

**ONTARIO CITY COUNCIL
ONTARIO HOUSING AUTHORITY
REDEVELOPMENT AGENCY
MEETING MINUTES
June 3, 2008**

JOINT MEETINGS

Regular meetings of the Ontario City Council, Ontario Housing Authority and Ontario Redevelopment Agency were held on Tuesday, June 3, 2008, in the Council Chambers, City Hall.

CALL TO ORDER

The meetings were called to order at 6:32 p.m., by Mayor pro Tem / Vice Chairman Anderson.

The Pledge of Allegiance was led by Council Member Bowman.

The Invocation was offered by *Reverend Nelson Grande*, Westminster Presbyterian Church.

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

ABSENT: Mayor / Chairman Paul S. Leon.

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

PUBLIC COMMENT

Mauricio Lopez said he and his client have had difficulty with the Building Department because of the architect leaving their project and alleged a lack of professionalism on the part of staff.

Uberto Medrano said he has spent \$40,000 on the project referred to by Mr. Lopez and needs the City's approval to proceed. He said he would like to know if he will be able to proceed and was referred to Development Director Kroutil.

Dorene Hopkins restated the need for infrastructure improvements on East J Street, and questioned the City's donation to the Chino Airport. She stated her support for the police air unit and auto checkpoints in the community to improve driving safety. City Manager

Devereaux clarified that the City of Ontario advertised in a flyer for the Chino Air Show, but did not donate money.

Marty Binney thanked various Council Members and the Ontario Community Services staff for their participation and support of the Relay for Life on May 18th. He said it was very successful with 27 teams of walkers and raised over \$27,000 for cancer research. Mr. Binney thanked *Nancy Bumstead* for her hard work in organizing the event.

Irene Chisholm requested Council and staff's assistance regarding conditions on a Southern California Edison (SCE) Company easement near the Creekside residential area. She said there is a recurring fire hazard and they have received no response from Ontario staff in efforts to provide a permanent resolution to the problem.

Council Member Mautz said an appointment has been scheduled with Mr. Neil Derry, SCE Representative, to address this issue and they will be advised of the meeting's outcome.

Gabriel Chavez, representing the Esperanza Scholarship Foundation, thanked Council Members and the public for their response to the 8th Annual Dinner where \$200,000 was raised for local students who are college bound. He also thanked David Masterson of the Chaffey High School Arts Program for his help in preparing the program's theme. Mr. Chavez encouraged students to apply for funds in April of each year.

Rick Gage announced the success of the 5th Annual Historic Home Tour held on May 31, 2008, where the number of such homes created a very successful event. He thanked the 70 docents whose enthusiasm and knowledge were appreciated by over 400 people who participated.

Mayor pro Tem Anderson said this was one of the better community events in Ontario that brings many people from outside the community and indicated he enjoyed the many stories about the homes. Council Member Mautz added she had a great time.

Larry Smith, on behalf of *Loredana Nesci*, made allegations about Mayor Leon's personal behavior and claimed campaign monies were paid for ineligible costs. There was brief discussion after which City Attorney Brown said he will review written materials if any are submitted, but did not believe that the allegations were within the City's purview.

AGENDA REVIEW / ANNOUNCEMENTS

City Manager Devereaux said that a correction was made to page 5 of the *Third Quarter Budget Report* regarding a reclassification and it was distributed to Council Members with respect to Agenda Item #9.

SPECIAL CEREMONIES

PRESENTATION OF AVIATION SAFETY EXCELLENCE CERTIFICATE

Police Chief Doyle introduced Sergeant Brad Snyder and team members of the Ontario Air Support Unit to Council Members who presented them with a Certificate of Aviation Safety Excellence in recognition of demonstrated excellence and commitment to aviation safety as noted during an Audit conducted March 13, 2008. Chief Doyle read in full a letter from the Vice President of Phoenix Aviation Managers, Inc. applauding the Unit and indicating Ontario's is the best law enforcement unit visited to date.

DESIGNATION OF THE CITY OF ONTARIO AS A PRESERVE AMERICA COMMUNITY

City Manager Devereaux said that Congressman Baca's office requested continuation of this item.

2008 "MODEL COLONY" AWARDS FOR HISTORIC PRESERVATION

City Planner Blum referred to the Historic Home Tour previously mentioned and said this year's theme was "This Place Matters." He thanked the docents who participated, the people who attended and Suzanne's Flowers, Logan's Candies and Graber Olive House for their participation and support of the event. Mr. Blum then introduced recipients of the 2008 "Model Colony" Awards for Historic Preservation and gave a video presentation demonstrating the restorations that have taken place.

The Mayor pro Tem and Council Members presented them with their awards after which the meeting was recessed briefly for a reception to honor the awardees.

Restoration Award: For achievement in the exterior and interior restoration of a historic property accurately depicting the features of a historic property (Garrett House).

Recipient: Carol Sparks- 211 West I Street

Rehabilitation Award: For achievement in the rehabilitation of a historic property creating a compatible use while retaining the historic features.

Recipient: Joseph R. Schwarz- 317 West C Street

John S. Armstrong Landscape Award: For achievement in the restoration or preservation of landscaping of a historic property creating a good example of integration of architecture and landscaping, Mary Chaffee House.

Recipients: Frank & Kathleen Bravo- 215 East Harvard Place

Award of Merit: For achievement in the ongoing preservation of a historic property.

Recipients: The Lamey Family- 321 Armsley Square, Reed C. Williams House

&

Mr. & Mrs. Reddick- 611 North Fern Avenue, ongoing efforts to preserve and protect the property

RECESS At 7:25 p.m. the Joint Meetings did recess as announced after which they reconvened at 7:43 p.m.

JOINT AGENCIES CONSENT CALENDAR

Council Member Bowman called attention to Agenda Item #13 – *File No PCUP02-007* stating this item fixes a public hearing at a later date.

1. APPROVAL OF MINUTES

Approve minutes for the regular meetings of the City Council, Housing Authority and Redevelopment Agency dated May 6 and May 20, 2008, as on file in the Records Management Department.

2. BILLS / PAYROLL

Approve **bills** in the amount of \$24,450,289.94, for April 13 through May 10, 2008; and **payroll** in the amount of \$4,689,125.26, for April 13 through May 10, 2008, when audited by the Finance Committee.

3. RESOLUTION APPROVING THE SUBMITTAL OF AN APPLICATION FOR A 2008-2009 14TH CYCLE USED OIL BLOCK GRANT FROM THE STATE OF CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Adopt a resolution approving the City's application for a 2008-2009 14th Cycle Used Oil Block Grant from the State of California Integrated Waste Management Board.

RESOLUTION NO. 2008-037

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE SUBMITTAL OF AN APPLICATION FOR A 2008-2009 (14TH CYCLE) USED OIL RECYCLING BLOCK GRANT FROM THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD TO FUND

**EDUCATION AND PROMOTIONAL ACTIVITIES RELATED TO
USED OIL RECYCLING**

**4. PROFESSIONAL SERVICES AGREEMENT FOR THE PREPARATION OF
DESIGN PLANS, SPECIFICATIONS AND CONSTRUCTION MANAGEMENT
SERVICES FOR FRONTAGE IMPROVEMENTS AT THE PUBLIC WORKS
SERVICES CENTER / ROBERT BORDERS AND ASSOCIATES**

Authorize the City Manager to execute a Professional Services Agreement for preparation of design plans, specifications and construction management services related to frontage improvements at the Public Works Services Center with Robert Borders & Associates of Newport Beach, CA, in the amount of \$126,745 plus contingency and appropriate reimbursements (15%) for a total contract amount of \$145,756.

**5. PROFESSIONAL SERVICE AGREEMENT FOR ANALYTICAL LABORATORY
SERVICES / E.S. BABCOCK & SONS, INC.**

Approve a Professional Services Agreement with E.S. Babcock & Sons, Inc. of Riverside, CA, for analytical laboratory services for water and wastewater in the amount of \$295,000, and authorize the City Manager to execute said agreement.

**6. MAINTENANCE SERVICES AGREEMENT FOR THE REPLACEMENT OF A
CNG COMPRESSOR AT THE PUBLIC WORKS SERVICE CENTER /
MICRODESIGN, INC.**

Authorize the City Manager to execute an Agreement with Micro-Design, Inc. of Dallas, TX, for the replacement of a Compressed Natural Gas (CNG) compressor at the Public Works Service Center in the amount of \$430,850 plus a contingency of \$8,250 for a total of \$439,100; and authorize the filing of the Notice of Completion at the conclusion of all construction activities.

**7. RESOLUTIONS APPROVING APPLICATIONS FOR GRANT FUNDING
(CALFED WATER USE EFFICIENCY GRANT AND WATER 2025 GRANT)
FROM THE U.S. BUREAU OF RECLAMATION**

Adopt two resolutions approving applications for grant funding, CALFED Water Use Efficiency Grant and Water 2025 Grant, from the U.S. Bureau of Reclamation.

RESOLUTION NO. 2008-038

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ONTARIO, CALIFORNIA, APPROVING THE SUBMITTAL OF AN
APPLICATION TO OBTAIN CALFED WATER USE EFFICIENCY**

GRANT FUNDING FROM THE UNITED STATES BUREAU OF RECLAMATION TO PARTIALLY FUND A HIGH-EFFICIENCY TOILET DIRECT INSTALLATION PROGRAM FOR INCOME-QUALIFIED RESIDENTS

RESOLUTION NO. 2008-039

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE SUBMITTAL OF AN APPLICATION TO OBTAIN WATER 2025 GRANT FUNDING FROM THE UNITED STATES BUREAU OF RECLAMATION TO PARTIALLY FUND A HIGH-EFFICIENCY TOILET DIRECT INSTALLATION PROGRAM FOR INCOME-QUALIFIED RESIDENTS

8. PROFESSIONAL SERVICES AGREEMENT FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE MILLIKEN AVENUE 42-INCH AND 24-INCH TRANSMISSION MAINS PROJECT / ALBERT A. WEBB ASSOCIATES

Approve an amendment to the Professional Services Agreement with Albert A. Webb Associates of Riverside, CA, for construction management and inspection services in the amount of \$115,000 for the Milliken Avenue 42-inch and 24-inch Transmission Mains Project, and authorize the City Manager to execute said Amendment .

9. THIRD QUARTER BUDGET REPORT – FISCAL YEAR 2007-2008

Approve the budget adjustments and recommendations as listed in the Third Quarter Budget Report for Fiscal Year 2007-2008.

10. MAINTENANCE SERVICE AGREEMENT FOR LANDSCAPE MAINTENANCE SERVICES AT VARIOUS CITY LOCATIONS / MERCHANTS LANDSCAPE SERVICES

Authorize the City Manager to execute a two-year Maintenance Service Agreement for Contract No. PK0708-15 with Merchants Landscape Services of Rancho Cucamonga, CA, for an annual cost of \$352,800, plus contingency of \$17,640; and authorize the addition of future service areas and the option to extend the agreement for up to two additional years consistent with City Council approved budgets.

11. AWARD OF CONTRACT NO. RDA 0708-03 FOR PARKING LOT AND LANDSCAPING IMPROVEMENTS AT 228 WEST EMPORIA STREET / HILLCREST CONTRACTING, INC.

Agency Board award Contract No. RDA 0708-03 in the amount of \$577,470 (contract amount of \$481,225 plus a 20% contingency amount of \$96,245) to Hillcrest Contracting Inc., of Corona, CA, to complete parking lot and landscaping improvements; and authorize the Executive Director or his designee following the award to execute the contract and other related documents, accept the improvements when completed, and file a Notice of Completion at the conclusion of all construction activities related to the project.

12. FIRST AMENDMENT TO THE HOME INVESTMENT PARTNERSHIP AGREEMENT BETWEEN MERCY HOUSE CHDO, INC. AND THE CITY OF ONTARIO

Adopt a Resolution authorizing the City Manager, or his designee, to execute the First Amendment to the HOME Investment Partnership Agreement dated June 3, 2008 and all other related documents by and between Mercy House CHDO, Inc., a non-profit HOME Community Housing Development Organization (CHDO) and the City of Ontario.

RESOLUTION NO. 2008-040

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A FIRST AMENDMENT TO THE HOME PARTNERSHIP AGREEMENT WITH MERCY HOUSE CHDO, INC., AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH

13. FILE NO. PCUP02-007 – APPEAL OF THE PLANNING COMMISSION’S DECISION REVOKING A CONDITIONAL USE PERMIT FOR DOS CORONAS RESTAURANT & BAR FOR LIVE ENTERTAINMENT IN CONJUNCTION WITH THE SALE AND ON-PREMISE CONSUMPTION OF ALCOHOLIC BEVERAGES AND DISTILLED SPIRITS WITHIN A BONA FIDE RESTAURANT (APN: 1010-521-27)

Set a public hearing at the June 17, 2008, City Council meeting to consider an appeal of the Planning Commission’s decision to revoke a Conditional Use Permit (File No. PCUP 02-007) issued to Dos Coronas Restaurant & Bar for live entertainment in conjunction with the sale and on-premise consumption of alcoholic beverages and distilled spirits within a bona fide restaurant located at 350 North Mountain Avenue in the C3, General Commercial, zoning designation.

The appellant is claiming denial of due process, abuse of discretion, and decision not supported by the record. (APN: 1010-521-27)

14. SUBMITTAL OF \$11.25 MILLION LOS ANGELES WORLD AIRPORTS (LAWA) GRANT IMPLEMENTATION PLAN (GIP) FOR PROPERTY ACQUISITION / RELOCATION PURPOSES IN THE QUIET HOME PROGRAM AREA

Authorize the City Manager, or his designee to:

- A. Submit an \$11.25 million LAWA Grant Implementation Plan.
- B. Execute a future LAWA Letter Agreement to secure the \$11.25 million grant and any future amendments to the GIP or the Letter Agreement; and
- C. Execute all other documents necessary to implement the GIP.

15. SYSTEMATIC HEALTH AND SAFETY INSPECTION PROGRAM

This item was continued to the June 17, 2008, Council Meeting.

16. APPROVE THE PLANS, SPECIFICATIONS, AND AWARD PROJECT NO. ST0705 / SILVIA CONSTRUCTION, INC.

Approve the plans and specifications, and award Project No. ST0705 to Silvia Construction, Inc. of Rancho Cucamonga, CA, for street improvements on Etiwanda Avenue from 1,685' south of Fourth Street to Fourth Street and loop road emergency storm damage repair in the bid amount of \$491,604 plus a fifteen percent contingency of \$73,741 for a total authorized expenditure of \$565,345; 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.

17. APPROVE THE PLANS AND SPECIFICATIONS, REJECT THE BID SUBMITTED BY KEN THOMPSON, INC. AS NON-RESPONSIVE AND AWARD CONTRACT NO. SE0601-B TO THE LOWEST RESPONSIBLE, RESPONSIVE BIDDER UTAH PACIFIC CONSTRUCTION COMPANY

Reject the bid submitted by Ken Thompson, Inc. as non-responsive. Approve the plans and specifications, and award Contract No. SE0601-B to the lowest responsible, responsive bidder, Utah Pacific Construction Company of Murrieta, CA, for the Holt Boulevard Trunk Sewer Phase B from Lemon Avenue to east of San Antonio Avenue in the bid amount of \$2,294,240 plus a fifteen percent contingency of \$344,136 for a total authorized amount of \$2,638,376; authorize the City Manager to execute said contract and related documents; and file a Notice of Completion at the conclusion of all construction activities.

18. AN ORDINANCE AMENDING SECTIONS 4-6.1501 AND 4-6.1502 OF THE ONTARIO MUNICIPAL CODE PERTAINING TO DECLARED PRIMA FACIE SPEED LIMITS

Approve adoption of an Ordinance amending Sections 4-6.1501 and 4-6.1502 of Article 15, Chapter 6, Title 4, of the Ontario Municipal Code pertaining to declared prima facie speed limits within the City. First reading of the ordinance was held at a public hearing on May 6, 2008.

ORDINANCE NO. 2891

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING SECTIONS 4-6.1501 AND 4-6.1502 OF THE ONTARIO MUNICIPAL CODE PERTAINING TO DECLARED PRIMA FACIE SPEED LIMITS ON CERTAIN STREETS WITHIN THE CITY

19. AN ORDINANCE AMENDING CHAPTER 7 OF TITLE 7 OF THE ONTARIO MUNICIPAL CODE AMENDING OVERHEAD UTILITY UNDERGROUNDING REQUIREMENTS

Approve adoption of an Ordinance amending Chapter 7 of Title 7 of the Ontario Municipal Code amending overhead utility undergrounding requirements. First reading of the Ordinance was held at a public hearing on May 6, 2008.

ORDINANCE NO. 2892

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTER 7 OF TITLE 7 OF THE ONTARIO MUNICIPAL CODE, AMENDING OVERHEAD UTILITY UNDERGROUNDING REQUIREMENTS

20. PROFESSIONAL SERVICES AGREEMENTS FOR ENGINEERING SERVICES FOR RAIL / HIGHWAY GRADE SEPARATION PROJECTS / MOFFATT & NICHOL, AND HDR ENGINEERING, INC.

Approve the following:

- A. A Professional Services Agreement with Moffatt & Nichol for Project Approval and Environmental Documentation (PA&ED) Services not-to-exceed \$1,148,899 needed to complete the rail / highway grade separations at Archibald Avenue and at Milliken Avenue both north of Mission Boulevard at the Union Pacific Railroad tracks.
- B. A Professional Services Agreement with HDR Engineering, Inc. for PA&ED Services not-to-exceed \$614,222 needed to complete the rail /

highway grade separation at Vineyard Avenue north of Airport Drive at the Union Pacific Railroad tracks.

- C. Authorize the City Manager to execute said Agreements and future amendments to the Agreements.

21. APPROVE THE PLANS, SPECIFICATIONS, AND AWARD PROJECT NO. ST0608 AND ST0611 FOR STREET IMPROVEMENTS / ALL AMERICAN ASPHALT

Approve the plans and specifications, and award Project No. ST0608 and No. ST0611 to All American Asphalt of Corona, CA, for street improvements on Philadelphia Street from Vineyard Avenue to Archibald Avenue and on Sierra Court from Sultana Avenue to Pleasant Avenue in the bid amount of \$726,000 plus a fifteen percent contingency of \$108,900 for a total authorized expenditure of \$834,900; 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.

22. APPROVE THE PLANS, SPECIFICATIONS, AND AWARD PROJECT NO. ST0613 FOR SIDEWALK IMPROVEMENTS / ADDISON EQUIPMENT RENTAL

Approve the plans and specifications, and award Project No. ST0613 to Addison Equipment Rental, of Fontana, CA, in the bid amount of \$171,499 plus a twenty percent contingency of \$34,300 for a total authorized expenditure of \$205,799; 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.

23. APPROVE THREE COOPERATIVE FUNDING AGREEMENTS FOR THREE RAIL-HIGHWAY GRADE SEPARATION PROJECTS / SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY (SANBAG)

Approve three Cooperative Agreements totaling \$2,250,000 with SANBAG for funding of Project Approval and Environmental Documentation (PA&ED) Services needed to complete rail-highway grade separations at three locations in the city; authorize the City Manager to execute said Agreements and future amendments to the Agreements.

24. APPROVE AN AGREEMENT FOR BUSINESS ATTRACTION SERVICES

Approve and authorize the City Manager to execute an agreement with Capital Funding Solutions, LLC, of North Barrington, Illinois, in the amount of \$25,000 for time and travel in connection with business attraction services for companies who potentially may expand or relocate to Ontario.

25. ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO LEVYING SPECIAL TAXES WITHIN COMMUNITY FACILITIES DISTRICT NO. 13 (CALIFORNIA COMMERCE CENTER – PHASE IV)

Approve adoption of an Ordinance levying special taxes within Community Facilities District No. 13 (California Commerce Center - Phase IV). First reading of the Ordinance was held at a public hearing on May 6, 2008.

ORDINANCE NO. 2893

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 13 OF THE CITY OF ONTARIO (CALIFORNIA COMMERCE CENTER - PHASE IV)

Motion: Moved by *Wapner*, seconded by *Bowman*, and unanimously carried to approve the Joint Calendars as corrected with Mayor Leon absent.

ADMINISTRATIVE REPORTS / DISCUSSION

26. CONSIDERATION OF A RESOLUTION AUTHORIZING THE ISSUANCE OF SPECIAL TAX BONDS FOR COMMUNITY FACILITIES DISTRICT NO. 13 (CALIFORNIA COMMERCE CENTER - PHASE IV)

City Manager Devereaux indicated this item was pulled by staff for consideration at the Council Meeting on June 17, 2008.

COUNCIL / STAFF MATTERS

APPOINTMENT TO CHINO VALLEY UNIFIED SCHOOL DISTRICT - CITIZENS' OVERSIGHT COMMITTEE

Council Member Wapner said he has served in this position and is now termed out. He nominated Council Member Mautz for consideration.

Motion: Moved by *Wapner*, seconded by *Bowman* and unanimously carried to approve the appointment with Mayor Leon absent.

REIMBURSEMENT OF CITY TRAVEL EXPENSES

City Manager Devereaux presented Council Member Wapner's request for reimbursement of an airfare to attend the International Conference of Shopping Centers

(ICSC) in the amount of \$138. The flight was booked outside of City Council's approved policy, but complies with all other travel policy and budget restrictions.

Motion: Moved by *Mautz*, seconded by *Bowman*, and unanimously carried to approve Council Member Wapner's request with Mayor Leon absent.

COUNCIL / STAFF COMMENTS

Council Member Mautz said the American Cancer Society *Relay for Life* had a nice turn out, she enjoyed serving as a docent at the Historic Home Tour, and thanked staff for their time and effort.

Mayor pro Tem Anderson said he also attended the ICSC Convention in Las Vegas and was encouraged that attendance was high despite a low economy. He said a number of projects in the City are generating excitement. Mr. Anderson recognized Rick Gage for his work on the Historic Home Tour; and Ray Ramirez, an Ontario Fireman, who graduated from the University of La Verne Law School and is now a practicing attorney.

ADJOURNMENT

With no further business to come before the joint agencies, the meetings were adjourned at 7:52 p.m. and Mayor pro Tem announced the next regular meetings will be held on June 17, 2008.

Mary Wirtes, MMC, City Clerk / Secretary

APPROVED:

Paul S. Leon, Mayor / Chairman