

**CITY OF ONTARIO
CITY COUNCIL, REDEVELOPMENT AGENCY,
AND HOUSING AUTHORITY
AGENDA
DECEMBER 20, 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 Mautz

INVOCATION

Pastor Mike Urciuoli, Calvary Chapel 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.

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 15, 2011, and December 6, 2011, and approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

Bills October 9, 2011 through November 19, 2011 and **Payroll** October 9, 2011 through November 19, 2011, when audited by the Finance Committee.

3. LICENSE AGREEMENT FOR THE CONSTRUCTION OF A TRASH ENCLOSURE ON CITY-OWNED PROPERTY LOCATED AT 117 WEST TRANSIT STREET/THEE AGUILA, INC.

That the City Council approve and authorize the City Manager to execute a License Agreement (on file with the Records Management Department) with Thee Aguila Inc. of Downey, California, permitting the construction and maintenance of a trash enclosure on City-owned property located at 117 West Transit Street.

4. CONSTRUCTION CONTRACT FOR CUCAMONGA AVENUE WIDENING PROJECT/ALL AMERICAN ASPHALT, INC.

That the City Council approve the plans and specifications, and award Construction Contract PF0010 (on file in the Records Management Department) to All American Asphalt, Inc. of Corona, California, for the Cucamonga Avenue Widening Project in the bid amount of \$259,000 plus a fifteen (15%) percent contingency of \$38,850 for a total authorized expenditure of \$297,850; and authorize the City Manager to execute said contract and related documents, and file a notice of completion at the conclusion of all construction activities related to the project.

5. A RESOLUTION APPROVING THE CITY OF ONTARIO'S 2011 HAZARD MITIGATION PLAN

That the City Council adopt a resolution approving the City of Ontario's 2011 Hazard Mitigation Plan (on file in the Records Management Department) in accordance with California Emergency Management Agency (Cal EMA) and Federal Emergency Management Agency (FEMA) requirements.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE HAZARD MITIGATION PLAN 2011 IN ACCORDANCE WITH CALIFORNIA EMERGENCY MANAGEMENT AGENCY (CAL EMA) AND FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) REQUIREMENTS.

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

That the City Council adopt 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.

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.

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
December 20, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: LICENSE AGREEMENT FOR THE CONSTRUCTION OF A TRASH ENCLOSURE ON CITY-OWNED PROPERTY LOCATED AT 117 WEST TRANSIT STREET

RECOMMENDATION: That the City Council approve and authorize the City Manager to execute a License Agreement (on file with the Records Management Department) with Thee Aguila Inc. of Downey, California, permitting the construction and maintenance of a trash enclosure on City-owned property located at 117 West Transit Street.

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: Under the License Agreement, Thee Aguila Inc. will pay all costs associated with the construction and ongoing maintenance of the enclosure during the agreement term. Additionally, Thee Aguila will pay to the City an annual "License Fee" of \$400 for 15 years with the proceeds going to the General Fund.

BACKGROUND: The City Council's focus on the Euclid Avenue District has created an increased interest in the renovation of historic buildings within the district. One of the buildings that has been renovated, with substantial private investment, is the former Beverly Hotel. The property owners, Thee Aguila Inc., were permitted, with conditions, to open a banquet facility. As part of the conditions for the permit, Thee Aguila is required to construct a trash enclosure for their two large trash bins. Because the facility is built to the property line, Thee Aguila requested permission to build the trash enclosure on the City-owned parking lot to the south of Thee Aguila's building, 117 West Transit Street. This will result in the loss of 2 parking spaces in the lot; however, adequate public parking is available in the immediate vicinity of the building to mitigate this loss.

All costs for construction and maintenance of the enclosure will be borne by Thee Aguila pursuant to the terms of the recommended agreement. Thee Aguila Inc. will be required to maintain the trash enclosure

STAFF MEMBER PRESENTING: John Andrews, Economic Development Director

Prepared by: Megan Hebdon
Department: Economic Development
City Manager Approval: 

Submitted to Council/O.R.A./O.H.A. **12/20/11**
Approved: _____
Continued to: _____
Denied: _____
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in a first class manner including, but not limited to: graffiti, weed abatement, and removing all debris. Subject to the other terms and conditions of the License Agreement, the agreement shall continue for a period of 15 years. The License Agreement will facilitate the occupancy of a new business in the Euclid Avenue District thereby increasing business activity in the area.

CITY OF ONTARIO

Agenda Report
December 20, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: CONSTRUCTION CONTRACT FOR CUCAMONGA AVENUE WIDENING PROJECT

RECOMMENDATION: That the City Council approve the plans and specifications, and award Construction Contract PF0010 (on file in the Records Management Department) to All American Asphalt, Inc. of Corona, California, for the Cucamonga Avenue Widening Project in the bid amount of \$259,000 plus a fifteen (15%) percent contingency of \$38,850 for a total authorized expenditure of \$297,850; and authorize the City Manager to execute said contract and related documents, and file a notice of completion at the conclusion of all construction activities related to the project.

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

FISCAL IMPACT: The Fiscal Year 2011-12 Capital Improvement Program includes appropriations of \$864,983 from the Water Capital, Sewer Capital, Solid Waste, Solid Waste Facilities, and Equipment Services funds for the construction of this project. The total recommended authorization of \$297,850 includes a 15% contingency. A 15% contingency is recommended due to high potential of unforeseen field conditions which may exist since a significant amount of work is below ground.

BACKGROUND: This project will complete the full-width construction of the west side of Cucamonga Avenue fronting the City yard and provide better vehicular access and drainage from east Belmont Street to east Francis Street. The scope of services for the Cucamonga Avenue Widening Project includes removal and replacement of damaged pavement, construction of conventional asphalt pavement, construction of concrete curb and gutter, sidewalk, and commercial drive approaches, waterline placement, fire hydrant construction, and street lights placement. A location map is provided for reference. It is anticipated that construction will start in January 2012 and be completed by April 2012.

On November 10, 2011, the City received eleven (11) bids for construction of this project.

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

Prepared by: Bill Braun
Department: Engineering

City Manager Approval: 

Submitted to Council/O.R.A./O.H.A. 12/20/11

Approved: _____

Continued to: _____

Denied: _____

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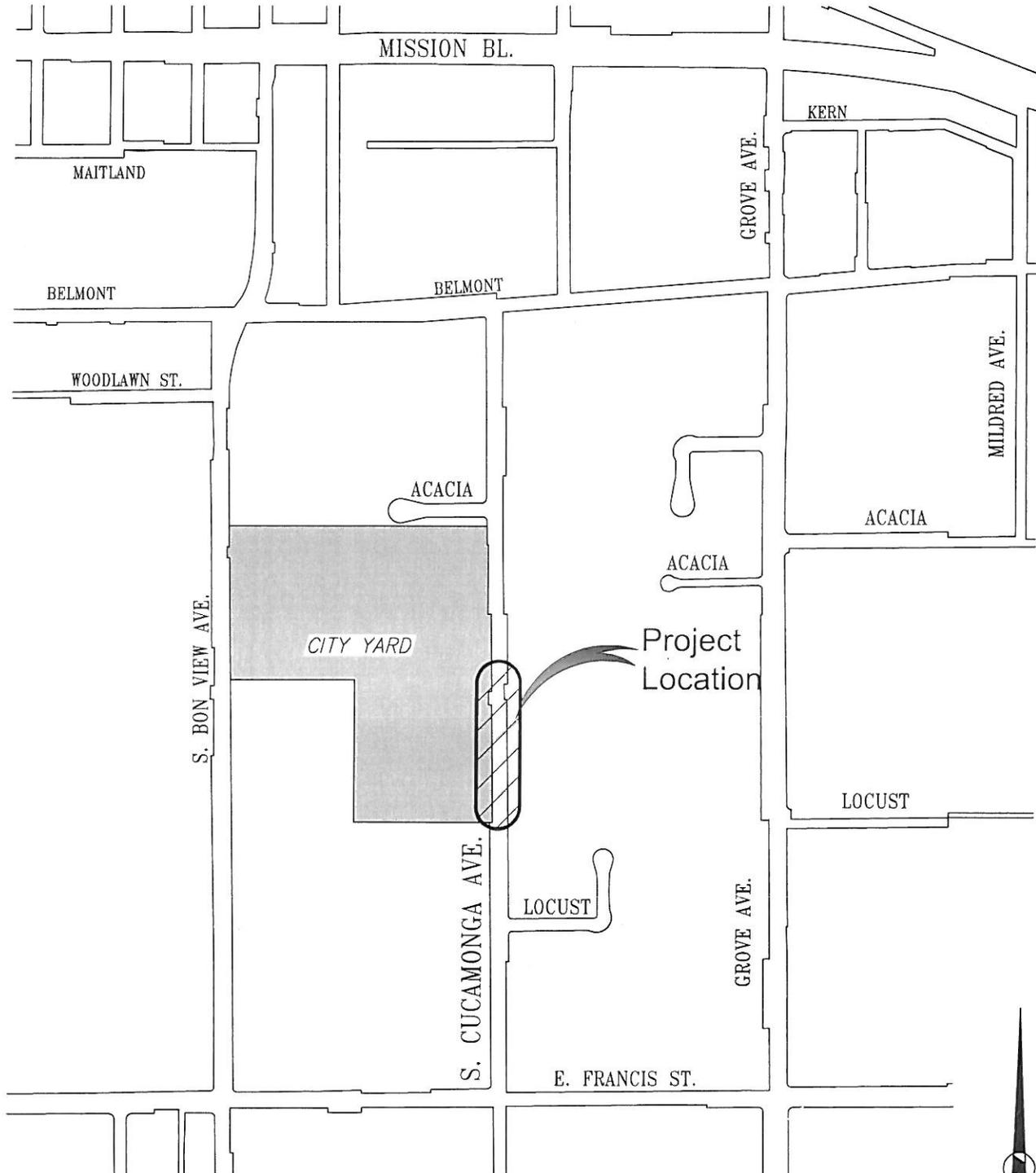
A summary of the bid results is as follows:

BIDDER	LOCATION	AMOUNT
All American Asphalt, Inc.	Corona, CA	\$259,000
Gentry Brothers	Irwindale, CA	\$283,710
FS Construction	Sylmar, CA	\$287,090
Hardy and Harper, Inc.	Santa Ana, CA	\$288,000
KAD Paving Company	Yucaipa, CA	\$290,297
Lee & Stires, Inc.	Ontario, CA	\$290,313
B & T Works, Inc.	Wildomar, CA	\$293,105
Gass Construction	Tustin, CA	\$295,812
Sequel Contractors	Santa Fe Springs, CA	\$296,270
EBS General Engineering	Corona, CA	\$314,921
Laird Construction	Rancho Cucamonga, CA	\$334,833

All American Asphalt, Inc. submitted the lowest responsive bid. All American Asphalt, Inc. has previously performed similar work for the City of Ontario in a satisfactory manner.

Project No. PF0010

Cucamonga Avenue Widening Between East Locust St. and Acacia St.



CITY OF ONTARIO

Agenda Report
December 20, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION APPROVING THE CITY OF ONTARIO'S 2011 HAZARD MITIGATION PLAN

RECOMMENDATION: That the City Council adopt a resolution approving the City of Ontario's 2011 Hazard Mitigation Plan (on file in the Records Management Department) in accordance with California Emergency Management Agency (Cal EMA) and Federal Emergency Management Agency (FEMA) requirements.

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: The City's Hazard Mitigation Plan must be approved by City Council in order for the City to receive Federal (FEMA) grant funding.

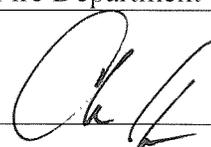
BACKGROUND: City staff from multiple departments along with community partners, working through the Ontario Emergency Management Working Committee and coordinated by the Office of Emergency Management, reviewed the previous Plan, gathered statistical and reference information, and confirmed that state and federal requirements were met in order to complete this updated version of the Plan. The Plan represents the City's commitment to reduce risks from natural, technological and human-caused emergencies and disasters, and serves as a guide for decision-makers as they commit resources to reducing the effects of natural, technological and man-made emergencies and disasters.

The draft Hazard Mitigation Plan 2011 was submitted to the Cal EMA and FEMA for evaluation and was found to be in compliance. The Plan is now ready for approval by City Council.

STAFF MEMBER PRESENTING: David A. Carrier, Fire Chief

Prepared by: Michael R. Gregory

Department: Fire Department

City Manager Approval: 

Submitted to Council/O.R.A./O.H.A. 12/20/11

Approved: _____

Continued to: _____

Denied: _____

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CITY OF ONTARIO

Agenda Report
December 20, 2011

SECTION:
CONSENT CALENDAR

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

RECOMMENDATION: That the City Council adopt 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 ordinance 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: At the meeting of December 6, 2011, the City Council introduced the ordinance to approve a one-year time extension to all Development Plan, Conditional Use Permit and Variance approvals. 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

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. 12/20/11

Approved: _____

Continued to: _____

Denied: _____

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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 period, for a total of 3 years.

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.