

**CITY OF ONTARIO
CITY COUNCIL AND HOUSING AUTHORITY
AGENDA
JULY 16, 2019**

Paul S. Leon
Mayor

Ruben Valencia
Mayor pro Tem

Alan D. Wapner
Council Member

Jim W. Bowman
Council Member

Debra Dorst-Porada
Council Member



Scott Ochoa
City Manager

Scott E. Huber
City Attorney

Sheila Mautz
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 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

Valencia, Wapner, Bowman, Dorst-Porada, 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 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *City of Ontario v. Haliburton International Foods, Inc.; and Does 1 through 100, Inclusive; (and related Cross-Action: Haliburton International Foods, Inc. v. City of Ontario), San Bernardino Superior Court, San Bernardino Justice Center, Case No.CIVDS1613099*

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

PLEDGE OF ALLEGIANCE

Mayor pro Tem Valencia

INVOCATION

Pastor Mike Urciuoli, Calvary Chapel Ontario

REPORT ON CLOSED SESSION

City Attorney

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.

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 meeting of the City Council and Housing Authority of June 4, 2019, the regular meeting of the City Council and Housing Authority of June 18, 2019, and the special meeting of the City Council and Housing Authority of June 24, 2019, approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

Bills June 14, 2019 through June 27, 2019 and **Payroll** June 9, 2019 through June 22, 2019, when audited by the Finance Committee.

3. DESIGNATION OF VOTING DELEGATES FOR THE LEAGUE OF CALIFORNIA CITIES ANNUAL BUSINESS MEETING

That the City Council designate Debra Dorst-Porada as the City's voting delegate and Alan D. Wapner as an alternate for the League of California Cities Annual Business Meeting scheduled for October 18, 2019.

4. A RESOLUTION AUTHORIZING THE CITY MANAGER TO GRANT DEDICATIONS OF EASEMENTS WITHIN CITY FEE OWNED PROPERTY FOR PUBLIC UTILITY PURPOSES

That the City Council adopt a resolution authorizing the City Manager to grant dedications of easements within City fee owned property for public utility purposes on behalf of the City.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO GRANT DEDICATIONS OF EASEMENTS ON CITY FEE OWNED PROPERTY FOR PUBLIC UTILITY PURPOSES.

5. A CONSTRUCTION CONTRACT FOR THE 2019 COLLECTOR/ARTERIAL, LOCAL STREET MAINTENANCE - SLURRY SEAL AND CDBG PAVEMENT MANAGEMENT REHABILITATION/ONYX PAVING COMPANY INC.

That the City Council approve the plans and specifications and award a construction contract (on file in the Records Management Department) to Onyx Paving Company Inc., of Anaheim, California, for the 2019 Collector / Arterial, Local Street Maintenance - Slurry Seal and CDBG Pavement Management Rehabilitation in the bid amount of \$1,037,000; and authorize the City Manager to execute related documents necessary to complete the project and file a notice of completion at the conclusion of all construction activities.

6. A RESOLUTION APPROVING AND AUTHORIZING SUBMITTAL OF THE CALIFORNIA OFFICE OF EMERGENCY SERVICES FORM 130 DESIGNATING THE CITY'S AGENTS FOR THE APPLICATION OF DISASTER FINANCIAL ASSISTANCE

That the City Council adopt a resolution approving and authorizing submittal of the California Office of Emergency Services (Cal OES) Form 130 designating the City's agents for the application of disaster financial assistance under Public Law 93-288 and the California Disaster Assistance Act.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AND AUTHORIZING SUBMITTAL OF THE CALIFORNIA OFFICE OF EMERGENCY SERVICES FORM 130 DESIGNATING THE CITY'S AGENTS FOR THE APPLICATION OF DISASTER FINANCIAL ASSISTANCE.

7. A RESOLUTION APPROVING AN AGREEMENT TO PREFUND OTHER POST EMPLOYMENT BENEFIT (OPEB) LIABILITIES WITH THE CALIFORNIA EMPLOYERS' RETIREE BENEFIT TRUST (CERBT) FUND ADMINISTERED BY CALPERS

That the City Council adopt a resolution approving an agreement and election to prefund Other Post-Employment Benefits (OPEB) through the California Employers' Retiree Benefit Trust (CERBT) fund administered through the California Public Employees' Retirement System (CalPERS); approve the delegation of authority to request disbursements; and authorize the City Manager (or his designee) to execute all documents to fund and maintain participation in the trust.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN AGREEMENT AND ELECTION TO PREFUND OTHER POST-EMPLOYMENT BENEFITS THROUGH CALPERS; APPROVING THE DELEGATION OF AUTHORITY TO REQUEST DISBURSEMENTS; AND AUTHORIZING THE CITY MANAGER (OR HIS DESIGNEE) TO TAKE ANY ADDITIONAL ACTIONS NECESSARY TO PARTICIPATE IN THE CALIFORNIA EMPLOYER'S RETIREE BENEFIT TRUST (CERBT) FUND TO PREFUND OTHER POST-EMPLOYMENT BENEFITS (OPEB) FOR THE CITY OF ONTARIO.

8. AUTHORIZE THE PURCHASE OF FLEET VEHICLE REPLACEMENTS/NATIONAL AUTO FLEET GROUP

That the City Council authorize the cooperative purchase and delivery of fifteen Ford Police Interceptor SUVs in the amount of \$558,934, five Hybrid Ford Police Interceptor SUVs in the amount of \$203,088, and one Chevrolet Police Tahoe in the amount of \$39,765 for the Police Department from National Auto Fleet Group of Watsonville, California, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 120716-NAF.

9. A WRITTEN PETITION TO CREATE A COMMUNITY FACILITIES DISTRICT; AND A RESOLUTION OF INTENTION TO ESTABLISH CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 49 (AVENUE 176 SERVICES) AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES

That the City Council consider and:

- (A) Accept a written petition (on file with the Records Management Department) from Lennar Homes of California, Inc. ("Landowner"), to create a community facilities district ("CFD"), and to waive certain procedural matters under the Mello-Roos Community Facilities Act of 1982; and
- (B) Adopt a Resolution of Intention to establish City of Ontario Community Facilities District No. 49 (Avenue 176 Services), authorize the associated levy of special taxes therein, and set a public hearing for the formation of the CFD as part of the regularly scheduled City Council meeting on Tuesday, August 20, 2019.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF INTENTION TO ESTABLISH A COMMUNITY FACILITIES DISTRICT PROPOSED TO BE NAMED CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 49 (AVENUE 176 SERVICES) AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES.

10. A PROFESSIONAL SERVICES AGREEMENT FOR TECHNICAL ASSISTANCE RELATED TO THE TRANSFORMATIVE CLIMATE COMMUNITIES (TCC) GRANT/ESTOLANO LE SAR ADVISORS

That the City Council authorize the City Manager to execute a twenty-month Professional Services Agreement (on file with the Records Management Department) in the amount of \$133,333 with Estolano LeSar Advisors, of Los Angeles, California for technical assistance related to the TCC Grant.

11. PURCHASE OF COMMERCIAL BIN CONTAINERS/MCLAUGHLIN WASTE EQUIPMENT, INC.

That the City Council authorize the City Manager to execute a one-year Equipment Purchase Agreement (on file in the Records Management Department) for the procurement of commercial bin containers in an amount up to \$300,000 with McLaughlin Waste Equipment, Inc. of Galt, California, at the set unit pricing per Bid No. 1122; and authorize the option to extend the agreement for up to four successive one-year periods in amounts consistent with City Council approved budgets for each respective fiscal year.

12. PURCHASE OF LIGHT AND MEDIUM DUTY VEHICLE PARTS AND MATERIALS/OMNIA PARTNERS/NAPA AUTO PARTS

That the City Council take the following actions:

- (A) Authorize the City Manager to execute a Goods and Services Agreement (on file with the Records Management Department) for the cooperative purchase and delivery of light and medium duty vehicle parts and materials in an estimated annual amount of \$150,000 from Carquest Auto Parts of Ontario, California, a subsidiary of Advanced Auto Parts Company of Atlanta, Georgia, consistent with the terms and conditions of the OMNIA Partners (formerly known as U.S. Communities) Cooperative Contract #2017000280;
- (B) Authorize the City Manager to execute a Goods and Services Agreement (on file with the Records Management Department) for the cooperative purchase and delivery of light and medium duty vehicle parts and materials in an estimated annual amount of \$100,000 from NAPA Auto Parts of Ontario, California, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract #0629-GPC; and
- (C) Authorize the addition of future acquisition and services; and the option to extend the agreements for up to two additional years consistent with the cooperative agreements and City Council approved budgets.

13. AWARD A SERVICES AGREEMENT FOR RIM REFURBISHMENT, TIRE REPAIR AND RETREAD SERVICES/DANIELS TIRE SERVICE INC.

That the City Council authorize the City Manager to execute a one-year Goods and Services Agreement (on file with the Records Management Department) for rim refurbishment, tire repair and retread services at set pricing levels per Bid No. 1135 with Daniels Tire Service Inc. of Santa Fe Springs, California; and authorize the option to extend the agreement for up to four additional years consistent with City Council approved Budgets.

14. A RESOLUTION APPROVING THE FILING OF AN APPLICATION FOR GRANT FUNDS FOR THE STATEWIDE PARK DEVELOPMENT AND COMMUNITY REVITALIZATION PROGRAM

That the City Council take the following actions:

- (A) Adopt a resolution approving the filing of an application for grant funds through the State Department of Parks and Recreation for the Statewide Park Development and Community Revitalization Grant Program under the California Drought, Water, Parks, Climate, Coastal Protection and Outdoor Access for All Act of 2018 (Proposition 68) for the Galanis Park Revitalization project; and
- (B) Authorize the City Manager to execute any documents or agreements, such as memorandums of understanding to complete the application and implement the program.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE APPLICATION FOR STATEWIDE PARK DEVELOPMENT AND COMMUNITY REVITALIZATION PROGRAM GRANT FUNDS.

15. STUDENT REPRESENTATIVE AND ALTERNATE APPOINTMENTS TO THE RECREATION AND PARKS COMMISSION FOR 2019-20 AND RECOGNITION OF THE CURRENT STUDENT REPRESENTATIVE AND ALTERNATE FOR THE YEAR SERVED 2018-19

That the City Council confirm Ontario High School's Jennifer Camarena as the Student Representative, and Chaffey High School's Julissa Soto as the Alternate to the Recreation and Parks Commission for the term to expire June 30, 2020; and recognize Brittney Zendejas, of Colony High School, for serving as the Student Representative and Venus Medina, of Ontario High School, for serving as the Student Representative Alternate for the past year.

16. A CONSTRUCTION CONTRACT FOR THE INSTALLATION OF AN ABOVE GROUND WATER TANK SYSTEM AT 9456/9465 EAST SCHAEFER AVENUE, OMUC CONTRACT NO. UT1033/FLEMING ENVIRONMENTAL, INC.

That the City Council approve the plans and specifications and award Contract No. UT 1033 (on file with the Records Management Department) to Fleming Environmental, Inc. of Fullerton, California, for the installation of an above ground water tank system at 9456/9465 East Schaefer Avenue, in the amount of \$106,284 plus a 15% contingency of \$15,943, for a total amount of \$122,227; and authorize the City Manager to execute said contract and file a Notice of Completion at the conclusion of all construction activities related to the project.

17. PURCHASE OF WATER SYSTEM MATERIALS/S&J SUPPLY CO., INC./UNITED WATER WORKS/ARMORCAST PRODUCTS COMPANY

That the City Council authorize the City Manager to execute one-year Goods and Services Agreements (on file with the Records Management Department) for the procurement of miscellaneous waterworks materials in the amount of \$175,000 with S & J Supply Co., Inc. of Santa Fe Springs, California; \$175,000 with United Water Works of Santa Ana, California; and \$180,000 with Armorcast Products Company of North Hollywood, California, at the set pricing levels per Bid No. 1132; and authorize up to four one-year extension options subject to future years' City Council approved budgets.

18. AN AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT FOR UTILITY ENGINEERING SERVICES/AKM CONSULTING ENGINEERS

That the City Council authorize the City Manager to execute an amendment to a professional services agreement (on file with the Records Management Department) with AKM Consulting Engineers of Irvine, California in the amount of \$200,000 and adding two years to the current term; and authorize the City Manager to extend the agreement for up to two (2) additional one (1) year periods consistent with City Council approved budgets.

19. A PROFESSIONAL SERVICES AGREEMENT WITH AEGIS ENGINEERING MANAGEMENT FOR ON-CALL RECYCLED WATER CROSS-CONNECTION AND OVERSPRAY TESTING SERVICES/AEGIS ENGINEERING MANAGEMENT

That the City Council approve and authorize the City Manager to execute a one year Professional Services Agreement (on file with the Records Management Department) with Aegis Engineering Management of San Diego, California, for recycled water cross-connection and overspray testing services at a cost not to exceed \$100,000 with the option to extend the agreement for up to four successive one-year periods.

PUBLIC HEARINGS

Pursuant to Government Code Section 65009, if you challenge the City's zoning, planning or any other decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the public hearing.

20. ANNUAL LEVY OF ASSESSMENTS WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NOS. 1, 2, 3 AND 4 FOR FISCAL YEAR 2019-20

That the City Council take the following actions pertaining to the levy of assessments within Ontario Parkway Maintenance Assessment Districts (OPMAD) Nos. 1, 2, 3 and 4:

- (A) Conduct a combined public hearing on the levy of the annual assessments for each district;
- (B) Consider and adopt a resolution approving the Engineer's Reports relating to the levy of assessments for each district; and
- (C) Consider and adopt resolutions confirming the diagrams and assessments, and providing for the assessment levy within each district.

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 THE ENGINEER'S REPORTS FOR THE ANNUAL LEVY OF ASSESSMENTS WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2, 3 AND 4 FOR FISCAL YEAR 2019-20.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CONFIRMING THE DIAGRAMS AND ASSESSMENTS, AND PROVIDING FOR THE ANNUAL ASSESSMENT LEVY WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2 AND 3 FOR FISCAL YEAR 2019-20.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT AND PROVIDING FOR THE ANNUAL ASSESSMENT LEVY WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICT NO. 4 FOR FISCAL YEAR 2019-20.

21. ANNUAL LEVY OF ASSESSMENTS WITHIN STREET LIGHTING MAINTENANCE DISTRICTS NOS. 1 AND 2 FOR FISCAL YEAR 2019-20

That the City Council take the following actions pertaining to the levy of assessments within Street Lighting Maintenance Districts (SLMD) Nos. 1 and 2:

- (A) Conduct a combined public hearing on the levy of the annual assessments for each district;
- (B) Consider and adopt a resolution approving the Engineer's Reports relating to the levy of assessments for each district; and
- (C) Consider and adopt resolutions confirming the diagrams and assessments, and providing for the assessment levy for each District.

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 THE ENGINEER'S REPORTS FOR THE ANNUAL LEVY OF ASSESSMENTS WITHIN STREET LIGHTING MAINTENANCE DISTRICTS NO. 1 AND 2 FOR FISCAL YEAR 2019-20.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT AND PROVIDING FOR THE ANNUAL ASSESSMENT LEVY WITHIN STREET LIGHTING MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2019-2020.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT AND PROVIDING FOR THE ANNUAL ASSESSMENT LEVY WITHIN STREET LIGHTING MAINTENANCE DISTRICT NO. 2 FOR FISCAL YEAR 2019-20.

22. A PUBLIC HEARING TO CONSIDER A RESOLUTION ADOPTING THE GENERAL PLAN AMENDMENT REQUEST (FILE NO. PGPA18-009) TO MODIFY THE LAND USE ELEMENT OF THE ONTARIO PLAN (GENERAL PLAN) TO CHANGE THE LAND USE DESIGNATION ON 1.02 ACRES OF LAND FROM GENERAL COMMERCIAL TO LOW-MEDIUM DENSITY RESIDENTIAL (5.1-11 DUS/ACRE) AND CHANGE THE LAND USE DESIGNATION ON 0.46 ACRES OF LAND FROM GENERAL COMMERCIAL TO HOSPITALITY, LOCATED AT THE SOUTHWEST CORNER OF G STREET AND CORONA AVENUE; AND MODIFY THE FUTURE BUILDOUT TABLE (EXHIBIT LU-03) TO BE CONSISTENT WITH THE LAND USE DESIGNATION CHANGE (APNS: 0110-241-18, 0110-241-56, AND 0110-241-57)

That City Council consider and adopt:

- (A) A resolution approving an addendum to The Ontario Plan Environmental Impact Report (SCH # 2008101140) adopted by City Council on January 27, 2010; and
- (B) A resolution approving General Plan Amendment File No. PGPA18-009 to change The Ontario Plan (TOP) land use designation on 1.02 acres from General Commercial to Low-Medium Density Residential and on 0.46 acres of land from General Commercial to Hospitality for property located at the southwest corner of G Street and Corona Avenue (amending TOP Exhibits LU-01, Land Use Plan, and LU-03, Future Buildout Table).

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 AN ADDENDUM TO THE ONTARIO PLAN (TOP) CERTIFIED ENVIRONMENTAL IMPACT REPORT (SCH # 2008101140), FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, FOR FILE NOS. PGPA18-009 & PZC18-003 APNS: 0110-241-18, 0110-241-56 & 0110-241-57.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PGPA18-009, A GENERAL PLAN AMENDMENT TO MODIFY THE LAND USE ELEMENT OF THE ONTARIO PLAN (GENERAL PLAN) TO CHANGE THE LAND USE DESIGNATION ON 1.02 ACRES OF LAND FROM GENERAL COMMERCIAL TO LOW-MEDIUM DENSITY RESIDENTIAL (5.1-11 DUS/ACRE) AND CHANGE THE LAND USE DESIGNATION ON 0.46 ACRES OF LAND FROM GENERAL COMMERCIAL TO HOSPITALITY, LOCATED AT THE SOUTHWEST CORNER OF G STREET AND CORONA AVENUE; AND MODIFY THE FUTURE BUILDOUT TABLE (EXHIBIT LU-03) TO BE CONSISTENT WITH THE LAND USE DESIGNATION CHANGE; AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 0110-241-18, 0110-241-56 & 0110-241-57. (LAND USE ELEMENT CYCLE 1 FOR THE 2019 CALENDAR YEAR).

23. A PUBLIC HEARING TO CONSIDER A ZONE CHANGE REQUEST (FILE NO. PZC18-003) TO CHANGE THE ZONING DESIGNATION ON 1.02 ACRES OF LAND FROM CC (COMMUNITY COMMERCIAL) TO MDR-11 (LOW-MEDIUM DENSITY RESIDENTIAL) AND TO CHANGE THE ZONING DESIGNATION ON 0.46 ACRES OF LAND FROM CC (COMMUNITY COMMERCIAL) TO CCS (CONVENTION CENTER SUPPORT), LOCATED AT THE SOUTHWEST CORNER OF G STREET AND CORONA AVENUE

That City Council:

- (A) Consider and adopt a resolution approving an addendum to The Ontario Plan Environmental Impact Report (SCH# 2008101140) adopted by City Council on January 27, 2010; and

- (B) Introduce and waive further reading of an ordinance approving a zone change (File No. PZC18-003) to create consistency between the zoning and the proposed General Plan land use designations of the subject properties.

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 AN ADDENDUM TO THE ONTARIO PLAN (TOP) CERTIFIED ENVIRONMENTAL IMPACT REPORT (SCH # 2008101140), FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, FOR FILE NOS. PGPA18-009 & PZC18-003 APNS: 0110-241-18, 0110-241-56 & 0110-241-57.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC18-003, A ZONE CHANGE REQUEST TO CHANGE THE ZONING DESIGNATION ON 1.02 ACRES OF LAND FROM CC, COMMUNITY COMMERCIAL, TO MDR-11, LOW-MEDIUM DENSITY RESIDENTIAL (5.1-11 DU/AC), AND TO CHANGE THE ZONING DESIGNATION ON 0.46 ACRES OF LAND FROM CC, COMMUNITY COMMERCIAL TO CCS, CONVENTION CENTER SUPPORT, LOCATED AT THE SOUTHWEST CORNER OF G STREET AND CORONA AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF—APNs: 0110-241-18, 0110-241-56 & 0110-241-57.

24. A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING AN AMENDMENT TO THE CITY OF ONTARIO MUNICIPAL CODE, REVISING SECTION 4-6.1009 TO ADD PROVISIONS PROHIBITING THE OVERNIGHT PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL ZONING DISTRICTS

Item continued to the City Council Meeting of August 20, 2019 at 6:30 p.m.

STAFF MATTERS

SPECIAL PRESENTATION: COMMUNITY LIFE & CULTURE AGENCY SUMMER HIGHLIGHTS

City Manager Ochoa

COUNCIL MATTERS

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

ADJOURNMENT

**CITY OF ONTARIO
CLOSED SESSION REPORT**
City Council // Housing Authority // Other // (GC 54957.1)
July 16, 2019

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

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

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

- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION:
City of Ontario v. Haliburton International Foods, Inc.; and Does 1 through 100, Inclusive;
(and related Cross-Action: Haliburton International Foods, Inc. v. City of Ontario), San
Bernardino Superior Court, San Bernardino Justice Center, Case No. CIVDS1613099

No Reportable Action	Continue	Approved
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Disposition: _____

Reported by:

City Attorney / City Manager / Executive Director

CITY OF ONTARIO

Agenda Report
July 16, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: DESIGNATION OF VOTING DELEGATES FOR THE LEAGUE OF CALIFORNIA CITIES ANNUAL BUSINESS MEETING

RECOMMENDATION: That the City Council designate Debra Dorst-Porada as the City's voting delegate and Alan D. Wapner as an alternate for the League of California Cities Annual Business Meeting scheduled for October 18, 2019.

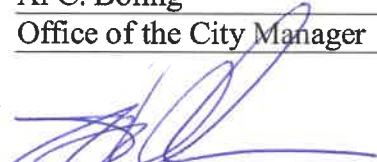
COUNCIL GOALS: Pursue City's Goals and Objectives by Working with Other Governmental Agencies

FISCAL IMPACT: There is no direct fiscal impact by taking this action; however, representation and participation in the League of California Cities (League) upcoming business meeting will help establish League policy on matters which may affect the City's finances.

BACKGROUND: The League has scheduled its Annual Business Meeting for October 18, 2019 during the Annual League Conference in Long Beach, California. At that meeting, the League membership considers and takes action on resolutions that establish League policy.

Consistent with League bylaws, a city's voting delegate and alternate must be designated by City Council action.

STAFF MEMBER PRESENTING: Al C. Boling, Assistant City Manager

Prepared by: Al C. Boling
Department: Office of the City Manager
City Manager Approval: 

Submitted to Council/O.H.A. 07/16/2019
Approved: _____
Continued to: _____
Denied: _____

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CITY OF ONTARIO

Agenda Report
July 16, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION AUTHORIZING THE CITY MANAGER TO GRANT DEDICATIONS OF EASEMENTS WITHIN CITY FEE OWNED PROPERTY FOR PUBLIC UTILITY PURPOSES

RECOMMENDATION: That the City Council adopt a resolution authorizing the City Manager to grant dedications of easements within City fee owned property for public utility purposes on behalf of the City.

COUNCIL GOALS: Invest in the Growth and Evolution of the City's Economy
Pursue City's Goals and Objectives by Working with Other Governmental Agencies
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: None. The City will not incur any cost in approving the dedications of easements. The applicants shall pay the applicable processing fees to defray the City's cost to process these requests.

BACKGROUND: In conjunction with new development, public utility companies may on occasion need to place their utilities within City fee owned property. Because these areas are outside of the street public right of way, wherein the utility companies have the right to place their improvements under the terms of their franchise agreements with the City, the utility companies are requesting separate utility easements from the City.

On April 15, 2014, the City Council adopted Resolution No. 2014-028 authorizing the City Manager to grant dedication of easements within Ontario Ranch "Neighborhood Edges" for public utility purposes on behalf of the City. However, due to the current and anticipated future volume of development activity, staff anticipates the need to process various easement dedication requests located outside "Neighborhood Edges" within City fee owned property.

To allow the City to continue providing an efficient and prompt approval process, it is recommended that the City Council authorize the City Manager to grant dedications of easements within City fee owned

STAFF MEMBER PRESENTING: Scott Murphy, AICP, Executive Director Development Agency

Prepared by: Jesus Plasencia, P.E.
Department: Engineering
City Manager Approval: 

Submitted to Council/O.H.A. 07/16/2019
Approved: _____
Continued to: _____
Denied: _____

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property for public utility purposes on behalf of the City and authorize the City Clerk to attest to and affix the City seal on these documents.

All dedications shall be in a form approved by the City Attorney and the requests shall be reviewed by Engineering Department staff to ensure consistency and compatibility with the City's master plans, as well as conformance to City standards and policies, prior to recommendation to the City Manager for approval.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO GRANT DEDICATIONS OF EASEMENTS ON CITY FEE OWNED PROPERTY FOR PUBLIC UTILITY PURPOSES.

WHEREAS, in conjunction with new development, public utility companies are requesting the City to grant public utility easements within City fee owned property for the placement of utility infrastructure; and

WHEREAS, the City Council desires to provide an efficient and prompt process for approving various dedications of easements for public utility purposes; and

WHEREAS, the dedications shall be in a form approved by the City Attorney; and

WHEREAS, the dedication requests shall be reviewed by the Engineering Department.

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

1. That the City Manager is hereby authorized on behalf of the City to grant dedications of easements within City fee owned property for public utility purposes and execute same on behalf of the City of Ontario.
2. That the City Clerk is hereby authorized to attest to and affix the City seal on all said grants of easement.
3. That the City Clerk is hereby authorized to transmit said documents to the San Bernardino County Recorder's Office for recordation.

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

PASSED, APPROVED, AND ADOPTED this 16th day of July 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

COLE HUBER 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. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 16, 2019 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. 2019- duly passed and adopted by the Ontario City Council at their regular meeting held July 16, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
July 16, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A CONSTRUCTION CONTRACT FOR THE 2019 COLLECTOR/ARTERIAL, LOCAL STREET MAINTENANCE - SLURRY SEAL AND CDBG PAVEMENT MANAGEMENT REHABILITATION

RECOMMENDATION: That the City Council approve the plans and specifications and award a construction contract (on file in the Records Management Department) to Onyx Paving Company Inc., of Anaheim, California, for the 2019 Collector / Arterial, Local Street Maintenance - Slurry Seal and CDBG Pavement Management Rehabilitation in the bid amount of \$1,037,000; and authorize the City Manager to execute related documents necessary to complete the project and file a notice of completion at the conclusion of all construction activities.

COUNCIL GOALS: Maintain the Current High Level of Public Safety
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 Fiscal Year 2019-20 Adopted Operating Budget includes appropriations of \$300,000 from Measure I funds, \$437,000 from Gas Tax funds, and \$300,000 from Community Development Block Grant for a total budget of \$1,037,000 related to this project. Staff will work with the contractor to reduce the scope of work to approximately \$980,000, which will allow for a 5% contingency. The total recommended expenditure authorization is \$1,037,000.

BACKGROUND: The scope of services for this project includes crack-sealing, removal and replacement of existing thermoplastic traffic striping and markings, localized asphalt concrete pavement repair, major crack repair, and placement of Rubber Polymer Modified Slurry Seal (RPMSS) on various collector, arterial and local streets.

Location exhibits are attached for reference (Exhibits 1 through 4). This project will extend the lifespan of the streets by approximately ten (10) years and prevent more costly future repairs. In June 2019, the City solicited bids for this project and 2 bids were received.

STAFF MEMBER PRESENTING: Scott Murphy, AICP, Executive Director Development Agency

Prepared by: Ariana Kern
Department: Engineering
City Manager Approval: 

Submitted to Council/O.H.A. 07/16/2019
Approved: _____
Continued to: _____
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The bid results are:

<u>COMPANY</u>	<u>LOCATION</u>	<u>AMOUNT</u>
Onyx Paving Company Inc.	Anaheim, CA	\$ 1,037,000
All American Asphalt	Corona, CA	\$ 1,166,884

Onyx Paving Company Inc. submitted the lowest responsive bid. The contractor has previously performed similar work for the City of Ontario in a satisfactory manner.

ENVIRONMENTAL REVIEW: The environmental impacts of this project were reviewed and staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to § 1501 (Class 1, Existing Facilities) of the State CEQA Guidelines.

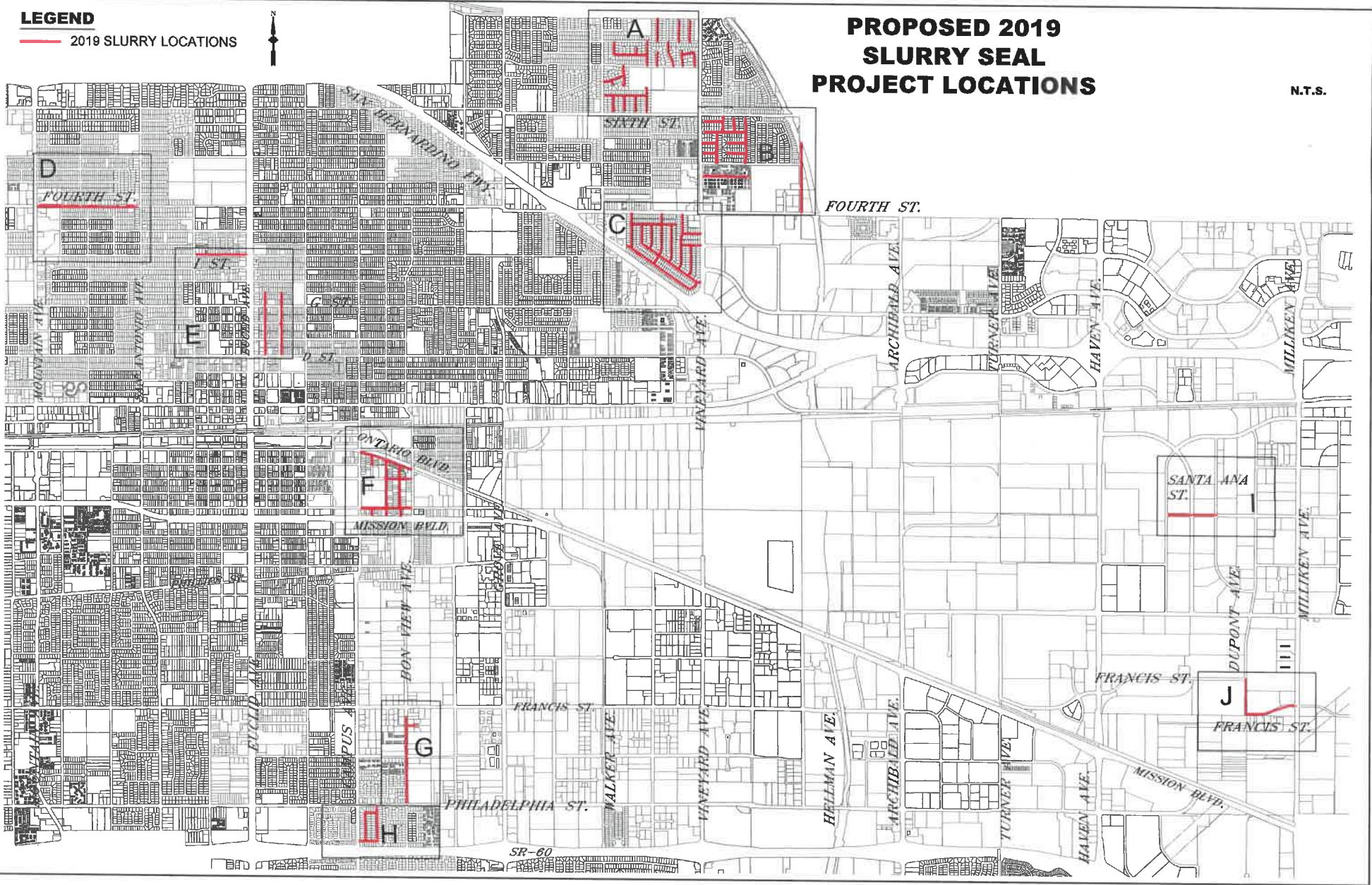
LEGEND

— 2019 SLURRY LOCATIONS



**PROPOSED 2019
SLURRY SEAL
PROJECT LOCATIONS**

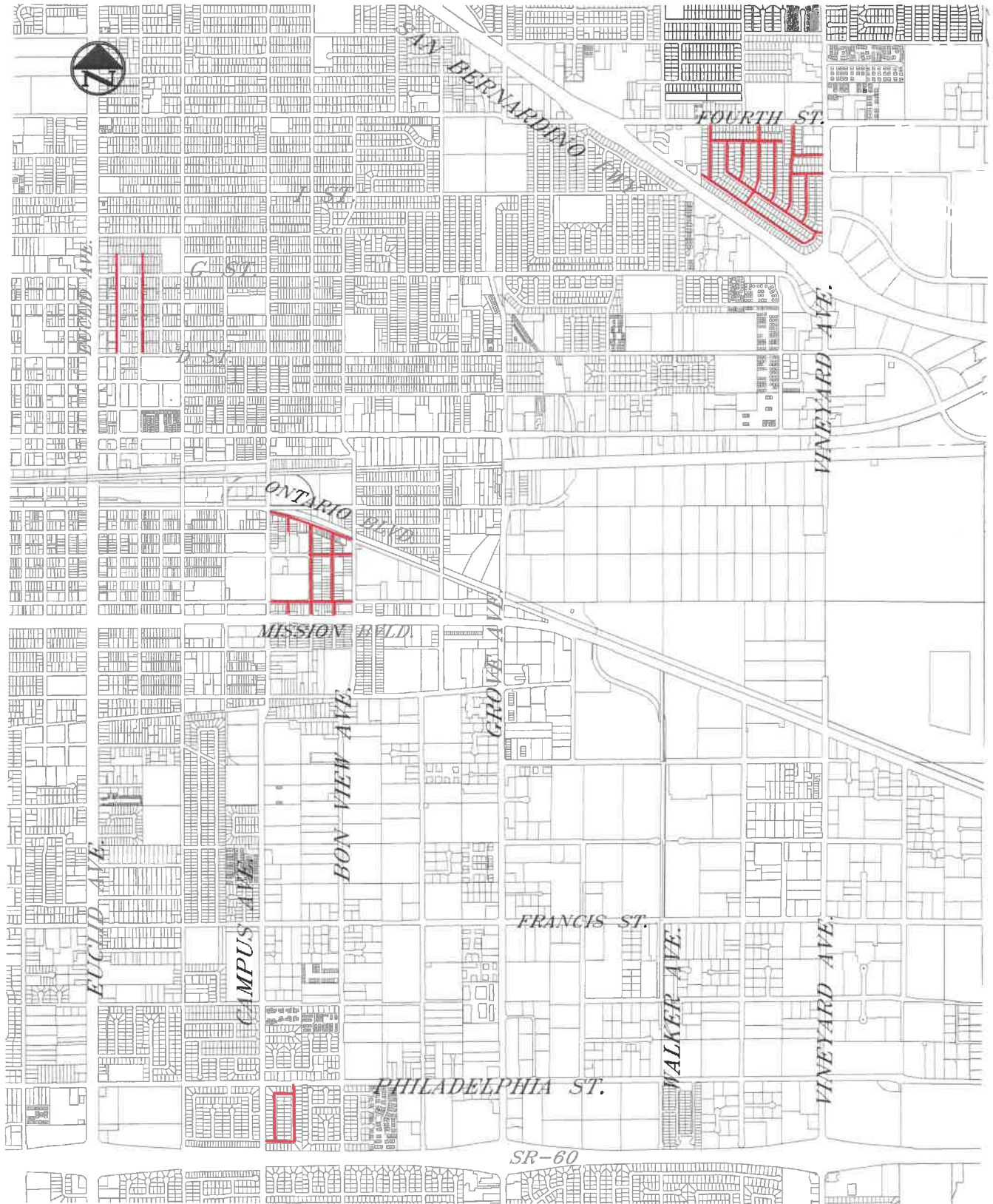
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PROPOSED 2019 C.D.B.G. PAVEMENT MANAGEMENT SLURRY SEAL PROJECT LOCATIONS

LEGEND

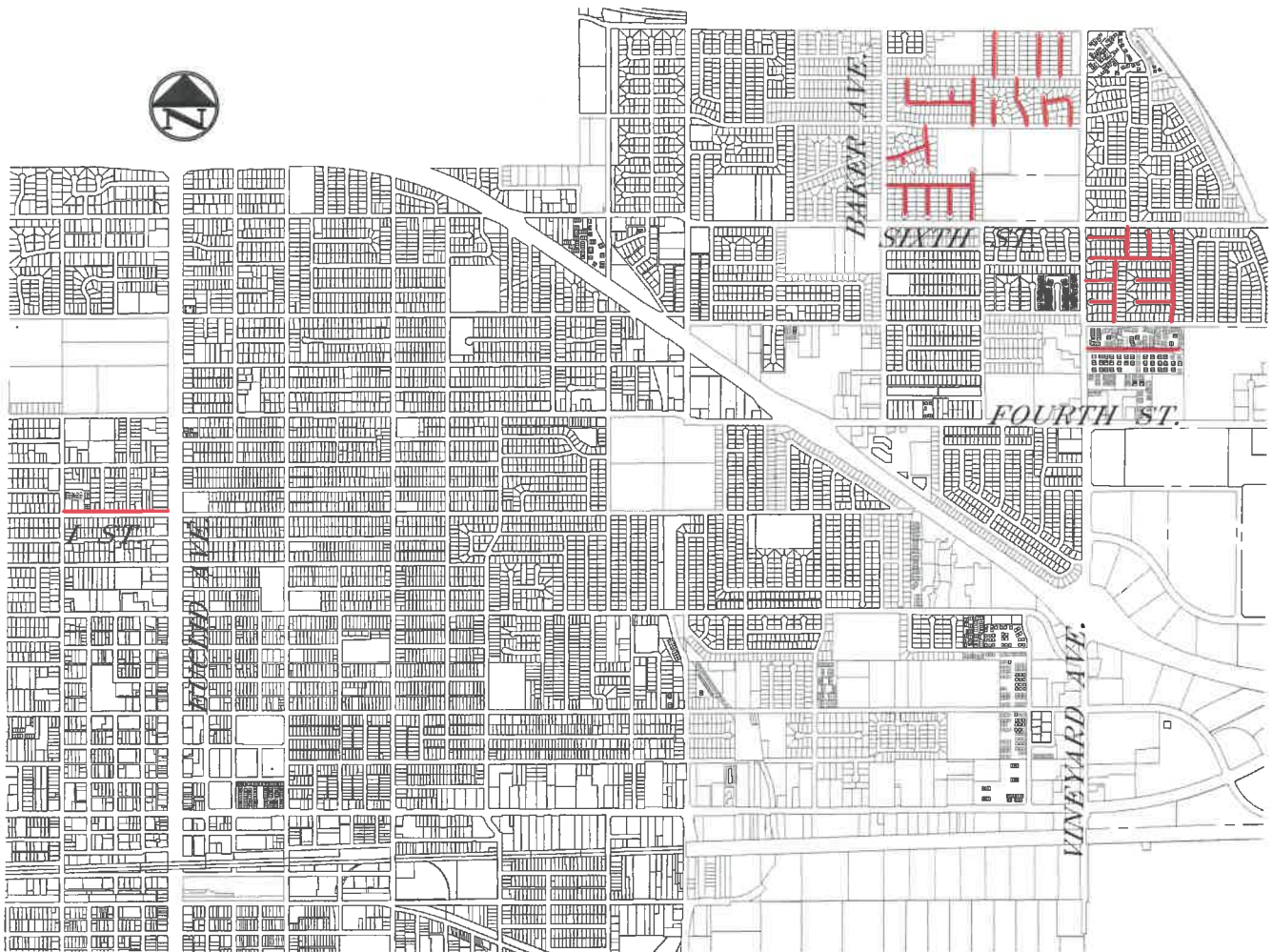
— 2019 SLURRY LOCATIONS



PROPOSED 2019 SLURRY SEAL LOCAL STREET PROJECT LOCATIONS

LEGEND

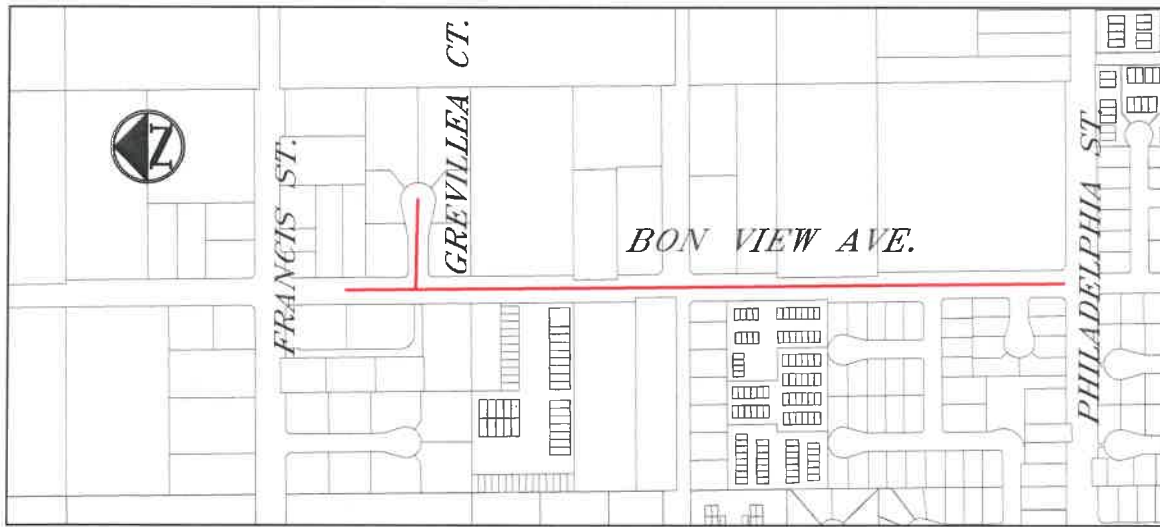
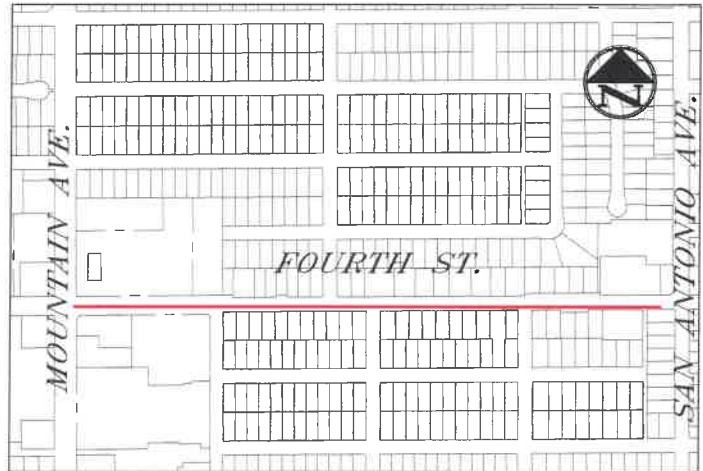
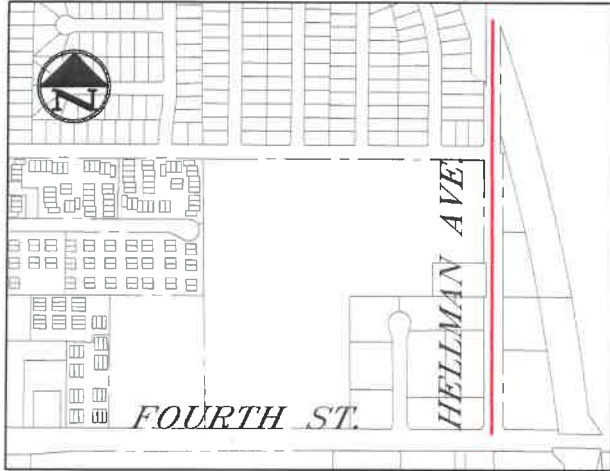
— 2019 SLURRY LOCATIONS



PROPOSED 2019 SLURRY SEAL COLLECTOR/ARTERIAL PROJECT LOCATIONS

LEGEND

 2019 SLURRY LOCATIONS



CITY OF ONTARIO

Agenda Report
July 16, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION APPROVING AND AUTHORIZING SUBMITTAL OF THE CALIFORNIA OFFICE OF EMERGENCY SERVICES FORM 130 DESIGNATING THE CITY'S AGENTS FOR THE APPLICATION OF DISASTER FINANCIAL ASSISTANCE

RECOMMENDATION: That the City Council adopt a resolution approving and authorizing submittal of the California Office of Emergency Services (Cal OES) Form 130 designating the City's agents for the application of disaster financial assistance under Public Law 93-288 and the California Disaster Assistance Act.

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

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

FISCAL IMPACT: The City incurred approximately \$237,000 in damage from the February 2019 storm incidents. Seventy-five percent of eligible disaster costs and damages are reimbursable by Cal OES. The City will receive an estimated \$177,750 reimbursement if all costs are deemed eligible. The reimbursement awarded by the State will be included in the First Quarterly Budget Update Report.

BACKGROUND: A Governor's proclamation was issued for storm incidents that occurred between February 13, 2019 and February 15, 2019 to secure funding for local jurisdictions to recover from the storm damage. The City incurred various damages and costs from this storm and may be eligible for Cal OES reimbursement.

Cal OES requires all agencies seeking reimbursement to submit a Cal OES Form 130 in order to process the reimbursement. This form designates the City's agents authorized to engage and represent the City in all matters pertaining to the State's disaster financial assistance and is valid for three years. If approved, the City Manager, Assistant City Manager, and the Executive Director Development Agency will be designated as agents to sign and execute applications and agreements on behalf of the City.

STAFF MEMBER PRESENTING: Scott Murphy, AICP, Executive Director Development Agency

Prepared by: Raymond Lee/Raymond Cheung
Department: Engineering/Fire

City Manager Approval:  _____

Submitted to Council/O.H.A. 07/16/2019

Approved: _____

Continued to: _____

Denied: _____

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AND AUTHORIZING SUBMITTAL OF THE CALIFORNIA OFFICE OF EMERGENCY SERVICES FORM 130 DESIGNATING THE CITY'S AGENTS FOR THE APPLICATION OF DISASTER FINANCIAL ASSISTANCE.

WHEREAS, the City of Ontario seeks to apply for reimbursement for costs and damages incurred during the storm incidents between February 13, 2019 and February 15, 2019; and

WHEREAS, the State of California Governor's Office of Emergency Services (Cal OES) administers the State reimbursement process for disaster financial assistance; and

WHEREAS, Cal OES requires all agencies seeking reimbursement to submit a Cal OES Form 130 in order to process the reimbursement; and

WHEREAS, the Cal OES Form 130 requires the City of Ontario to designate agents to engage and represent the City in all matters pertaining to the State's disaster assistance; and

WHEREAS, the City desires to designate by title the City Manager, the Assistant City Manager, and the Executive Director Development Agency as the City's agents for applying for State's disaster financial assistance and making the assurances required in order to obtain such assistance; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Ontario, California, that the City of Ontario designates the City Manager, the Assistant City Manager, and the Executive Director Development Agency as the City's agents for the Cal OES Form 130 and that the said agents be authorized to sign and execute applications and agreements for State's disaster financial assistance on behalf of the City.

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

PASSED, APPROVED, AND ADOPTED this 16th day of July 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

COLE HUBER 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. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 16, 2019 by the following roll call vote, to wit:

AYES: MAYOR/COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2019- duly passed and adopted by the Ontario City Council at their regular meeting held July 16, 2019.

SHEILA MAUTZ, CITY CLERK

CITY OF ONTARIO

Agenda Report
July 16, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION APPROVING AN AGREEMENT TO PREFUND OTHER POST EMPLOYMENT BENEFIT (OPEB) LIABILITIES WITH THE CALIFORNIA EMPLOYERS' RETIREE BENEFIT TRUST (CERBT) FUND ADMINISTERED BY CALPERS


RECOMMENDATION: That the City Council adopt a resolution approving an agreement and election to pre-fund Other Post-Employment Benefits (OPEB) through the California Employers' Retiree Benefit Trust (CERBT) fund administered through the California Public Employees' Retirement System (CalPERS); approve the delegation of authority to request disbursements; and authorize the City Manager (or his designee) to execute all documents to fund and maintain participation in the trust.

COUNCIL GOALS: Operate in a Businesslike Manner

FISCAL IMPACT: There is no direct fiscal impact to set up the CERBT account. Funds currently held in the City's OPEB fund in the amount of \$140 million will gradually be transferred to the CERBT irrevocable trust fund over the course of 12 months. Trust assets are charged a fee of 0.10% (10 basis points) annually for trust administration, investment management, and bookkeeping services. These fees are an offset to the funds earnings in each year. Beginning in FY 2019-20 the City will make additional annual contributions to fund the trust.

BACKGROUND: The City of Ontario provides certain medical benefits to eligible retirees. To be eligible to receive the benefits, retirees must have retired directly from the City under CalPERS with a service or disability retirement. Such benefits are commonly referred to as Other Post-Employment Benefits (OPEB). At present, the City makes OPEB payments as they come due on a "pay-as-you-go" basis. The Government Accounting Standards Board (GASB 75) requires agencies to account for and disclose their OPEB costs for all active and retired employees. As of the most recent valuation (June 2017) the City's Unfunded Actuarial Accrued Liability (UAAL) for OPEB is \$260 million for benefits already earned. Without a plan to address the City's OPEB UAAL, it is anticipated that this amount will grow.

STAFF MEMBER PRESENTING: Armen Harkalyan, Executive Director of Finance

Prepared by: Jason M. Jacobsen
Department: Financial Services
City Manager Approval: 

Submitted to Council/O.H.A. 07/16/2019
Approved: _____
Continued to: _____
Denied: _____

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As CERBT is an IRS approved Section 115 Irrevocable Trust, this action would allow funds deposited into the trust to earn market rates of return greater than otherwise allowed by the City's investment policy, and will offset the City's UAAL thereby providing a more secure financial future for the City of Ontario.

Entering into an investment management agreement with CERBT, the OPEB trust provider, will allow the City to make long-term investments to match its long-term obligations with the trust assets legally protected from creditors of the employer or the plan administrator (CalPERS). The trust assets are irrevocable and cannot be put to use for any other purposes.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN AGREEMENT AND ELECTION TO PREFUND OTHER POST-EMPLOYMENT BENEFITS THROUGH CALPERS; APPROVING THE DELEGATION OF AUTHORITY TO REQUEST DISBURSEMENTS; AND AUTHORIZING THE CITY MANAGER (OR HIS DESIGNEE) TO TAKE ANY ADDITIONAL ACTIONS NECESSARY TO PARTICIPATE IN THE CALIFORNIA EMPLOYER'S RETIREE BENEFIT TRUST (CERBT) FUND TO PREFUND OTHER POST-EMPLOYMENT BENEFITS (OPEB) FOR THE CITY OF ONTARIO.

WHEREAS, the City provides medical benefits to retirees known as Other Post-Employment Benefits (OPEB) and currently funds its OPEB expenses on a "pay-as-you-go" basis; and

WHEREAS, the City Council desires to prefund OPEB expenses by establishing an irrevocable OPEB trust which would allow the City to invest its OPEB assets in higher-yielding investments; and

WHEREAS, the Financial Services Agency has determined pre-funding through the California Public Employees' Retirement System (CalPERS) for the California Employers' Retiree Benefit Trust (CERBT) program best meets the City's goals of being fiscally responsible and operating in an businesslike manner; and

WHEREAS, the City Council of the City of Ontario intends to pre-fund OPEB liabilities through CERBT in the amount of \$140 million over a 12 month period; and

WHEREAS, in order to establish an OPEB trust with CalPERS, the City Council must approve entering into an agreement with CalPERS entitled "Agreement and Election of The City of Ontario to Prefund Other Post-Employment Benefits through CalPERS."

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ONTARIO DOES HEREBY RESOLVE AND FIND AS FOLLOWS:

SECTION 1. The City Council does hereby approve the California Employers' Retiree Benefit Trust Program (CERBT) "Agreement and Election of the City of Ontario to Prefund Other Post-Employment Benefits through CalPERS" and authorizes the City Manager to execute the agreement, a copy of which is attached to this resolution as Exhibit A.

SECTION 2. The Assistant City Manager, Executive Director of Finance, Fiscal Services Director, and the Departmental Administrator of the Financial Services Agency are delegated the authority to request, on behalf of the City, eligible disbursements from the California Employers' Retiree Benefit Trust Fund and to certify as to the purpose for which the disbursed funds will be used, a copy of which is attached to this resolution as Exhibit B.

BE IT FURTHER RESOLVED that the City Council of the City of Ontario hereby authorizes and directs the City Manager, or his designee, to take any additional actions necessary for the City of Ontario to fund and participate in the California Employers' Retiree Benefit Trust (CERBT) Fund to prefund Other Post-Employment Benefits.

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

PASSED, APPROVED, AND ADOPTED this 16th day of July 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

COLE HUBER 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. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 16, 2019 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. 2019- duly passed and adopted by the Ontario City Council at their regular meeting held July 16, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CALIFORNIA EMPLOYERS' RETIREE BENEFIT TRUST PROGRAM ("CERBT")

**AGREEMENT AND ELECTION
OF**

THE CITY OF ONTARIO

(NAME OF EMPLOYER)

**TO PREFUND OTHER POST-EMPLOYMENT
BENEFITS THROUGH CalPERS**

WHEREAS (1) Government Code Section 22940 establishes in the State Treasury the Annuitants' Health Care Coverage Fund for the prefunding of health care coverage for annuitants (Prefunding Plan); and

WHEREAS (2) The California Public Employees' Retirement System (CalPERS) Board of Administration (Board) has sole and exclusive control and power over the administration and investment of the Prefunding Plan (sometimes also referred to as CERBT), the purposes of which include, but are not limited to (i) receiving contributions from participating employers and establishing separate Employer Prefunding Accounts in the Prefunding Plan for the performance of an essential governmental function (ii) investing contributed amounts and income thereon, if any, in order to receive yield on the funds and (iii) disbursing contributed amounts and income thereon, if any, to pay for costs of administration of the Prefunding Plan and to pay for health care costs or other post-employment benefits in accordance with the terms of participating employers' plans; and

WHEREAS (3) City of Ontario
(NAME OF EMPLOYER)

(Employer) desires to participate in the Prefunding Plan upon the terms and conditions set by the Board and as set forth herein; and

WHEREAS (4) Employer may participate in the Prefunding Plan upon (i) approval by the Board and (ii) filing a duly adopted and executed Agreement and Election to Prefund Other Post-Employment Benefits (Agreement) as provided in the terms and conditions of the Agreement; and

WHEREAS (5) The Prefunding Plan is a trust fund that is intended to perform an essential governmental function within the meaning of Section 115 of the Internal Revenue Code as an agent multiple-employer defined benefit plan as defined in Governmental Accounting Standards Board (GASB) Statements for Accounting and Financial Reporting for Postemployment Benefit Plans Other Than Pension Plans (OPEB Standards) consisting of an aggregation of single-employer plans, with pooled administrative and investment functions;

NOW, THEREFORE, BE IT RESOLVED THAT EMPLOYER HEREBY MAKES THE FOLLOWING REPRESENTATION AND WARRANTY AND THAT THE BOARD AND EMPLOYER AGREE TO THE FOLLOWING TERMS AND CONDITIONS:

A. Representation and Warranty

Employer represents and warrants that it is a political subdivision of the State of California or an entity whose income is excluded from gross income under Section 115 (1) of the Internal Revenue Code.

B. Adoption and Approval of the Agreement; Effective Date; Amendment

(1) Employer's governing body shall elect to participate in the Prefunding Plan by adopting this Agreement and filing with the CalPERS Board a true and correct original or certified copy of this Agreement as follows:

Filing by mail, send to: CalPERS
 CERBT (OPEB)
 P.O. Box 1494
 Sacramento, CA 95812-1494

Filing in person, deliver to:
 CalPERS Mailroom
 CERBT (OPEB)
 400 Q Street
 Sacramento, CA 95811

(2) Upon receipt of the executed Agreement, and after approval by the Board, the Board shall fix an effective date and shall promptly notify Employer of the effective date of the Agreement.

(3) The terms of this Agreement may be amended only in writing upon the agreement of both CalPERS and Employer, except as otherwise provided herein. Any such amendment or modification to this Agreement shall be adopted and executed in the same manner as required for the Agreement. Upon receipt of the executed amendment or modification, the Board shall fix the effective date of the amendment or modification.

(4) The Board shall institute such procedures and processes as it deems necessary to administer the Prefunding Plan, to carry out the purposes of this Agreement, and to maintain the tax exempt status of the Prefunding Plan. Employer agrees to follow such procedures and processes.

C. Other Post-Employment Benefits (OPEB) Cost Reports and Employer Contributions

(1) Employer shall provide to the Board an OPEB cost report on the basis of the actuarial assumptions and methods prescribed by the Board. Such report shall be for the Board's use in financial reporting, and shall be prepared at least as often as the minimum frequency required by applicable GASB OPEB Standards. This OPEB cost report may be prepared as an actuarial valuation report or, if the employer is qualified under GASB OPEB Standards, may be prepared as an Alternative Measurement Method (AMM) report.

(a) Unless qualified under GASB OPEB Standards, to provide an AMM report, Employer shall provide to the Board an actuarial valuation report. Such report shall be for the Board's use in financial reporting, and shall be prepared at least as often as the minimum frequency required by GASB OPEB Standards, and shall be:

- 1) prepared and signed by a Fellow or Associate of the Society of Actuaries who is also a Member of the American Academy of Actuaries or a person with equivalent qualifications acceptable to the Board;
- 2) prepared in accordance with generally accepted actuarial practice and GASB OPEB Standards; and,
- 3) provided to the Board prior to the Board's acceptance of contributions for the valuation period or as otherwise required by the Board.

(b) If qualified under GASB OPEB Standards, Employer may provide to the Board an AMM report. Such report shall be for the Board's use in financial reporting, shall be prepared at least as often as the minimum frequency required by GASB OPEB Standards, and shall be:

- 1) affirmed by Employer's external auditor, or by a Fellow or Associate of the Society of Actuaries who is also a Member of the American Academy of Actuaries or a person with equivalent qualifications acceptable to the Board, to be consistent with the AMM process described in GASB OPEB Standards;
- 2) prepared in accordance with GASB OPEB Standards; and,
- 3) provided to the Board prior to the Board's acceptance of contributions for the valuation period or as otherwise required by the Board.

(2) The Board may reject any OPEB cost report for financial reporting purposes submitted to it, but shall not unreasonably do so. In the event that the Board

determines, in its sole discretion, that the OPEB cost report is not suitable for use in the Board's financial statements or if Employer fails to provide a required OPEB cost report, the Board may obtain, at Employer's expense, an OPEB cost report that meets the Board's financial reporting needs. The Board may recover from Employer the cost of obtaining such OPEB cost report by billing and collecting from Employer or by deducting the amount from Employer's account in the Prefunding Plan.

(3) Employer shall notify the Board of the amount and time of contributions which contributions shall be made in the manner established by the Board.

(4) Employer contributions to the Prefunding Plan may be limited to the amount necessary to fully fund Employer's actuarial present value of total projected benefits, as supported by the OPEB cost report for financial reporting purposes acceptable to the Board. As used throughout this document, the meaning of the term "actuarial present value of total projected benefits" is as defined in GASB OPEB Standards. If Employer's contribution causes its assets in the Prefunding Plan to exceed the amount required to fully fund the actuarial present value of total projected benefits, the Board may refuse to accept the contribution.

(5) No contributions are required. Contributions can be made at any time following the effective date of the Agreement provided that Employer has first complied with the requirements of Paragraph C.

D. Administration of Accounts, Investments, Allocation of Income

(1) The Board has established the Prefunding Plan as an agent plan consisting of an aggregation of single-employer plans, with pooled administrative and investment functions, under the terms of which separate accounts are maintained for each employer so that the Employer's assets will provide benefits only under the Employer's post-employment benefit plan(s).

(2) All Employer contributions and assets attributable to Employer contributions shall be separately accounted for in the Prefunding Plan (Employer's Prefunding Account).

(3) Employer's Prefunding Account assets may be aggregated with prefunding account assets of other employers and may be co-invested by the Board in any asset classes appropriate for a Section 115 Trust.

(4) The Board may deduct the costs of administration of the Prefunding Plan from the investment income or Employer's Prefunding Account in a manner determined by the Board.

(5) Investment income shall be allocated among participating employers and posted to Employer's Prefunding Account as determined by the Board but no less frequently than annually.

(6) If Employer's assets in the Prefunding Plan exceed the amount required to fully fund the actuarial present value of total projected benefits, the Board, in compliance with applicable accounting and legal requirements, may return such excess to Employer.

E. Reports and Statements

(1) Employer shall submit with each contribution a contribution report in the form and containing the information prescribed by the Board.

(2) The Board shall prepare and provide a statement of Employer's Prefunding Account at least annually reflecting the balance in Employer's Prefunding Account, contributions made during the period and income allocated during the period, and such other information as the Board determines.

F. Disbursements

(1) Employer may receive disbursements not to exceed the annual premium and other costs of post-employment healthcare benefits and other post-employment benefits as defined in GASB OPEB Standards.

(2) Employer shall notify CalPERS in writing in the manner specified by CalPERS of the persons authorized to request disbursements from the Prefunding Plan on behalf of Employer.

(3) Employer's request for disbursement shall be in writing signed by Employer's authorized representative, in accordance with procedures established by the Board. The Board may require that Employer certify or otherwise establish that the monies will be used for the purposes of the Prefunding Plan.

(4) Requests for disbursements that satisfy the requirements of paragraphs (2) and (3) will be processed monthly.

(5) CalPERS shall not be liable for amounts disbursed in error if it has acted upon the written instruction of an individual authorized by Employer to request disbursements. In the event of any other erroneous disbursement, the extent of CalPERS' liability shall be the actual dollar amount of the disbursement, plus interest at the actual earnings rate but not less than zero.

(6) No disbursement shall be made from the Prefunding Plan which exceeds the balance in Employer's Prefunding Account.

G. Costs of Administration

Employer shall pay its share of the costs of administration of the Prefunding Plan, as determined by the Board.

H. Termination of Employer Participation in Prefunding Plan

- (1) The Board may terminate Employer's participation in the Prefunding Plan if:
 - (a) Employer gives written notice to the Board of its election to terminate;
 - (b) The Board finds that Employer fails to satisfy the terms and conditions of this Agreement or of the Board's rules or regulations.
- (2) If Employer's participation in the Prefunding Plan terminates for any of the foregoing reasons, all assets in Employer's Prefunding Account shall remain in the Prefunding Plan, except as otherwise provided below, and shall continue to be invested and accrue income as provided in Paragraph D.
- (3) After Employer's participation in the Prefunding Plan terminates, Employer may not make contributions to the Prefunding Plan.
- (4) After Employer's participation in the Prefunding Plan terminates, disbursements from Employer's Prefunding Account may continue upon Employer's instruction or otherwise in accordance with the terms of this Agreement.
- (5) After the Employer's participation in the Prefunding Plan terminates, the governing body of the Employer may request either:
 - (a) A trustee to trustee transfer of the assets in Employer's Prefunding Account; provided that the Board shall have no obligation to make such transfer unless the Board determines that the transfer will satisfy applicable requirements of the Internal Revenue Code, other law and accounting standards, and the Board's fiduciary duties. If the Board determines that the transfer will satisfy these requirements, the Board shall then have one hundred fifty (150) days from the date of such determination to effect the transfer. The amount to be transferred shall be the amount in the Employer's Prefunding Account as of the date of the transfer (the "transfer date") and shall include investment earnings up to an investment earnings allocation date preceding the transfer date. In no event shall the investment earnings allocation date precede the transfer date by more than 150 days.
 - (b) A disbursement of the assets in Employer's Prefunding Account; provided that the Board shall have no obligation to make such disbursement unless the Board determines that, in compliance with the Internal Revenue Code, other law and accounting standards, and the Board's fiduciary duties, all of Employer's obligations for payment of post-employment health care benefits and other post-employment benefits and reasonable administrative costs of the Board have been satisfied. If the Board determines that the disbursement will satisfy these requirements, the

Board shall then have one hundred fifty (150) days from the date of such determination to effect the disbursement. The amount to be disbursed shall be the amount in the Employer's Prefunding Account as of the date of the disbursement (the "disbursement date") and shall include investment earnings up to an investment earnings allocation date preceding the disbursement date. In no event shall the investment earnings allocation date precede the disbursement date by more than 150 days.

(6) After Employer's participation in the Prefunding Plan terminates and at such time that no assets remain in Employer's Prefunding Account, this Agreement shall terminate.

(7) If, for any reason, the Board terminates the Prefunding Plan, the assets in Employer's Prefunding Account shall be paid to Employer after retention of (i) amounts sufficient to pay post-employment health care benefits and other post-employment benefits to annuitants for current and future annuitants described by the employer's current substantive plan (as that term is used in GASB OPEB Standards), and (ii) amounts sufficient to pay reasonable administrative costs of the Board.

(8) If Employer ceases to exist but Employer's Prefunding Plan continues to exist and if no provision has been made by Employer for ongoing payments to pay post-employment health care benefits and other post-employment benefits to annuitants for current and future annuitants, the Board is authorized to and shall appoint a third party administrator to carry out Employer's Prefunding Plan. Any and all costs associated with such appointment shall be paid from the assets attributable to contributions by Employer.

(9) If Employer should breach the representation and warranty set forth in Paragraph A., the Board shall take whatever action it deems necessary to preserve the tax-exempt status of the Prefunding Plan.

I. General Provisions

(1) Books and Records.

Employer shall keep accurate books and records connected with the performance of this Agreement. Employer shall ensure that books and records of subcontractors, suppliers, and other providers shall also be accurately maintained. Such books and records shall be kept in a secure location at the Employer's office(s) and shall be available for inspection and copying by CalPERS and its representatives.

(2) Audit.

- (a) During and for three years after the term of this Agreement, Employer shall permit the Bureau of State Audits, CalPERS, and its authorized

representatives, and such consultants and specialists as needed, at all reasonable times during normal business hours to inspect and copy, at the expense of CalPERS, books and records of Employer relating to its performance of this Agreement.

- (b) Employer shall be subject to examination and audit by the Bureau of State Audits, CalPERS, and its authorized representatives, and such consultants and specialists as needed, during the term of this Agreement and for three years after final payment under this Agreement. Any examination or audit shall be confined to those matters connected with the performance of this Agreement, including, but not limited to, the costs of administering this Agreement. Employer shall cooperate fully with the Bureau of State Audits, CalPERS, and its authorized representatives, and such consultants and specialists as needed, in connection with any examination or audit. All adjustments, payments, and/or reimbursements determined to be necessary by any examination or audit shall be made promptly by the appropriate party.

(3) Notice.

- (a) Any notice, approval, or other communication required or permitted under this Agreement will be given in the English language and will be deemed received as follows:
1. Personal delivery. When personally delivered to the recipient. Notice is effective on delivery.
 2. First Class Mail. When mailed first class to the last address of the recipient known to the party giving notice. Notice is effective three delivery days after deposit in a United States Postal Service office or mailbox.
 3. Certified mail. When mailed certified mail, return receipt requested. Notice is effective on receipt, if delivery is confirmed by a return receipt.
 4. Overnight Delivery. When delivered by an overnight delivery service, charges prepaid or charged to the sender's account, Notice is effective on delivery, if delivery is confirmed by the delivery service.
 5. Telex or Facsimile Transmission. When sent by telex or fax to the last telex or fax number of the recipient known to the party giving notice. Notice is effective on receipt, provided that (i) a duplicate copy of the notice is promptly given by first-class or certified mail or by overnight delivery, or (ii) the receiving party delivers a written

confirmation of receipt. Any notice given by telex or fax shall be deemed received on the next business day if it is received after 5:00 p.m. (recipient's time) or on a nonbusiness day.

6. E-mail transmission. When sent by e-mail using software that provides unmodifiable proof (i) that the message was sent, (ii) that the message was delivered to the recipient's information processing system, and (iii) of the time and date the message was delivered to the recipient along with a verifiable electronic record of the exact content of the message sent.

Addresses for the purpose of giving notice are as shown in Paragraph B.(1) of this Agreement.

- (b) Any correctly addressed notice that is refused, unclaimed, or undeliverable because of an act or omission of the party to be notified shall be deemed effective as of the first date that said notice was refused, unclaimed, or deemed undeliverable by the postal authorities, messenger or overnight delivery service.
- (c) Any party may change its address, telex, fax number, or e-mail address by giving the other party notice of the change in any manner permitted by this Agreement.
- (d) All notices, requests, demands, amendments, modifications or other communications under this Agreement shall be in writing. Notice shall be sufficient for all such purposes if personally delivered, sent by first class, registered or certified mail, return receipt requested, delivery by courier with receipt of delivery, facsimile transmission with written confirmation of receipt by recipient, or e-mail delivery with verifiable and unmodifiable proof of content and time and date of sending by sender and delivery to recipient. Notice is effective on confirmed receipt by recipient or 3 business days after sending, whichever is sooner.

(4) Survival

All representations, warranties, and covenants contained in this Agreement, or in any instrument, certificate, exhibit, or other writing intended by the parties to be a part of their Agreement shall survive the termination of this Agreement until such time as all amounts in Employer's Prefunding Account have been disbursed.

(5) Waiver

No waiver of a breach, failure of any condition, or any right or remedy contained in or granted by the provisions of this Agreement shall be effective unless it is in writing and

signed by the party waiving the breach, failure, right, or remedy. No waiver of any breach, failure, right, or remedy shall be deemed a waiver of any other breach, failure, right, or remedy, whether or not similar, nor shall any waiver constitute a continuing waiver unless the writing so specifies.

(6) Necessary Acts, Further Assurances

The parties shall at their own cost and expense execute and deliver such further documents and instruments and shall take such other actions as may be reasonably required or appropriate to evidence or carry out the intent and purposes of this Agreement.

A majority vote of Employer's Governing Body at a public meeting held on the 16th day of the month of July in the year 2019, authorized entering into this Agreement.

Signature of the Presiding Officer: _____

Printed Name of the Presiding Officer: _____

Name of Governing Body: City Council of the City of Ontario

Name of Employer: City of Ontario

Date: _____

BOARD OF ADMINISTRATION
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY _____
ARNITA PAIGE
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

To be completed by CalPERS
The effective date of this Agreement is: _____



**DELEGATION OF AUTHORITY
TO REQUEST DISBURSEMENTS**

**RESOLUTION
OF THE
City Council**

(GOVERNING BODY)

**OF THE
City of Ontario**

(NAME OF EMPLOYER)

The City Council of the City of Ontario delegates to the incumbents
(GOVERNING BODY)

in the positions of Assistant City Manager, Executive Director of Finance and
(TITLE)

Fiscal Services Director and/or
(TITLE)

Departmental Administrator of the Financial Services Agency authority to request on
(TITLE)

behalf of the Employer disbursements from the Other Post Employment Prefunding
Plan and to certify as to the purpose for which the disbursed funds will be used.

By _____

Title _____

Witness _____

Date _____

CITY OF ONTARIO

Agenda Report
July 16, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: AUTHORIZE THE PURCHASE OF FLEET VEHICLE REPLACEMENTS

RECOMMENDATION: That the City Council authorize the cooperative purchase and delivery of fifteen Ford Police Interceptor SUVs in the amount of \$558,934, five Hybrid Ford Police Interceptor SUVs in the amount of \$203,088, and one Chevrolet Police Tahoe in the amount of \$39,765 for the Police Department from National Auto Fleet Group of Watsonville, California, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 120716-NAF.

COUNCIL GOALS: Maintain the Current High Level of Public Safety
Operate in a Businesslike Manner

FISCAL IMPACT: The Fiscal Year 2019-20 Adopted Operating Budget includes appropriations from the Equipment Services Fund in the amount of \$805,000 for the twenty-one replacement vehicles. The total cost of the vehicles recommended for purchase is \$801,787.

BACKGROUND: The vehicles recommended for replacement in this action have outlived their useful lives, and are no longer cost effective to maintain. They are scheduled for replacement pursuant to ongoing efforts to reduce expenses, maximize useful life expectancy and extend replacement cycles of fleet equipment while ensuring safe and reliable operation.

In general conformance with the provisions of Government Code Section 54201 through 54204, Ontario Municipal Code Section 2-6.11(b)(3) allows for the purchase of supplies and equipment through cooperative purchasing with another governmental agency. Cooperative purchasing allows the City to pool its procurement power with other public agencies to obtain pricing lower than otherwise might be possible.

Staff recommends the cooperative purchase and delivery of fifteen Ford Police Interceptor SUVs in the amount of \$558,934, five Hybrid Ford Police Interceptor SUVs in the amount of \$203,088, and one Chevrolet Police Tahoe in the amount of \$39,765 for the Police Department, from National Auto Fleet Group of Watsonville, California, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 120716-NAF.

STAFF MEMBER PRESENTING: Tito Haes, Executive Director Public Works

Prepared by: Michael Johnson
Department: Fleet Services
City Manager Approval: 

Submitted to Council/O.H.A. 07/16/2019
Approved: _____
Continued to: _____
Denied: _____

CITY OF ONTARIO

Agenda Report
July 16, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A WRITTEN PETITION TO CREATE A COMMUNITY FACILITIES DISTRICT; AND A RESOLUTION OF INTENTION TO ESTABLISH CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 49 (AVENUE 176 SERVICES) AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES


RECOMMENDATION: That the City Council consider and:

- (A) Accept a written petition (on file with the Records Management Department) from Lennar Homes of California, Inc. ("Landowner"), to create a community facilities district ("CFD"), and to waive certain procedural matters under the Mello-Roos Community Facilities Act of 1982; and
- (B) Adopt a Resolution of Intention to establish City of Ontario Community Facilities District No. 49 (Avenue 176 Services), authorize the associated levy of special taxes therein, and set a public hearing for the formation of the CFD as part of the regularly scheduled City Council meeting on Tuesday, August 20, 2019.

COUNCIL GOALS: Operate in a Businesslike Manner
Focus Resources in Ontario's Commercial and Residential Neighborhoods
Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch

FISCAL IMPACT: To address the City Council's long standing direction that development of Ontario Ranch generate sufficient revenues to fund City services without reliance on the financial resources of the existing City, the use of Mello-Roos financing in the Avenue 176 project is projected to generate approximately \$297,000 per year, at build-out, to fund City services. As proposed, the maximum annual special tax rate on each of the project's 176 single-family detached units is \$1,687. The use of Mello-Roos financing is critical in achieving the City Council's goal to "Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch." As proposed, the use of

STAFF MEMBER PRESENTING: Armen Harkalyan, Executive Director of Finance

Prepared by: Bob Chandler
Department: General Services
City Manager Approval: 

Submitted to Council/O.H.A. 07/16/2019
Approved: _____
Continued to: _____
Denied: _____

9

Mello-Roos financing for the Avenue 176 district will not generate funds for facilities, and bonds will not be issued as part of this formation.

BACKGROUND: The Mello-Roos Community Facilities Act of 1982 provides local government, with the consent from a majority of the property owners, the authority to establish community facilities districts for the purpose of levying special taxes to finance various kinds of public infrastructure facilities and government services. Government services that may be included in a community facilities district include police protection services, fire protection and suppression services, ambulance and paramedic services, maintenance and lighting of parks, parkways, streets, roads, open space and flood and storm drain protection services, and maintenance and operation of any real property or tangible property with an estimated useful life of five or more years that is owned by the governmental entity.

Lennar Homes of California, Inc, a member of NMC Builders, has provided a written petition to the City requesting formation of a CFD, along with a deposit pursuant to a deposit agreement, dated July 1, 2019, to fund City services for the Avenue 176 project. The CFD is being formed pursuant to the provisions of the Development Agreement between the City and Ontario Avenida Property OWNER LLC (the obligations of which have been assumed by Lennar Homes) and the First Amended and Restated Construction Agreement between the City and NMC Builders. The Avenue 176 project addresses the development of approximately 27.1 acres located south of La Avenida Drive, north of Ontario Ranch Road, generally west of Turner Avenue and generally east of the Archibald Avenue.

Under the Mello-Roos Act, the initial steps in the formation of a CFD include adopting a resolution declaring the City's intention to establish a community facilities district, and to authorize the levy of special taxes. As noted, the issuance of bonds is not being contemplated for this project at this time, so there is no resolution to issue bonds associated with this action. As proposed, the resolution of intention to establish the district and to levy special taxes will set the public hearing date on the formation of the CFD for the regularly scheduled City Council meeting on Tuesday, August 20, 2019 to consider formation matters.

Included as part of the resolution of intention is the proposed Rate and Method of Apportionment of Special Tax for City of Ontario Community Facilities District No. 49 (Avenue 176 Services). The terms of the Rate and Method of Apportionment of Special Tax are consistent with the City Council's adopted Mello-Roos local goals and policies, and City staff have presented and discussed the proposed Rate and Method of Apportionment of Special Tax with the landowner of the project.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF INTENTION TO ESTABLISH A COMMUNITY FACILITIES DISTRICT PROPOSED TO BE NAMED CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 49 (AVENUE 176 SERVICES) AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES.

WHEREAS, Section 53318 of the Mello-Roos Community Facilities Act of 1982 (the "Act") provides that proceedings for the establishment of a Community Facilities District shall be instituted by a legislative body of a local agency when a petition requesting the institution of the proceedings signed by the owners of not less than 10% of the area of land proposed to be included in the community facilities district and not proposed to be exempt from the special tax, describing the boundaries of the territory that is proposed for inclusion in the community facilities district and specifying the types of services to be financed by the community facilities district is filed with the clerk of the legislative body; and

WHEREAS, Section 53318 of the Act further provides that such a petition is not required to be acted upon until the payment of a fee in an amount that the legislative body determines, within 45 days of receiving such petition, is sufficient to compensate the legislative body for all costs incurred in conducting proceedings to create a community facilities district pursuant to the Act; and

WHEREAS, the City Council (the "City Council") of the City of Ontario (the "City") has received a written petition (the "Petition") from Lennar Homes of California, Inc., a California corporation (the "Landowner"), requesting the institution of proceedings for the establishment of a community facilities district (the "Community Facilities District"), describing the boundaries of the territory that is proposed for inclusion in the Community Facilities District and specifying the types of services to be financed by the Community Facilities District; and

WHEREAS, the Landowner has represented and warranted to the City Council that the Landowner is the owner of 100% of the area of land proposed to be included within the Community Facilities District and not proposed to be exempt from the special tax; and

WHEREAS, the Landowner has previously submitted to the City the fee required by the City to be used to compensate the City Council and the City for all costs incurred in conducting proceedings to create the Community Facilities District, which the City Council has determined to be sufficient for such purpose;

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

SECTION 1. The foregoing recitals are true and correct and the City Council so finds and determines.

SECTION 2. The City Council hereby finds that the Petition is signed by the owner of the requisite amount of land proposed to be included in the Community Facilities District.

SECTION 3. The City Council proposes to establish a community facilities district under the terms of the Act. The boundaries of the territory proposed for inclusion in the Community Facilities District are described in the map showing the proposed Community Facilities District (the "Boundary Map") on file with the City Clerk of the City (the "City Clerk"), which boundaries are hereby preliminarily approved and to which map reference is hereby made for further particulars. The City Clerk is hereby directed to sign the original Boundary Map and record, or cause to be recorded, the Boundary Map with all proper endorsements thereon in the office of the San Bernardino County Recorder within 15 days of the date of adoption of this Resolution, all as required by Section 3111 of the California Streets and Highways Code.

SECTION 4. The name proposed for the Community Facilities District is "City of Ontario Community Facilities District No. 49 (Avenue 176 Services)."

SECTION 5. The services (the "Services") proposed to be financed by the Community Facilities District pursuant to the Act are described under the caption "Services" on Exhibit A hereto. The incidental expenses proposed to be incurred are identified under the caption "Incidental Expenses" on Exhibit A hereto. No facilities are proposed to be financed by the Community Facilities District.

SECTION 6. Except where funds are otherwise available, a special tax sufficient to pay for all Services, secured by recordation of a continuing lien against all nonexempt real property in the Community Facilities District, will be annually levied within the Community Facilities District. The rate and method of apportionment of the special tax (the "Rate and Method"), in sufficient detail to allow each landowner within the proposed Community Facilities District to estimate the maximum amount that he or she will have to pay, is described in Exhibit B attached hereto, which is by this reference incorporated herein. The obligation to pay the special tax may not be prepaid and permanently satisfied. The special tax will be collected in the same manner as ordinary *ad valorem* property taxes or in such other manner as the City Council shall determine, including direct billing of the affected property owners.

The special tax may only finance the Services to the extent that they are in addition to those provided in the territory of the Community Facilities District before the Community Facilities District is created. The Services may not supplant services already available within that territory when the Community Facilities District is created.

SECTION 7. The City Council hereby fixes Tuesday, August 20, 2019, at 6:30 p.m., or as soon thereafter as the City Council may reach the matter, at 303 East B Street, Ontario, California, as the time and place when and where the City Council will conduct a public hearing on the establishment of the Community Facilities District.

SECTION 8. The City Clerk is hereby directed to publish, or cause to be published, a notice of said public hearing one time in a newspaper of general circulation published in the area of the proposed Community Facilities District. The publication of said notice shall be completed at least seven days prior to the date herein fixed for said hearing. Said notice shall contain the information prescribed by Section 53322 of the Act.

SECTION 9. The levy of said proposed special tax shall be subject to the approval of the qualified electors of the Community Facilities District at a special election. The proposed voting procedure shall be by mailed or hand-delivered ballot among the landowners in the Community Facilities District, with each owner having one vote for each acre or portion of an acre such owner owns in the Community Facilities District.

SECTION 10. Each officer of the City who is or will be responsible for providing one or more of the proposed types of Services is hereby directed to study, or cause to be studied, the proposed Community Facilities District and, at or before said public hearing, file a report with the City Council containing a brief description of the Services by type which will in his or her opinion be required to adequately meet the needs of the Community Facilities District, and his or her estimate of the cost of providing the Services. Such officers are hereby also directed to estimate the fair and reasonable cost of the incidental expenses proposed to be paid. Such report shall be made a part of the record of said public hearing.

SECTION 11. 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 12. 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 16th day of July 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

COLE HUBER 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. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 16, 2019 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. 2019- duly passed and adopted by the Ontario City Council at their regular meeting held July 16, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A

SERVICES AND INCIDENTAL EXPENSES

Services

The types of services to be financed by the Community Facilities District are police protection services, fire protection and suppression services, ambulance and paramedic services, maintenance and lighting of parks, parkways, streets, roads and open space, flood and storm protection services and maintenance and operation of any real property or other tangible property with an estimated useful life of five or more years that is owned by the City.

Incidental Expenses

The incidental expenses proposed to be incurred include the costs associated with the creation of the Community Facilities District, determination of the amount of taxes, collection of taxes, payment of taxes, or costs otherwise incurred in order to carry out the authorized purposes of the Community Facilities District.

EXHIBIT B

PROPOSED RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

**CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 49
(AVENUE 176 SERVICES)**

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax shall be levied on all Assessor's Parcels in the City of Ontario Community Facilities District No. 49 (Avenue 176 Services) ("CFD No. 49") and collected each Fiscal Year commencing in Fiscal Year 2019-20, in an amount determined by the City Council of the City of Ontario through the application of the Rate and Method of Apportionment, as described below. All of the real property in CFD No. 49, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent, and in the manner herein provided.

A. DEFINITIONS

The terms as may hereinafter be set forth have the following meanings:

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 of Part 1 of Division 2 of Title 5 of the California Government Code.

"Administrative Expenses" means the following actual or reasonably estimated costs directly related to the administration of CFD No. 49: the costs of computing the Special Taxes and preparing the annual Special Tax collection schedules (whether by the City or CFD No. 49 or both); the costs of collecting the Special Taxes (whether by the County or otherwise); the costs associated with preparing Special Tax disclosure statements and responding to public inquiries regarding the Special Taxes; the costs of the City or CFD No. 49 related to an appeal of the Special Tax; the City's administration fees and third party expenses; the costs of City staff time and reasonable overhead related to CFD No. 49; and amounts estimated or advanced by the City or CFD No. 49 for any other administrative purposes of CFD No. 49, including attorney's fees and other costs related to commencing and pursuing to completion any foreclosure of delinquent Special Taxes.

"Assessor's Parcel" means a lot or parcel shown on an Assessor's Parcel Map with an assigned Assessor's Parcel Number.

"Assessor's Parcel Map" means an official map of the Assessor of the County designating parcels by Assessor's Parcel Number.

"Assessor's Parcel Number" means, with respect to an Assessor's Parcel, that number assigned to such Assessor's Parcel by the County for purposes of identification.

"CFD Administrator" means an official of the City responsible for determining the Special Tax Requirement, providing for the levy and collection of the Special Tax, and performing the other duties provided for herein.

“CFD No. 49” means City of Ontario Community Facilities District No. 49 (Avenue 176 Services).

“City” means the City of Ontario, California.

“City Council” means the City Council of the City, acting as the legislative body of CFD No. 49.

“County” means the County of San Bernardino.

“Fiscal Year” means the period starting July 1 and ending on the following June 30.

“Gated Apartment Community Dwelling Unit” means a Unit within any residential building containing two or more dwelling units (including attached condominiums, townhouses, duplexes, triplexes, and apartments) within a gated community that, within such community, is primarily served by private interior streets.

“Land Use Class” means any of the classes listed in Table 1 below.

“Maximum Special Tax” means, with respect to an Assessor’s Parcel of Taxable Property, the maximum Special Tax determined in accordance with Section C below that can be levied in any Fiscal Year on such Assessor’s Parcel of Taxable Property.

“Multiple Family Dwelling Unit” means a Unit within any residential building containing two or more dwelling units, including attached condominiums, townhomes, duplexes, triplexes, and apartments, but excluding Gated Apartment Community Dwelling Units.

“Non-Residential” means any buildings that are for commercial lodging use, commercial retail use, institutional use (e.g., churches, private schools), commercial restaurant use, office use, or industrial use.

“Non-Residential Property” means, for each Fiscal Year, an Assessor’s Parcel for which a building permit for new construction was issued after January 1, 2019, and before May 1 of the prior Fiscal Year, for a Non-Residential use.

“Property Owner Association Property” means, for each Fiscal Year, property within the boundaries of CFD No. 49 that was owned by a property owner association, including any master or sub-association, as of January 1 of the prior Fiscal Year.

“Proportionately” means that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor's Parcels of Taxable Property.

“Public Property” means, for each Fiscal Year, property within the boundaries of CFD No. 49 that is (a) owned by, irrevocably offered to, or dedicated to the federal government, the State, the County, the City, or any local government or other public agency or (b) encumbered by an easement for purposes of public or utility right-of-way that makes

impractical its use for any purpose other than that set forth in such easement, provided that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act shall be taxed and classified according to its use.

“Rate and Method of Apportionment” means this Rate and Method of Apportionment of Special Tax.

“Residential Property” means, for each Fiscal Year, an Assessor’s Parcel for which a building permit for new construction of one or more Units was issued after January 1, 2019, and before May 1 of the prior Fiscal Year.

“Services” means the services authorized to be financed, in whole or in part, by CFD No. 49, including: police protection services; fire protection and suppression services; ambulance and paramedic services; maintenance and lighting of parks, parkways, streets, roads, and open space; flood and storm protection services; and maintenance and operation of any real property or other tangible property with an estimated useful life of five or more years that is owned by the City.

“Single Family Detached Dwelling Unit” means any residential building containing only one Unit on one legal lot, including single family residences and single family detached residential condominium units.

“Special Tax” means the special tax authorized by the qualified electors of CFD No. 49 to be levied within the boundaries of CFD No. 49.

“Special Tax Requirement” means the amount necessary in any Fiscal Year to pay the cost of the Services, Administrative Expenses, and an amount equal to Special Tax delinquencies based on the historical delinquency rate for Special Taxes, as determined by the CFD Administrator.

“Square Footage” or **“Sq. Ft.”** means, with respect to a building of Non-Residential Property, the gross floor area square footage reflected on the original construction building permit, or as set forth in other official records maintained by the City’s Building Department or other appropriate means selected by CFD No. 49, for such building, plus any square footage subsequently added to a building of Non-Residential Property after issuance of a building permit for expansion or renovation of such building.

“State” means the State of California.

“Taxable Property” means, for each Fiscal Year, all Assessor’s Parcels of Residential Property and Non-Residential Property within the boundaries of CFD No. 49 which are not exempt from the Special Tax pursuant to law or Section E below.

“Unit” means an individual single-family detached or attached home, townhome, condominium, apartment unit, or other residential dwelling unit, including each separate living area within a half-plex, duplex, triplex, fourplex, or other residential structure.

B. ASSIGNMENT TO LAND USE CATEGORIES

Each Fiscal Year, beginning with Fiscal Year 2019-20, all Taxable Property within CFD No. 49 shall be classified as Residential Property (Single Family Detached Dwelling Unit, Multiple Family Dwelling Unit, or Gated Apartment Community Dwelling Unit) or Non-Residential Property and shall be subject to Special Taxes in accordance with the Rate and Method of Apportionment as determined pursuant to Sections C and D below.

C. MAXIMUM SPECIAL TAX

The Maximum Special Tax for each Assessor's Parcel classified as Taxable Property shall be determined by reference to Table 1 below.

**TABLE 1
MAXIMUM SPECIAL TAX**

Land Use Class	Maximum Special Tax Fiscal Year 2019-20
Residential Property:	
Single Family Detached Dwelling Unit	\$1,687 per Unit
Multiple Family Dwelling Unit	\$1,462 per Unit
Gated Apartment Community Dwelling Unit	\$1,226 per Unit
Non-Residential Property	\$0.31 per Sq. Ft.

On January 1 of each Fiscal Year, commencing January 1, 2020, the Maximum Special Tax to be applied in the next Fiscal Year shall be subject to an automatic increase at a rate equal to 4.0% of the amount in effect for the prior Fiscal Year.

In some instances an Assessor's Parcel of Taxable Property may contain more than one Land Use Class. The Maximum Special Tax levied on such Assessor's Parcel shall be the sum of the Maximum Special Tax for all Units of Residential Property and Square Footage of Non-Residential Property (based on the applicable building permits, final subdivision map, parcel map, condominium plan, or other recorded County map) located on that Assessor's Parcel.

D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX

Each Fiscal Year, beginning with Fiscal Year 2019-20, the CFD Administrator shall determine the Special Tax Requirement. The Special Tax shall then be levied Proportionately on each Assessor's Parcel of Taxable Property up to 100% of the applicable Maximum Special Tax for such Assessor's Parcel, until the Special Tax Requirement is satisfied. However, the Special Tax levied in any Fiscal Year shall not increase by more than 4.0% of the amount of the Special Tax levied in the prior Fiscal Year.

E. EXEMPTIONS

Notwithstanding anything in this Rate and Method of Apportionment to the contrary, no Special Tax shall be levied on Public Property or Property Owner Association Property.

F. APPEALS

Any property owner may file a written appeal of the Special Tax with CFD No. 49 claiming that the amount or application of the Special Tax is not correct. The appeal must be filed not later than one calendar year after having paid the Special Tax that is disputed, and the appellant must be current in all payments of Special Taxes. In addition, during the term of the appeal process, all Special Taxes levied must be paid on or before the payment date established when the levy was made.

The appeal must specify the reasons why the appellant claims the Special Tax is in error. The CFD Administrator shall review the appeal, meet with the appellant if the CFD Administrator deems necessary, and advise the appellant of its determination.

If the property owner disagrees with the CFD Administrator's decision relative to the appeal, the owner may then file a written appeal with the City Council, whose subsequent decision shall be final and binding on all interested parties. If the decision of the CFD Administrator or subsequent decision by the City Council requires the Special Tax to be modified or changed in favor of the property owner, then the CFD Administrator shall determine if sufficient Special Tax revenue is available to make cash refund. If a cash refund cannot be made, then an adjustment shall be made to credit future Special Tax levy(ies).

This procedure shall be exclusive and its exhaustion by any property owner shall be a condition precedent to filing any legal action by such owner.

G. MANNER OF COLLECTION

The Special Taxes shall be collected in the same manner and at the same time as ordinary *ad valorem* property taxes; provided, however, that the Special Taxes may be collected in such other manner as the City Council shall determine, including direct billing of affected property owners.

H. TERM OF SPECIAL TAX

The Special Tax shall continue to be levied indefinitely on an annual basis on all Taxable Property in CFD No. 49.

CITY OF ONTARIO

Agenda Report
July 16, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A PROFESSIONAL SERVICES AGREEMENT FOR TECHNICAL ASSISTANCE RELATED TO THE TRANSFORMATIVE CLIMATE COMMUNITIES (TCC) GRANT

RECOMMENDATION: That the City Council authorize the City Manager to execute a twenty-month Professional Services Agreement (on file with the Records Management Department) in the amount of \$133,333 with Estolano LeSar Advisors, of Los Angeles, California for technical assistance related to the TCC Grant.

**COUNCIL GOALS: Operate in a Businesslike Manner
Pursue the City's Goals and Objectives by Working with Other Governmental Agencies**

FISCAL IMPACT: Compensation will be based upon the fixed billing rates set forth in the agreement applied to the level of effort called for by the City, with a maximum amount of \$133,333. The agreement term will run from July 1, 2019 through February 28, 2021. Appropriations in the amount of \$133,333 are included in the FY 2019-20 Adopted Operating Budget and are funded through a Technical Assistance Grant provided by the Department of Conservation.

BACKGROUND: On January 28, 2018, the City was awarded a \$33.25 million TCC Grant through the California Strategic Growth Council. Both Public Resources section 75242(b) and the Transformative Climate Communities Program Guidelines, approved for release on August 23, 2017 and as amended on October 23, 2017, require the Strategic Growth Council (SGC) to provide the grantee with technical assistance providers to assist in the implementation of the TCC Grant. The Department of Conservation (DOC), acting on behalf of SGC and in accordance with the guidelines, has approved a Technical Assistance Grant for \$133,333. Funds were made eligible for disbursement effective July 1, 2019. A grant agreement between the DOC and Ontario is to be executed upon review of the selected candidate.

STAFF MEMBER PRESENTING: Julie Bjork, Executive Director Housing & Neighborhood Preservation

Prepared by: Peter Pallesen
Department: Housing and Neighborhood Preservation

City Manager Approval: 

Submitted to Council/O.H.A. 07/16/2019
Approved: _____

Continued to: _____
Denied: _____

10

In May 2019, the City issued a Request for Proposals (RFP) in accordance with the City’s consultant procurement guidelines. The RFP was posted to Planet Bids to maximize consultant outreach. The RFP was also distributed to firms that had previously provided similar consulting services to the City. Staff received a total of three (3) proposals from qualified firms. Each proposal was screened and scored by City staff according to the scoring criteria outlined in the RFP.

Firm	Location
RSG, Inc.	Irvine, CA
Blais & Associates, Inc.	Little Elm, TX
Estolano LeSar Advisors	Los Angeles, CA

Staff invited all the respondents to participate in a panel interview. After considering the responses, references, and interview scores, staff recommends awarding contract to Estolano LeSar Advisors (ELA). ELA has served as a project lead for the SGC providing technical assistance and capacity-building support for several programs under the California Climate Investments (CCI) initiative including the Transformative Climate Communities (TCC) program, the Affordable Housing and Sustainable Communities (AHSC) program, the Low Carbon Transit Operations Program (LCTOP), and the Low-Income Weatherization Program (LIWP). The CEOs of ELA are Cecilia V. Estolano and Jennifer LeSar. Ms. Estolano will be the Principal-In-Charge for the TCC TA contract with Ontario.

The consultant’s services will be used primarily to assist City staff in providing technical updates and analysis related to California Climate Investment (CCI) programs. More specifically, ELA’s services include the development of tracking databases for project budgets, progress reports, indicator tracking plans as well as bi-monthly and annual reports, and the development of file management systems and protocols in compliance with the TCC guidelines.

CITY OF ONTARIO

Agenda Report
July 16, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: PURCHASE OF COMMERCIAL BIN CONTAINERS

RECOMMENDATION: That the City Council authorize the City Manager to execute a one-year Equipment Purchase Agreement (on file in the Records Management Department) for the procurement of commercial bin containers in an amount up to \$300,000 with McLaughlin Waste Equipment, Inc. of Galt, California, at the set unit pricing per Bid No. 1122; and authorize the option to extend the agreement for up to four successive one-year periods in amounts consistent with City Council approved budgets for each respective fiscal year.

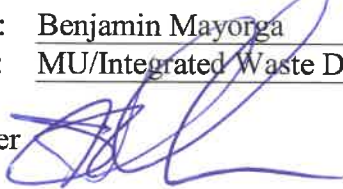
COUNCIL GOALS: Operate in a Businesslike Manner
Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: The Fiscal Year 2019-20 Adopted Operating Budget includes appropriations in the amount of \$300,000 in the Integrated Waste Fund to cover the annual cost for purchase of new and replacement commercial bin containers. Actual expenditures will be based on the fixed-unit pricing and the actual quantity of containers purchased in order to meet operational needs. The Integrated Waste Rates include funding for the routine replacement of worn out containers and the purchase of additional containers to meet customer demands. There is no impact to the General Fund.

At the City's discretion, four additional one-year extensions of this agreement may be exercised. Pricing for future years shall be considered at the time of each optional renewal, but shall not exceed the most recent year's change in the Consumer Price Index for All Urban Consumers (CPI-U). Future contracting actions will be commensurate with City Council authorized work programs and approval of appropriations in future years' budgets.

BACKGROUND: The Integrated Waste Department currently has commercial bin containers of various sizes for refuse, recycling, wood/green waste recycling, and food waste service. The Department routinely repairs bin containers to maintain an adequate inventory to meet customer needs.

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

Prepared by: Benjamin Mayorga
Department: MU/Integrated Waste Department
City Manager Approval: 

Submitted to Council/O.H.A. 07/16/2019
Approved: _____
Continued to: _____
Denied: _____

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In April 2019, the City solicited bids based on estimated annual quantities and requested unit pricing for various size commercial bin containers, including 1.5 cubic yard (cy) bins, 3.0 cy bins, 4.0 cy bins and 6.0 cy bins. On May 23, 2019, 3 bids were received through the City's electronic bid management system in response to Bid No. 1122.

The following companies submitted bids:

<u>Company</u>	<u>Location</u>	<u>Unit Price Total (does not include tax)</u>			
		<u>1.5 CY</u>	<u>3 CY</u>	<u>4 CY</u>	<u>6 CY</u>
McLaughlin Waste Equipment	Galt, CA	\$481	\$599	\$691	\$870
Consolidated Fabricators Corp	Van Nuys, CA	\$518	\$639	\$758	\$1,021
Wastequip MFG, Inc.	Statesville, NC	\$618	\$725	\$855	\$1,055

Staff reviewed the bids for responsiveness and pricing criteria. Based on the proposed unit pricing and references received, staff recommends awarding Bid No. 1122 to McLaughlin Waste Equipment.

CITY OF ONTARIO

Agenda Report
July 16, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: PURCHASE OF LIGHT AND MEDIUM DUTY VEHICLE PARTS AND MATERIALS


RECOMMENDATION: That the City Council take the following actions:

- (A) Authorize the City Manager to execute a Goods and Services Agreement (on file with the Records Management Department) for the cooperative purchase and delivery of light and medium duty vehicle parts and materials in an estimated annual amount of \$150,000 from Carquest Auto Parts of Ontario, California, a subsidiary of Advanced Auto Parts Company of Atlanta, Georgia, consistent with the terms and conditions of the OMNIA Partners (formerly known as U.S. Communities) Cooperative Contract #2017000280;
- (B) Authorize the City Manager to execute a Goods and Services Agreement (on file with the Records Management Department) for the cooperative purchase and delivery of light and medium duty vehicle parts and materials in an estimated annual amount of \$100,000 from NAPA Auto Parts of Ontario, California, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract #0629-GPC; and
- (C) Authorize the addition of future acquisition and services; and the option to extend the agreements for up to two additional years consistent with the cooperative agreements and City Council approved budgets.

COUNCIL GOALS: Maintain the Current High Level of Public Safety
Operate in a Businesslike Manner
Pursue City's Goals and Objectives by Working with Other Governmental Agencies

FISCAL IMPACT: The Fiscal Year 2019-20 Adopted Operating Budget includes appropriations from the Equipment Services Fund in the amount of \$250,000 to procure parts and supplies for the City's light and medium duty fleet vehicles and equipment. Actual expenditures will be based on the fixed-unit pricing applied to the number of parts and the extent of services required.

STAFF MEMBER PRESENTING: Tito Haes, Executive Director Public Works

Prepared by: Michael Johnson
Department: Municipal Services
City Manager Approval: 

Submitted to Council/O.H.A. 07/16/2019
Approved: _____
Continued to: _____
Denied: _____

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At the City's discretion, two additional one-year extensions may be exercised with unit pricing that abides to the terms and conditions of the OMNIA Partners (formerly known as U.S. Communities) Cooperative Contract #2017000280 and Sourcewell (formerly known as NJPA) Cooperative Contract #0629-GPC. Future contracting actions will be commensurate with City Council authorized work programs and budgets. Contracting for the multi-year period allows the City to limit the potential for yearly cost increases, avoid the costs of re-bidding the contract annually, provide service continuity, and better project future costs.

BACKGROUND: The OMNIA Partners cooperative purchase contract expires on December 31, 2019 with the potential of two option years, and the Sourcewell contract expires on September 6, 2020 with the potential for an additional option year. The ability to efficiently purchase parts and materials on an as-needed basis will allow staff to maintain the City's fleet of over 400 light and medium duty vehicles which include cars, SUVs, trucks and trailers. The Fleet Services Department's procurement experience for regular purchases and deliveries of parts and materials is estimated to be \$250,000 annually.

In general conformance with the provisions of Government Code Sections 54201 through 54204, Ontario Municipal Code Section 2-6.29 allows for the purchase of supplies and equipment through cooperative purchasing programs, pursuant to California Government Code Section 6502 and City of Ontario Resolution No. 91-141. Cooperative purchasing allows the City to pool its procurement power with other public agencies to obtain lower pricing than otherwise might be possible.

CITY OF ONTARIO

Agenda Report
July 16, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: AWARD A SERVICES AGREEMENT FOR RIM REFURBISHMENT, TIRE REPAIR AND RETREAD SERVICES

RECOMMENDATION: That the City Council authorize the City Manager to execute a one-year Goods and Services Agreement (on file with the Records Management Department) for rim refurbishment, tire repair and retread services at set pricing levels per Bid No. 1135 with Daniels Tire Service Inc. of Santa Fe Springs, California; and authorize the option to extend the agreement for up to four additional years consistent with City Council approved Budgets.

COUNCIL GOALS: Maintain the Current High Level of Public Safety
Operate in a Businesslike Manner

FISCAL IMPACT: The Fiscal Year 2019-20 Adopted Operating Budget includes appropriations in the amount of \$400,000 in the Equipment Services Fund to cover the annual cost of tire related repairs and services required for the operation of the City's fleet.

At the City's sole discretion, four one-year extensions may be exercised which include base price increases not to exceed the change in the annual Consumer Price Index (CPI) for each option year. Future contracting actions will be commensurate with the City Council authorized work programs and budgets. Contracting for a multi-year period allows the City to avoid the cost of rebidding the contract annually, provides for service continuity, and better contains future years' costs.

BACKGROUND: The City routinely purchase tires and tire casings from suppliers on an as-needed basis for all City vehicles and equipment to ensure the safety to the public and our staff as they perform duties for the City. Actual expenditures will be based on the pricing fee structure set forth in the respective Goods and Services Agreement and consistent with Bid No. 1135.

STAFF MEMBER PRESENTING: Tito Haes, Executive Director Public Works

Prepared by: Michael Johnson
Department: Municipal Services
City Manager
Approval: 

Submitted to Council/O.H.A. 07/16/2019
Approved: _____
Continued to: _____
Denied: _____

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In June 2019, the City solicited bids for rim refurbishment, tire repair and retread services. Three responses were received, all of them met the bid criteria and standards necessary to perform the work. Companies that submitted Bids are as follows:

Vendor

Canyon Tires, Inc.

Daniels Tire Service, Inc.

Parkhouse Tire, Inc.

Location

Corona, CA

Santa Fe Springs, CA

Fontana, CA

Daniels Tire Service, Inc., located in Santa Fe Springs, California, submitted the lowest bid that met all the required specifications. Based on the bid responses, credentials, pricing, and responsive service, staff recommends the award of a Goods and Services Agreement to Daniels Tire Service, Inc.

CITY OF ONTARIO

Agenda Report
July 16, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION APPROVING THE FILING OF AN APPLICATION FOR GRANT FUNDS FOR THE STATEWIDE PARK DEVELOPMENT AND COMMUNITY REVITALIZATION PROGRAM


RECOMMENDATION: That the City Council take the following actions:

- (A) Adopt a resolution approving the filing of an application for grant funds through the State Department of Parks and Recreation for the Statewide Park Development and Community Revitalization Grant Program under the California Drought, Water, Parks, Climate, Coastal Protection and Outdoor Access for All Act of 2018 (Proposition 68) for the Galanis Park Revitalization project; and
- (B) Authorize the City Manager to execute any documents or agreements, such as memorandums of understanding to complete the application and implement the program.

COUNCIL GOALS: Invest in the Growth and Evolution of the City's Economy
Pursue City's Goals and Objectives by Working with Other Governmental Agencies
Focus Resources in Ontario's Commercial and Residential Neighborhoods
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)
Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities

FISCAL IMPACT: The California Drought, Water, Parks, Climate, Coastal Protection and Outdoor Access for All Act of 2018 (Proposition 68) through the State Department of Parks and Recreation authorized the Statewide Park Development and Community Revitalization Grant Program to award grants on a competitive basis with potential grant request amounts up to, but not more than \$8,500,000. The project recommended in the grant application is the Galanis Park Revitalization project with requested grant funds not to exceed the \$8,500,000. Matching funds are not required.

STAFF MEMBER PRESENTING: Tio Haes, Executive Director Public Works

Prepared by: Stacy Orton
Department: Public Works Agency
City Manager Approval: 

Submitted to Council/O.H.A. 07/16/2019
Approved: _____
Continued to: _____
Denied: _____

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BACKGROUND: The intent of the Statewide Park Development and Community Revitalization Grant Program is to finance the development of new parks and new recreation opportunities in critically underserved communities. The Galanis Park Revitalization project is consistent with the grant program criteria including community-based planning to develop ideas and design preferences for new recreational features, such as but not limited to: exercise equipment, splash pad, restroom, playground, public art, landscaping and general park amenities. The new recreation features will enhance this open green space park and add to the walking trail element that will be completed within an existing project approved by the City Council. The recommended resolution of the City Council is a mandatory requirement of the State Department of Parks and Recreation grant application process.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE APPLICATION FOR STATEWIDE PARK DEVELOPMENT AND COMMUNITY REVITALIZATION PROGRAM GRANT FUNDS.

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Statewide Park Development and Community Revitalization Grant Program, setting up necessary procedures governing the application; and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the Applicant to certify by resolution the approval of application before submission of said application to the State; and

WHEREAS, successful Applicants will enter into a contract with the State of California to complete the Grant Scope project;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Ontario hereby Approves the filing of an application for the Galanis Park Revitalization project, and

1. Certifies that said Applicant has or will have available, prior to commencement of any work on the project included in this application, the sufficient funds to complete the project; and

2. Certifies that if the project is awarded the Applicant has or will have the sufficient funds to operate and maintain the project, and

3. Certifies that the Applicant has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Grant Administration Guide; and

4. Delegates the authority to the City Manager to conduct all negotiations, sign and submit all documents, including, but not limited to, applications, agreements, amendments, payment requests, which may be necessary for the completion of the Grant Scope; and

5. Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines.

6. Will consider promoting inclusion per Public Resources Code §80001(b)(8 A-G).

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

PASSED, APPROVED, AND ADOPTED this 16th day of July 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

COLE HUBER 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. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 16, 2019 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. 2019- duly passed and adopted by the Ontario City Council at their regular meeting held July 16, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
July 16, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: STUDENT REPRESENTATIVE AND ALTERNATE APPOINTMENTS TO THE RECREATION AND PARKS COMMISSION FOR 2019-20 AND RECOGNITION OF THE CURRENT STUDENT REPRESENTATIVE AND ALTERNATE FOR THE YEAR SERVED 2018-19

RECOMMENDATION: That the City Council confirm Ontario High School's Jennifer Camarena as the Student Representative, and Chaffey High School's Julissa Soto as the Alternate to the Recreation and Parks Commission for the term to expire June 30, 2020; and recognize Brittney Zendejas, of Colony High School, for serving as the Student Representative and Venus Medina, of Ontario High School, for serving as the Student Representative Alternate for the past year.

COUNCIL GOALS: Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities

FISCAL IMPACT: None.

BACKGROUND: The Student Representative Program was approved by the City Council on January 15, 2002. The Student Representative is an ex-officio member of the Recreation and Parks Commission. Since its inception, twenty-eight (28) students have participated in the program.

A recruitment process was conducted to include all local high schools and City teen programs. Candidate finalists were invited to the Recreation and Parks Commission meeting on June 24, 2019 for the final selection process before being presented to the City Council. These appointments represent the recommendation of the Recreation and Parks Commission.

STAFF MEMBER PRESENTING: Julie Dorey, Recreation & Community Services Director

Prepared by: Kathy Hickey
Department: Recreation & Community Services
City Manager Approval: 

Submitted to Council/O.H.A. 07/16/2019
Approved: _____
Continued to: _____
Denied: _____

CITY OF ONTARIO

Agenda Report
July 16, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A CONSTRUCTION CONTRACT FOR THE INSTALLATION OF AN ABOVE GROUND WATER TANK SYSTEM AT 9456/9465 EAST SCHAEFER AVENUE

RECOMMENDATION: That the City Council approve the plans and specifications and award Contract No. UT 1033 (on file with the Records Management Department) to Fleming Environmental, Inc. of Fullerton, California, for the installation of an above ground water tank system at 9456/9465 East Schaefer Avenue, in the amount of \$106,284 plus a 15% contingency of \$15,943, for a total amount of \$122,227; and authorize the City Manager to execute said contract and file a Notice of Completion at the conclusion of all construction activities related to the project.

COUNCIL GOALS: Pursue City's Goals and Objectives by Working with Other Governmental Agencies
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: The Fiscal Year 2019-20 Adopted Five-Year Capital Improvement Program Budget includes appropriations from the Water Capital Fund for this project. The recommended construction contract is for \$106,284 plus a 15% contingency of \$15,943, for a total amount of \$122,227. Under a cost sharing agreement with the City of Upland, 16.7% of the construction and annual operating and maintenance costs will be reimbursed from Upland back to the Water Capital Fund. There is no impact to the General Fund.

BACKGROUND: In September 2016, the Santa Ana Regional Water Quality Control Board issued a Stipulated Settlement and Cleanup and Abatement Order (Stipulated CAO) to address the impacts of the South Archibald Trichloroethylene (TCE) Plume. Under the Stipulated CAO, Ontario and Upland are responsible for continued implementation of the alternative water supply program. This program currently involves the operation, maintenance, and weekly delivery of potable water to tank systems serving 37 consenting residences whose private wells have been impacted by the plume. The subject property at 9465/9465 East Schaefer Avenue is located within the plume area and utilizes private wells for domestic water service which have been impacted by the plume. The property owner has requested to be included in the water supply program and has provided their required consent.

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

Prepared by: Cynthia Heredia-Torres
Department: MU/Engineering
City Manager Approval: 

Submitted to Council/O.H.A. 07/16/2019
Approved: _____
Continued to: _____
Denied: _____

16

The project consists of installing two (2) 5,000-gallon above ground water storage tanks, approximately 300 linear feet of water pipeline and approximately 200 linear feet of electrical conduit; a water pump, electrical controls, and all related appurtenances.

On May 23, 2019, six (6) bids were received through the City's electronic bid management system in response to Bid No. 1114. The bids ranged from \$106,284 to \$169,000. The bids are summarized below.

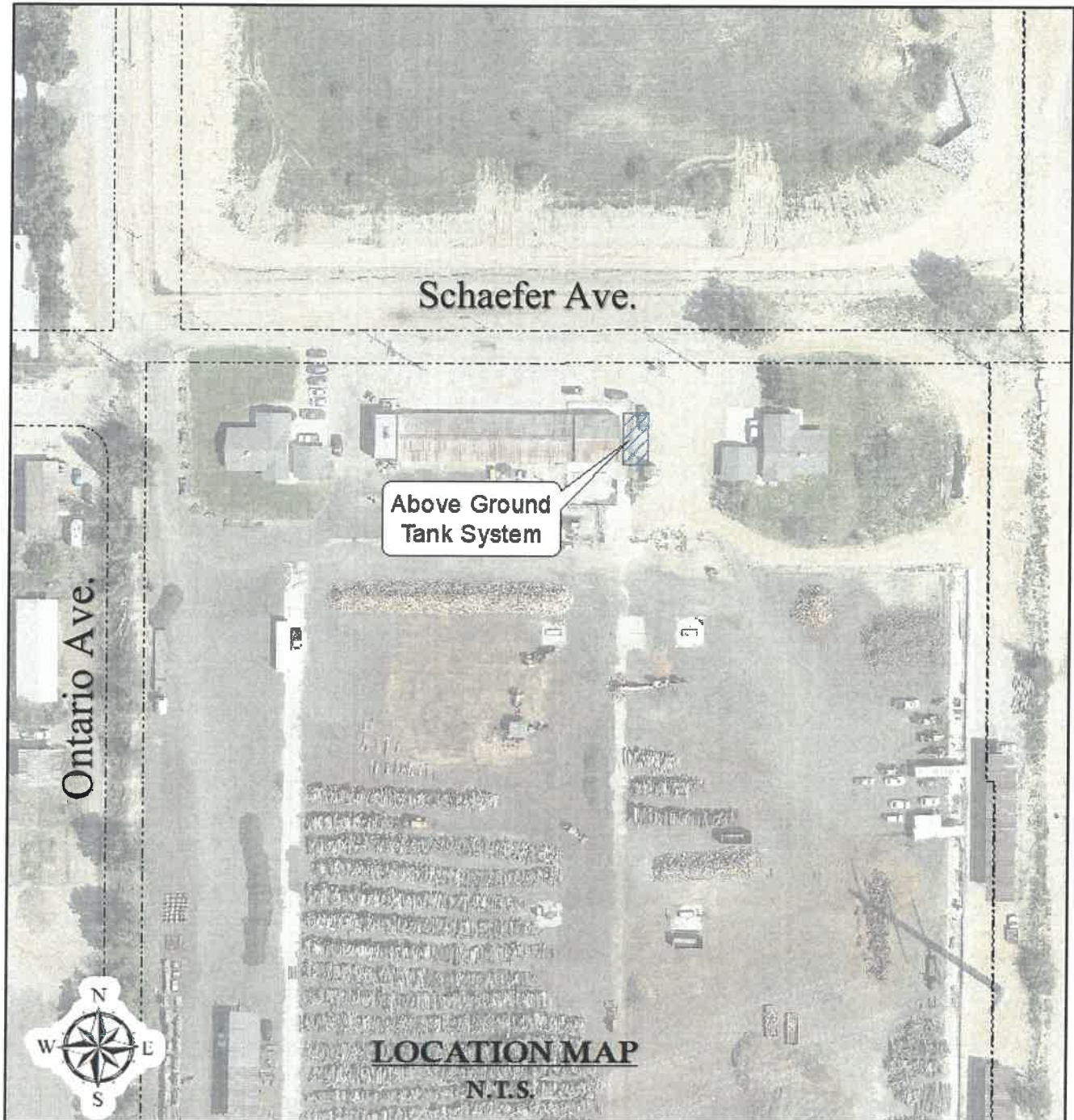
<u>Bidder</u>	<u>Location</u>	<u>Amount</u>
Fleming Environmental Inc.	Fullerton, CA	\$106,284
American Pipeline	Monrovia, CA	\$110,000
EEC Environmental	Orange, CA	\$124,300
TK Construction	San Bernardino, CA	\$126,360
Cora Constructors Inc.	Palm Desert, CA	\$127,000
Norstar Plumbing & Engineering, Inc.	Alta Loma, CA	\$169,000

Staff recommends award to Fleming Environmental, Inc. of Fullerton, California, based on their expertise, ability to perform the work in a timely manner, and their successful completion of this type of work in the past.

ENVIRONMENTAL REVIEW: The implementation of the alternative water supply program is pursuant to the Stipulated CAO and is exempt from the provisions of CEQA, in accordance with California Code of Regulations (CCR), title 14, sections 15308 and 15330. Thus, no further CEQA analysis is required.



CONTRACT NO. UT1033
Installation of Above Ground Water Tank System
at 9456/9465 E Schaefer Avenue



CITY OF ONTARIO

Agenda Report
July 16, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: PURCHASE OF WATER SYSTEM MATERIALS

RECOMMENDATION: That the City Council authorize the City Manager to execute one-year Goods and Services Agreements (on file with the Records Management Department) for the procurement of miscellaneous waterworks materials in the amount of \$175,000 with S & J Supply Co., Inc. of Santa Fe Springs, California; \$175,000 with United Water Works of Santa Ana, California; and \$180,000 with Armorcast Products Company of North Hollywood, California, at the set pricing levels per Bid No. 1132; and authorize up to four one-year extension options subject to future years' City Council approved budgets.


COUNCIL GOALS: Operate in a Businesslike Manner
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: The Adopted Fiscal Year 2019-20 Operating Budget includes \$530,000 of appropriations of in the Water Operating Fund to cover the annual cost of parts and supplies required for water system maintenance and repairs. Actual expenses will be based upon work performed, fee structures, and material billing rates set forth in the respective Goods and Services Agreements. There is no impact to the General Fund.

At the City's discretion, four additional one-year extensions may be exercised. Pricing for these future years will be negotiated, and any increases shall not exceed 3 percent per year. Future contracting actions will be commensurate with City Council authorized work programs and approval of appropriations in future years' budgets.

BACKGROUND: The City's water distribution system contains over 582 miles of pipeline that are maintained by the City. This action will provide the materials for planned maintenance and emergency repairs due to sudden and unexpected system failures. The bid establishes pricing for specific parts and supplies needed for the maintenance and repair to the water system.

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

Prepared by: Don Meyer
Department: MU/Utilities
City Manager Approval: 

Submitted to Council/O.H.A. 07/16/2019
Approved: _____
Continued to: _____
Denied: _____

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In May 2019, the City solicited bids based on estimated annual quantities and requested unit pricing for specific parts and supplies. On May 29, 2019, 8 bids were received through the City's electronic bid management system in response to Bid No. 1132.

Companies that submitted bids are as follows:

<u>Name</u>	<u>Location</u>
American Material Company	Lake Elsinore, CA
Armorcast Products Company	North Hollywood, CA
Core & Main	Perris, CA
Ferguson Waterworks	Menifee, CA
J. W. D'Angelo Co., Inc.	La Habra, CA
S & J Supply Co., Inc.	Santa Fe Springs, CA
United Water Works	Santa Ana, CA
Western Water Works Supply Company	Chino Hills, CA

Staff reviewed the bids for responsiveness and pricing criteria. Not all bidders are able to provide many of the items sought. Based on the proposed unit pricing and estimated quantities of the most commonly purchased materials, staff evaluated bid responses and recommends awarding the bid to Armorcast Products Company, S & J Supply Co., Inc. and United Water Works. By awarding to these multiple suppliers, the City can obtain lower per unit pricing and help ensure availability of items for urgency repairs to the City's water system.

CITY OF ONTARIO

Agenda Report
July 16, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: AN AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT FOR UTILITY ENGINEERING SERVICES

RECOMMENDATION: That the City Council authorize the City Manager to execute an amendment to a professional services agreement (on file with the Records Management Department) with AKM Consulting Engineers of Irvine, California in the amount of \$200,000 and adding two years to the current term; and authorize the City Manager to extend the agreement for up to two (2) additional one (1) year periods consistent with City Council approved budgets.

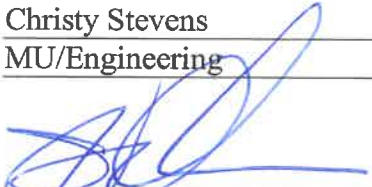
COUNCIL GOALS: Operate in a Businesslike Manner
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)
Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community

FISCAL IMPACT: The recommended amendment will add \$200,000 to the original contract, bringing the total contract amount to \$290,000, and will extend the current term by two years. The Fiscal Year 2019-20 Adopted Capital Budget includes appropriations from the Water and Sewer Funds for these services.

AKM has agreed to the fixed billing rates set forth in the agreement for two years, and will be compensated for required on-call services as-needed over the next two years. At the City's discretion, up to two (2) additional one-year extensions may be executed. Pricing for the option years will be negotiated annually but will not exceed an increase of 3% per year. The total compensation paid to AKM in any option year under the terms of this agreement will be commensurate with City Council authorized work plans and budgets for the respective fiscal years. There is no impact to the General Fund.

BACKGROUND: The Water and Sewer Master Plans identify the respective water and sewer system infrastructure necessary to serve existing and future residents and businesses of the City. Hydraulic modeling and analysis of these systems determines near and long-term improvements in support of the City's ongoing Capital Improvement Program as well as for the planning and design of improvements associated with new development.

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

Prepared by: Christy Stevens
Department: MU/Engineering
City Manager Approval: 

Submitted to Council/O.H.A. 07/16/2019
Approved: _____
Continued to: _____
Denied: _____

18

AKM was selected through a competitive RFP process to prepare the existing 2012 Water and Sewer Master Plans. Since that time, AKM has continued to provide as-needed utility engineering services to include updating the water and sewer hydraulic models developed with the master plans, preparing feasibility studies and various technical studies evaluating infrastructure needs for new development, and evaluating fire flow availability.

The current Professional Services Agreement with AKM for utility engineering services was executed on December 1, 2017. This amendment will allow AKM to continue to provide such services based on their engineering expertise and successful completion of such work for the City, and provide for continuity and efficiency in supporting the Municipal Utilities Company's ongoing water and sewer planning efforts.

CITY OF ONTARIO

Agenda Report
July 16, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A PROFESSIONAL SERVICES AGREEMENT WITH AEGIS ENGINEERING MANAGEMENT FOR ON-CALL RECYCLED WATER CROSS-CONNECTION AND OVERSPRAY TESTING SERVICES

RECOMMENDATION: That the City Council approve and authorize the City Manager to execute a one year Professional Services Agreement (on file with the Records Management Department) with Aegis Engineering Management of San Diego, California, for recycled water cross-connection and overspray testing services at a cost not to exceed \$100,000 with the option to extend the agreement for up to four successive one-year periods.

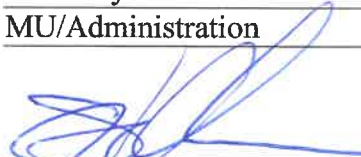
COUNCIL GOALS: Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: The Fiscal Year 2019-20 Adopted Operating Budget includes appropriations from the Water Operating Fund for these services. Annual expenditures are estimated at \$100,000 and will be based on actual services provided at the contracted rates fixed in order to meet operational requirements. The pricing structure for the first year of the agreement is fixed. There is no impact to the General Fund.

At the City's discretion, up to four additional one-year extensions may be exercised. Pricing for these future years will be negotiated, and any increases shall not exceed 3% per year. Future contracting actions will be commensurate with City Council authorized work programs and approval of appropriations in future years' budgets.

BACKGROUND: The City currently serves approximately 8,200 acre-feet of recycled water annually to about 385 customers. In order to make the best use of available water supplies, recycled water service continues to expand and is planned to meet over 20% of the City's ultimate water demand. The State Water Resource Control Board requires the City to perform annual cross-connection and overspray testing at every recycled water connection site.

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

Prepared by: Don Meyer
Department: MU/Administration
City Manager Approval: 

Submitted to Council/O.H.A. 07/16/2019
Approved: _____
Continued to: _____
Denied: _____

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In April 2019, the City solicited bids based on unit pricing for estimated quantities of specific tasks. On April 26, 2019, two (2) bids were received through the City's electronic bid management system in response to Bid No. 1114.

A summary of the bid results follows:

<u>Company</u>	<u>Location</u>	<u>Combined Task Unit Price</u>
Aegis Engineering Management	San Diego, CA	\$65,700
T.R. Holliman & Associates	Highland, CA	\$78,950

Staff recommends that Bid No. 1114 be awarded to Aegis Engineering Management as the lowest responsive bid. Bid prices submitted were based on task descriptions and a cost per task. Additional tasks may be requested by the City based on the scope of work necessary to complete the annual work program, and those costs are incorporated into the department's budget. Aegis Engineering Management just completed a three year contract with the City for similar services. The company's staff is reliable and knowledgeable regarding City of Ontario's recycled water customers and the State's recycled water regulations.

CITY OF ONTARIO

Agenda Report
July 16, 2019

SECTION:
PUBLIC HEARINGS

SUBJECT: ANNUAL LEVY OF ASSESSMENTS WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NOS. 1, 2, 3 AND 4 FOR FISCAL YEAR 2019-20


RECOMMENDATION: That the City Council take the following actions pertaining to the levy of assessments within Ontario Parkway Maintenance Assessment Districts (OPMAD) Nos. 1, 2, 3 and 4:

- (A) Conduct a combined public hearing on the levy of the annual assessments for each district;
- (B) Consider and adopt a resolution approving the Engineer's Reports relating to the levy of assessments for each district; and
- (C) Consider and adopt resolutions confirming the diagrams and assessments, and providing for the assessment levy within each district.

COUNCIL GOALS: Focus Resources in Ontario's Commercial and Residential Neighborhoods Operate in a Businesslike Manner

FISCAL IMPACT: As proposed, special assessment revenue will be generated in the amount of \$285,616 from OPMAD Nos. 1, 2 and 3, and \$331,004 from OPMAD No. 4 during Fiscal Year 2019-20. The total cost of \$591,084 for operation and maintenance within OPMAD Nos. 1, 2 and 3 will exceed the assessment revenues by \$305,468. The differential will be funded from the General Fund. The General Fund portion is included in the City's Adopted Fiscal Year 2019-20 Operating Budget. The total proposed special assessment for OPMAD No. 4 is sufficient to pay all expenses within this service area. The special assessments for OPMAD Nos. 1, 2, and 3, Zone 2000-1, are capped, so there are no proposed changes from the FY 2018-19 special assessments. The recommended special assessment rate for OPMAD No. 3, Zone 2000-2, includes an increase of 2.8% from the FY 2018-19 rate. As proposed, the average increase in the recommended special assessment rates for the six maintenance areas in OPMAD No. 4 is 2.8%.

STAFF MEMBER PRESENTING: Armen Harkalyan, Executive Director of Finance

Prepared by: Bob Chandler
Department: General Services
City Manager Approval: 

Submitted to Council/O.H.A. 07/16/2019
Approved: _____
Continued to: _____
Denied: _____

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BACKGROUND: The first of these districts was formed in 1976 pursuant to the Landscaping and Lighting Act of 1972 (the “1972 Act”). Additional territories are annexed to the districts from time to time as development proceeds. The districts were formed to help minimize the continually increasing cost of maintaining and operating the landscaping along public streets where the property owners do not have direct access to the landscaping. A special assessment is levied annually on benefiting properties for the cost of operation and maintenance of certain parkway landscaping facilities within the districts. The City’s Public Works Agency establishes the annual operation and maintenance costs and administers the maintenance of the landscaping. Annually, an Engineer’s Report for each district must be prepared which apportions these costs to each parcel within the districts. The locations of the districts are shown on the provided maps.

OPMAD Nos. 1, 2, and 3 are comprised of single-family residential developments. Due to varying characteristics, the districts are organized into benefit zones and/or maintenance areas. Each zone/maintenance area is assessed for only the operation and maintenance of the facilities from which it receives special direct benefit. The total assessment for each maintenance area is then apportioned to its constituent parcels.

Special assessment revenue will be generated in the combined amount of \$285,616 from OPMAD Nos. 1, 2 and 3. The assessed tax rates for Fiscal Year 2018-19, and the maximum and proposed tax rates for Fiscal Year 2019-20, are as follows:

	Prior Year 2018-19	Maximum 2019-20	Proposed 2019-20
OPMAD No. 1	\$ 66.32 per Lot	\$ 66.32 per Lot	\$ 66.32 per Lot
OPMAD No. 2	\$ 34.04 per Lot	\$ 34.04 per Lot	\$ 34.04 per Lot
OPMAD No. 3, Zone 2000-1	\$ 41.29 per Lot	\$ 41.29 per Lot	\$ 41.29 per Lot
OPMAD No. 3, Zone 2000-2	\$ 181.30 per Lot	\$ 233.27 per Lot	\$ 186.38 per Lot

OPMAD No. 4 is comprised of single-family residential tracts and the Ontario Mills development area. The district is organized into six Maintenance Areas (MAs). Each maintenance area is assessed for only the operation and maintenance of the facilities from which it receives direct special benefit. The total assessment for each maintenance area is then apportioned to its constituent parcels.

The assessments for OPMAD No. 4 will generate a total of \$331,004. OPMAD No. 4 will generate sufficient revenue to pay all expenses within the service area. The assessed tax rates for Fiscal Year 2018-19, and the maximum and proposed tax rates for Fiscal Year 2019-20, are as follows:

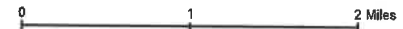
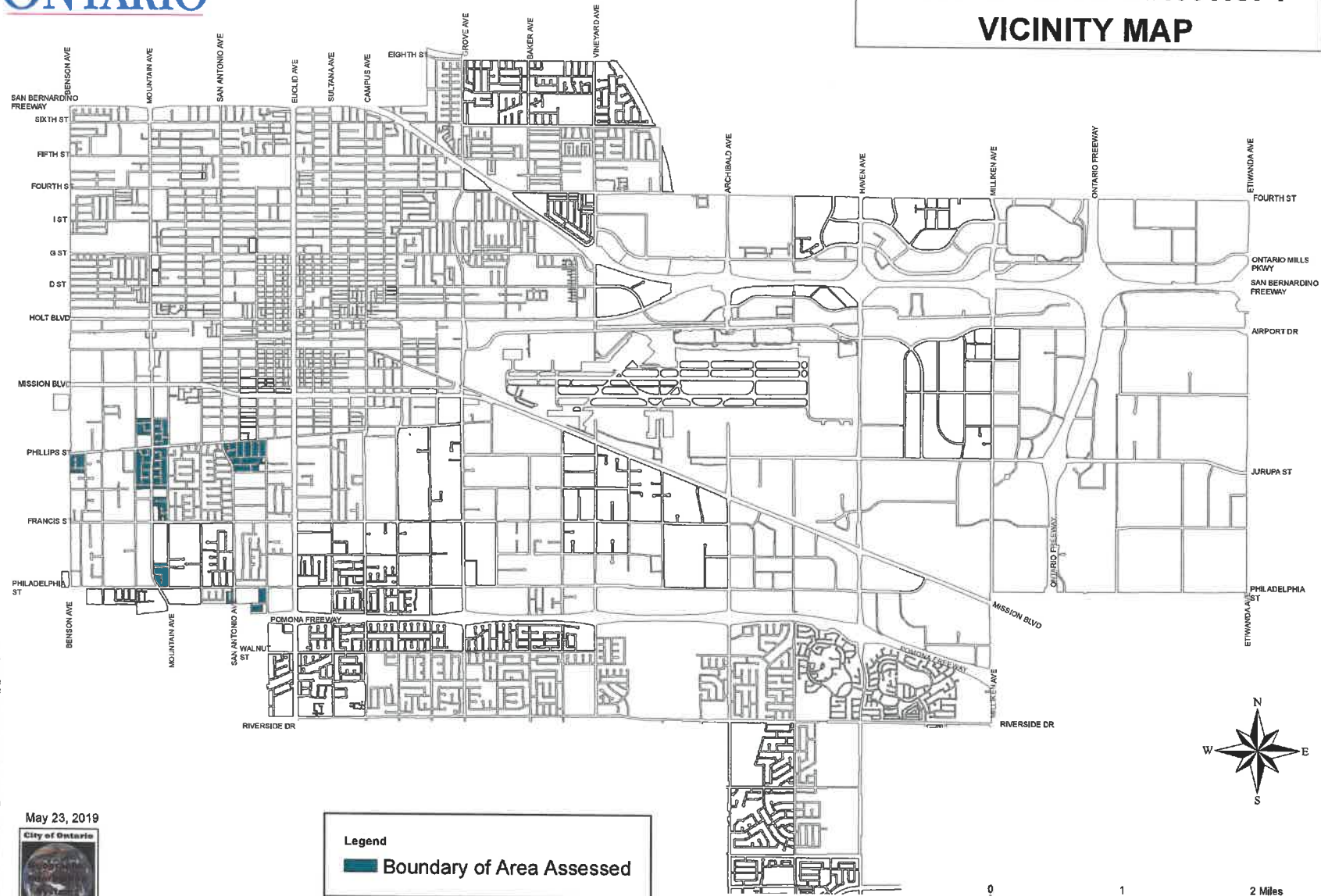
	Prior Year 2018-19	Maximum 2019-20	Proposed 2019-20
MA# 99-1	\$ 54.13 per Lot	\$ 56.76 per Lot	\$ 55.65 per Lot
MA# 99-2	\$ 342.41 per Lot	\$ 358.05 per Lot	\$ 352.00 per Lot
MA# 99-3	\$ 1,063.98 per Acre	\$ 1,285.65 per Acre	\$ 1,093.77 per Acre
MA# 00-1	\$ 257.62 per Lot	\$ 352.62 per Lot	\$ 264.84 per Lot
MA# 04-1	\$ 1,036.26 per Lot	\$ 2,246.13 per Lot	\$ 1,065.26 per Lot
MA# 05-1	\$ 1,423.67 per Lot	\$ 2,784.19 per Lot	\$ 1,463.53 per Lot

On June 18, 2019, the City Council adopted resolutions which ordered the preparation of Engineer's Reports for the annual levy of assessments within each district, preliminarily approved the Engineer's Reports, declared Council's intention to levy and collect assessments within the districts for the referenced fiscal year, and set July 16, 2019 as the date for the public hearing for each district. Notices of the public hearings have been published and proof of publication is on file with the Records Management Department.

The Engineer's Reports, which have been prepared for each district pursuant to the 1972 Act, are on file with the Records Management Department. Each report includes plans and specifications for the improvements and maintenance, an estimate of costs, a diagram of the area proposed to be assessed, and an assessment of the costs to the various parcels within each District.



Ontario Parkway Maintenance Assessment District No. 1 VICINITY MAP



Legend

Boundary of Area Assessed

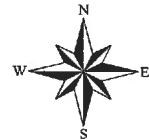
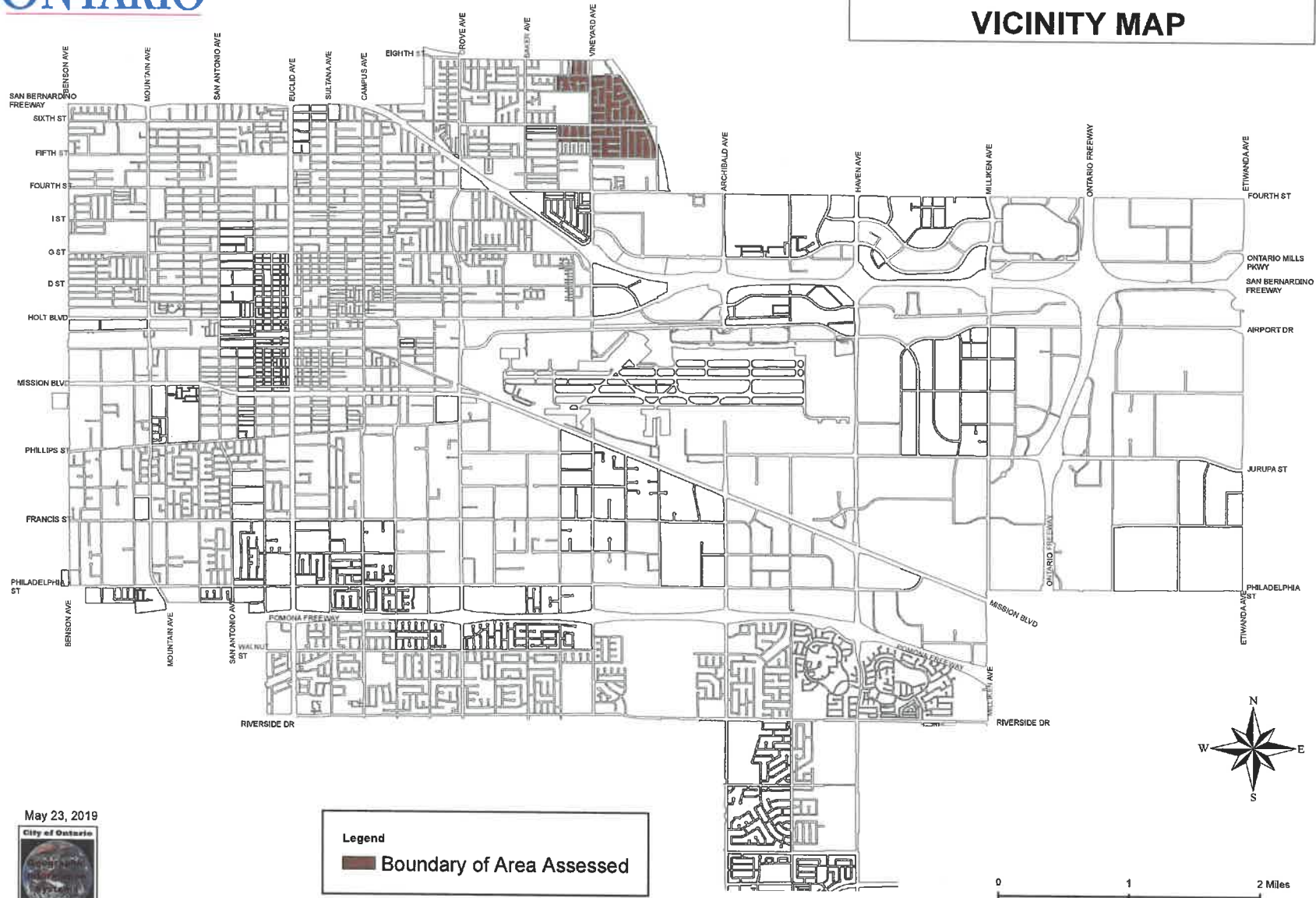
May 23, 2019



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Ontario Parkway Maintenance Assessment District No. 2 VICINITY MAP



Legend
■ Boundary of Area Assessed

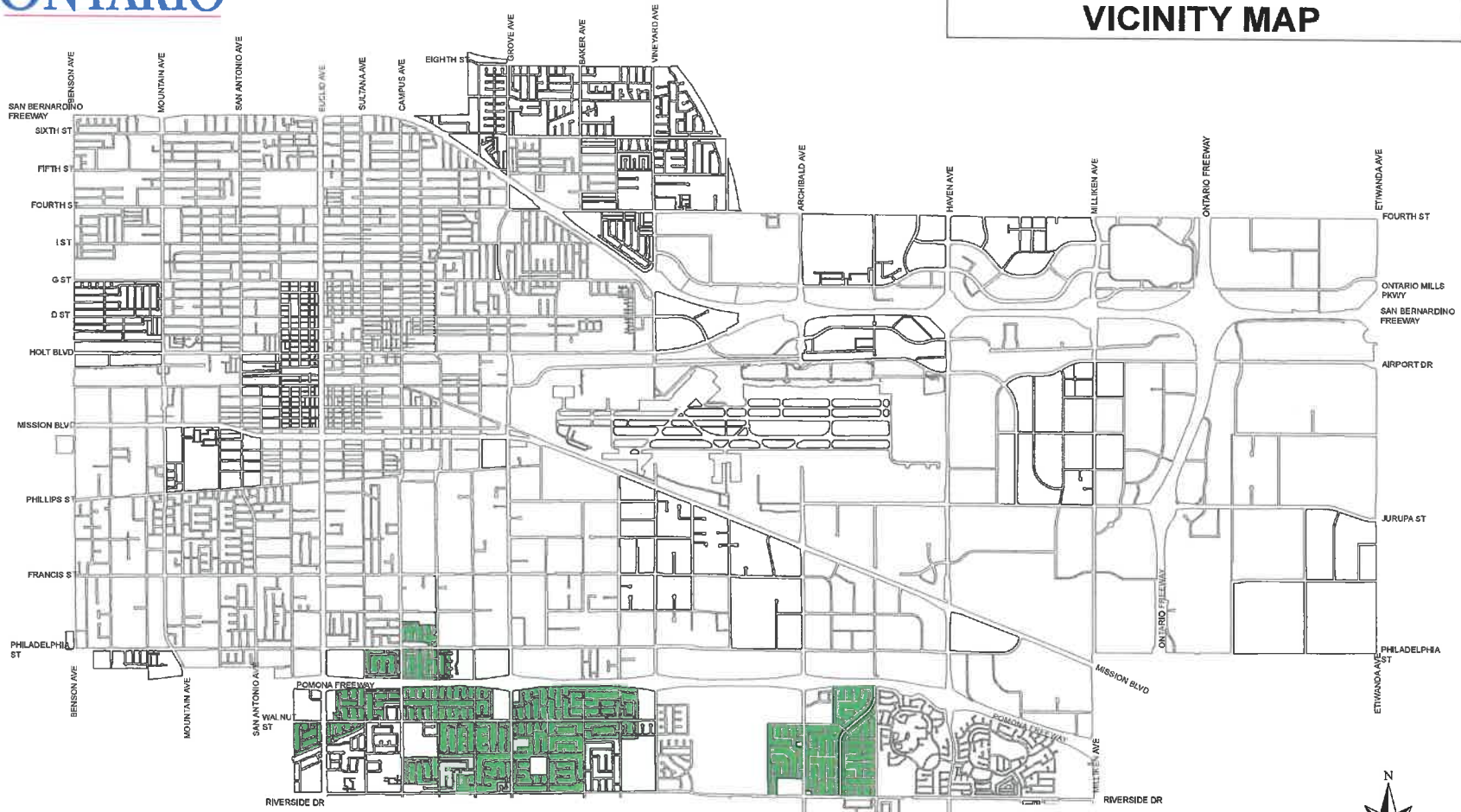
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Ontario Parkway Maintenance Assessment District No. 3 VICINITY MAP



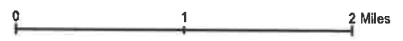
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May 23, 2019



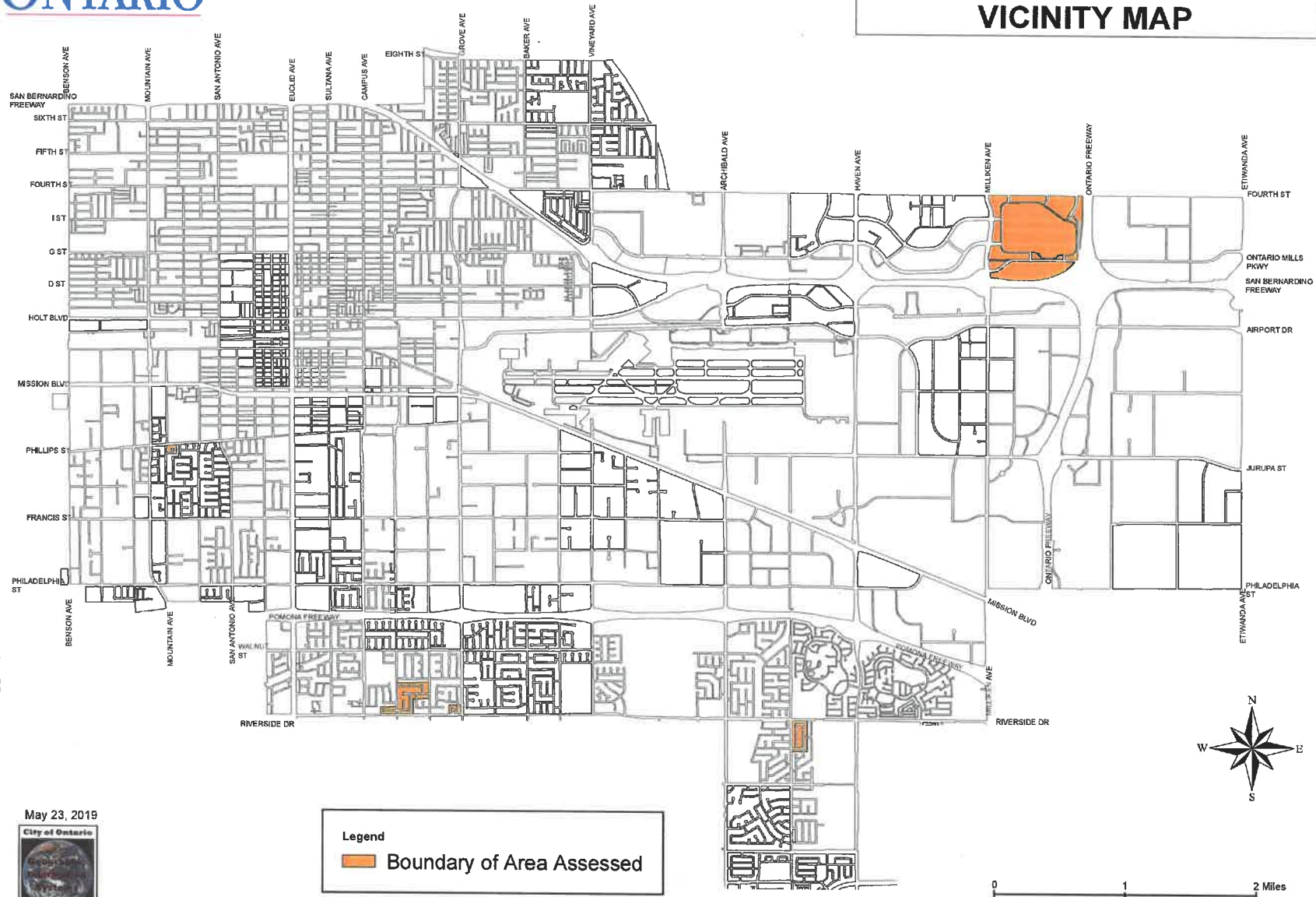
Legend

- Boundary of Zone 2000-1
- Boundary of Zone 2000-2





Ontario Parkway Maintenance Assessment District No. 4 VICINITY MAP




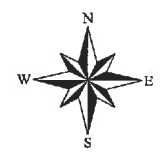
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May 23, 2019



Legend

 Boundary of Area Assessed



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE ENGINEER'S REPORTS FOR THE ANNUAL LEVY OF ASSESSMENTS WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2, 3 AND 4 FOR FISCAL YEAR 2019-20.

WHEREAS, the City Council of the City of Ontario, California, pursuant to the provisions of the "Landscaping and Lighting Act of 1972," being Division 15, Part 2, of the Streets and Highways Code of the State of California, did, by previous Resolution, order the preparation of Engineer's Reports for the annual levy of assessments, consisting of plans and specifications, cost estimates, diagrams of the districts, and the assessment relating to what are now known and designated as

CITY OF ONTARIO
PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2, 3 and 4

(hereinafter referred to as the Districts); and

WHEREAS, there have now been presented to this City Council the Reports as required by said Division 15 of the Streets and Highways Code and as previously directed by Resolution; and

WHEREAS, this City Council has approved on a preliminary basis the Reports by a previous Resolution, and ordered the Reports to be filed in the Records Management Department to be open to public inspection; and

WHEREAS, this City Council has now examined and reviewed the Reports as presented, and is satisfied with each and all of the items and documents as set forth therein, and is satisfied that the assessments have been spread in accordance with the benefits received from the maintenance to be performed as set forth in said Reports.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. That the above recitals are all true and correct.

SECTION 2. That the Reports as presented, consisting of the following:

- A. Plans and Specifications,
- B. Estimates of cost,
- C. Diagrams of the Districts, and
- D. Assessment of the estimated cost

Are hereby approved, and are ordered to be filed in the Records Management Department, as a permanent record and to remain open to public inspection.

SECTION 3. That the City Clerk shall certify the passage and adoption of this Resolution, and the minutes of this meeting shall so reflect the presentation of the Engineer's Reports.

PASSED, APPROVED, AND ADOPTED this 16th day of July 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

COLE HUBER 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. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 16, 2019 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. 2019- duly passed and adopted by the Ontario City Council at their regular meeting held July 16, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CONFIRMING THE DIAGRAMS AND ASSESSMENTS, AND PROVIDING FOR THE ANNUAL ASSESSMENT LEVY WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2 AND 3 FOR FISCAL YEAR 2019-20.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings for the annual levy of assessments in special maintenance districts pursuant to the terms and provisions of the "Landscaping and Lighting Act of 1972," being Division 15, Part 2, of the Streets and Highways Code of the State of California in what is known and designated as

CITY OF ONTARIO
PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2 AND 3

(hereinafter referred to as the Districts); and

WHEREAS, the City Council has ordered the preparation of the Engineer's Reports, and the Engineer's Reports have been prepared and filed with this City Council pursuant to law for its consideration, and subsequently thereto this City Council did adopt its Resolution of Intention to levy and collect assessments for the referenced fiscal year relating to the above referenced Districts, and further did proceed to give notice of the time and place for a Public Hearing on all matters relating to said annual levy of the proposed assessments; and

WHEREAS, at this time this City Council has heard all testimony and evidence and is desirous of proceeding with said annual levy of assessments.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. That the above recitals are all true and correct.

SECTION 2. That upon the conclusion of the Public Hearing, written protests filed and not withdrawn are hereby overruled and denied.

SECTION 3. That the estimates of costs, the assessment diagrams, the assessments and all other matters, as set forth in the Engineer's Reports pursuant to said "Landscaping and Lighting Act of 1972," as submitted, are hereby approved, adopted by this City Council, and hereby confirmed.

SECTION 4. That this City Council hereby confirms and orders the annual levy of the assessments for the referenced fiscal year in the amounts as set forth in the Engineer's Reports, and as referred to in the Resolution of Intention as previously adopted relating to said annual assessment levy.

SECTION 5. That the adoption of this Resolution constitutes the levy of the assessments for the referenced fiscal year.

SECTION 6. That the maintenance work of improvements contemplated by the Resolution of Intention shall be performed pursuant to law.

SECTION 7. That the County Auditor shall enter on the County Assessment Roll the amount of the Assessment, and said Assessment shall then be collected at the same time and in the same manner as the County taxes are collected. After collection by said County, the net amount of the assessment shall be paid to the City Treasurer of said City.

SECTION 8. That the City Treasurer has previously established a special fund into which the City Treasurer shall place all monies collected by the Tax Collector pursuant to the provisions of the Resolution and the law, and said transfer shall be made and accomplished as soon as said monies have been made available to said City Treasurer.

SECTION 9. That the City Manager is hereby ordered and directed to file, or cause to be filed, the assessment roll with the County Auditor, together with a certified copy of this Resolution upon its adoption.

SECTION 10. That a certified copy of the assessments and diagrams shall be filed in the Office of the City Manager, with a duplicate copy on file in the Records Management Department and open for public inspection.

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

PASSED, APPROVED, AND ADOPTED this 16th day of July 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

COLE HUBER 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. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 16, 2019 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. 2019- duly passed and adopted by the Ontario City Council at their regular meeting held July 16, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT AND PROVIDING FOR THE ANNUAL ASSESSMENT LEVY WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICT NO. 4 FOR FISCAL YEAR 2019-20.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings for the levy of the annual assessment in a special maintenance district created pursuant to the terms of the "Landscaping and Lighting Act of 1972", being Division 15, Part 2 of the Streets and Highways Code of the State of California (the "Landscaping Act"), Article XIID of the Constitution of the State of California ("Article XIID") and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following) (the "Implementation Act") (the Landscaping Act, Article XIID and the Implementation Act may be referred to collectively herein as the "Assessment Law"), in a special maintenance district known and designated as

CITY OF ONTARIO
PARKWAY MAINTENANCE ASSESSMENT DISTRICT NO. 4

(hereinafter referred to as the "District"); and

WHEREAS, the City Council has ordered the preparation of an Engineer's Report, and such a report (the "Assessment Engineer's Report") has been prepared and filed with this City Council for its consideration pursuant to Assessment Law, and subsequently thereto this City Council did adopt its Resolution of Intention to levy and collect assessments for the referenced fiscal year relating to the above-referenced District, and further did proceed to give notice of the time and place for the Public Hearing on all matters relating to said annual levy of the proposed assessment; and

WHEREAS, at this time this City Council has heard all testimony and evidence and is desirous of proceeding with said annual levy of assessments.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. That the above recitals are all true and correct.

SECTION 2. That upon the conclusion of the Public Hearing, written protests filed and not withdrawn are hereby overruled and denied.

SECTION 3. That based upon the Assessment Engineer's Report and the testimony and other evidence presented at the public hearing, the City Council hereby makes the following determinations regarding the assessments proposed to be imposed for the referenced Fiscal Year:

- A. The proportionate special benefit derived by each individual parcel assessed has been determined in relationship to the entirety of the cost of the operations and maintenance expenses.
- B. The assessments do not exceed the reasonable cost of the proportional special benefit conferred on each parcel.
- C. Only the special benefits have been assessed.
- D. There are no publicly owned parcels within the District.
- E. The assessments do not exceed the maximum annual assessments previously authorized to be levied pursuant to the Assessment Law.

The estimates of costs, the assessment diagram, the assessments and all other matters, as set forth in the Assessment Engineer's Report pursuant to the Assessment Law as submitted, are hereby approved, adopted by this City Council, and hereby confirmed.

SECTION 4. That this City Council hereby confirms and orders the annual levy of the assessments for the referenced fiscal year in the amounts as set forth in the Assessment Engineer's Report, and as referred to in the Resolution of Intention as previously adopted relating to said annual assessment levy.

SECTION 5. That the adoption of this Resolution constitutes the levy of the assessments for the fiscal year.

SECTION 6. That the maintenance work of improvements contemplated by the Resolution of Intention shall be performed pursuant to law.

SECTION 7. That the County Auditor shall enter on the County Assessment Roll the amount of the Assessment, and said Assessment shall then be collected at the same time and in the same manner as the County taxes are collected. After collection by said County, the net amount of the assessment shall be paid to the City Treasurer of said City.

SECTION 8. That the City Treasurer has previously established a special fund into which the City Treasurer shall place all monies collected by the Tax Collector pursuant to the provisions of the Resolution and the law, and said transfer shall be made and accomplished as soon as said monies have been made available to said City Treasurer.

SECTION 9. That the City Manager is hereby ordered and directed to file, or cause to be filed, the assessment roll with the County Auditor, together with a certified copy of this Resolution upon its adoption.

SECTION 10. That a certified copy of the assessment and diagram shall be filed in the Office of the City Manager, with a duplicate copy on file in the Records Management Department and open for public inspection.

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

PASSED, APPROVED, AND ADOPTED this 16th day of July 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

COLE HUBER 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. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 16, 2019 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. 2019- duly passed and adopted by the Ontario City Council at their regular meeting held July 16, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
July 16, 2019

SECTION:
PUBLIC HEARINGS

SUBJECT: ANNUAL LEVY OF ASSESSMENTS WITHIN STREET LIGHTING MAINTENANCE DISTRICTS NOS. 1 AND 2 FOR FISCAL YEAR 2019-20

RECOMMENDATION: That the City Council take the following actions pertaining to the levy of assessments within Street Lighting Maintenance Districts (SLMD) Nos. 1 and 2:


- (A) Conduct a combined public hearing on the levy of the annual assessments for each district;
- (B) Consider and adopt a resolution approving the Engineer's Reports relating to the levy of assessments for each district; and
- (C) Consider and adopt resolutions confirming the diagrams and assessments, and providing for the assessment levy for each District.

COUNCIL GOALS: Focus Resources on Ontario's Commercial and Residential Neighborhoods Operate in a Businesslike Manner

FISCAL IMPACT: As proposed, special assessment revenue will be generated in the amount of \$422,888 from SLMD No. 1 and \$102,365 from SLMD No. 2 during Fiscal Year 2019-20. A portion of the facilities within SLMD No. 1 provide general benefit to the public at large and cannot be funded with the assessment. The amount of general benefit is \$9,067 which is included in the Adopted Fiscal Year 2019-20 Budget General Fund. The total of the recommended assessments is increasing by an average of 2.87% for the two benefit zones within SLMD No. 1, and by 2.80% for the twelve maintenance areas in SLMD No. 2.

BACKGROUND: Street Lighting Maintenance District No. 1 was formed in 1984, and Street Lighting Maintenance District No. 2 was formed in 1999, pursuant to the Landscaping and Lighting Act of 1972 (the "1972 Act"), to help minimize the continually increasing cost for maintaining and operating the City's street lighting system. A special assessment is levied annually on benefiting properties for the

STAFF MEMBER PRESENTING: Armen Harkalyan, Executive Director of Finance

Prepared by: Bob Chandler
Department: General Services
City Manager Approval: 

Submitted to Council/O.H.A. 07/16/2019
Approved: _____
Continued to: _____
Denied: _____

21

cost of maintenance and operation of certain street lighting facilities within the districts. The locations of the districts are shown on the provided maps.

The City’s Municipal Services Department establishes the annual maintenance costs and maintains the street lighting system. An Engineer’s Report for each district must be prepared annually, apportioning the costs to each parcel within the districts. The districts are comprised of commercial, industrial and some multi-family residential properties. Due to varying characteristics, the districts are organized into benefit zones and/or maintenance areas. Each zone/maintenance area is assessed for only the operation and maintenance of the facilities from which it receives direct special benefit. The total assessment for each zone/maintenance area is then apportioned to its constituent parcels. Therefore, the assessments are unique and specific to each individual parcel of property.

The total assessment during tax year 2018-19 was \$411,074 in SLMD No. 1, and \$99,577 in SLMD No. 2. The proposed total assessments for tax year 2019-20 are \$422,888 in SLMD No. 1, and \$102,365 in SLMD No. 2. A portion of the facilities within SLMD No. 1 provide general benefit to the public at large and cannot be funded with the assessment. The amount of this general benefit is \$9,067 for Fiscal Year 2019-20. The assessed tax rates for Fiscal Year 2018-19, and the maximum and proposed tax rates for Fiscal Year 2019-20, are as follows:

		Prior Year 2018-19	Maximum 2019-20	Proposed 2019-20
SLMD No. 1, Zone 2000-1	per AU	\$ 143	\$ 151	\$ 147
SLMD No. 1, Zone 2000-2	per AU	\$ 72	\$ 124	\$ 74
SLMD No. 2, MA# 99-1		\$ 4,427	\$ 10,753	\$ 4,551
SLMD No. 2, MA# 99-2		\$ 2,287	\$ 5,348	\$ 2,351
SLMD No. 2, MA# 99-3		\$ 4,569	\$ 8,911	\$ 4,697
SLMD No. 2, MA# 99-4		\$ 1,530	\$ 3,569	\$ 1,573
SLMD No. 2, MA# 99-5		\$ 1,397	\$ 3,346	\$ 1,436
SLMD No. 2, MA# 99-6		\$ 13,682	\$ 31,229	\$ 14,065
SLMD No. 2, MA# 99-7		\$ 411	\$ 966	\$ 422
SLMD No. 2, MA# 99-8		\$ 3,050	\$ 7,129	\$ 3,135
SLMD No. 2, MA# 00-1		\$ 2,918	\$ 3,281	\$ 3,000
SLMD No. 2, MA# 00-2		\$ 1,530	\$ 2,188	\$ 1,573
SLMD No. 2, MA# 00-3		\$ 8,368	\$ 12,029	\$ 8,602
SLMD No. 2, MA# 00-4		\$ 55,407	\$ 68,884	\$ 56,959

AU-Assessment Unit (e.g. – Zone 2000-1: 1 vacant acre = 0.25 AU; Zone 2000-2: 1 vacant acre = 1 AU)

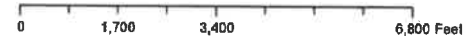
On June 18, 2019, the City Council adopted resolutions which ordered the preparation of Engineer's Reports for the annual levy of assessments within each district, preliminarily approved the Engineer's Reports, declared City Council's intention to levy and collect assessments within the districts for the referenced fiscal year, and set July 16, 2019 as the date for the public hearing for each district. Notices of the public hearings have been published, and proof of publication is on file with the Records Management Department.

The Engineer's Reports, which have been prepared for each district pursuant to the 1972 Act, are on file with the Records Management Department. Each report includes plans and specifications for the improvements being operated and maintained, an estimate of costs, a diagram of the area proposed to be assessed, and an assessment of the costs to the various parcels within the districts.

S:\Engineering\Traffic & Transportation\Traffic Engineering\Research and General Inquiries\Street Light Maintenance District Count Request\SLMD 1\SLMD 1 Court FY 19-20_2019-05-31_vicinitymap.mxd



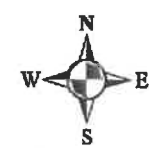
Street Light Maintenance District 1 Vicinity Map



Legend

- Zone 2000-1 (Safety Light: 310; Cobrahead: 1361)
- Zone 2000-2 (Safety Light: 14; Cobrahead: 46)

Total Lights: 1731; Safety Lights: 324; Cobrahead: 1407

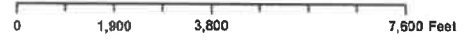


Note:
Reference is hereby made to the Maps of The Assessor of the County of San Bernardino, California, for a detailed description of the lines and dimensions of the parcels shown hereon.

Date: 06/03/2019



**Street Light Maintenance District 2
Vicinity Map**



Legend

-  Maintenance District 2

Total Lights: 142; Safety Lights: 18; Cobrahead: 124



Note:
Reference is hereby made to the
Maps of The Assessor of the County of
San Bernardino, California, for a detailed
description of the lines and dimensions
of the parcels shown hereon.

Date: 05/31/2019

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE ENGINEER'S REPORTS FOR THE ANNUAL LEVY OF ASSESSMENTS WITHIN STREET LIGHTING MAINTENANCE DISTRICTS NO. 1 AND 2 FOR FISCAL YEAR 2019-20.

WHEREAS, the City Council of the City of Ontario, California, pursuant to the provisions of the "Landscaping and Lighting Act of 1972," being Division 15, Part 2, of the Streets and Highways Code of the State of California, did, by previous Resolution, order the preparation of Engineer's Reports for the annual levy of assessments, consisting of plans and specifications, cost estimates, diagrams of the districts, and the assessments relating to what are now known and designated as

CITY OF ONTARIO
STREET LIGHTING MAINTENANCE DISTRICTS NO. 1 AND 2

(hereinafter referred to as the Districts); and

WHEREAS, there have now been presented to this City Council the Reports as required by said Division 15 of the Streets and Highways Code and as previously directed by Resolution; and

WHEREAS, this City Council has approved on a preliminary basis the Reports by a previous Resolution, and ordered the Reports to be filed in the Records Management Department to be open to public inspection; and

WHEREAS, this City Council has now examined and reviewed the Reports as presented, and is satisfied with each and all of the items and documents as set forth therein, and is satisfied that the assessments have been spread in accordance with the benefits received from the maintenance to be performed as set forth in said Reports.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. That the above recitals are all true and correct.

SECTION 2. That the Reports as presented, consisting of the following:

- A. Plans and Specifications,
- B. Estimates of cost,
- C. Diagrams of the Districts, and
- D. Assessment of the estimated costs

are hereby approved, and are ordered to be filed in the Records Management Department, as a permanent record and to remain open to public inspection.

SECTION 3. That the City Clerk shall certify to the passage and adoption of this Resolution, and the minutes of this meeting shall so reflect the presentation of the Engineer's Reports.

PASSED, APPROVED, AND ADOPTED this 16th day of July 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

COLE HUBER 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. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 16, 2019 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. 2019- duly passed and adopted by the Ontario City Council at their regular meeting held July 16, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT AND PROVIDING FOR THE ANNUAL ASSESSMENT LEVY WITHIN STREET LIGHTING MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2019-2020.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings for the levy of the annual assessment in a street lighting maintenance district created pursuant to the terms of the "Landscaping and Lighting Act of 1972", being Division 15, Part 2 of the Streets and Highways Code of the State of California (the "Lighting Act"), Article XIID of the Constitution of the State of California ("Article XIID") and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following) (the "Implementation Act") (the Lighting Act, Article XIID and the Implementation Act may be referred to collectively herein as the "Assessment Law"), in a special maintenance district known and designated as

CITY OF ONTARIO
STREET LIGHTING MAINTENANCE DISTRICT NO. 1

(hereinafter referred to as the "District"); and

WHEREAS, the City Council has ordered the preparation of an Engineer's Report, and such report (the "Assessment Engineer's Report") has been prepared pursuant to the Assessment Law and filed with this City Council for its consideration, and subsequently thereto this City Council did adopt its Resolution of Intention to levy and collect assessments for the referenced fiscal year relating to the above-referenced District, and further did proceed to give notice of the time and place for the Public Hearing on all matters relating to said annual levy of the proposed assessment; and

WHEREAS, at this time this City Council has heard all testimony and evidence and is desirous of proceeding with said annual levy of assessments.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. That the above recitals are all true and correct.

SECTION 2. That upon the conclusion of the Public Hearing, written protests filed and not withdrawn are hereby overruled and denied.

SECTION 3. That based upon the Assessment Engineer's Report and the testimony and other evidence presented at the public hearing, the City Council hereby makes the following determinations regarding the assessments proposed to be imposed for the referenced fiscal year:

- A. The proportionate special benefit derived by each individual parcel assessed has been determined in relationship to the entirety of the cost of the operations and maintenance expenses.
- B. The assessments do not exceed the reasonable cost of the proportional special benefit conferred on each parcel.
- C. Only the special benefits have been assessed.
- D. All parcels within the District that are owned or used either by a local government, the State of California or the United States and which specially benefit from the improvements to be maintained are being assessed.
- E. The assessments do not exceed the maximum annual assessments previously authorized to be levied pursuant to the Assessment Law.

The estimate of costs, the assessment diagram, the assessments and all other matters, as set forth in the Assessment Engineer's Report pursuant to the Assessment Law as submitted, are hereby approved, adopted by this City Council, and hereby confirmed.

SECTION 4. That this City Council hereby confirms and orders the annual levy of the assessments for the referenced fiscal year in the amounts as set forth in the Assessment Engineer's Report, and as referred to in the Resolution of Intention as previously adopted relating to said annual assessment levy.

SECTION 5. That the adoption of this Resolution constitutes the levy of the assessments for the fiscal year.

SECTION 6. That the maintenance work of improvements contemplated by the Resolution of Intention shall be performed pursuant to law.

SECTION 7. That the County Auditor shall enter on the County Assessment Roll the amount of the Assessment, and said Assessment shall then be collected at the same time and in the same manner as the County taxes are collected. After collection by said County, the net amount of the assessment shall be paid to the City Treasurer of said City.

SECTION 8. That the City Treasurer has previously established a special fund into which the City Treasurer shall place all monies collected by the Tax Collector pursuant to the provisions of the Resolution and the law, and said transfer shall be made and accomplished as soon as said monies have been made available to said City Treasurer.

SECTION 9. That the City Manager is hereby ordered and directed to file, or cause to be filed, the assessment roll with the County Auditor, together with a certified copy of this Resolution upon its adoption.

SECTION 10. That a certified copy of the assessment and diagram shall be filed in the Office of the City Manager, with a duplicate copy on file in the Records Management Department and open for public inspection.

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

PASSED, APPROVED, AND ADOPTED this 16th day of July 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

COLE HUBER 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. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 16, 2019 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. 2019- duly passed and adopted by the Ontario City Council at their regular meeting held July 16, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT AND PROVIDING FOR THE ANNUAL ASSESSMENT LEVY WITHIN STREET LIGHTING MAINTENANCE DISTRICT NO. 2 FOR FISCAL YEAR 2019-20.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings for the levy of the annual assessment in a street lighting maintenance district created pursuant to the terms of the "Landscaping and Lighting Act of 1972", being Division 15, Part 2 of the Streets and Highways Code of the State of California (the "Lighting Act"), Article XIID of the Constitution of the State of California ("Article XIID") and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following) (the "Implementation Act") (the Lighting Act, Article XIID and the Implementation Act may be referred to collectively herein as the "Assessment Law"), in a special maintenance district known and designated as

CITY OF ONTARIO
STREET LIGHTING MAINTENANCE DISTRICT NO. 2

(hereinafter referred to as the "District"); and

WHEREAS, the City Council has ordered the preparation of an Engineer's Report, and such report (the "Assessment Engineer's Report") has been prepared pursuant to the Assessment Law and filed with this City Council for its consideration, and subsequently thereto this City Council did adopt its Resolution of Intention to levy and collect assessments for the referenced fiscal year relating to the above-referenced District, and further did proceed to give notice of the time and place for the Public Hearing on all matters relating to said annual levy of the proposed assessment; and

WHEREAS, at this time this City Council has heard all testimony and evidence and is desirous of proceeding with said annual levy of assessments.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. That the above recitals are all true and correct.

SECTION 2. That upon the conclusion of the Public Hearing, written protests filed and not withdrawn are hereby overruled and denied.

SECTION 3. That based upon the Assessment Engineer's Report and the testimony and other evidence presented at the public hearing, the City Council hereby makes the following determinations regarding the assessments proposed to be imposed for the referenced fiscal year:

- A. The proportionate special benefit derived by each individual parcel assessed has been determined in relationship to the entirety of the cost of the operations and maintenance expenses.
- B. The assessments do not exceed the reasonable cost of the proportional special benefit conferred on each parcel.
- C. Only the special benefits have been assessed.
- D. All parcels within the District that are owned or used either by a local government, the State of California or the United States and which specially benefit from the improvements to be maintained are being assessed.
- E. The assessments do not exceed the maximum annual assessments previously authorized to be levied pursuant to the Assessment Law.

The estimate of costs, the assessment diagram, the assessments and all other matters, as set forth in the Assessment Engineer's Report pursuant to the Assessment Law as submitted, are hereby approved, adopted by this City Council, and hereby confirmed.

SECTION 4. That this City Council hereby confirms and orders the annual levy of the assessments for the referenced fiscal year in the amounts as set forth in the Assessment Engineer's Report, and as referred to in the Resolution of Intention as previously adopted relating to said annual assessment levy.

SECTION 5. That the adoption of this Resolution constitutes the levy of the assessments for the fiscal year.

SECTION 6. That the maintenance work of improvements contemplated by the Resolution of Intention shall be performed pursuant to law.

SECTION 7. That the County Auditor shall enter on the County Assessment Roll the amount of the Assessment, and said Assessment shall then be collected at the same time and in the same manner as the County taxes are collected. After collection by said County, the net amount of the assessment shall be paid to the City Treasurer of said City.

SECTION 8. That the City Treasurer has previously established a special fund into which the City Treasurer shall place all monies collected by the Tax Collector pursuant to the provisions of the Resolution and the law, and said transfer shall be made and accomplished as soon as said monies have been made available to said City Treasurer.

SECTION 9. That the City Manager is hereby ordered and directed to file, or cause to be filed, the assessment roll with the County Auditor, together with a certified copy of this Resolution upon its adoption.

SECTION 10. That a certified copy of the assessment and diagram shall be filed in the Office of the City Manager, with a duplicate copy on file in the Records Management Department and open for public inspection.

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

PASSED, APPROVED, AND ADOPTED this 16th day of July 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

COLE HUBER 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. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 16, 2019 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. 2019- duly passed and adopted by the Ontario City Council at their regular meeting held July 16, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
July 16, 2019

SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER A RESOLUTION ADOPTING THE GENERAL PLAN AMENDMENT REQUEST (FILE NO. PGPA18-009) TO MODIFY THE LAND USE ELEMENT OF THE ONTARIO PLAN (GENERAL PLAN) TO CHANGE THE LAND USE DESIGNATION ON 1.02 ACRES OF LAND FROM GENERAL COMMERCIAL TO LOW-MEDIUM DENSITY RESIDENTIAL (5.1-11 DUS/ACRE) AND CHANGE THE LAND USE DESIGNATION ON 0.46 ACRES OF LAND FROM GENERAL COMMERCIAL TO HOSPITALITY, LOCATED AT THE SOUTHWEST CORNER OF G STREET AND CORONA AVENUE; AND MODIFY THE FUTURE BUILDOUT TABLE (EXHIBIT LU-03) TO BE CONSISTENT WITH THE LAND USE DESIGNATION CHANGE (APNS: 0110-241-18, 0110-241-56, AND 0110-241-57)


RECOMMENDATION: That City Council consider and adopt:

- (A) A resolution approving an addendum to The Ontario Plan Environmental Impact Report (SCH #2008101140) adopted by City Council on January 27, 2010; and
- (B) A resolution approving General Plan Amendment File No. PGPA18-009 to change The Ontario Plan (TOP) land use designation on 1.02 acres from General Commercial to Low-Medium Density Residential and on 0.46 acres of land from General Commercial to Hospitality for property located at the southwest corner of G Street and Corona Avenue (amending TOP Exhibits LU-01, Land Use Plan, and LU-03, Future Buildout Table).

COUNCIL GOALS: Invest in the Growth and Evolution of the City's Economy
Operate in a Businesslike Manner
Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: No fiscal impacts are anticipated with the proposed land use designation change from General Commercial to Hospitality which provides for similar uses and is currently developed with

STAFF MEMBER PRESENTING: Scott Murphy, AICP, Executive Director Development Agency

Prepared by: Clarice Burden
Department: Planning
City Manager Approval: 

Submitted to Council/O.H.A. 07/16/2019
Approved: _____
Continued to: _____
Denied: _____

22

a commercial use. The proposed land use designation change from General Commercial to Low-Medium Density Residential on 1.02 acres of vacant land would result in a long-term fiscal impact to the City. The potential of up to 11 residential units would increase ongoing operations and maintenance services (police, fire, maintenance, etc.) that are necessary to serve the future residential development. However, development impact fees and property tax revenues from future residential development will help to offset the anticipated expenditures. The elimination of 1.02 acres of General Commercial designated land would result in the loss of 17,772 square feet of potential commercial space (based on a 0.40 FAR). The loss of 17,772 square feet of commercial space represents less than 0.0005% of the over 33 million square feet of commercial (retail/office) properties that are existing and planned throughout the City of Ontario.

BACKGROUND: LHL Investment Group, LLC, “Applicant” initially requested a General Plan Amendment (File No.: PGPA18-009) and Zone Change (File No. PZC18-003) for the 0.76 acre parcel situated in the middle of a group three commercial properties located at the south west corner of G Street and Corona Avenue. The request was to change the General Plan land use designation to Low-Medium Density Residential and to change the zoning district to MDR-11, Low-Medium Density Residential for this single parcel in order to facilitate future multi-family residential development. In analyzing the request, the City expanded the request to include the parcels to the immediate east and west of the initial parcel to avoid spot zoning and to encourage orderly development of the area.

As shown in Exhibit “A”, the General Plan Amendment proposes to change the designation on the westerly two undeveloped parcels (totaling 1.02 acres) to Low-Medium Density Residential to accommodate future residential development and provide consistency with the Low-Medium Density Residential zoned properties to the south. The 0.46-acre parcel located directly on the corner of G Street and Corona Avenue is developed with a single story office building and its land use designation is proposed to change to from General Commercial to Hospitality to coordinate with the properties to the north and east. Accompanying the General Plan Amendment request is a proposed Zone Change request (File No. PZC18-003) to change the zoning on the properties to MDR-11 (Low-Medium Density Residential) and to CCS (Convention Center Support) to be consistent with the proposed General Plan land use designation changes.

The changes to the General Plan include proposed changes to: the Land Use Plan (Exhibit LU-01) and the Future Buildout Table (Exhibit LU-03) as shown in Exhibits “A” and “B” of the attached resolution.

The Planning Commission reviewed the proposed General Plan Amendment on June 25, 2019 including the written and oral arguments presented at the public hearing. The Planning Commission voted 7 to 0, recommending that City Council approve the project as presented.

AIRPORT LAND USE COMPATIBILITY: The project site is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) Ontario.

ENVIRONMENTAL REVIEW: The application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) (“CEQA”). The environmental impacts of this project were reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) adopted by City Council on January 27, 2010 in conjunction with File No. PGPA06-001. This Application introduces no new significant environmental impacts not previously analyzed in the Environmental Impact Report. All previously adopted mitigation measures are a condition of project approval and are incorporated herein by

reference. The environmental documentation for this project is available for review at the Planning Department public counter.

Exhibit A PGPA18-009 Proposed General Plan Amendment

TOP Legend:

	Rural Residential		Neighborhood Commercial		Airport		Public Facility
	Low Density Residential		General Commercial		Land Fill		Public School
	Low-Medium Density Residential		Office Commercial		Open Space - Parkland		COM Overlay
	Medium Density Residential		Hospitality		Open Space - Water		BP Overlay
	High Density Residential		Business Park		Open Space - Non-Recreation		IND Overlay
	Mixed Use		Industrial		Rail		

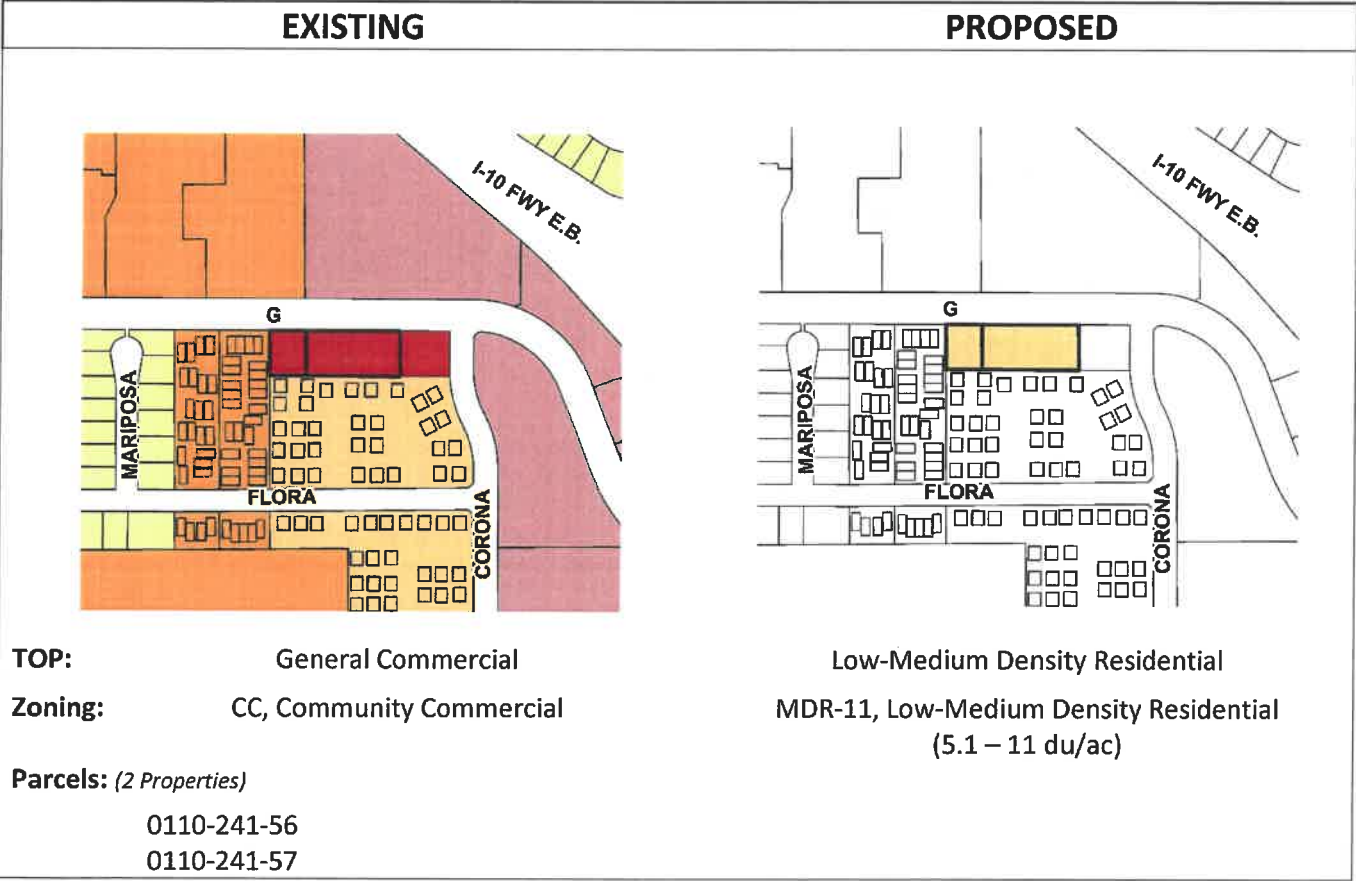
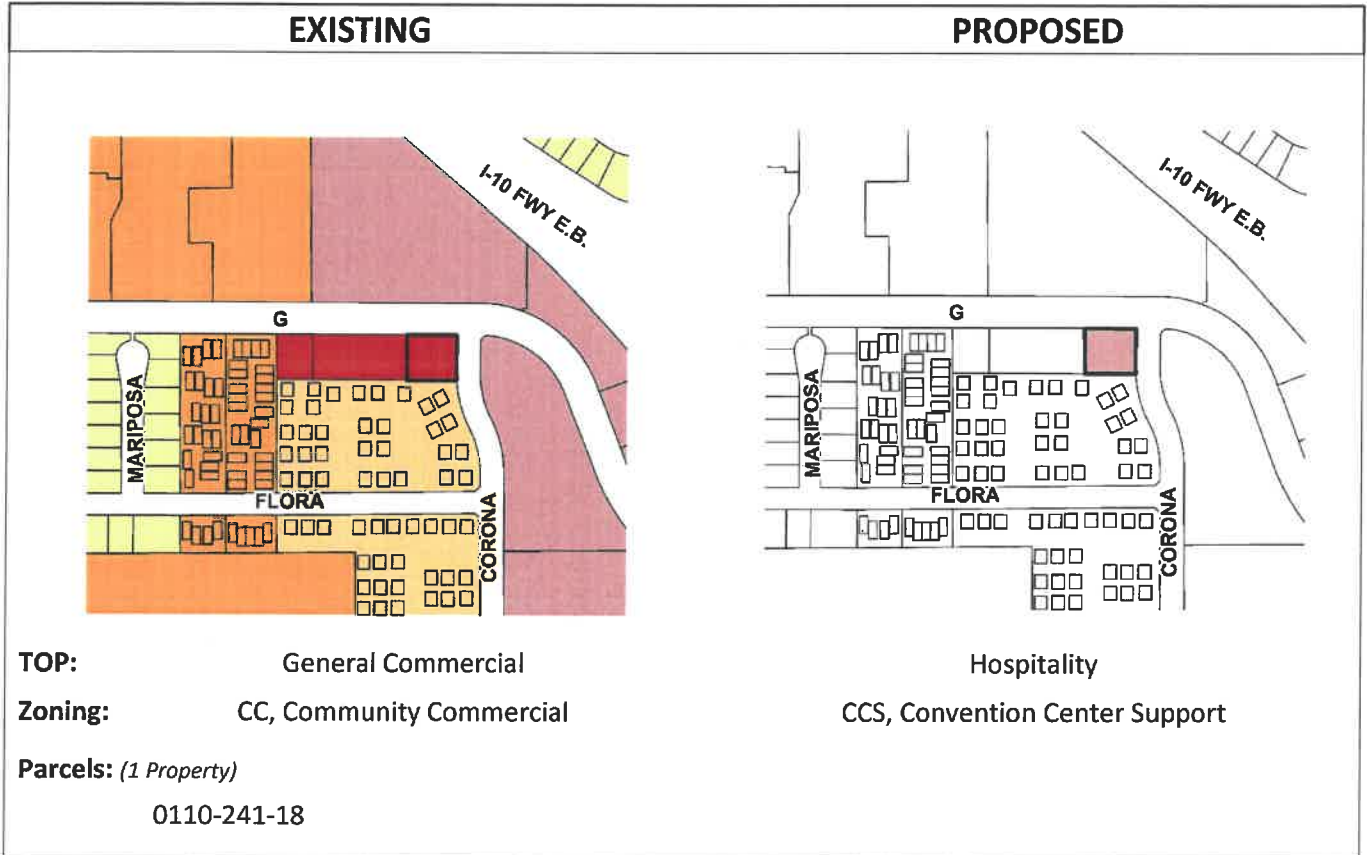


Exhibit A: (cont.)



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN ADDENDUM TO THE ONTARIO PLAN (TOP) CERTIFIED ENVIRONMENTAL IMPACT REPORT (SCH # 2008101140), FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, FOR FILE NOS. PGPA18-009 & PZC18-003 APNS: 0110-241-18, 0110-241-56 & 0110-241-57.

WHEREAS, prior to the adoption of this Resolution, the Planning Director of the City of Ontario prepared and approved for attachment to the certified Environmental Impact Report, an addendum to The Ontario Plan (TOP) certified Environmental Impact Report (SCH # 2008101140) for File Nos. PGPA18-009 & PZC18-003 (hereinafter referred to as "EIR Addendum"), all in accordance with the requirements of the California Environmental Quality Act of 1970, together with State and local guidelines implementing said Act, all as amended to date (collectively referred to as "CEQA"); and

File Nos. PGPA18-009 & PZC18-003 analyzed under the EIR Addendum, consist of a General Plan Amendment to change the land use designation of 1.02 acres of land from General Commercial to Low-Medium Density Residential and to change the land use designation on 0.46 acres of land from General Commercial to Hospitality; and a Zone Change to change the zoning on 1.02 acres of land from CC, Community Commercial to MDR-11, Low-Medium Density Residential (5.1-11 du/ac) and to change the zoning on 0.46 acres of land from CC, Community Commercial to CCS, Convention Center Support, located at the south west corner of G Street and Corona Avenue in the City of Ontario, California (hereinafter referred to as the "Project"); and

WHEREAS, the EIR Addendum concluded that implementation of the Project would not result in significant effects on the environment; and

WHEREAS, The Ontario Plan (TOP) Environmental Impact Report — State Clearinghouse No. 2008101140 — was certified on January 27, 2010 (hereinafter referred to as "Certified EIR"), in which the development and use of the Project site was discussed; and

WHEREAS, pursuant to California Environmental Quality Act ("CEQA") Guidelines Section 15164(a), a lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary to a project, but the preparation of a subsequent or supplemental EIR is not required; and

WHEREAS, the City determined that none of the conditions requiring preparation of a subsequent or supplemental EIR would occur from the Project, and that preparation of an addendum to the EIR was appropriate; and

WHEREAS, the City of Ontario is the lead agency on the Project, and the City Council is the decision-making authority for the requested approval to construct and otherwise undertake the Project; and

WHEREAS, the City Council has reviewed and considered the EIR Addendum for the Project, has concluded that none of the conditions requiring preparation of a subsequent of supplemental EIR have occurred, and intends to take actions on the Project in compliance with CEQA and state and local guidelines implementing CEQA; and

WHEREAS, the EIR Addendum for the Project is on file in the Planning Department, located at 303 East B Street, Ontario, CA 91764, is available for inspection by any interested person at that location and is, by this reference, incorporated into this Resolution as if fully set forth herein; and

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

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND RESOLVED by the City Council of the City of Ontario, as follows:

SECTION 1. *Environmental Determination and Findings.* As the decision-making authority for the Project, the City Council has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the City Council, the City Council finds as follows:

(1) The environmental impacts of this project were reviewed in conjunction with an Addendum to The Ontario Plan (TOP) Environmental Impact Report — State Clearinghouse No. 2008101140 — which was certified on January 27, 2010, in conjunction with File No. PGPA06-001.

(2) The EIR Addendum and administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

(3) The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. This Application introduces no new significant environmental impacts.

(4) All previously adopted mitigation measures shall be a condition of project approval, as they are applicable to the Project, and are incorporated herein by this reference.

(5) The EIR Addendum contains a complete and accurate reporting of the environmental impacts associated with the Project, and reflects the independent judgment of the City Council; and

(6) There is no substantial evidence in the administrative record supporting a fair argument that the project may result in significant environmental impacts; and

SECTION 2. Additional Environmental Review Not Required. Based on the Addendum, all related information presented to the City Council, and the specific findings set forth in Section 1, above, the City Council finds that the preparation of a subsequent or supplemental Environmental Impact Report is not required for the Project, as the Project:

(1) Does not constitute substantial changes to the Certified EIR that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

(2) Does not constitute substantial changes with respect to the circumstances under which the Certified EIR was prepared, that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and.

(3) Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Certified EIR was certified/adopted, that shows any of the following:

(a) The project will have one or more significant effects not discussed in the Certified EIR; or

(b) Significant effects previously examined will be substantially more severe than shown in the Certified EIR; or

(c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the City declined to adopt such measures; or

(d) Mitigation measures or alternatives considerably different from those analyzed in the Certified EIR would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

SECTION 3. City Council Action. Based upon the findings and conclusions set forth in Sections 1 and 2, above, the City Council hereby finds that based upon the entire record of proceedings before it, and all information received, that there is no substantial evidence that the Project will constitute substantial changes to the Certified EIR, and does hereby approve the EIR Addendum to the Certified EIR, incorporated herein by this reference.

SECTION 4. Indemnification. The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 5. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 6. Certification to Adoption. The City Clerk shall certify to the adoption of the Resolution.

PASSED, APPROVED, AND ADOPTED this 16th day of July 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

COLE HUBER 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. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 16, 2019, 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. 2019- duly passed and adopted by the Ontario City Council at their regular meeting held July 16, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PGPA18-009, A GENERAL PLAN AMENDMENT TO MODIFY THE LAND USE ELEMENT OF THE ONTARIO PLAN (GENERAL PLAN) TO CHANGE THE LAND USE DESIGNATION ON 1.02 ACRES OF LAND FROM GENERAL COMMERCIAL TO LOW-MEDIUM DENSITY RESIDENTIAL (5.1-11 DUS/ACRE) AND CHANGE THE LAND USE DESIGNATION ON 0.46 ACRES OF LAND FROM GENERAL COMMERCIAL TO HOSPITALITY, LOCATED AT THE SOUTHWEST CORNER OF G STREET AND CORONA AVENUE; AND MODIFY THE FUTURE BUILDOUT TABLE (EXHIBIT LU-03) TO BE CONSISTENT WITH THE LAND USE DESIGNATION CHANGE; AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 0110-241-18, 0110-241-56 & 0110-241-57. (LAND USE ELEMENT CYCLE 1 FOR THE 2019 CALENDAR YEAR).

WHEREAS, LHL Investments Group, LLC (hereinafter referred to as "Applicant") has filed an Application for the approval of a General Plan Amendment, File No. PGPA18-009, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 3 parcels totaling 1.48 acres of land generally located at the southwest corner of G Street and Corona Avenue, within the CC, Community Commercial zone, 1.02 acres of which is proposed to change to MDR-11, Low Medium Density Residential (5.1-11 du/ac) and 0.46 acres of which is proposed to change to CCS, Convention Center Support. Two of the parcels are undeveloped and one parcel contains a single story office building; and

WHEREAS, the properties to the north of the Project site are within the MDR-18, Medium Density Residential (11.1-18 du/ac) and the CCS, Convention Center Support zoning districts, and are developed with multi-family residential units and a Hotel. The property to the east is within the CCS, Convention Center Support zoning district, and is undeveloped land. The property to the south is within the MDR-11, Low-Medium Density Residential (5.1-11 du/ac) zoning district, and is developed with multi-family residential units. The property to the west is within the MDR-18, Medium Density Residential (11.1-18 du/ac) zoning district, and is developed with multi-family residential units; and

WHEREAS, a related Zone Change (File No. PZC18-003) is being processed concurrently with this application to change the zoning on 1.02 acres of land from CC, Community Commercial to MDR-11, Low-Medium Density Residential (5.1-11 du/ac) and to change 0.46 acres of land from CC, Community Commercial to CCS, Convention Center Support; and

WHEREAS, the Project has been reviewed for consistency with the Housing Element of the Policy Plan component of The Ontario Plan, as State Housing Element law (as prescribed in Government Code Sections 65580 through 65589.8) requires that

development projects must be consistent with the Housing Element, if upon consideration of all its aspects, it is found to further the purposes, principals, goals, and policies of the Housing Element; and

WHEREAS, the Project is located within the Airport Influence Area of Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and is subject to, and must be consistent with, the policies and criteria set forth in the Ontario International Airport Land Use Compatibility Plan ("ALUCP"), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

WHEREAS, the City's "Local Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act — Public Resources Code Section 21000 et seq. — (hereinafter referred to as "CEQA") and an initial study has been prepared to determine possible environmental impacts; and

WHEREAS, Ontario Development Code Table 2.02-1 (Review Matrix) grants the City Council the responsibility and authority to review and act on the subject Application; and

WHEREAS, City of Ontario Development Code Division 2.03 (Public Hearings) prescribes the manner in which public notification shall be provided and hearing procedures to be followed, and all such notifications and procedures have been completed; and

WHEREAS, WHEREAS, on June 25, 2019, the Planning Commission conducted a public hearing and approved Resolution No. PC19-042, recommending the City Council approve a Resolution adopting an Addendum to the TOP Environmental Impact Report (SCH# 2008101140), certified by the City Council on January 27, 2010, in conjunction with File No. PGPA06-001. The Addendum finds that the proposed project introduces no new significant environmental impacts. Furthermore, all mitigation measures previously adopted with the Certified Environmental Impact Report are incorporated into the Project by reference; and

WHEREAS, on June 25, 2019, the Planning Commission of the City of Ontario conducted a hearing to consider the Addendum and the Project, and concluded said hearing on that date, voting to issue Resolution No. PC19-043, recommending the City Council approve the Application; and

WHEREAS, on July 16, 2019, the City Council of the City of Ontario conducted a hearing to consider the Addendum and the Project, and concluded said hearing on that date; and

WHEREAS, as the first action on the Project, on July 16, 2019, the City Council approved a resolution adopting an Addendum to a previous Certified EIR prepared pursuant to CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines, which indicated that all potential environmental impacts from the Project were less than significant or could be mitigated to a level of significance; and

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

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND RESOLVED by the City Council of the City of Ontario, as follows:

SECTION 1, *Environmental Determination and Findings.* As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the previous Certified EIR and supporting documentation. Based upon the facts and information contained in the previous Certified EIR and supporting documentation, the City Council finds as follows:

(1) The environmental impacts of this project were reviewed in conjunction with an Addendum to TOP Environmental Impact Report, certified by the City of Ontario City Council on January 27, 2010, in conjunction with File No. PGPA06-001.

(2) The Addendum and administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

(3) The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. This Application introduces no new significant environmental impacts.

(4) The Addendum contains a complete and accurate reporting of the environmental impacts associated with the Project, and reflects the independent judgment of the DAB; and

(5) There is no substantial evidence in the administrative record supporting a fair argument that the project may result in significant environmental impacts; and

(6) The proposed project will introduce no new significant environmental impacts beyond those previously analyzed in the Certified EIR, and all mitigation measures previously adopted by the Certified EIR, are incorporated herein by this reference.

SECTION 2. *Additional Environmental Review Not Required.* Based on the Addendum, all related information presented to the City Council, and the specific findings set forth in Section 1, above, the City Council finds that the preparation of a subsequent or supplemental Certified EIR is not required for the Project, as the Project:

(1) Does not constitute substantial changes to the Certified EIR that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

(2) Does not constitute substantial changes with respect to the circumstances under which the Certified EIR was prepared, that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and.

(3) Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Certified EIR was certified/adopted, that shows any of the following:

(a) The project will have one or more significant effects not discussed in the Certified EIR; or

(b) Significant effects previously examined will be substantially more severe than shown in the Certified EIR; or

(c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the City declined to adopt such measures; or

(d) Mitigation measures or alternatives considerably different from those analyzed in the Certified EIR would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

SECTION 3. *Housing Element Compliance.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making body for the Project, the City Council finds as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.

SECTION 4. *Ontario International Airport Land Use Compatibility Plan ("ALUCP") Compliance.* The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan ("ALUCP"), establishing the Airport Influence Area for Ontario International Airport ("ONT"), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the decision-making body for the Project, the City Council has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors,

including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the City Council, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

SECTION 5. *Concluding Facts and Reasons.* Based upon the substantial evidence presented to the City Council during the above-referenced hearing, and upon the specific findings set forth in Section 1 through 4, above, the City Council hereby concludes as follows:

(1) The proposed Zone Change is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan as follows:

Land Use Element:

- Goal LU1: A community that has a spectrum of housing types and price ranges that match the jobs in the City and that make it possible for people to live and work in Ontario and maintain a quality of life.

- LU1-6: Complete Community. We incorporate a variety of land uses and building types in our land use planning efforts that result in a complete community where residents at all stages of life, employers, workers and visitors have a wide spectrum of choices of where they can live, work, shop and recreate within Ontario.

Compliance: The proposed General Plan Amendment and Zone Change reflect the existing uses of the properties or closely coordinates with land use designations in the surrounding area, and provides opportunities for choice in living and working environments.

- Goal LU2: Compatibility between a wide range of uses.

- LU2-1: Land Use Decisions. We minimize adverse impacts on adjacent properties when considering land use and zoning requests.

Compliance: The proposed General Plan Amendment and Zone Change reflect the existing uses of the properties or closely coordinates with land use designations in the surrounding area, and will not create adverse impacts on adjacent properties.

- Goal LU5: Integrated airport systems and facilities that minimize negative impacts to the community and maximize economic benefits.

- LU5-7: ALUCP Consistency with Land Use Regulations. We comply with state law that requires general plans, specific plans and all new development be consistent with the policies and criteria set forth within an Airport Land Use Compatibility Plan for any public use airport.

Compliance: The proposed General Plan Amendment and Zone Change are consistent with the adopted Airport Land Use Compatibility Plan for both Ontario International Airport and Chino Airport.

Safety Element — Noise Hazards

▪ Goal S4: An environment where noise does not adversely affect the public's health, safety, and welfare.

➤ S4-6: Airport Noise Compatibility. We utilize information from Airport Land Use Compatibility Plans to prevent the construction of new noise sensitive land uses within airport noise impact zones.

Compliance: The subject property is located within the 60 to 65 CNEL Noise Impact area and the proposed Low-Medium Density Residential and Hospitality/Convention Center Support land use designations are compatible with the Noise Impact area.

(2) The proposed Zone Change would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City because the proposed zoning designations are compatible with the zoning and land uses in the surrounding area.

(3) The proposed Zone Change will not adversely affect the harmonious relationship with adjacent properties and land uses because the surrounding properties to the south, and east have the same land use designations and the properties to the north and west has a coordinating land use designations. The allowed uses of the properties will be similar to other properties in the area.

(4) The subject site is physically suitable, including, but not limited to, parcel sizes, shapes, access, and availability of utilities, for the requested zoning change from CC, Community Commercial to MDR-11, Low-Medium Density Residential and CCS, Convention Center Support and to the anticipated future development with allowable uses.

SECTION 6. City Council Action. Based upon the findings and conclusions set forth in Sections 1 through 5, above, the City Council hereby APPROVES the herein described General Plan Amendment, as shown in "Exhibit A" and "Exhibit B" attached hereto and incorporated herein by this reference.

SECTION 7. Indemnification. The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 8. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 9. Certification to Adoption. The City Clerk shall certify to the adoption of the Resolution.

PASSED, APPROVED, AND ADOPTED this 16th day of July 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

COLE HUBER 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. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 16, 2019, 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. 2019- duly passed and adopted by the Ontario City Council at their regular meeting held July 16, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

Exhibit A PGPA18-009 Proposed General Plan Amendment

TOP Legend:

	Rural Residential		Neighborhood Commercial		Airport		Public Facility
	Low Density Residential		General Commercial		Land Fill		Public School
	Low-Medium Density Residential		Office Commercial		Open Space - Parkland		COM Overlay
	Medium Density Residential		Hospitality		Open Space - Water		BP Overlay
	High Density Residential		Business Park		Open Space - Non-Recreation		IND Overlay
	Mixed Use		Industrial		Rail		

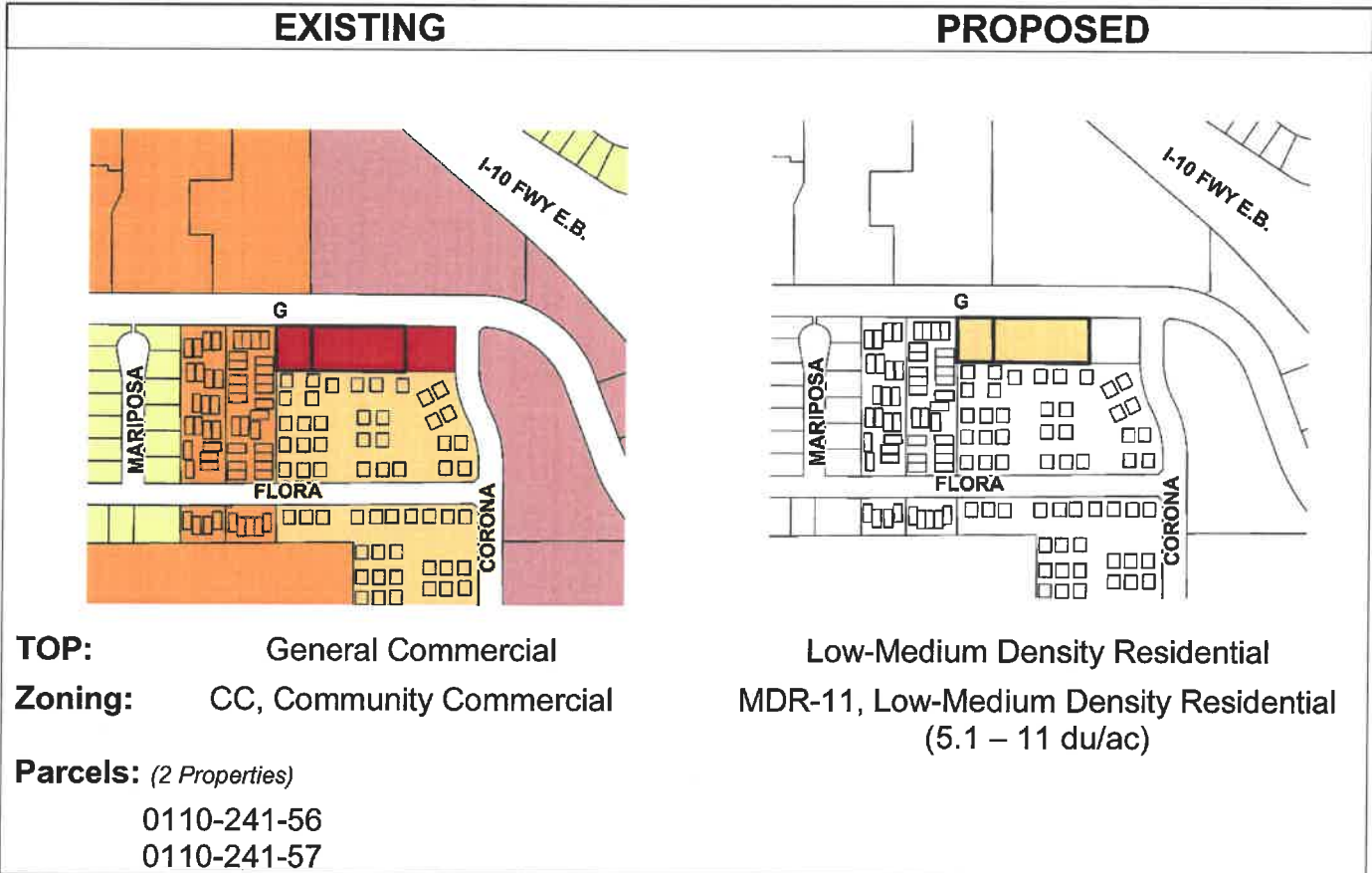
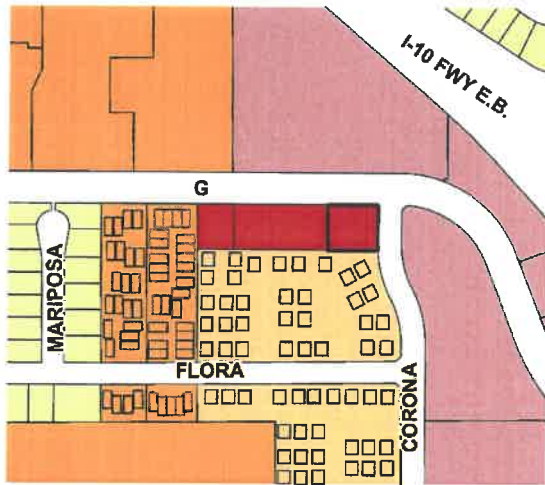
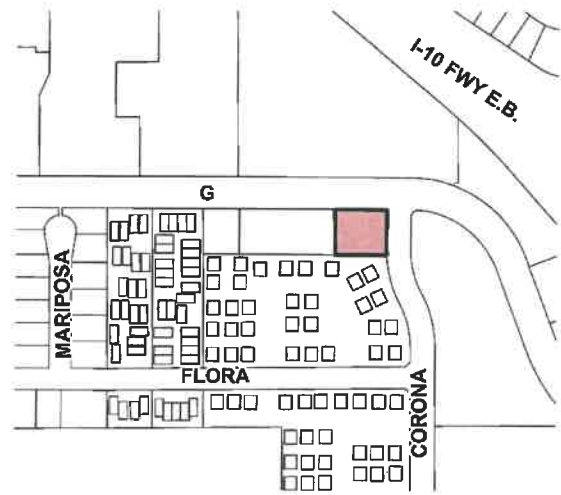


Exhibit A: (cont.)

EXISTING



PROPOSED



TOP: General Commercial
Zoning: CC, Community Commercial
Parcels: (1 Property)
0110-241-18

Hospitality
CCS, Convention Center Support

Exhibit B LU-03 Future Buildout



Land Use	Acres ²	Assumed Density/Intensity ³	Units	Population ⁴	Non-Residential Square Feet	Jobs ⁵
Residential						
Rural	529	2.0 du/ac	1,059	4,232		
Low Density ⁶	7,255	4.0 du/ac (OMC) 4.5 du/ac (NMC)	30,584	122,244		
Low-Medium ⁶ Density	999 1,000	8.5 du/ac	8,492 8,500	33,941 33,976		
Medium Density	1,897	18.0 du/ac (OMC) 22.0 du/ac (NMC)	38,200	133,791		
High Density	183	35.0 du/ac	6,415	21,470		
<i>Subtotal</i>	10,864 10,865		84,750 84,758	315,679 315,713		
Mixed Use						
• Downtown	113	<ul style="list-style-type: none"> 60% of the area at 35 du/ac 40% of the area at 0.80 FAR for office and retail 	2,365	4,729	1,569,554	2,808
• East Holt Boulevard	57	<ul style="list-style-type: none"> 25% of the area at 30 du/ac 50% of the area at 1.0 FAR office 25% of area at 0.80 FAR retail 	428	856	1,740,483	3,913
• Meredith	93	<ul style="list-style-type: none"> 23% of the area at 37.4 du/ac 72% at 0.35 FAR for office and retail uses 5% at 0.75 FAR for Lodging 	800	1,600	1,172,788	1,462
• Transit Center	76	<ul style="list-style-type: none"> 10% of the area at 60 du/ac 90% of the area at 1.0 FAR office and retail 	457	913	2,983,424	5,337
• Inland Empire Corridor	37	<ul style="list-style-type: none"> 50% of the area at 20 du/ac 30% of area at 0.50 FAR office 20% of area t 0.35 FAR retail 	368	736	352,662	768
• Guasti	77	<ul style="list-style-type: none"> 20% of the area at 30 du/ac 30% of area at 1.0 FAR retail 50% of area at .70 FAR office 	465	929	2,192,636	4,103
• Ontario Center	345	<ul style="list-style-type: none"> 30% of area at 40 du/ac 50% of area at 1.0 FAR office 20% of area at 0.5 FAR retail 	4,139	8,278	9,014,306	22,563
• Ontario Mills	240	<ul style="list-style-type: none"> 5% of area at 40 du/ac 20% of area at 0.75 FAR office 75% of area at 0.5 FAR retail 	479	958	5,477,126	7,285
• NMC West/South	315	<ul style="list-style-type: none"> 30% of area at 35 du/ac 70% of area at 0.7 FAR office and retail 	3,311	6,621	6,729,889	17,188
• NMC East	264	<ul style="list-style-type: none"> 30% of area at 25 du/ac 30% of area at 0.35 FAR for office 40% of area at 0.3 FAR for retail uses 	1,978	3,956	2,584,524	4,439
• Euclid/Francis	10	<ul style="list-style-type: none"> 50% of the area at 30 du/ac 50% of area at 0.8 FAR retail 	156	312	181,210	419
• SR-60/ Hamner Tuscan Village	41	<ul style="list-style-type: none"> 18% of the area at 25 du/ac 57% of the area at 0.25 FAR retail 25% of the area at 1.5 FAR office 	185	369	924,234	2,098
<i>Subtotal</i>	1,668		15,129	30,257	34,922,836	72,383

Exhibit B: (cont.)

Land Use	Acres ²	Assumed Density/Intensity ³	Units	Population ⁴	Non-Residential Square Feet	Jobs ⁵
Retail/Service						
Neighborhood ⁶ Commercial	281	0.30 FAR			3,671,585	8,884
General Commercial	533 531	0.30 FAR			6,964,199 6,944,858	6,470 6,452
Office/Commercial	514	0.75 FAR			16,805,775	37,269
Hospitality	141 142	1.00 FAR			6,157,642 6,177,679	7,060 7,082
<i>Subtotal</i>	1,470 1,469				33,599,200 33,599,897	59,682 59,687
Employment						
Business Park	1,507	0.40 FAR			26,261,610	46,075
Industrial	6,372	0.55 FAR			152,661,502	134,132
<i>Subtotal</i>	7,879				178,923,112	180,207
Other						
Open Space-Non-Recreation	1,232	Not applicable				
Open Space-Parkland ⁶	950	Not applicable				
Open Space-Water	59	Not applicable				
Public Facility	97	Not applicable				
Public School	632	Not applicable				
LA/Ontario International Airport	1,677	Not applicable				
Landfill	137	Not applicable				
Railroad	251	Not applicable				
Roadways	4,871	Not applicable				
<i>Subtotal</i>	9,906					
Total	31,786		99,878 99,887	345,936 345,971	247,445,148 247,445,845	312,272 312,277

Notes

- 1 Historically, citywide buildout levels do not achieve the maximum allowable density/intensity on every parcel and are, on average, lower than allowed by the Policy Plan. Accordingly, the buildout projections in this Policy Plan do not assume buildout at the maximum density or intensity and instead are adjusted downward. To view the buildout assumptions, access the Methodology report.
- 2 Acres are given as adjusted gross acreages, which do not include the right-of-way for roadways, flood control facilities, or railroads.
- 3 Assumed Density/Intensity includes both residential density, expressed as units per acre, and non-residential intensity, expressed as floor area ratio (FAR), which is the amount of building square feet in relation to the size of the lot.
- 4 Projections of population by residential designation are based on a persons-per-household factor that varies by housing type. For more information, access the Methodology report.
- 5 To view the factors used to generate the number of employees by land use category, access the Methodology report.
- 6 Acreages and corresponding buildout estimates for these designations do not reflect underlying land uses within the Business Park, Industrial and Commercial Overlays. Estimates for these areas are included within the corresponding Business Park, Industrial and General Commercial categories.

CITY OF ONTARIO

Agenda Report
July 16, 2019

SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER A ZONE CHANGE REQUEST (FILE NO. PZC18-003) TO CHANGE THE ZONING DESIGNATION ON 1.02 ACRES OF LAND FROM CC (COMMUNITY COMMERCIAL) TO MDR-11 (LOW-MEDIUM DENSITY RESIDENTIAL) AND TO CHANGE THE ZONING DESIGNATION ON 0.46 ACRES OF LAND FROM CC (COMMUNITY COMMERCIAL) TO CCS (CONVENTION CENTER SUPPORT), LOCATED AT THE SOUTH WEST CORNER OF G STREET AND CORONA AVENUE

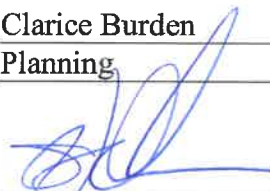
RECOMMENDATION: That City Council:

- (A) Consider and adopt a resolution approving an addendum to The Ontario Plan Environmental Impact Report (SCH# 2008101140) adopted by the City Council on January 27, 2010; and
- (B) Introduce and waive further reading of an ordinance approving a zone change (File No. PZC18-003) to create consistency between the zoning and the proposed General Plan land use designations of the subject properties.

COUNCIL GOALS: Invest in the Growth and Evolution of the City's Economy
Operate in a Businesslike Manner
Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: No fiscal impacts are anticipated with the proposed zone change from CC (Community Commercial) to CCS (Convention Center Support) which provides for similar uses and is currently developed with a commercial use. The proposed zone change from CC to MDR-11 (Low-Medium Density Residential) on 1.02 acres of vacant land would result in a long-term fiscal impact to the City. The potential of up to 11 residential units would increase ongoing operations and maintenance services (police, fire, maintenance, etc.) that are necessary to serve the future residential development. However development impact fees and property tax revenues from future residential development will help to offset the anticipated expenditures. The elimination of 1.02 acres of CC-zoned land would result in the loss of 17,772 square feet of potential commercial space (based on a 0.40 FAR). The loss of 17,772 square feet of commercial space represents less than 0.0005% of the over 33 million

STAFF MEMBER PRESENTING: Scott Murphy, AICP, Executive Director Development Agency

Prepared by: Clarice Burden
Department: Planning
City Manager Approval: 

Submitted to Council/O.H.A. 07/16/2019
Approved: _____
Continued to: _____
Denied: _____

23

square feet of commercial (retail/office) properties that are existing and planned throughout the City of Ontario.

BACKGROUND: LHL Investment Group, LLC, "Applicant" initially requested a General Plan Amendment (File No.: PGPA18-009) and Zone Change (File No. PZC18-003) for the 0.76 acre parcel situated in the middle of a group three commercial properties located at the south west corner of G Street and Corona Avenue. The request was to change the General Plan land use designation to Low-Medium Density Residential and to change the zoning district to MDR-11 (Low-Medium Density Residential) for this single parcel in order to facilitate future multi-family residential development. In analyzing the request, the City expanded the request to include the parcels to the immediate east and west of the initial parcel to avoid spot zoning and to encourage orderly development of the area.

The Zone Change as currently proposed is designed to coordinate the land use designations with the surrounding area for 3 properties located at the south west corner of G Street and Corona Avenue that total approximately 1.5 acres and currently fall within the CC, Community Commercial zoning district. As shown in Exhibit "A", the Zone Change proposes to change the zoning on the westerly two undeveloped parcels to MDR-11 to accommodate future residential development. The parcel located directly on the corner of G Street and Corona Avenue is developed with a single story office building and its zoning is proposed to change to CCS to coordinate with the properties to the north and east. The Zone Change, as shown in Exhibit "A" of the attached ordinance, is proposed in order for the zoning to be consistent with the proposed land use designation changes per the accompanying General Plan Amendment request (File No. PGPA18-009) to change the land use designations to Low-Medium Density Residential and Hospitality.

The Planning Commission reviewed the proposed Zone Change on June 25, 2019, including the written and oral arguments presented at the public hearing. The Planning Commission voted 7 to 0, recommending that City Council approve the project as presented.

AIRPORT LAND USE COMPATIBILITY: The project site is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) Ontario.

ENVIRONMENTAL REVIEW: The application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA"). The environmental impacts of this project were reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) adopted by City Council on January 27, 2010 in conjunction with File No. PGPA06-001. This Application introduces no new significant environmental impacts not previously analyzed in the Environmental Impact Report. All previously adopted mitigation measures are a condition of project approval and are incorporated herein by reference. The environmental documentation for this project is available for review at the Planning Department public counter.

Exhibit A: File No. PZC18-003 Proposed Zone Change

ZONING Legend:

	AR-2, Residential-Agricultural		PUD, Planned Development Unit		BP, Business Park		OS-R, Open Space Recreation
	RE-2, Rural Estate		MU, Mixed Use 1 – Downtown, 2-East Holt, 11-Francis&Euclid		IP, Industrial Park		OS-C, Open Space Cemetery
	RE-4, Residential Estate		CS, Corner Store		IL, Light Industrial		UC, Utilities Corridor
	LDR-5, Low Density Residential		CN, Neighborhood Commercial		IG, General Industrial		SP, Specific Plan
	MDR-11, Low-Medium Density Residential		CC, Community Commercial		IH, Heavy Industrial		SP(AG), Specific Plan with Agricultural Overlay
	MDR-18, Medium Density Residential		CCS, Convention Center Support		ONT, Ontario Int'l Airport		ES, Emergency Shelter Overlay
	MDR-25, Medium-High Density Residential		OL, Low Intensity Office		CIV, Civic		MTC, Multimodal Transit Center Overlay
	HDR-45, High Density Residential		OH, High Intensity Office		RC, Rail Corridor		ICC, Interim Community Commercial Overlay

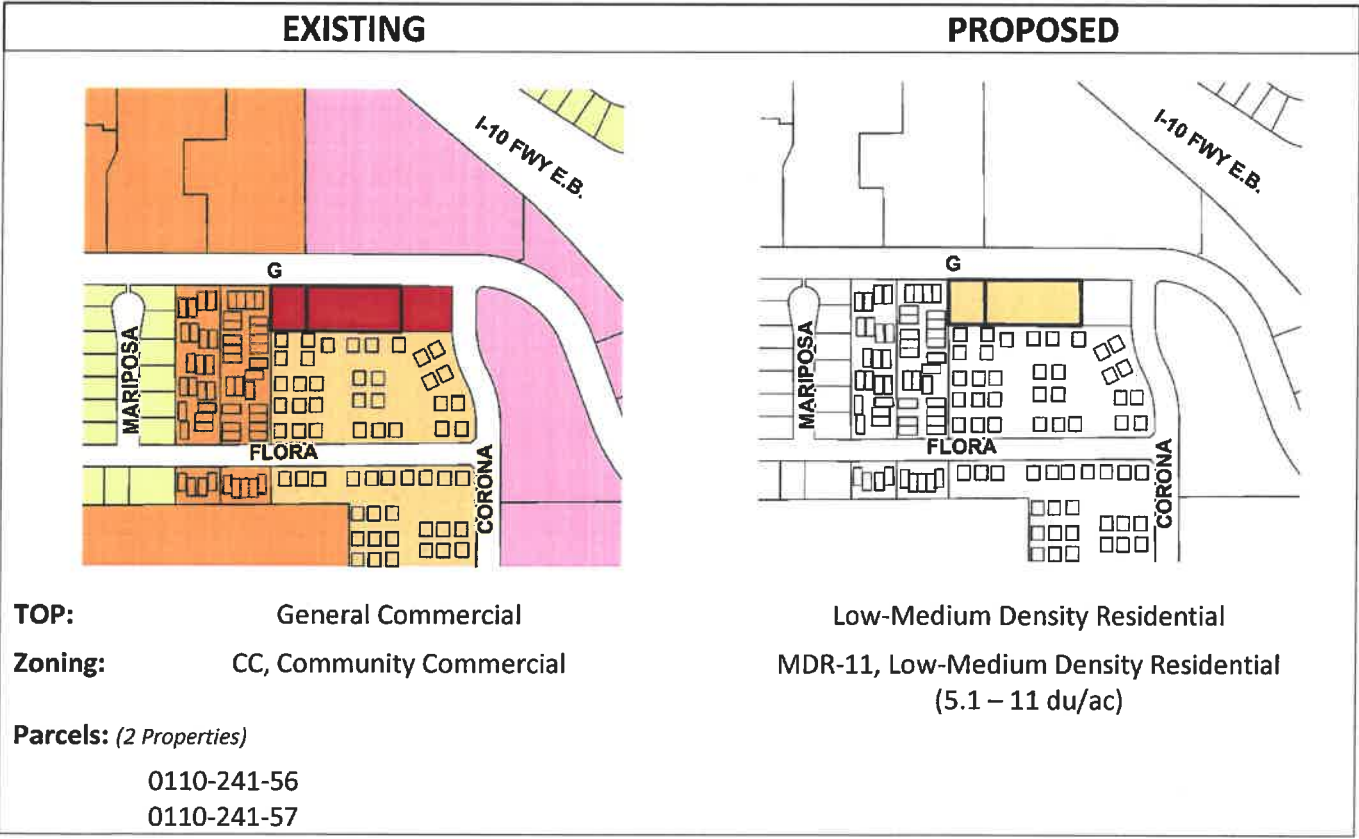
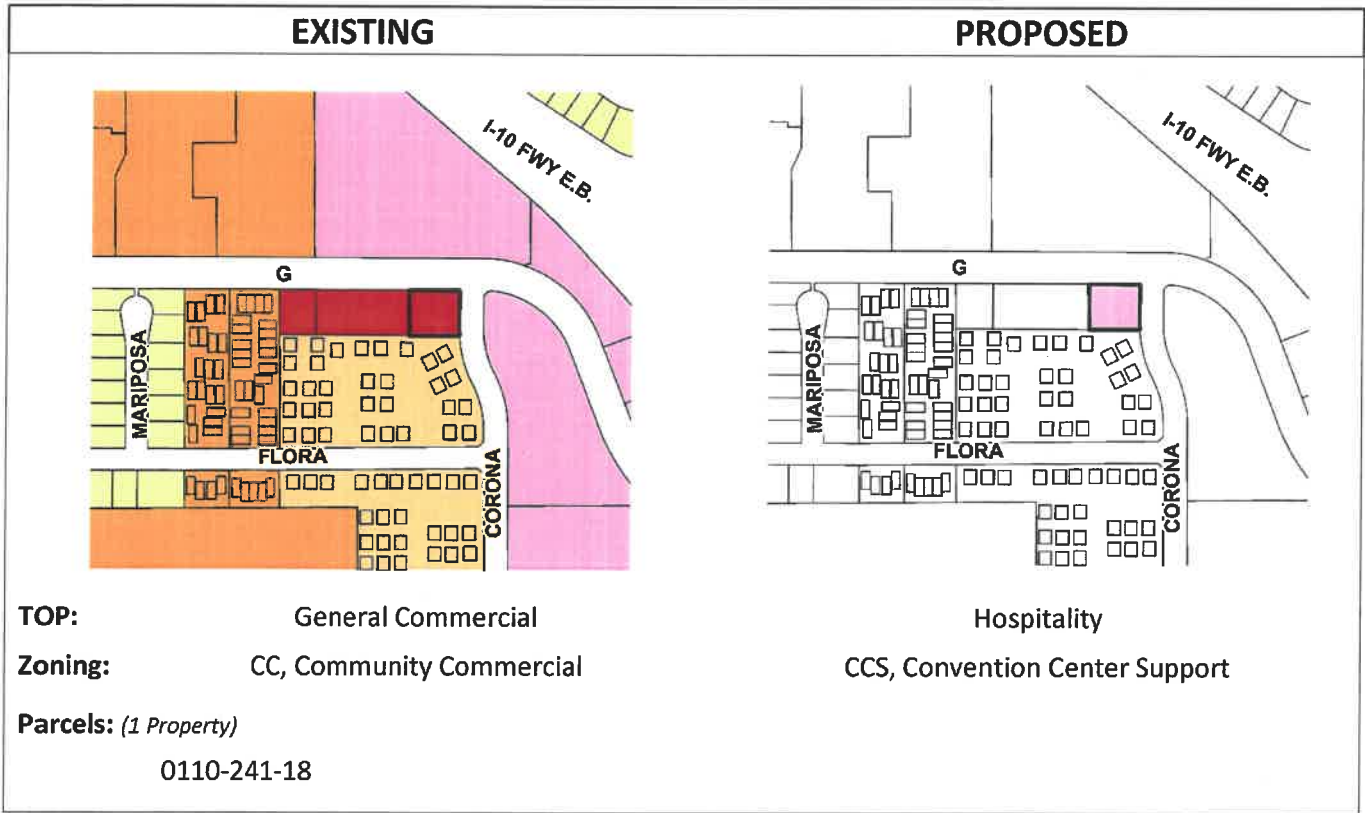


Exhibit A: (cont.)



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN ADDENDUM TO THE ONTARIO PLAN (TOP) CERTIFIED ENVIRONMENTAL IMPACT REPORT (SCH # 2008101140), FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, FOR FILE NOS. PGPA18-009 & PZC18-003 APNS: 0110-241-18, 0110-241-56 & 0110-241-57.

WHEREAS, prior to the adoption of this Resolution, the Planning Director of the City of Ontario prepared and approved for attachment to the certified Environmental Impact Report, an addendum to The Ontario Plan (TOP) certified Environmental Impact Report (SCH # 2008101140) for File Nos. PGPA18-009 & PZC18-003 (hereinafter referred to as "EIR Addendum"), all in accordance with the requirements of the California Environmental Quality Act of 1970, together with State and local guidelines implementing said Act, all as amended to date (collectively referred to as "CEQA"); and

File Nos. PGPA18-009 & PZC18-003 analyzed under the EIR Addendum, consist of a General Plan Amendment to change the land use designation of 1.02 acres of land from General Commercial to Low-Medium Density Residential and to change the land use designation on 0.46 acres of land from General Commercial to Hospitality; and a Zone Change to change the zoning on 1.02 acres of land from CC, Community Commercial to MDR-11, Low-Medium Density Residential (5.1-11 du/ac) and to change the zoning on 0.46 acres of land from CC, Community Commercial to CCS, Convention Center Support, located at the south west corner of G Street and Corona Avenue in the City of Ontario, California (hereinafter referred to as the "Project"); and

WHEREAS, the EIR Addendum concluded that implementation of the Project would not result in significant effects on the environment; and

WHEREAS, The Ontario Plan (TOP) Environmental Impact Report — State Clearinghouse No. 2008101140 — was certified on January 27, 2010 (hereinafter referred to as "Certified EIR"), in which the development and use of the Project site was discussed; and

WHEREAS, pursuant to California Environmental Quality Act ("CEQA") Guidelines Section 15164(a), a lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary to a project, but the preparation of a subsequent or supplemental EIR is not required; and

WHEREAS, the City determined that none of the conditions requiring preparation of a subsequent or supplemental EIR would occur from the Project, and that preparation of an addendum to the EIR was appropriate; and

WHEREAS, the City of Ontario is the lead agency on the Project, and the City Council is the decision-making authority for the requested approval to construct and otherwise undertake the Project; and

WHEREAS, the City Council has reviewed and considered the EIR Addendum for the Project, has concluded that none of the conditions requiring preparation of a subsequent of supplemental EIR have occurred, and intends to take actions on the Project in compliance with CEQA and state and local guidelines implementing CEQA; and

WHEREAS, the EIR Addendum for the Project are on file in the Planning Department, located at 303 East B Street, Ontario, CA 91764, are available for inspection by any interested person at that location and are, by this reference, incorporated into this Resolution as if fully set forth herein; and

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

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND RESOLVED by the City Council of the City of Ontario, as follows:

SECTION 1. *Environmental Determination and Findings.* As the decision-making authority for the Project, the City Council has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the City Council, the City Council finds as follows:

(1) The environmental impacts of this project were reviewed in conjunction with an Addendum to The Ontario Plan (TOP) Environmental Impact Report — State Clearinghouse No. 2008101140 — which was certified on January 27, 2010, in conjunction with File No. PGPA06-001.

(2) The EIR Addendum and administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

(3) The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. This Application introduces no new significant environmental impacts.

(4) All previously adopted mitigation measures shall be a condition of project approval, as they are applicable to the Project, and are incorporated herein by this reference.

(5) The EIR Addendum contains a complete and accurate reporting of the environmental impacts associated with the Project, and reflects the independent judgment of the City Council; and

(6) There is no substantial evidence in the administrative record supporting a fair argument that the project may result in significant environmental impacts; and

SECTION 2. *Additional Environmental Review Not Required.* Based on the Addendum, all related information presented to the City Council, and the specific findings set forth in Section 1, above, the City Council finds that the preparation of a subsequent or supplemental Environmental Impact Report is not required for the Project, as the Project:

(1) Does not constitute substantial changes to the Certified EIR that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

(2) Does not constitute substantial changes with respect to the circumstances under which the Certified EIR was prepared, that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and.

(3) Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Certified EIR was certified/adopted, that shows any of the following:

(a) The project will have one or more significant effects not discussed in the Certified EIR; or

(b) Significant effects previously examined will be substantially more severe than shown in the Certified EIR; or

(c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the City declined to adopt such measures; or

(d) Mitigation measures or alternatives considerably different from those analyzed in the Certified EIR would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

SECTION 3. *City Council Action.* Based upon the findings and conclusions set forth in Sections 1 and 2, above, the City Council hereby finds that based upon the entire record of proceedings before it, and all information received, that there is no substantial evidence that the Project will constitute substantial changes to the Certified EIR, and does hereby approve the EIR Addendum to the Certified EIR, incorporated herein by this reference.

SECTION 4. *Indemnification.* The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 5. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 6. Certification to Adoption. The City Clerk shall certify to the adoption of the Resolution.

PASSED, APPROVED, AND ADOPTED this 16th day of July 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

COLE HUBER 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. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 16, 2019, 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. 2019- duly passed and adopted by the Ontario City Council at their regular meeting held July 16, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC18-003, A ZONE CHANGE REQUEST TO CHANGE THE ZONING DESIGNATION ON 1.02 ACRES OF LAND FROM CC, COMMUNITY COMMERCIAL, TO MDR-11, LOW-MEDIUM DENSITY RESIDENTIAL (5.1-11 DU/AC), AND TO CHANGE THE ZONING DESIGNATION ON 0.46 ACRES OF LAND FROM CC, COMMUNITY COMMERCIAL TO CCS, CONVENTION CENTER SUPPORT, LOCATED AT THE SOUTHWEST CORNER OF G STREET AND CORONA AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 0110-241-18, 0110-241-56 & 0110-241-57.

WHEREAS, LHL Investments Group, LLC ("Applicant") has filed an Application for the approval of a Zone Change, File No. PZC18-003, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 3 parcels totaling 1.48 acres of land generally located at the south west corner of G Street and Corona Avenue, within the CC, Community Commercial zone, 1.02 acres of which is proposed to change to MDR-11, Low-Medium Density Residential (5.1-11 du/ac) and 0.46 acres of which is proposed to change to CCS, Convention Center Support. Two of the parcels are undeveloped and one parcel contains a single story office building; and

WHEREAS, the properties to the north of the Project site are within the MDR-18, Medium Density Residential (11.1-18 du/ac) and the CCS, Convention Center Support zoning districts, and are developed with multi-family residential units and a Hotel. The property to the east is within the CCS, Convention Center Support zoning district, and is undeveloped land. The property to the south is within the MDR-11, Low-Medium Density Residential (5.1-11 du/ac) zoning district, and is developed with multi-family residential units. The property to the west is within the MDR-18, Medium Density Residential (11.1-18 du/ac) zoning district, and is developed with multi-family residential units; and

WHEREAS, a related General Plan Amendment (File No. PGPA18-009) is being processed concurrently with this application to change the General Plan land use designation on 1.02 acres of land from General Commercial to Low-Medium Density Residential and to change 0.46 acres of land from General Commercial to Hospitality; and

WHEREAS, the Project has been reviewed for consistency with the Housing Element of the Policy Plan component of The Ontario Plan, as State Housing Element law (as prescribed in Government Code Sections 65580 through 65589.8) requires that development projects must be consistent with the Housing Element, if upon consideration of all its aspects, it is found to further the purposes, principals, goals, and policies of the Housing Element; and

WHEREAS, the Project is located within the Airport Influence Area of Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and is subject to, and must be consistent with, the policies and criteria set forth in the Ontario International Airport Land Use Compatibility Plan ("ALUCP"), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

WHEREAS, the City's "Local Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") and an initial study has been prepared to determine possible environmental impacts; and

WHEREAS, Ontario Development Code Table 2.02-1 (Review Matrix) grants the City Council the responsibility and authority to review and act on the subject Application; and

WHEREAS, City of Ontario Development Code Division 2.03 (Public Hearings) prescribes the manner in which public notification shall be provided and hearing procedures to be followed, and all such notifications and procedures have been completed; and

WHEREAS, on June 25, 2019, the Planning Commission conducted a public hearing and approved Resolution No. PC19-042, recommending the City Council approve a Resolution adopting an Addendum to the TOP Environmental Impact Report (SCH# 2008101140), certified by the City Council on January 27, 2010, in conjunction with File No. PGPA06-001. The Addendum finds that the proposed project introduces no new significant environmental impacts. Furthermore, all mitigation measures previously adopted with the Certified Environmental Impact Report are incorporated into the Project by reference; and

WHEREAS, on June 25, 2019, the Planning Commission of the City of Ontario conducted a hearing to consider the Addendum and the Project, and concluded said hearing on that date, voting to issue Resolution No. PC19-044, recommending the City Council approve the Application; and

WHEREAS, on July 16, 2019, the City Council of the City of Ontario conducted a hearing to consider the Addendum and the Project, and concluded said hearing on that date; and

WHEREAS, as the first action on the Project, on July 16, 2019, the City Council approved a resolution adopting an Addendum to a previous Certified EIR prepared pursuant to CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines, which indicated that all potential environmental impacts from the Project were less than significant or could be mitigated to a level of significance; and

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

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND ORDAINED by the City Council of the City of Ontario, as follows:

SECTION 1. *Environmental Determination and Findings.* As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the previous Certified EIR and supporting documentation. Based upon the facts and information contained in the previous Certified EIR and supporting documentation, the City Council finds as follows:

(1) The environmental impacts of this project were reviewed in conjunction with an Addendum to TOP Environmental Impact Report, certified by the City of Ontario City Council on January 27, 2010, in conjunction with File No. PGPA06-001.

(2) The Addendum and administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

(3) The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. This Application introduces no new significant environmental impacts.

(4) The Addendum contains a complete and accurate reporting of the environmental impacts associated with the Project, and reflects the independent judgment of the DAB; and

(5) There is no substantial evidence in the administrative record supporting a fair argument that the project may result in significant environmental impacts; and

(6) The proposed project will introduce no new significant environmental impacts beyond those previously analyzed in the Certified EIR, and all mitigation measures previously adopted by the Certified EIR, are incorporated herein by this reference.

SECTION 2. *Additional Environmental Review Not Required.* Based on the Addendum, all related information presented to the City Council, and the specific findings set forth in Section 1, above, the City Council finds that the preparation of a subsequent or supplemental Certified EIR is not required for the Project, as the Project:

(1) Does not constitute substantial changes to the Certified EIR that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

(2) Does not constitute substantial changes with respect to the circumstances under which the Certified EIR was prepared, that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and.

(3) Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Certified EIR was certified/adopted, that shows any of the following:

(a) The project will have one or more significant effects not discussed in the Certified EIR; or

(b) Significant effects previously examined will be substantially more severe than shown in the Certified EIR; or

(c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the City declined to adopt such measures; or

(d) Mitigation measures or alternatives considerably different from those analyzed in the Certified EIR would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

SECTION 3. *Housing Element Compliance.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the recommending body for the Project, the Planning Commission finds that based upon the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.

SECTION 4. *Ontario International Airport Land Use Compatibility Plan (“ALUCP”) Compliance.* The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan (“ALUCP”), establishing the Airport Influence Area for Ontario International Airport (“ONT”), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the decision-making body for the Project, the City Council has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3),

[3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the City Council, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

SECTION 5. *Concluding Facts and Reasons.* Based upon the substantial evidence presented to the City Council during the above-referenced hearing, and upon the specific findings set forth in Section 1 through 4, above, the City Council hereby concludes as follows:

(1) The proposed Zone Change is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan as follows:

Land Use Element:

- Goal LU1: A community that has a spectrum of housing types and price ranges that match the jobs in the City and that make it possible for people to live and work in Ontario and maintain a quality of life.

- LU1-6: Complete Community. We incorporate a variety of land uses and building types in our land use planning efforts that result in a complete community where residents at all stages of life, employers, workers and visitors have a wide spectrum of choices of where they can live, work, shop and recreate within Ontario.

Compliance: The proposed General Plan Amendment and Zone Change reflect the existing uses of the properties or closely coordinates with land use designations in the surrounding area, and provides opportunities for choice in living and working environments.

- Goal LU2: Compatibility between a wide range of uses.

- LU2-1: Land Use Decisions. We minimize adverse impacts on adjacent properties when considering land use and zoning requests.

Compliance: The proposed General Plan Amendment and Zone Change reflect the existing uses of the properties or closely coordinates with land use designations in the surrounding area, and will not create adverse impacts on adjacent properties.

- Goal LU5: Integrated airport systems and facilities that minimize negative impacts to the community and maximize economic benefits.

- LU5-7: ALUCP Consistency with Land Use Regulations. We comply with state law that requires general plans, specific plans and all new development be consistent with the policies and criteria set forth within an Airport Land Use Compatibility Plan for any public use airport.

Compliance: The proposed General Plan Amendment and Zone Change are consistent with the adopted Airport Land Use Compatibility Plan for both Ontario International Airport and Chino Airport.

Safety Element — Noise Hazards

▪ Goal S4: An environment where noise does not adversely affect the public's health, safety, and welfare.

➤ S4-6: Airport Noise Compatibility. We utilize information from Airport Land Use Compatibility Plans to prevent the construction of new noise sensitive land uses within airport noise impact zones.

Compliance: The subject property is located within the 60 to 65 CNEL Noise Impact area and the proposed Low-Medium Density Residential and Hospitality/Convention Center Support land use designations are compatible with the Noise Impact area.

(2) The proposed Zone Change would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City because the proposed zoning designations are compatible with the zoning and land uses in the surrounding area.

(3) The proposed Zone Change will not adversely affect the harmonious relationship with adjacent properties and land uses because the surrounding properties to the south, and east have the same land use designations and the properties to the north and west has a coordinating land use designations. The allowed uses of the properties will be similar to other properties in the area.

(4) The subject site is physically suitable, including, but not limited to, parcel sizes, shapes, access, and availability of utilities, for the requested zoning change from CC, Community Commercial to MDR-11, Low-Medium Density Residential and CCS, Convention Center Support and to the anticipated future development with allowable uses.

SECTION 6. ***City Council Action.*** Based upon the findings and conclusions set forth in Sections 1 through 5, above, the City Council hereby APPROVES the herein described Zone Change, as shown in "Exhibit A," attached hereto and incorporated herein by this reference.

SECTION 7. ***Indemnification.*** The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 8. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 9. Severability. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The People of the City of Ontario hereby declare that they would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 10. Effective Date. This Ordinance shall become effective 30 days following its adoption.

SECTION 11. Publication and Posting. 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 15 days following 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 _____ 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

COLE HUBER 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 July 16, 2019 and adopted at the regular meeting held _____, 2019 by the following roll call vote, to wit:

AYES: 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 _____ and that Summaries of the Ordinance were published on _____ and _____, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)

Exhibit A: File No. PZC18-003 Proposed Zone Change

ZONING Legend:

	AR-2, Residential-Agricultural		PUD, Planned Development Unit		BP, Business Park		OS-R, Open Space - Recreation
	RE-2, Rural Estate		MU, Mixed Use 1 - Downtown, 2-East Holt, 11-Francis&Euclid		IP, Industrial Park		OS-C, Open Space-Cemetery
	RE-4, Residential Estate		CS, Corner Store		IL, Light Industrial		UC, Utilities Corridor
	LDR-5, Low Density Residential		CN, Neighborhood Commercial		IG, General Industrial		SP, Specific Plan
	MDR-11, Low-Medium Density Residential		CC, Community Commercial		IH, Heavy Industrial		SP(AG), Specific Plan with Agricultural Overlay
	MDR-18, Medium Density Residential		CCS, Convention Center Support		ONT, Ontario Int'l Airport		ES, Emergency Shelter Overlay
	MDR-25, Medium-High Density Residential		OL, Low Intensity Office		CIV, Civic		MTC, Multimodal Transit Center Overlay
	HDR-45, High Density Residential		OH, High Intensity Office		RC, Rail Corridor		ICC, Interim Community Commercial Overlay

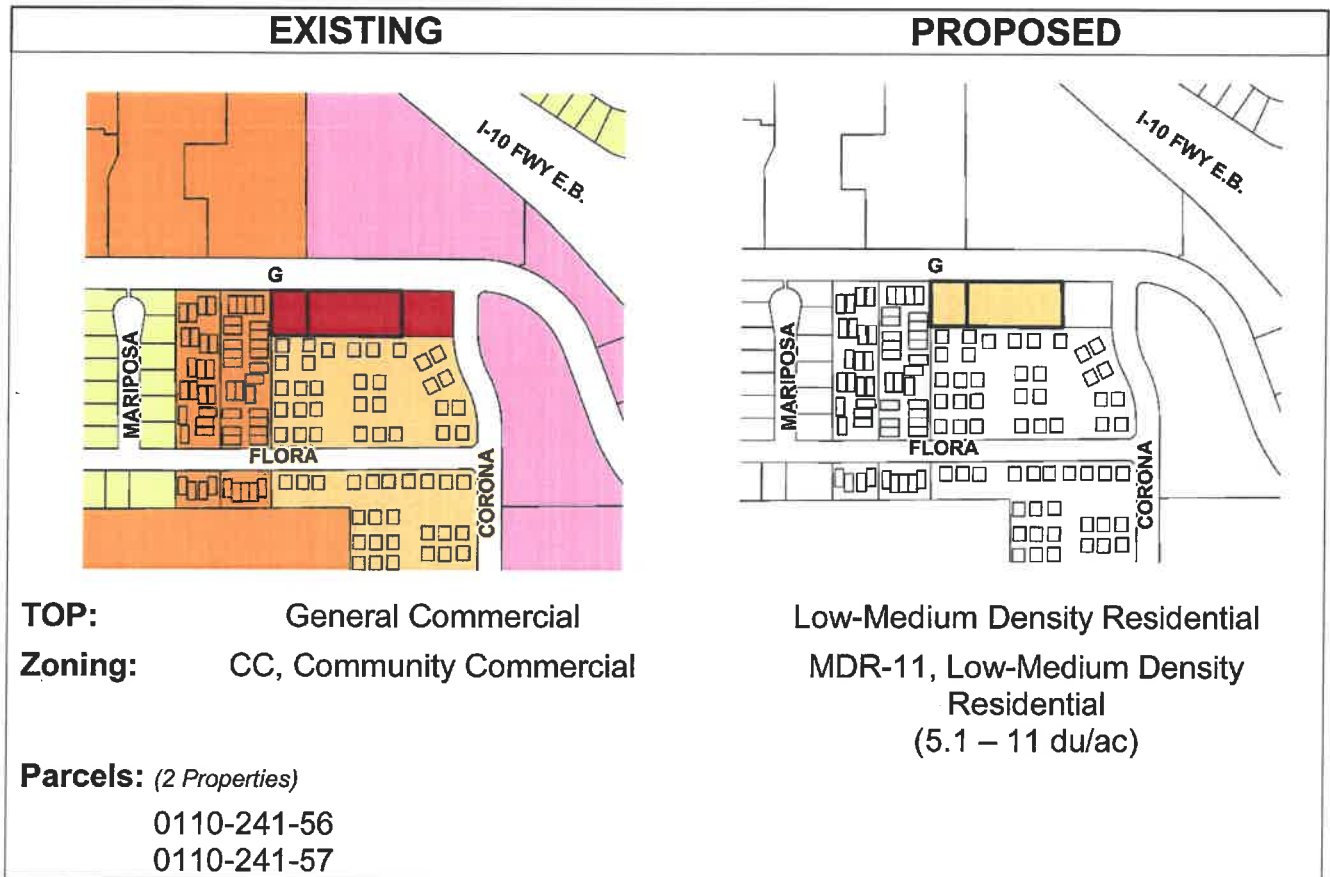
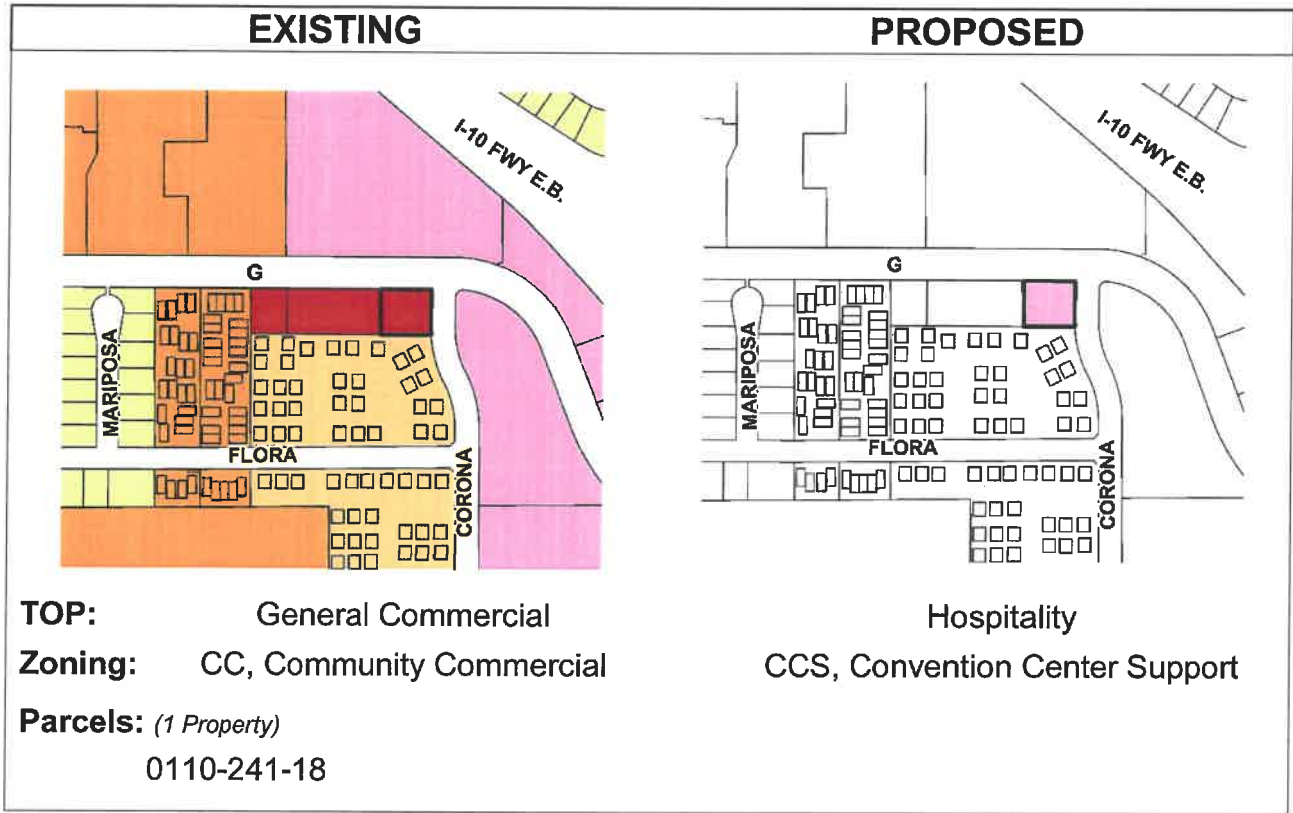


Exhibit A: (cont.)



CITY OF ONTARIO

Agenda Report
July 16, 2019

**SECTION:
PUBLIC HEARINGS**

SUBJECT: A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING AN AMENDMENT TO THE CITY OF ONTARIO MUNICIPAL CODE, REVISING SECTION 4-6.1009 TO ADD PROVISIONS PROHIBITING THE OVERNIGHT PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL ZONING DISTRICTS

ITEM CONTINUED TO

AUGUST 20, 2019