

**ONTARIO CITY COUNCIL
ONTARIO HOUSING AUTHORITY
ONTARIO REDEVELOPMENT AGENCY
MINUTES
March 18, 2008**

JOINT MEETINGS

Regular meetings of the Ontario City Council, Ontario Housing Authority and Ontario Redevelopment Agency were held on Tuesday, March 18, 2008, in the Council Chambers, City Hall.

The meetings were called to order at 5:35 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 American Federation of State, County and Municipal Employees (A.F.S.C.M.E.)

- **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 6:35 p.m.

REPORT OF CLOSED SESSION

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

The Pledge of Allegiance was led by Members of Scout Troop 319.

The Invocation was offered by *Senior Pastor Daniel Wren*, Calvary Chapel, Creekside.

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

ABSENT: None.

Also present were City Manager / Executive Director Gregory C. Devereaux, City Attorney John Brown and City Clerk / Secretary Mary E. Wirtes.

AGENDA REVIEW / ANNOUNCEMENTS

City Manager Devereaux said there were no announcements.

SPECIAL CEREMONIES

RECOGNITION OF AYSO REGION 66 COMMISSIONER SCOTT ACEVEDO FOR OUTSTANDING SERVICE TO THE COMMUNITY

Director Ken Jeske introduced *Scott Acevedo* who served as Regional Commissioner to the American Youth Soccer Organization (AYSO) Region 66 for 5 years. Director Jeske indicated that his commitment included organizing 1500 children each year. Mr. Acevedo spoke briefly saying it is a pleasure to work with many people and he thanked Council for the honor and recognition. The Mayor and Council Members then presented him with a Certificate of Recognition acknowledging his service. Council Member Wapner said Mr. Acevedo has been working with children in soccer for 17 years.

PUBLIC COMMENT

Monica Gutierrez, Press Secretary to Congressman Joe Baca, announced the appointment of two young people to the United States Air Force Academy, Austin E. Lan and Douglas I. Somoza. Mr. Somoza then thanked Congressman Baca, his parents, family, the Mayor and Council Members for their recognition and support.

The Honorable Debbie Cook, Mayor of Huntington Beach, addressed Council and congratulated Council Member Alan Wapner for being elected as Vice President of the Southern California Association of Governments (SCAG). She added that she had recently had the privilege of participating in a Leadership Conference with Council Member Wapner at USC.

Daryl Vollrath opposed action being taken by City officials in the Homeless Services Area of Ontario recently and said he feels the City is doing those individuals an injustice.

Benjamin Wood, a teacher in Rancho Cucamonga, applauded the City's efforts to help the homeless and expressed concern about the assignment of wrist bands to the residents. He urged people to participate in helping the homeless.

Joseph Angiuli requested City officials give Code Enforcement their attention and he requested an increase to their staff, as well as more law enforcement.

Dorene Hopkins commented on the residents on East J Street and said they need sidewalks and curbs, as well as more street lights. She suggested housing homeless people in empty stores on Holt Boulevard. She commented on speed limits, the need for an animal shelter and a police substation.

Rob Branson announced the Kiwanis Club pancake breakfast and Car Show on Euclid Avenue on June 7th. He said this year's event will be dedicated in memoriam to *Loyal Nixon* and he hopes everyone will come out as the money is donated to charities.

Marty Binney announced the American Cancer Society Relay will be held on Graber Field at Chaffey High School from 9:00 a.m. to 9:00 p.m. on May 17-18, 2008. He said they hope to field 30 teams and raise \$30,000, and said information may be obtained by calling 909-395-2021 or on the web at www.relayforlife.org. The cost to sponsor a team is \$150.00.

JOINT AGENCIES CONSENT CALENDAR

The City Clerk announced that two letters were received from Parkwest Construction Company dated March 12th and March 17th 2008 with respect to Agenda Item #15 – *Ontario Soccer Complex*, requesting the City to reconsider their recommendation and award Contract PK 0708-10 to them. Mayor Leon announced that the agenda item will be heard separately at the end of the Consent Calendar.

1. APPROVAL OF MINUTES

Approve minutes for the regular meetings of the City Council, Housing Authority and Redevelopment Agency dated March 4, 2008, as on file in the Records Management Department.

2. BILLS / PAYROLL

Approve **bills** in the amount of \$9,437,872.55, for February 10 through February 23, 2008; and **payroll** in the amount of \$2,345,333.42, through February 16 and February 29, 2008, when audited by the Finance Committee.

3. AWARD A CONTRACT FOR THE PURCHASE OF NEW REMOTEC HD-1 BOMB ROBOT / REMOTEC U.S.

Utilize FY2007 Homeland Security Grant Funds to award a contract in the amount of \$135,671 to Remotec U.S. of Clinton, TN for the purchase of a new Remotec HD-1 Bomb Robot.

4. FIRST AMENDMENT TO THE DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE ONTARIO REDEVELOPMENT AGENCY AND D STREET SENIOR HOUSING, INC.

Ontario Redevelopment Agency:

- A. Adopt a resolution approving a First Amendment to the Disposition and Development Agreement between the Agency and D Street Senior Housing, Inc. and
- B. Authorize the Executive Director of the Agency to execute any and all documents necessary or desirable to implement the Agreement.

RESOLUTION NO. ORA-773

A RESOLUTION OF THE ONTARIO REDEVELOPMENT AGENCY OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A FIRST AMENDMENT TO THE DISPOSITION AND DEVELOPMENT AGREEMENT WITH D STREET SENIOR HOUSING, INC.

5. FIRST AMENDMENT TO THE DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE ONTARIO HOUSING AUTHORITY AND ONTARIO SENIOR HOUSING PARTNERS, L.P.

Ontario Housing Authority:

- A. Adopt a resolution approving the First Amendment to the Disposition and Development Agreement between the Authority and Ontario Senior Housing Partners, L.P. and
- B. Authorize the Executive Director of the Authority to execute any and all documents necessary or desirable to implement the Agreements.

RESOLUTION NO. OHA-039

A RESOLUTION OF THE ONTARIO HOUSING AUTHORITY OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A FIRST AMENDMENT TO THE DISPOSITION AND DEVELOPMENT

**AGREEMENT WITH ONTARIO SENIOR HOUSING PARTNERS,
L.P., FOR DEVELOPMENT OF A SENIOR CITIZEN, RENTAL
HOUSING PROJECT**

**6. APPROVAL BY THE ONTARIO REDEVELOPMENT AGENCY OF TRANSFER
OF CINNAMON RIDGE APARTMENTS TO NEW OWNER**

Agency Board adopt a resolution approving the Assignment, Assumption and Consent Agreement regarding the Cinnamon Ridge Apartments, authorizing the Executive Director to determine the sufficiency of the documents related to the transfer and to execute any and all documents necessary or desirable to implement the transfer of the Property.

RESOLUTION NO. ORA-774

**A RESOLUTION OF THE ONTARIO REDEVELOPMENT
AGENCY OF THE CITY OF ONTARIO, CALIFORNIA,
APPROVING THE ASSIGNMENT, ASSUMPTION AND
CONSENT AGREEMENT BY AND AMONG THE AGENCY,
ONTARIO 4TH STREET LLC, AND CINNAMON RIDGE
APARTMENTS, LP, IN CONNECTION WITH THE CINNAMON
RIDGE APARTMENTS**

**7. AMEND AN AGREEMENT BY AND BETWEEN THE CITY OF ONTARIO AND
THE CITY OF FONTANA REGARDING TRANSFER OF RIGHT OF FIRST
PURCHASE OF RECHARGED RECYCLED WATER**

Amend an agreement by and between the City of Ontario and the City of Fontana, regarding transfer of right of first purchase of recharged recycled water. The agreement is consistent with Sections 15 and 16 of the regional contract. The total cost of the 3,000 acre feet transaction is \$506,640 for which payment by Ontario to Fontana is due on October 31st each year and for which the agreement provides beneficial use of local resource at financial benefit to both parties.

**8. PROFESSIONAL SERVICES AGREEMENT FOR THE BROOKS STREET
SEWER PIPELINE IMPROVEMENT PROJECT / HALL & FOREMAN
CORPORATION**

Approve a Professional Services Agreement with Hall & Foreman Corporation of Rancho Cucamonga, CA, for engineering services to prepare construction plans, specifications and estimates for sewer improvements on Brooks Street between Mountain Avenue and Cypress Avenue, and authorize the City Manager to execute said agreement.

9. AWARD OF BIDS FOR THE PURCHASE OF FLEET VEHICLES

Award the following bids for the purchase of fleet vehicles:

- A. Bid No. 08.02-01 to RDO Equipment of Riverside, CA in the amount of \$106,612 for the purchase of one John Deere Loader;
- B. Bid No. 08.02-02 to Long Beach BMW of Signal Hill, CA in the amount of \$115,069 for the purchase of five BMW Motorcycles;
- C. Award purchase to Nilfisk-Advance, Inc. of Plymouth, MI in the amount of \$42,781 for the purchase of one Captor 4800 Rider Sweeper / Scrubber per State of California Department of General Services CMAS Contract #4-07-23-0019A.

10. RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND PARCEL MAP NO. 18505 / ELMA COURT EQUITY PARTNERS LLC

Adopt a resolution approving an Improvement Agreement, Improvement Security, and Parcel Map No. 18505 for property located at the southeast corner of Elma Court and Corona Avenue submitted by Elma Court Equity Partners LLC, a Delaware Limited Liability Company (Jason Harris) of Costa Mesa, CA.

RESOLUTION NO. 2008-015

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY, AND PARCEL MAP NO. 18505 LOCATED AT THE SOUTHEAST CORNER OF ELMA COURT AND CORONA AVENUE

11. AWARD CONTRACT NO. PK0708-01 FOR THE REPLACEMENT OF TWO 50-TON HVAC UNITS AT THE POLICE DEPARTMENT / ALLISON MECHANICAL, INC.

Award Contract No. PK 0708-01 to Allison Mechanical, Inc. of Redlands, CA for the replacement of two 50-ton HVAC units at the Police Department in the amount of \$170,000 plus a 15% contingency (\$25,500) for a total of \$195,500; authorize the City Manager to execute said contract, and authorize the filing of the Notice of Completion at the conclusion of all construction activities related to the project.

12. RESOLUTION AUTHORIZING FILING OF APPLICATION TO CONSTRUCT THE ALTERATION OF THE EXISTING GROVE AVENUE UNDERPASS AT THE UNION PACIFIC RAILROAD (UPRR) TRACKS

Adopt a resolution authorizing filing of application to construct, verifying that sufficient funds are available, that all other matters prerequisite to awarding the contract for the alteration of the existing Grove Avenue Underpass at the UPRR tracks will be undertaken, and authorize the City Manager to execute the Construction and Maintenance Agreement between the City of Ontario and the Union Pacific Railroad Company when received.

RESOLUTION NO. 2008-016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING FILING OF APPLICATION, VERIFYING THAT SUFFICIENT FUNDS ARE AVAILABLE, AND THAT ALL OTHER MATTERS PREREQUISITE TO AWARDING THE CONTRACT FOR THE ALTERATION OF THE EXISTING GROVE AVENUE UNDERPASS AT THE TRACKS OF THE UNION PACIFIC RAILROAD P.U.C. NO. B-521.40B WILL BE UNDERTAKEN

13. GRANT APPLICATION WITH THE STATE OF CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

Authorize application for and acceptance of a 12-month grant for a maximum of \$125,000 to assist in funding the salary of an existing officer to work with an Alcoholic Beverage Control (ABC) Investigator in addressing alcohol-related problems within the community, and authorize the City Manager to execute the necessary documents in applying for and accepting the grant award.

14. AWARD CONSTRUCTION CONTRACT PFD06-OCEC-058 FOR DRYWELLS IN CONNECTION WITH THE CONSTRUCTION OF THE PUBLIC PARKING LOT (PARCEL 12) LOCATED AT 3737 CONCOURS AVENUE / TORRENT RESOURCES

City Council / Redevelopment Agency award contract PFD06-OCEC-058 to Torrent Resources of Phoenix, AZ, in the amount of \$82,229 for dry wells related to the construction of the public parking lot (Parcel 12) located at 3737 Concours Avenue; authorize the City Manager / Executive Director to execute the contract; and authorize the filing of Notices of Completion at the conclusion of all construction related activities.

Motion: Moved by *Bowman*, seconded by *Anderson*, and unanimously carried to adopt said Joint Calendars with the removal of Agenda Item #15.

DEFERRED ITEM

15. AWARD CONTRACT NO. PK 0708-10 FOR THE CONSTRUCTION OF THE 20 ACRE ONTARIO SOCCER COMPLEX / SIERRA LANDSCAPE COMPANY

- A. Reject the lowest bidder, in the amount of \$7,869,000, Parkwest Construction Company, for being non-responsive;
- B. Reject bid protests submitted by OHNO Construction Company and R.C. Construction Services, Inc. finding that bid protests state no legal basis upon which the bid submitted by the lowest responsive, responsible bidder, Sierra Landscape Company, may be deemed non-responsive;
- C. Award Contract No. PK 0708-10 to Sierra Landscape Company of Palm Desert, CA for the construction of the 20-acre Ontario Soccer Complex in the amount of \$7,882,000, plus seven additive alternate items at a total cost of \$809,066, plus a twenty-five percent contingency of \$2,172,767 for a total amount of \$10,863,833; authorize the City Manager to execute said contract; and authorize filing of a Notice of Completion at the conclusion of all construction activities related to the project.

Ron Moore, Parkside West Construction, reviewed the documentation on file recommending award of the bid to Parkside stating they felt the requirement of the bid was severe and that they met the qualifications.

City Attorney Brown said there was a great amount of interest in bidding on this project and thanked Mr. Moore for their input and professional handling of the matter. He restated their objections and indicated the City feels comfortable with the bid specifications and considers them to be appropriate. City Attorney Brown said his preference would be to re-bid the project if Council does not concur.

Motion: Moved by *Wapner*, seconded by *Anderson*, and unanimously carried to approve staff's recommendation.

PUBLIC HEARINGS

16. FILE NO. PSPA07-007, AN AMENDMENT TO THE SUBAREA 29 SPECIFIC PLAN

A public hearing to consider adoption of a resolution approving an Amendment to the Subarea 29 Specific Plan (File No. PSPA07-007) to change the land use designation of Planning Area 29 from Lane Loaded (3,150 square foot minimum lot size) to Lane Loaded (3,150 square foot minimum lot size) **and** Conventional Single-Family (4,000 to 5,000 square foot minimum lot sizes); additionally, to modify the Development

Standards for the conventional Single-Family land use designation as it pertains to garage setbacks, lot widths, and to correct minor text and graphic errors within the Specific Plan.

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.

Council Member Wapner requested a staff report specifically as to how economic factors pertain to the Model Colony.

Planning Director Blum reviewed the project including Council's approval of Subarea 29 last year. He further clarified the requests by developers which he said will not affect density in the project. Design standards for units will be similar to Edenglen and Director Blum said that Brookfield Lane acquired the property and submitted a better design for the park.

Council Members briefly discussed design standards that will not be compromised and changes that will enhance marketing efforts.

RESOLUTION NO. 2008-017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PSPA07-007, AN AMENDMENT TO THE SUBAREA 29 SPECIFIC PLAN, TO CHANGE THE LAND USE DESIGNATION OF PLANNING AREA 29 FROM LANE LOADED (3,150 SQUARE FOOT MINIMUM LOT SIZE) TO LANE LOADED (3,150 SQUARE FOOT MINIMUM LOT SIZE) AND CONVENTIONAL SINGLE-FAMILY (4,000 TO 5,000 SQUARE FOOT MINIMUM LOT SIZES) IN THE SUBAREA 29 SPECIFIC PLAN. ADDITIONALLY, MODIFYING THE DEVELOPMENT STANDARDS FOR THE CONVENTIONAL SINGLE-FAMILY LAND USE DESIGNATION AS IT PERTAINS TO GARAGE SETBACKS, LOT WIDTHS, AND CORRECTING MINOR TEXT AND GRAPHIC ERRORS WITHIN THE SPECIFIC PLAN, GENERALLY LOCATED ON THE SOUTH SIDE OF MERRILL AVENUE, ON THE WEST SIDE OF HAVEN AVENUE, AND NORTH OF THE RIVERSIDE COUNTY LINE, AND MAKING FINDINGS IN SUPPORT THEREOF

Motion: Moved by *Mautz*, seconded by *Bowman*, and unanimously carried to adopt said Resolution No. 2008-017.

17. ORDINANCE REPEALING CHAPTER 27 OF TITLE 5 OF THE ONTARIO MUNICIPAL CODE CONCERNING THE SEIZURE AND FORFEITURE OF VEHICLES USED TO SOLICIT PROSTITUTION, ACQUIRE OR ATTEMPT TO ACQUIRE CONTROLLED SUBSTANCES; AND REPEALING CHAPTER 28 OF TITLE 5 CONCERNING THE SEIZURE AND FORFEITURE OF VEHICLES USED TO PARTICIPATE IN MOTOR VEHICLE SPEED CONTESTS

A public hearing to introduce, and waive further reading of, an Ordinance repealing Chapter 27 of Title 5 of the Ontario Municipal Code concerning the seizure and forfeiture of vehicles used to solicit prostitution, acquire or attempt to acquire controlled substances; and repealing Chapter 28 of Title 5 concerning the seizure and forfeiture of vehicles used to participate in motor vehicle speed contests.

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.

Mayor pro Tem Anderson said he is happy to see these changes on the agenda and commended staff for their quick work and successful program.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, REPEALING CHAPTER 27 OF TITLE 5 OF THE ONTARIO MUNICIPAL CODE CONCERNING THE SEIZURE AND FORFEITURE OF VEHICLES USED TO SOLICIT PROSTITUTION, ACQUIRE OR ATTEMPT TO ACQUIRE CONTROLLED SUBSTANCES; AND REPEALING CHAPTER 28 OF TITLE 5 CONCERNING THE SEIZURE AND FORFEITURE OF VEHICLES USED TO PARTICIPATE IN MOTOR VEHICLE SPEED CONTESTS

Motion: Moved by *Anderson*, seconded by *Mautz*, and unanimously carried to accept said Ordinance for introduction and first reading.

COUNCIL / STAFF COMMENT

Council Member Wapner thanked Mayor Wood for coming forward during Public Comment. He indicated that his election as 2nd Vice President means he will be President of SCAG in 2 years which is an organization comprised of 6 Southern California Counties. He stated the election will provide him an opportunity to make appointments that will assist Ontario in efforts related to the transportation plan and housing assessments. Council Member Wapner also reminded people that April is

Colorectal Cancer Month and urged them to be screened if they are over the age of 50 years. He said the cancer is 100% preventable and 150,000 new cases are diagnosed each year.

Mayor pro Tem Anderson commended firefighters and members of the SWAT team for their participation in the Opening Day of Ontario Western Little League. He said it was a great event and their participation was a major factor.

Council Member Mautz wished everyone a very Happy Easter.

Council Member Bowman congratulated Council Member Wapner on his election to the SCAG post.

Mayor Leon agreed and said he will be pleased to see the baton passed from Ontario's former Mayor and County District Supervisor Gary Ovitt to Council Member Wapner. He commented briefly on the opening day ceremonies throughout the area and the positive impact baseball has on children. He expressed his appreciation to parents who support their activities.

ADJOURNMENT

Mayor Leon adjourned the meeting at 7:32 p.m. and announced the next meeting will be held on April 1, 2008.