

**ONTARIO CITY COUNCIL
ONTARIO HOUSING AUTHORITY
ONTARIO REDEVELOPMENT AGENCY
MINUTES
February 19, 2008**

JOINT MEETINGS

Regular meetings of the Ontario City Council, Ontario Housing Authority and Ontario Redevelopment Agency were held on Tuesday, February 19, 2008, in the Council Chambers, City Hall.

The meetings were called to order at 5:40 p.m., by Mayor / Chairman Leon. All members were present as noted by Mayor Leon. There was no one present who wished to speak to a Closed Session item.

CLOSED SESSION

The Members then met in Closed Session for discussions regarding:

- **GC 54957.6, CONFERENCE WITH LABOR NEGOTIATOR:** Gregory C. Devereaux regarding Ontario Police Officers Association
- **GC 54956.9, CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION:**
One case

CALL TO ORDER

The City Council / Housing Authority / Redevelopment Agency reconvened in open session at 6:31 p.m.

The Pledge of Allegiance was led by Mayor pro Tem Anderson.

The Invocation was offered by *Reverend Larry Pitcher*, First Church of the Nazarene.

PRESENT: Mayor / Chairman Paul S. Leon; Mayor pro Tem / Vice Chairman Jason Anderson; Council / Authority / Agency Members Alan D. Wapner, Sheila Mautz and Jim W. Bowman.

ABSENT: None.

Also present were City Manager / Executive Director Gregory C. Devereaux, City Attorney John Brown and Assistant City Clerk / Secretary Traci R. McGinley.

REPORT OF CLOSED SESSION

City Attorney Brown indicated that no reportable action was taken in Closed Session.

PUBLIC COMMENT

Dorene Hopkins again stated that East J Street was in need of street lights and curbs and that the City needed an animal shelter and a Police substation downtown. She also expressed that the speed limit needed to be reduced in the area of Walnut and Walker and a stop sign installed. She summarized a recent article regarding Wal-Mart's purchasing of items from China.

Matt Gentry thanked Elliot Ellsworth and Delilah Patterson of the City and advised the public that if they used specific credit cards to pay their bills they could get a 6% reduction on their water and trash bills. Sprint customers 10% off and American Express will rebate an additional 5%. They will also rebate 3-5% on cell phone, office supplies, gas, auto, groceries and fast food as well as 1.25% on everything else. The City itself can also get rebates. He added that he does not get any money from entities regarding this, but is merely trying to help people.

Robbie Stein thanked Council and indicated that she attends Mt. Zion Church and works at New Hope. She was present this evening regarding the homeless and requested that the City work with this group to come up with solutions.

Mayor Leon then announced that the remainder of the Public Comment would be heard after the agenda items.

AGENDA REVIEW / ANNOUNCEMENTS

City Manager Devereaux said there were no announcements.

SPECIAL CEREMONIES

20 YR SERVICE PIN PRESENTATION FOR DECEASED PARKS & MAINTENANCE EMPLOYEE - JESSE LOPEZ

Public Works / Community Services Director Ken Jeske stated that Jesse Lopez was one of the most positive people he had ever known.

His wife, Selina Lopez and family thanked the City for the outpour of support and indicated that Jesse was very proud to work for the City and she was proud to be here.

The Mayor and Council then presented a 20 year service pin to deceased Parks and Maintenance Employee, Jesse Lopez's wife and family.

JOINT AGENCIES CONSENT CALENDAR

1. APPROVAL OF MINUTES

Minutes for the regular meeting of the City Council, Redevelopment Agency and Housing Authority of February 5, 2008, and the Special Meetings of the City Council, Redevelopment Agency and Housing Authority on January 22, 2008, January 25, 2008 and February 12, 2008, and approving same as on file in the Records Management Department.

2. BILLS / PAYROLL

Bills from January 13, 2008 through January 26, 2008 in the amount of \$21,701,950.34; and **Payroll** from January 19, 2008 through February 1, 2008, in the amount of \$2,484,432.04 when audited by the Finance Committee.

3. PROFESSIONAL SERVICES AGREEMENT FOR THE PREPARATION OF RECYCLED WATER ENGINEERING REPORTS / BOYLE ENGINEERING CORPORATION

Authorize the City Manager to execute a Professional Services Agreement with Boyle Engineering Corporation located in Ontario, CA for the preparation of approximately 35 Recycled Water Engineering Reports for \$172,388 plus a 15% contingency of \$25,859 for a total amount of \$198,247.

4. MID-YEAR BUDGET REPORT – FISCAL YEAR 2007-08

Approve the budget adjustments and recommendations as listed in the Mid-Year Budget Report for Fiscal Year 2007-08.

5. AMENDMENT TO THE MILLIKEN AVENUE GRADE SEPARATION PROJECT SCOPE AND THE USE OF A STATUTORY EXEMPTION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Approve an amendment to the Milliken Avenue Grade Separation Project scope and the use of a Statutory Exemption pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21080.13, and authorize the filing of a Notice of Exemption with the San Bernardino County Clerk.

6. APPLICATION FOR FEDERAL HIGHWAY SAFETY IMPROVEMENT PROGRAM GRANT FUN

Authorize staff to apply for grant funds through the Federal Highway Safety Improvement Program (HSIP) for street improvement and traffic signal modifications at the intersection of Grove Avenue at Sixth Street, and the

installation of Emergency Vehicle Pre-Emption and Battery Back-Up Systems at various locations citywide.

7. A COLLABORATION AND LEASE AGREEMENT BETWEEN THE CITY AND MERCY HOUSE AND AUTHORIZE STAFF TO SUBMIT FUNDING APPLICATIONS FOR FUNDS TO CONSTRUCT AND OPERATE THE MERCY HOUSE HOMELESS INTAKE CENTER AND EMERGENCY SHELTER LOCATED AT 804, 808, AND 814 SOUTH GREENWOOD

- A. Approve the Collaboration Agreement and Lease Agreement between the City of Ontario and Mercy House;
- B. Adopt a Resolution authorizing staff to submit an application to the State of California Department of Housing and Community Development's Emergency Housing and Assistance Program Capital Development ("EHAPCD") Program for \$1 million as a forgivable deferred loan to be utilized towards the development of the Center;
- C. Adopt a Resolution authorizing staff to submit an application for grant funds to the County of San Bernardino Department of Behavioral Health for the State of California's Mental Health Services Act Housing Program ("MHSA") for construction and operational funds for the Center; and
- D. Authorize the City Manager to execute any and all documents necessary or desirable to receive the funding from the EHAPCD and MHSA Programs, and take all measure necessary to implement the Agreements.

RESOLUTION NO. 2008-008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE CITY'S APPLICATION FOR AND USE OF EMERGENCY HOUSING AND ASSISTANCE CAPITAL DEVELOPMENT LOAN PROCEEDS FOR ELIGIBLE ACTIVITIES

RESOLUTION NO. 2008-009

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE CITY'S APPLICATION FOR AND USE OF MENTAL HEALTH SERVICES ACT HOUSING PROGRAM FUNDS FOR ELIGIBLE ACTIVITIES

8. CONTRACT FOR EQUIPPING OF WELL NOS. 45, 46 AND 47 / PACIFIC HYDROTECH CORPORATION AND A PROFESSIONAL SERVICES AGREEMENT FOR RELATED CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES / ALBERT A. WEBB ASSOCIATES

- A. Approve plans and specifications and award PWA Contract No. UT 0405-04, Equipping of Well Nos. 45, 46 and 47, to Pacific Hydrotech Corporation located in Perris, CA for a bid amount of \$6,904,611 plus a 15% contingency (\$1,035,692) for a total amount of \$7,940,303 and authorize the City Manager to execute said contract;
- B. Approve a professional services agreement with Albert A. Webb Associates located in Riverside, CA for project related contract management and inspection services in the amount of \$483,654 plus a 15% contingency (\$72,548) for a total amount of \$556,202 and authorize the City Manager to execute said agreement; and
- C. Authorize the filing of the Notice of Completion at the conclusion of all construction related activities of the project.

9. AMENDMENT TO CITY OF ONTARIO 457 DEFERRED COMPENSATION PLAN TO ALLOW MEMBER LOANS

Adopt a resolution amending the City's 457 Deferred Compensation Plan and authorize the City Manager to execute necessary plan agreement amendments (on file with the Records Management Department) with ICMA Retirement Corporation (ICMA-RC) and Internationale Nederlanden Group (ING) to provide member loan benefits.

RESOLUTION NO. 2008-010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING THE CITY'S DEFERRED COMPENSATION PLAN TO ALLOW FOR MEMBER LOANS

Motion: Moved by *Bowman*, seconded by *Mautz*, and unanimously carried to adopt the joint Calendars as recommended.

PUBLIC HEARING

10. AN AMENDMENT TO THE RANCON SPECIFIC PLAN (FILE NO. PSPA02-005) AND AN AMENDMENT TO THE CROSSROADS SPECIFIC PLAN (FILE NO. PSPA04-004)

A public hearing to adopt a resolution approving an Amendment to the Rancon Specific Plan (File No. PSPA02-005), de-annexing an approximate 20.9-acre portion of the Specific Plan located at the southwest corner of Etiwanda Avenue and Ontario Mills

Parkway and a resolution approving an amendment to the Crossroads Specific Plan (File No. PSPA04-004), annexing the 20.9-acre project site and adding “truck stops and travel centers” as a conditionally permitted use within the light industrial land use district.

Notice of public hearing was duly given and affidavit of compliance is on file in the Records Management Department.

There were no written communications, and no one wishing to be heard, the Mayor closed the public hearing.

RESOLUTION NO. 2008-011

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM, AND APPROVING FILE NO. PSPA02-005, A SPECIFIC PLAN AMENDMENT DE-ANNEXING AN APPROXIMATE 20.9-ACRE PORTION OF THE RANCON SPECIFIC PLAN LOCATED AT THE SOUTHWEST CORNER OF ETIWANDA AVENUE AND ONTARIO MILLS PARKWAY, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 238-051-16, 17, 18, 19, 20 & 22

RESOLUTION NO. 2008-012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM, AND APPROVING FILE NO. PSPA04-004, A SPECIFIC PLAN AMENDMENT ANNEXING APPROXIMATELY 20.9 ACRES OF LAND LOCATED AT THE SOUTHWEST CORNER OF ETIWANDA AVENUE AND ONTARIO MILLS PARKWAY, INTO THE CROSSROADS SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 238-051-16, 17, 18, 19, 20 & 22

Motion: Moved by *Wapner*, seconded by *Bowman*, and unanimously carried to adopt said Resolution Nos. 2008-011 and 2008-012.

RECESS A brief recess was called by the Mayor from 6:51 p.m. to 7:03 p.m.

ADMINISTRATIVE REPORTS / DISCUSSION / ACTION

11. TRAFFIC CONTROL SIGNAGE – WALNUT AND WALKER

City Manager Devereaux explained that Council had directed staff to review the criteria for placement of traffic control devices at the intersection of Walker and Walnut. Pursuant to the state criteria, a review of accidents, speed and traffic at that intersection does not meet the warrants for a stop sign; however, the City is not bound by state criteria and can make independent decision, but there are different legal ramifications.

Council Member Wapner thanked staff, but added that he was not in agreement with the state criteria, the rules are archaic and the City should contact the state about updating their criteria. He indicated that he lives in the neighborhood and the speed limits and traffic are too fast for the area. With the amount of new and future development both will increase. Council Member Wapner then added that he supported placement of stop signs.

Council Member Bowman also thanked staff and agreed that the state mandate needs to be updated; he indicated that he also agreed that there were extra circumstances on that road and he supported over-riding the state guidelines and agreed that stop signs should be placed at the intersection.

Mayor pro Tem Anderson expressed his appreciation for others comments and staff's work. The family brought this forward and he appreciates Council Member Wapner's understanding of the area, and whatever decision is made there regarding over-riding policy issues. He then added that there are numerous accidents that happen throughout the City, one in particular occurred at Euclid and Walnut where three high school students were killed in an intersection that was controlled by a stop light. He then added that he had reservations about over-riding the state guidelines and that this was not an easy decision.

Mayor Leon explained that he needed to make a decision on facts and validation of the need versus the emotion. He had an opportunity to speak to the family and could feel their emotion of this tragedy, but as Mayor pro Tem Anderson expressed, there is a responsibility on the part of the City Council to make decisions based on facts. A stop sign at Walker Avenue would control and provide a more convenient pedestrian crossing within a $\frac{3}{4}$ mile stretch between Parco and Vineyard Avenues. He explained that he has driven the area and did so again today. Due to the alignment of the homes there is a misperception that this is a thoroughfare. The speeds average 48-50 miles per hour and 60% of the collisions at the intersection are broadside accidents which are considered correctable with all-way stop controls. The future traffic volumes on Walnut Street are expected to increase in the near future due to the expansion of the neighborhood retail shopping center to the Northwest and the growth of the Southside of the City. Since this is a four lane road it gives the ability to traverse east and west at

ease. Mayor Leon then added that with the information contained in the staff report, that this intersection is due, if not now, in the very near future, for a 4-way stop sign and he concurred that this is the right time to have them installed.

Yolanda Roberts thanked the Council for their support not just because of the loss of her son, but to have the desire to have a safer intersection and neighborhood. She then requested to turn in a petition which contained 838 signatures agreeing that control devices need to be placed at the intersection. She stated that she not only received signatures from people in the community, but also from people that share those concerns because they travel in that area.

Mayor Leon noted that everyone had the desire to see this decision expedited and to happen very quickly, but the City must go through the process as a governing body. He then informed Mrs. Roberts that her patience was much appreciated.

Daryl Vollrath stated that one thing was overlooked; the City had guidelines established since 1967 when Ordinance No. 1651 was adopted and copies were distributed to Council. The guidelines are established for a reference point. The speed limit needs to be reduced for the safety of everyone in the area and there are other neighborhoods within the City that need to be evaluated. He questioned if the Municipal Code was not being followed why were the ordinances adopted and in place.

Motion: Moved by *Wapner*, seconded by *Leon*, and carried to approve installation of a four-way stop sign at the intersection of Walnut and Walker, with Mayor pro Tem Anderson voting no.

RECESS A brief recess was called by the Mayor from 7:23 p.m. to 7:34 p.m.

PUBLIC COMMENT *(continued)*

Mayor Leon announced that he spoke with the individuals that filled out Public Comment Cards regarding “Tent City” and although there is no item on the Agenda regarding closure of the homeless encampment, they have designated a speaker to share their comments and concerns to Council.

Terry Masl explained that he is a resident of Rancho Cucamonga and has been involved with “Tent City” for approximately six months. Although this is a temporary refuge for the homeless, there are some viable solutions to make it a clean and safe environment. The volunteers have met with City staff and presented proposals that would help the overall conditions. City staff, Brent Schultz and Andy Wingert, have been very professional in their approach, but the group feels like they have hit a brick wall. “Tent City” has had very little oversight and there is no one person or entity that is in charge. Allowing “Tent City” has been a bold move by the City of Ontario and it has provided an opportunity for the community to learn, but “Tent City” has become a

haven, not only to the down and out, but also to criminals and drug dealers. The over-all conditions are inhumane and unsanitary.

Mr. Masl commended Mercy House and their work; however the agreement between the City and Mercy House will have little immediate affect on the individuals involved. It is a decent long-term approach; but, will only assist 5% of the current population at "Tent City." With the down-turn of the economy and the foreclosure crises the numbers of homeless will multiply. According to the National Association of Homeless a campground atmosphere is well suited; they can accommodate larger numbers and are convenient for charities that bear much of the financial burden. The location of the campground needs to be convenient to local transportation and must be enclosed. A single supervised entrance / exit with assignable plots. By having assignable plots it would provide information about who is being assisted, how they are or need to be assisted, and will allow security to be maintained. Mr. Masl added that a centralized facility for donation drop-off and distribution is also needed; as well as temporary structures for showers and housing. All of this could be provided with very little funds.

Mr. Masl concluded by stating that it was unfair for Ontario to be shouldering the burden. As a resident of Rancho Cucamonga he urged Mayor Kurth and the City Council to join Ontario in addressing this situation. He added that he has also been in contact with Nell Soto and Congressman Baca's Office and they are ready to step up and work with Ontario. The group is offering solutions, an approach that can be a pilot program for other cities to follow. Senate Bill 2, which became effective January 2008, mandates that cities with more than 100 homeless must provide adequate accommodations. He then requested a meeting with those authorized to implement such a plan.

COUNCIL / STAFF COMMENT

Council Member Mautz thanked staff for their continued hard work.

Council Member Bowman discussed a letter received from a concerned citizen, Carol Williams, regarding deteriorated and graffiti damaged signage throughout the City. He suggested having the Engineering Department contact CalTrans to see about cleaning or replacing the signs on the State Highway. Council Member Bowman complimented the graffiti removal program, but suggested that Council come up with recommendations to help curb this problem on a proactive basis.

Mayor pro Tem Anderson requested that with the Council's action this evening as a result of the Roberts family's efforts that the meeting be closed in honor of Paul Roberts.

Mayor Leon stated that westbound 60 Freeway at Euclid Avenue often backs up onto the freeway. Trucks stack up in the right lane in order to make a wide left turn going south on Euclid Avenue. He has spoken to CalTrans representatives with no success

and requested staff work with CalTrans as it would take very little to rectify the problem. He requested individuals write letters, but CalTrans needs to hear from the City as well.

Mayor Leon congratulated Ontario High School student, Alesha Nichelle Stelzl, who made it to the final 126 of American Idol. He added that it was great to see her on television and that he was very proud of her.

Mayor Leon announced a concert “Broadway Hits Ontario” will be coming to the City of Ontario, Gardiner Spring Auditorium on March 3, 2008 at 7:00 p.m. The lead actors of the show “Wicked” are coming to town for this concert and will be singing songs from Broadway shows. Anyone wishing to attend a world class concert should attend; he also noted that there are contributors willing to pay for students to attend.

ADJOURN IN MEMORIAM

Mayor Leon announced the next regular meeting on March 4, 2008. Council Members then adjourned in memoriam at 7:53 p.m. to the memory of *Paul Roberts* as previously announced.

Traci R. McGinley, Assistant City Clerk / Secretary

APPROVED:

Paul S. Leon, Mayor / Chairman