



CITY OF ONTARIO

Regular City Council/Housing
Authority/Successor Agency to the Ontario
Redevelopment Agency
FEBRUARY 7, 2023

City Hall

303 East B Street, Ontario, CA 91764

MAYOR PAUL S. LEON • MAYOR PRO TEM DEBRA DORST-PORADA
COUNCIL MEMBERS ALAN D. WAPNER, JIM W. BOWMAN AND RUBEN VALENCIA

CITY CLERK SHEILA MAUTZ • TREASURER JAMES R. MILHISER
CITY MANAGER SCOTT OCHOA • CITY ATTORNEY RUBEN DURAN

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 in person 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. To comment by email, submit your comments no later than 4:00 p.m. on the day of the meeting by emailing your name, agenda item you are commenting on and your comments to publiccomments@ontarioca.gov. All comments received by the deadline will be forwarded to the City Council for consideration before action is taken on the matter and will be entered into the record.

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 the chamber will not be permitted. All those wishing to speak including Council and Staff need to be recognized by the Chair before speaking.

ACCOMODATIONS

If you need special assistance or accommodations to participate in this meeting, please contact the City Clerk's office at 909-395-2009. Notification of 48 hours prior to the meeting will help the City make reasonable arrangements. Equipment for the hearing impaired is available in the Records Management Office.

ORDER OF BUSINESS

The regular City Council/Housing Authority/Successor Agency to the Ontario Redevelopment Agency meeting begins with Closed Session and Closed Session Comment at 5:30 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.

CALL TO ORDER (OPEN SESSION)

ROLL CALL

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

CLOSED SESSION PUBLIC COMMENT

The Closed Session Public Comment portion of the Council/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 54957, PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Manager

GC 54957.6, CONFERENCE WITH LABOR NEGOTIATORS: City Negotiator: City Manager or his designees; Bargaining Units: Ontario Police Officers Association

ATTACHMENT: [20230207 Closed Session](#)

PLEDGE OF ALLEGIANCE

Council Member Bowman

INVOCATION

Chairwoman of the Elders Vicki Garcia First Christian Church Ontario

REPORT ON CLOSED SESSION

City Attorney

PRESENTATION

Chino Basin Water Conservation District

PUBLIC COMMENTS

6:30 P.M.

The Public Comment portion of the Council/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.

To comment by email, submit your comments by email no later than 4:00 p.m. on the day of the meeting by emailing your name, agenda item you are commenting on and your comment to publiccomments@ontarioca.gov. All Comments received by the deadline will be forwarded to the City Council for consideration before action is taken on the matter and entered into the record. 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 and Housing Authority of January 3, 2023 and approving same as on file in the Records Management Department.

ATTACHMENT: [20230103 Minutes \(Not official until approved\)](#)

2. BILLS & PAYROLL

Bills December 28, 2022 through January 19, 2023, and Payroll December 18, 2022 through January 14, 2023, when audited by the Finance Committee.

3. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT AND IMPROVEMENT SECURITY FOR FINAL TRACT MAP NO. 16486, LOCATED ON OLIVE STREET, APPROXIMATELY 655 FEET EAST OF BAKER AVENUE

That the City Council adopt a Resolution approving an Improvement Agreement and Improvement Security for Tract Map No. 16486, located on Olive Street, approximately 655 feet east of Baker Avenue.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT AND IMPROVEMENT SECURITY FOR FINAL TRACT MAP NO. 16486, LOCATED ON OLIVE STREET, APPROXIMATELY 655 FEET EAST OF BAKER AVENUE.

ATTACHMENT: [20230207 Tract Map 16486^01 EXH.pdf](#)

ATTACHMENT: [20230207 Tract Map 16486^02^RESO^RM](#)

4. A CONSTRUCTION CONTRACT FOR THE 2022 SPRING ALLEY CDBG PAVEMENT REHABILITATION PROJECT

That the City Council award a construction contract (on file in the Records Management Department) with Wheeler Paving, Inc. of Riverside, California, for the 2022 Spring Alley CDBG Pavement Rehabilitation Project (Project) in the amount of \$977,805; and authorize the City Manager, or his designee, to execute said contract and all related documents and file a notice of completion at the conclusion of all construction activities.

ATTACHMENT: [Exhibit A - Project Location Map](#)

5. A RESOLUTION AUTHORIZING AN AMENDED AND RESTATED ACQUISITION AND FUNDING AGREEMENT WITH LENNAR HOMES OF CALIFORNIA, LLC

That the City Council adopt a Resolution authorizing the execution of an Amended and Restated Acquisition and Funding Agreement between the City of Ontario and Lennar Homes of California, LLC (the "Developer") to provide for the future acquisition of completed public facilities constructed by and/or funded directly by the Developer, with the proceeds of City of Ontario Community Facilities District No. 55 (Parklane) (the "CFD") special tax bonds.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA,

AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDED AND RESTATED ACQUISITION AND FUNDING AGREEMENT.

ATTACHMENT: [Amended Acquisition K Ontario CFD 55 \(Parklane\) RESO^RM](#)

6. [A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT AND IMPROVEMENT SECURITY FOR PROJECT NO. PDEV21-013 LOCATED AT THE SOUTHEAST CORNER OF HAVEN AVENUE AND FOURTH STREET](#)

That the City Council adopt a Resolution approving an Improvement Agreement and Improvement Security for Project No. PDEV21-013, located at the southeast corner of Haven Avenue and Fourth Street, within the Piemonte Overlay of the Ontario Center Specific Plan area.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT AND IMPROVEMENT SECURITY FOR PROJECT NO. PDEV21-013 LOCATED AT THE SOUTHEAST CORNER OF HAVEN AVENUE AND FOURTH STREET.

ATTACHMENT: [20230207 PDEV21-013^01 EXH.pdf](#)

ATTACHMENT: [20230207 PDEV21-013^02^RESO^RM](#)

7. [A MODIFICATION TO THE EASEMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND NATIONAL RAILROAD PASSENGER CORPORATION](#)

That the City Council approve a Modification to Easement Agreement No. 2 between the City of Ontario and National Railroad Passenger Corporation (Amtrak) and authorize the City Manager to execute the Agreement and all other related documents.

8. [AN AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENTS FOR ON-CALL ARCHITECTURAL SERVICES](#)

That the City Council ("City") and Ontario Housing Authority ("Board Authority") approve and authorize the City Manager/Executive Director to execute Amendment No. 13 to Professional Services Agreements with Robert Borders & Associates to increase the not-to-exceed amount by \$89,388 to \$459,468.

9. [AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT FOR THE CONSULTING SERVICES TO MANAGE AND MAINTAIN THE CITY'S ENTERPRISE GEOGRAPHIC INFORMATION SYSTEM](#)

That the City Council authorize the City Manager to execute an Amendment to the current Agreement (on-file with the Records Management Department) with Geographic Information Services, INC., Birmingham, Alabama, for consulting services to manage and maintain the City's Enterprise Geographic Information System (GIS) for a total not to exceed amount of \$700,000 and extend the term for three years.

10. [APPROVAL OF ALLOCATION AND SPENDING PLAN FOR THE HOMELAND SECURITY GRANT](#)

ASSISTANCE PROGRAM (HSGP) FOR FISCAL YEARS 2020 AND 2021

That the City Council approve and authorize the City Manager to execute all documents necessary to participate in Homeland Security Grant Assistance Program spending plan for 37,073 for FY20 and 36,426 for FY21.

11. APPROVAL OF ALLOCATION AND SPENDING PLAN FOR THE BUREAU OF JUSTICE ASSISTANCE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM FOR FISCAL YEAR 2022

That the City Council approve and authorize the City Manager to execute all documents to participate in the Bureau of Justice Assistance (BJA) Edward Byrne Memorial Justice Assistance Grant (JAG) Program; and approve the proposed \$48,930 grant spending plan.

12. A RESOLUTION APPROVING THE FILING OF AN APPLICATION FOR GRANT FUNDING FOR THE EUCLID AVENUE RECYCLED WATER PROJECT FROM THE STATE WATER RESOURCES CONTROL BOARD

That the City Council adopt a resolution approving the filing of an application for grant funds from the State Water Resources Control Board for the Euclid Avenue Recycled Water Project and authorize the City Manager or designee to execute any documents including; applications, agreements, and request for reimbursements to carry out necessary project related activities and implement the program.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE FILING OF AN APPLICATION FOR GRANT FUNDING FOR THE EUCLID AVENUE RECYCLED WATER PROJECT FROM THE STATE WATER RESOURCES CONTROL BOARD.

ATTACHMENT: [AR SWRCB_grant_Euclid RW Exhibit 1.pdf](#)

ATTACHMENT: [Euclid Recycled Water Project RESO^RM](#)

13. THREE AMENDMENTS TO THE SERVICE AGREEMENTS FOR ONTARIO MUNICIPAL SERVICES CENTER MODULAR OFFICES

That the City Council take the following actions:

- A. Approve and authorize the City Manager, or designee to execute Amendment No. 2 to the Goods and Services Agreement (on file in the Records Management Department) with Williams Scotsman Inc. of Baltimore, Maryland, for a total not-to-exceed amount of \$28,727 and a term from May 18, 2021, to August 7, 2023, for modifications to the existing Ontario Municipal Service Center (OMSC) modular buildings.
- B. Approve and authorize the City Manager, or designee to execute Amendment No. 1 to the Maintenance Service Agreement (on file in the Records Management Department) with G.M. Sager Construction Company Inc. of Pomona, California, for a total not-to-exceed amount of \$128,058 and a term from September 6, 2022, to June 30, 2027, for the modification and reconfiguration of the OMSC parking lot.

- C. Approve and authorize the City Manager, or designee to execute Amendment No. 5 to the Maintenance Service Agreement (on file in the Records Management Department) with Bay Alarm Co. of Concord, California, for a total not-to-exceed amount of \$37,496 and a term from July 1, 2020, to June 30, 2025, for the OMSC security system installation.

14. AN AMENDMENT TO DESIGN SERVICES AGREEMENT WITH RJM DESIGN GROUP FOR ON-CALL LANDSCAPE ARCHITECTURAL SERVICES FOR THE ONTARIO SPORTS COMPLEX PROJECT

That the City Council authorize the City Manager or his designee to execute Amendment No. 3 to the Design Services Agreement (on file in the Records Management Department) for contract No. PM 1819-1 with RJM Design Group of San Juan Capistrano, California, to provide On-Call Landscape Architectural Services for the Ontario Sports Complex Project in a total amount of \$65,000 and a total not-to exceed amount of \$265,000.

15. DESIGNATION OF VOTING DELEGATES FOR THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) ANNUAL GENERAL ASSEMBLY MEETING

That the City Council appoint Council Member Debra Dorst-Porada as the City Delegate Representative and Mayor Paul Leon as the alternate.

16. A SUPPORT SERVICES AGREEMENT WITH PLANETBIDS, INC.

That the City Council authorize the City Manager to execute a five-year Support Services Agreement (on file with the Records Management Department) with PlanetBids, Inc., of Studio City, California, for a Citywide Support Services Agreement for five years and a total contract amount not-to-exceed \$327,077.

ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

17. A JOINT RESOLUTION AUTHORIZING THE CITY MANAGER / EXECUTIVE DIRECTOR TO EXECUTE CONTRACTS ON BEHALF OF THE CITY / AGENCY / AUTHORITY FOR THE ACQUISITION OF EQUIPMENT, MATERIALS, SUPPLIES, LABOR SERVICES OR OTHER ITEMS UP TO A MAXIMUM OF \$150,000, AND INTRODUCTION OF AN ORDINANCE AMENDING THE ONTARIO MUNICIPAL CODE RELATING TO PURCHASING AUTHORITY OF THE CITY MANAGER FOR PUBLIC PROJECTS

That the City Council, Successor Agency to The Ontario Redevelopment Agency and Ontario Housing Authority take the following action:

- A. Adopt a Joint Resolution of the City Of Ontario, Successor Agency To The Ontario Redevelopment Agency and Ontario Housing Authority increasing the City Manager's spending authority for the acquisition of equipment, materials, supplies, labor services or other items up to a maximum of \$150,000.

- B. Introduce an Ordinance to amend the Ontario Municipal Code to increase the City Manager's spending authority for Public Projects up to a maximum of \$150,000.

A JOINT RESOLUTION OF THE CITY OF ONTARIO, SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY AND ONTARIO HOUSING AUTHORITY AUTHORIZING THE CITY MANAGER / EXECUTIVE DIRECTOR TO EXECUTE CONTRACTS ON BEHALF OF THE CITY / AGENCY FOR THE ACQUISITION OF EQUIPMENT, MATERIALS, SUPPLIES, LABOR SERVICES OR OTHER ITEMS UP TO A MAXIMUM OF \$150,000.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING SECTION 2-6.18(H) OF CHAPTER 6 OF TITLE 2 OF THE ONTARIO MUNICIPAL CODE RELATING TO PURCHASING AUTHORITY OF THE CITY MANAGER FOR PUBLIC PROJECTS.

ATTACHMENT: [Increase in City Manager Spending Authority^RESO^01^RM](#)
ATTACHMENT: [Increasing City Manager Spending Authority for Public Projects^ORD^02^RM](#)

STAFF MATTERS

City Manager Ochoa

COUNCIL MATTERS

City Council Appointments

Mayor Leon
Mayor pro Tem Dorst-Porada
Council Member Wapner
Council Member Bowman
Council Member Valencia

ADJOURNMENT

CITY OF ONTARIO
CLOSED SESSION REPORT
City Council // Housing Authority // Other // (GC 54957.1)
February 7, 2023

ROLL CALL: Dorst-Porada __, Wapner __, Bowman __, Valencia __, Mayor / Chairman Leon __.

STAFF: City Manager / Executive Director __, City Attorney __

In attendance: Dorst-Porada __, Wapner __, Bowman __, Valencia __, Mayor / Chairman Leon __.

- GC 54957, PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Title: City Manager

No Reportable Action	Continue	Approved
/ /	/ /	/ /

Disposition: _____

In attendance: Dorst-Porada __, Wapner __, Bowman __, Valencia __, Mayor / Chairman Leon __.

- GC 54957.6, CONFERENCE WITH LABOR NEGOTIATORS: City Negotiator: City Manager or his designees; Bargaining Units: Ontario Police Officers Association.

Reported by:

City Attorney / City Manager / Executive Director

**ONTARIO CITY COUNCIL/
ONTARIO HOUSING AUTHORITY
MINUTES
JANUARY 3, 2023**

JOINT MEETINGS

The Regular Joint Meetings of the Ontario City Council and the Ontario Housing Authority scheduled for January 3, 2023, were cancelled.

Respectfully submitted,

CLAUDIA Y. ISBELL, MMC,
ASSISTANT CITY CLERK/SECRETARY

APPROVED

PAUL S. LEON, MAYOR/CHAIRMAN

CITY OF ONTARIO

Agenda Report
February 7, 2023

SECTION:
CONSENT CALENDAR

Department: Engineering
Prepared By: Angela Truong
Staff Member Presenting:
Scott Murphy, Executive Director Community
Development
Reviewed By: Raymond Lee, Khoi Do
Approved By: 

Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 3

SUBJECT: A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT AND IMPROVEMENT SECURITY FOR FINAL TRACT MAP NO. 16486, LOCATED ON OLIVE STREET, APPROXIMATELY 655 FEET EAST OF BAKER AVENUE

RECOMMENDATION: That the City Council adopt a Resolution approving an Improvement Agreement and Improvement Security for Tract Map No. 16486, located on Olive Street, approximately 655 feet east of Baker Avenue.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:

Invest in the Growth and Evolution of the City's Economy

Focus Resources in Ontario's Commercial and Residential Neighborhoods

Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: There is not a direct fiscal impact associated with this action. All public infrastructure improvements required for Final Tract Map No. 16486 will be constructed by the developer at its sole cost.

BACKGROUND & ANALYSIS: Final Tract Map No. 16486, consisting of 12 residential lots on approximately 9 acres as shown on Exhibit A, was submitted by the developer, G-Apex, Inc. and was approved by the City Council on February 1, 2005. Subsequently, G-Apex transferred ownership of the property to X&W Investments, LLC who then sold the property to CFC Olive (Mr. Tony Lee, General Partner). Neither G-Apex nor X&W Investments had constructed the required improvements for the project.

The current owner, CFC Olive, has submitted an Improvement Agreement and adequate security as a substitute for the ones previously submitted by G-Apex and X&W Investments, to ensure construction of the required improvements. Improvements will include street widening, curb, gutter, sidewalk, parkway landscaping and irrigation, fire hydrants, sewer main, water laterals and street lights. Improvements in parkway landscaping will be consistent with current City approved drought measures.

EXHIBIT A

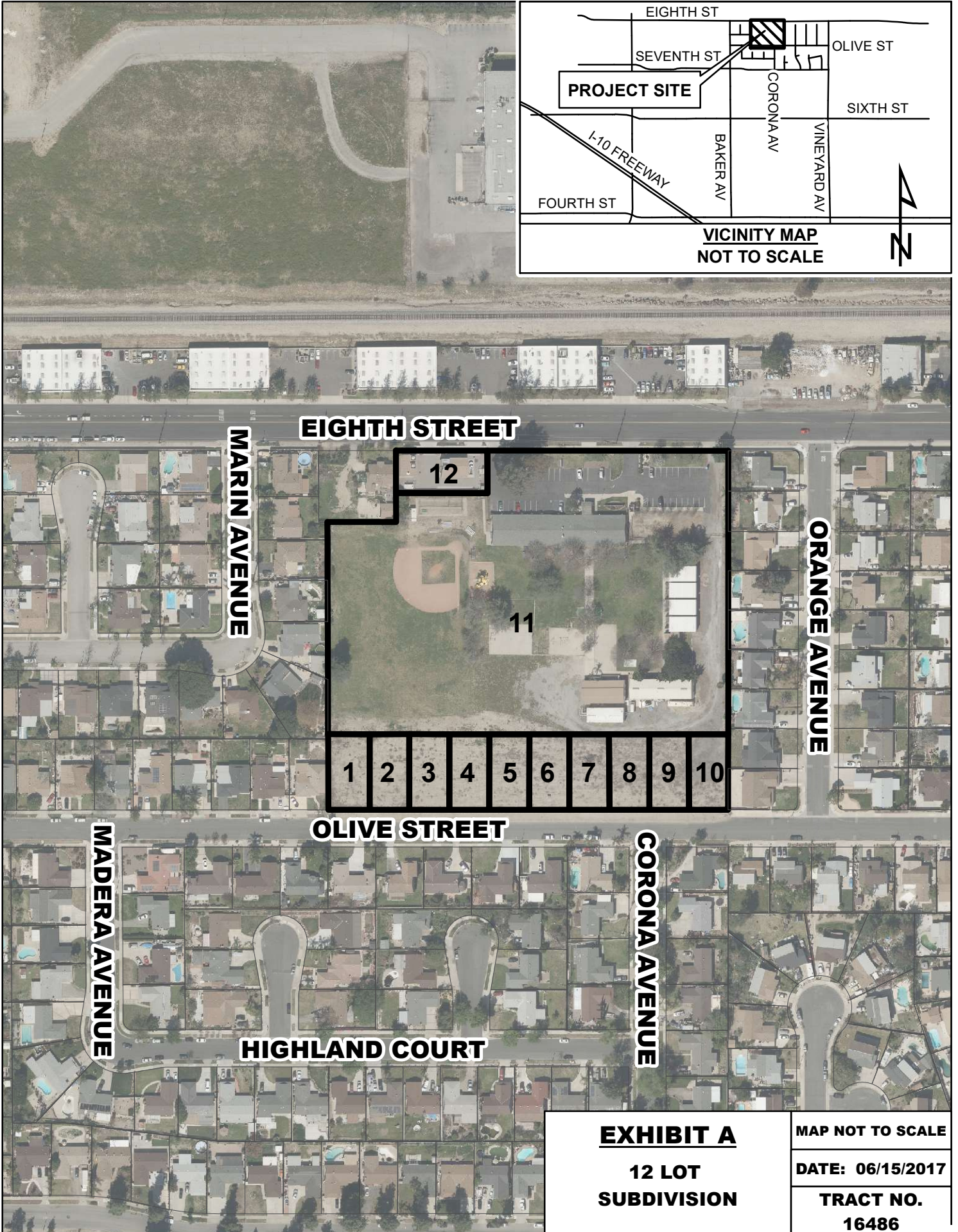


EXHIBIT A

12 LOT
SUBDIVISION

MAP NOT TO SCALE

DATE: 06/15/2017

TRACT NO.
16486

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT AND IMPROVEMENT SECURITY FOR FINAL TRACT MAP NO. 16486, LOCATED ON OLIVE STREET, APPROXIMATELY 655 FEET EAST OF BAKER AVENUE.

WHEREAS, Tract Map No. 16486, submitted for approval by G-Apex, Inc., was approved by the Planning Commission of the City of Ontario on February 1, 2005; and

WHEREAS, G-Apex transferred ownership of the property to X&W Investments, LLC who then sold the property to CFC Olive, LLC; and

WHEREAS, Tract Map No. 16486 being a subdivision of a Portion of Lot 2, Sec. 16, T1S, R7W, Maps of Cucamonga Lands, recorded in Book 4 of Parcel Maps, Page 9, in the office of the County Recorder of San Bernardino County; and

WHEREAS, CFC Olive has offered the Improvement Agreement together with good and sufficient improvement security, in conformance with the City Attorney's approved format, for approval and execution by the City.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Ontario, California, as follows:

SECTION 1. That said Improvement Agreement be, and the same is, approved and the City Manager is authorized to execute same on behalf of said City, and the City Clerk is authorized to attest thereto; and

SECTION 2. That said Improvement Security is accepted as good and sufficient, subject to approval as to form and content thereof by the City Attorney.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 7th day of February 2023.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST, BEST & KREIGER LLP
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2023- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held February 7, 2023, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2023- duly passed and adopted by the Ontario City Council at their regular meeting held February 7, 2023.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
February 7, 2023

SECTION:
CONSENT CALENDAR

Department: Engineering
Prepared By: Yesenia Lopez
Staff Member Presenting:
Scott Murphy, Executive Director Community
Development
Approved By: 

Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 4

SUBJECT: A CONSTRUCTION CONTRACT FOR THE 2022 SPRING ALLEY CDBG PAVEMENT REHABILITATION PROJECT

RECOMMENDATION: That the City Council award a construction contract (on file in the Records Management Department) with Wheeler Paving, Inc. of Riverside, California, for the 2022 Spring Alley CDBG Pavement Rehabilitation Project (Project) in the amount of \$977,805; and authorize the City Manager, or his designee, to execute said contract and all related documents and file a notice of completion at the conclusion of all construction activities.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:

Operate in a Businesslike Manner

Focus Resources in Ontario's Commercial and Residential Neighborhoods

Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: The total recommended expenditure authorization for Wheeler Paving, Inc. consists of \$850,265 plus a fifteen percent (15%) contingency of \$127,540 for a total of \$977,805. City staff recommends a fifteen percent contingency due to the size and complexity of the scope of work and to cover any unforeseen circumstances. The Fiscal Year 2022-23 Adopted Budget appropriated funds for the construction of the Project in the amount of \$838,619 from Community Development Block Grant (CDBG) and Road Maintenance and Rehabilitation Account (RMRA-SB1). The Fiscal Year 2022-23 Adopted Budget also appropriated funds for professional services related to the Project in the amount of \$20,000 from RMRA-SB1 fund. An additional appropriation of \$740 is needed to cover geotechnical and material testing services related to the Project. The additional \$139,926 will be funded from RMRA-SB1 fund balance. Upon approval, the additional appropriations from RMRA-SB1 will be included in the Fiscal Year 2022-23 Mid-Year Budget Update.

BACKGROUND & ANALYSIS: The general scope of work to be performed consists of, but is not limited to asphalt removal, placement of pavement, removal and replacement of PCC curb & gutter, ribbon gutter, drive approaches, installation of detectable warning surface, and other appurtenances necessary to complete the project improvements. The project locations include

rehabilitation of seven residential alleys. Project location maps are provided for reference as Exhibit "A." This project will extend the lifespan of the alleys by 15 to 20 years.

In November 2022, the City solicited bids for the project and four bids were received. The following is a summary of the bid results:

COMPANY	LOCATION	AMOUNT
Wheeler Paving, Inc.	Riverside, CA	\$850,264.40
IE General Engineering Inc.	Beaumont, CA	\$886,949.00
La Strada Contracting	Lake Forest, CA	\$976,296.87
Hardy & Harper, Inc.	Lake Forest, CA	\$1,740,507.00

Wheeler Paving, Inc. submitted the lowest responsive bid.

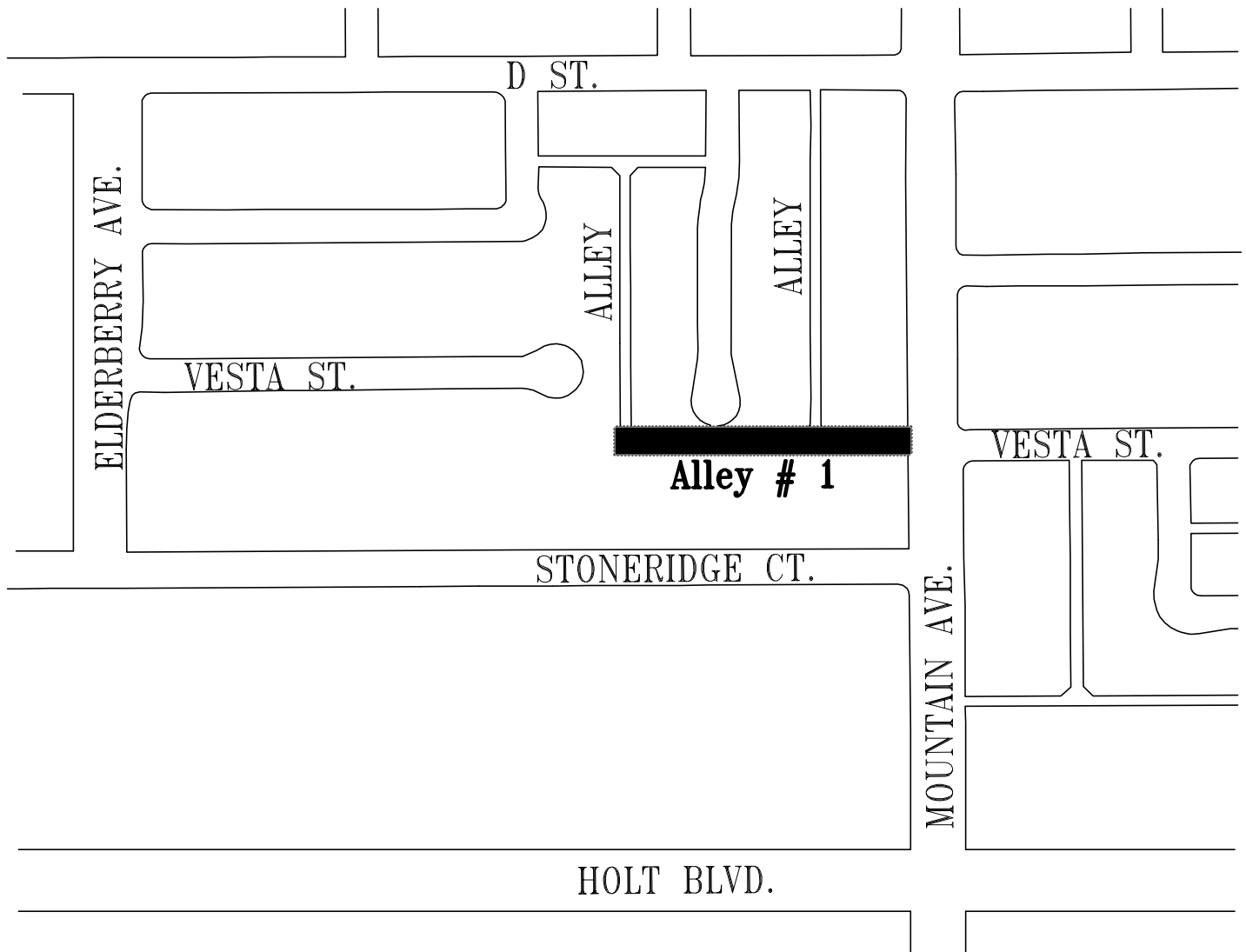
ENVIRONMENTAL REVIEW: The environmental impacts of this project were reviewed and Staff determined that the project is categorically exempt from the requirements of the California Environmental Quality Act pursuant to Section 15301 (Class 1, Existing Facilities) of the California Environmental Quality Act, whereas the project consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of lead agency's determination.

CDBG ALLEY

PAVEMENT REHABILITATION

S/O "D" STREET & N/O W. STONERIDGE CT.

BETWEEN MOUNTAIN AVENUE AND ELDERBERRY AVENUE

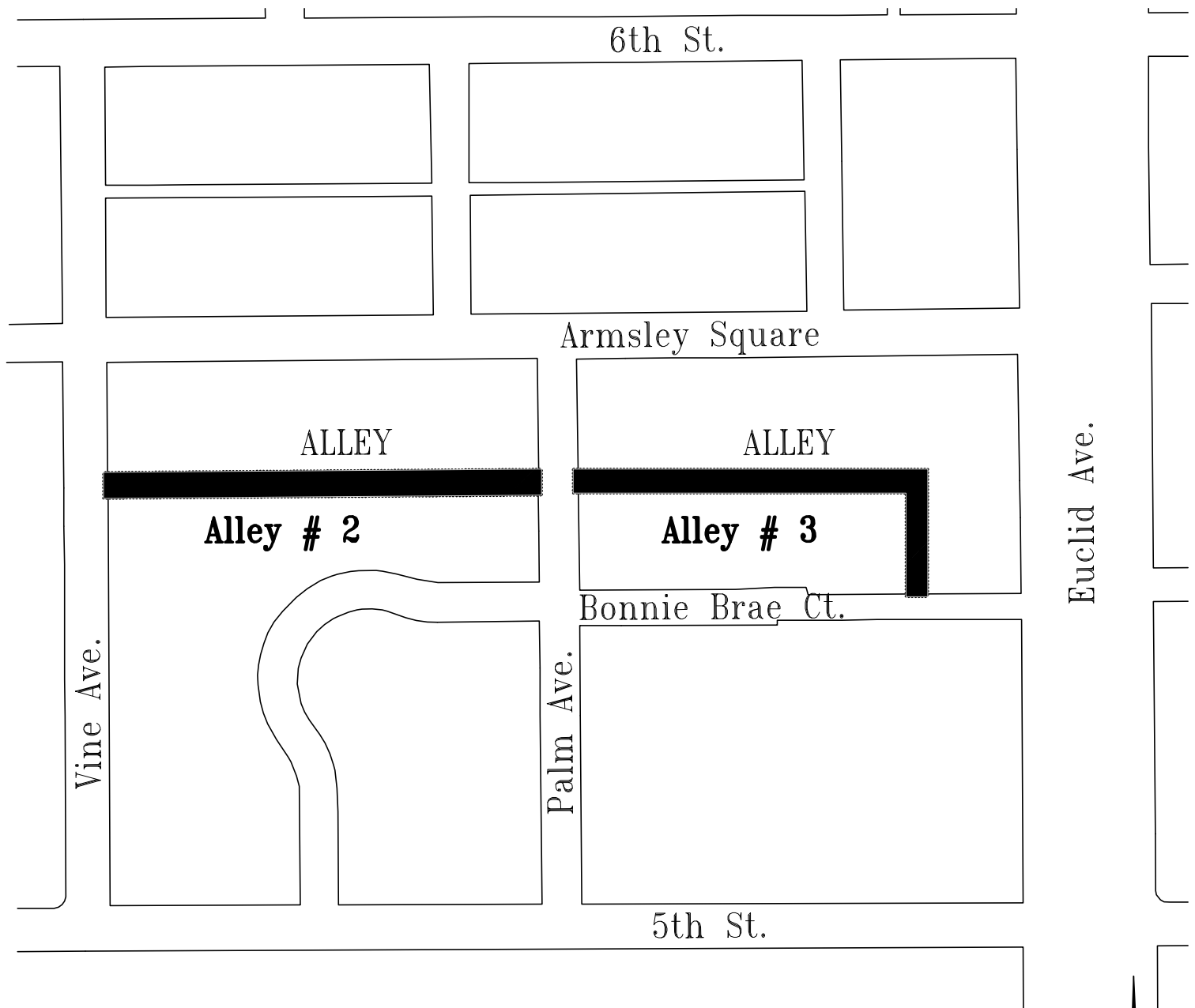


LEGEND:

 CDBG ALLEY PROJECT LOCATION



CDBG ALLEY
PAVEMENT REHABILITATION
S/O ARMSLEY SQUARE & N/O BONNIE BRAE COURT
BETWEEN VINE AVENUE AND EUCLID AVENUE



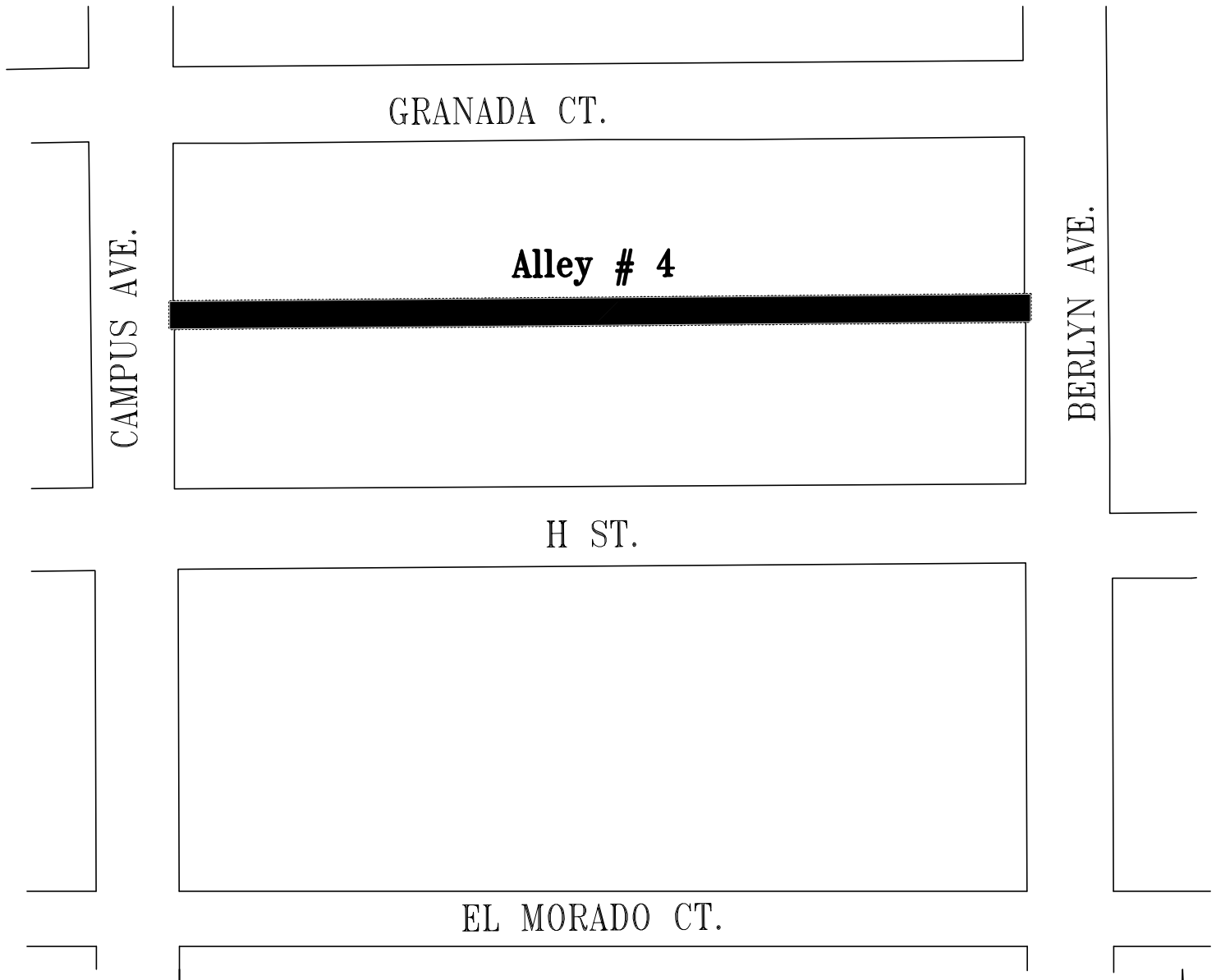
LEGEND:

 CDBG ALLEY PROJECT LOCATION



N.T.S.

CDBG ALLEY
PAVEMENT REHABILITATION
BETWEEN CAMPUS AVENUE AND BERLYN AVENUE
S/O GRANADA COURT & N/O "H" STREET

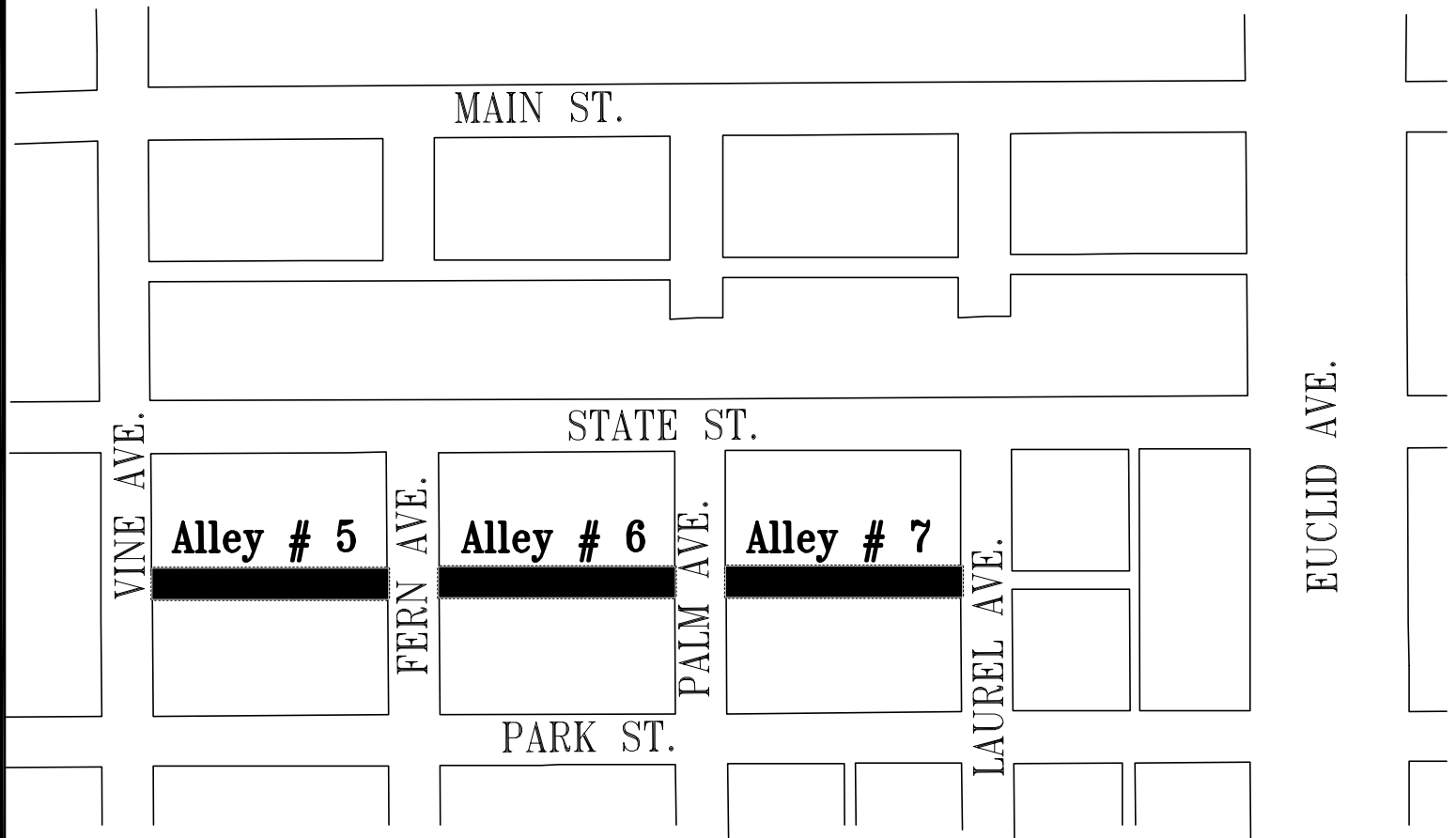


LEGEND:

 CDBG ALLEY PROJECT LOCATION



CDBG ALLEY
PAVEMENT REHABILITATION
S/O STATE STREET & N/O PARK STREET
BETWEEN VINE AVENUE AND LAUREL AVENUE



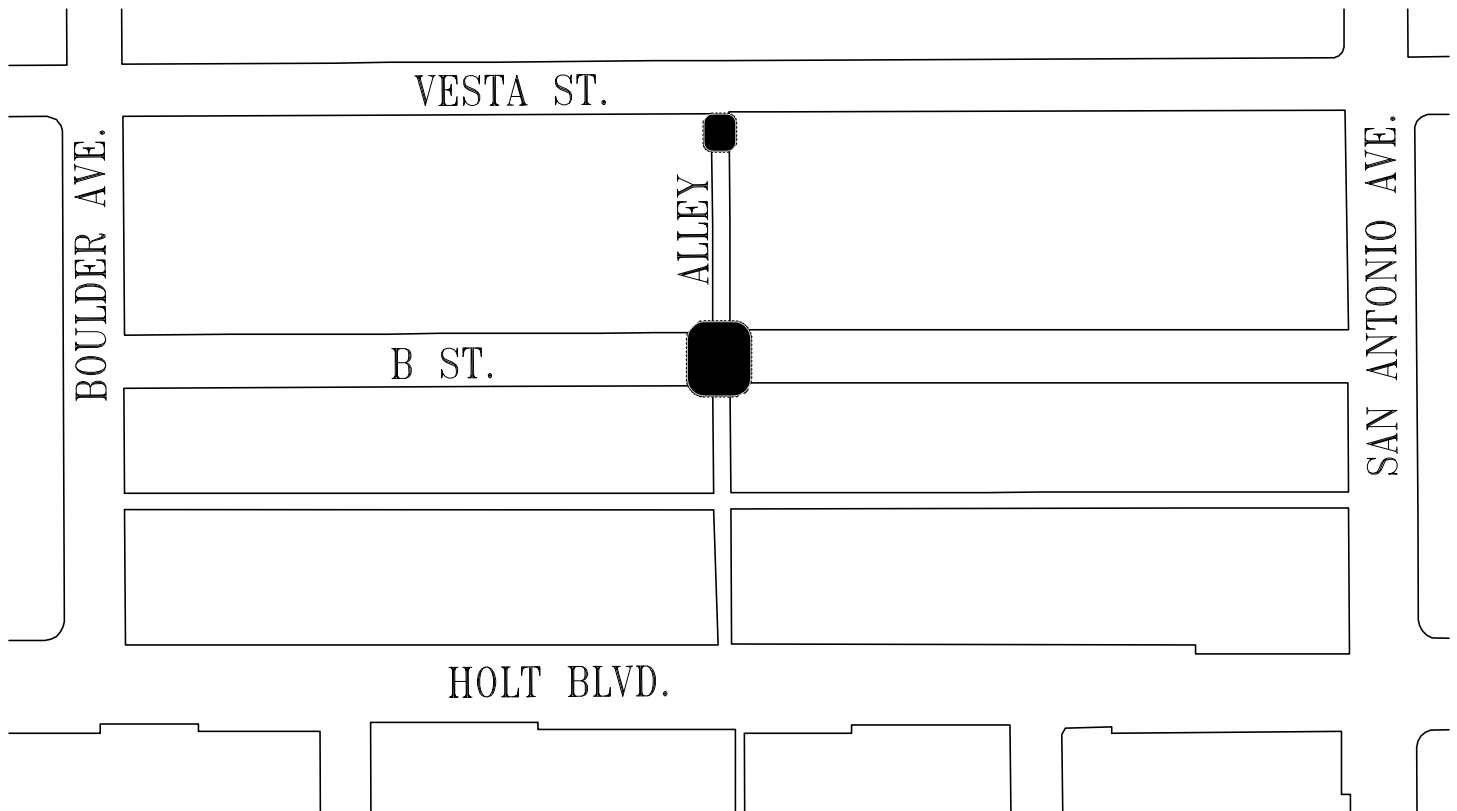
LEGEND:

 CDBG ALLEY PROJECT LOCATION



N.T.S.

CROSS GUTTER
PAVEMENT REHABILITATION
INTERSECTION OF ALLEY AND "B" STREET
BETWEEN BOULDER AVENUE AND SAN ANTONIO AVENUE



LEGEND:

 CDBG CROSS GUTTER PROJECT LOCATION



CITY OF ONTARIO

Agenda Report
February 7, 2023

SECTION: CONSENT CALENDAR

Department: Financial Services

Prepared By: Cecilia House

Staff Member Presenting:

Armen Harkalyan, Executive Director of Finance

Reviewed By: Armen Harkalyan, Cecilia House

Approved By:



Submitted To: Council/OHA

Approved: _____

Continued To: _____

Denied: _____

Item No: 5

SUBJECT: A RESOLUTION AUTHORIZING AN AMENDED AND RESTATED ACQUISITION AND FUNDING AGREEMENT WITH LENNAR HOMES OF CALIFORNIA, LLC

RECOMMENDATION: That the City Council adopt a Resolution authorizing the execution of an Amended and Restated Acquisition and Funding Agreement between the City of Ontario and Lennar Homes of California, LLC (the "Developer") to provide for the future acquisition of completed public facilities constructed by and/or funded directly by the Developer, with the proceeds of City of Ontario Community Facilities District No. 55 (Parklane) (the "CFD") special tax bonds.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:

Operate in a Businesslike Manner

Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch

FISCAL IMPACT: The proposed Amended and Restated Acquisition and Funding Agreement (on file with the Records Management Department) provides the terms for the use of CFD special tax bond proceeds that are to be repaid from CFD special taxes on residential development projects in the CFD to acquire public facilities built by or on behalf of the Developer. The CFD bonds are payable from special taxes levied on each taxable parcel within the CFD. Therefore, the CFD bonds do not represent a direct financial obligation of the City and there is no General Fund impact from the use of CFD bond financing to acquire these public facilities.

BACKGROUND & ANALYSIS: The Mello-Roos Community Facilities Act of 1982 provides local government, with the approval of the property owners, the authority to establish community facilities districts for the purpose of levying special taxes to finance various types of public facilities and to fund certain governmental services.

In 2022, the City entered into an Acquisition and Funding Agreement with the Developer. The Agreement provides the mechanism and terms for the purchase by the City of completed public

facilities from the Developer with CFD special tax bond proceeds.

The Amended and Restated Acquisition and Funding Agreement amends certain provisions of the original Acquisition and Funding Agreement. The changes to be made pursuant to the Amended and Restated Acquisition and Funding Agreement are similar to the substantive changes made pursuant to the Amended and Restated Acquisition and Funding Agreement with NMC Builders recently approved by City Council.

Requested Amendment

The changes proposed to be made by the Amended and Restated Acquisition Agreement generally revolve around the definition of the "Purchase Price" of improvements to be acquired by the City. The Amended and Restated Acquisition and Funding Agreement amends the definition of "Purchase Price" from the lesser of (i) actual, reasonable cost of improvements and (ii) the estimated cost identified in the City's Development Impact Fee (DIF) program to the actual, reasonable cost of the improvements. With such changes, the Developer will always be paid the actual, reasonable cost of improvements, as such cost is verified by the City Engineer. The changes address the fact that many additional, reasonable costs must be incurred in order to complete certain improvements. These additional costs are related to a number of variables, including but not limited to, increased material and labor costs, the need for temporary connections, the need for overbuilding in certain areas to accommodate initial phases of development and increased soft costs (design, engineering, project management, etc.) for the improvements.

The Amended and Restated Acquisition Agreement also provides a higher allowance (up to 30%) for soft costs, consistent with the industry norm. On occasion, soft costs could exceed 30% of the cost of the improvement. In those cases, the Developer may request a waiver from the City Engineer to allow the higher costs. These higher costs must be justified to the satisfaction of the City Engineer and approved by him or her as reasonable and necessary.

The Amended and Restated Acquisition Agreement will be effective for any improvement that has not already been acquired and paid for by the City.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDED AND RESTATED ACQUISITION AND FUNDING AGREEMENT WITH LENNAR HOMES OF LENNAR HOMES OF CALIFORNIA, LLC

WHEREAS, certain real property within the boundaries of the City located generally south of State Route 60 is commonly known as the New Model Colony; and

WHEREAS, the City has approved a General Plan Amendment for the New Model Colony, which has been supplemented by certain water, recycled water and sewer master plans (as so supplemented, the “General Plan Amendment”) and has certified an Environmental Impact Report and adopted a Mitigated Negative Declaration in connection with the General Plan Amendment (together, the “Environmental Impact Report”); and

WHEREAS, the City has specified in the General Plan Amendment and the Environmental Impact Report the major backbone transportation, water, sewer, storm drainage, parks, public safety infrastructure and fiber optic systems required to serve the New Model Colony; and

WHEREAS, the New Model Colony is now commonly referred to as Ontario Ranch; and

WHEREAS, Lennar Homes of California, LLC (the “Developer”) is developing certain of the property within Ontario Ranch (the “Property”); and

WHEREAS, certain of such major backbone infrastructure is required to serve the Property; and

WHEREAS, the City and the Developer desire to provide a mechanism to fund, in a timely manner, the costs of certain of such major backbone infrastructure required to serve Ontario Ranch (the “Facilities”) so that such development may occur; and

WHEREAS, in order to provide such a mechanism, the City has, pursuant to the provisions of the Mello-Roos Community Facilities Act of 1982 (the “Act”), established City of Ontario Community Facilities District No. 55 (Parklane) (the “Community Facilities District”), the boundaries of which include a portion of the Property; and

WHEREAS, in connection therewith, the City and Lennar Homes of California, Inc. entered into the Acquisition Agreement, dated as of December 1, 2020 (the “Original Acquisition Agreement”), pursuant to which, in accordance with the terms set forth therein, the Developer is to construct or cause to be constructed certain of the Facilities, which, upon satisfaction of the conditions specified herein, the City is to acquire and take title thereto, which acquisitions are to be funded by the Community Facilities District; and

WHEREAS, the Developer is the successor-in-interest by conversion to Lennar Homes of California, Inc.; and

WHEREAS, the City and the Developer desire to change, supplement or otherwise modify certain provisions of the Original Acquisition Agreement; and

WHEREAS, Section 6.4 of the Original Acquisition Agreement provides that the Original Acquisition Agreement may be amended by an instrument in writing executed and delivered by the City and the Developer; and

WHEREAS, the City and the Developer desire to amend and restate the Original Acquisition Agreement in order to reflect such changes, supplements and modifications to the Original Acquisition Agreement, pursuant to an Amended and Restated Acquisition and Funding Agreement by and between the City and the Developer (such Amended and Restated Acquisition and Funding Agreement, in the form presented to this meeting, with such changes, insertions and omissions as are made pursuant to this Resolution, being referred to herein as the "Amended and Restated Acquisition Agreement"); and

WHEREAS, the City Council is the legislative body of the Community Facilities District;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ontario as follows:

SECTION 1. The Amended and Restated Acquisition Agreement, in substantially the form submitted to this meeting and made a part hereof as though set forth herein, be and the same is hereby approved. Each of the Mayor of the City, and such other member of the City Council as the Mayor may designate, the City Manager of the City and the Executive Director of Finance of the City, and such other officer or employee of the City as the City Manager may designate (the "Authorized Officers") is hereby authorized, and any one of the Authorized Officers is hereby directed, for and in the name of the City, to execute and deliver the Amended and Restated Acquisition Agreement in the form submitted to this meeting, with such changes, insertions and omissions as the Authorized Officer executing the same may require or approve, such requirement or approval to be conclusively evidenced by the execution of the Amended and Restated Acquisition Agreement by such Authorized Officer.

SECTION 2. All actions heretofore taken by the officers, employees and agents of the City with respect to the Amended and Restated Acquisition Agreement, or in connection with or related to any of the matters referred to herein, are hereby approved, confirmed and ratified.

SECTION 3. The officers, employees and agents of the City are hereby authorized and directed to take all actions and do all things which they, or any of them, may deem necessary or desirable to accomplish the purposes of this Resolution and not inconsistent with the provisions hereof.

SECTION 4. This Resolution shall take effect immediately upon its adoption.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 7th day of February 2023.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST, BEST & KREIGER, LLP
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2023-_____ was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held February 7, 2023, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2023-_____duly passed and adopted by the Ontario City Council at their regular meeting held February 7, 2023.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
February 7, 2023

SECTION:
CONSENT CALENDAR

Department: Engineering
Prepared By: Angela Truong
Staff Member Presenting:
Scott Murphy, Executive Director Community
Development
Reviewed By: Raymond Lee, Khoi Do
Approved By: 

Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 6

SUBJECT: A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT AND IMPROVEMENT SECURITY FOR PROJECT NO. PDEV21-013 LOCATED AT THE SOUTHEAST CORNER OF HAVEN AVENUE AND FOURTH STREET

RECOMMENDATION: That the City Council adopt a Resolution approving an Improvement Agreement and Improvement Security for Project No. PDEV21-013, located at the southeast corner of Haven Avenue and Fourth Street, within the Piemonte Overlay of the Ontario Center Specific Plan area.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:

Invest in the Growth and Evolution of the City's Economy

Focus Resources in Ontario's Commercial and Residential Neighborhoods

Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: There is not a direct fiscal impact associated with this action. All public infrastructure improvements required for this project will be constructed by the Developer at its sole cost.

BACKGROUND & ANALYSIS: Project No. PDEV21-013, consisting of buildings constructed on seven parcels totaling 13.4 acres of land, as shown on Exhibit A, has been submitted by the Developer, Lewis Piemonte Land, LLC. This project is an amendment to a previously approved Project No. PDEV17-016 and was approved by the Development Advisory Board on January 19, 2022.

Improvements will include streets, storm drain, water service, recycled water service, sewer lateral, fiber optic conduits, streetlights, fire hydrant, traffic signal, parkway landscaping with irrigation, and signing and striping. All landscape improvements will be consistent with current City approved drought measures.

The Developer has entered into an Improvement Agreement with the City for this project and has posted adequate security to ensure construction of the required improvements. This project meets

all conditions of the Ontario Municipal Code and has been reviewed and approved by the City Engineer.

EXHIBIT A

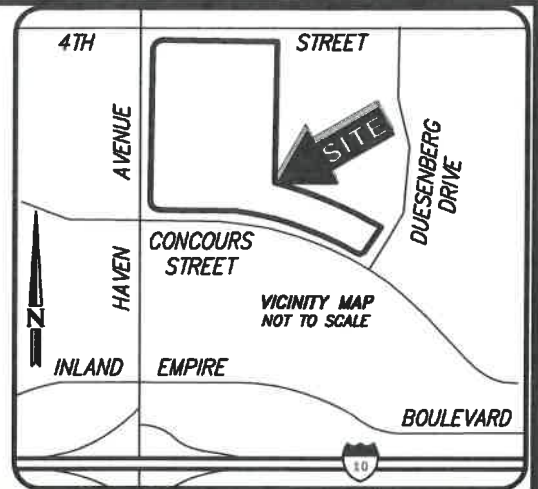


EXHIBIT A
PLAT
CITY OF ONTARIO, CALIFORNIA

ORC Engineering, Inc.
Civil Engineering/Land Surveying/Land Planning

160 S. Old Springs Road, Ste. 210
Anaheim Hills, California 92808
(714) 685-6860

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT AND IMPROVEMENT SECURITY FOR PROJECT NO. PDEV21-013 LOCATED AT THE SOUTHEAST CORNER OF HAVEN AVENUE AND FOURTH STREET.

WHEREAS, Project No. PDEV21-013 submitted for approval by Lewis Piemonte Land, LLC, was approved by the Development Advisory Board of the City of Ontario on January 19, 2022; and

WHEREAS, Project No. PDEV21-013 was an amendment to a previously approved Project No. PDEV17-016; and

WHEREAS, to meet the requirements established as prerequisite to final approval of Project No. PDEV21-013, Lewis Piemonte Land, LLC, has offered the Improvement Agreement together with good and sufficient improvement security, in conformance with the City Attorney's approved format, for approval and execution by the City; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Ontario, California, as follows:

SECTION 1. That said Improvement Agreement be, and the same is, approved and the City Manager is authorized to execute same on behalf of said City, and the City Clerk is authorized to attest thereto; and

SECTION 2. That said Improvement Security is accepted as good and sufficient, subject to approval as to form and content thereof by the City Attorney.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 7th day of February 2023.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST, BEST & KREIGER, LLP
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2023- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held February 7, 2023 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2023- duly passed and adopted by the Ontario City Council at their regular meeting held February 7, 2023.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
February 7, 2023

SECTION:
CONSENT CALENDAR

Department: Engineering
Prepared By: Jay Bautista
Staff Member Presenting:
Scott Murphy, Executive Director Community
Development
Approved By: 

Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 7

SUBJECT: A MODIFICATION TO THE EASEMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND NATIONAL RAILROAD PASSENGER CORPORATION

RECOMMENDATION: That the City Council approve a Modification to Easement Agreement No. 2 between the City of Ontario and National Railroad Passenger Corporation (Amtrak) and authorize the City Manager to execute the Agreement and all other related documents.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Invest in the Growth and Evolution of the City's Economy
Operate in a Businesslike Manner

FISCAL IMPACT: The annual easement revenue will be \$6,500 per year for 20 years, beginning in 2023.

BACKGROUND & ANALYSIS: The City owns a portion of land located on Emporia Street between Lemon Avenue and Plum Avenue, adjacent to the Union Pacific Railroad. The area is approximately 0.8 acres and consists primarily of street adjacent parking spaces. In October 1997, the City and Amtrak entered into an Easement Agreement for 25 years granting Amtrak the use of the area for parking. In May 2014, the Modification to Easement Agreement was entered into to adjust the easement area due to construction of the City's parking structure. The subject Modification to Easement Agreement No. 2 will extend the term for a period of 20 years or until the earlier termination of rail service to this location.

CITY OF ONTARIO

Agenda Report
February 7, 2023

SECTION:
CONSENT CALENDAR

Department: Housing
Prepared By: Hannah K Mac Kenzie
Staff Member Presenting:
Scott Murphy, Executive Director Community
Development
Approved By: 

Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 8

SUBJECT: AN AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENTS FOR ON-CALL ARCHITECTURAL SERVICES

RECOMMENDATION: That the City Council ("City") and Ontario Housing Authority ("Board Authority") approve and authorize the City Manager/Executive Director to execute Amendment No. 13 to Professional Services Agreements with Robert Borders & Associates to increase the not-to-exceed amount by \$89,388 to \$459,468.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:

Operate in a Businesslike Manner

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

Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: Robert Borders & Associates will be compensated for on-call, as-needed services at the fixed hourly rates as set forth in their respective agreements, for the work it performs on City Council approved capital improvement projects.

The Fiscal Year 2022-23 Adopted Budget includes appropriations from Community Development Block Grant funds (CDBG) and Special Revenue Fund - Fiber Broadband for these services. This proposed amendment will increase on-call architectural services by \$89,388. The amended not-to-exceed amount for Robert Borders and Associates will be \$459,468.

BACKGROUND & ANALYSIS: On January 1, 2020, after an extensive solicitation and procurement selection process, the City and Authority entered into on-call Professional Services Agreements with Robert Borders & Associates for architectural services. This selection was based on the firm's experience, knowledge and qualifications. The City and the Authority have continued working on high priority projects that require the need for site analysis, conceptual layouts/space planning, architectural design and engineering services, post design services, move management and bidding services. The Professional Services Agreements with Robert Borders is currently in the first one-year renewal term, following the initial three year contracted term.

During the term of the contract with Robert Borders & Associates, the \$400,000 threshold has been used on the following projects: OMUC/ Parks & Streets/Integrated Waste office improvements, City Hall (First and Second Floor) office improvements, Jay Littleton Ballpark renovations, Sam Alba Park restroom renovation, OMUC Executive Office remodel, and light pole installations at De Anza Park, Bon View Park, and Jay Littleton Park. Combined, services rendered for these projects have totaled \$370,080.

There is a current need to amend the on-call Professional Services Agreement to accommodate architectural design services for two additional City projects. The two projects are:

Project Name	Project Description	Funding Source	Total
Community Block Wall Along Mountain Ave.	Architectural services for a community block wall and associated landscaping to be installed on a public easement along Mountain Avenue between D Street and G Street.	CDBG	\$40,880
Generator Installation	Architectural services for the proposed installation of two (2) back-up generators located 221 W. 5th Street and 333 S. Bon View Ave., and a gated steel trellis security structure at the 5th St. location	Special Revenue Fund - Fiber Broadband	\$48,508

The requested increases in the contract will enable the City to move forward with these projects.

CITY OF ONTARIO

Agenda Report
February 7, 2023

SECTION:
CONSENT CALENDAR

Department: Information Technology
Prepared By: Samantha Robles
Staff Member Presenting:
Colin Fernandes, Executive Director Information
Technology
Approved By: 

Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 9

SUBJECT: AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT FOR THE CONSULTING SERVICES TO MANAGE AND MAINTAIN THE CITY'S ENTERPRISE GEOGRAPHIC INFORMATION SYSTEM

RECOMMENDATION: That the City Council authorize the City Manager to execute an Amendment to the current Agreement (on-file with the Records Management Department) with Geographic Information Services, INC., Birmingham, Alabama, for consulting services to manage and maintain the City's Enterprise Geographic Information System (GIS) for a total not to exceed amount of \$700,000 and extend the term for three years.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Operate in a Businesslike Manner

FISCAL IMPACT: The Fiscal Year 2022-23 Adopted Budget includes appropriations from the Information Technology Fund for Information Technology Agency consulting services. The proposed Amendment to the Professional Services Agreement increases the authorized contract amount by \$500,000 for a not-to-exceed contract amount of \$700,000 and extends the agreement through July 31, 2026. Actual expenditures will be based on services rendered and pursuant based on the fixed billing rates set forth in the existing Agreement. If approved, appropriations will be added to the futures years' budgets consistent with the annual adoption process.

BACKGROUND & ANALYSIS: The City's Geographic Information System (GIS) provides mapping and address data to multiple systems used by the City. The City's consultant, Geographic Information Services, Inc (GIS Consultant), provides the City with professional services to assist with managing and maintaining the City's geographic information system. The initial Agreement with the GIS Consultant began in August 2020 and was extended for two additional years to August 2023. Over this time frame, the GIS Consultant has provided the City with excellent support and demonstrated the level of specific systems expertise required. Over the next few years, Staff expects increased use of GIS for a wide range of applications, such as 911 dispatch, land development permitting, and data analyses. As such, Staff foresees the need for increased support from the GIS Consultant. Staff requests City Council approval to extend the Agreement to August 2026 and to increase funding in Fiscal Years 2022-23 through 2025-26.

CITY OF ONTARIO

Agenda Report
February 7, 2023

SECTION: CONSENT CALENDAR

Department: Police Department
Prepared By: Mary Salem
Staff Member Presenting:
Mike Lorenz, Chief of Police
Reviewed By: Lizceth Zazueta
Approved By: 

Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 10

SUBJECT: APPROVAL OF ALLOCATION AND SPENDING PLAN FOR THE HOMELAND SECURITY GRANT ASSISTANCE PROGRAM (HSGP) FOR FISCAL YEARS 2020 AND 2021

RECOMMENDATION: That the City Council approve and authorize the City Manager to execute all documents necessary to participate in Homeland Security Grant Assistance Program spending plan for 37,073 for FY20 and 36,426 for FY21.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:

Maintain the Current High Level of Public Safety

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

FISCAL IMPACT: Upon approval and receipt of these grant awards, a Grant Identification Number will be established to record, monitor, and report on the financial activities of these grant awards. The total grant awards are \$37,073 for FY20 and 36,426 for FY21. The allotments are a one-time allocation with no local matching funds requirement. Grant adjustments for budget appropriations and review will be included in the next quarter's budget update report to the City Council.

BACKGROUND & ANALYSIS: The State Homeland Security Grant Program (HSGP) is designed to secure and provide the nation with the capabilities required across the community to prevent, protect against, mitigate, respond to, and recover from acts of terrorism. Based on current law enforcement operational needs, the Police Department proposes to utilize the grant on hand-held radios.

CITY OF ONTARIO

Agenda Report
February 7, 2023

SECTION:
CONSENT CALENDAR

Department: Police Department
Prepared By: Mary Salem
Staff Member Presenting:
Mike Lorenz, Chief of Police
Reviewed By: Lizceth Zazueta
Approved By: 

Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 11

SUBJECT: APPROVAL OF ALLOCATION AND SPENDING PLAN FOR THE BUREAU OF JUSTICE ASSISTANCE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM FOR FISCAL YEAR 2022

RECOMMENDATION: That the City Council approve and authorize the City Manager to execute all documents to participate in the Bureau of Justice Assistance (BJA) Edward Byrne Memorial Justice Assistance Grant (JAG) Program; and approve the proposed \$48,930 grant spending plan.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:

Maintain the Current High Level of Public Safety

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

FISCAL IMPACT: Upon approval and receipt of the grant award, a Grant Identification Number will be established to record, monitor, and report to the financial activities of this grant award. The total grant award is \$51,505, of which 5% (\$2,575) will be assigned to the Law & Justice Group of San Bernardino County for administrative fees, resulting in a net award to the City of \$48,930. This is a one-time allocation with no local matching funds requirement, and grant expenditures must be completed within the four-year grant period. If approved, budget adjustments for appropriations and revenue will be included in the Mid Year Budget Update Report to the City Council.

BACKGROUND & ANALYSIS: The Bureau of Justice Assistance has announced the availability of grant funds through the Edward Byrne Memorial JAG Program. Ontario has participated in the JAG Program (formerly the Local Law Enforcement Block Grant) since 1997. Grant allocations are predetermined through a formula based on the population and crime statistics. Ontario has been allocated \$48,930 for FY2022-23. The grant award along with JAG FY 2017, JAG FY 2018, JAG FY 2019, JAG FY 2020 and JAG FY 2021 grants, previously approved by City Council, have been on hold due to a nationwide injunction by a U.S. District Court on September 15, 2017. With the long-awaited legislative approval, the County of San Bernardino intends to accept all pending JAG awards. Under the JAG legislation, the County will act as the fiscal agent for disbursement of the funds.

Based on current law enforcement operational needs, the Police Department proposes the following grant spending plan: Hand-held radios- \$48,930

CITY OF ONTARIO

Agenda Report
February 7, 2023

SECTION:
CONSENT CALENDAR

Department: Utilities
Prepared By: Thomas Lambertson
Staff Member Presenting:
Scott Burton, Utilities General Manager
Reviewed By: Dennice Raygoza, Albert G
Gastelum, Michael Sigsbee
Approved By: 

Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 12

SUBJECT: A RESOLUTION APPROVING THE FILING OF AN APPLICATION FOR GRANT FUNDING FOR THE EUCLID AVENUE RECYCLED WATER PROJECT FROM THE STATE WATER RESOURCES CONTROL BOARD

RECOMMENDATION: That the City Council adopt a resolution approving the filing of an application for grant funds from the State Water Resources Control Board for the Euclid Avenue Recycled Water Project and authorize the City Manager or designee to execute any documents including; applications, agreements, and request for reimbursements to carry out necessary project related activities and implement the program.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:

Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

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

FISCAL IMPACT: The State Water Resources Control Board (SWRCB) and Division of Financial Assistance (DFA) through the California General Fund (AB-179) has awarded \$10 million in grant funding to the City for the Euclid Avenue Recycled Water Project. If the recommended action is approved, the \$10 million grant funding will be appropriated to the Water Capital Fund in the next Quarterly Budget Update Report to the City Council. There is no impact to the General Fund.

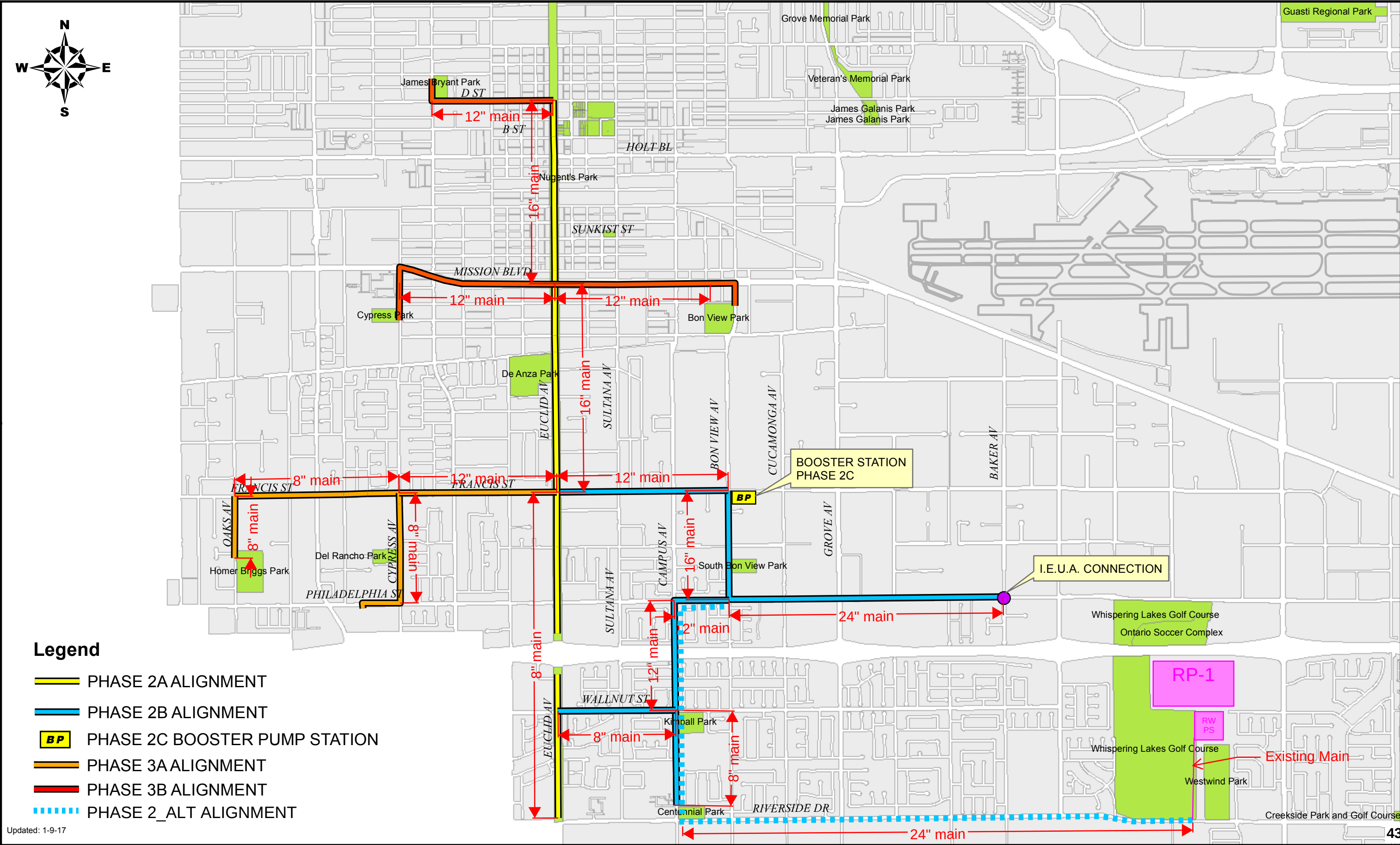
BACKGROUND & ANALYSIS: The City's adopted 2020 Urban Water Management Plan identifies the use of recycled water as part of Ontario's plan for providing a long-term sustainable water supply to the City. Developing recycled water service reduces the City's reliance on imported water supplies and is not subject to the same drought conditions as other potable supplies. The City's adopted Recycled Water Master Plan includes a Capital Improvement Program for enhancements to the recycled water system, which is used for irrigation and industrial applications approved by the California SWRCB Division of Drinking Water.

The City was selected by DFA to receive \$10 million in earmarked grant funding from the State General Fund (AB-179) to promote potable water conservation through the Euclid Avenue Recycled

Water Project (WA 1502). The Euclid Avenue Recycled Water Project is planned to establish a network of transmission and distribution main lines that will deliver recycled water to an area approximately bounded by Vineyard Avenue and the Inland Empire Utilities Agency Regional Water Recycling Plant No. 1 (RP-1) to the east, the Euclid Avenue Median and G Street to the north, Oaks Street and Homer Briggs Park to the west, and Riverside Drive to the south. The work will consist of several phases of construction (Exhibit 1) and total up to 13 miles of 8-inch to 24-inch pipe to irrigate street corridors, schools, parks, and other community development. The anticipated cost for the phases of the project as described are estimated at approximately \$38 million. The program costs eligible for grant funds include engineering, administration, legal, and construction.

Upon submittal of the general application and completion of the Grant Agreement, the City will be eligible to receive grant funding for elements of the Euclid Avenue Recycled Water Project.

Adoption of the attached Resolution will approve the filing of a general application to the SWRCB DFA and authorize the City Manager to negotiate and sign resulting agreements with the SWRCB to obtain grant funding for recycled water pipeline projects.



RESOLUTION NO. _____

A RESOLUTION APPROVING THE FILING OF AN APPLICATION FOR
GRANT FUNDING FOR THE EUCLID AVENUE RECYCLED WATER
PROJECT FROM THE STATE WATER RESOURCES CONTROL BOARD.

WHEREAS, the State of California State Water Resources Control Board (SWRCB) Division of Financial Assistance (DFA) has been delegated the responsibility for the administration of the SWRCB's financial assistance programs; and

WHEREAS, the SWRCB requires the City Council by resolution to authorize the City Manager, or designee, to sign and file applications and request for reimbursement on behalf of the City for grants or other such funds from the SWRCB's financial assistance programs and to carry out other necessary project-related activities; and

WHEREAS, the SWRCB will utilize the DFA grant application and fund distribution structure for the administration of the California General Fund (AB-179); and

WHEREAS, the City of Ontario (City) desires to obtain special earmarked grant funding assistance for the City's recycled water projects from the California General Fund (AB-179).

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Ontario, California, as follows:

SECTION 1. The City Council does hereby find and declare that the above recitals are true and correct.

SECTION 2. The City Manager (the "Authorized Representative"), or designee, is hereby authorized and directed to sign and file, for and on the behalf of the City, a Financial Assistance Application for a funding agreement and any amendments thereto from the SWRCB for the planning, design, and construction of the Euclid Avenue Recycled Water Project (the "Project").

SECTION 3. This Authorized Representative, or designee, is designated to provide the assurances, certifications, and commitments required for the financial assistance application, including negotiation and execution of a financial assistance agreement from the State Water Resources Control Board and any amendments or changes thereto.

SECTION 4. The Authorized Representative, or designee, is designated to represent the City in carrying out the City's responsibilities under the grant agreement, including certifying disbursement requests on behalf of the City and compliance with applicable state and federal statutory and regulatory requirements related to any federal and state grants or other such funds received.

SECTION 5. Be it further resolved and ordered, that any and all actions, whether previously or subsequently taken by the City, which are consistent with the intent and purposes of the foregoing resolution, shall be, and hereby are, in all respects, ratified, approved and confirmed.

SECTION 6. This Resolution shall become effective upon its adoption.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 7th day of February 2023.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST, BEST & KREIGER LLP
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2023- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held February 7, 2023, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2023- duly passed and adopted by the Ontario City Council at their regular meeting held February 7, 2023.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
February 7, 2023

SECTION: CONSENT CALENDAR

Department: Utilities
Prepared By: Thomas Palmieri
Staff Member Presenting:
Scott Burton, Utilities General Manager
Reviewed By: Dennice Raygoza, Albert G
Gastelum, Michael Sigsbee
Approved By: 

Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 13

SUBJECT: THREE AMENDMENTS TO THE SERVICE AGREEMENTS FOR ONTARIO MUNICIPAL SERVICES CENTER MODULAR OFFICES

RECOMMENDATION: That the City Council take the following actions:

- A. Approve and authorize the City Manager, or designee to execute Amendment No. 2 to the Goods and Services Agreement (on file in the Records Management Department) with Williams Scotsman Inc. of Baltimore, Maryland, for a total not-to-exceed amount of \$28,727 and a term from May 18, 2021, to August 7, 2023, for modifications to the existing Ontario Municipal Service Center (OMSC) modular buildings.
- B. Approve and authorize the City Manager, or designee to execute Amendment No. 1 to the Maintenance Service Agreement (on file in the Records Management Department) with G.M. Sager Construction Company Inc. of Pomona, California, for a total not-to-exceed amount of \$128,058 and a term from September 6, 2022, to June 30, 2027, for the modification and reconfiguration of the OMSC parking lot.
- C. Approve and authorize the City Manager, or designee to execute Amendment No. 5 to the Maintenance Service Agreement (on file in the Records Management Department) with Bay Alarm Co. of Concord, California, for a total not-to-exceed amount of \$37,496 and a term from July 1, 2020, to June 30, 2025, for the OMSC security system installation.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:

Operate in a Businesslike Manner

Invest in the Growth and Evolution of the City's Economy

Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: The proposed Amendment No. 2 to Williams Scotsman Inc. increases the existing agreement by \$28,727 for a total revised agreement amount of not-to-exceed \$936,834. The proposed Amendment No. 1 to G.M. Sager Construction Company Inc. increases the existing agreement by \$128,058 for a total revised agreement amount of not-to-exceed \$1,823,570. The

proposed Amendment No. 5 to Bay Alarm Co. increases the existing agreement by \$37,496, for a total revised agreement amount of not-to-exceed \$913,757. The total cost for the recommended action is \$194,281.

The Fiscal Year 2022-23 Adopted Capital Improvement Program includes appropriations from the Water, Sewer, and Integrated Waste Capital Fund to cover the cost of these services. There is no impact to the General Fund.

BACKGROUND & ANALYSIS: The OMSC building located at 1425 S. Bon View Avenue houses the Ontario Municipal Utilities Company (OMUC) and Public Works Agencies. Over the past several years, numerous positions have been filled to support the City's growing operational functions. Previous efforts to accommodate new Staff included the relocation of Public Works Administration Staff to 1333 S. Bon View Avenue (Customer Services Center building) and remodeling of existing space to add more cubicle workstations.

On May 18, 2021, City Council authorized the purchase of two new modular buildings for the OMSC to provide additional office workspace and training facilities for Staff. The first building is a replacement for the modular OMSC Training Center which is used by all Departments operating at the OMSC. The second building is a new building located in the parking lot at 1333 S. Bon View Avenue. This building provides additional office space for up to 23 Staff as well as a conference room that can accommodate up to 16 people.

Williams Scotsman Inc. has substantially completed the installation of the two new modular buildings, and in June 2022, conditional occupancy for the new modular buildings was granted by the Building Department pending completion of additional on-site seismic and Americans with Disabilities Act (ADA) requirements. The first requirement to be completed by William Scotsman Inc. is modification to the seismic system, which requires an increase to the total number of tiedown anchors for the foundation for both units and installation of ADA ramps. The second requirement to be completed by G.M. Sager Construction Company Inc. is to reconfigure the existing parking areas to comply with ADA and building code requirements. These modifications include resurfacing sections of the parking lot to meet ADA slope requirements, striping for ADA parking and path of travel and installation of truncated dome detectable warning surfaces. Once these modifications are approved by the Building Department, permanent occupancy will be granted to both units. Additionally, for building and Staff safety, Bay Alarm Co. will install security alarm systems and card reader door access at both buildings.

Staff recommends that the City Council award all three amendments to these vendors.

CITY OF ONTARIO

Agenda Report
February 7, 2023

SECTION:
CONSENT CALENDAR

Department: Public Works
Prepared By: Bonnie Tam
Staff Member Presenting:
Tito Haes, Executive Director Public Works
Approved By: 

Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 14

SUBJECT: AN AMENDMENT TO DESIGN SERVICES AGREEMENT WITH RJM DESIGN GROUP FOR ON-CALL LANDSCAPE ARCHITECTURAL SERVICES FOR THE ONTARIO SPORTS COMPLEX PROJECT

RECOMMENDATION: That the City Council authorize the City Manager or his designee to execute Amendment No. 3 to the Design Services Agreement (on file in the Records Management Department) for contract No. PM 1819-1 with RJM Design Group of San Juan Capistrano, California, to provide On-Call Landscape Architectural Services for the Ontario Sports Complex Project in a total amount of \$65,000 and a total not-to exceed amount of \$265,000.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:

Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: The recommended Amendment for the On-Call Landscape Architectural Services for the Ontario Sports Complex Project would require an increase in appropriations of \$65,000 from the Facility Maintenance Fund that will be included in the Fiscal Year 2022-23 Midyear Budget Update. The recommended Amendment in the amount of \$65,000 will increase the current total not-to exceed amount to \$265,000.

BACKGROUND & ANALYSIS: The proposal for the On-Call Landscape Architectural Services from RJM Design Group for a proposed 156-acre Ontario Sports Complex Project is in the amount not to exceed \$65,000. The proposed Sports Complex project will include areas for soccer fields, baseball tournament areas, softball tournament areas, football fields, tennis/pickleball courts, full and half-court basketball courts, a community center, and an aquatics complex. The professional design services will include investigation/project familiarization, evaluation of existing conditions, and programming/schematic planning.

CITY OF ONTARIO

Agenda Report
February 7, 2023

SECTION:
CONSENT CALENDAR

Department: Management Services
Prepared By: Brandi Belmontes
Staff Member Presenting:
Darlene M. Sanchez, Assistant City Manager
Approved By: 

Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 15

SUBJECT: DESIGNATION OF VOTING DELEGATES FOR THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) ANNUAL GENERAL ASSEMBLY MEETING

RECOMMENDATION: That the City Council appoint Council Member Debra Dorst-Porada as the City Delegate Representative and Mayor Paul Leon as the alternate.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:

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

FISCAL IMPACT: There is no direct fiscal impact by taking this action. However, representation and participation in SCAG's upcoming business meeting will help guide SCAG policy on matters which may have an impact on the City.

BACKGROUND & ANALYSIS: Southern California Association of Governments has scheduled its Annual General Assembly Meeting for May 4, 2023 in Palm Desert, California. At the meeting, the SCAG representative will consider and take action on resolutions that establish SCAG policy. Consistent with SCAG's bylaws, a city's voting delegate and alternate must be designated by City Council Action.

CITY OF ONTARIO

Agenda Report
February 7, 2023

SECTION:
CONSENT CALENDAR

Department: Information Technology
Prepared By: Samantha Robles
Staff Member Presenting:
Colin Fernandes, Executive Director Information
Technology
Approved By: 

Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 16

SUBJECT: A SUPPORT SERVICES AGREEMENT WITH PLANETBIDS, INC.

RECOMMENDATION: That the City Council authorize the City Manager to execute a five-year Support Services Agreement (on file with the Records Management Department) with PlanetBids, Inc., of Studio City, California, for a Citywide Support Services Agreement for five years and a total contract amount not-to-exceed \$327,077.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Operate in a Businesslike Manner

FISCAL IMPACT: The Fiscal Year 2022-23 Adopted Budget includes appropriations from the Information Technology Funds for annual support services for PlanetBids, Inc. The proposed annual support services will be \$61,234 for the Fiscal Year 2022-23, \$64,500 for the Fiscal Year 2023-24, \$65,790 for the Fiscal Year 2024-25, \$67,105 for the Fiscal Year 2025-26, and \$68,448.00 for the Fiscal Year 2026-27 for a total contract amount not-to-exceed \$327,077. If approved, appropriations will be added to the future years' budgets consistent with the annual adoption process.

BACKGROUND & ANALYSIS: Purchasing, a division of the Financial Services Agency, has used PlanetBids since 2011 as a tool to manage all public solicitations for the City of Ontario. The City uses the Vendor management and Bid management modules for vendor registration, posting, and tracking bids. This year, to consolidate and utilize existing software platforms, in addition to Bid and Vendor Management, the Human Resources/Risk Management Agency has elected to add the Insurance Certificate Management module within PlanetBids. PlanetBids' Insurance Certificate Management module is organized, efficient, and easy to use. It integrates with the Vendor Management module, which allows existing and prospective bidders to create and update their contact information. PlanetBids will enable the City to have all insurance documents easily accessible and will eliminate manual tracking on the expiration of insurance policies to avoid potential lapses in insurance coverage.

Currently, the City of Ontario's Planetbids Vendor Portal has over 11,000 prospective registered vendors, across 1,315 business categories. PlanetBids has 289 client agencies in California, 25 specific to San Bernardino County, and of these agencies, 118 are cities. Compared to their

competitors on prospective bidder outreach, PlanetBids has 2.6 times more bid participation. PlanetBids recently updated its web-based platform to accommodate more users and is constantly rolling out our enhancements at no extra charge. Staff requests City Council approval for a five-year Agreement with a not-to-exceed amount of \$327,077.

CITY OF ONTARIO

Agenda Report
February 7, 2023

SECTION: ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

Department: City Manager's Office
Prepared By: Ruben Duran
Staff Member Presenting:
Ruben Duran, City Attorney
Approved By: 

Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 17

SUBJECT: A JOINT RESOLUTION AUTHORIZING THE CITY MANAGER / EXECUTIVE DIRECTOR TO EXECUTE CONTRACTS ON BEHALF OF THE CITY / AGENCY / AUTHORITY FOR THE ACQUISITION OF EQUIPMENT, MATERIALS, SUPPLIES, LABOR SERVICES OR OTHER ITEMS UP TO A MAXIMUM OF \$150,000, AND INTRODUCTION OF AN ORDINANCE AMENDING THE ONTARIO MUNICIPAL CODE RELATING TO PURCHASING AUTHORITY OF THE CITY MANAGER FOR PUBLIC PROJECTS

RECOMMENDATION: That the City Council, Successor Agency to The Ontario Redevelopment Agency and Ontario Housing Authority take the following action:

- A. Adopt a Joint Resolution of the City Of Ontario, Successor Agency To The Ontario Redevelopment Agency and Ontario Housing Authority increasing the City Manager's spending authority for the acquisition of equipment, materials, supplies, labor services or other items up to a maximum of \$150,000.
- B. Introduce an Ordinance to amend the Ontario Municipal Code to increase the City Manager's spending authority for Public Projects up to a maximum of \$150,000.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:

Operate in a Businesslike Manner

Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: Staff does not anticipate any increased costs as a result of these authorization increases as expenditures are currently budgeted for in the annual budget.

BACKGROUND & ANALYSIS: The Ontario Municipal Code authorizes the City Council of the City to prescribe by resolution procedures, rules and regulations governing the acquisition of equipment, materials, supplies, labor, services or other items required by the City. Pursuant to current City Policy, the City Manager is currently authorized to approve purchases of goods and services, included within the budget approved by the City Council, in an amount up to \$100,000. Relatedly, Section 2-6.18(H) of Chapter 6 of Title 2 of the Ontario Municipal Code currently allows the City Manager to authorize bids for Public Projects in an amount up to \$100,000.

The cost of doing business has significantly increased over the last few years, which is due in part to rising inflation. During the previous year, Staff recognized some significant increases on both products and services that are critical to the City's regular operations. All monies approved by the City Manager have been approved by the City Council in advance of the expenditure in the annual budget. Due to the current increase for the cost of goods and services, Staff believes that it would be prudent to increase the City Manager's spending authority to \$150,000 to protect the effective and efficient operations of the City operations.

The attached Resolution would increase the City Manager's spending authority relating to the purchases of goods and services. In order to be consistent, the City Manager's spending authority for Public Projects should also be increased to the same amount. Since the spending authority for Public Projects is outlined in the Ontario Municipal Code, an ordinance is needed to effectuate an increase for Public Projects.

Staff recommends approval of the attached Resolution as well as the first reading of the attached Ordinance to increase the City Manager's spending authority to \$150,000.

RESOLUTION NO. 2023-_____
RESOLUTION NO. SA-_____
RESOLUTION NO. OHA-_____

A JOINT RESOLUTION OF THE CITY OF ONTARIO, SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY AND ONTARIO HOUSING AUTHORITY AUTHORIZING THE CITY MANAGER / EXECUTIVE DIRECTOR TO EXECUTE CONTRACTS ON BEHALF OF THE CITY / AGENCY FOR THE ACQUISITION OF EQUIPMENT, MATERIALS, SUPPLIES, LABOR SERVICES OR OTHER ITEMS UP TO A MAXIMUM OF \$150,000.

WHEREAS, the City of Ontario ("City") has, by ordinance enacted prior to September 19, 1947, established a City Manager form of government; and

WHEREAS, the Ontario Municipal Code authorizes the City Council of the City to prescribe by resolution procedures, rules and regulations governing the acquisition of equipment, materials, supplies, labor, services or other items required by the City; and

WHEREAS, the Ontario Municipal Code provides a comprehensive system for centralized purchasing in equipment, supplies, and services; and

WHEREAS, Government Code Section 37103 authorizes the City Council of the City to contract for services which require special skill, expertise, or services which are not readily or efficiently procured by competitive bidding; and

WHEREAS, in order to efficiently expedite the acquisition of such items, the City often needs, during the course of its day-to-day operations to promptly obtain, hire, purchase, or rent equipment, materials, supplies, labor, services or other items included within the budget approved by the City Council costing less than \$150,000.00; and

WHEREAS, current City policy authorizes the City Manager to approve contracts and other expenses in the amount not to exceed \$100,000.00; and

WHEREAS, authorizing the City Manager to approve contracts and other instruments necessary or convenient to obtain, hire, purchase or rent equipment, materials, supplies, labor, services or other items included within the budget approved by the City Council, up to a maximum of \$150,000.00 per contract, is in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ontario as follows:

SECTION 1. The City Manager (or his/her designee) is hereby authorized to bind the City/Authority/Agency, upon the execution of a written contract thereof, for the acquisition of equipment, materials, supplies, labor, services or other items included within the budget approved by the City Council/Board, up to the amount of \$150,000.00

per contract, and to execute all contracts or other instruments necessary and convenient in connection therewith.

SECTION 2. The Council finds this Resolution is not subject to the California Environmental Quality Act (CEQA) in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty, as in this case, that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 3. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Resolution are declared to be severable.

SECTION 4. This Resolution shall become effective immediately.

The City Clerk of the City of Ontario, Secretary of the Successor Agency to Ontario Redevelopment Agency, and Secretary of the Ontario Housing Authority shall certify as to the adoption of this Resolution.

APPROVED AND ADOPTED this 7th day of February 2023.

PAUL S. LEON, MAYOR, CITY OF ONTARIO
CHAIRMAN, SUCCESSOR AGENCY TO
ONTARIO REDEVELOPMENT AGENCY
CHAIRMAN, ONTARIO HOUSING
AUTHORITY

ATTEST:

SHEILA MAUTZ, CITY CLERK, CITY OF ONTARIO
SECRETARY, SUCCESSOR AGENCY TO
ONTARIO REDEVELOPMENT AGENCY
SECRETARY, ONTARIO HOUSING AUTHORITY

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, SHEILA MAUTZ, City Clerk of the City of Ontario, California, Secretary of the Successor Agency to the Ontario Redevelopment Agency, and Secretary to the Ontario Housing Authority DO HEREBY CERTIFY that the foregoing Resolution No. 2023- , Resolution No. SA- and, Resolution No. OHA- was duly adopted by the City Council, Successor Agency to the Ontario Redevelopment Agency and Ontario Housing Authority of the City Ontario at a regular meeting thereof held on the 7th day of February 2023, and that it was adopted by the following vote, to-wit:

AYES: COUNCIL/BOARD MEMBERS:

NOES: COUNCIL/ BOARD MEMBERS:

ABSENT: COUNCIL/BOARD MEMBERS:

SHEILA MAUTZ, CITY CLERK, CITY OF ONTARIO
SECRETARY, SUCCESSOR AGENCY TO
ONTARIO REDEVELOPMENT AGENCY
SECRETARY, ONTARIO HOUSING AUTHORITY

(SEAL)

The foregoing is the original of Resolution No. 2023- Resolution No. SA- and, Resolution No. OHA- was duly passed and adopted by the Ontario City Council, Successor Agency to the Ontario Redevelopment Agency and Ontario Housing Authority of the City Ontario at their regular meeting held February 7, 2023.

SHEILA MAUTZ, CITY CLERK, CITY OF ONTARIO
SECRETARY, SUCCESSOR AGENCY TO
ONTARIO REDEVELOPMENT AGENCY
SECRETARY, ONTARIO HOUSING AUTHORITY

(SEAL)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING SECTION 2-6.18(H) OF CHAPTER 6 OF TITLE 2 OF THE ONTARIO MUNICIPAL CODE RELATING TO PURCHASING AUTHORITY OF THE CITY MANAGER FOR PUBLIC PROJECTS.

WHEREAS, the Ontario Municipal Code authorizes the City Council of the City to prescribe by resolution procedures, rules and regulations governing the acquisition of equipment, materials, supplies, labor, services or other items required by the City; and

WHEREAS, the Ontario Municipal Code provides a comprehensive system for centralized purchasing in equipment, supplies, and services; and

WHEREAS, in order to efficiently expedite the acquisition of such items, the City often needs, during the course of its day-to-day operations to promptly obtain, hire, purchase, or rent equipment, materials, supplies, labor, services or other items included within the budget approved by the City Council costing less than \$150,000.00; and

WHEREAS, Section 2-6.18(H) of Chapter 6 of Title 2 of the Ontario Municipal Code currently authorizes the City Manager to award contracts for Public Projects in an amount up to one hundred thousand dollars (\$100,000); and

WHEREAS, authorizing the City Manager to approve contracts and other instruments necessary for Public Projects included within the budget approved by the City Council, up to a maximum of \$150,000.00 per contract, would allow the City to address Public Project needs in a more timely manner and is in the best interest of the City.

WHEREAS, all other legal prerequisites to the adoption of this Ordinance have occurred.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ONTARIO DOES ORDAIN AS FOLLOWS:

SECTION 1. The recitals above are true and correct and are hereby incorporated herein by this reference.

SECTION 2. Section 2-6.18(H) of Chapter 6 of Title 2 of the Ontario Municipal Code is hereby amended to read as follows:

“(h) Informal Bids shall be awarded to the lowest responsible bidder, consistent with the quality and delivery requirements. The City Manager, or his/her designee, shall be authorized to award contracts for Public Projects of up to one hundred fifty thousand dollars (\$150,000). The City Council shall be authorized to award bids for Public Projects of more than one hundred fifty thousand dollars (\$150,000).”

SECTION 3. If any section, subsection, subdivision, sentence, clause, or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid or ineffective.

SECTION 4. This Ordinance shall become effective thirty (30) days after its adoption by the City Council.

SECTION 5. The City Council finds that adoption of this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15358 (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Moreover, the City Council finds that this Ordinance is also exempt under CEQA pursuant to Guidelines Section 15061(b)(3) (there exists no possibility that the activity will have a significant adverse effect on the environment).

SECTION 6. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this day of _____ 2023.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. ____ was duly introduced at a regular meeting of the City Council of the City of Ontario held February 7, 2023 and adopted at the regular meeting held _____, 2023 by the following roll call vote, to wit:

AYES: MAYOR/COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. ____ duly passed and adopted by the Ontario City Council at their regular meeting held _____, 2023 and that Summaries of the Ordinance were published on _____, 2023 and _____, 2023, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)