notice is mailed, has a billing account with the City and is directly liable to pay the fee ("Customer") for an identified parcel.
2. The Notice contained (a) the amount of the fee or charge; (b) the basis on which it was calculated; (c) reason for the increase; and (d) the date, time, and location the City Council will conduct a public hearing on the proposed increase.
3. A public hearing was conducted on November 15, 2011 (at least 45 days after the Notice was mailed) to consider all written protests against the proposed increase to the fee or charge. At the conclusion of the hearing, written protests against the proposed increased fees were tallied, and a majority protest did not exist.

Resolution 2007-097 (Adopted on August 21, 2007) established the following procedures for considering protests against proposed rate increases in accordance with California Constitution, Article XIII D, Section 6(a):

1. Each Owner or Customer may submit one written protest per parcel. Each protest must be submitted to the City Clerk at 303 East "B" Street, Ontario, California 91764, or in person at the public hearing.
2. All protests must be received by the City Clerk by the close of the public hearing. Any protest received after the close of the public hearing, even if postmarked prior to that time, will not be accepted or counted.
3. Each protest must be in writing and provide the location of the identified parcel (by assessor's parcel number or street address) and include the signature of the Owner or Customer. Protests submitted by e-mail will not be accepted. Although oral comments or testimony at the public hearing will not qualify as a formal written protest, the City Council welcomes input from the public during the public hearing on the proposed fee.
4. To be valid, a protest must (a) state that it is in opposition to the proposed fee; and (b) contain the original signature of an Owner or Customer of the identified parcel. Any protest that does not contain this information or an original signature of either an Owner or Customer shall not be tabulated.

5. Any Owner or Customer who submits a protest may withdraw it by submitting a written request to withdraw the protest. The request must be submitted to the City Clerk prior to the close of the public hearing either at 303 East "B" Street, Ontario, California 91764, or in person at the public hearing. The withdrawal of a protest must include the location of the identified parcel (by assessor's parcel or street address) and include the original signature of the Owner or Customer who submitted the protest. Only the Owner or Customer who submitted the protest may withdraw it. A request to withdraw a protest submitted by e-mail will not be accepted.
6. If an identified parcel is owned by more than a single Owner or more than one name appears on the City's records as the Customer for the identified parcel, or if the Customer is not the Owner, each Owner or Customer may submit a protest; provided, however, only one protest will be counted per identified parcel. Any one protest submitted in accordance with these procedures shall be sufficient to count as a protest for that identified parcel.
7. The City Clerk shall determine the validity of all protests. The City Clerk shall not accept as valid any protest if the City Clerk determines that any of the following conditions exist:
  - a. The protest is not in writing.
  - b. The protest does not provide the location of the identified parcel by either assessor's parcel number or street address.
  - c. The protest does not contain an original signature of an Owner or Customer of the property identified on the protest.
  - d. The protest does not state its opposition to the proposed fee which is the subject of the protest proceeding.
  - e. The protest is not received by the City Clerk prior to the close of the public hearing on the proposed fee.
  - f. A valid request to withdraw the protest is received prior to the close of the public hearing on the proposed fee.
8. The City Clerk's decision regarding the validity of a protest or a request for the withdrawal of a protest of shall constitute a final action of the City and shall not be subject to any internal appeal.
9. The City Clerk may begin to tabulate protests at any time after the close of the public hearing on the proposed fee. In the event the City Clerk cannot complete the tabulation of the protests before the conclusion of the City Council meeting, the City Council may continue the action to impose or not impose the fee to another City Council meeting date. The continuation of the action on the item to another meeting does not reopen the public hearing on the proposed fee.
10. A majority protest exists if valid written protests are timely submitted and not withdrawn by the Owners of or Customers with respect to, a majority of the identified parcels.

### **Proposed Rates**

Utility services for solid waste, sewer and water are operated as separate Enterprise Funds and are not commingled with the City's General Fund. These utility services are funded by fees and charges (rates) and the budgets are set annually. Rates and services are reviewed periodically (see Exhibit "A" to the

ordinances, incorporated by reference as part of the administrative record) to ensure that the established service rates are:

- a. Adequate to recover costs reasonably borne in providing the services;
- b. Equitable to all customer classes;
- c. In compliance with all State and Federal regulations; and
- d. Easily explained to customers.

The basis and reasons for the proposed increases are to enable the City to recover operating expenses, and to maintain the operational and financial stability of the utilities, while maintaining our commitment to provide the highest quality services at the lowest possible rates for our customers. The proposed rate increases will occur over two years. The current and proposed rates are set forth in the attached ordinances amending Chapters 3, 7 and 8B of Title 6, of the Ontario Municipal Code relating to services and fees for solid waste, sewer and water services. The proposed rates are based on multi-year financial plans. The multi-year financial plans assess the City's revenue requirements for both operations and capital facilities for sewer and water using information for the most recent master plans.

### **Solid Waste**

The following cost avoidance and cost cutting measures have been implemented:

- Expanding the recycling program to reduce the cost of landfill disposal;
- Extending the useful life of solid waste vehicles to reduce capital replacement cost; and
- Increasing operational efficiency to reduce labor cost.

As a result of these measures, the current rates are sufficient to cover the anticipated cost of providing solid waste services. Therefore, staff recommends no change to the solid waste rates that the City should charge its customers in calendar years 2012 and 2013. This constitutes the third and fourth years without any increase in solid waste rates.

### **Sewer**

The Sewer Utility Fund faces many challenges in the coming years that continue to increase the cost of providing sewer services. Some of these challenges are:

- Increased sewer treatment cost (IEUA Pass-Through);
- Aging sewer system, which requires more frequent maintenance, repairs and replacement; and
- Legislative mandates to ensure adequate sewer capacity and maintenance.

To offset some of the cost increases associated with increasing regulatory requirements and the maintenance and replacement of aging infrastructure, the following cost avoidance and cost cutting measures have been implemented which will limit the proposed rate increase to a minimum:

- Extending the useful life of vehicles and equipment to reduce capital replacement cost; and
- Increasing operational efficiency to reduce labor cost.

The City maintains the sewer collection system to provide a high level of customer service and comply with Federal, State and local laws and regulations, particularly Waste Discharge Requirement (WDR) and Sanitary Sewer Overflow (SSO) regulations. These regulations require that the collection system be properly managed, operated, and maintained at all times and adequate capacity to convey base flows and peak flows for all parts of the collection system is provided. The SSO regulations require video inspecting of all sewer lines and taking all feasible steps to stop and mitigate the impact of sanitary sewer overflows.

The City contracts with the Inland Empire Utilities Agency (IEUA) for sewer treatment at regional sewer treatment facilities owned and operated by IEUA. The IEUA Board of Directors sets the treatment rate per EDU (equivalent dwelling unit = one single-family residence) which is charged to the City and passed through on the City utility bills.

The recommended increase in the City monthly sewer service charge is needed to fund capital construction replacement projects to correct system deficiencies and improve system reliability, meet operational needs, and comply with mandated regulations related to SSO.

The City sewer monthly rate is recommended to increase by \$0.37 per EDU or 3% from the current \$12.23 per EDU to \$12.60 per EDU effective on bills sent on or after January 6, 2012.

## **Water**

The water industry throughout California faces many challenges in the coming years that continue to increase the cost of providing water services. Some of these challenges are:

- Increased costs of imported water, which constitutes approximately one third of the City's water supply. This increase in imported water cost also impacts the cost of acquiring additional groundwater production rights needed to supplement the City production rights;
- Increased costs to replace and reconstruct aging water facilities and to construct new facilities to correct existing system deficiencies; and
- Legislative mandates related to more stringent Drinking Water Standards and the presence of various plumes of groundwater contaminants, such as nitrates, volatile organics and perchlorate, which reduce the useful life of some of the existing wells, limit the areas where new wells can be drilled, or require expensive water treatment.

To offset some of the cost increases to meet increasing regulatory requirements, pay for more expensive imported water and replace and maintain aging infrastructure, the following cost avoidance and cost cutting measures have been implemented which will limit the proposed rate increase to a minimum:

- Expanding the use of recycled water to reduce the water supply cost;
- Reducing energy cost by controlling time of pumping and use of more efficient motors; and
- Increasing operational efficiency to reduce labor cost.

The recommended water rate will increase the average residential water bill by \$1.40 per month or 2% from the current \$71.07 per month to \$72.47 per month effective on bills sent on or after January 6, 2012, and by \$1.42 per month or 2% to \$73.89 per month effective on bills sent on or after January 1, 2013.

To continue to encourage the use of recycled water, the recommended rate for the first tier of recycled water is set at approximately 60% of the first tier for the potable water rate. The recommended recycled water rate will increase from the current rate of \$1.30 per hundred cubic feet (hcf) to \$1.33 per hcf for the first tier (0-1,000 hcf) on January 6, 2012 and \$1.35 per hcf on January 1, 2013. The recommended rates for the second tier of recycled water (>1,000 hcf) will increase from the current \$1.19 per hcf to \$1.21 per hcf on January 6, 2012 and \$1.24 per hcf on January 1, 2013. The recommended increase in water charges is needed to fund increased imported water costs, capital construction replacement projects and the increased cost of water treatment.

# CITY OF ONTARIO

*Agenda Report*  
December 6, 2011

SECTION:  
CONSENT CALENDAR

**SUBJECT: CONVEYANCE OF TITLE TO REAL PROPERTY FROM VULCAN MATERIALS COMPANY (AKA CALMAT COMPANY) TO THE CITY OF ONTARIO**

**RECOMMENDATION:** That the City Council approve and accept the conveyance of title to real property located in the City of Upland from Vulcan Materials Company, also known as Calmat Company, a Delaware Corporation; and authorize the City Manager to execute a Grant Deed (on file with the Records Management Department) and other documents necessary reflecting the conveyance.

**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:** On November 4, 1980, the City entered into a thirty-year agreement to allow mining on City-owned property in Upland in return for \$1 million. On November 2, 2010, the City entered into the First Amendment to the Agreement with Vulcan Materials Company (successor in interest to Calmat Company) for a one-year extension to the agreement with a payment to the City of \$88,200. The recommended conveyance of title and reversion of the property to City control will result in a small annual property tax assessment to the City of Ontario.

**BACKGROUND:** The City acquired approximately 54 acres of property located west of Mountain Avenue, between 22nd and 23rd Streets in Upland in 1964 (see attached location map) for the purpose of developing water recharge facilities. Under the 1980 agreement with Vulcan Materials Company (Vulcan) for excavation and surface mining, title to the property was granted to Vulcan during the term of the agreement to transfer tax and potential liability issues that might arise out of Vulcan's operation of a mining site.

Vulcan has now ceased its surface mining operations and has no desire to continue utilizing the property. Therefore, Vulcan is required by the 1980 agreement to convey title to the property back to the City. City staff is exploring alternatives for the best future use of the subject property.

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

Prepared by: Tim Mim Mack  
Department: MU/Utilities

City Manager  
Approval: 

Submitted to Council/O.R.A./O.H.A. 12/06/2011

Approved: \_\_\_\_\_

Continued to: \_\_\_\_\_

Denied: \_\_\_\_\_

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# CITY OF ONTARIO

*Agenda Report*  
December 6, 2011

**SECTION:**  
**PUBLIC HEARINGS**

**SUBJECT: CONSIDERATION OF AN ORDINANCE GRANTING A ONE-YEAR TIME EXTENSION TO ALL DEVELOPMENT PLAN, CONDITIONAL USE PERMIT AND VARIANCE APPROVALS**

**RECOMMENDATION:** That the City Council introduce and waive further reading of an ordinance granting a one year time extension to all Development Plan, Conditional Use Permit and Variance approvals which are due to expire on or before March 1, 2013.

**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:** Adoption of the resolution could result in the loss of fees for the processing of time extension requests (at the rate of \$490 per application). Conversely, future building permit fees, development impact fees and property tax revenues could be lost should current development applications be allowed to expire.


**BACKGROUND:** The Development Code establishes the regulatory framework for controlling the development and use of land in the City. These regulations generally require an applicant to submit and have approved, a Development Plan, and in some cases, a Conditional Use Permit and/or Variance application. City regulations further provide for the expiration of a Development Plan, Conditional Use Permit or Variance approval within a specified one to two-year timeframe, unless a building permit is issued and construction is commenced, or the approved use has commenced.

To assist developers, landowners and business owners during the economic slowdown, in March 2009, the City Council approved Ordinance No. 2910, extending the expiration date for Development Plan, Conditional Use Permit and Variance application approvals by one year. In January 2010, the City Council approved Ordinance No. 2917, extending the expiration date an additional year, and in March 2011, approved Ordinance No. 2933, further extending the expiration date for another one-year

**STAFF MEMBER PRESENTING:** Jerry L. Blum, Planning Director

Prepared by: Charles Mercier

Department: Planning

City Manager  
Approval: 

Submitted to Council/O.R.A./O.H.A. 12/06/2011

Approved: \_\_\_\_\_

Continued to: \_\_\_\_\_

Denied: \_\_\_\_\_

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period, for a total of 3 years. On November 15, 2011, the City Council opened the public hearing to consider another one-year extension; and continued the public hearing to the December 6, 2011 City Council meeting.

With the exceptionally slow recovery of the economy, developers, and land and business owners face the prospect of having their Development Plan, Conditional Use Permit and Variance approvals expire before they can obtain financing. Therefore, staff is recommending the City Council grant an additional one-year time extension to all active Development Plan, Conditional Use Permit and Variance approvals, which were due to expire before March 1, 2013. This action would be similar to the State Legislature and Governor's approval of several Senate and Assembly Bills over the past 3 years, which have extended the expiration date of any tentative subdivision map that has not yet expired, for a total of 5 years, as follows:

- SB 1185—Approved in July 2008, extending the expiration date of any tentative subdivision map that has not expired by January 1, 2011, by one year;
- AB 333—Approved in July 2009, extending the expiration date of any tentative subdivision map that has not expired by January 1, 2012, by 2 years; and
- AB 208—Approved in July 2011, extending the expiration date of any tentative subdivision map that has not expired by July 15, 2011, by 2 years.

**ENVIRONMENTAL REVIEW:** The project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to § 15061(b) (3) of the CEQA Guidelines, which is the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

# CITY OF ONTARIO

## Agenda Report

December 6, 2011

## SECTION: PUBLIC HEARINGS

**SUBJECT: CONSIDERATION OF A SPENDING PLAN FOR THE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND/CITIZEN'S OPTION FOR PUBLIC SAFETY GRANT PROGRAM**

**RECOMMENDATION:** That the City Council receive public comment on the proposed spending plan for the Fiscal Year 2011-12 Supplemental Law Enforcement Services Fund (SLESF)/Citizen's Option for Public Safety (COPS) Grant; and approve the proposed spending plan.

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

**FISCAL IMPACT:** On November 2, 2011, the County of San Bernardino announced the estimated funding allocation amounts to be awarded to each participating agency under the SLESF/COPS grant program. The City of Ontario is eligible to receive a maximum grant award of \$313,860. Since this amount is based on an estimation of the FY2011-12 State of California's Vehicle License Fee (VLF) revenues, the allocation may be re-calculated and adjusted by the Auditor/Controller's Office. The grant funds will be distributed to the City in four installments: March, June, September and December 2012. The City is not required to provide matching funds for this grant. If approved, the associated revenue and expenditure adjustments will be presented in the next quarterly budget report to the City Council.

**BACKGROUND:** Beginning in FY 2002-03, the State of California allocated grant monies (SLESF/COPS) to counties, who in turn, granted those monies to cities for the purpose of supporting front-line law enforcement needs. A public hearing is required for public input before the grant funds can be utilized.


Based on current front-line operational needs, the Police Department proposes the following grant spending plan:

**STAFF MEMBER PRESENTING:** Eric Hopley, Chief of Police

Prepared by: Donna Bailey

Department: Police

City Manager

Approval: 

Submitted to Council/O.R.A./O.H.A. 12/06/2011

Approved: \_\_\_\_\_

Continued to: \_\_\_\_\_

Denied: \_\_\_\_\_

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• Allocation towards upgrading our public safety radio system and equipment.	\$120,000
• Allocation towards additional receiver equipment for the Aviation Downlink Project.	\$150,000
• Allocation to update the Department's frontline weapons arsenal and firearms training equipment.	\$ 43,860
<b>TOTAL</b>	<b><u>\$313,860</u></b>

# CITY OF ONTARIO

*Agenda Report*  
December 6, 2011

**SECTION:**  
**COUNCIL MATTERS**

**SUBJECT: A PRESENTATION FROM THE COUNCIL SUB-COMMITTEE ON THE CONVENTION CENTER AND POSSIBLE DIRECTION REGARDING OPERATION OF THE ONTARIO CONVENTION CENTER**

**RECOMMENDATION:** That the City Council consider current operations of the Ontario Convention Center and provide possible direction on future operations of the Center.

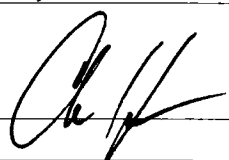
**COUNCIL GOALS:** Develop Strategies and Take Actions to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health  
Operate in a Businesslike Manner  
Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs,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

**FISCAL IMPACT:** The continuing operation of the Ontario Convention Center (OCC) provides economic benefit to the City and surrounding area through events, conventions, and shows; bookings of hotel rooms; parking tax revenues; and the associated impacts as attendees spend at local hotels, restaurants and shops.

**BACKGROUND:** The City retained SMG in 1999 to operate, manage, market and promote the OCC. The original management agreement expired in 2005. A successor agreement was approved by the City Council extending SMG's management of the facility through June 30, 2010. In early 2010, the City commissioned a study to evaluate SMG's performance as well as analyze the Convention Center's operations relative to similarly sized facilities throughout the country. As a result of the study, the City Council approved an extension of the SMG management agreement (to end on June 30, 2012) and included a \$100,000 overall cost reduction during the two-year period.

The current management agreement requires written notice to SMG of not less than one hundred eighty (180) days if the agreement is to be extended or terminated. In preparation for Council action/direction,

**STAFF MEMBER PRESENTING:** Council Sub-committee on the Convention Center:  
Alan D. Wapner, Council Member  
Jim W. Bowman, Council Member

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

Submitted to Council/O.R.A./O.H.A. 12/06/2011  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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the City again commissioned a study of SMG's performance as a follow-up to the 2010 study. The results of the follow-up study will be presented by the Council Sub-committee on OCC operations after which the City Council may provide direction or take action on the future operations of the OCC.