

**CITY OF ONTARIO**  
**CITY COUNCIL, REDEVELOPMENT AGENCY,**  
**AND HOUSING AUTHORITY**  
**AGENDA**  
**AUGUST 16, 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 Closed Session and Closed Session Comment at 6:00 p.m., 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*)**

**6:00 p.m.**

***ROLL CALL***

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

**CLOSED SESSION PUBLIC COMMENT** The Closed Session Public Comment portion of the Council/Redevelopment Agency/Housing Authority meeting is limited to a maximum of 3 minutes for each speaker and comments will be limited to matters appearing on the Closed Session. Additional opportunities for further Public Comment will be given during and at the end of the meeting.

***CLOSED SESSION***

- GC 54956.9 (b), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION: *One or more cases: City of Los Angeles/Los Angeles World Airports (LAWA)*

In attendance: Dorst-Porada, Wapner, Mautz, Bowman, Mayor/Chairman Leon

***PLEDGE OF ALLEGIANCE***

Council Member Mautz

***INVOCATION***

Pastor Richard Bargas, First Fundamental Bible Church

***REPORT ON CLOSED SESSION***

City Attorney

## **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 meetings of the City Council, Redevelopment Agency and Housing Authority of July 5 and July 19, 2011, and the Special Meetings of the City Council, Redevelopment Agency, Housing Authority on June 22 and July 5, 2011, and approving same as on file in the Records Management Department.

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

**Bills** June 5, 2011 through July 2, 2011 and **Payroll** June 5, 2011 through July 2, 2011, when audited by the Finance Committee.

**3. AN AMENDMENT TO A LETTER OF AGREEMENT FOR PERSONNEL CONSULTING SERVICES**

That the City Council authorize the City Manager to execute an amendment to the Letter of Agreement (on file in the Records Management Department) with Norman A. Traub Associates, of Yorba Linda, California, for on-going consulting services on an as-needed basis related to personnel matters at established billing rates; and extending the term for one year.

**4. A RESOLUTION FOR PLACEMENT OF SPECIAL ASSESSMENTS ON COUNTY TAX ROLLS**

That the City Council adopt a resolution for recovery of costs incurred in abating property and dangerous building violations as well as fees and penalties associated with property maintenance violations, and placing special assessments on County tax rolls.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING A REPORT REQUESTING THE PLACEMENT OF SPECIAL ASSESSMENTS ON PROPERTY TAX BILLS FOR CIVIL PENALTIES OR RECOVERY OF COSTS INCURRED FOR ABATEMENT OF VIOLATIONS OF CITY CODES AND ORDINANCES.

**5. COOPERATIVE AGREEMENT FOR MEASURE I 2010-2040 FUNDING**

That the City Council rescind the existing SANBAG Jurisdiction Master Agreement No. C10250 and approve a new Jurisdiction Master Agreement (No. C12020) between the San Bernardino County Transportation Authority (SANBAG) and the City of Ontario for the Public Share of Measure I 2010-2040 Valley Major Street Program, Arterial Sub-program Funds; and authorize the City Manager to execute said agreement.

**6. AN ORDINANCE AUTHORIZING THE CITY OF ONTARIO TO PARTICIPATE IN THE ALTERNATIVE VOLUNTARY REDEVELOPMENT PROGRAM**

That the City Council adopt an ordinance to approve the City of Ontario's participation in the Alternative Voluntary Redevelopment Program in order to permit the continued existence and operation of the Ontario Redevelopment Agency in accordance with the provisions of Part 1.9 of the California Health and Safety Code.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE CITY OF ONTARIO TO PARTICIPATE IN THE ALTERNATIVE VOLUNTARY REDEVELOPMENT PROGRAM, SUBJECT TO CERTAIN CONDITIONS AND RESERVATIONS.

**7. AN ORDINANCE APPROVING A DEVELOPMENT CODE AMENDMENT, FILE NO. PDCA11-001, REVISING ONTARIO MUNICIPAL CODE TITLE 9, CHAPTER 1 (ZONING AND LAND USE REQUIREMENTS), ARTICLE 26 (HISTORIC PRESERVATION), SECTION 9-1.2625 (H) WAIVERS**

That the City Council adopt an ordinance approving File No. PDCA11-001 revising Ontario Municipal Code Title 9, Chapter 1 (Zoning and Land Use Requirements), Article 26 (Historic Preservation), Section 9-1.2625 (h) Waivers, for the purpose of eliminating the 40-year dimensional composition shingle replacement requirement and replacing it with a 30-year dimensional composition shingle or equivalent roof replacement requirement.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA11-001, A DEVELOPMENT CODE AMENDMENT REVISING ARTICLE 26 (HISTORIC PRESERVATION), SECTION 9-1.2625(H) OF TITLE 9 (DEVELOPMENT CODE), CHAPTER 1 (ZONING AND LAND USE REQUIREMENTS), OF THE ONTARIO MUNICIPAL CODE, FOR THE PURPOSE OF ELIMINATING THE 40-YEAR DIMENSIONAL SHINGLE ROOF REPLACEMENT REQUIREMENT AND TO INCLUDE A 30-YEAR COMPOSITION DIMENSIONAL SHINGLE OR EQUIVALENT ROOF REPLACEMENT REQUIREMENT, AND MAKING FINDINGS IN SUPPORT THEREOF.

**8. AUTHORIZE THE PURCHASE OF REPLACEMENT POLICE VEHICLES**

That the City Council authorize the purchase of replacement police vehicles including fourteen (14) Ford Crown Victoria Police Interceptors and six (6) Chevrolet Tahoe Police Pursuit Vehicles from Wondries Fleet Group of Alhambra, California, in the amount of \$535,148 consistent with the terms and conditions of Los Angeles County Solicitations RFB-IS-1120188-1 and RFB-IS-233510.

**PUBLIC HEARINGS**

**9. A PUBLIC HEARING TO CONSIDER FILE NO. PHP11-013, THE DESIGNATION OF THE JAMES A. FINELY HOUSE, LOCATED AT 413 WEST SIXTH STREET, AS A LOCAL HISTORIC LANDMARK**

That the City Council adopt a resolution approving File No. PHP11-013 designating 413 West Sixth Street (APN: 1047-341-03) as Local Historic Landmark No. 88.

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.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA APPROVING FILE NO. PHP11-013, THE DESIGNATION OF THE JAMES A. FINELY HOUSE, LOCATED AT 413 WEST SIXTH STREET, AS LOCAL HISTORIC LANDMARK NO. 88, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 1047-341-03.

**10. A PUBLIC HEARING TO CONSIDER AN ORDINANCE TO AMEND CHAPTER 12 OF TITLE 4 CONCERNING COST RECOVERY FOR POLICE SERVICES AT LARGE PARTIES ON PRIVATE PROPERTY**

That the City Council introduce and waive further reading of an ordinance amending Chapter 12 of Title 4 of the Ontario Municipal Code (OMC) to reduce calls for service, streamline enforcement procedures, and enhance recovery of police services costs relating to large parties on private property.

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, AMENDING CHAPTER 12 OF THE TITLE 4 OF THE ONTARIO MUNICIPAL CODE, WITH CERTAIN AMENDMENTS AND ADDITIONS THERETO RELATING TO COST RECOVERY FOR POLICE SERVICES AT LARGE PARTIES ON PRIVATE PROPERTY.

**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  
CLOSED SESSION REPORT**

City Council / / Housing Authority / / Redevelopment Agency / /  
Redevelopment Financing Agency / / Other / / (GC 54957.1)

**August 16, 2011**

**ROLL CALL:** Dorst-Porada \_\_, Wapner \_\_, Mautz \_\_, Bowman \_\_,  
Mayor / Chairman Leon \_\_.

**STAFF:** City Manager / Executive Director \_\_, City Attorney \_\_

In attendance: Dorst-Porada \_\_, Wapner \_\_, Mautz \_\_, Bowman \_\_, Mayor / Chairman Leon \_\_

- GC 54956.9 (a), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION:  
*One or more cases: City of Los Angeles/Los Angeles World Airports (LAWA)*

**No Reportable Action**

**Continue**

**Approved**

/ /

/ /

/ /

Disposition: \_\_\_\_\_

Reported by: \_\_\_\_\_  
City Attorney / City Manager / Executive Director



# CITY OF ONTARIO

## Agenda Report

August 16, 2011

## SECTION: CONSENT CALENDAR

**SUBJECT: AN AMENDMENT TO A LETTER OF AGREEMENT FOR PERSONNEL CONSULTING SERVICES**

**RECOMMENDATION:** That the City Council authorize the City Manager to execute an amendment to the Letter of Agreement (on file in the Records Management Department) with Norman A. Traub Associates, of Yorba Linda, California, for on-going consulting services on an as-needed basis related to personnel matters at established billing rates; and extending the term for one year.

**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:** Under the City Manager's contracting authority, the current two-year agreement with Norman A. Traub Associates was entered into effective December 4, 2009 and runs through December 31, 2011. The existing agreement value is \$90,000 for the two-year period. This amendment extends the agreement for one year to December 31, 2012 at the existing hourly billing rates and provides for on-going services to be provided on an as-needed basis with expenditures limited to budget appropriations as approved by the City Council for the respective fiscal years.

**BACKGROUND:** Norman A. Traub Associates has provided services to the City relating to confidential personnel matters and other sensitive employee relations issues since 2004. During this time, Norman A. Traub Associates has established an excellent reputation for their responsiveness and professionalism as well as the quality of their work. Norman A. Traub Associates provides selection from several consultants to best suit the City's needs for each personnel matter. In addition, Norman A. Traub Associates is recommended by the City's employee relations attorney firm Liebert Cassidy Whitmore.

**STAFF MEMBER PRESENTING:** Linda Matthews, Human Resources Director

Prepared by: Stacey Cue  
Department: Human Resources

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



Submitted to Council/O.R.A./O.H.A. 08/16/2011

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

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

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

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# CITY OF ONTARIO

*Agenda Report*  
August 16, 2011

**SECTION:**  
**CONSENT CALENDAR**

**SUBJECT: A RESOLUTION FOR PLACEMENT OF SPECIAL ASSESSMENTS ON COUNTY TAX ROLLS**

**RECOMMENDATION:** That the City Council adopt a resolution for recovery of costs incurred in abating property and dangerous building violations as well as fees and penalties associated with property maintenance violations, and placing special assessments on County tax rolls.

**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:** The levy of special assessments will result in the recovery of \$374,705 in costs the City has expended for inspection or abatement as well as the collection of \$263,458 associated with civil penalties for continued violations for a total of \$638,163 related to 701 parcels. When received, reimbursements will be made to the General Fund (\$316,670) and the Dangerous Building Fund (\$321,493).

**BACKGROUND:** The City has established revolving funds to cover City costs for abatement of property and dangerous building violations as a result of code enforcement activities as well as the generation of fees and penalties associated with the Systematic Health and Safety Inspection Program and Abandoned and Distressed Property Program. These costs, fees and penalties are recovered through placement of special tax assessments upon the properties. The placement of special assessments and collection of revenue is done under Ordinance 2553, Property Appearance (Title 5, Chapter 22 of the Ontario Municipal Code), Chapter 9 of the Uniform Code for the Abatement of Dangerous Buildings, Ordinance 2894, Systematic Health and Safety Inspection Program (Title 8, Chapter 17 of the Ontario Municipal Code) and Ordinance 2920 for civil penalties for continued violations of the Ontario Municipal Code (Title 1, Chapter 2 of Ontario Municipal Code). The City and the County currently have a contractual agreement regarding implementation of special assessments; however, a resolution authorizing the placement of the specific assessments is required.

**STAFF MEMBER PRESENTING:** Karen De Vrieze, Code Enforcement Director

Prepared by: Erin Bonett  
Department: Code Enforcement Department

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



Submitted to Council/O.R.A./O.H.A. 08/16/2011

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

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

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

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This assessment cycle, the Code Enforcement Department has billed \$1,461,907 in costs for the abatement of violations, the issuance of annual fees, penalties and interest associated with the Systematic Health and Safety Inspection Program, and the issuance of registration fees and civil penalties associated with the Abandoned and Distressed Property Program on 5,270 parcels. Of this amount, \$794,819 has already been collected as a result of direct invoicing. Attached are itemized accountings of: 1) costs associated with inspection or abatement as shown in Exhibit A of the resolution; 2) civil penalties for continued violations as shown in Exhibit B of the resolution; and 3) total amounts assessed per parcel as shown in Exhibit C of the resolution. The expenditure list, with any necessary corrections and adjustments, has been submitted to the County on August 10, 2011 for placement on its 2011-2012 tax rolls. The uncollected balance of \$28,925 reflects funds expended on matters that are not yet resolved. Most often such matters are under the jurisdiction of the local Superior Court. When these matters are brought into court, the City becomes dependent on the court to award the abatement costs and attorney fees.

All affected property owners were given notice of the imposition of the special assessment via certified mail as provided in Ontario Municipal Code Section 1-4.05(a), and either have not requested an appeal or have exhausted the appellate procedure as provided in Ontario Municipal Code Section 1-4.05(b).

# CITY OF ONTARIO

*Agenda Report*  
August 16, 2011

**SECTION:**  
**CONSENT CALENDAR**

**SUBJECT: COOPERATIVE AGREEMENT FOR MEASURE I 2010-2040 FUNDING**

**RECOMMENDATION:** That the City Council rescind the existing SANBAG Jurisdiction Master Agreement No. C10250 and approve a new Jurisdiction Master Agreement (No. C12020) between the San Bernardino County Transportation Authority (SANBAG) and the City of Ontario for the Public Share of Measure I 2010-2040 Valley Major Street Program, Arterial Sub-program Funds; and authorize the City Manager to execute said agreement.

**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  
Pursue City's Goals and Objectives by Working with Other Governmental Agencies

**FISCAL IMPACT:** The proposed Agreement No. C12020 replaces existing Agreement No. C10250 but does not change the amounts or conditions whereby SANBAG will reimburse the City for eligible expenditures related to projects in the City's Measure I Capital Projects Needs Analysis and City's Capital Improvement Program.

**BACKGROUND:** On June 15, 2010 the City Council approved SANBAG Jurisdiction Master Agreement No. C10250 for the Public Share of Measure I 2010-2040 Valley Major Street Program, Arterial Sub-program funds. This agreement was project-specific which means that it must be amended annually based on Ontario's arterial project activity. Revised Agreement No. C12020 is a "model" agreement which eliminates the need for annual amendments and reduces the administrative burden of continually updating the agreement. Instead, the project updates will be approved annually by the SANBAG Board via a separate Funding Allocation and Project List to be developed in consultation with Ontario. All other terms and conditions remain unchanged. The "model" agreement was approved by the SANBAG Board on June 1, 2011.

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

Prepared by: Tom Danna  
Department: Engineering

City Manager  
Approval: 

Submitted to Council/O.R.A./O.H.A. 08/16/2011

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

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

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

# CITY OF ONTARIO

*Agenda Report*  
August 16, 2011

**SECTION:**  
**CONSENT CALENDAR**

**SUBJECT: AN ORDINANCE AUTHORIZING THE CITY OF ONTARIO TO PARTICIPATE IN THE ALTERNATIVE VOLUNTARY REDEVELOPMENT PROGRAM**

**RECOMMENDATION:** That the City Council adopt an ordinance to approve the City of Ontario's participation in the Alternative Voluntary Redevelopment Program in order to permit the continued existence and operation of the Ontario Redevelopment Agency in accordance with the provisions of Part 1.9 of the California Health and Safety Code.

**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:** The ordinance authorizes the City of Ontario to participate in a program of remittances required pursuant to Part 1.9 of the California Health and Safety Code in order to continue the existence of the Ontario Redevelopment Agency. On August 1, 2011, the State Department of Finance reported that the Agency's Fiscal Year 2011-12 remittance payment is estimated to be \$18,230,606. The Agency's ongoing annual payment is estimated to be \$4,324,374. If approved, the City and Agency will enter into a Remittance Agreement to provide the funds necessary to make said payments.

**BACKGROUND:** At the meeting of July 19, 2011, the Ontario City Council introduced an ordinance concerning the City's participation in the Alternative Voluntary Redevelopment Program; and adoption of the ordinance will allow the Agency to resume its redevelopment and economic development activities. As part of the 2011-12 State budget bill, the California Legislature enacted and the Governor has signed, companion bills Assembly Bill 1X 26 and Assembly Bill 1X 27, requiring that each redevelopment agency be dissolved unless the community that created the agency enacts an ordinance committing to make certain annual payments. Assembly Bill 1X 26, effective upon execution, prohibits agencies from continuing to do business as usual, and provides that agencies are deemed to be dissolved as of October 1, 2011. Assembly Bill 1X 27 provides that a community may participate in an

**STAFF MEMBER PRESENTING:** John Andrews, Economic Development Director

Prepared by: Charity Hernandez  
Department: Economic Development

City Manager  
Approval: 

Submitted to Council/O.R.A./O.H.A. 08/16/2011

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

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

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

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Alternative Voluntary Redevelopment Program, enabling the agency to remain in existence and carry out provision of the California Community Redevelopment Law by enacting an ordinance agreeing to comply with Part 1.9 Division 24 of the California Health and Safety Code. The Alternative Voluntary Redevelopment Program requires that a community agree to remit specified annual payments to augment the State's budget.

Should any or all provision of Assembly Bills 1X 26 and 1X 27 be determined to violate applicable law, the City reserves the right to discontinue its participation in the Alternative Voluntary Redevelopment Program and shall not make any remittance payment. If there is a final determination that Assembly Bills 1X 26 and 1X 27 are illegal, invalid or otherwise unenforceable or inapplicable, for any reason or in any manner, the recommended ordinance shall be deemed to be null and void and no longer in force or effect.

# CITY OF ONTARIO

*Agenda Report*  
August 16, 2011

SECTION:  
CONSENT CALENDAR

**SUBJECT: AN ORDINANCE APPROVING A DEVELOPMENT CODE AMENDMENT, FILE NO. PDCA11-001, REVISING ONTARIO MUNICIPAL CODE TITLE 9, CHAPTER 1 (ZONING AND LAND USE REQUIREMENTS), ARTICLE 26 (HISTORIC PRESERVATION), SECTION 9-1.2625 (H) WAIVERS**

**RECOMMENDATION:** That the City Council adopt an ordinance approving File No. PDCA11-001 revising Ontario Municipal Code Title 9, Chapter 1 (Zoning and Land Use Requirements), Article 26 (Historic Preservation), Section 9-1.2625 (h) Waivers, for the purpose of eliminating the 40-year dimensional composition shingle replacement requirement and replacing it with a 30-year dimensional composition shingle or equivalent roof replacement requirement.

**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  
Focus Resources in Ontario's Commercial and Residential Neighborhoods

**FISCAL IMPACT:** None are anticipated.

**BACKGROUND:** At the meeting of July 19, 2011, the City Council introduced the ordinance to approve a Development Code amendment, File No. PDCA11-001, revising Ontario Municipal Code Title 9, Chapter 1, Article 26, Section 9-1.2625 (H) Waivers. In 2003, a standard was adopted for historic homes that required the use of a 40-year composition shingle roof for replacement of wood roofs. At the time, the 40-year composition shingle was the only dimensional composition material available to ensure roof replacement compatibility on historic homes originally constructed with wood roof shingles. Allowing the substitution of materials is an acceptable method of treatment for historic resources provided that the replacement material maintains the same character, scale and design of the original roof.

Recently, the North American industry leader, GAF Materials Corporation, stopped producing a 40 year product and reclassified their composition dimensional shingle nomenclature from a year warranty (30,

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

Prepared by: Rudy Zeledon

Department: Planning

City Manager

Approval:



Submitted to Council/O.R.A./O.H.A. 08/16/2011

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

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

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

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40, and 50) to “Timberline HD” (30-year equivalent) and a “Timberline Ultra HD (50-year equivalent)” with a lifetime warranty. In an effort to stay ahead of the industry changes, the Planning Commission recommending a Development Code amendment to eliminate the 40-year material requirement and replace it with a minimum of a 30-year requirement for composition dimensional shingle roof replacement or equivalent. The 30-year composition dimensional shingle has been vastly improved in its appearance, leaving it relatively undistinguishable between the 40-year composition dimensional shingle. Although GAF is leading the movement in the industry to phase out the 40-year roof material, other manufacturers continue to offer this product at this time.

The Planning Commission has recommended the following proposed change to the Development Code Article 26, Section 9-1.2625 (H), Waivers. All deletions are identified by strikeout text (~~xxxxxx~~) and additions are identified by underlined text (xxxxxx).

#### **Sec. 9-1.2625: Certificates of Appropriateness**

A Certificate of Appropriateness process is established to ensure that any alteration to an Historical Resource is in keeping with the historic character of the resource.

**H. Waivers.** When alterations, restorations, rehabilitations, remodeling and additions to Historical Resources are accomplished in substantial accord with the Guidelines set forth in this section, as determined by the ~~City Planner~~ Planning Director, a Certificate of Appropriateness from the Ontario Historic Preservation Commission is not required prior to issuance of a building permit.

**1. Minor Alterations.** The ~~City Planner~~ Planning Director may deem that certain alterations to Historical Resources are “minor”. Those alterations may include, but are not limited to the following, if no change in appearance occurs or the proposed change restores period features:

- a. Roofing, provided that for replacing asphalt shingles or wood shingles, a ~~40~~ 30 year dimensional shingle, ~~or an aesthetically-equivalent dimensional shingle is used. The replacement shingle must maintain the architectural character of the historic resource in terms of scale, pattern, texture and coloration;~~
- b. Foundation;
- c. Chimney;
- d. Construction, demolition or alteration of side, rear and front yard fences;
- e. Landscaping, unless the Landmark designation specifically identifies the landscape, layout, features, or elements as having particular historical, architectural, or cultural merit.
- f. Wall or Monument Sign.

On June 27, 2011, the Planning Commission reviewed the proposed Development Code Amendment and unanimously recommended approval of it to the City Council.



# CITY OF ONTARIO

*Agenda Report*  
August 16, 2011

**SECTION:**  
**CONSENT CALENDAR**

**SUBJECT: AUTHORIZE THE PURCHASE OF REPLACEMENT POLICE VEHICLES**

**RECOMMENDATION:** That the City Council authorize the purchase of replacement police vehicles including fourteen (14) Ford Crown Victoria Police Interceptors and six (6) Chevrolet Tahoe Police Pursuit Vehicles from Wondries Fleet Group of Alhambra, California, in the amount of \$535,148 consistent with the terms and conditions of Los Angeles County Solicitations RFB-IS-1120188-1 and RFB-IS-233510.

**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  
Operate in a Businesslike Manner

**FISCAL IMPACT:** The Fiscal Year 2011-12 Adopted Budget includes appropriations in the amount of \$556,000 for the purchase of these replacement vehicles. The total cost of the vehicles recommended for purchase is \$535,148.

**BACKGROUND:** The Police Department's fleet has fourteen (14) Ford Crown Victoria vehicles and six (6) Chevrolet Tahoe police interceptors that are budgeted for replacement in the current fiscal year. Vehicles are scheduled for replacement pursuant to an on-going effort to reduce expenses, maximize useful life expectancy and extend replacement cycles of fleet vehicles while ensuring safe and reliable operation.

For several years, the City has standardized its police interceptor fleet with the use of Ford Crown Victorias. Standardization allows for significant cost savings from the maintenance of common inventory items and the reuse of several pieces of added equipment including prisoner transport cages, lighting and other specialized police equipment removed from the replacement vehicles and installed into the new ones. The 2011 model year is the final year of production of the Ford Crown Victoria model, and this will be the last opportunity for reuse of the existing vehicle equipment. The replacement vehicles recommended for purchase in this action are all 2011 models. The reuse of the specialized

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

Prepared by: Allen Rothey  
Department: MU/Fleet Services

City Manager  
Approval: 

Submitted to Council/O.R.A./O.H.A. 08/16/2011

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

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

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

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equipment for the Ford Crown Victoria Police Interceptors will result in an estimated cost savings of \$70,000.

The recommended vehicle purchases total \$535,148 and are the result of an interagency participation procurement with Los Angeles County and Wondries Fleet Group. This cooperative purchasing opportunity will allow the City to pool its procurement power with another public agency to obtain prices lower than would otherwise be possible and guarantees availability of vehicles in this final production year of the Ford Crown Victoria. City of Ontario Municipal Code Section 2-6.11(b)(3) allows for the purchase of supplies and equipment through cooperative purchasing when another governmental agency generally follows the provisions of Government Code Section 54201 through 54204. The unit prices for the recommended purchase are \$22,740 plus tax for the Ford Crown Victoria 2011 models and \$29,689 plus tax for the Chevrolet Tahoe 2011 models.

# CITY OF ONTARIO

*Agenda Report*  
August 16, 2011

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

**SUBJECT:** A PUBLIC HEARING TO CONSIDER FILE NO. PHP11-013, THE DESIGNATION OF THE JAMES A. FINELY HOUSE, LOCATED AT 413 WEST SIXTH STREET, AS A LOCAL HISTORIC LANDMARK

**RECOMMENDATION:** That the City Council adopt a resolution approving File No. PHP11-013 designating 413 West Sixth Street (APN: 1047-341-03) as Local Historic Landmark No. 88.

**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  
Focus Resources in Ontario's Commercial and Residential Neighborhoods

**FISCAL IMPACT:** The approval of the Local Historic Landmark designation will not have a direct fiscal impact. However, if the designation is approved, the property owner will be eligible to apply for a Mills Act Contract, which if approved would provide for a potential reduction in property taxes in exchange for an agreed-upon list of improvements to the property.

**BACKGROUND:** Orville Garrison (property owner) requested that the James A. Finely House, located at 413 West Sixth Street, be designated as a Local Historic Landmark.

**HISTORY:** The James A. Finely House is an outstanding custom Minimal Traditional style home that was constructed in 1938 for James A. Finely. The home possess features and elements that were considered state-of-the-art such as a smudge controller unit, an air conditioning unit for each level of the home, and a built-in fireplace with side cabinets for wood storage accessible from the exterior. This 2,499 square foot home is considered a "stately" size for period homes constructed during the late 1930s. Interior features include large rooms, large closets, simple wood detailing on chair railing, molding, and baseboards, wood trim on all solid wood doors and windows, hardwood floors, and laundry room. The James A. Finely House represents a period style of construction which later transitioned into mass production of smaller modern type homes.

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

Prepared by: Diane Ayala  
Department: Planning Department

City Manager  
Approval: 

Submitted to Council/O.R.A./O.H.A. 08/14/2011

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

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

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

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Mr. Finely was a well-known chemical engineer who earned praises as the General Manager of the Exchange Orange Products (Sunkist Growers, Inc.) plant in Ontario. Mr. Finely is attributed with developing new processes for utilizing citrus surplus for the purpose of producing by-products. These processes are still used in many packing houses today.

**HISTORIC SIGNIFICANCE:** At the July 26, 2011 meeting, the Historic Preservation Commission designated the James A. Finely House a Tier II historic resource and recommended designation of the James A. Finely House as a Local Historic Landmark pursuant to the following criteria contained in the Historic Preservation Ordinance, (Article 26, Sec. 9-1.2615 of the Development Code):

1. *It embodies distinguishing architectural characteristics of a style, type, period, or method of construction:*

The James A. Finely House has a high level of architectural integrity and represents the Minimal Traditional style of architecture which is evidenced by the survival of the home's Character-defining Features. There are only two known alterations to this building; the attic conversion resulting in the addition of dormer windows and the enclosed patio on the rear. These alterations are relatively minor in nature and do not detract from the historic resource. The James A. Finely House is a fine example of the Minimal Traditional style of architecture.

2. *It is identified with persons or events significant in local, state, or national history:*

The Exchange Orange Products plant in Ontario was part of the California Fruit Growers Exchange (originally called the Southern California Fruit Exchange) and its purpose was to handle a large part of the unmarketable fruit in Ontario. The company earned its appreciation among local growers during the wind storm of December 1926, when it handled thousands of boxes of wind-falls. It was one of the largest employers for Ontario, employing a few hundred men, women, and teenagers to produce Sunkist products. At the height of citrus production (1930s- 1940s), the industry produced sixty percent of the nation's citrus supply and twenty percent of the world's supply.

James A. Finely, General Manager of the Exchange Orange Products (Sunkist Growers, Inc.), was an Ontario resident for 32 years. As a chemical engineer, James Finely made significant contributions to the citrus industry with the development of new processes and products for the utilization of surpluses citrus fruit, particularly oranges and grapefruit.

# CITY OF ONTARIO

*Agenda Report*  
August 16, 2011

**SECTION:  
PUBLIC HEARINGS**

**SUBJECT: A PUBLIC HEARING TO CONSIDER AN ORDINANCE TO AMEND CHAPTER 12 OF TITLE 4 CONCERNING COST RECOVERY FOR POLICE SERVICES AT LARGE PARTIES ON PRIVATE PROPERTY**

**RECOMMENDATION:** That the City Council introduce and waive further reading of an ordinance amending Chapter 12 of Title 4 of the Ontario Municipal Code (OMC) to reduce calls for service, streamline enforcement procedures, and enhance recovery of police services costs relating to large parties on private property.

**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

**FISCAL IMPACT:** Amendment of the existing provisions of the OMC will result in the City of Ontario recovering an estimated \$15,000 annually for the cost of police services and penalty assessments for violation of OMC 4-12.07 (Loud or Unruly Gatherings; Public Nuisance).

**BACKGROUND:** On February 5, 2008, the City Council adopted Ordinance No. 2889, amending Chapter 12 of Title 4 of the City's Municipal Code to better define what is a threat to the general public resulting from loud parties, gatherings or events and to modify the cost recovery schedule in order to discourage the occurrence of repeated loud and unruly gatherings. Since the adoption of Ordinance No. 2889, the Ontario Police Department has expended a significant amount of manpower and resources in responding to loud and disturbing noise calls. Although the current provisions contained in OMC 4-12, Title 4, allow for the issuance of a penalty for subsequent responses, these civil penalty assessments have not had a significant effect on the reduction of calls for service relating to "party/music" calls, nor has the recovery of police services costs been successful.


To address the limitations of the current OMC provisions, staff reviewed the implementation and impact of the existing OMC 4-12 provisions and identified the following:

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

Prepared by: Melissa Ramirez

Department: Police

City Manager

Approval: 

Submitted to Council/O.R.A./O.H.A. 08/16/2011

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

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

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

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- During calendar year 2009, there were approximately 290 “First Response Party Cards” issued. Each of these incidents required, at minimum, two patrol officers and approximately 30 minutes at each location to investigate the violation. Consequently, 290 manhours were spent responding to these party calls, and an estimated \$21,975 in penalty assessments were ceded since under the current provisions a penalty can only be assessed for subsequent offenses.
- There have been only 7 cases against repeat violators that have been filed, enforced and successfully completed during the past 2 years following the approval and adoption of OMC 4-12.07.
- The current procedure of posting a large, red “Public Nuisance” notice on the property of a violator by a Field Supervisor requires, at minimum, three officers and a supervisor—heavily taxing patrol resources.
- The overall enforcement process, filing process, and tracking system is not effectively meeting the needs of the Ontario Police Department in:
  - Providing a positive impact in reducing calls for service related to party/noise nuisances
  - Improving the quality of life for the citizens of Ontario
  - Recovering the direct cost of enforcement

Additionally, staff reviewed loud party/noise ordinances from the following counties and cities whose cost recovery schedules include a penalty for the first and subsequent police responses to large parties on private property: Riverside County, California (adopted 6/2007), City of Riverside (6/2007), California; City of Pullman, Washington (7/2007), and the City of Mesa, Arizona (5/2009). To date, these ordinances have been successful in abating party nuisances and improving the agencies’ quality of life for their citizens. Staff believes the success of these ordinances is due to the assessment of a penalty for the first offense, which has deterred repeat offenses.

If the proposed amendments are approved, the following key procedural changes will take effect:

- Officers will have the discretion to issue a warning or to cite as an infraction or misdemeanor.
- A citation may be issued for a violation on the *first* police response using a standard citation form and completion of an Ontario Police Department “Loud Party, Gatherings and Events Report.”
- Officers will regard an infraction/misdemeanor citation of OMC 4-12.07 with the same importance and diligence of a traffic citation. Similar to a traffic citation, citizens wishing to contest the citation may do so at court.
- Officers may issue citations for a violation *without* requiring a private person’s arrest form signed by the reporting party.

- Citations will be forwarded to the City Attorney's Office, and the City Attorney will prosecute misdemeanor cases.
- The schedule for civil penalties will be modified as follows:
  - For the first violation within a one hundred eighty (180) day period, the minimum mandatory fine shall be two hundred fifty dollars (\$250);
  - For any further violations in a one hundred eighty (180) day period, the minimum mandatory fine shall be no less than two hundred fifty dollars (\$250), no more than one thousand dollars (\$1000), **or imprisonment in the County jail for a period not exceeding six (6) months, or both.**
  - All infractions can include cost recovery for police services at the discretion of the court.
- The Ontario Police Department COPS Unit will be responsible for issuing "Notice to Property Owner" advisals; the Notice will be sent via certified mail.

If approved, staff anticipates a significant reduction in calls for service as well as enhanced cost recovery efforts. Ultimately, these revisions will enable patrol officers to focus efforts on proactive law enforcement activities to make Ontario a safer community.