

CITY OF ONTARIO
CITY COUNCIL AND HOUSING AUTHORITY
AGENDA
JULY 5, 2016

Paul S. Leon
Mayor

Debra Dorst-Porada
Mayor pro Tem

Alan D. Wapner
Council Member

Jim W. Bowman
Council Member

Paul Vincent Avila
Council Member



Al C. Boling
City Manager

John E. Brown
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

Dorst-Porada, Wapner, Bowman, Avila, 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)(2), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION:
Two (2) cases.

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

PLEDGE OF ALLEGIANCE

Council Member Bowman

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 7, 2016, and the special meeting of the City Council and Housing Authority of May 20, 2016, approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

Bills May 1, 2016 through May 14, 2016 and **Payroll** May 1, 2016 through May 14, 2016, when audited by the Finance Committee.

3. A CONSTRUCTION CONTRACT FOR THE FY 2015-16 PAVEMENT REHABILITATION PROJECT AND CDBG FUNDED ALLEY RECONSTRUCTION/ALL AMERICAN ASPHALT

That the City Council approve the plans and specifications and award a construction contract (on file in the Records Management Department) to All American Asphalt of Corona, California, for the FY 2015-16 Pavement Rehabilitation Project and CDBG Funded Alley Reconstruction for the bid amount of \$3,383,480, plus a 15% contingency of \$507,522, for a total authorized amount of \$3,891,002; and authorize the City Manager to execute related documents necessary and file a notice of completion at the conclusion of all construction activities.

4. A CONSTRUCTION CONTRACT FOR THE FY 2015-16 / FY 2016-17 COLLECTOR / ARTERIAL, LOCAL STREET MAINTENANCE - SLURRY SEAL AND CDBG PAVEMENT AND ALLEY PAVEMENT MANAGEMENT REHABILITATION/AMERICAN ASPHALT SOUTH, INC.

That the City Council approve the plans and specifications and award a construction contract (on file in the Records Management Department) to American Asphalt South, Inc., of Fontana, California for the City of Ontario FY 2015-16 / FY 2016-17 Collector/Arterial, Local Street Maintenance Slurry Seal and CDBG Pavement and Alley Pavement Management Rehabilitation in the bid amount of \$1,883,430 plus a fifteen (15%) percent contingency of \$282,515 for a total authorized expenditure of \$2,165,945; and authorize the City Manager to execute said contract and related documents, and file a notice of completion at the conclusion of all construction activities for the project.

5. AWARD CONSTRUCTION CONTRACT NO. IT16-FIB-001 FIBER OPTIC CABLE INSTALLATION TO PROVIDE HIGH-SPEED INTERNET (BROADBAND) CONNECTION TO THE WEST HAVEN DEVELOPMENT GENERALLY LOCATED IN THE AREA NORTHEAST OF SCHAEFER AND TURNER AVENUE/HHS CONSTRUCTION INCORPORATED

That the City Council take the following actions:

- (A) Award Construction Contract No. IT16-FIB-001 (on file in the Records Management Department) to HHS Construction, Incorporated (HHS) of Ontario, California, in the bid amount of \$162,589 plus a 15% contingency of \$24,388 for a total of \$186,977 for the installation of fiber optic cable in the West Haven Development generally located in the area northeast of Schaefer and Turner Avenues; and
- (B) Authorize the City Manager to execute all documents required for the completion of the project including, but not limited to, contracts, agreements, easements, reduction of retention accounts, and the filing of Notice of Completion at the conclusion of all related work.

6. AWARD OF BID FOR PROCUREMENT OF ASPHALT, CONCRETE AND AGGREGATE MATERIALS/HOLLIDAY ROCK CO./CALPORTLAND/ALL AMERICAN ASPHALT/DAN COPP CRUSHING/VULCAN

That the City Council authorize the City Manager to approve the procurement of concrete, asphalt and aggregate materials for a period of six months at set pricing per Bid Invitation #642 with: Holliday Rock Co. of Upland, California; CalPortland of Ontario, California; All American Asphalt of Corona, California; Dan Copp Crushing of Yorba Linda, California; and Vulcan of Irwindale, California; and authorize the City Manager to extend the agreements for an additional six months through the end of the fiscal year consistent with City Council approved budgets.

7. PURCHASE OF HAND-HELD POLICE RADIOS FROM MOTOROLA SOLUTIONS

That the City Council authorize the City Manager to execute a sole source purchase contract with Motorola Solutions, formerly known as Motorola, Inc., of Schaumburg, IL in the amount of \$218,500 for the purchase of thirty-eight (38) hand-held 800 MHz police radios and related accessories.

8. PROFESSIONAL SERVICES AGREEMENT FOR RECYCLED WATER CROSS-CONNECTION AND OVERSPRAY TESTING/AEGIS ENGINEERING MANAGEMENT

That the City Council approve and authorize the City Manager to execute a three 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 in an amount not to exceed \$300,000 consistent with City Council approved work plans and budgets.

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.

9. A PUBLIC HEARING TO CONSIDER A RESOLUTION REGARDING THE FORMATION OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 30 (NEW HAVEN FACILITIES – AREA B); INTRODUCTION OF AN ORDINANCE LEVYING SPECIAL TAXES; AND ADOPTION OF A RESOLUTION TO INCUR BONDED INDEBTEDNESS

Item continued to the July 19, 2016, meeting.

10. A PUBLIC HEARING TO CONSIDER A DEVELOPMENT CODE AMENDMENT, FILE NO. PDCA16-003, PROPOSING VARIOUS CLARIFICATIONS TO THE ONTARIO DEVELOPMENT CODE, INCLUDING MODIFICATIONS TO CERTAIN PROVISIONS OF DIVISION 2.03 (PUBLIC HEARINGS), DIVISION 5.02 (LAND USE), DIVISION 5.03 (STANDARDS FOR CERTAIN LAND USES, ACTIVITIES AND FACILITIES), DIVISION 6.01 (DISTRICT STANDARDS AND GUIDELINES), DIVISION 8.01 (SIGN REGULATIONS), AND DIVISION 9.01 (DEFINITIONS)

That the City Council introduce and waive further reading of an ordinance approving File No. PDCA16-003, a Development Code Amendment proposing several clarifications to the Ontario Development Code (Ontario Municipal Code Title 9) including:

- (1) Modify the Notification Matrix (Table 2.03-1) to clarify that public hearing notification is not required for a Development Advisory Board recommendation to the Planning Commission;
- (2) Modify the Land Use Matrix (Table 5.02-1) to prohibit "Used Car Sales" in the CC (Community Commercial) zone, and in ICC (Interim Community Commercial) Overlay district, allow "Fitness and Recreation Sport Centers" that are 10,000 square feet or more in area, as a conditionally permitted use in the CN (Neighborhood Commercial) zone, and require Conditional Use Permit approval "Wireless Telecommunications Facilities" in the AG (Agriculture) Overlay district;
- (3) Prohibit drive-thru facilities in the MU-1 (Downtown Mixed-Use) zone (Section 5.03.150);

- (4) Allow a maximum wireless telecommunications facility antenna height of 75 feet for collocated facilities in the IL (Light Industrial), IG (General Industrial), and IH (Heavy Industrial) zones (Section 5.03.420);
- (5) Clarify that medical offices are allowed on the first floor of office buildings in the Euclid Avenue, except in the MU-1 zone (Section 6.01.035);
- (6) Clarify that signs cannot encroach into the public right-of-way (Section 8.01.020);
- (7) Clarify that monument signs should be designed with a 12- to 18-inch high base (Section 8.1.025);
- (8) Define the term “Density,” and include rules for rounding minimum and maximum density calculations (Section 9.01.010); and
- (9) Revise the allowable exterior noise level for the “Residential Portion of Mixed Use Projects,” to match the “Multiple-Family and Mobilehome Park” noise standard (Municipal Code Section 5-29.04).

Notice of public hearing has been duly given and affidavits of compliance are on file in the Records Management Department.

Written communication.

Oral presentation.

Public hearing closed.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA16-003, A DEVELOPMENT CODE AMENDMENT PROPOSING VARIOUS CLARIFICATIONS TO THE ONTARIO DEVELOPMENT CODE: [1] AMEND TABLE 5.02-1 (LAND USE MATRIX) TO PROHIBIT “USED CAR SALES” WITHIN THE CC (COMMUNITY COMMERCIAL) ZONE AND ICC (INTERIM COMMUNITY COMMERCIAL) OVERLAY DISTRICT, ALLOW “FITNESS AND RECREATION SPORT CENTERS”, 10,000 SQUARE FEET OR MORE IN AREA, AS A CONDITIONALLY PERMITTED LAND USE WITHIN THE CN (NEIGHBORHOOD COMMERCIAL) ZONE, AND ALLOW “WIRELESS TELECOMMUNICATIONS FACILITIES” AS A CONDITIONALLY PERMITTED LAND USE IN THE AG (AGRICULTURE) OVERLAY DISTRICT; [2] AMEND SECTION 5.03.150 (DRIVE-THRU FACILITIES) TO PROHIBIT DRIVE-THRU FACILITIES WITHIN THE MU-1 (DOWNTOWN MIXED-USE) ZONING DISTRICT; [3] AMEND SECTION 5.03.420 (WIRELESS TELECOMMUNICATIONS FACILITIES) TO ALLOW A MAXIMUM HEIGHT OF 75 FEET FOR COLLOCATED ANTENNAS WITHIN THE IL (LIGHT INDUSTRIAL), IG (GENERAL INDUSTRIAL), AND IH (HEAVY INDUSTRIAL) ZONES; [4] AMEND SECTION 6.01.035 (OVERLAY ZONING DISTRICTS) TO CLARIFY THAT MEDICAL OFFICES ARE ALLOWED ON THE FIRST FLOOR OF BUILDINGS LOCATED WITHIN THE EA (EUCLID AVENUE) OVERLAY DISTRICT, EXCEPT WITHIN THE MU-1 (DOWNTOWN MIXED-USE) ZONE; [5] AMEND TABLE 2.02-1 (REVIEW MATRIX) TO CLARIFY THAT PUBLIC NOTIFICATION IS NOT REQUIRED FOR A DEVELOPMENT ADVISORY BOARD RECOMMENDATION TO THE

PLANNING COMMISSION; [6] AMEND SECTION 8.01.020 (SIGN STANDARDS) TO CLARIFY THAT FREESTANDING SIGNS CANNOT ENCROACH WITHIN THE PUBLIC RIGHT-OF-WAY, AND MUST BE WHOLLY LOCATED BEHIND THE RIGHT-OF-WAY LINE; [7] AMEND SECTION 8.1.025 (DESIGN GUIDELINES) TO CLARIFY THAT MONUMENT SIGNS SHOULD BE PROVIDED WITH A 12- TO 18-INCH HIGH BASE; [8] REVISE SECTION 9.01.010 (TERMS AND PHRASES) TO CLARIFY THE DEFINITION FOR “DENSITY,” INCLUDING RULES FOR ROUNDING DENSITY CALCULATIONS; AND [9] AMEND MUNICIPAL CODE SECTION 5-29.04 (EXTERIOR NOISE STANDARDS) TO CORRECT THE ALLOWED EQUIVALENT NOISE LEVEL FOR NOISE ZONE IV (RESIDENTIAL PORTION OF MIXED USE) TO BE CONSISTENT WITH NOISE ZONE II (MULTI-FAMILY RESIDENTIAL AND MOBILE HOME PARKS), AND MAKING FINDINGS IN SUPPORT THEREOF.

STAFF MATTERS

City Manager Boling

COUNCIL MATTERS

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

ADJOURNMENT

CITY OF ONTARIO
CLOSED SESSION REPORT
City Council // Housing Authority // Other // (GC 54957.1)
July 5, 2016

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

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

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

- GC 54956.9 (d)(2), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION:
Two (2) cases

No Reportable Action	Continue	Approved
/ /	/ /	/ /

Disposition: _____

Reported by: _____
City Attorney / City Manager / Executive Director

CITY OF ONTARIO

Agenda Report

July 5, 2016

SECTION: CONSENT CALENDAR

SUBJECT: A CONSTRUCTION CONTRACT FOR THE FY 2015-16 PAVEMENT REHABILITATION PROJECT AND CDBG FUNDED ALLEY RECONSTRUCTION

RECOMMENDATION: That the City Council approve the plans and specifications and award a construction contract (on file in the Records Management Department) to All American Asphalt of Corona, California, for the FY 2015-16 Pavement Rehabilitation Project and CDBG Funded Alley Reconstruction for the bid amount of \$3,383,480, plus a 15% contingency of \$507,522, for a total authorized amount of \$3,891,002; and authorize the City Manager to execute related documents necessary and file a notice of completion at the conclusion of all construction activities.

COUNCIL GOALS: Regain Local Control of the Ontario International Airport
Focus Resources in Ontario's Commercial and Residential Neighborhoods
Invest in the City's Infrastructure (Water, Street, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: The Fiscal Year 2016-17 Adopted Operating Budget includes appropriations of \$3,977,850 from Measure I funds, \$612,350 from Gas Tax funds, and \$200,000 from Community Development Block Grant for a total budget of \$4,790,200 related to the Pavement Rehabilitation and CDBG Funded Alley Reconstruction Project. All American Asphalt submitted the lowest responsive bid of \$3,383,480. The standard 15% contingency is included due to the potential need to extend project limits and address additional repair work that may be required to complete the project.

BACKGROUND: The scope of services for the FY 2015-16 Pavement Rehabilitation and CDBG Funded Alley Reconstruction Project includes cold planing, removal and replacement of damaged pavement, construction of Asphalt Rubber Hot Mix (ARHM) overlay, construction of ADA compliant access ramps, and placement of traffic striping, pavement markings and raised markers.

The project locations include: rehabilitation of Auto Center Drive from Jurupa Street to Kettering Drive (Project No. ST1501); Balboa Avenue from Francis Street to North End (Project No. ST1502); San Antonio Avenue from Phillips Street to Emporia Street (Project No. ST1503); Grove Avenue from

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

Prepared by: Bill Braun
Department: Engineering

City Manager
Approval: 

Submitted to Council/O.H.A. 07/05/2016

Approved: _____

Continued to: _____

Denied: _____

3

Edison Avenue to Merrill Avenue (Project No. ST1504); Chino Avenue from Euclid Avenue to Campus Avenue (Project No. ST1505); Campus Avenue from Riverside Drive to Chino Avenue (Project No. ST1506); Baker Avenue from SR 60 to Mission Boulevard (Project No. ST1508); Kettering Drive from Auto Center Drive to McNamara Street (Project No. ST1509); Holt Boulevard from Convention Center Way to Kline Street (Project No. ST1606); Etiwanda Avenue from Santa Ana Avenue to Airport Drive (Project No. ST1607); Walker Avenue from Riverside Drive to Walnut Street (Project No. ST1608); Inland Empire Boulevard from Archibald Avenue to Turner Avenue (Project No. ST1603); CDGB Funded Alley Reconstruction between “F” Street & “D” Street and between Sultana Street & Lemon Avenue.

Location maps are attached for reference, Sheets 1 through 13. This project will extend the lifespan of the streets by 10 to 20 years. It is anticipated that construction will start in July 2016 and be completed by October 2016.

In May 2016, the City solicited bids for this project; and three bids were received. The bid results are:

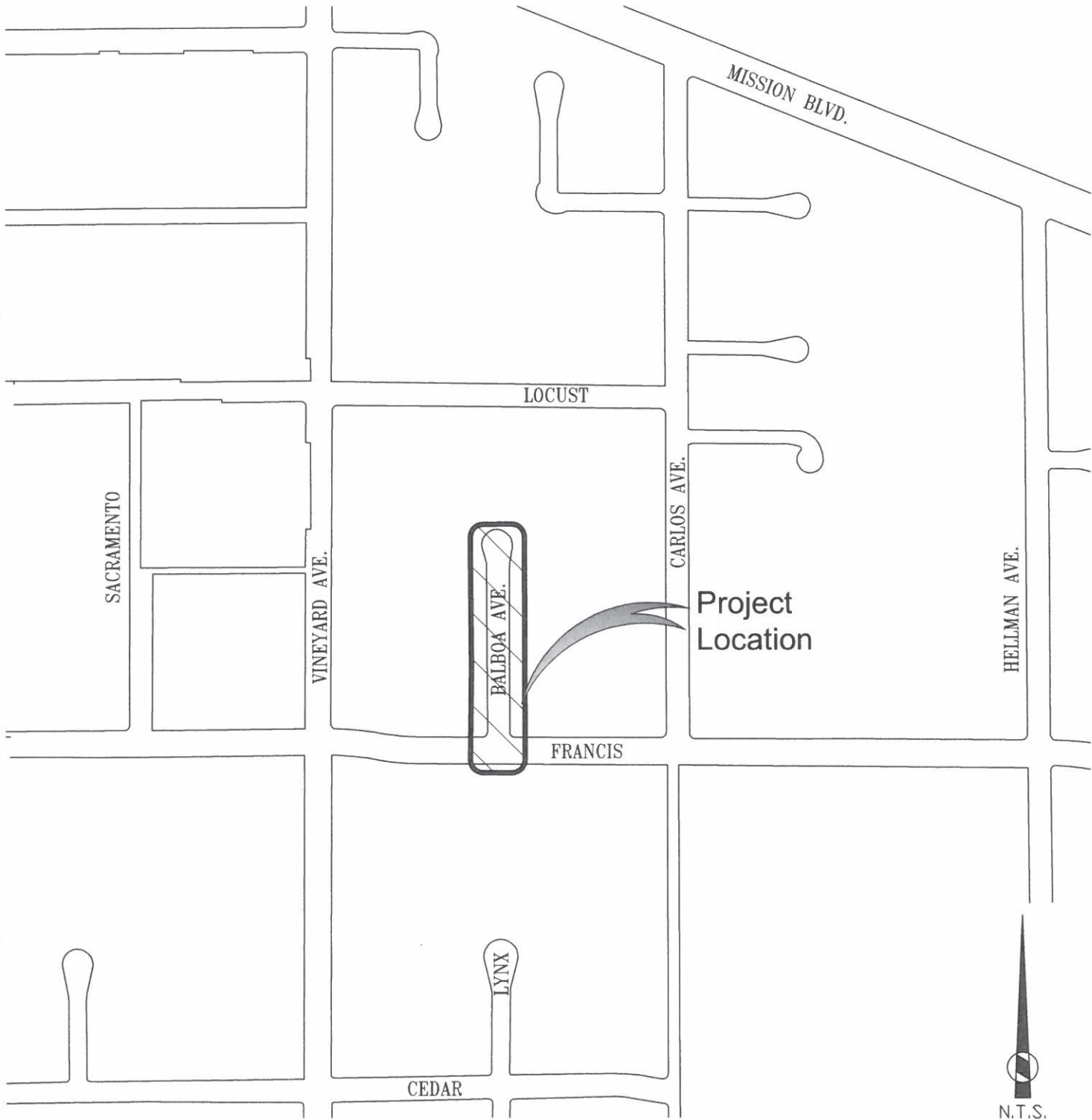
COMPANY	LOCATION	AMOUNT
All American Asphalt	Corona, CA	\$ 3,383,480
R. J. Noble Company	Orange, CA	\$ 3,448,540
Hardy and Harper, Inc.	Santa Ana, CA	\$ 3,737,000

All American Asphalt submitted the lowest responsive bid. All American Asphalt has previously performed similar work for the City of Ontario in a satisfactory manner.

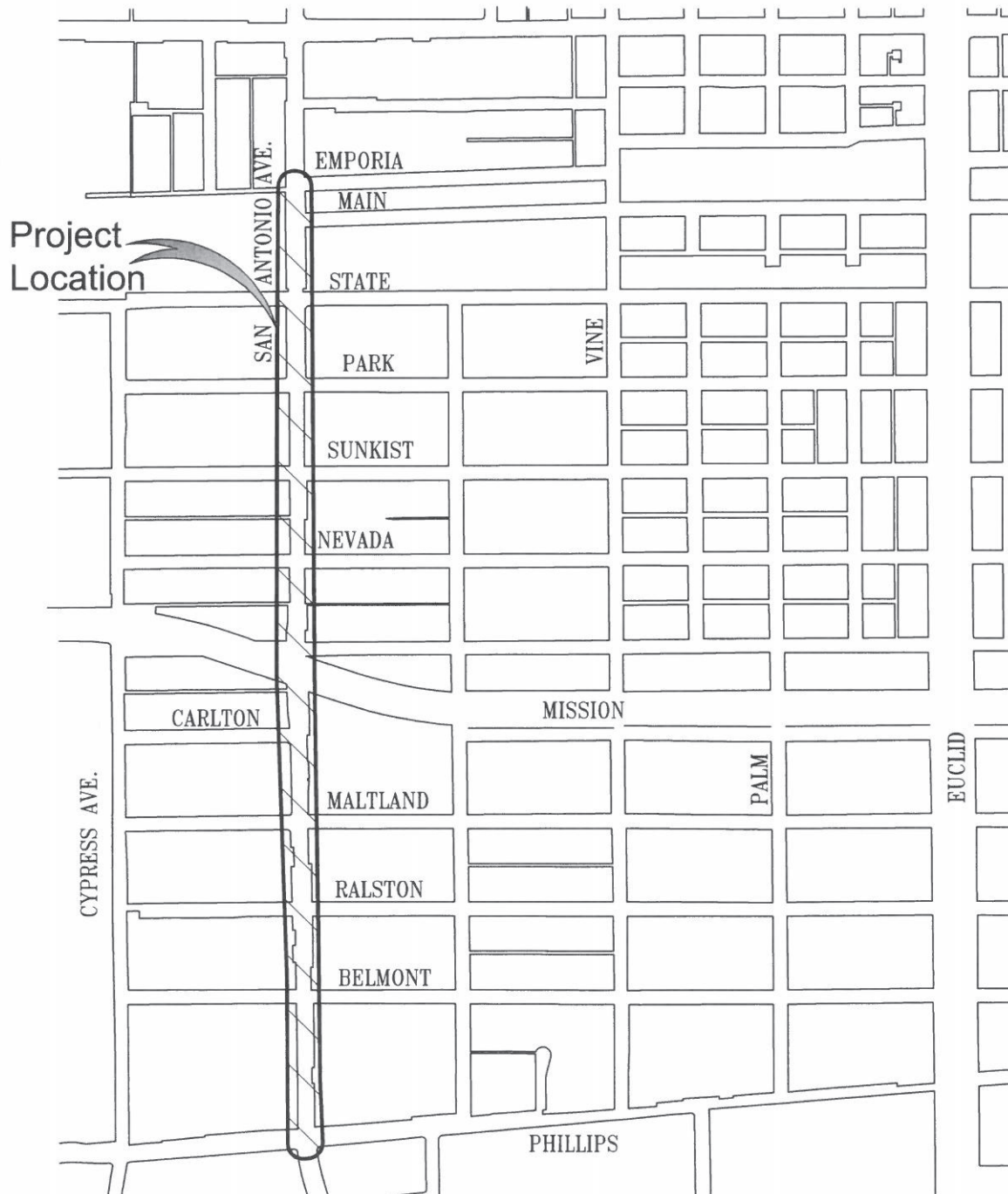
EXHIBIT
AUTO CENTER DRIVE
PAVEMENT REHABILITATION
Project No. ST1501
JURUPA ST. TO KETTERING DR.



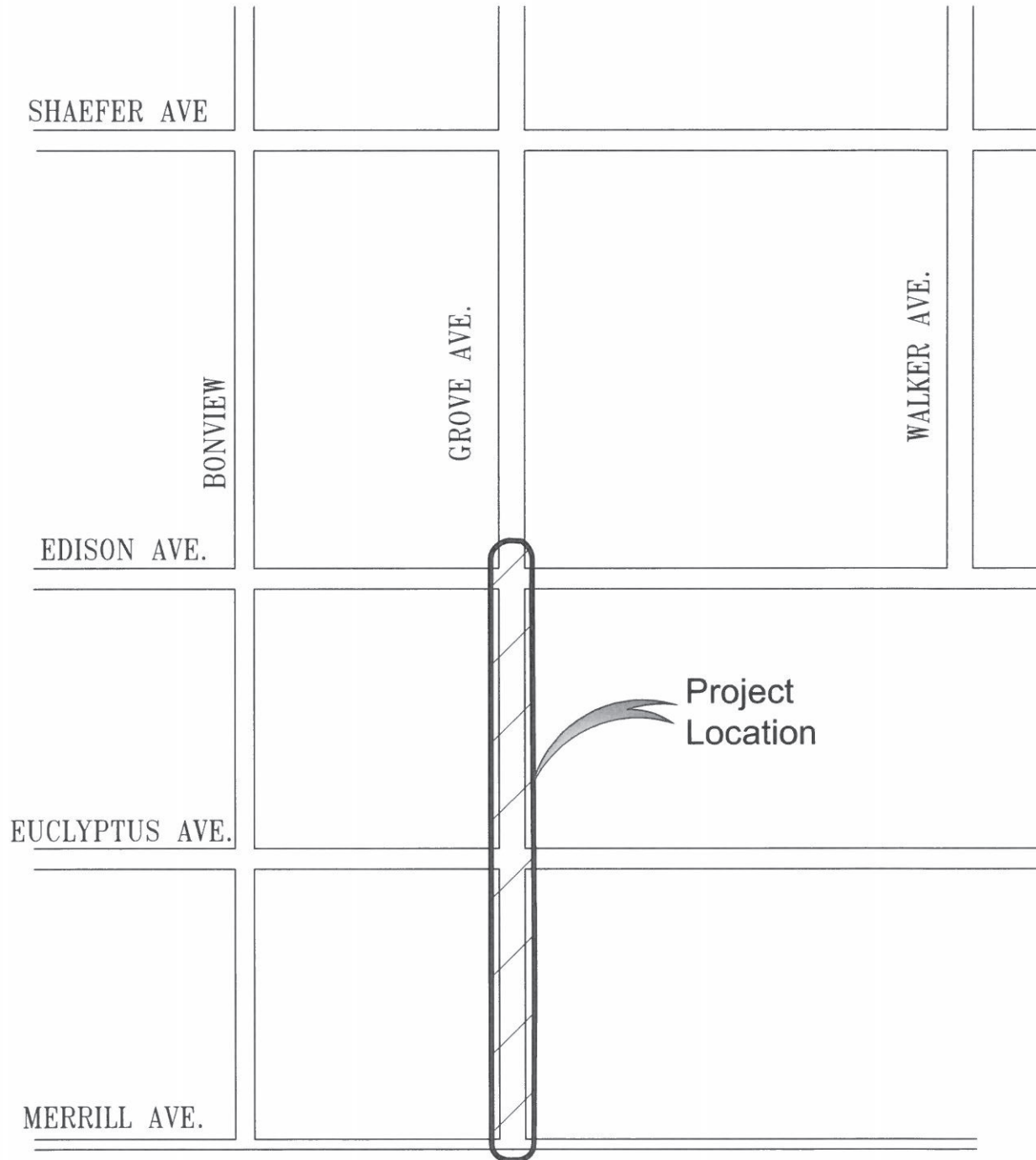
BALBOA AVENUE
PAVEMENT REHABILITATION
Project No. ST1502
FRANCIS ST. TO END



SAN ANTONIO AVENUE PAVEMENT REHABILITATION Project No. ST1503 PHILLIPS ST. TO EMPORIA ST.



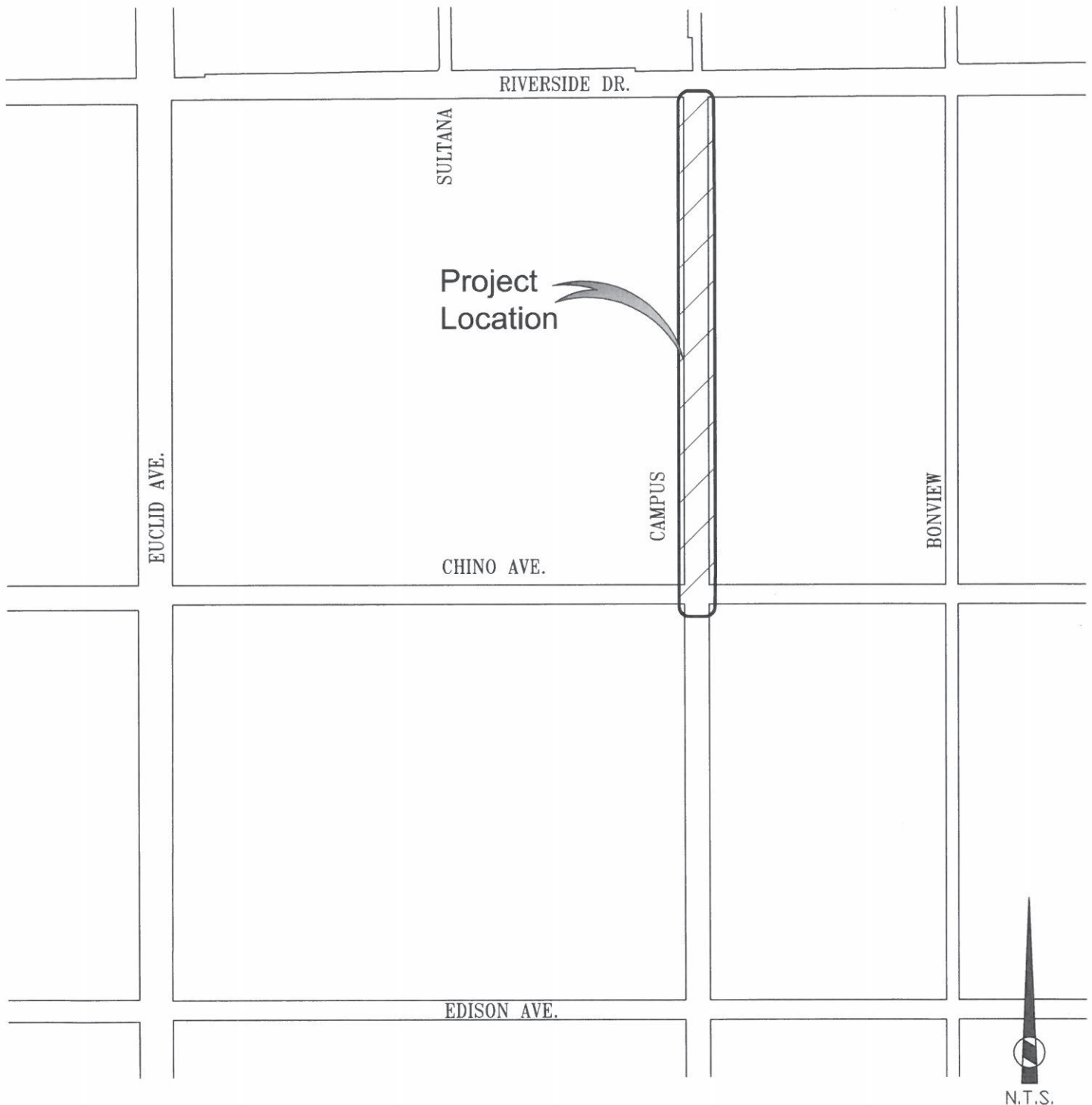
GROVE AVENUE PAVEMENT REHABILITATION Project No. ST1504 EDISON AVE. TO MERRILL AVE.



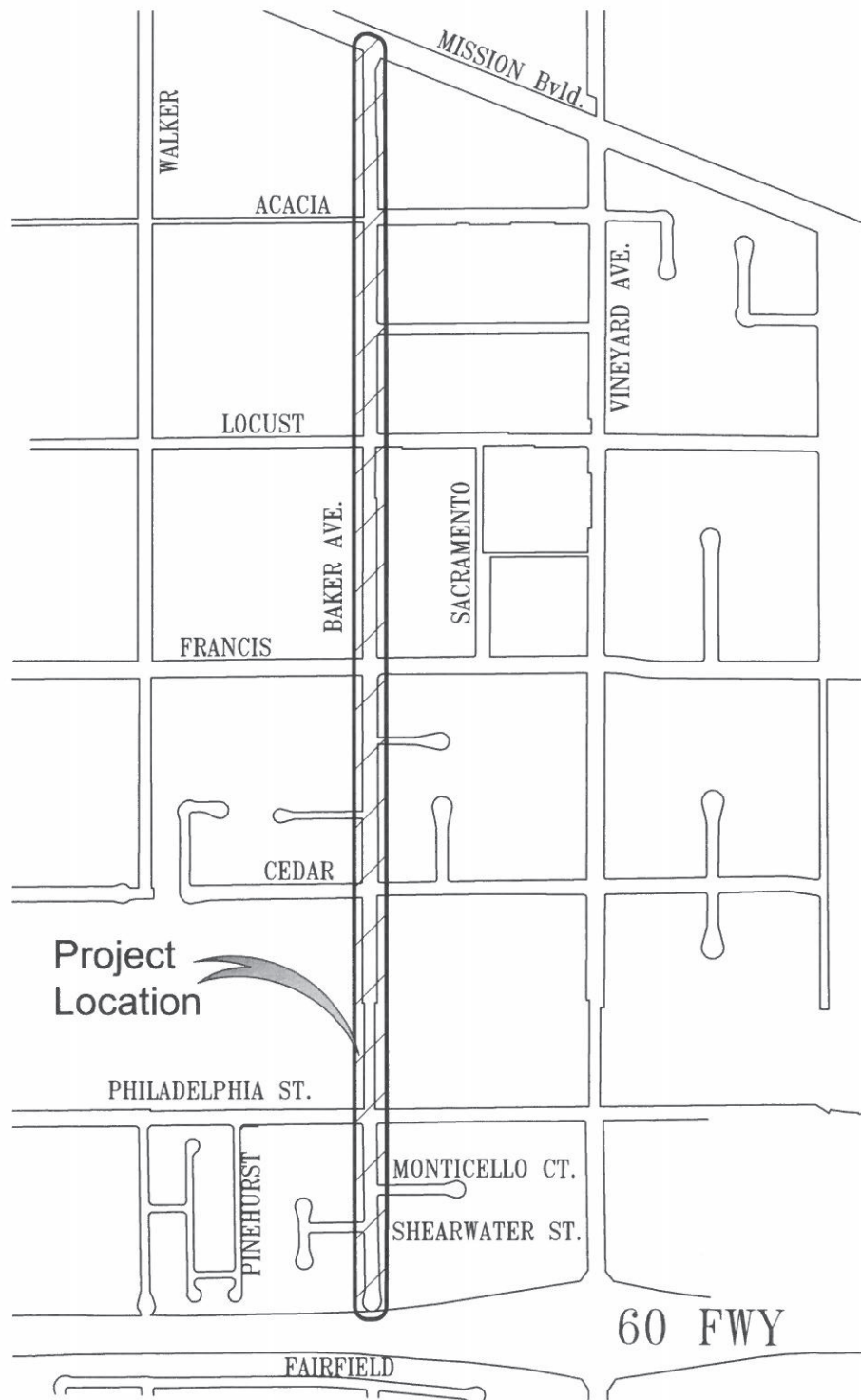
CHINO AVENUE PAVEMENT REHABILITATION Project No. ST1505 EUCLID AVE. TO CAMPUS AVE.



CAMPUS AVENUE PAVEMENT REHABILITATION Project No. ST1506 RIVERSIDE DR. TO CHINO AVE.



BAKER AVENUE PAVEMENT REHABILITATION Project No. ST1508 60 FWY. TO MISSION BLVD.



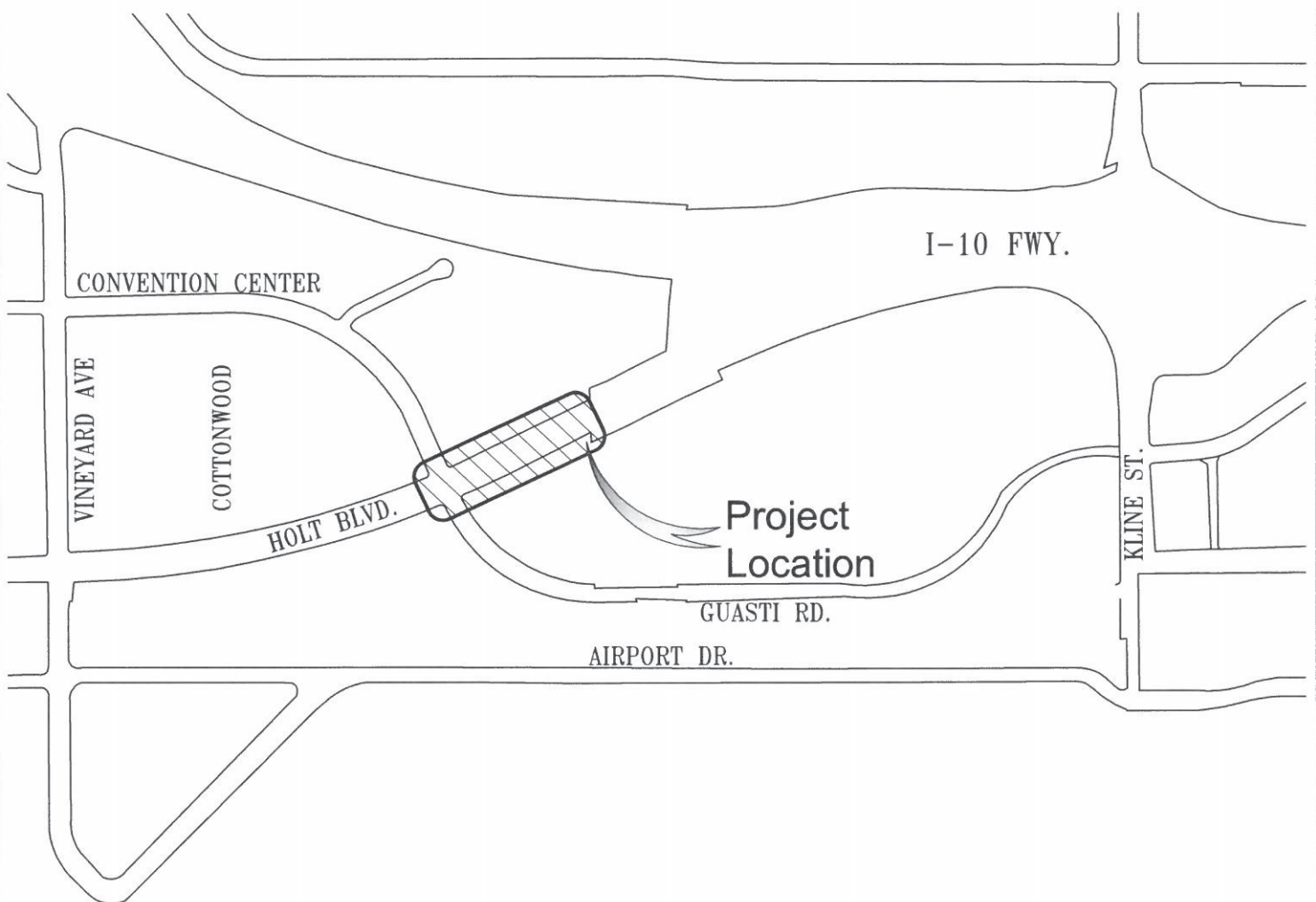
KETTERING DRIVE PAVEMENT REHABILITATION Project No. ST1509 AUTO CENTER DR. TO McNAMARA ST.



HOLT BOULEVARD PAVEMENT REHABILITATION

Project No. ST1606

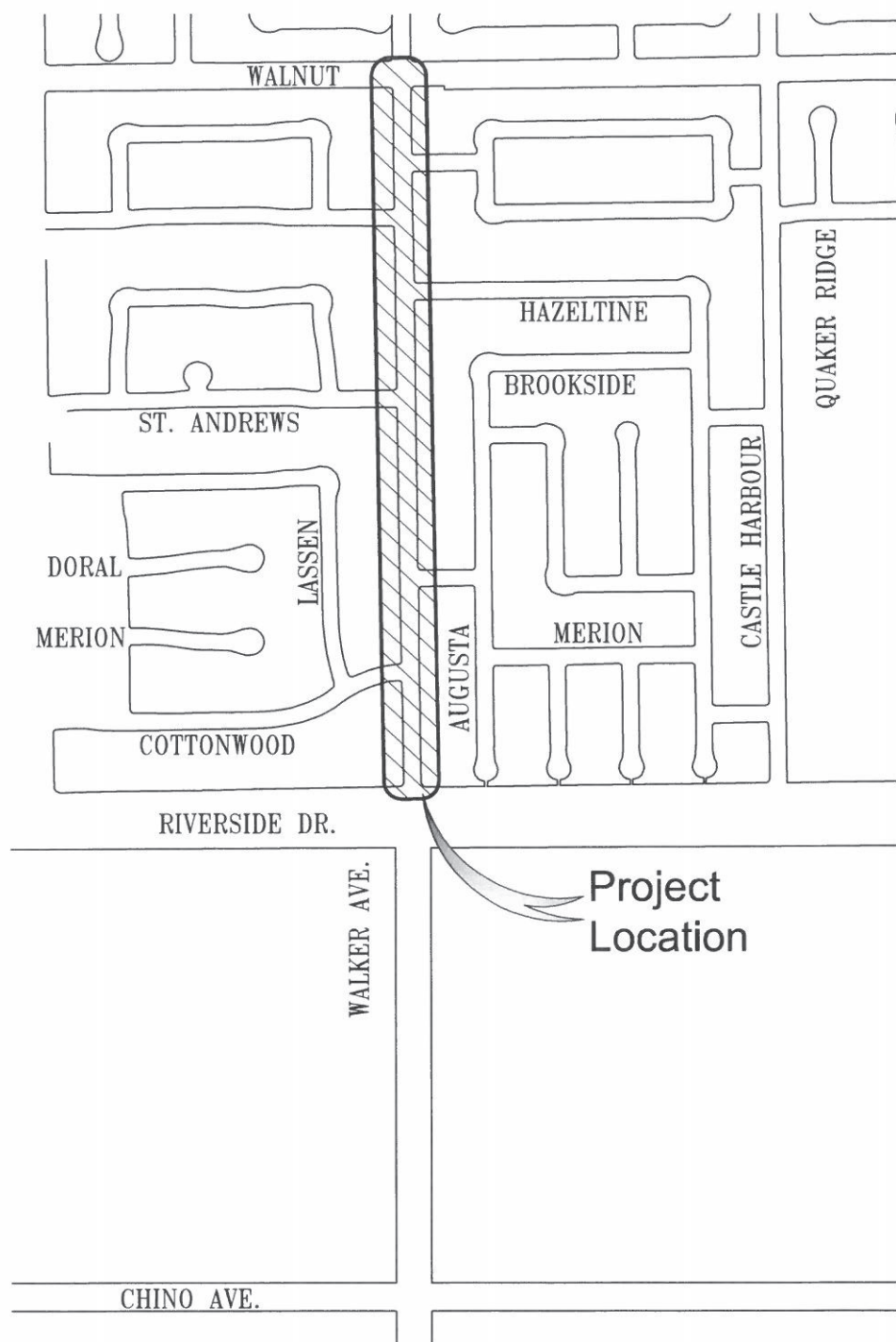
CONVENTION CENTER WAY TO KLINE STREET



ETIWANDA AVENUE PAVEMENT REHABILITATION Project No. ST1607 SANTA ANA AVE. AIRPORT DR.



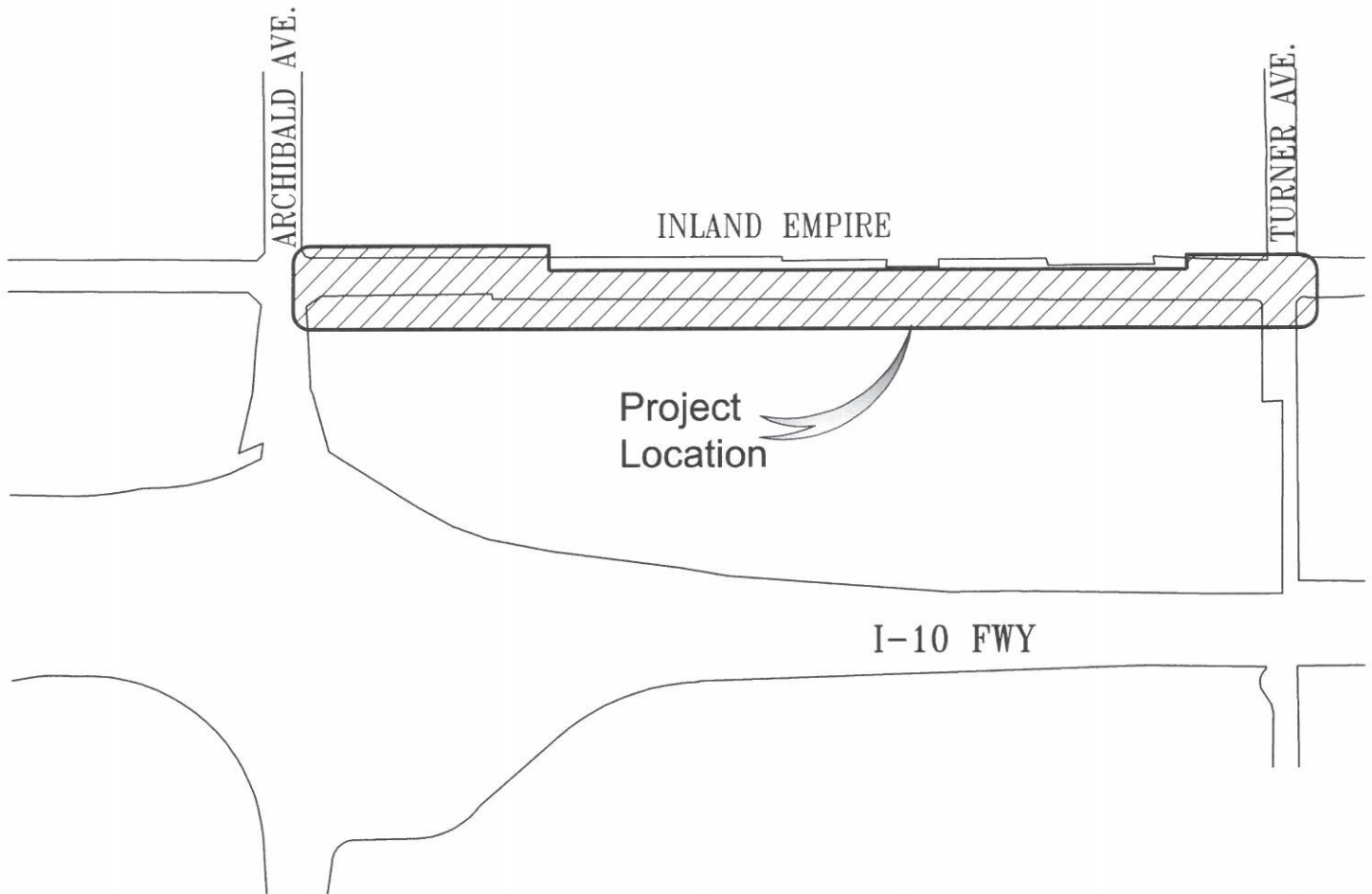
WALKER AVENUE PAVEMENT REHABILITATION Project No. ST1608 RIVERSIDE DR. TO WALNUT ST.



INLAND EMPIRE BOULEVARD PAVEMENT REHABILITATION

Project No. ST1603

ARCHIBALD AVE. TO TURNER AVE.

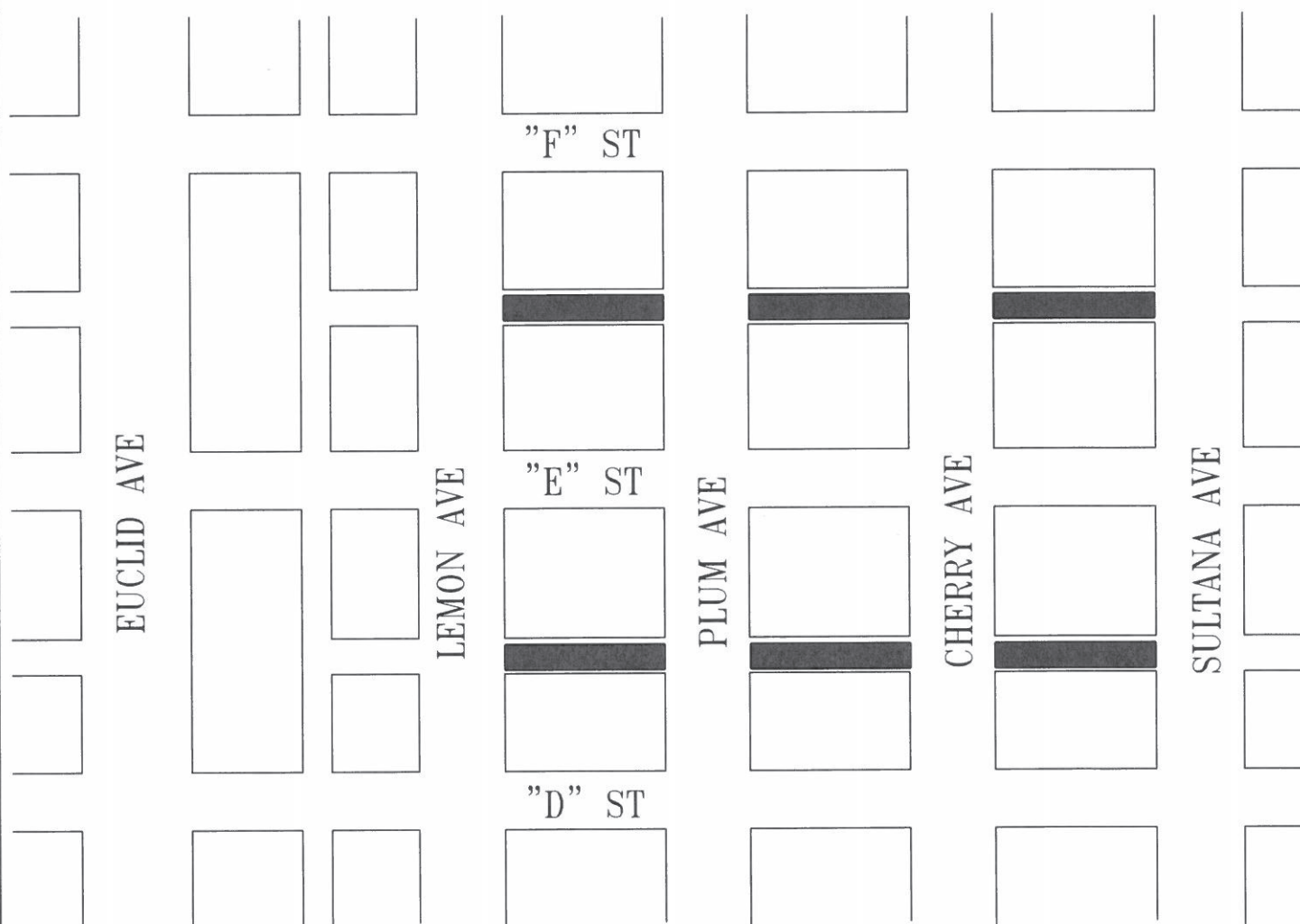


N.T.S.

CDBG ALLEY

PAVEMENT REHABILITATION

SOUTH OF "F" STREET & NORTH OF "D" STREET BETWEEN LEMON AVE. AND SULTANA AVE.



LEGEND:

 CDBG ALLEY PROJECT LOCATION



CITY OF ONTARIO

Agenda Report

July 5, 2016

SECTION: CONSENT CALENDAR

SUBJECT: A CONSTRUCTION CONTRACT FOR THE FY 2015-16 / FY 2016-17 COLLECTOR / ARTERIAL, LOCAL STREET MAINTENANCE - SLURRY SEAL AND CDBG PAVEMENT AND ALLEY 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 American Asphalt South, Inc., of Fontana, California for the City of Ontario FY 2015-16 / FY 2016-17 Collector/Arterial, Local Street Maintenance Slurry Seal and CDBG Pavement and Alley Pavement Management Rehabilitation in the bid amount of \$1,883,430 plus a fifteen (15%) percent contingency of \$282,515 for a total authorized expenditure of \$2,165,945; and authorize the City Manager to execute said contract and related documents, and file a notice of completion at the conclusion of all construction activities for the project.

COUNCIL GOALS: Regain Local Control of the Ontario International Airport
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 FY 2015-16 Budget includes appropriations of \$967,223 from Measure "I" funds, \$150,000 from CDBG funds, and \$205,000 from Gas Tax funds for a total of \$1,322,223. The FY 2016-17 Budget contains \$650,000 from Measure "I" funds, \$301,072 from CDBG funds and \$412,000 from Gas Tax funds for a combined two (2) Fiscal Year appropriation of \$2,685,295 for this project. The total recommended expenditure authorization of \$2,165,945 consists of the bid amount of \$1,883,430 plus a 15% contingency of \$282,515.

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 and placement of Rubber Polymer Modified Slurry Seal (RPMSS) on various collector and arterial streets and on various local streets and alleys. Location exhibits are attached for reference (Exhibits 1 through 27). This project will extend the lifespan of the streets, alleys and parking lot by

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

Prepared by: Miguel Sotomayor
Department: Engineering

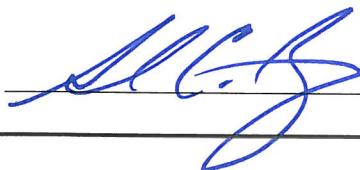
Submitted to Council/O.H.A. 07/05/2016

Approved: _____

Continued to: _____

Denied: _____

City Manager
Approval: _____



4

approximately ten (10) years and prevent more-costly future repairs. In June 2016 the City solicited bids for the project, and three bids were received. The bid results are:

COMPANY	LOCATION	BASE BID (Schedule "A")	OPTION 1 (Schedule "B")	OPTION 2 (Schedule C)	TOTAL (Reference Only)
American Asphalt South, Inc.	Fontana, CA	\$1,185,053	\$698,377	\$542,541	\$2,425,971
All American Asphalt, Inc.	Corona, CA	\$1,223,184	\$686,834	\$542,541	\$2,452,559
Pavement Coatings	Mira Loma, CA	\$1,291,789	\$640,660	\$548,313	\$2,480,762

The total bid amounts shown above provide for alternative awards allowing staff to choose between two different slurry materials. Alternate Bid Schedule "B" includes RPMSS and was chosen due to the higher quality and longer life-cycle combined with favorable bid prices. American Asphalt South, Inc. of Fontana, CA. submitted the lowest-responsible bid; and is recommended at a project cost of \$1,883,430 (Base Bid of \$1,185,053 plus Option 1-Schedule B of \$698,377).

The requested 15% contingency will permit staff to take advantage of the low unit-price for RPMSS and allow additional streets as identified by staff and the City's Pavement Management System, to be slurry sealed.

Legend

— CDBG ALLEY SLURRY 2016/2017

Map Labels:

- Area A:** Located in the central-eastern part of the city, bounded by Holt Blvd to the north, Main St to the south, and Euclid Ave to the east.
- Area B:** Located in the central-western part of the city, bounded by Holt Blvd to the north, Main St to the south, and Euclid Ave to the east.
- Area C:** Located in the northern part of the city, bounded by Fourth St to the north, Main St to the south, and Euclid Ave to the east.

Map Features:

- North Arrow:** Located in the bottom left corner, pointing North (N), South (S), East (E), and West (W).
- Scale Bar:** Located in the bottom left corner, showing distances in feet (0, 100, 200, 300, 400, 500, 600, 700, 800, 900, 1000).
- Street Names:** Various streets are labeled, including Berkeley Ave, Rosewood Ct, J St, K St, L St, M St, N St, O St, P St, Q St, R St, S St, T St, U St, V St, W St, X St, Y St, and Z St.

Map of the CDBG Alley Project Location

Legend:
 — CDBG ALLEY PROJECT LOCATION

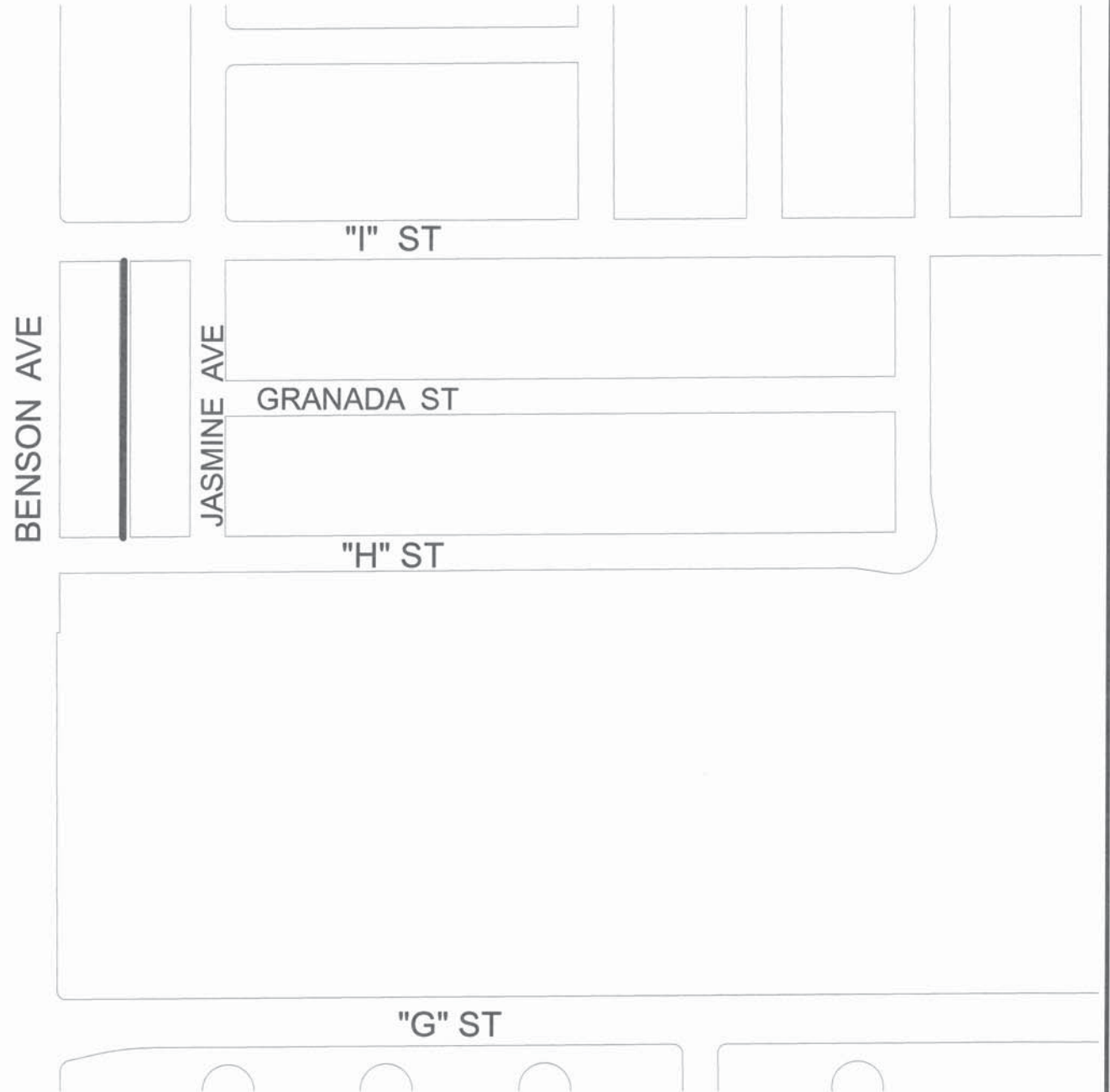
Streets shown:
 CHERRY AVE, MONTEREY AVE, CAMPUS AVE, MUSCATEL AVE, SULTANA ST, LYNN HAVEN, NOCTA ST, SIERRA CT, PLEASANT AVE, ELROSE AVE, MIRAMONTE AVE, ALCOLM AVE, WILLOW ST, HOLT BLVD, ELMA, NOCTA, FLORA ST, F ST, FLORENCE AVE, ALLYN ST.

Map Features:
 - A north arrow pointing towards the top of the map.
 - A scale bar indicating 0 to 100 feet.
 - A legend box in the bottom left corner.

PROPOSED F.Y. 2016/2017
C.D.B.G. ALLEY SLURRY IMPROVEMENT
PROJECT AREA "B"

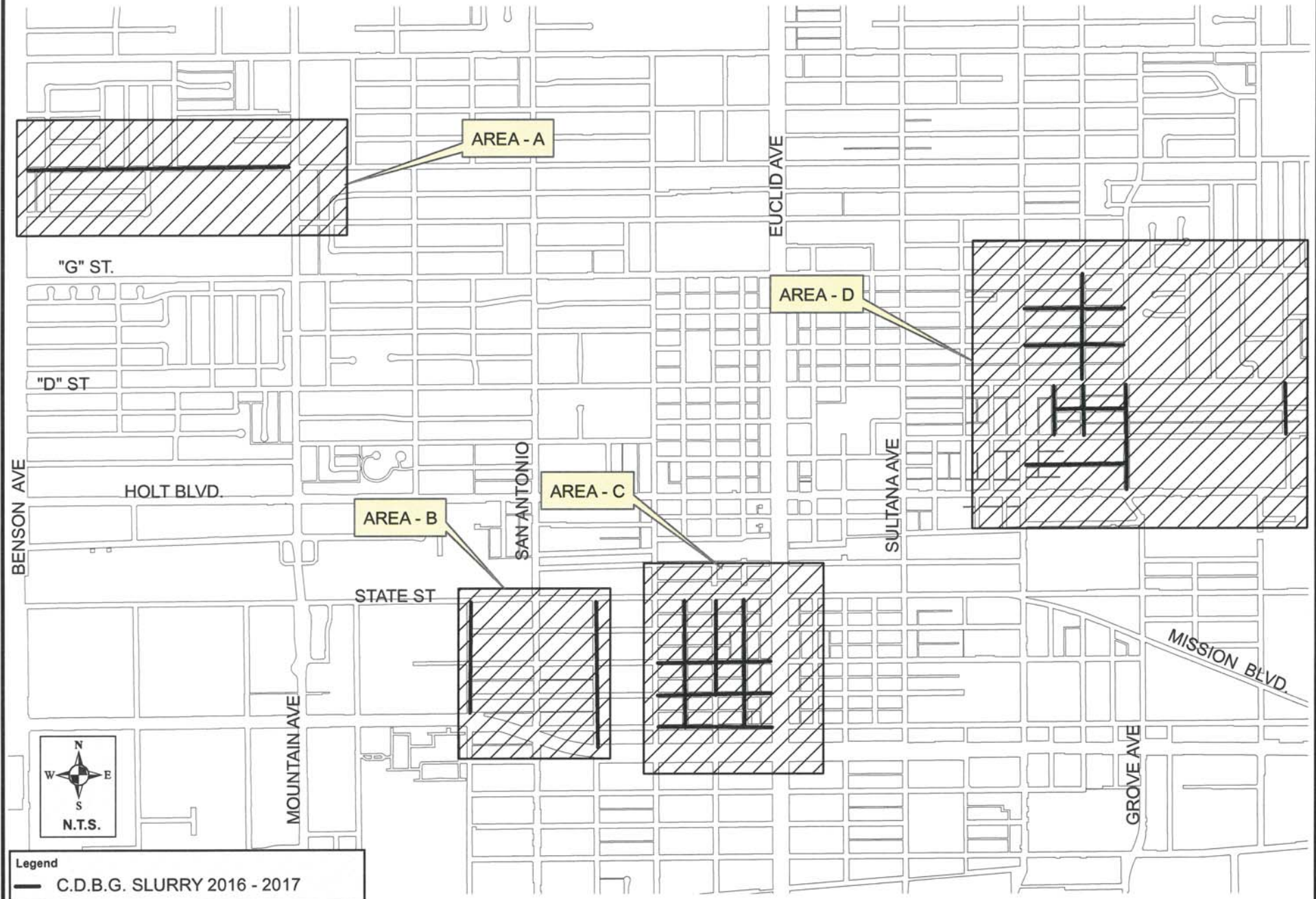


**PROPOSED F.Y. 2016/2017
C.D.B.G. ALLEY SLURRY IMPROVEMENT
PROJECT AREA "C"**



Legend
— CDBG ALLEY PROJECT LOCATION

**PROPOSED F.Y. 2016/2017
C.D.B.G. SLURRY SEAL
PROJECT AREA "A"- "D"**



**PROPOSED F.Y. 2016/2017
C.D.B.G. SLURRY SEAL
PROJECT AREA "A"**



Legend

— C.D.B.G. SLURRY 2016 - 2017

**PROPOSED F.Y. 2016/2017
C.D.B.G. SLURRY SEAL
PROJECT AREA "B"**



Legend

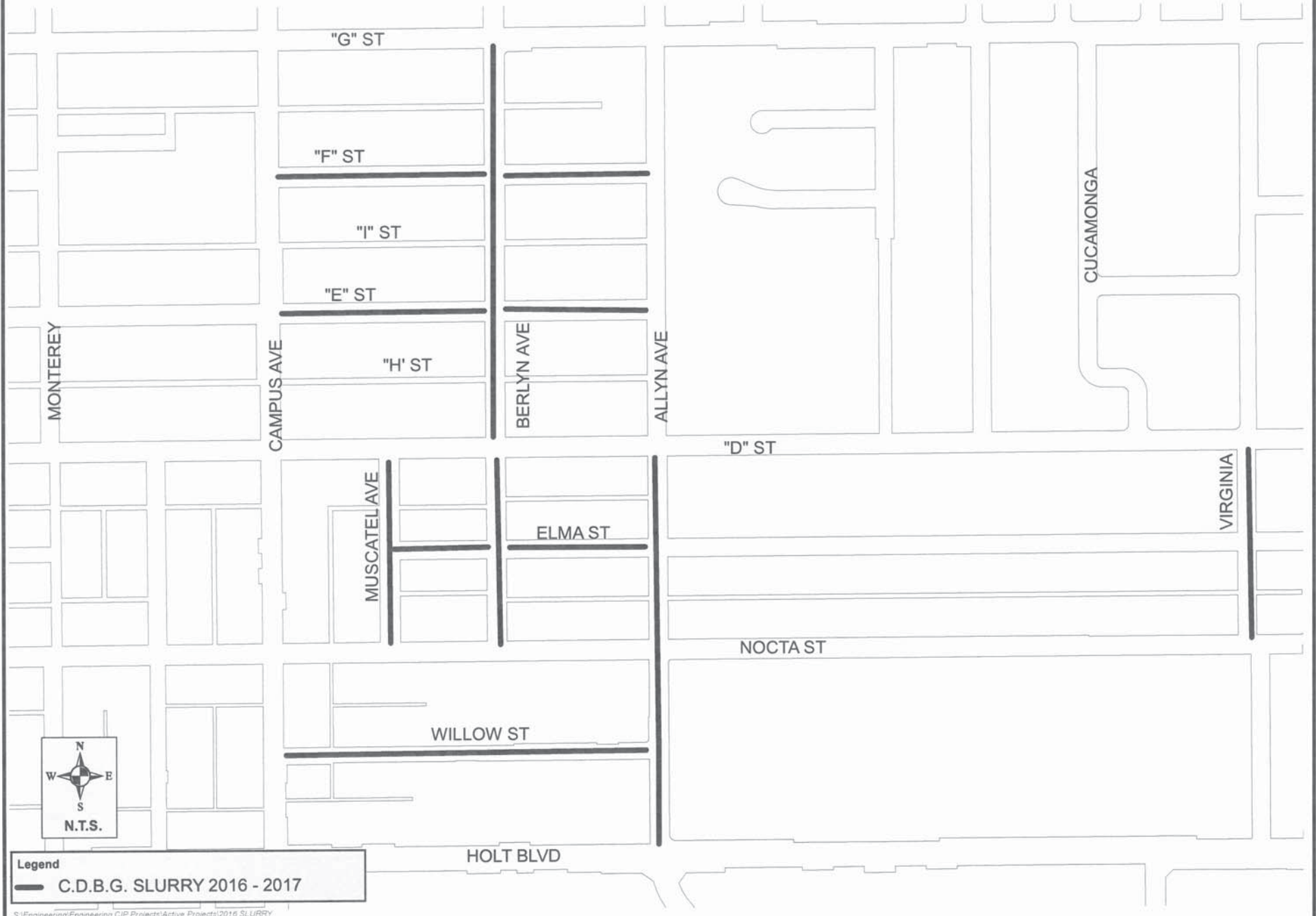
— C.D.B.G. SLURRY 2016 - 2017

**PROPOSED F.Y. 2016/2017
C.D.B.G. SLURRY SEAL
PROJECT AREA "C"**

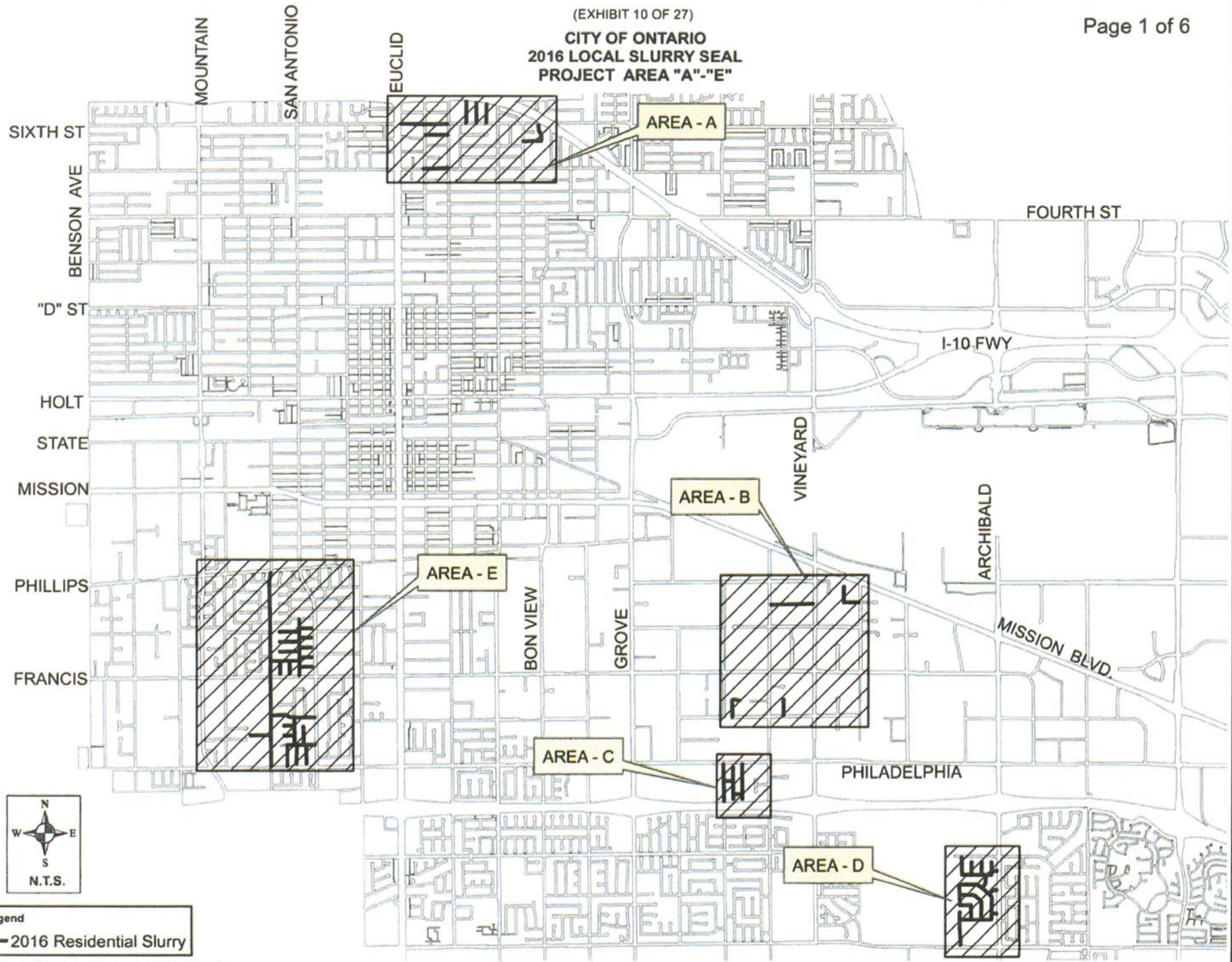


Legend
— C.D.B.G. SLURRY 2016 - 2017

**PROPOSED F.Y. 2016/2017
C.D.B.G. SLURRY SEAL
PROJECT AREA "D"**



**CITY OF ONTARIO
2016 LOCAL SLURRY SEAL
PROJECT AREA "A"-"E"**



(EXHIBIT 11 OF 27)
CITY OF ONTARIO
2016 LOCAL SLURRY SEAL
PROJECT AREA "A"

Page 2 of 6



(EXHIBIT 12 OF 27)
CITY OF ONTARIO
2016 LOCAL SLURRY SEAL
PROJECT AREA "B"

Page 3 of 6



Legend
— 2016 Residential Slurry

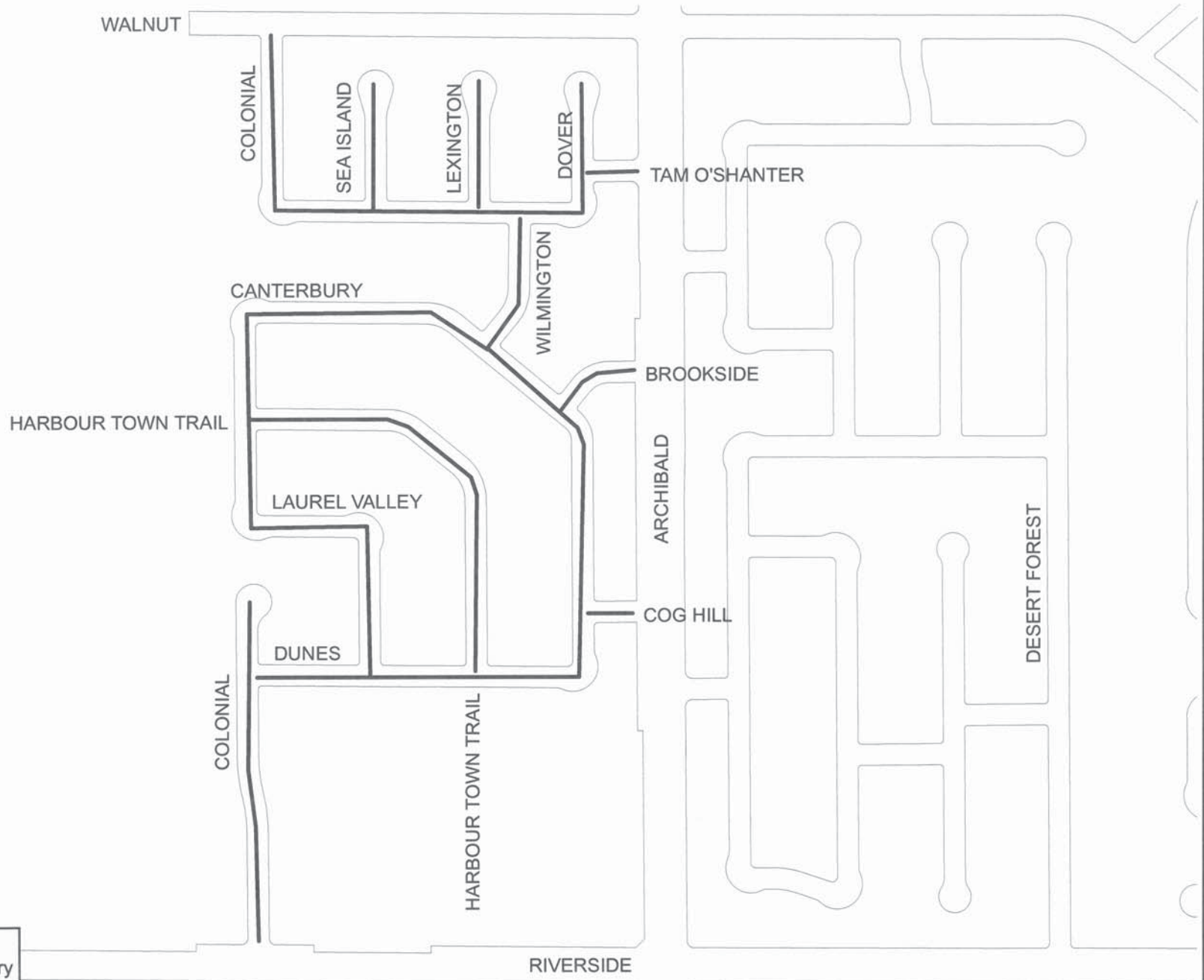
(EXHIBIT 13 OF 27)
CITY OF ONTARIO
2016 LOCAL SLURRY SEAL
PROJECT AREA "C"

Page 4 of 6



(EXHIBIT 14 OF 27)
CITY OF ONTARIO
2016 LOCAL SLURRY SEAL
PROJECT AREA "D"

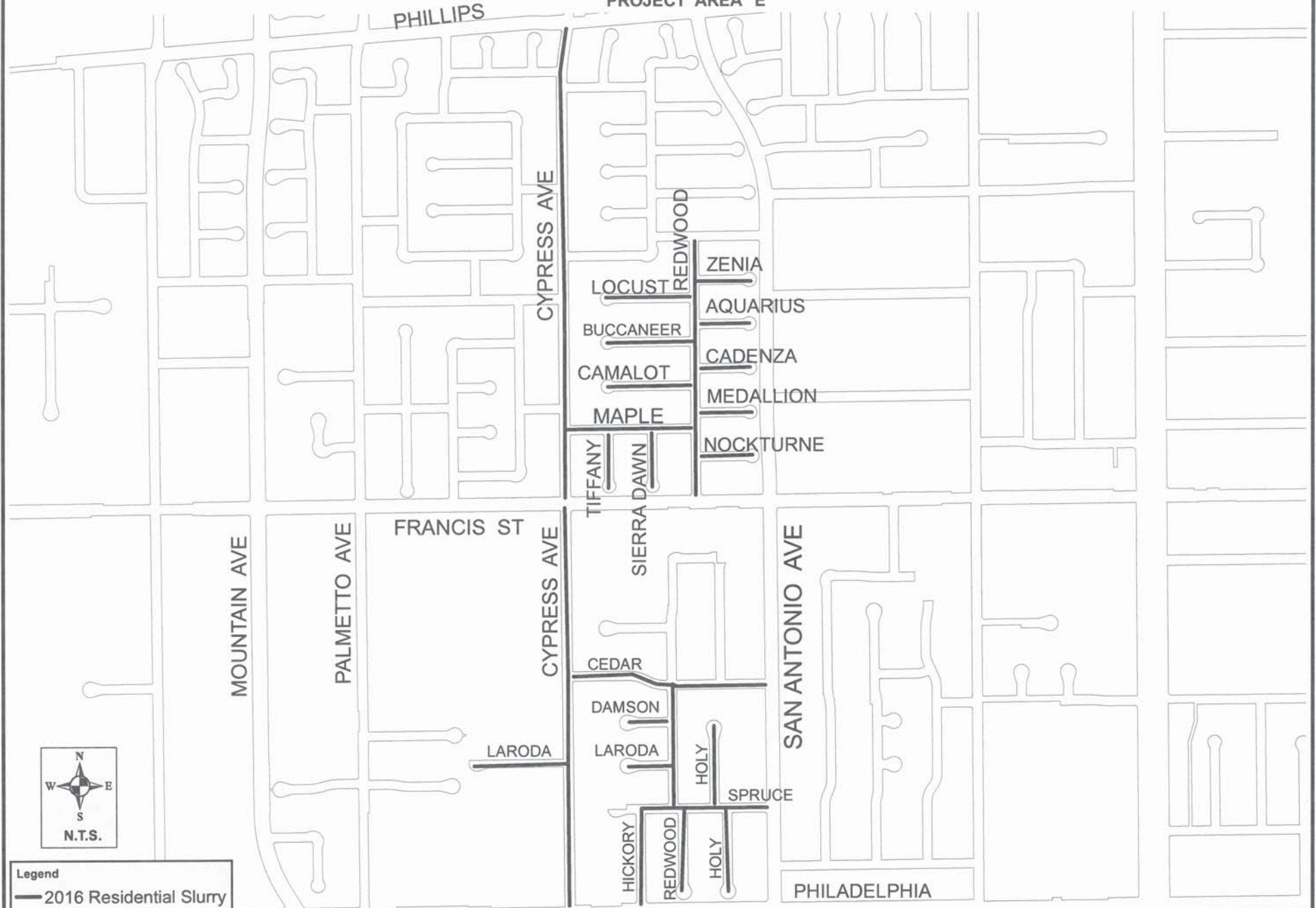
Page 5 of 6



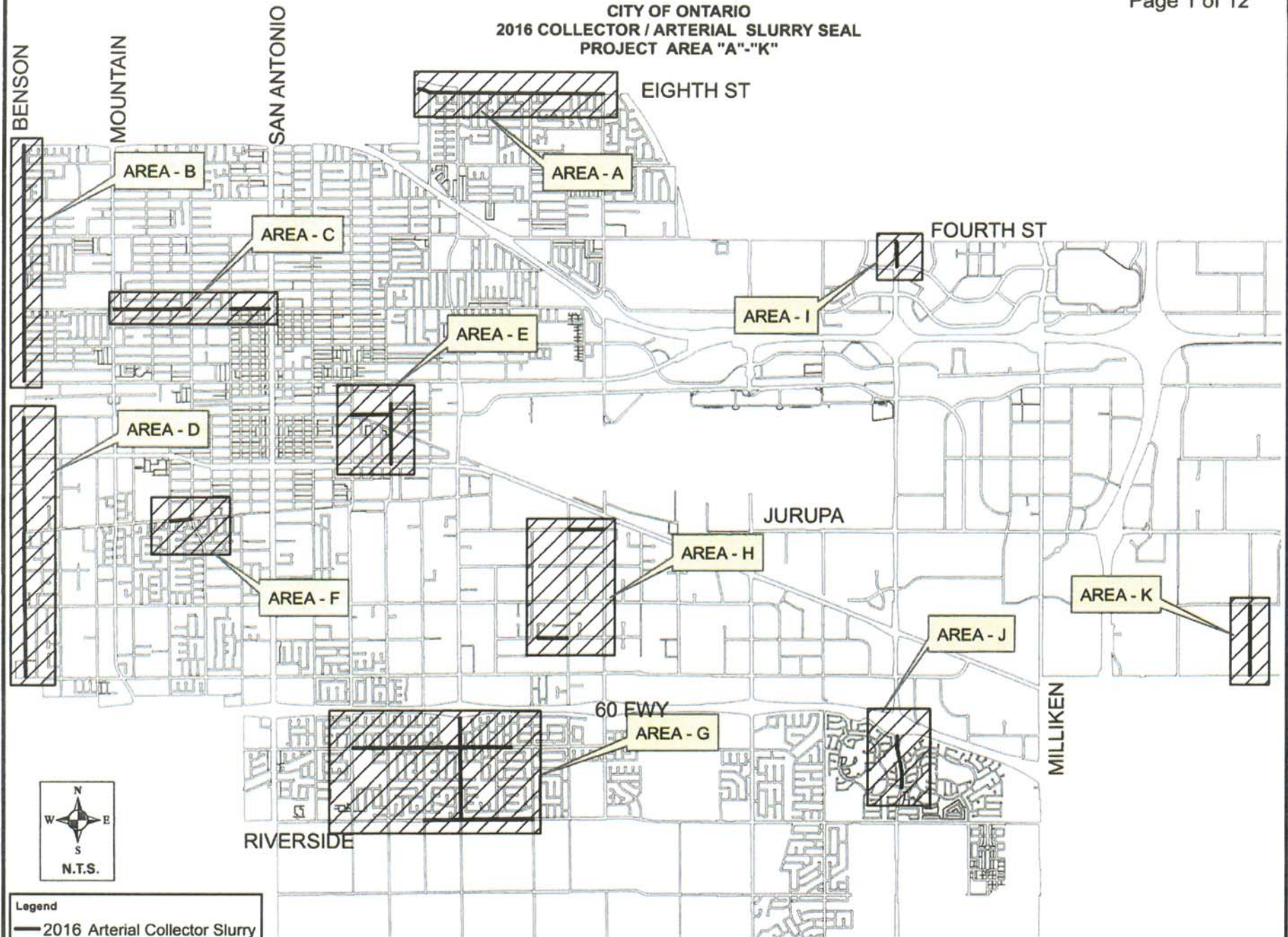
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— 2016 Residential Slurry

(EXHIBIT 15 OF 27)
CITY OF ONTARIO
2016 LOCAL SLURRY SEAL
PROJECT AREA "E"

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CITY OF ONTARIO
2016 COLLECTOR / ARTERIAL SLURRY SEAL
PROJECT AREA "A"-"K"



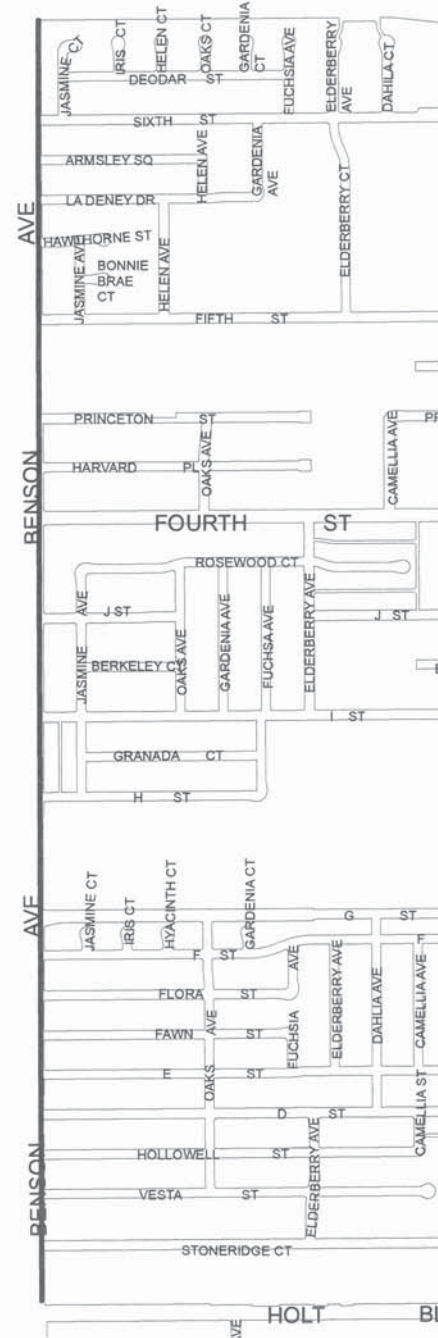
Legend
— 2016 Arterial Collector Slurry

CITY OF ONTARIO
2016 COLLECTOR / ARTERIAL SLURRY SEAL
PROJECT AREA "A"



Legend
— 2016 Arterial Collector Slurry

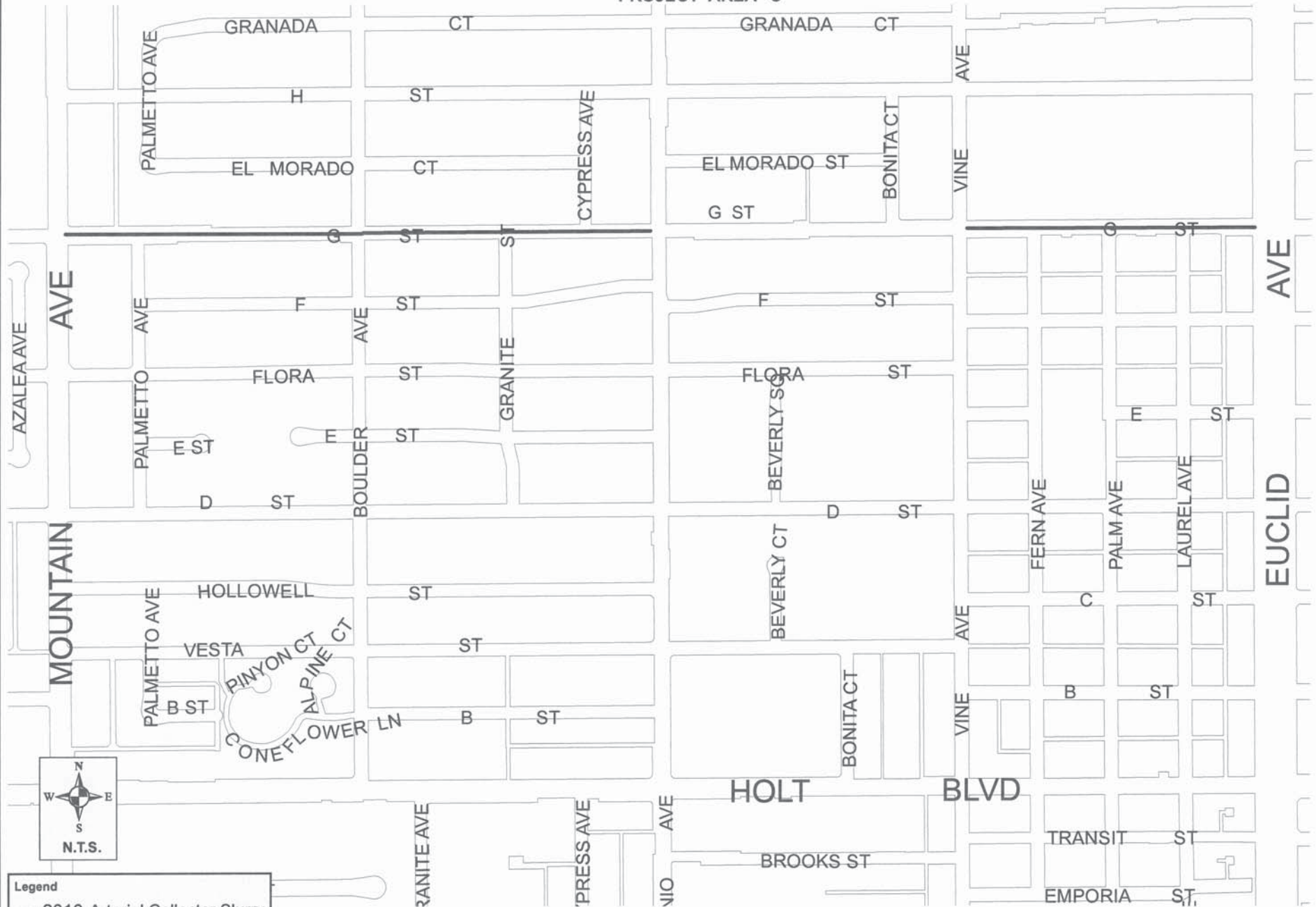
**CITY OF ONTARIO
2016 COLLECTOR / ARTERIAL SLURRY SEAL
PROJECT AREA "B"**



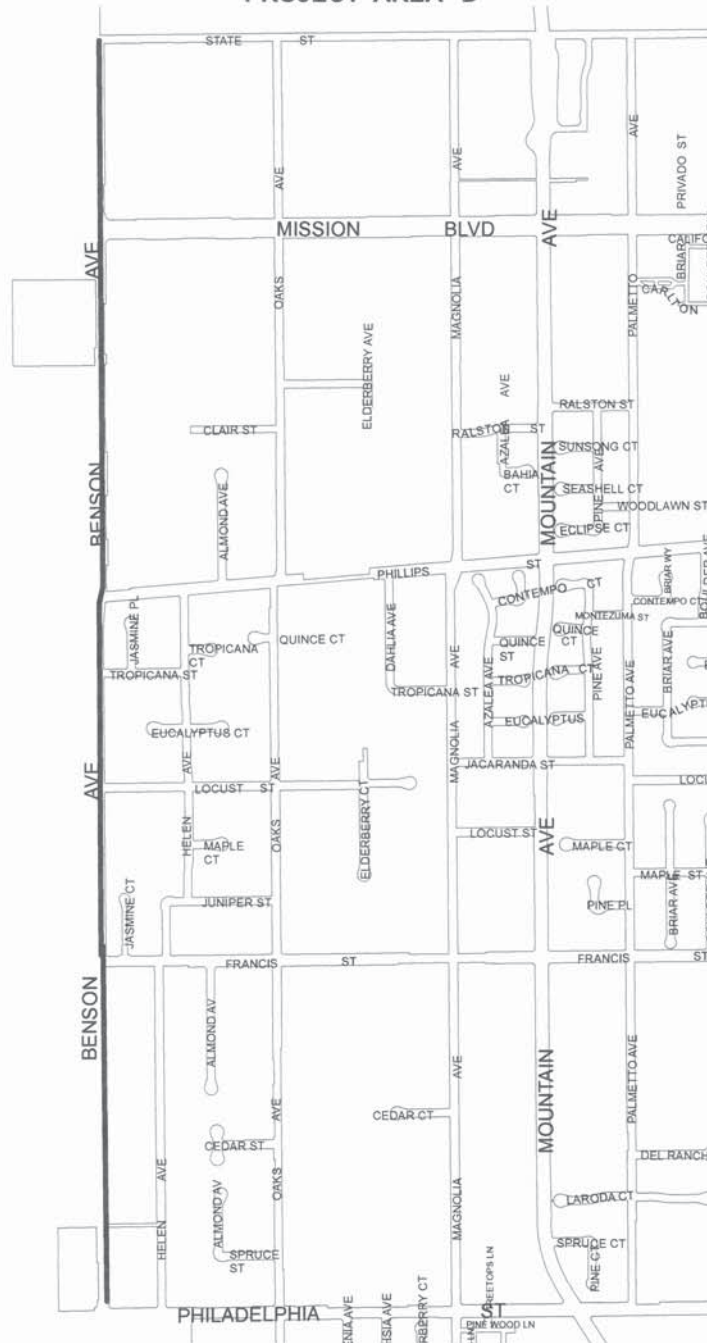
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— 2016 Arterial Collector Slurry

CITY OF ONTARIO
2016 COLLECTOR / ARTERIAL SLURRY SEAL
PROJECT AREA "C"



**CITY OF ONTARIO
2016 COLLECTOR / ARTERIAL SLURRY SEAL
PROJECT AREA "D"**

**Legend**

— 2016 Arterial Collector Slurry

CITY OF ONTARIO
2016 COLLECTOR / ARTERIAL SLURRY SEAL
PROJECT AREA "E"



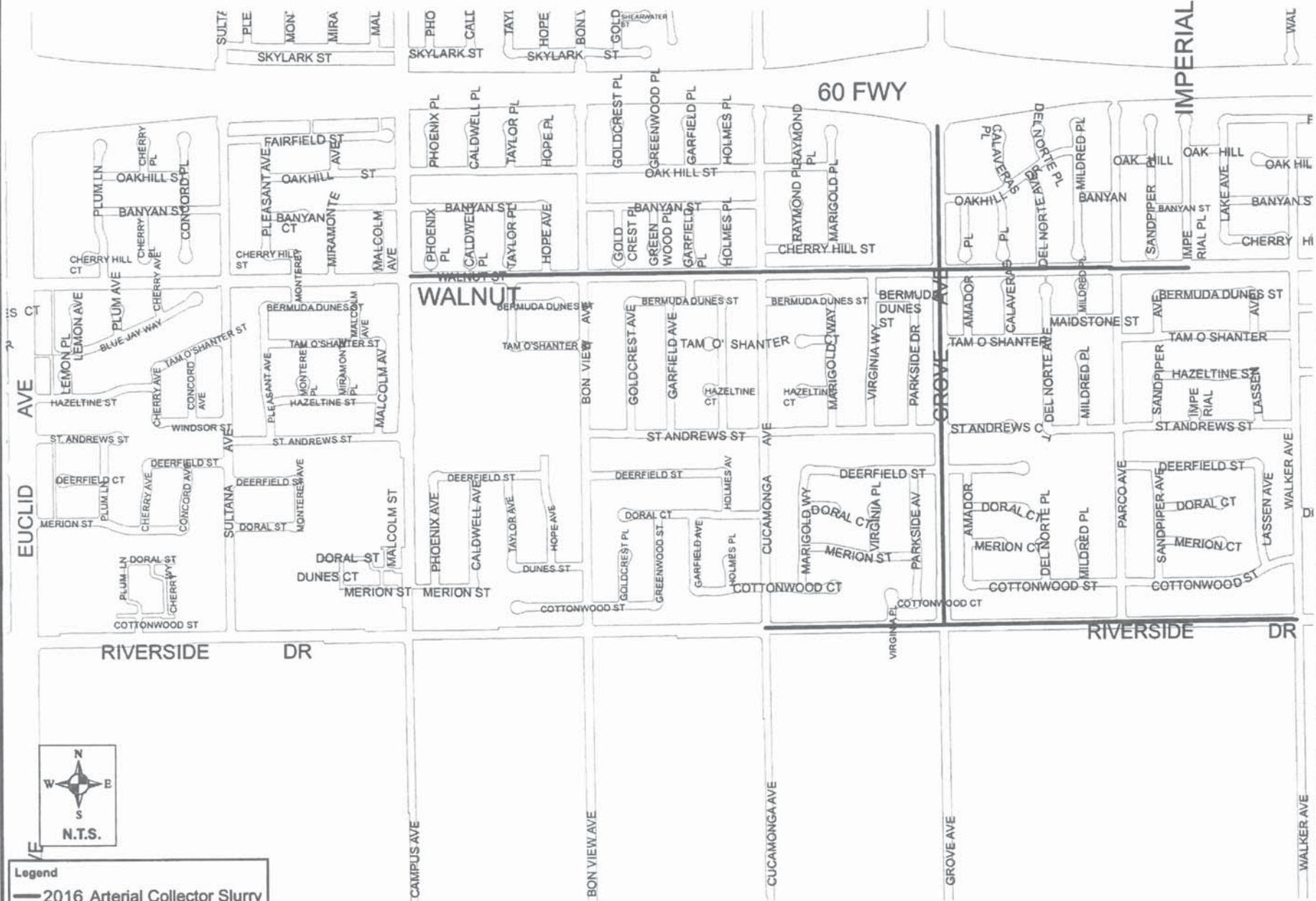
**CITY OF ONTARIO
2016 COLLECTOR / ARTERIAL SLURRY SEAL
PROJECT AREA "F"**



Legend

— 2016 Arterial Collector Slurry

CITY OF ONTARIO
2016 COLLECTOR / ARTERIAL SLURRY SEAL
PROJECT AREA "G"



CITY OF ONTARIO
2016 COLLECTOR / ARTERIAL SLURRY SEAL
PROJECT AREA "H"



CITY OF ONTARIO
2016 COLLECTOR / ARTERIAL SLURRY SEAL
PROJECT AREA "I"



Legend

- 2016 Arterial Collector Slurry

Map Labels:

- Major Roads:** POMONA FWY (SR-60), HEAVEN AVE, JOSHUA TREE ST, RIVERSIDE, SAN LORENZO RVR RD, YUBA RVR RD, SNOW GR CREEK, BIG CREEK, COUNTRY OAK RD, GINGERWOOD RD, STRAWBERRY CREEK PL, OAK CREEK DR, TYLER CREEK LOOP, ELK CREEK DR, ANTELOPE CT, MOOSE CK LN, BEAVER CK LN, GONDOR CK, MOOSE CK LN, EAGLE CK PL, GRIZZLEY CK CT, CARIBOU CK CT, BADGER CREEK, FOX GLEN CT, HONEY GLENN, BIG CREEK, CRYSTAL SPGS, ROCK SPGS, COLD SPRINGS PL, RUSH CREEK, ALISO CREEK, LIVE OAK CK CT, SANTIAGO CRK, SLOVERA, EARLSTONE, PONDIE, PROJECT AREA 3.
- Local Streets:** NORTHSHORES PL, DRIFTWOOD PL, OAK HILL DR, FAIRFIELD ST, TURNER AVE LN, WHITE STAG RD, BUFFALO RD, AGORN PL, BLACKPINE PL, ANTLER RD, CANARY CT, ALDER DR, ANTLER RD, PINECONE WY, SUGAR MAPLE, REDPINE PK, EVERGREEN DR, TAHOE DR, CLEAR LAKE RD, DEER CREEK LOOP, CRYSTAL LK, CRYSTAL LK RD, MOOSE, CLEAR LAKE RD, DAY CREEK DR, CARIBOU PL, CRISTAL LK, REINDEER LN, ANTELOPE WY, FAWN CT, GENOA, MONTEGO, CAPRI ST, ASHGATE PL, ASHGATE WY, SUMMER ISLAND, ELSINORE WY, NECTAR CT, APPLEWOOD RD, CREEKSIDE DR, OAK CREEK, TUOLUMNE PL, OAK CREEK DR, TYLER CREEK LOOP, ELK CREEK DR, ANTELOPE CT, MOOSE CK LN, BEAVER CK LN, GONDOR CK, MOOSE CK LN, EAGLE CK PL, GRIZZLEY CK CT, CARIBOU CK CT, BADGER CREEK, FOX GLEN CT, HONEY GLENN, BIG CREEK, CRYSTAL SPGS, ROCK SPGS, COLD SPRINGS PL, RUSH CREEK, ALISO CREEK, LIVE OAK CK CT, SANTIAGO CRK, SLOVERA, EARLSTONE, PONDIE, PROJECT AREA 3.
- Other Labels:** NORTHSHORES PL, DRIFTWOOD PL, OAK HILL DR, FAIRFIELD ST, TURNER AVE LN, WHITE STAG RD, BUFFALO RD, AGORN PL, BLACKPINE PL, ANTLER RD, CANARY CT, ALDER DR, ANTLER RD, PINECONE WY, SUGAR MAPLE, REDPINE PK, EVERGREEN DR, TAHOE DR, CLEAR LAKE RD, DEER CREEK LOOP, CRYSTAL LK, CRYSTAL LK RD, MOOSE, CLEAR LAKE RD, DAY CREEK DR, CARIBOU PL, CRISTAL LK, REINDEER LN, ANTELOPE WY, FAWN CT, GENOA, MONTEGO, CAPRI ST, ASHGATE PL, ASHGATE WY, SUMMER ISLAND, ELSINORE WY, NECTAR CT, APPLEWOOD RD, CREEKSIDE DR, OAK CREEK, TUOLUMNE PL, OAK CREEK DR, TYLER CREEK LOOP, ELK CREEK DR, ANTELOPE CT, MOOSE CK LN, BEAVER CK LN, GONDOR CK, MOOSE CK LN, EAGLE CK PL, GRIZZLEY CK CT, CARIBOU CK CT, BADGER CREEK, FOX GLEN CT, HONEY GLENN, BIG CREEK, CRYSTAL SPGS, ROCK SPGS, COLD SPRINGS PL, RUSH CREEK, ALISO CREEK, LIVE OAK CK CT, SANTIAGO CRK, SLOVERA, EARLSTONE, PONDIE, PROJECT AREA 3.

**CITY OF ONTARIO
2016 COLLECTOR / ARTERIAL SLURRY SEAL
PROJECT AREA "K"**



Legend

— 2016 Arterial Collector Slurry

CITY OF ONTARIO

Agenda Report

July 5, 2016

SECTION: CONSENT CALENDAR

SUBJECT: AWARD CONSTRUCTION CONTRACT NO. IT16-FIB-001 FIBER OPTIC CABLE INSTALLATION TO PROVIDE HIGH-SPEED INTERNET (BROADBAND) CONNECTION TO THE WEST HAVEN DEVELOPMENT GENERALLY LOCATED IN THE AREA NORTHEAST OF SCHAEFER AND TURNER AVENUES

RECOMMENDATION: That the City Council take the following actions:

- (A) Award Construction Contract No. IT16-FIB-001 (on file in the Records Management Department) to HHS Construction, Incorporated (HHS) of Ontario, California, in the bid amount of \$162,589 plus a 15% contingency of \$24,388 for a total of \$186,977 for the installation of fiber optic cable in the West Haven Development generally located in the area northeast of Schaefer and Turner Avenues; and
- (B) Authorize the City Manager to execute all documents required for the completion of the project including, but not limited to, contracts, agreements, easements, reduction of retention accounts, and the filing of Notice of Completion at the conclusion of all related work.

COUNCIL GOALS: Regain Local Control of the Ontario International Airport
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: The FY 2016-17 Capital Improvement Program Budget includes \$9,000,000 appropriations in the Information Technology Fund for the fiber infrastructure project.

BACKGROUND: The City's vision in developing the Ontario Ranch Community includes a high-speed broadband (gigabit) network for the community. Gigabit fiber-to-the-home infrastructure will be a market differentiator, a strategic advantage for home builders as well as a benefit to future Ontario citizens. Although a full fiber network along with a redundant backbone will take several years to complete, interim steps are being taken to bring individual neighborhoods online as they are constructed. This project will install the distribution fiber cables into the West Haven Development using conduit and hand holes

STAFF MEMBER PRESENTING: Elliott Ellsworth, Information Technology Director

Prepared by: Elliott Ellsworth
Department: Information Technology

City Manager
Approval: 

Submitted to Council/O.H.A. 07/05/2016

Approved: _____

Continued to: _____

Denied: _____

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previously installed by the builder as a condition of development. Once the fiber optic cables are installed, the City's service provider, Inyo Networks, will begin to provide gigabit service delivery to subscribers in this community.

In April 2016, staff solicited bids for fiber optic cable installation. A summary of the bid responses follows:

<u>Vendor</u>	<u>Location</u>	<u>Bid Amount</u>
HHS Construction, Inc.	Ontario, CA	\$162,589
Henkels & McCoy, Inc.	Pomona, CA	\$191,892
Computer Network Support & Service, Inc.	Burbank, CA	\$192,439

City staff and VantagePoint Solutions (fiber design engineering consultant) reviewed the bids and recommend HHS Construction, Inc. as the lowest responsive bidder. HHS Construction, Inc. met all requirements and has a wide range of experience in the industry including successfully installing a complete fiber optic cable system in the city of Loma Linda.

CITY OF ONTARIO

Agenda Report

July 5, 2016

SECTION: CONSENT CALENDAR

SUBJECT: AWARD OF BID FOR PROCUREMENT OF ASPHALT, CONCRETE AND AGGREGATE MATERIALS

RECOMMENDATION: That the City Council authorize the City Manager to approve the procurement of concrete, asphalt and aggregate materials for a period of six months at set pricing per Bid Invitation #642 with: Holliday Rock Co. of Upland, California; CalPortland of Ontario, California; All American Asphalt of Corona, California; Dan Copp Crushing of Yorba Linda, California; and Vulcan of Irwindale, California; and authorize the City Manager to extend the agreements for an additional six months through the end of the fiscal year consistent with City Council approved budgets.

**COUNCIL GOALS: Regain Local Control of the Ontario International Airport
Operate in a Businesslike Manner**

FISCAL IMPACT: The suppliers will be compensated for materials ordered for the City's projects and programs, on an as-needed basis, based upon the fee structures and material billing rates set forth in the respective six month purchasing agreements. At the sole discretion of the City, the purchase agreements may be extended an additional six months ending June 30, 2017. Any potential adjustments to the fee structures for the option extension will not exceed the change in the Consumer Price Index (CPI). Total compensation paid toward supplies shall not exceed the appropriation levels for maintenance, repairs and projects as contained in the approved budgets for Fiscal Year 2016-17.

BACKGROUND: The City routinely purchases concrete, asphalt and aggregate materials from suppliers on an as needed basis for on-going maintenance and repairs, as well as capital projects. Generally, these materials are used for the annual street overly program, daily pot hole repairs, sidewalk maintenance, utility trench repairs, and any miscellaneous projects and requests on public streets and right of ways throughout the City.

In June 2016, the City solicited bids for concrete, asphalt and aggregate materials. Staff received five (5) responses which met all the required specifications: Holliday Rock Co., CalPortland, All American Asphalt, Dan Copp Crushing and Vulcan Materials Co. Based on the bid responses, credentials, pricing,

STAFF MEMBER PRESENTING: Mark Chase, Community and Public Services Director

Prepared by: Stacy Orton
Department: Parks and Maintenance

City Manager
Approval: 

Submitted to Council/O.H.A. 07/05/2016

Approved: _____

Continued to: _____

Denied: _____

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favorable product availability and service, staff recommends award of purchase agreement to each of the suppliers. Purchase agreements with multiple suppliers are recommended in order to give the City flexibility in ensuring that quality and timeliness of materials delivery meet with the specific project needs at the time of order. The agreements are structured so that other City departments can also purchase these types of materials on an as needed basis for their projects. The selected suppliers' possess the knowledge, qualifications and experience needed to address federal and state requirements, such as Caltrans and Greenbook standards, for materials supplied for City projects.

CITY OF ONTARIO

Agenda Report

July 5, 2016

SECTION: CONSENT CALENDAR

SUBJECT: PURCHASE OF HAND-HELD POLICE RADIOS FROM MOTOROLA SOLUTIONS

RECOMMENDATION: That the City Council authorize the City Manager to execute a sole source purchase contract with Motorola Solutions, formerly known as Motorola, Inc., of Schaumburg, IL in the amount of \$218,500 for the purchase of thirty-eight (38) hand-held 800 MHz police radios and related accessories.

COUNCIL GOALS: Regain Local Control of the Ontario International Airport
Maintain the Current High Level of Public Safety
Operate in a Businesslike Manner

FISCAL IMPACT: The Fiscal Year 2016-17 Adopted Budget includes \$218,500 for the purchase of a new hand-held radios for both Patrol and Airport operations.

BACKGROUND: As part of the Fiscal Year 2016-17 Annual Operating Budget, Council authorized funding for the procurement of additional hand-held radios for the Police Department's Patrol and Airport Bureaus to outfit new personnel both sworn and professional staff.

The City currently utilizes a proprietary Motorola 800 MHz trunking system for two-way radio communication. Only radios manufactured by Motorola are compatible with the current 800 MHz system. Also, for security purposes, the radios are designed for public safety use and are not available through standard Motorola distributors. Therefore, in order to be consistent and compatible, it is recommended that the City award this purchase contract to Motorola as a sole-source procurement.

STAFF MEMBER PRESENTING: Brad Kaylor, Police Chief

Prepared by: Donna Bailey
Department: Police

City Manager
Approval: 

Submitted to Council/O.H.A. 07/05/2016

Approved: _____

Continued to: _____

Denied: _____

CITY OF ONTARIO

Agenda Report

July 5, 2016

SECTION: CONSENT CALENDAR

SUBJECT: PROFESSIONAL SERVICES AGREEMENT FOR RECYCLED WATER CROSS-CONNECTION AND OVERSPRAY TESTING

RECOMMENDATION: That the City Council approve and authorize the City Manager to execute a three 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 in an amount not to exceed \$300,000 consistent with City Council approved work plans and budgets.

COUNCIL GOALS: Regain Local Control of the Ontario International Airport
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: The Adopted Fiscal Year 2016-17 Budget includes appropriations in the Water Operating Fund for these professional services. Annual expenditures are estimated to be \$100,000 per fiscal year and will be based on actual services provided at contracted unit prices. There is no impact to the General Fund.

BACKGROUND: The City currently serves approximately 8,000 acre-feet of recycled water annually to about 300 customers. In order to make the best use of available water supplies, the City is actively expanding recycled water service and will ultimately meet over twenty percent of the City's total water demand with recycled water. The State Water Resource Control Board requires the City to perform annual cross-connection and overspray testing at every recycled water connection.

Aegis Engineering Management (Aegis) was previously selected from a pool of three firms as part of a competitive RFP process and has successfully performed the required services for the City over the past three years. They have become very familiar with the City's recycled water testing procedures. Based on their expertise and experience, Aegis is recommended to continue to provide their services to our customers; which will add continuity to the recycled water program, as well as enhance the City's relationship with its customers. The pricing for the recommended contract term is the same unit price structure as compared to the current rates; and are fixed during the three year recommended term.

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

Prepared by: Ryan Shaw
Department: MU/Administration

Submitted to Council/O.H.A. 07/05/2016

Approved: _____

Continued to: _____

Denied: _____

City Manager
Approval: 

ITEM NO. 9 - A PUBLIC HEARING TO CONSIDER A RESOLUTION REGARDING THE FORMATION OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 30 (NEW HAVEN FACILITIES – AREA B); INTRODUCTION OF AN ORDINANCE LEVYING SPECIAL TAXES; AND ADOPTION OF A RESOLUTION TO INCUR BONDED INDEBTEDNESS

This item is continued to July 19, 2016 meeting.

CITY OF ONTARIO

Agenda Report

July 5, 2016

SECTION: PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER A DEVELOPMENT CODE AMENDMENT, FILE NO. PDCA16-003, PROPOSING VARIOUS CLARIFICATIONS TO THE ONTARIO DEVELOPMENT CODE, INCLUDING MODIFICATIONS TO CERTAIN PROVISIONS OF DIVISION 2.03 (PUBLIC HEARINGS), DIVISION 5.02 (LAND USE), DIVISION 5.03 (STANDARDS FOR CERTAIN LAND USES, ACTIVITIES AND FACILITIES), DIVISION 6.01 (DISTRICT STANDARDS AND GUIDELINES), DIVISION 8.01 (SIGN REGULATIONS), AND DIVISION 9.01 (DEFINITIONS)

RECOMMENDATION: That the City Council introduce and waive further reading of an ordinance approving File No. PDCA16-003, a Development Code Amendment proposing several clarifications to the Ontario Development Code (Ontario Municipal Code Title 9) including:


- (1) Modify the Notification Matrix (Table 2.03-1) to clarify that public hearing notification is not required for a Development Advisory Board recommendation to the Planning Commission;
- (2) Modify the Land Use Matrix (Table 5.02-1) to prohibit "Used Car Sales" in the CC (Community Commercial) zone, and in ICC (Interim Community Commercial) Overlay district, allow "Fitness and Recreation Sport Centers" that are 10,000 square feet or more in area, as a conditionally permitted use in the CN (Neighborhood Commercial) zone, and require Conditional Use Permit approval "Wireless Telecommunications Facilities" in the AG (Agriculture) Overlay district;
- (3) Prohibit drive-thru facilities in the MU-1 (Downtown Mixed-Use) zone (Section 5.03.150);
- (4) Allow a maximum wireless telecommunications facility antenna height of 75 feet for collocated facilities in the IL (Light Industrial), IG (General Industrial), and IH (Heavy Industrial) zones (Section 5.03.420);
- (5) Clarify that medical offices are allowed on the first floor of office buildings in the Euclid Avenue, except in the MU-1 zone (Section 6.01.035);
- (6) Clarify that signs cannot encroach into the public right-of-way (Section 8.01.020);
- (7) Clarify that monument signs should be designed with a 12- to 18-inch high base (Section 8.1.025);
- (8) Define the term "Density," and include rules for rounding minimum and maximum density calculations (Section 9.01.010); and

STAFF MEMBER PRESENTING: Scott Murphy, Planning Director

Prepared by: Charles Mercier

Department: Planning

City Manager

Approval: 

Submitted to Council/O.H.A. 07/05/2016

Approved: _____

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- (9) Revise the allowable exterior noise level for the “Residential Portion of Mixed Use Projects,” to match the “Multiple-Family and Mobilehome Park” noise standard (Municipal Code Section 5-29.04).

COUNCIL GOALS: Regain Local Control of the Ontario International Airport

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

Operate in a Businesslike Manner

Ensure the Development of a Well Planned, Balance, and Self-Sustaining Community in the New Model Colony

FISCAL IMPACT: None.

BACKGROUND: On December 1, 2015, the City Council approved a comprehensive update to the Ontario Development Code (Ordinance No. 3028), which became effective on January 1, 2016. Since that approval, staff has identified several minor alterations to the Development Code needed to adjust and clarify the recent comprehensive update. Additionally, a revision to the Municipal Code is proposed to make a correction to the allowable exterior noise level for the residential portion of mixed use projects. The proposed Development Code and Municipal Code amendments include the following:

- (1) Development Code Table 2.03-1 (Notification Matrix): A change to the Notification Matrix contained in Division 2.03 (Public Hearings) which clarifies that public hearing notification is not required for a Development Advisory Board decision which is made as a recommendation to the Planning Commission.
- (2) Development Code Table 5.02-1 (Land Use Matrix): A change to the Land Use Matrix contained in Division 5.02 (Land Use) which will be amended to:
 - Prohibit “Used Car Sales” within the CC (Community Commercial) zoning district, and within the ICC (Interim Community Commercial) Overlay district;
 - Allow “Fitness and Recreation Sport Centers,” which are 10,000 square feet or more in area, as a conditionally permitted land use in the CN (Neighborhood Commercial) zoning district; and
 - Require the approval of a Conditional Use Permit for “Wireless Telecommunications Facilities” located within the AG (Agriculture) Overlay district.
- (3) Development Code Section 5.03.150 (Drive-Thru Facilities): A change in the locational standards for drive-thru facilities, prohibiting the establishment of drive-thru facilities within the MU-1 (Downtown Mixed-Use) zoning district.
- (4) Development Code Section 5.03.420 (Wireless Telecommunications Facilities): An amendment to the height restrictions for wireless telecommunications antennas in the IL (Light Industrial), IG (General Industrial), and IH (Heavy Industrial) zoning districts, allowing a maximum antenna height of 75 feet for collocated facilities.
- (5) Development Code Section 6.01.035 (Overlay Zoning Districts): An amendment to the development standards for the Euclid Avenue Overlay District which clarifies that medical offices are allowed on the first floor of office buildings, except within the MU-1 (Downtown Mixed-Use) zoning district.

- (6) Development Code Section 8.01.020 (Sign Standards): An amendment to the design standards for freestanding signs, which clarifies that the signs cannot encroach into the public right-of-way.
- (7) Development Code Section 8.1.025 (Design Guidelines): An amendment to the design guidelines for freestanding signs, which clarifies that monument signs should be designed with a 12-inch to 18-inch high base, to accommodate the growth of landscaping around the sign base.
- (8) Development Code Section 9.01.010 (Terms and Phrases): An amendment to the Development Code definitions, adding a definition for the term “Density,” along with rules for the rounding of calculations for minimum and maximum density.
- “Density” will be defined as the quantitative measure of the intensity in which residentially zoned land may be developed in terms of the minimum and maximum number of allowed dwelling units for each acre of existing land area.
 - In calculating the allowed minimum residential density, a fractional number will be required to be rounded up, to the next higher whole number, and
 - In calculating the allowed maximum residential density, a fractional number will be required to be rounded down, to the next lower whole number.
- (9) Municipal Code Section 5-29.04 (Exterior Noise Standards): A revision to the exterior noise standards contained in Municipal Code Section 5-29.04, amending the allowable exterior noise level for Residential Portion of Mixed Use Projects to match the current exterior noise standard for Multiple-Family and Mobilehome Parks. The standard for Residential Portion of Mixed Use Projects will be revised from 70 dBA (the current Industrial standard) to 65 dBA between the hours of 7:00AM and 10:00PM and 50 dBA between the hours of 10:00PM to 7:00AM.

On May 24, 2016, the Planning Commission conducted a public hearing to consider the above-described Development Code Amendment and concluded the hearing on that date. Upon conclusion of the public hearing, the Planning Commission voted unanimously (6-0-1) to approve Resolution No. PC16-024, recommending that the City Council approve the Development Code Amendment.

COMPLIANCE WITH THE ONTARIO PLAN: The proposed project is consistent with the principles, goals and policies contained within the Vision, Governance, and Policy Plan (General Plan) components of The Ontario Plan (TOP). More specifically, TOP goals and policies furthered by the proposed project are noted in the Planning Commission staff report (attached).

HOUSING ELEMENT COMPLIANCE: The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project does not affect the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.

AIRPORT LAND USE COMPATIBILITY PLAN COMPLIANCE: The project site is located within the Airport Influence Area of Ontario International Airport and has been found to be consistent with the policies and criteria set forth within the Ontario International Airport Land Use Compatibility Plan (ALUCP).

ENVIRONMENTAL REVIEW: The environmental impacts of this project were reviewed in conjunction with an Addendum to the Ontario Plan Environmental Impact Report (SCH# 2008101140), previously prepared for File No. PDCA11-003, which was adopted by the Ontario City Council (Resolution No. 2015-095) on September 1, 2015. This Application serves to provide clarifications to the existing Development Code document and will not introduce any new significant environmental impacts.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA16-003, A DEVELOPMENT CODE AMENDMENT PROPOSING VARIOUS CLARIFICATIONS TO THE ONTARIO DEVELOPMENT CODE: [1] AMEND TABLE 5.02-1 (LAND USE MATRIX) TO PROHIBIT "USED CAR SALES" WITHIN THE CC (COMMUNITY COMMERCIAL) ZONE AND ICC (INTERIM COMMUNITY COMMERCIAL) OVERLAY DISTRICT, ALLOW "FITNESS AND RECREATION SPORT CENTERS", 10,000 SQUARE FEET OR MORE IN AREA, AS A CONDITIONALLY PERMITTED LAND USE WITHIN THE CN (NEIGHBORHOOD COMMERCIAL) ZONE, AND ALLOW "WIRELESS TELECOMMUNICATIONS FACILITIES" AS A CONDITIONALLY PERMITTED LAND USE IN THE AG (AGRICULTURE) OVERLAY DISTRICT; [2] AMEND SECTION 5.03.150 (DRIVE-THRU FACILITIES) TO PROHIBIT DRIVE-THRU FACILITIES WITHIN THE MU-1 (DOWNTOWN MIXED-USE) ZONING DISTRICT; [3] AMEND SECTION 5.03.420 (WIRELESS TELECOMMUNICATIONS FACILITIES) TO ALLOW A MAXIMUM HEIGHT OF 75 FEET FOR COLLOCATED ANTENNAS WITHIN THE IL (LIGHT INDUSTRIAL), IG (GENERAL INDUSTRIAL), AND IH (HEAVY INDUSTRIAL) ZONES; [4] AMEND SECTION 6.01.035 (OVERLAY ZONING DISTRICTS) TO CLARIFY THAT MEDICAL OFFICES ARE ALLOWED ON THE FIRST FLOOR OF BUILDINGS LOCATED WITHIN THE EA (EUCLID AVENUE) OVERLAY DISTRICT, EXCEPT WITHIN THE MU-1 (DOWNTOWN MIXED-USE) ZONE; [5] AMEND TABLE 2.02-1 (REVIEW MATRIX) TO CLARIFY THAT PUBLIC NOTIFICATION IS NOT REQUIRED FOR A DEVELOPMENT ADVISORY BOARD RECOMMENDATION TO THE PLANNING COMMISSION; [6] AMEND SECTION 8.01.020 (SIGN STANDARDS) TO CLARIFY THAT FREESTANDING SIGNS CANNOT ENCROACH WITHIN THE PUBLIC RIGHT-OF-WAY, AND MUST BE WHOLLY LOCATED BEHIND THE RIGHT-OF-WAY LINE; [7] AMEND SECTION 8.1.025 (DESIGN GUIDELINES) TO CLARIFY THAT MONUMENT SIGNS SHOULD BE PROVIDED WITH A 12- TO 18-INCH HIGH BASE; [8] REVISE SECTION 9.01.010 (TERMS AND PHRASES) TO CLARIFY THE DEFINITION FOR "DENSITY," INCLUDING RULES FOR ROUNDING DENSITY CALCULATIONS; AND [9] AMEND MUNICIPAL CODE SECTION 5-29.04 (EXTERIOR NOISE STANDARDS) TO CORRECT THE ALLOWED EQUIVALENT NOISE LEVEL FOR NOISE ZONE IV (RESIDENTIAL PORTION OF MIXED USE) TO BE CONSISTENT WITH NOISE ZONE II (MULTI-FAMILY RESIDENTIAL AND MOBILE HOME PARKS), AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, The City of Ontario ("Applicant") has initiated an Application for the approval of a Development Code Amendment, File No. PDCA16-003, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Development Code (Ontario Municipal Code Title 9) provides the legislative framework for the implementation of The Ontario Plan, which states long-term principles, goals, and policies for guiding the growth and development of the City in a manner that achieves Ontario's vision and promotes and protects the public health, safety, comfort, convenience, prosperity, and welfare of its citizens; and

WHEREAS, on December 1, 2015, the City Council approved a comprehensive update to the Ontario Development Code (Ordinance No. 3028), which became effective on January 1, 2016. City staff has initiated several minor alterations to the Development Code to adjust and further clarify the previously adopted comprehensive update; and

WHEREAS, pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, the Application was reviewed for consistency with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan and was found to be consistent with the Housing Element, as the project does not affect the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix; and

WHEREAS, the project site is located within the Airport Influence Area of Ontario International Airport (ONT), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and has been found to be consistent with the policies and criteria set forth within 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 Application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA"); and

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with an Addendum to the Ontario Plan Environmental Impact Report (SCH# 2008101140) previously prepared for File No. PDCA11-003, which was adopted by the Ontario City Council (Resolution No. 2015-095) on September 1, 2015. The Addendum found that subject application will not introduce any new significant environmental impacts. 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. All previously adopted mitigation measures are a condition of project approval and are incorporated by this reference; 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, on May 24, 2016, the Planning Commission of the City of Ontario conducted a public hearing to consider the Application, and concluded the hearing on that date. Upon conclusion of the public hearing, the Planning Commission voted 6-0 to approve Resolution No. PC16-024, recommending that the City Council approve the Application; and

WHEREAS, on July 5, 2016, the City Council of the City of Ontario conducted a public hearing to consider the Application and concluded said hearing on that date. Upon conclusion of the public hearing, the City Council approved the introduction (first reading) of this Ordinance and waived further reading of the Ordinance; 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. *Development Code Chapter 2.0 (Administration and Procedures).* Amend Chapter 2.0 of the City of Ontario Development Code (Ordinance No. 3028), modifying Note 2 of Table 2.03-1 (Notification Matrix), to read as follows:

“Notification shall not be required for Development Advisory Board or Historic Preservation Subcommittee hearings when acting in the capacity of an Advisory Authority.”

SECTION 2. *Development Code Chapter 5.0 (Zoning and Land Use).* Amend Chapter 5.0 of the City of Ontario Development Code (Ordinance No. 3028), as follows:

a. Amend Table 5.02-1 (Land Use Matrix) of Development Code Division 5.02 (Land Use), as follows:

1. Identify “Used Car Sales” (NAICS441120) as a prohibited land use within the CC (Community Commercial) zoning district and ICC (Interim Community Commercial) Overlay district;

2. Identify “Fitness and Recreation Sport Centers” (NAICS71394), 10,000 square feet or more in area, as a conditionally permitted land use within the CN (Neighborhood Commercial) zoning district; and

3. Identify “Wireless Telecommunications Facilities” as a conditionally permitted land use in the AG (Agriculture) Overlay district.

b. Amend Development Code Division 5.03 (Standards for Certain Land Uses, Activities, and Facilities), as follows:

1. Amend Section 5.03.150 (Drive-Thru Facilities), Subsection A (Location Standards), to read as follows:

“A. Location Standards.

1. The establishment of drive-thru businesses within the MU-1 (Downtown Mixed-Use) zoning district shall be prohibited.

2. Drive-thru businesses shall not disrupt the pedestrian activity of adjacent or nearby commercial uses or commercially zoned property.

3. Drive-thru businesses shall not interfere with the normal use of adjoining properties or potential for planned commercial development.”

2. Amend Section 5.03.420 (Wireless Telecommunications Facilities), Paragraph E.6, to allow a maximum height of 75 feet for collocated antennas within the IL (Light Industrial), IG (General Industrial), and IH (Heavy Industrial) zoning districts;

SECTION 3. *Development Code Chapter 6.0 (Development and Subdivision Regulations).* Amend Chapter 6.0 of the City of Ontario Development Code (Ordinance No. 3028), modifying Section 6.01.035 (Overlay Zoning Districts), Subparagraph C.2.c(2) (Medical Offices and Clinics, which Front Euclid Avenue) to read as follows:

“In the EA Overlay District, on property located within the MU-1 (Downtown Mixed-Use) zoning district, that portion of a medical office or clinic that directly fronts on to Euclid Avenue shall only be allowed on the second floor of a building or above (ground floor business frontage shall not be allowed).”

SECTION 4. *Development Code Chapter 8.0 (Sign Regulations).* Amend Chapter 8.0 of the City of Ontario Development Code (Ordinance No. 3028), as follows:

a. Amend Section 8.01.020 (Sign Standards), Subsection C (Freestanding Signs), modifying Subparagraph 1.f to read as follows:

“No monument sign shall be located within a public right-of-way, and must be wholly located behind the right-of-way line (street property line) for its full height. Furthermore, such signs shall be located a minimum of 10 FT behind the adjacent curb face (public and private streets).”

b. Amend Section 8.01.025 (Design Guidelines), Subsection D (Freestanding Signs), adding Paragraph 6, to read as follows:

“Monument signs should be provided with a base, which measures from 12 to 18 inches in height, to accommodate the growth of landscaping around the sign base, without interrupting view of the sign face.”

SECTION 5. *Development Code Chapter 9.0 (Definitions and Glossary).* Amend Chapter 9.0 of the City of Ontario Development Code (Ordinance No. 3028), modifying Section 9.01.010 (Terms and Phrases), Subsection D (Definitions of Words Beginning with the Letter “D.”), adding the following in correct alphabetical order:

“Density (Residential Density). A quantitative measure of the intensity with which residentially zoned land may be developed in terms of the minimum and maximum number of allowed dwelling units for each net acre of land. In calculating the allowed minimum residential density of a lot, if a fractional number results from calculations performed, the number shall be rounded up, to the higher whole number. In calculating the allowed maximum residential density of a lot, if a fractional number results from calculations performed, the number shall be rounded down, to the lower whole number.”

SECTION 6. Amend Municipal Code Section 5-29.04 (Exterior Noise Standards), Subsection (a), revising the Allowed Equivalent Noise Level for Noise Zone IV (Residential Portion of Mixed Use) to read the same as Noise Zone II (Multi-Family Residential and Mobile Home Parks (65 dBA for 7:00AM to 10:00PM, and 50 dBA for 10:00PM to 7:00AM).

SECTION 7. *Environmental Determination and Findings.* As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the previously adopted Addendum to The Ontario Plan Environmental Impact Report (SCH# 2008101140), previously prepared for File No. PDCA11-003, which was adopted by the Ontario City Council (Resolution No. 2015-095) on September 1, 2015, and supporting documentation. Based upon the facts and information contained in the he previous Addendum to The Ontario Plan Environmental Impact Report, and supporting documentation, the City Council finds as follows:

- a. The previous Addendum contains a complete and accurate reporting of the environmental impacts associated with the Application; and
- b. The previous Addendum was completed in compliance with CEQA and the Guidelines promulgated thereunder; and.
- c. The previous Addendum reflects the independent judgement of the City Council; and
- d. All previously adopted mitigation measures, which are applicable to the Application, are a condition of Project approval, and are incorporated herein by this reference.

SECTION 8. *Housing Element Consistency.* Based upon the facts and information contained in the Application and supporting documentation, the City Council finds that, at the time of Project implementation, the Project will be consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan.

SECTION 9. *Airport Land Use Compatibility Plan (ALUCP) Consistency.* Based upon the facts and information contained in the Application and supporting

documentation, the City Council finds that, at the time of Project implementation, the Project will be consistent with the policies and criteria set forth within the ONT ALUCP.

SECTION 10. *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 9 above, the City Council hereby concludes as follows:

a. The proposed Development Code Amendment 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; and

b. The proposed Development Code Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

SECTION 11. *City Council Action.* Based upon the findings and conclusions set forth in Sections 1 through 9 above, the City Council hereby APPROVES the subject Development Code Amendment, File No. PDCA16-003.

SECTION 12. *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 13. *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 14. *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 15. *Effective Date.* This Ordinance shall become effective 30 days following its adoption.

SECTION 16. *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 fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this _____ day of _____ 2016.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. _____ was duly introduced at a regular meeting of the City Council of the City of Ontario held _____ and adopted at the regular meeting held _____, 2016 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)