

**CITY OF ONTARIO**  
**CITY COUNCIL AND HOUSING AUTHORITY**  
**AGENDA**  
**JULY 19, 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 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Property: APN: 1048-553-02, 1048-553-03, 1048-553-04, 1048-553-16, and 1048-553-17; 126, 128, 130, and 132 North Euclid Avenue, 116 and 118 East “B” Street, 127 North Lemon Avenue;  
City/Authority Negotiator: Al C. Boling or his designee; Negotiating parties: Pacific Development Group II, a California general partnership; Under negotiation: Price and terms of payment.

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

***PLEDGE OF ALLEGIANCE***

Council Member Wapner

***INVOCATION***

Pastor Rick Scroggins, Free Will Baptist

**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 21, 2016, approving same as on file in the Records Management Department.

**2. BILLS/PAYROLL**

**Bills** May 15, 2016 through May 28, 2016 and **Payroll** May 15, 2016 through May 28, 2016, when audited by the Finance Committee.

**3. A RESOLUTION ORDERING THE SUMMARY VACATION OF A PUBLIC STORM DRAIN EASEMENT**

That the City Council adopt a resolution ordering the summary vacation of a 25-foot wide public storm drain easement located within the property at 1555 South Archibald Avenue.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE SUMMARY VACATION OF A PUBLIC STORM DRAIN EASEMENT.

**4. A RESOLUTION ORDERING THE SUMMARY VACATION OF THE RIGHTS-OF-WAY IN A PORTION OF CAMPUS AVENUE, NORTH OF BELMONT STREET, AND RECONVEYING ANY OF THE CITY'S INTEREST THEREIN**

That the City Council adopt a resolution ordering the summary vacation of the rights-of-way in a portion of Campus Avenue, north of Belmont Street, and reconveying any of the City's interest therein.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE SUMMARY VACATION OF THE RIGHTS-OF-WAY IN A PORTION OF CAMPUS AVENUE NORTH OF BELMONT STREET AND RECONVEYING ANY OF THE CITY'S INTEREST THEREIN.

**5. A RESOLUTION DESIGNATING AUTHORIZED AGENTS IN CLAIMING STATE DISASTER ASSISTANCE REIMBURSEMENT FOR ALL OPEN AND FUTURE DISASTERS**

That the City Council approve a resolution authorizing one agent and two alternates to represent the City of Ontario in obtaining financial assistance from the State of California Office of Emergency Services (Cal OES), for all open and any future disasters up to three (3) years following the date of approval; and rescinding Resolution 2010-025.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DESIGNATING AN AUTHORIZED AGENT AND TWO ALTERNATES TO REPRESENT THE CITY OF ONTARIO IN CLAIMING DISASTER ASSISTANCE REIMBURSEMENT FOR ALL OPEN AND FUTURE DISASTERS UP TO THREE (3) YEARS FOLLOWING THE DATE OF APPROVAL.



**6. MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE CITY OF ONTARIO AND THE ONTARIO-MONTCLAIR SCHOOL DISTRICT FOR THE PURCHASE AND DISTRIBUTION OF COMPRESSED NATURAL GAS**

That the City Council:

- (A) Approve and authorize the City Manager to execute a Memorandum of Understanding (on file with the Records Management Department) by and between the City of Ontario and the Ontario-Montclair School District (OMSD) for the purchase and distribution of compressed natural gas (CNG) for a three-year term, and authorize the option to extend the agreement for up to two successive one-year periods; and
- (B) Authorize the City Manager or his designee to set, and modify as needed, the fee charged for CNG dispensed to public and private sector customers.

**7. AN ORDINANCE TO AMEND TITLE 2, CHAPTER 6, ENTITLED PURCHASING SYSTEM, OF THE ONTARIO MUNICIPAL CODE AND IMPLEMENTING THE CALIFORNIA UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT PURSUANT TO SECTION 22000, ET SEQ. OF THE PUBLIC CONTRACT CODE**

That the City Council consider and adopt an ordinance amending Title 2 of the Ontario Municipal Code, rescinding Ordinance Nos. 2632, 2698, 2737 and 2764, implementing the California Uniform Public Construction Cost Accounting Act; and authorizing the City Manager, or his designee, to establish the rules and regulations of the City's current purchasing system.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ELECTING TO BECOME SUBJECT TO THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT, REPEALING CHAPTER 6 OF TITLE 2 OF THE ONTARIO MUNICIPAL CODE, AND ADOPTING A NEW CHAPTER 6 OF TITLE 2 OF THE ONTARIO MUNICIPAL CODE CONCERNING THE PURCHASE OF GOODS, SERVICES AND PUBLIC PROJECTS.

**8. STUDENT REPRESENTATIVE AND ALTERNATE APPOINTMENTS TO THE RECREATION AND PARKS COMMISSION FOR 2016/17 AND RECOGNITION OF THE CURRENT STUDENT REPRESENTATIVE AND ALTERNATE FOR THE YEAR SERVED 2015/16**

That the City Council confirm Andrea Leon, of Ontario High School as the Student Representative, and James Rendon, of Ontario High School as the Alternate to the Recreation and Parks Commission for the term to expire June 30, 2017; and recognize Keven Michel, of Ontario High School for serving as the Student Representative, and Crystal Saldivar, of Ontario High School for serving as the Student Representative Alternate for the past year.

**9. 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 consider and adopt 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 signs cannot encroach into the public right-of-way (Section 8.01.020);
- (6) Clarify that monument signs should be designed with a 12- to 18-inch high base (Section 8.1.025);
- (7) Define the term “Density,” and include rules for rounding minimum and maximum density calculations (Section 9.01.010); and
- (8) 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).

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 TABLE 2.02-1 (REVIEW MATRIX) TO CLARIFY THAT PUBLIC NOTIFICATION IS NOT REQUIRED FOR A DEVELOPMENT ADVISORY BOARD RECOMMENDATION TO THE PLANNING COMMISSION; [5] 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; [6] AMEND SECTION 8.1.025 (DESIGN GUIDELINES) TO CLARIFY THAT MONUMENT SIGNS SHOULD BE PROVIDED WITH A 12- TO 18-INCH HIGH BASE; [7] REVISE SECTION 9.01.010 (TERMS AND PHRASES) TO CLARIFY THE DEFINITION FOR “DENSITY,” INCLUDING RULES FOR ROUNDING DENSITY CALCULATIONS; AND [8] 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.

**10. PROFESSIONAL SERVICES AGREEMENT FOR SEWER MASTER PLAN UPDATE/AKM CONSULTING ENGINEERS**

That the City Council approve and authorize the City Manager to execute a Professional Services Agreement (on file with the Records Management Department) with AKM Consulting Engineers of Irvine, California, (AKM) to provide engineering services for the sewer master plan update in the amount of \$198,480, plus a 15% contingency of \$29,772, for a total amount of \$228,252.

**11. PURCHASE OF WATER METERS AND REPAIR PARTS/HD SUPPLY WATERWORKS**

That the City Council approve and authorize the sole source purchase of new water meters and repair parts for a total not to exceed amount of \$2,400,000 from HD Supply Waterworks of Perris, California.

**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.

**12. 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 August 16, 2016, meeting.

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.

***13. A PUBLIC HEARING TO RECEIVE AND RESPOND TO PUBLIC COMMENT ON THE REPORT OF THE CITY'S WATER QUALITY RELATIVE TO PUBLIC HEALTH GOALS***

That the City Council receive and respond to public comment on the Report of the City's Water Quality Relative to Public Health Goals.

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.

***14. ANNUAL LEVY OF ASSESSMENTS WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO'S. 1, 2, 3 AND 4 FOR FISCAL YEAR 2016-2017***

That the City Council take the following actions pertaining to the levy of assessments within Ontario Parkway Maintenance Assessment Districts (OPMAD) No's. 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 2016-17.

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 2016-17.

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 2016-17.

**15. ANNUAL LEVY OF ASSESSMENTS WITHIN STREET LIGHTING MAINTENANCE DISTRICTS NO. 1 AND 2 FOR FISCAL YEAR 2016-2017**

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 2016-17.

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 2016-2017.

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 2016-17.

**16. A PUBLIC HEARING TO CONSIDER AN URGENCY ORDINANCE EXTENDING THE MORATORIUM PROHIBITING THE ISSUANCE OF NEW BUSINESS LICENSES OR NEW ENTITLEMENTS FOR COMPOSTING (GREEN WASTE AND MANURE) FACILITIES IN THE CITY OF ONTARIO FOR AN ADDITIONAL 22 MONTHS AND 15 DAYS, PENDING STUDY AND ADOPTION OF REGULATORY AND ZONING STANDARDS**

That the City Council adopt an urgency ordinance extending the interim ordinance adopted on June 7, 2016, prohibiting the issuance of new business licenses or approval of new entitlements for composting facilities for an additional 22 months and 15 days.

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 URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, EXTENDING THE MORATORIUM ON THE ISSUANCE OF NEW BUSINESS LICENSES OR NEW ENTITLEMENTS FOR COMPOSTING (GREEN WASTE AND MANURE) FACILITIES IN THE CITY OF ONTARIO FOR AN ADDITIONAL 22 MONTHS AND 15 DAYS, PENDING STUDY AND ADOPTION OF REGULATORY AND ZONING STANDARDS, AND MAKING FINDINGS IN SUPPORT THEREOF.

## ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

### **17. A RESOLUTION AUTHORIZING THE ISSUANCE OF SPECIAL TAX BONDS FOR COMMUNITY FACILITIES DISTRICT NO. 24 (PARK PLACE FACILITIES - PHASE I)**

That the City Council adopt the attached resolution authorizing the issuance of special tax bonds for Community Facilities District No. 24 (Park Place Facilities – Phase I). The resolution:

- (A) Authorizes the issuance of special tax bonds for public improvements required to facilitate the development of the Park Place Facilities – Phase I project;
- (B) Approves the forms of the Indenture of Trust, the Bond Purchase Agreement, the Continuing Disclosure Agreement, and the Preliminary Official Statement;
- (C) Authorizes a negotiated sale of the special tax bonds to Stern Brothers & Co. (the “Underwriter”) in accordance with the terms of the Bond Purchase Agreement;
- (D) Authorizes the execution of the Indenture of Trust, the Bond Purchase Agreement, the Continuing Disclosure Agreement, and the Preliminary Official Statement by the City Manager, or his designee;
- (E) Authorizes the execution of the special tax bonds by the Mayor; and
- (F) Authorizes the appointment by the City Manager of a trustee for the District.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE ISSUANCE OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 24 (PARK PLACE FACILITIES - PHASE I) SPECIAL TAX BONDS, SERIES 2016, IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$18,000,000, AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDENTURE, A BOND PURCHASE AGREEMENT AND A CONTINUING DISCLOSURE AGREEMENT, AUTHORIZING THE DISTRIBUTION OF AN OFFICIAL STATEMENT IN CONNECTION THEREWITH AND AUTHORIZING THE EXECUTION OF NECESSARY DOCUMENTS AND CERTIFICATES AND RELATED ACTIONS.

## 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 19, 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 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Property: APN: 1048-553-02, 1048-553-03, 1048-553-04, 1048-553-16, and 1048-553-17;  
126, 128, 130 and 132 North Euclid Avenue, 116 and 118 East "B" Street, 127 North  
Lemon Avenue; City/Authority Negotiator: Al C. Boling or his designee; Negotiating  
parties: Pacific Development Group II, a California general partnership; Under  
negotiation: Price and terms of payment.

No Reportable Action	Continue	Approved
/ /	/ /	/ /

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

Reported by:

\_\_\_\_\_  
City Attorney / City Manager / Executive Director

# CITY OF ONTARIO

## Agenda Report

July 19, 2016

## SECTION: CONSENT CALENDAR

**SUBJECT: A RESOLUTION ORDERING THE SUMMARY VACATION OF A PUBLIC STORM DRAIN EASEMENT**

**RECOMMENDATION:** That the City Council adopt a resolution ordering the summary vacation of a 25-foot wide public storm drain easement located within the property at 1555 South Archibald Avenue.

**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:** None. The City will not incur any cost by vacating this public easement. The applicant has paid the applicable processing fees to defray the City's cost to process this request.

**BACKGROUND:** The applicant, Orbis Archibald, LLC of Newport Beach, California has requested that the City vacate the 25-foot wide public storm drain easement located within the property at 1555 South Archibald Avenue (see Exhibit 1). The subject easement was originally dedicated to the City for storm drain purposes; however, a portion of the existing storm drain line has been relocated; and therefore, the easement is not needed for any present or future utility purposes. A new public easement has been dedicated by a separate instrument to accommodate the storm drain line relocation.

Sections 8333(c) of the California Streets and Highways Code authorize the City to summarily vacate (by resolution with no public hearing) a public service easement that has been superseded by relocation, new easement dedication or determined to be excess.

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

Prepared by: Naiim Khoury  
Department: Engineering

City Manager  
Approval: 

Submitted to Council/O.H.A. 07/19/2016

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

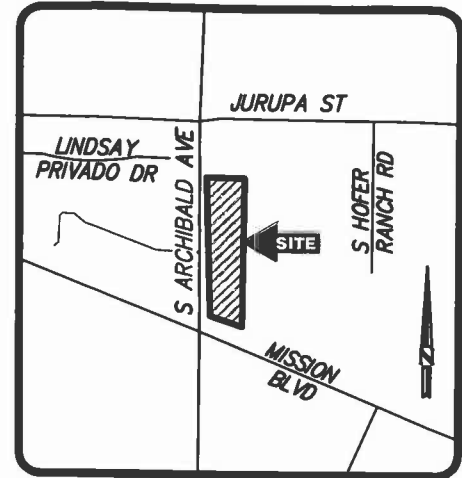
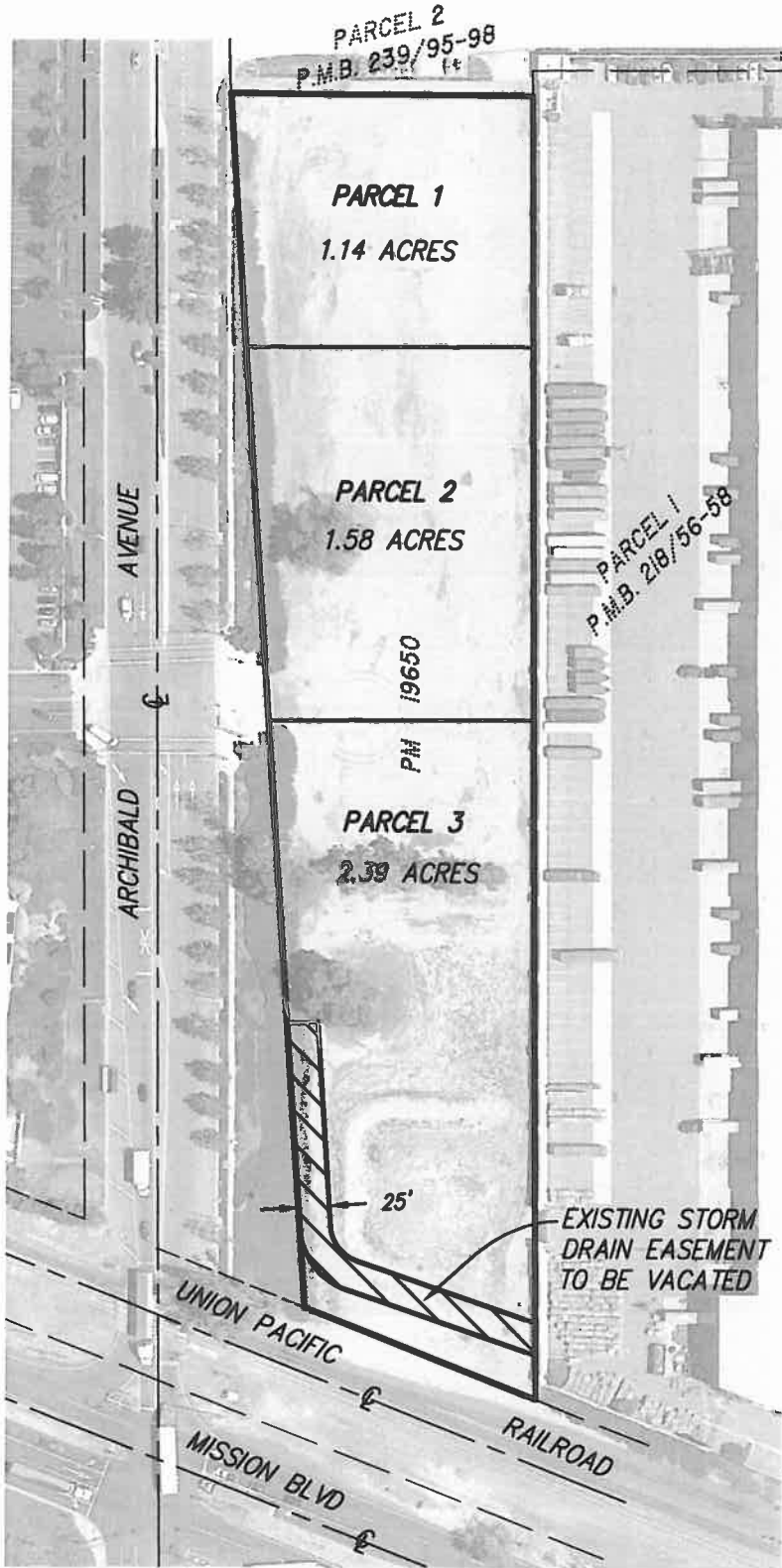
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Denied: \_\_\_\_\_

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# EXHIBIT 1 - V-270

## PUBLIC STORM DRAIN EASEMENT VACATION

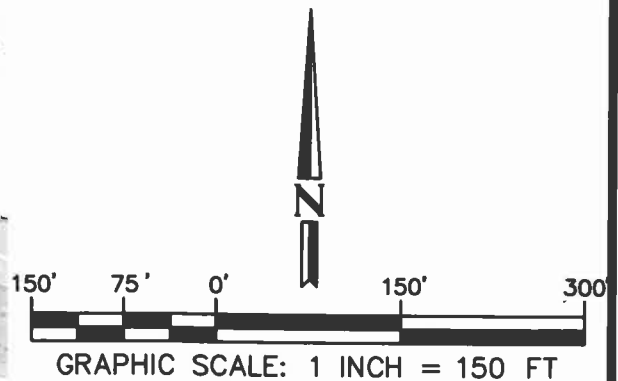


LOCATION MAP  
N.T.S.

### LEGEND



INDICATES EXISTING  
25' WIDE STORM  
DRAIN EASEMENT TO  
BE VACATED



PREPARED BY:

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

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

**CITY OF ONTARIO**  
ENGINEERING DEPARTMENT

FILE NO. V-270

APPLICANT: ORBIS ARCHIBALD, LLC

PROJECT: PARCEL MAP NO. 19650

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO,  
CALIFORNIA, ORDERING THE SUMMARY VACATION OF A PUBLIC  
STORM DRAIN EASEMENT.

WHEREAS, the City Council of the City of Ontario, California, pursuant to Division 9, Part 3, Chapter 4, of the Streets and Highways Code, may summarily vacate an easement under certain conditions specified therein; and

WHEREAS, the public storm drain easement over Parcel 3 of Parcel Map 19650 filed in Map Book 246, Pages 30 through 32 of official records, in the City of Ontario, County of San Bernardino, State of California, in the County Recorder's Office of said County and located along the easterly right-of-way line of Archibald Avenue, has no public storm drain due to the relocation of the public storm drain line and is not needed for present or future storm drain purposes; and

WHEREAS, Section 8333(c) of the California Streets and Highways Code authorize the City to summarily vacate (by resolution with no public hearing) a public service easement that has been superseded by relocation, new easement dedication or determined to be excess; and

WHEREAS, the property owner, Orbis Archibald LLC of Newport Beach, has requested a vacation of said easement.

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

1. That the above recitals are true and correct.
2. That title to the above-described said easement, more specifically described in Exhibit "A" and depicted on Exhibit "B" attached hereto, shall be vacated.
3. That the City Clerk of the City of Ontario, California, shall cause a copy of this Resolution to be recorded in the office of the County Recorder of San Bernardino County, California.

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

PASSED, APPROVED, AND ADOPTED this 19<sup>th</sup> day of July 2016.

---

PAUL S. LEON, MAYOR

ATTEST:

---

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

---

BEST BEST & KRIEGER LLP  
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2016-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 19, 2016 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. 2016-       duly passed and adopted by the Ontario City Council at their regular meeting held July 19, 2016.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)



**EXHIBIT "A"**  
**V-270**  
**PUBLIC EASEMENT VACATION**  
**LEGAL DESCRIPTION**

IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, BEING THAT PORTION OF THAT CERTAIN 25' WIDE EASEMENT GRANTED TO THE CITY OF ONTARIO FOR STORM DRAIN PURPOSES, LYING WITHIN PARCEL 2 OF PARCEL MAP NO. 18024, AS FILED IN BOOK 218, PAGES 56 THROUGH 58, OF PARCEL MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY. SAID EASEMENT BEING A PORTION OF PARCEL 3 OF PARCEL MAP NO. 19650, AS FILED IN BOOK 246, PAGES 30 THROUGH 32, OF PARCEL MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

ALL AS SHOWN ON EXHIBIT "B", ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

THIS DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS' ACT.

  
PASCAL R. APOTHELOZ, PLS 7734

6-14-16  
DATE



SHEET 1 OF 1

EXHIBIT "A" – LEGAL DESCRIPTION  
EASEMENT VACATION  
CITY OF ONTARIO, CALIFORNIA

 **DORC Engineering, Inc.**  
*Civil Engineering/Land Surveying/Land Planning*

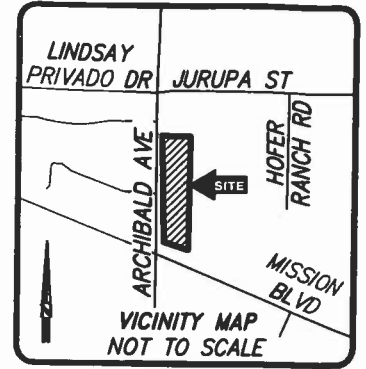
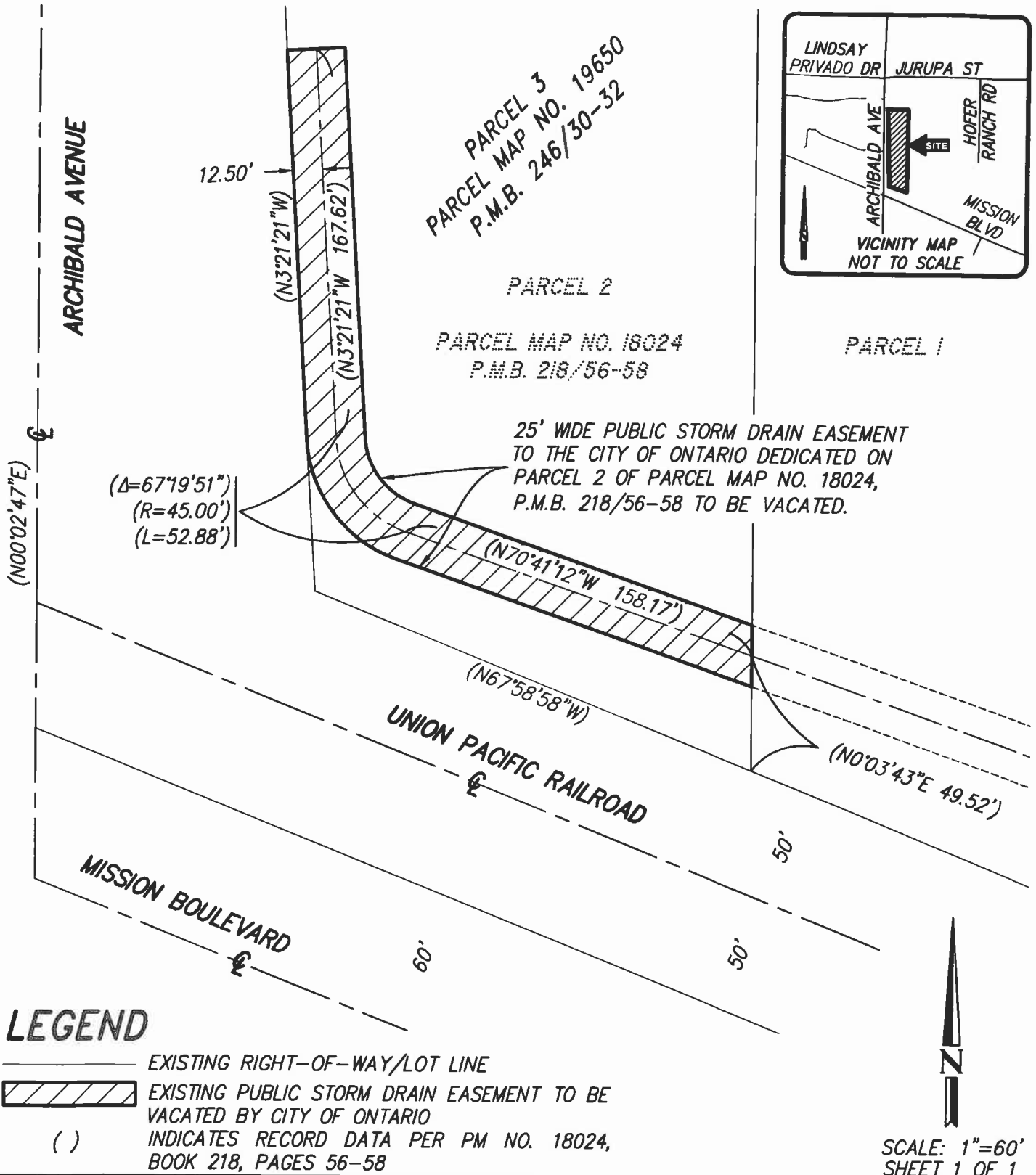
168 S. Old Springs Road, Ste. 210  
Anaheim Hills, California 92808  
(714) 685-6860

# EXHIBIT "B"

V-270

PUBLIC EASEMENT VACATION

PLAT TO ACCOMPANY LEGAL DESCRIPTION FOR EXHIBIT "A"



SCALE: 1"=60'  
SHEET 1 OF 1

EXHIBIT "B" - PLAT  
PUBLIC EASEMENT VACATION  
CITY OF ONTARIO, CALIFORNIA

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

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

# CITY OF ONTARIO

## Agenda Report

July 19, 2016

## SECTION: CONSENT CALENDAR

**SUBJECT: A RESOLUTION ORDERING THE SUMMARY VACATION OF THE RIGHTS-OF-WAY IN A PORTION OF CAMPUS AVENUE, NORTH OF BELMONT STREET, AND RECONVEYING ANY OF THE CITY'S INTEREST THEREIN**

**RECOMMENDATION:** That the City Council adopt a resolution ordering the summary vacation of the rights-of-way in a portion of Campus Avenue, north of Belmont Street, and reconveying any of the City's interest therein.

**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:** None. The City did not pay to acquire the subject property. There will be no revenue as a result of the reconveyance. The applicant has paid applicable processing fees to defray the City's cost to process this request.

**BACKGROUND:** The westerly 6 feet of the easterly 17 feet of lots 33, Tract 2441, as recorded in Map Book 43, Page 79, were offered for dedication in fee simple to the City for street and other municipal purposes (see Exhibit 1). Due to changes in the City's Master Plan of Streets & Highways, the dedicated area will not be needed for any present or future street or other municipal purposes and is determined to be excess. The applicant, La Iglesia De Dios De La Profecia Ontario Campus, has requested the City to vacate that portion of Campus Avenue and reconvey the vacated portion to the existing owners, who are the successors in interest to the original subdivider.

Section 66477.5(c) of the California Government Code requires the City to reconvey the subject property in interest to the subdivider or successor in interest, if the dedication was made in fee simple, and the City has determined that the same public purpose for which the dedication was required no longer exists. Since the subdivider offered the rights-of-way in fee simple, and this portion of Campus Avenue is not required

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

Prepared by: Arij Baddour  
Department: Engineering

City Manager  
Approval: 

Submitted to Council/O.H.A. 07/19/2016

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

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

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

4


for street and other municipal purposes, the City will reconvey the subject property to the subdivider or the successor in interest.

Sections 8330-8336 of the California Streets and Highways Code authorize the City to summarily vacate (by resolution with no public hearing) excess public service easement or rights-of-way of a street not required for street or highway purposes.

**EXHIBIT "1"**  
VACATION  
V-272



**LEGEND**

-  INDICATED AREA TO BE VACATED
-  INDICATED AREA OF INTEREST



MAP NOT TO SCALE

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE SUMMARY VACATION OF THE RIGHTS-OF-WAY IN A PORTION OF CAMPUS AVENUE NORTH OF BELMONT STREET AND RECONVEYING ANY OF THE CITY'S INTEREST THEREIN.

WHEREAS, the westerly 6 feet of the easterly 17 feet of Lots 33, Tract 2441, consisting of the area more specifically described and depicted in the attached Exhibits A and B ("Property") was dedicated in fee simple to the City of Ontario, for street and other municipal purposes as per Grant Deed recorded in Book 5608, Page 411, of Official Records of San Bernardino County; and

WHEREAS, the Property was originally intended to be developed for street and other municipal purposes, but never has been so developed, and changes in the City's Master Plan of Streets & Highways in the vicinity of the Property have rendered the Property unnecessary for such purposes; and

WHEREAS, this vacation of the rights-of-way on the Property is made pursuant to the requirements of California Streets and Highways Code, Division 9 – Change of Grade and Vacation, Part 3 – Public Streets, Highways, and Service Easements Vacation Law (Streets & Highways Code Sections 8300 et seq.), Chapter 4 – Summary Vacation; and

WHEREAS, the California Government Code requires the City to reconvey the subject property in interest to the subdivider or successor in interest, if the dedication was made to the City, in fee simple and the City has determined that the same public purpose for which the dedication was required no longer exists; and

WHEREAS, Section 8330-8336 of the California Streets and Highways Code authorizes the City to summarily vacate (by resolution with no public hearing) excess public service easement or rights-of-way of a street not required for street or highway purposes; and

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

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

1. That the above recitals are true and correct.
2. That title to the above-described portion of Campus Avenue, more specifically described in Exhibit A and depicted on Exhibit B attached hereto, are hereby vacated and shall be reconveyed to the subdivider or successor in interest.

3. That the City Clerk of the City of Ontario, California, shall cause a copy of this Resolution to be recorded in the office of the County Recorder of San Bernardino County, California.
4. That upon recordation required hereby, the vacation is complete and the street rights-of-way vacated no longer constitute street rights-of-way.

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

PASSED, APPROVED, AND ADOPTED this 19<sup>th</sup> day of July 2016.

---

PAUL S. LEON, MAYOR

ATTEST:

---

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

---

BEST BEST & KRIEGER LLP  
CITY ATTORNEY



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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2016-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 19, 2016 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. 2016-       duly passed and adopted by the Ontario City Council at their regular meeting held July 19, 2016.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"  
STREET VACATION  
V-272


APN: 1049-503-17,

THE WESTERLY 6 FEET OF THE EASTERLY 17 FEET OF LOT 33 OF MAP OF TRACT NO. 2441 IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 34 OF PARCEL MAPS, PAGE 79, IN THE OFFICE OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY. BEING A PORTION OF LAND CONVEYED TO THE CITY OF ONTARIO BY GRAND DEED RECORDED DECEMBER 12, 1961 IN BOOK 5608, PAGE 411, OF OFFICIAL RECORDS.

AREA: 244 SQUARE FEET, 0.01 ACRES MORE OR LESS

SEE EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART  
HEREOF .

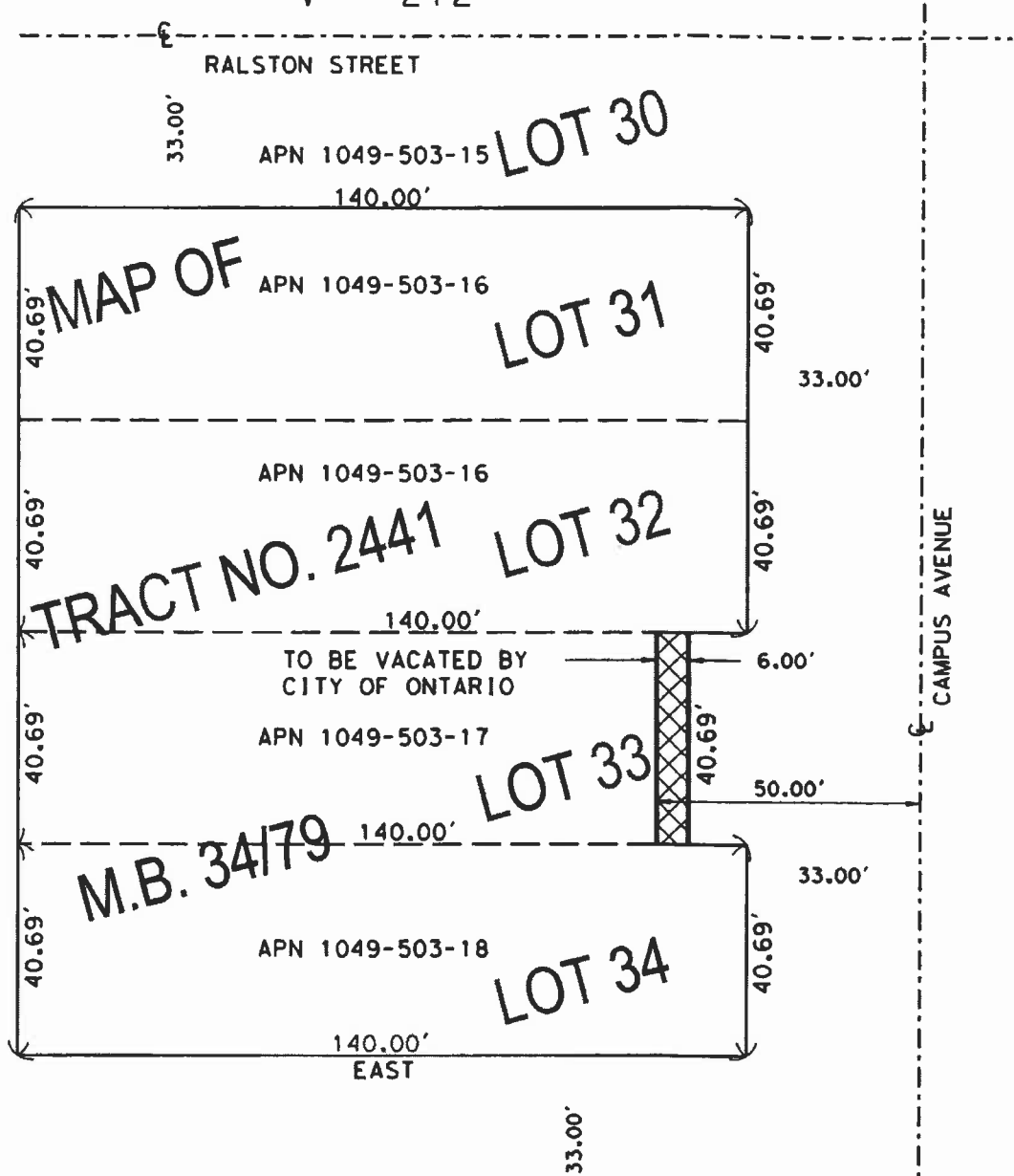
THIS DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION.

  
\_\_\_\_\_  
FLORENTINO FERRER, P.L.S. # 5775  
LICENSE EXPIRES 06/2016

4/21/2016  
DATE

# EXHIBIT "B"

V - 272



## LEGEND:

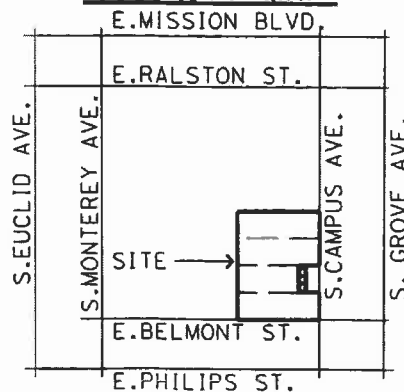


INDICATE AREA TO BE VACATED

*[Signature]*  
 FLORENTINO FERRER, P.L.S. #5775  
 FERRER & ASSOCIATES  
 LAND SURVEYORS & ENGINEERS  
 2268 CECIANA DRIVE  
 HACEINDA HEIGHTS, CA 91745  
 TEL: (626) 333-9644  
 FAX: (626) 968-3022



## VICINITY MAP



SCALE	1" = 10'	DATED:	1/28/2016
SHEET	1 OF 1	JOB NO.	1003-15

# CITY OF ONTARIO

## Agenda Report

July 19, 2016

## SECTION: CONSENT CALENDAR

**SUBJECT: A RESOLUTION DESIGNATING AUTHORIZED AGENTS IN CLAIMING STATE DISASTER ASSISTANCE REIMBURSEMENT FOR ALL OPEN AND FUTURE DISASTERS**

**RECOMMENDATION:** That the City Council approve a resolution authorizing one agent and two alternates to represent the City of Ontario in obtaining financial assistance from the State of California Office of Emergency Services (Cal OES), for all open and any future disasters up to three (3) years following the date of approval; and rescinding Resolution 2010-025.

**COUNCIL GOALS:** Regain Local Control of the Ontario International Airport  
Pursue City's Goals and Objectives by Working with Other Governmental Agencies

**FISCAL IMPACT:** This action designates staff authorized to work with the State in recovering eligible costs incurred on declared disasters and emergencies.

**BACKGROUND:** Pursuant to Public Law 93-288, the City is eligible for federal and/or state financial assistance under the California Disaster Assistance Act, which authorizes the Director of the California Governor's Office of Emergency Services to administer a disaster assistance program for financial assistance from the state for costs incurred by local governments as a result of disaster events. This resolution will apply to any eligible open disasters and those declared in the future up to three (3) years following the date of approval.

Cal OES requires that the City designate an agent and two alternates to represent the City. The agents listed in the resolution are identified by position title only, therefore eliminating the need to re-submit an amended resolution if personnel assignment changes are made within this three year period. The position titles authorized are: City Manager; Fire Chief; and Fire Administrative Director. This resolution serves to amend the positions previously authorized and rescinds Resolution 2010-025 approved by the City Council on April 20, 2010.

**STAFF MEMBER PRESENTING:** Rob Elwell, Fire Chief

Prepared by: Cathy Thomas  
Department: Fire

City Manager  
Approval: 

Submitted to Council/O.H.A. 07/19/2016

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

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

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

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DESIGNATING AN AUTHORIZED AGENT AND TWO ALTERNATES TO REPRESENT THE CITY OF ONTARIO IN CLAIMING DISASTER ASSISTANCE REIMBURSEMENT FOR ALL OPEN AND FUTURE DISASTERS UP TO THREE (3) YEARS FOLLOWING THE DATE OF APPROVAL.

BE IT RESOLVED by the City Council of the City of Ontario that the City Manager, Fire Chief, or Fire Administrative Director is hereby authorized to execute for and in behalf of the City of Ontario, a public entity established under the laws of the State of California, this application and to file it in the State of California Office of Emergency Services (Cal OES) for the purpose of obtaining certain federal financial assistance under P.L. 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 and/or state financial assistance under the California Disaster Assistance Act.

BE IT FURTHER RESOLVED that the City of Ontario, a public entity established under the laws of the State of California, hereby authorizes its agents to provide to Cal OES, for all matters pertaining to such state disaster assistance, the assurances and agreements required.

BE IT FURTHER RESOLVED that previous Resolution No. 2010-025 is rescinded and repealed to the extent it is inconsistent with the provisions of this Resolution.

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

PASSED, APPROVED, AND ADOPTED this 19<sup>th</sup> day of July 2016.

\_\_\_\_\_  
PAUL S. LEON, MAYOR

ATTEST:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

---

BEST BEST & KRIEGER LLP  
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2016-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 19, 2016 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. 2016-       duly passed and adopted by the Ontario City Council at their regular meeting held July 19, 2016.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)



# CITY OF ONTARIO

## Agenda Report

July 19, 2016

## SECTION: CONSENT CALENDAR

**SUBJECT: MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE CITY OF ONTARIO AND THE ONTARIO-MONTCLAIR SCHOOL DISTRICT FOR THE PURCHASE AND DISTRIBUTION OF COMPRESSED NATURAL GAS**

**RECOMMENDATION:** That the City Council:

- (A) Approve and authorize the City Manager to execute a Memorandum of Understanding (on file with the Records Management Department) by and between the City of Ontario and the Ontario-Montclair School District (OMSD) for the purchase and distribution of compressed natural gas (CNG) for a three-year term, and authorize the option to extend the agreement for up to two successive one-year periods; and
- (B) Authorize the City Manager or his designee to set, and modify as needed, the fee charged for CNG dispensed to public and private sector customers.

**COUNCIL GOALS:** Regain Local Control of the Ontario International Airport  
Pursue City's Goals and Objectives by Working with Other Governmental Agencies  
Invest in the City's Infrastructure (Water, Sewers, Parks, Streets, Storm Drains and Public Facilities)

**FISCAL IMPACT:** Revenue from the sale of CNG is recorded in the Equipment Services Fund, which is used to purchase natural gas and funds the operation and maintenance of the CNG station. There is no impact to the General Fund.

**BACKGROUND:** In 1993, the City received a grant from the South Coast Air Quality Management District (SCAQMD) for construction of a CNG station. A condition of the grant requires the City to operate a public access dispensing facility for CNG. The facility is located at 1440 South Cucamonga Avenue.

In February 2002, the City and OMSD entered into an MOU indicating that the City-owned CNG station would be the primary alternative refueling facility for vehicles owned and/or operated by both parties.

**STAFF MEMBER PRESENTING:** Brent D. Schultz, Housing and Municipal Services Director

Prepared by: Michael Johnson  
Department: Municipal Services

City Manager  
Approval: 

Submitted to Council/O.H.A. 07/19/2016

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

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

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

6

The initial term of the MOU has now expired. This new MOU will outline the manner in which CNG will be provided to OMSD, the billing and payment method, and the roles and responsibilities of each party. The MOU has a three-year term with the option to extend the agreement for up to two successive one-year periods. On June 16, 2016, the proposed MOU was approved by the Ontario-Montclair School Board at their regularly scheduled meeting.

In April 2001, the City Council authorized the Public Works Director to set the price per gallon charged for CNG dispensed from the City facility to public and private sector customers. The Public Works Director position title has since been eliminated and the responsibilities have been delegated to other position classifications in multiple city departments. To update the City's procedures and provide future continuity in the ability to set and change CNG pricing, it is recommended that the City Manager and/or his designee be authorized to set the price per gallon charged to the public and private sector customers. Staff will review cost data on a quarterly basis and make adjustments as needed.

# CITY OF ONTARIO

## Agenda Report

July 19, 2016

## SECTION: CONSENT CALENDAR

**SUBJECT: AN ORDINANCE TO AMEND TITLE 2, CHAPTER 6, ENTITLED PURCHASING SYSTEM, OF THE ONTARIO MUNICIPAL CODE AND IMPLEMENTING THE CALIFORNIA UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT PURSUANT TO SECTION 22000, ET SEQ. OF THE PUBLIC CONTRACT CODE**

**RECOMMENDATION:** That the City Council consider and adopt an ordinance amending Title 2 of the Ontario Municipal Code, rescinding Ordinance Nos. 2632, 2698, 2737 and 2764, implementing the California Uniform Public Construction Cost Accounting Act; and authorizing the City Manager, or his designee, to establish the rules and regulations of the City's current purchasing system.

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

**FISCAL IMPACT:** None.

**BACKGROUND:** On June 15, 2016, the City Council introduced and waived further reading of the ordinance. Adoption of the ordinance will conclude the process of amending Title 2 of the Ontario Municipal Code, rescinding Ordinance Nos. 2632, 2698, 2737 and 2764, implementing the provisions of the "Act", and authorizing the City Manager, or his designee, to establish the rules and regulations of the City's current purchasing system.

In 1983 the State of California Legislature passed the California Uniform Public Construction Cost Accounting Act (the "Act"). The Legislature identified the need for statewide uniformity of cost accounting standards and bidding procedures on construction work performed or contracted by public entities in the State. This legislation provides for alternative bidding procedures for use by public agencies when undertaking public project work. In addition, the legislation created the Uniform Public Construction Cost Accounting Commission (Commission) with responsibility for administration of the cost accounting procedures.

**STAFF MEMBER PRESENTING:** Grant D. Yee, Administrative Services/Finance Director

Prepared by: Bob Chandler  
Department: Management Services

City Manager  
Approval: 

Submitted to Council/O.H.A. 07/19/2016

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

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

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

7

The alternative bidding procedures are available only to local agencies that elect to become subject to the Uniform Public Construction Cost Accounting Procedures and notify the Controller of that election. These procedures provide for the following significant operational benefits:

- (a) Public projects of forty-five thousand dollars (\$45,000) or less may be performed by the employees of a public agency by force account, by negotiated contract, or by purchase order.
- (b) Public projects of one hundred seventy-five thousand dollars (\$175,000) or less may be let to contract by informal procedures as set forth in the legislation's article.
- (c) Public projects of more than one hundred seventy-five thousand dollars (\$175,000) must, except as otherwise provided in the legislation's article, be let to contract by formal bidding procedure.

Over time, the functionality of the Municipal Code's Purchasing System section has diminished, partly due to the operational change which eliminated the central stores inventory function. Likewise, the functionality of the City's Purchasing Policies and Procedures Manual has diminished over the years, and minor changes are now needed to ensure staff decision making is consistent with the City's procurement objectives. The changes to the Policies and Procedures Manual include enhancing the contract award preferences for local businesses, awarding contracts based on "best value", introducing the use of small dollar field purchase orders, standardizing the City's contract contingency percentage at 15%, adjusting certain bidding thresholds, and using 5-year contract terms whenever appropriate. No changes are recommended to the City Manager's signature authority.

Should the City Council adopt the ordinance, the City Clerk will notify the State of California that the City of Ontario has elected to be subject to the "Act". The resultant procurement procedures will enhance the businesslike manner in which the City operates and achieve the following benefits:

- Improved timeliness of project completion,
- Flexibility to utilize City employees where appropriate for projects up to the \$45,000 threshold,
- Simplified procurement process for projects up to the \$175,000 threshold resulting in more timely response in meeting growing City needs while maintaining proper fiscal control,
- Reduction in advertising costs associated with formal bid procedures, since informal bid procedures will be utilized for projects up to the \$175,000 threshold,
- Advertising in trade journals, attracting increased competition for City business, and
- Commission established minimum contractor criteria.

The ordinance maintains the current City Manager authorization to sign contracts up to \$100,000; all contracts above that amount would remain subject to City Council approval. To date, approximately 976 agencies statewide have adopted the Uniform Public Construction Cost Accounting Procedures, including the cities of Fontana, Claremont, Corona, Chino Hills, and Redlands, the County of Riverside and the County of San Bernardino.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ELECTING TO BECOME SUBJECT TO THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT, REPEALING CHAPTER 6 OF TITLE 2 OF THE ONTARIO MUNICIPAL CODE, AND ADOPTING A NEW CHAPTER 6 OF TITLE 2 OF THE ONTARIO MUNICIPAL CODE CONCERNING THE PURCHASE OF GOODS, SERVICES AND PUBLIC PROJECTS.

WHEREAS, Article XI, Section 7, of the California Constitution authorizes the City to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

WHEREAS, the Uniform Public Construction Cost Accounting Act (Pub. Cont. Code §§ 22000 et seq.) (the "Act") provides for the development of cost accounting standards and an alternative method for the bidding of public works projects by public entities such as the City of Ontario; and

WHEREAS, the City Council of the City of Ontario determines that electing to be subject to the Act would provide efficiencies for the City of Ontario's procurement processes, which will thereby benefit the taxpayers, residents and businesses of the City; and

WHEREAS, Public Contract Code Section 1600 provides, "Notwithstanding any other provision of law, counties, a city and county, and state agencies may enter into and make payment on contracts by way of electronic transmission, including, but not limited to, the issuance of solicitation documents, and the receipt of responses thereto"; and

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

THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council of the City of Ontario, California, hereby elects under Public Contract Code Sections 22003 and 22030 to become subject to the uniform public construction cost accounting procedures set forth in the Act and to the Commission's policies and procedures manual and cost accounting review procedures, as they may each from time to time be amended, and directs that the City Clerk notify the State Controller forthwith of this election. This election may, in the City Council's discretion, be rescinded by City Council ordinance or resolution.

SECTION 2. Chapter 6 of Title 2 of the Ontario Municipal Code is hereby repealed in its entirety.

SECTION 3. A new Chapter 6 of Title 2 of the Ontario Municipal Code is hereby added to read as follows:

“CHAPTER 6: PURCHASING SYSTEM

Section 2-6.01.	Adopted: Purposes.
Section 2-6.02.	Definition of Terms.
Section 2-6.03.	Ethics Statement.
Section 2-6.04.	Centralized Purchasing Program.
Section 2-6.05.	Purchasing Officer.
Section 2-6.06.	Supplemental Regulations.
Section 2-6.07.	Use of Electronic Means.
Section 2-6.08.	Exemptions from Centralized Purchasing.
Section 2-6.09.	Inspection and Testing.
Section 2-6.10.	Purchase Requisitions.
Section 2-6.11.	Purchase Orders.
Section 2-6.12.	Budgeted Funds Required.
Section 2-6.13.	Public Projects.
Section 2-6.14.	Services.
Section 2-6.15.	Qualifications Based Services.
Section 2-6.16.	Goods.
Section 2-6.17.	Formal Bid Procedure.
Section 2-6.18.	Informal Bid Procedure.
Section 2-6.19.	Alternative Bid Procedure.
Section 2-6.20.	Rejection of bids; Options on rejection and when no bids or equal bids are received.
Section 2-6.21.	Design Build.
Section 2-6.22.	Local Preference.
Section 2-6.23.	Exceptions.
Section 2-6.24.	Emergency Procurements.
Section 2-6.25.	Identification of Capital Assets.
Section 2-6.26.	Execution of Instruments.
Section 2-6.27.	Conflicts of Interest.
Section 2-6.28.	Gifts and Gratuities.
Section 2-6.29.	Cooperative Purchasing Programs.
Section 2-6.30.	Use of Recycled Materials.
Section 2-6.31.	Disposition of Surplus Personal Property.

Section 2-6.01. Adopted: Purposes.

A centralized purchasing system is hereby adopted for the following purposes:

ipa To establish procedures for the efficient procurement of goods, services and public projects required by City;

(b) To purchase goods and services offering the best value to the City;

(c) To exercise responsible financial control over purchases;

- (d) To provide for identification of capital assets acquired for the City;
- (e) To establish policy and procedures for the disposition of surplus goods;
- (f) To provide for and encourage the standardization of goods, thereby promoting efficiencies in the delivery of services to the residents, taxpayers and businesses within the City, consistent with the "or equal" provisions contained in Public Contract Code Section 3400;
- (g) To clarify for all City departments the law with respect to competitive bidding requirements;
- (h) To provide all qualified bidders with a fair opportunity to enter the bidding process, thereby stimulating competition in a manner conducive to sound fiscal practices;
- (i) To maintain the highest ethical standards in the awarding of public contracts;
- (j) To encourage competition for public contracts and to aid public officials in the efficient administration of public contracting, to the maximum extent possible;
- (k) To clearly define the authority of the purchasing function; and
- (l) To provide guidance in the appropriate use of sole sourcing for the purchase of non-public works related equipment, materials, supplies, and services.

#### Section 2-6.02. Definition of Terms.

The terms listed below, and their variants, whenever used in the Chapter, unless indicated otherwise in this Chapter or defined otherwise by state statute, shall be construed as follows:

(a) "Alternative procedure" means purchasing goods, services or public projects by negotiated contract, purchase order or any other procedure outlined in the City's purchasing and bidding policies and procedures manual approved by the City Manager and consistent with this Chapter. A type of alternative procedure may include, but is not limited to, what will be referred to as a "simplified pricing procedure" wherein the authorized contracting party, or his/her designee, obtains written or oral price quotes from one or more potential contractors or suppliers, and accepts the quote that is determined to be in the best interests of the City. Job order contracts, requests for proposals or requests for qualifications are other forms of "alternative procedure" for purposes of this Section.

(b) "Best Value" means a value determined by evaluation of objective criteria that may include, but not be limited to price, features, functions, life-cycle costs, experience, and past performance. A best value determination may involve the selection of the lowest cost proposal meeting the interests of the local agency and meeting the objectives of the project, selection of the best proposal for a stipulated sum established by the procuring agency, or a tradeoff between price and other specified factors.

(c) "Bid" means the response submitted by a bidder to an invitation for bids issued by the City for goods, services or public projects needed by the City.

(d) "City" means City of Ontario. For purposes of this Chapter, the term "City" shall also include any entity affiliate with the City of Ontario, including the Ontario Housing Authority, to the extent such entity adopts a resolution subjecting itself to the Uniform Public Construction Cost Accounting Act.

(e) "Commission" means the California Uniform Construction Cost Accounting Commission.

(f) "Competitive Bidding" means the process whereby bids are solicited from potential bidders in accordance with applicable law, under the direction of the Purchasing Division, to foster cost effective competition within the private sector providing goods, services, or public projects to the City.

(g) "Conflict of Interest" means a clash between the public interest and the private pecuniary interest of the individual concerned. A conflict of interest arises when a City employee's personal or financial interest conflicts or appears to conflict with his/her official responsibility.

(h) "Contract" means an agreement between competent parties with binding legal force.

(i) "Controller" means the State Controller of the State of California.

(j) "Cooperative Purchasing" means a purchasing method whereby the procurement requirements of two or more governmental entities are combined to obtain the benefits of volume pricing, reduction in administrative costs, or both.

(k) "Emergency" means a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.

(l) "Facility" means any plant, building, structure, ground facility, utility system (subject to the limitation found in Cal. Public Contract Code § 22002), real property, streets and highways, or other public work improvement.

(m) "Formal Bid" means a bid that is, subject to Section 2-6.07, advertised in a local newspaper; submitted in a sealed envelope and in conformance with a prescribed format; and publicly opened at a specified place, date and time.

(n) "Goods" means supplies, materials, equipment and other commodities (other than services and real property) included in Cal. Commercial Code § 2105.

(o) "Informal Bid or Quotation" means a competitive bid that is submitted by a bidder for procurement of goods or services for which formal bidding is not required.

(p) "Job Order Contract" means a contract that is based upon prices or charges contained in a unit price book, sometimes published by independent commercial sources, which detail repair and construction tasks, specifications, units of measurement and unit prices for each task.



(q) "Maintenance Work" as defined in Cal. Public Contract Code § 22002.

(r) "Personal Property" means any property, other than real property, including any furniture, fixtures or equipment that is attached to real property in such a way that it can be removed without causing significant damage to the real property.

(s) "Procurement" means purchasing, leasing, or otherwise acquiring any goods, services, or public project construction, including all of the functions that pertain to the acquisition.

(t) "Professional Services" means advisory, consulting, architectural, engineering, computer, telecommunications, legal, financial, surveying or any service which involves the exercise of professional discretion or independent judgment based on an advanced or specialized knowledge, expertise or training gained by formal studies or experience.

(u) "Public Project" as defined in Cal. Public Contract Code § 22002.

(v) "Purchase Order" means the City's written document provided to a vendor formalizing the terms and conditions associated with the ordering of the goods, services, or public project required by the City.

(w) "Purchase Requisition" means a written request submitted to Purchasing by a Using Agency to initiate the procurement process for specified goods, services or a public project.

(x) "Purchasing Officer" means the position defined within the City's organizational structure responsible for overseeing the Purchasing Division. The person occupying such position may delegate to such other person or entity as he/she deems advisable such duties and responsibilities as have been provided to him/her under this Chapter.

(y) "Recycled Goods" means finished manufactured products containing recycled materials in the production thereof.

(z) "Repair" means to mend an old thing, not to make a new thing; to restore to a sound state something which has become partially dilapidated, not to create something that has no existence; to make whole an existing article and not the manufacture of something new. The term presupposes a thing in existence to be repaired.

(aa) "Responsive Bid" means a bid which meets all of the specifications set forth in the request for bid proposal.

(bb) "Responsible Bidder" means a bidder who has demonstrated the attribute of trustworthiness, as well as quality, fitness, capacity, and experience to satisfactorily perform the public works contract.

(cc) "Services" means the furnishing of labor, time or effort by a contractor or vendor, which may involve to a lesser degree, the delivery or supply of products. The term does not include services rendered by City officers and employees, nor private firms offering professional services.

(dd) "Sole Source" means a non-competitive procurement decision whereby acceptable justification exists to support public works or non-public works related purchases provided by one particular supplier.

(ee) "Surplus Personal Property" means any personal property that is unneeded, obsolete or otherwise unsuitable for use by the Using Agency.

(ff) "Using Agency" means any department, affiliate, agency or other unit of City government that requisitions any good, service, or public project through a centralized purchasing organization.

(gg) "Writing" means any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

#### Section 2-6.03. Ethics Statement.

It is of the highest importance that the taxpayers, residents and businesses of the City of Ontario have complete confidence in the integrity of their public servants. This need is especially critical in the procurement of goods, services and public projects for the City's operational requirements. All City employees are required to exemplify high standards of integrity in their individual conduct and are responsible to ensure that they transact procurement activity consistent with City policies and procedures and applicable federal, state and local laws and regulations.

#### Section 2-6.04. Centralized Purchasing Program.

There is hereby created a Purchasing Division of the Administrative Services Agency in which is vested the authority for the centralized procurement of goods, services and public projects for the City.

#### Section 2-6.05. Purchasing Officer.

There is hereby created the position of Purchasing Officer who shall oversee the following activities:

(a) Solicitation of Competition. Obtain the best value on all purchases and award only to responsible bidders. Discourage uniform bidding and endeavor to obtain the highest level of open competition feasible on all purchases.

(b) Procurement. Purchase goods, services and public projects required by Using Agencies in accordance with the rules and regulations prescribed by the City Council; administrative procedures approved by the City Manager; and the purchasing procedures implemented by the Administrative Services Agency or as otherwise provided by law.

(c) Contractual Commitments. Manage the purchasing program using contracts as permitted by law including, but not limited to, equipment service contracts, lease purchase agreements and rental agreements, subject to the restrictions set forth in this Chapter and/or specifically provided by law. Negotiate and recommend the execution of contracts for the purchase of supplies, services and equipment.

(d) Documentation. Maintain purchasing related forms, bid lists, vendor directory, catalog file and records needed for the efficient operation of the City's centralized purchasing program.

(e) Market Trends. Keep informed of current developments in the procurement field in areas such as prices, market conditions and new products.

(f) Disposition of Surplus Personal Property. Facilitate the transfer of surplus or unused goods between City departments as needed. Sell surplus goods unsuitable for City use or discard if there is no salvage value.

(g) Asset Identification. Assign asset numbers to capital assets for accountability and fiscal control of City property.

#### Section 2-6.06. Supplemental Regulations.

(a) City Council Rules and Regulations. The City Council may, from time to time, adopt one or more resolutions establishing rules and supplemental regulations to clarify the application of this Chapter's provisions. Such rules and regulations shall be in conformity with the intent and purpose of this Chapter. In the event of any conflict between such rules and regulations and the provisions of this Chapter, this Chapter shall prevail.

(b) Administrative Rules and Regulations. The City Manager, or his/her designee, shall have the power to render interpretations of this Chapter and to adopt and enforce written rules and supplemental regulations to clarify the application of this Chapter's provisions and any resolution(s) adopted pursuant to subdivision (a), above. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this Chapter and any such resolution(s). Without limiting the nature of the foregoing, such rules and supplemental regulations may include, without limitation, criteria upon which contracts shall be bid and awarded. In the event of any conflict between such rules and regulations and the provisions of this Chapter or such resolution(s), this Chapter and any such resolution(s) shall prevail.

#### Section 2-6.07. Use of Electronic Means.

Consistent with the stated policy of promoting efficient public contract law, consistent with the best of modern practice and research, and pursuant to the authority granted by Public Contract Code Section 1600 and 1601, the City shall be authorized to utilize electronic means in the procurement and administration of contracts, so long as the purpose and intent of applicable state law, this Chapter, and any supplemental rules or regulations are met. Without limiting the nature of the foregoing, the City may utilize online bidding and selling methods, electronic signature in accordance with applicable state, local and federal law, and electronic mail for delivery of notices when "mailed"

notice is required herein. Whenever “sealed” bids or proposals are called for, any electronic means may be used so long as such electronic means provide for the secured submission of the required data. Whenever bids are required to be “opened”, such bids shall be deemed “opened” if and when they are made available to both the City and the public simultaneously, in a public setting, including, without limitation, by way of making such bids available in an electronic format that is readable by the public. If provisions of this section are in conflict with any other resolution or ordinance of the City, or any State law or regulation, this section shall prevail.

#### Section 2-6.08. Exemptions from Centralized Purchasing.

The Purchasing Officer, with the approval of the City Manager, may authorize (which authorization, to be effective, shall be in writing) any Using Agency to purchase or contract for specified goods, services, or public project independently of the Purchasing Division, but he/she shall require that such purchases or contracts be made in conformity with the procedures established by this Chapter, and shall further require periodic reports from agencies on purchases and contracts made under such written authorizations.

#### Section 2-6.09. Inspection and Testing.

The Purchasing Officer or designee shall inspect goods delivered and contractual services performed to determine their conformance with the specifications set forth in the order or contract. The Purchasing Officer or designee shall have the right to waive any defect or informality. The Purchasing Officer or designee shall have the authority to require chemical and physical tests of samples, submitted with bids, and samples of deliveries which are necessary to determine their quality and conformance with required specifications.

#### Section 2-6.10. Purchase Requisitions.

Using Agencies shall initiate requests for goods, services, and public projects using purchase requisitions submitted to the Purchasing Division, in accordance with City’s Purchasing Policies and Procedures. Upon review of any requisition, the Purchasing Officer may require additional justification concerning the requisition from the originating Department/Agency.

#### Section 2-6.11. Purchase Orders.

The purchase of goods, services, and public projects (pursuant to federal, state and local law, including the dollar limit thresholds established by the Ontario City Council) shall be made only by purchase order, except as approved by City policy. Except in cases of emergency as set forth in § 2-6.24 of this Chapter, purchases of items by any person other than a designated City employee without an approved purchase order shall not be binding upon the City or constitute a lawful charge against City funds.

#### Section 2-6.12. Budgeted Funds Required.

Except in cases of an emergency, purchase orders or contracts for goods, services, and public projects shall not be issued unless: 1) budgeted funds exist in the fund/account against which the purchase is to be charged; or 2) an authorization to override is provided by the Budget Office due to a pending budget adjustment.

#### Section 2-6.13. Public Projects.

(a) Small. Public projects of forty-five thousand dollars (\$45,000) or less may be performed by the employees of the City by force account, by negotiated contract, a contract obtained by way of an alternative procedure, or by purchase order. In addition, the City may, but shall not be legally required to, use one of the procurement methods set forth in subdivisions (b) or (c) hereof.

(b) Medium. Public projects of one hundred seventy-five thousand dollars (\$175,000) or less shall be let to contract by informal procedures as set forth in this Chapter. In addition, the City may, but shall not be legally required to, use the procurement method set forth in subdivision (c) hereof.

(c) Large. Public projects of more than one hundred seventy-five thousand dollars (\$175,000) shall, except as otherwise provided in this Chapter, be let to contract by formal bidding procedure.

(d) If, as, and when the amounts set forth above are amended by the State, this ordinance shall be deemed to have been amended to reflect such changes, without the need for further action on the part of the City. Such changes by the State shall be deemed to be incorporated by reference herein.

#### Section 2-6.14. Services.

Professional, non-professional and maintenance service contracts may be let by any formal, informal or alternative procedure, as established by City Council resolution, or in the absence of any such City Council resolution as established by administrative rule or regulation. Award may be predicated on a best value selection.

#### Section 2-6.15. Qualifications Based Services.

Notwithstanding any other provision of law, selection for professional services of private architectural, landscape architectural, engineering, environmental, land surveying, or construction project management firms shall be on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required.

#### Section 2-6.16. Goods.

Contracts for the provision of goods may be let and awarded by any formal, informal or alternative procedure, as established by City Council resolution, or in the absence of any such City Council resolution as established by administrative rule or regulation.

#### Section 2-6.17. Formal Bid Procedure.

The formal bid procedure shall be as set forth herein, or as otherwise required by state or federal law or supplemented by City Council or administrative rules or regulations.

(a) Adoption of Plans. The City Council or its designated representative shall adopt plans, specifications, and working details for all Public Projects exceeding one hundred seventy-five thousand dollars (\$175,000).

(b) Notices Inviting Bids. Notices Inviting Bids shall state the time and place for the receiving and opening of sealed bids and distinctly describe the project. The notice shall be published at least 14 calendar days before the date of opening the bids in a newspaper of general circulation, printed and published in the jurisdiction of the City. The notice shall be sent electronically, if available, by either facsimile or electronic mail and mailed at least 15 calendar days before the date of opening the bids to all construction trade journals specified in Public Contract Code Section 22036. Notices Inviting Bids shall include a general description of the items to be purchased and shall state where bid forms may be obtained and the date, time and place of bid opening. In addition to the notice required by this Section, the City may give such other notice as it deems proper.

(c) Bidders List. The notice inviting bids shall be mailed to all responsible, prospective vendors known to City staff and others requesting, in writing, to participate in the bid process.

(d) Award of contracts. If awarded, the bid will be awarded to the responsible bidder who submits the lowest responsive bid. Unless provided otherwise by law, the City shall have the right to waive any defect or informality in the bidding or in the procedures set forth in this Section. Unless provided otherwise by law, no defect of informality shall void any contract entered into.

#### Section 2-6.18. Informal Bid Procedure.

The City may let and award bids for small or medium public projects, as defined in Section 2-6.13, subdivisions (a) and (b), respectively, pursuant to the procedures set forth in this Section.

(a) The City shall maintain a list of qualified contractors, identified according to categories of work. Minimum criteria for development and maintenance of the contractors list shall be determined by the Commission.

(b) All contractors on the list for the category of work being bid or all construction trade journals pursuant to in Public Contract Code Section 22036, or both all contractors on the list for the category of work being bid and all construction trade journals pursuant to in Public Contract Code Section 22036, shall be mailed, faxed or emailed, a notice inviting informal bids unless the product or service is proprietary.

(c) All delivery of notices to contractors and construction trade journals pursuant to subdivision (b) shall be completed not less than 10 calendar days before bids are due.

(d) The notice inviting informal bids shall describe the project in general terms and how to obtain more detailed information about the project, and state the time and place for the submission of bids.

(e) If all bids received are in excess of one hundred thousand dollars (\$100,000), the City Council may, by adoption of a resolution by a four-fifths vote, award the contract, at one hundred eighty-seven thousand five hundred dollars (\$187,500) or less, to the lowest responsible bidder, if it determines the cost estimate of the City was reasonable.

(f) Informally bid contracts shall, whenever possible, be based on at least three (3) responsive bids.

(g) Sealed bids may, at the City's election, be received by the City via the electronic bid management system.

(h) Informal Bids shall be awarded to the lowest responsible bidder, consistent with the quality and delivery requirements. The City Manager, or his/her designee, shall be authorized to award contracts for Public Projects of up to one hundred thousand dollars (\$100,000). The City Council shall be authorized to award bids for Public Projects of more than one hundred thousand dollars (\$100,000).

#### Section 2-6.19. Alternative Bid Procedure.

When formal bidding or informal bidding is not required by this Chapter, the City may use any alternative procedure for the procurement of goods, services, or public projects. An "alternative procedure" means purchasing goods, services or public projects by negotiated contract, purchase order or any other procedure outlined in the City's purchasing and bidding policies and procedures manual approved by the City Manager and consistent with this Chapter. A type of alternative procedure may include, but is not limited to, what will be referred to as a "simplified pricing procedure" wherein the authorized contracting party, or his/her designee, obtains written or oral price quotes from one or more potential contractors or suppliers, and accepts the quote that is determined to be in the best interests of the City. Job order contracts, requests for proposals or requests for qualifications are other forms of "Alternative Bid Procedures" for purposes of this Section.

#### Section 2-6.20. Rejection of Bids; Options on Rejection and When No Bids or Equal Bids Are Received.

(a) In its discretion, the City Council, or for projects of one hundred thousand dollars (\$100,000) or less the City Manager or his/her designee, may reject any bids presented, if the City, prior to rejecting all bids and declaring that the project can be more economically performed by employees of the City, furnishes a written notice to an apparent low bidder. The notice shall inform the bidder of the City's intention to reject the bid and shall be mailed at least two business days prior to the meeting at which the City intends to reject the bid. If after the first invitation of bids all bids are rejected, after reevaluating its cost estimates of the project, the City shall have the option of either of the following:

(1) Abandoning the project or re-advertising for bids in the manner described by this Chapter.

(2) By passage of a resolution by a four-fifths vote of the City Council, may have the project done by force account without further complying with this Chapter.

(b) If a contract is awarded, it shall be awarded to the lowest responsible bidder. If two or more bids are the same and the lowest, the City may accept the one it chooses.

(c) If no bids are received through the formal or informal procedure, the project may be performed by the employees of the City by force account, or negotiated contract without further complying with this Chapter.

#### Section 2-6.21. Design Build.

Notwithstanding any provision contained in this Chapter to the contrary, the City may utilize a design-build method of procurement, to the extent permitted by law, including, without limitation Public Contract Code Sections 22160 et seq. and 20194.

#### Section 2-6.22. Local Preference.

The City has established a local preference in order to promote the community's economic health and to encourage local participation in the procurement process. For the purchase of goods, with the exception of materials for public works projects, the City may grant to vendors located within the City limits of Ontario a 1¾% advantage in the City's determination of low bid due to the ultimate receipt by the City and County of a proportionate amount of the sales tax associated with the purchase of the goods solicited. A vendor whose sales tax is reportable outside of the City but within the County of San Bernardino will receive a ¾% advantage in low bid determination.

#### Section 2-6.23. Exceptions.

The Purchasing Officer may make any of the following procurements without complying with the procurement methods set forth above, as follows:

(a) In an "emergency", provided the procedures set forth in Section 2-6.24 are followed.

(b) The goods, services or public project can be obtained from a sole source .

(c) Where the awarding entity determined that the nature of the subject of the contract is such that competitive proposals would be unavailing or would not produce an advantage, and the advertisement for competitive bid would thus be undesirable, impractical, or impossible.

(d) The City Council has by resolution transferred the authority to make the purchase of goods to another governmental agency through cooperative purchasing and the agency generally follows the provisions of Cal. Government Code §§ 54201 through 54204.



#### Section 2-6.24. Emergency Procurements.

(a) In accordance with Public Contract Code Sections 22050 et seq., in cases of emergency when repair or replacements are necessary, the City Council, pursuant to a four-fifths vote of the City Council, may proceed at once to replace or repair any public facility without adopting plans, specifications, strain sheets, or working details, or giving notice for bids to let contracts. Before the City Council takes any action pursuant to this subdivision (a), it shall make a finding, based on substantial evidence set forth in the minutes of its meeting, that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency.

(b) Pursuant to Public Contract Code Section 22050, Subdivision (b)(1), the City Council hereby delegates to the City Manager or his/her designee, the authority to repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts.

(c) If the City Manager or his/her designee orders any action specified in subdivision (a), that person shall report to the City Council, at its next meeting required pursuant to this section, the reasons justifying why the emergency will not permit a delay resulting from a competitive solicitation for bids and why the action is necessary to respond to the emergency.

(d) (1) If the City Council orders any action specified in subdivision (a), the City Council shall review the emergency action at its next regularly scheduled meeting and, except as specified below, at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action.

(2) If the City Manager or his/her designee orders any action specified in subdivision (a), the City Council shall initially review the emergency action not later than seven days after the action, or at its next regularly scheduled meeting if that meeting will occur not later than 14 days after the action, and at least at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action, unless the City Manager or his/her designee has terminated that action prior to the City Council reviewing the emergency action and making a determination pursuant to this subdivision.

(3) When the City Council reviews the emergency action pursuant to subdivision (1) or (2), it shall terminate the action at the earliest possible date that conditions warrant so that the remainder of the emergency action may be completed by giving notice for bids to let contracts.

#### Section 2-6.25. Identification of Capital Assets.

The Purchasing Division will, when feasible and practical, assign asset numbers to items identified as capital assets in accordance with the administrative policies that are in effect. Assignment of asset numbers will take place at the earliest time that individual assets can be identified from the purchase order. Assigned asset numbers shall

become permanent references for tracking and controlling assets. Certain other categories of assets, which may not be identified as capital assets, may also be assigned asset numbers for inventory and tracking purposes in accordance with the administrative policies that are in effect.

#### Section 2-6.26. Execution of Instruments.

Pursuant to Government Code section 40603, the City Manager is authorized to sign all warrants drawn on the City Treasury, all written contracts and conveyances made or entered into by the City Council, and all instruments requiring the City seal, provided any such document does not exceed such amount or such authority as may be established from time to time by resolution, motion or order of the City Council. The City Manager may delegate to any subordinate of the City Manager the authority granted to the City Manager by this Section; provided that such delegation by the City Manager must be made in writing and signed by the City Manager in order to be effective.

#### Section 2-6.27. Conflicts of Interest.

(a) City employees shall comply with the City's Conflict of Interest Code; Administrative Manual Policy Number I-2-4, "Statement of Policy on Fraud"; the Code of Ethics, Rule XXIII of the City's Personnel Rules and Regulations; and pertinent laws and regulations, all of which are incorporated herein by reference.

(b) Any architects or engineer, or other consultant, used by the City to assist in the development of any project-specific documents shall not be eligible to participate in the preparation or submission of a bid or proposal for that project, except as permitted by Section 2-6.21.

(c) Pursuant to Government Code Section 1126, employees of the City shall not engage in any business or activity that provides goods, services or public projects to the City. This subdivision shall not apply to the mere ownership of stock of the supplier of goods, services or Public Project, so long as the stock ownership is less than two (2) percent of the total outstanding stock of the supplier, and the supplier is a publicly traded company.

#### Section 2-6.28. Gifts and Gratuities.

City employees are prohibited from accepting money, premiums, incentives or anything of value, in an amount exceeding the amount established by City Council resolution, from any vendor or potential vendor of goods, services or public projects to the City.

#### Section 2-6.29. Cooperative Purchasing Programs.

The Purchasing Division is authorized to purchase any goods and services by means of cooperative purchasing programs (also known as "piggybacking") pursuant to California Government Code Section 6502 and Ontario Resolution No. 91-141 (adopted by the City Council on December 17, 1991), so long as the goods, services or public projects were originally let in accordance with at least the minimum requirements of this Chapter. All documents in connection therewith and on behalf of the City of Ontario will be signed in accordance with established City Signature Authority Policy.

#### Section 2-6.30. Use of Recycled Materials.

In the procurement of goods for the City, a preference shall be given to buy recycled goods in accordance with Ontario Municipal Code Section 6-3.701. Recycled goods are defined and provided for in such California State legislation such as the State Assistance for Recycling (STAR) Markets Act of 1989 (commencing with California Public Contract Code § 12150) and the California Integrated Waste Management Act of 1989 (commencing with California Public Resources Code § 40000).

#### Section 2-6.31. Disposition of Surplus Personal Property.

The Purchasing Officer, upon notification by Using Agencies of excess City-owned surplus personal property, is authorized to determine whether any such City-owned personal property is surplus to the present or future needs of the City and will coordinate the disposition of said City property. This Section shall not be applicable to personal property or money, to the extent the disposition of such is governed by other applicable law, including, without limitation, escheat pursuant to Government Code Sections 50050 et seq., personal property or goods pursuant to the California Uniform Controlled Substances Act (Health and Safety Code, §§ 11000 et seq.), or the Unclaimed Property Law (Code of Civ. Proc., §§1500 et seq.).

(a) Declaration of Surplus Goods. Using Agencies that determine certain goods to be of no use to their Agency must complete a "surplus property transaction request" and forward it to the Purchasing Officer for review and subsequent declaration as being surplus.

(b) Custody of Surplus Goods. Each Using Agency shall retain custody of its surplus goods until their transfer or final disposition has been determined. No Using Agency shall, in any event, permit any surplus goods held by it to be loaned or donated without prior City Council approval, or destroyed or otherwise removed from the City's custody without the prior written approval of the Purchasing Officer.

(c) Transfer. Before disposing of surplus goods, the Using Agency shall canvass all other Using Agencies to determine whether another City Agency can use the surplus goods. If another Agency desires to use the goods, Purchasing shall assist in transferring the goods to that Agency.

(d) Disposition. The Purchasing Officer is hereby authorized to dispose of surplus goods which are not used or needed by any Using Agency or which have become unsuitable for City use. Such goods may be disposed of by any of the following procedures:

- (1) Exchanged or traded in on new goods;
- (2) Sold utilizing competitive procedures similar to those prescribed herein for open market procurement;
- (3) Sold at public auction conducted by a professional auctioneer;
- (4) Sold utilizing a negotiation process when the Purchasing Officer deems that such process is in the best interests of the City;

- (5) Disposed of as scrap material or destroyed if no resale value exists; or
- (6) Donated to a non-profit organization or other public entity following a City Council determination that such donation would serve a public purpose."

SECTION 4. The City Council hereby finds that this Ordinance is categorically exempt from further environmental review pursuant to the California Environmental Quality Act (Pub. Resources Code, §§ 21000 et seq.) ("CEQA") because it constitutes continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, general policy and procedure making, pursuant to State CEQA Guidelines Section 15378(b)(2). Therefore, City staff is hereby directed to file a Notice of Exemption with the County Clerk within three (3) days following the adoption of this Ordinance.

SECTION 5. If any Section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

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

PASSED, APPROVED, AND ADOPTED this 19<sup>th</sup> day of July 2016.

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PAUL S. LEON, MAYOR

ATTEST:

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SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

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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. 3054 was duly introduced at a special meeting of the City Council of the City of Ontario held June 15, 2016 and adopted at the regular meeting held July 19, 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. 3054 duly passed and adopted by the Ontario City Council at their regular meeting held July 19, 2016 and that Summaries of the Ordinance were published on July 12, 2016 and July 26, 2016, in the Inland Valley Daily Bulletin newspaper.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

# CITY OF ONTARIO

## Agenda Report

July 19, 2016

## SECTION: CONSENT CALENDAR

**SUBJECT: STUDENT REPRESENTATIVE AND ALTERNATE APPOINTMENTS TO THE RECREATION AND PARKS COMMISSION FOR 2016/17 AND RECOGNITION OF THE CURRENT STUDENT REPRESENTATIVE AND ALTERNATE FOR THE YEAR SERVED 2015/16**

**RECOMMENDATION:** That the City Council confirm Andrea Leon, of Ontario High School as the Student Representative, and James Rendon, of Ontario High School as the Alternate to the Recreation and Parks Commission for the term to expire June 30, 2017; and recognize Keven Michel, of Ontario High School for serving as the Student Representative, and Crystal Saldivar, of Ontario High School for serving as the Student Representative Alternate for the past year.

**COUNCIL GOALS:** Regain Local Control of the Ontario International Airport  
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 a non-voting member of the Recreation and Parks Commission. Since its inception, twenty-four (24) 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 & Parks Commission meeting on June 27, 2016 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:** Mark Chase, Community and Public Services Agency Director

Prepared by: Julie Dorey  
Department: Recreation/Community Services

City Manager  
Approval: 

Submitted to Council/O.H.A. 07/19/2016

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

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

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

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# CITY OF ONTARIO

## Agenda Report

July 19, 2016

## SECTION: CONSENT CALENDAR

**SUBJECT:** 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 consider and adopt 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:

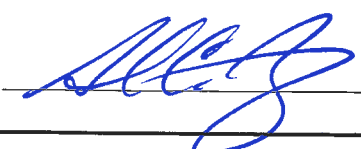
- (1) Modify the Notification Matrix (Table 2.03-1) to clarify that public hearing notification is not required for a Development Advisory Board recommendation to the Planning Commission;
- (2) Modify the Land Use Matrix (Table 5.02-1) to prohibit "Used Car Sales" in the CC (Community Commercial) zone, 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 signs cannot encroach into the public right-of-way (Section 8.01.020);
- (6) Clarify that monument signs should be designed with a 12- to 18-inch high base (Section 8.1.025);
- (7) Define the term "Density," and include rules for rounding minimum and maximum density calculations (Section 9.01.010); and
- (8) 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).

**STAFF MEMBER PRESENTING:** Scott Murphy, Planning Director

Prepared by: Charles Mercier

Department: Planning

City Manager

Approval: 

Submitted to Council/O.H.A. 07/19/2016

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

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**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 July 5, 2016 the City Council introduced an Ordinance approving the Development Code Amendment. 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 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.
- (6) 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.



- (7) 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.
- (8) 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 TABLE 2.02-1 (REVIEW MATRIX) TO CLARIFY THAT PUBLIC NOTIFICATION IS NOT REQUIRED FOR A DEVELOPMENT ADVISORY BOARD RECOMMENDATION TO THE PLANNING COMMISSION; [5] 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; [6] AMEND SECTION 8.1.025 (DESIGN GUIDELINES) TO CLARIFY THAT MONUMENT SIGNS SHOULD BE PROVIDED WITH A 12- TO 18-INCH HIGH BASE; [7] REVISE SECTION 9.01.010 (TERMS AND PHRASES) TO CLARIFY THE DEFINITION FOR "DENSITY," INCLUDING RULES FOR ROUNDING DENSITY CALCULATIONS; AND [8] 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 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 4. *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 5. 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 6.     *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 7.     *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 8.     *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 9.     *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 10.    *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 11. *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 12. *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 13. *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 14. *Effective Date.* This Ordinance shall become effective 30 days following its adoption.

SECTION 15. *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 19<sup>th</sup> day of July 2016.

\_\_\_\_\_  
PAUL S. LEON, MAYOR

ATTEST:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

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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. 3055 was duly introduced at a regular meeting of the City Council of the City of Ontario held July 5, 2016 and adopted at the regular meeting held July 19, 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. 3055 duly passed and adopted by the Ontario City Council at their regular meeting held July 19, 2016 and that Summaries of the Ordinance were published on July 12, 2016 and July 26, 2016, in the Inland Valley Daily Bulletin newspaper.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

# CITY OF ONTARIO

*Agenda Report*  
July 19, 2016

## SECTION: CONSENT CALENDAR

**SUBJECT: PROFESSIONAL SERVICES AGREEMENT FOR SEWER MASTER PLAN UPDATE**

**RECOMMENDATION:** That the City Council approve and authorize the City Manager to execute a Professional Services Agreement (on file with the Records Management Department) with AKM Consulting Engineers of Irvine, California, (AKM) to provide engineering services for the sewer master plan update in the amount of \$198,480, plus a 15% contingency of \$29,772, for a total amount of \$228,252.

**COUNCIL GOALS: Regain Local Control of the Ontario International Airport**

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

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

**FISCAL IMPACT:** The Fiscal Year 2016-17 Capital Improvement Program includes appropriations from the Sewer Capital Fund for this project. The recommended contract award to AKM is for \$198,480, plus a 15% contingency of \$29,772, for a total amount of \$228,252. There is no impact to the General Fund.

**BACKGROUND:** The Sewer Master Plan (SMP) identifies the lift stations, force mains, and sewer collection system improvements necessary to serve existing and future residents and businesses of the City. The hydraulic modeling and analysis of the sewer system determines near and long-term capital improvement needs and subsequent investments presently averaging about \$1 million per year in the annual capital budget. The SMP recommendations are factored into the two-year rate review consistent with State law (Proposition 26 and 218). In addition, they provide the basis of the Development Impact Fees charged by the City for new development.

The sewer system includes over 390 miles of existing main lines with significant expansion underway in the Ontario Ranch area. This SMP update will review changing sewer demands resulting from recent and emerging water use efficiency standards and will include updated sewer demand factors in the hydraulic analysis. The updated model is used for assessing system operations such as evaluating sewer main capacity, validating design criteria for new and replacement sewer mains, and sizing sewer trunk

**STAFF MEMBER PRESENTING:** Scott Burton, Utilities General Manager

Prepared by: Jeff Krizek  
Department: MU/Engineering

City Manager  
Approval: 

Submitted to Council/O.H.A. 07/19/2016

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systems for new development. Within the existing system, operational challenges and trends (such as sewer main blockages) are factored into the capital improvement program. Within Ontario Ranch and other rapidly changing areas of the City, the SMP update will reflect the latest infrastructure conditions and planning for expansion, including the nearly 30 miles of new sewer main constructed since the last SMP update. The existing SMP was approved by Council in 2012 and was based on sewer demands last measured in 2006.

AKM Consulting Engineers was previously selected as part of a competitive RFP process for the preparation of the existing SMP. They have completed various technical studies necessary to evaluate infrastructure needs for growth within Ontario Ranch. AKM Consulting Engineers is recommended for the SMP update based on their proposal, engineering expertise, successful completion of this type of work in the past, capability to perform the work in a timely manner, and in order to maintain continuity and efficiency in supporting the Municipal Utilities Company.

# CITY OF ONTARIO

## Agenda Report

July 19, 2016

## SECTION: CONSENT CALENDAR

### SUBJECT: PURCHASE OF WATER METERS AND REPAIR PARTS

**RECOMMENDATION:** That the City Council approve and authorize the sole source purchase of new water meters and repair parts for a total not to exceed amount of \$2,400,000 from HD Supply Waterworks of Perris, California.

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

**FISCAL IMPACT:** The actual cost of meters to be purchased will be determined based on unit pricing for the various sizes of meters and actual meter repair, replacement and new installation needs. The Fiscal Year 2016-17 Water Operating and Capital Improvement Program budgets include \$2,400,000 for the purchase of new and replacement meters and repair parts. New developments pay for new meter installations while the cost of meter testing, repair and replacement is included in the rates the City bills for water service. There is no impact to the General Fund.

**BACKGROUND:** There are over 32,500 water meters citywide, which includes 4,500 meters that serve industrial and commercial businesses as well as landscape areas. Approximately 28,000 meters are used for residential. The accuracy of meters has a direct relationship to accounting and billing for water service. To maintain accuracy and functionality, meters need to be replaced approximately every ten years and they are repaired as needed.

In Fiscal Year 2016-17, approximately 3,250 meters will be installed to replace existing meters as part of the ten-year meter replacement program and up to 1,000 meters are planned to be installed for new development in the Old Model Colony and Ontario Ranch.

The Master Meter 3G Radio Read Meter was selected as the City standard specification for all new and replacement meter installations as a result of a public bid process and product evaluation that took place in 2001 when six different vendors and product lines were evaluated. To maintain consistency with our

**STAFF MEMBER PRESENTING:** Scott Burton, Utilities General Manager

Prepared by: Tom O'Neill  
Department: MU/Engineering

City Manager  
Approval: 

Submitted to Council/O.H.A. 07/19/2016

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standardized meters that are already in place throughout the City, the purchase of these new meters can only be made directly through the manufacturer. Section 2-6.11 (b) (2) of the Ontario Municipal Code states that sole source purchases are authorized if there is only one procurement source. HD Supply Waterworks is the exclusive distributor in California for Master Meter 3G Radio Read Meters and staff has reviewed pricing and recommends this sole source award to HD Supply.

**ITEM NO. 12 – 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 August 16, 2016 meeting.**

# CITY OF ONTARIO

*Agenda Report*  
July 19, 2016

## SECTION: PUBLIC HEARINGS

**SUBJECT: A PUBLIC HEARING TO RECEIVE AND RESPOND TO PUBLIC COMMENT ON THE REPORT OF THE CITY'S WATER QUALITY RELATIVE TO PUBLIC HEALTH GOALS**

**RECOMMENDATION:** That the City Council receive and respond to public comment on the Report of the City's Water Quality Relative to Public Health Goals.

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

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

**FISCAL IMPACT:** This is an informational item, and there is no impact on the General Fund.

**BACKGROUND:** This Public Health Goal Report is a requirement of the Calderon-Sher California Safe Drinking Water Act of 1996 and California Health and Safety Code Section 116470 which mandate that all public water systems with 10,000 or more service connections prepare such a written report every three years. The report is designed to provide information on any primary drinking water standards that were detected above the recommended Public Health Goal (PHG). This report serves as supplemental information to the City's required Annual Water Quality Reports which are made available to the public via the City's website at the end of each June. A comparison of detectable levels of constituents against State and Federally adopted MCLs is also included.

**Ontario delivers water that meets or exceeds the State Board and US EPA MCLs to all its customers.** This report assesses the quality of water by comparing detectable levels of primary drinking water standards in the City's drinking water against applicable Public Health Goals (PHGs) published by the California Environmental Protection Agency (Cal EPA) including the Office of Environmental Health Hazard Assessment (OEHHA), State Water Resources Control Board (State Board), and nine Regional Water Quality Control Boards (RWQCB). Constituents that do not have a PHG are subjected to Maximum Contaminant Level Goals (MCLGs) as an alternative measure, which are set by the US Environmental Protection Agency (US EPA); and are the federal equivalent to PHGs in California. Ontario is not required

**STAFF MEMBER PRESENTING:** Scott Burton, Utilities General Manager

Prepared by: Joline Neal  
Department: MU/Environmental Programs

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



Submitted to Council/O.H.A. \_\_\_\_\_

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

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

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

07/19/2016

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to meet PHGs nor MCLGs because they are merely non-enforceable goals which water providers should strive to achieve. **The Maximum Contaminant Levels (MCLs) are the governing water standards that all public water systems must meet, and Ontario's water system meets or exceeds those water quality standards.**

There are over one hundred primary drinking water standards that have an established MCL as set by US EPA. The State Board can choose to enforce the MCL of drinking water standards at the same concentration as US EPA or at a lower level. The State Board cannot, however, raise the MCLs of drinking water standards above the concentrations set at the federal level.

The following table summarizes the information provided in the report relative to the seven constituents that were detected above the recommended "goals". It should be noted that in all other of the over one hundred areas measured, the City met the established goals as well as meeting all water quality mandated standards.

Constituent (Listed Alphabetically)	PHG/MCLG ("Goal")	MCL (Regulatory Maximum)	Ontario Reported Levels
Arsenic	0.004 parts per billion	10.000 parts per billion	range of 0 - 2.400 parts per billion
Coliform Bacteria	0.00% of samples	5.00% of samples	1.39% of samples
Dibromochloropropane	17 parts per trillion	200 parts per trillion	76 parts per trillion
Gross Alpha	0.0 picocuries per liter	15.0 picocuries per liter	2.8 picocuries per liter
Hexavalent Chromium	0.02 parts per billion	10.00 parts per billion	range of 0.70 – 8.60 parts per billion
Perchlorate	1.0 parts per billion	6.0 parts per billion	4.8 parts per billion
Radium 228	0.019 picocuries per liter	5.000 picocuries per liter	0.239 picocuries per liter

The Ontario Municipal Utilities Company will continue to monitor and operate its wells at levels below the regulatory MCLs, maintain the Domestic Water Supply Permit issued by the State Board, and therefore no required actions are recommended at this time.





# PUBLIC HEALTH GOAL REPORT

2016

*Prepared by:  
Ontario Municipal Utilities Company*

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## Introduction

The Calderon-Sher California Safe Drinking Water Act of 1996 and California Health and Safety Code §116470 requires public water systems with 10,000 or more service connections to prepare a written report every three years regarding information on constituents that were detected above an applicable Public Health Goal (PHG).

State law requires the State Water Resources Control Board (State Board) to set drinking water standards for constituents close to the corresponding PHG as economically and technologically feasible. However, in some cases it may not be practical to set a constituent's Maximum Contaminant Level (MCL) with the same PHG level for the technology may not be available or treatment is not cost-effective.

PHGs are health risk assessments and are not considered drinking water standards. A PHG is the level of a constituent in drinking water that does not pose a significant risk to health. Establishing PHGs is based upon information the Office of Environmental Health Hazard Assessment has compiled to identify the level of a constituent that would not cause significant adverse health effects in people who drink that water every day for 70 years. Cancer-causing constituents are established at the "one-in-one million" risk level meaning not more than one person in a population of one million people drinking the water daily for 70 years would be expected to develop cancer from exposure of the constituent.

PHGs are non-enforceable goals published by the California Environmental Protection Agency including the Office of Environmental Health Hazard Assessment (OEHHA), State Board, and nine Regional Water Quality Control Boards (RWQCB). Constituents that do not have an associated PHG are subjected to Maximum Contaminant Level Goals (MCLGs), which are set by the US Environmental Protection Agency (US EPA); however, they are not identical and are only the federal equivalent to PHGs in California. MCLGs is the maximum level of a constituent in drinking water at which no known or expected adverse effect on the health of persons would occur. Public water systems are not required to meet PHGs nor MCLGs.

This report contains information regarding the City of Ontario's local groundwater and distribution system where constituents were detected above the PHG or MCLG during January 1, 2013 to December 31, 2015. Constituents that exhibit a California primary drinking water standard and for which either a PHG or MCLG has been established are addressed in this report. Data represented in this report is considered for the purposes of determining compliance with drinking water standards. This data is summarized in our Consumer Confidence Reports from 2013 to 2015. The Ontario Municipal Utilities Company purchases imported treated surface water from Water Facilities Authority and treated groundwater from Chino Basin Desalter Authority via Jurupa Community Services District's distribution system. Water Quality monitoring data from those agencies are not included in this report.

## Guidelines Followed

The Association of California Water Agencies (ACWA) formed a work group which prepared guidelines for water utilities to use in preparing these required reports. The ACWA guidelines were used in the preparation of our report. No guidance was available from state regulatory agencies.

## Detection Level for Purposes of Reporting

In California, each constituent is standardized against a quantified level known as the “detection level for purposes of reporting” (DLR). The DLR represents the designated minimum concentration level either at or above which any analytical finding of a constituent in drinking water, resulting from monitoring, is reported to the State Board. This allows the DLR for a constituent’s result to be reported with confidence. Analytical results below the DLR are considered “not detected” even if an analytical method has a lower detection limit.

Many constituents have PHGs concentrations that are below the DLR. However, there are a few constituents that have the same PHG and DLR concentration levels. In the case of MCLGs, these concentration levels are set at zero or equal to the drinking water standard’s MCL. Detection is based upon the analytical method’s ability to quantify at a concentration level that is reliable and absolute.

### QUALIFYING ANALYTICAL RESULTS

Inorganic and organic constituents are measured by comparing weight to volume and is commonly expressed as either milligrams per liter (mg/L), micrograms per liter (µg/L), or nanograms per liter (ng/L). One milligram per liter is also equal to one part per million (ppm), which is equivalent to one second in 11.6 days or one drop in 13.6 gallons. Similarly, one part per billion (ppb) is equal to one microgram per liter. One ppb is equivalent to one second in 31.7 years or one drop in 13,563 gallons. One part per trillion (ppt) is equal to one nanograms per liter and is equivalent to one second in 31,710 years or one drop in 13,563,368 gallons.

Radiological compounds are measured in picocuries per liter (pCi/L). One pCi is equal to the decay of about two radioactive atoms per minute.

Coliforms are qualitative measurements based upon the presence or absence of coliform bacteria. The number of positive samples in one month are divided by the total number of samples taken for the month and a percentage is calculated.

## Best Available Technology & Cost Estimates

Best Available Technologies (BATs) are known treatment methods that reduce a constituent's concentration to the MCL. Since PHGs and MCLGs are established at relatively low concentrations, the most available treatment technology may not be able to reduce a constituent near the PHG or MCLG, especially when many are set at or near a concentration of absolute zero. Furthermore, installation of a treatment technique to reduce the concentrations of a constituent may have adverse effects on other water quality parameters.

Cost estimates to reduce a constituent to a concentration level at or below the PHG level is difficult to determine, if not impossible, and are highly speculative and theoretical. Current analytical methods cannot verify concentration levels at or near absolute zero and therein provides a direction for these methods to be further developed.

## Constituents Exceeding a PHG or MCLG

The following discussion further explores which constituents were detected above an applicable PHG during January 2013 to December 2015 for the City of Ontario's drinking water. If a PHG has not been established, the MCLG is used to determine if a constituent's detection exceeded a health goal.

### ARSENIC

The PHG for arsenic is 0.004 ppb. The DLR is established at 2.0 ppb while the MCL is 10 ppb. Arsenic concentrations in the City's drinking water ranged from no detection to 2.4 ppb; two out of twenty four wells were detected above the DLR for arsenic.

Arsenic is a naturally-occurring element generally found in water at low levels throughout California and elsewhere due to the erosion of mineral deposits. It can also enter water supplies from runoff of agricultural and industrial locations. The potential health effects from long-term exposure above the MCL may cause skin damage or problems with circulatory systems, and may increase the risk of developing cancer. The numerical health risk at the PHG level is one additional theoretical cancer case per one million people whereas the numerical health risk at the MCL level is 2.5 additional theoretical cancer cases per thousand people.

BAT options to reduce arsenic below the MCLs are coagulation/filtration, ion exchange, and reverse osmosis. It is currently unknown if these technologies can reduce a constituent to or below the PHG level along with the associated cost to provide a low level reduction.



Table 1: Arsenic Reduction by Best Available Technology

Best Available Technology	Treatment Cost to MCL Level*	Cost Increase to Treat Affected Wells
Coagulation /Filtration	Approximately \$0.73 per 1000 gallons	Up to \$11.83 per person each year
Ion Exchange	Approximately \$1.99 per 1000 gallons	Up to \$32.25 per person each year
Reverse Osmosis	Approximately \$6.65 per 1000 gallons	Up to \$107.76 per person each year

\*Source: Association of Clean Water Agencies Suggested Guideline for Preparation of Required Reports on PHGs to Satisfy requirements of California Health and Safety Code §116470(b), March 2016. Cost estimates include annualized capital and O&M to treat to MCL level. Actual cost may be higher due to site-specific engineering.

It is not practical nor feasible to estimate cost for the reduction of arsenic at this time. The Ontario Municipal Utilities Company will continue to monitor and operate these wells at levels below the regulatory MCL, as per the Domestic Drinking Water Supply Permit issued by the State Board.

### TOTAL COLIFORM BACTERIA

Water systems that collect over 40 samples per month are subjected to the MCL of no more than 5% of samples collected can be positive for total coliform and the MCLG is zero. A drinking water standard is necessary to improve public health by reducing fecal pathogens to minimal levels through control of total coliform bacteria, including fecal coliforms and *E.coli*. Total coliforms are a group of microorganisms used as surrogate indicators for the potential presence of pathogens (organisms that cause waterborne diseases), therefore it is not possible quantify a numerical health risk.

Coliform bacteria are ubiquitous in nature and are generally considered not harmful. They are used because of their ease in monitoring and analysis. If a positive sample is found, it indicates a potential problem that needs to be investigated with follow-up sampling. It is not unusual for a water system to have an occasional positive sample for total coliforms. It is difficult, if not impossible, to assure that a system will never detect a positive sample.

From 2013 to 2015, the Ontario Municipal Utilities Company collected 135 to 181 samples each month for total coliform bacteria. The highest monthly percentage of total coliform bacteria detection was 1.39%. *E. coli* has never been detected in the City's drinking water.

Local groundwater is chlorinated to ensure water served is microbiologically safe for consumption and bodily contact. Chlorine residuals must be monitored and maintained daily in order to provide the best protection to health without causing undesirable taste and odor issues or increasing disinfection byproducts. The addition of chlorine is a crucial balance to the treatment process as well as providing customers with a safe and reliable drinking water supply.

Other measures that the Ontario Municipal Utilities Company has implemented include an effective cross-connection program; maintaining a disinfectant residual and positive pressure throughout the distribution

system; and a monitoring and surveillance program. Ontario Municipal Utilities Company already performs all best available technologies described in California's Code of Regulations, Title 22, §64447.

### DIBROMOCHLOROPROPANE

The PHG for Dibromochloropropane (DBCP) is 17 ppt, the DLR is 10 ppt, and the MCL is 200 ppt. Two local groundwater wells are treated at the John Galvin treatment facility and a final blend is produced prior to entry into the distribution system. DBCP concentration levels in the final blend have been detected ranging up to 76 ppt.

Before its ban in 1979, DBCP was the active ingredient in a soil fumigant and nematocide. Its presence in soils is partly due to runoff or leaching from former use on soybeans, cotton, vineyards. The potential health effects from long-term exposure above the MCL may increase the risk of developing cancer. The numerical health risk at the PHG level is one additional theoretical cancer case per million people whereas the numerical health risk at the MCL level, is one additional theoretical cancer case per ten-thousand people.

BAT options to reduce DBCP to levels below the MCL are liquid phase Granular Activated Carbon (GAC) and Packed Tower Aeration (PTA). It is currently unknown if these technologies can reduce this constituent to or below the PHG level, and if so, the associated cost to provide a low level reduction.

Table 2: DBCP Reduction by Best Available Technology

Best Available Technology	Treatment Cost to MCL Level*	Cost Increase to Treat Affected Wells
Granular Activated Carbon	Approximately \$0.71 per 1000 gallons	Up to \$11.06 per person each year
Packed Tower Aeration	Approximately \$1.06 per 1000 gallons	Up to \$16.52 per person each year

\*Source: Association of Clean Water Agencies Suggested Guideline for Preparation of Required Reports on PHGs to Satisfy requirements of California Health and Safety Code §116470(b), March 2016. Cost estimates include annualized capital and O&M to treat to MCL level. Actual cost may be higher due to site-specific engineering.

The Ontario Municipal Utilities Company will continue to monitor and operate these wells at levels below the regulatory MCL, as per the Domestic Drinking Water Supply Permit issued by the State Board. No further action is required at this time.

### GROSS ALPHA

No current PHG exists for gross alpha particle activity and the MCLG is zero picocuries per liter. The DLR is quantified at 3 picocuries per liter while the MCL is 15 picocuries per liter. The MCL limits the level of gross alpha radiation other than what is contributed by uranium and radon.

Gross alpha particle activity has been detected up to 2.8 picocuries per liter in the City's local groundwater wells. The health risk associated with gross alpha particle activity can increase the risk of developing cancer. The numerical health risk at the PHG level is one theatrical cancer case per thousand people when considering

the element Polonium. Polonium is considered the most potent alpha emitter. The numerical health risk at the MCLG of zero.

Radionuclides are radioactive elements found in nature or made by man. These elements are unstable and emit energetic particles (alpha and beta particles) or waves of high energy (gamma rays) from the nucleus or other parts of the atom. Gross alpha particles consist of two protons and two neutrons and usually travels no more of a range than a few centimeters.

The BAT option to reduce gross alpha particle activity below the MCL is reverse osmosis. It is unknown if reverse osmosis can reduce gross alpha particle activity to the MCLG, and if so, the associated costs involved.

Table3: Gross Alpha Reduction by Best Available Technology

Best Available Technology	Treatment Cost to MCL Level*	Cost Increase to Treat Affected Wells
Reverse Osmosis	Approximately \$2.43 per 1000 gallons	Up to \$383.54 per person each year

\*Source: Association of Clean Water Agencies Suggested Guideline for Preparation of Required Reports on PHGs to Satisfy requirements of California Health and Safety Code §116470(b), March 2016. Cost estimates include annualized capital and O&M to treat to MCL level. Actual cost may be higher due to site-specific engineering.

Gross alpha particle activity levels are currently below the DLR and are significantly lower than the MCL. The Ontario Municipal Utilities Company will continue to monitor and operate these wells at levels below the regulatory MCL and the Domestic Water Supply Permit issued by the State Board; therefore no required actions are to be taken at this time.

## HEXAVALENT CHROMIUM

The PHG for hexavalent chromium was established in July 2011 at 0.02 ppb. In July 2014, the State Board adopted an MCL at 10 ppb with a DLR of 1 ppb. Hexavalent chromium is not currently regulated by US EPA but total chromium is at an MCL of 100 ppb. Before hexavalent chromium became regulated in California, it was monitored with trivalent chromium. Trivalent and hexavalent chromium were summed together as total chromium and regulated at 50 ppb.

Chromium is a tasteless and odorless compound that occurs naturally in plants, rocks, and is produced in many industrial processes. The most prevalent species in the environment are trivalent and hexavalent chromium. Trivalent chromium is necessary for human dietary and occurs naturally in vegetables, fruits, grains, and yeast. Hexavalent chromium occurs naturally in the environment due to erosion of natural chromium deposits from rocks. It is also released into the environment from industrial processes via storage leaks, discharges, and improper disposal practices. In water, trivalent and hexavalent chromium can convert from one species to the other and vice versa. Environmental conditions favor which species is more prevalent and therefore as to why these two species were previously regulated as a sum.

Local groundwater monitoring detected hexavalent chromium concentrations ranging from 0.7 to 9.3 ppb. The health risk associated with hexavalent chromium can increase the risk of developing cancer. The



numerical health risk at the PHG level is one additional theoretical cancer case per million people. The numerical health risk at the MCL level is five additional theoretical cancer cases per ten thousand people.

The BAT option to reduce hexavalent chromium to the PHG level is Ion Exchange. It is unknown if this technology can completely reduce hexavalent chromium to the PHG, and if so, the associated cost to provide reduction at a low concentration level.

Table 4: Hexavalent Chromium by Best Available Technology

Best Available Technology	Treatment Cost to PHG Level (1ppb)*	Cost Increase to Treat Affected Wells
Ion Exchange	Approximately \$6.78 per 1000 gallons	Up to \$1,070.16 per person each year

\*Source: Association of Clean Water Agencies Suggested Guideline for Preparation of Required Reports on PHGs to Satisfy requirements of California Health and Safety Code §116470(b), March 2016. Cost estimates include annualized capital and O&M to treat to PHG level. Actual cost may be higher due to site-specific engineering.

Additional monitoring of the local groundwater source has provided Ontario Municipal Utilities Company a baseline to understand hexavalent chromium levels. As a result, all hexavalent chromium levels in the City's wells have complied with the state's MCL. The Ontario Municipal Utilities Company will continue to monitor and operate these wells at levels below the state regulatory MCL and the Domestic Water Supply Permit issued by the State Board; therefore no required actions are to be taken at this time.

## PERCHLORATE

In 2004, the PHG for perchlorate was established at 6ppb with a DLR of 4ppb and an MCL of 6ppb. A lower PHG was approved in February 2015 at 1 ppb. Perchlorate concentrations in local groundwater wells have ranged from not detected to 4.8 ppb.

The health risk associated with perchlorate is its ability to interfere with iodine uptake by the thyroid gland, which can decrease hormone productivity. These hormones are needed for prenatal and postnatal growth and development, as well as for normal metabolism and mental function in the adult. No current numerical health risks at the PHG or MCL level exist at this time.

BAT options to reduce perchlorate levels below the MCL are Ion Exchange and Biological Fluidized Bed Reactor. Currently, it is unknown if these technologies can minimize perchlorate levels below the DLR and meet the PHG concentration level.

Table5: Perchlorate by Best Available Technology

Best Available Technology	Treatment Cost to MCL Level*	Cost Increase to Treat Affected Wells
Ion Exchange	Approximately \$1.08 per 1000 gallons	Up to \$148.59 per person each year
Biological Fluidized Bed Reactor	Approximately \$1.76 per 1000 gallons	Up to \$242.14 per person each year

\*Source: Association of Clean Water Agencies Suggested Guideline for Preparation of Required Reports on PHGs to Satisfy requirements of California Health and Safety Code §116470(b), March 2016. Cost estimates include annualized capital and O&M to treat to MCL level. Actual cost may be higher due to site-specific engineering.

Perchlorate is monitored extensively in all of the City's local groundwater wells. The Ontario Municipal Utilities company will continue to monitor and operate these wells at levels below the regulatory MCL and the Domestic Water Supply permit issued by the State Board; therefore no required action is needed at this time.

## RADIUM 228

The PHG for Radium 228 is 0.019 picocuries per liter and the DLR is 1 picocurie per liter. MCL is based upon a combination of Radium 226 and Radium 228 at 5 picocuries per liter. The MCL for combined radium limits the radiation on two isotopes of radium: radium 226 & radium 228.

Radium 228 has been detected in the City's groundwater wells ranging up to 0.239 picocuries per liter. The health risk associated with radium 228 is one theoretical cancer case per one million people. The numerical health risk at the MCL level is three theoretical cancer cases per ten thousand people.

The BAT option for which radium 228 can be reduced is reverse osmosis. It is unknown whether this technology can reduce radium 228 to levels at or near levels of zero.

Table 6: Radium 228 Reduction by Best Available Technology

Best Available Technology	Treatment Cost to MCL Level*	Cost Increase to Treat Affected Wells
Reverse Osmosis	Approximately \$2.43 per 1000 gallons	Up to \$218.47 per person each year

\*Source: Association of Clean Water Agencies Suggested Guideline for Preparation of Required Reports on PHGs to Satisfy requirements of California Health and Safety Code §116470(b), March 2016. Cost estimates include annualized capital and O&M to treat to MCL level. Actual cost may be higher due to site-specific engineering.

Radium 228 levels have been exceptionally below the DLR and at times meeting the PHG. The Ontario Municipal Utilities Company will continue to monitor and operate these wells at levels below the regulatory MCL and the Domestic Water Supply permit issued by the State Board. No required action will be implemented at this time.

## Recommendations

Ontario Municipal Utilities Company is committed to providing a safe and reliable supply of high-quality drinking water in an economical, efficient, and responsible manner. The drinking water quality provided to the City of Ontario meets all State and Federal drinking water standards set to protect public health. Further reduction of constituent levels identified in this report, which are already considerably below the health-based MCL established for “safe drinking water”, would require a significant increase of cost for water service to the public. Additional treatment processes and the effectiveness to provide any substantial reduction in the constituents concentration to achieve PHG levels or provide further health protection benefits to our customers is uncertain. No further actions are proposed at this time.

## References

1. California Safe Drinking Water Act, H&S Code §116470(b)
2. Domestic Water Quality and Monitoring Regulations, 22 C.C.R. §64400-64483 (2015).
3. National Primary Drinking Water Regulations, 40 C.F.R. §141.1- 141.13, 141.50-141.66 (2016).
4. Association of California Water Agencies. (2016). *Suggested Guidelines for Preparation of Required Reports on Public Health Goals (PHGs) to satisfy requirements of California Health and Safety code Section 116470(b)*. Sacramento, CA.
5. Ontario Municipal Utilities Company Consumer Confidence Reports: 2013, 2014, 2015.

## City Officials

### **Mayor**

*Paul S. Leon*

### **Mayor pro Tem**

*Debra Dorst-Porada*

### **Council Members**

*Alan D. Wapner*

*Jim W. Bowman*

*Paul Vincent Avila*

### **City Manager**

*Al C. Boling*

### **Utilities General Manager**

*Scott Burton*

*Ontario Municipal Utilities Company*

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# CITY OF ONTARIO

## Agenda Report

July 19, 2016

## SECTION: PUBLIC HEARINGS

**SUBJECT: ANNUAL LEVY OF ASSESSMENTS WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO'S. 1, 2, 3 AND 4 FOR FISCAL YEAR 2016-2017**

**RECOMMENDATION:** That the City Council take the following actions pertaining to the levy of assessments within Ontario Parkway Maintenance Assessment Districts (OPMAD) No's. 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:** Regain Local Control of the Ontario International Airport  
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 \$284,131 from OPMAD Nos. 1, 2 and 3, and \$307,692 from OPMAD No. 4 during Fiscal Year 2016-17. The total cost of \$582,119 for operation and maintenance within OPMAD Nos. 1, 2 and 3 will exceed the assessment revenues by \$297,988. The differential will be funded from the General Fund. If approved, the General Fund portion will be included in the City's proposed budget for Fiscal Year 2016-17. 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 2015-16 special assessments. The recommended special assessment rate for OPMAD No. 3, Zone 2000-2, includes an increase of 1.9% from the FY 2015-16 rate. As proposed, the average increase in the recommended special assessment rates for the 6 maintenance areas in OPMAD No. 4 is 2.25%.

**STAFF MEMBER PRESENTING:** Grant D. Yee, Administrative Services/Finance Director

Prepared by: Bob Chandler  
Department: Management Services

City Manager  
Approval: 

Submitted to Council/O.H.A. 07/19/2016

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 were annexed to the districts from time to time as development proceeded. 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 Community & Public Services 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 attached 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 \$284,131 from OPMAD Nos. 1, 2 and 3. The maximum and proposed Fiscal Year 2016-17 special assessment rates for OPMAD Nos. 1, 2 and 3, along with last year’s special assessment rates, are as follows:

	Prior Year 2015-16	Proposed 2016-17	Maximum 2016-17
OPMAD No. 1	\$ 66.32 per lot	\$ 66.32	\$ 66.32
OPMAD No. 2	\$ 34.04 per lot	\$ 34.04	\$ 34.04
OPMAD No. 3, Zone 2000-1	\$ 41.29 per lot	\$ 41.29	\$ 41.29
OPMAD No. 3, Zone 2000-2	\$ 170.08 per lot	\$ 173.24	\$ 214.32

**OPMAD No. 4** is comprised of single-family residential tracts and the Ontario Mills development area. The district is organized into 6 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.

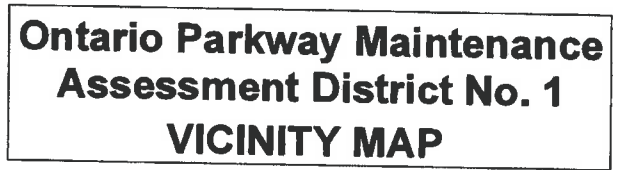
The assessments for OPMAD No. 4 will generate a total of \$307,697. OPMAD No. 4 will generate sufficient revenue to pay all expenses within the service area. The maximum and proposed Fiscal Year 2016-17 special assessment rates for OPMAD No. 4 along with last year’s special assessment rates are as follows:

	Prior Year 2015-16	Proposed 2016-17	Maximum 2016-17
MA# 99-1	\$ 50.58 per lot	\$ 51.70	\$ 52.15
MA# 99-2	\$ 319.06 per lot	\$ 327.23	\$ 328.95
MA# 99-3	\$ 984.53 per acre	\$ 1,016.70	\$ 1,181.19
MA# 00-1	\$ 241.71 per lot	\$ 246.28	\$ 323.97
MA# 04-1	\$ 977.65 per lot	\$ 990.48	\$ 2,063.63
MA# 05-1	\$ 1,330.01 per lot	\$ 1,360.86	\$ 2,557.97

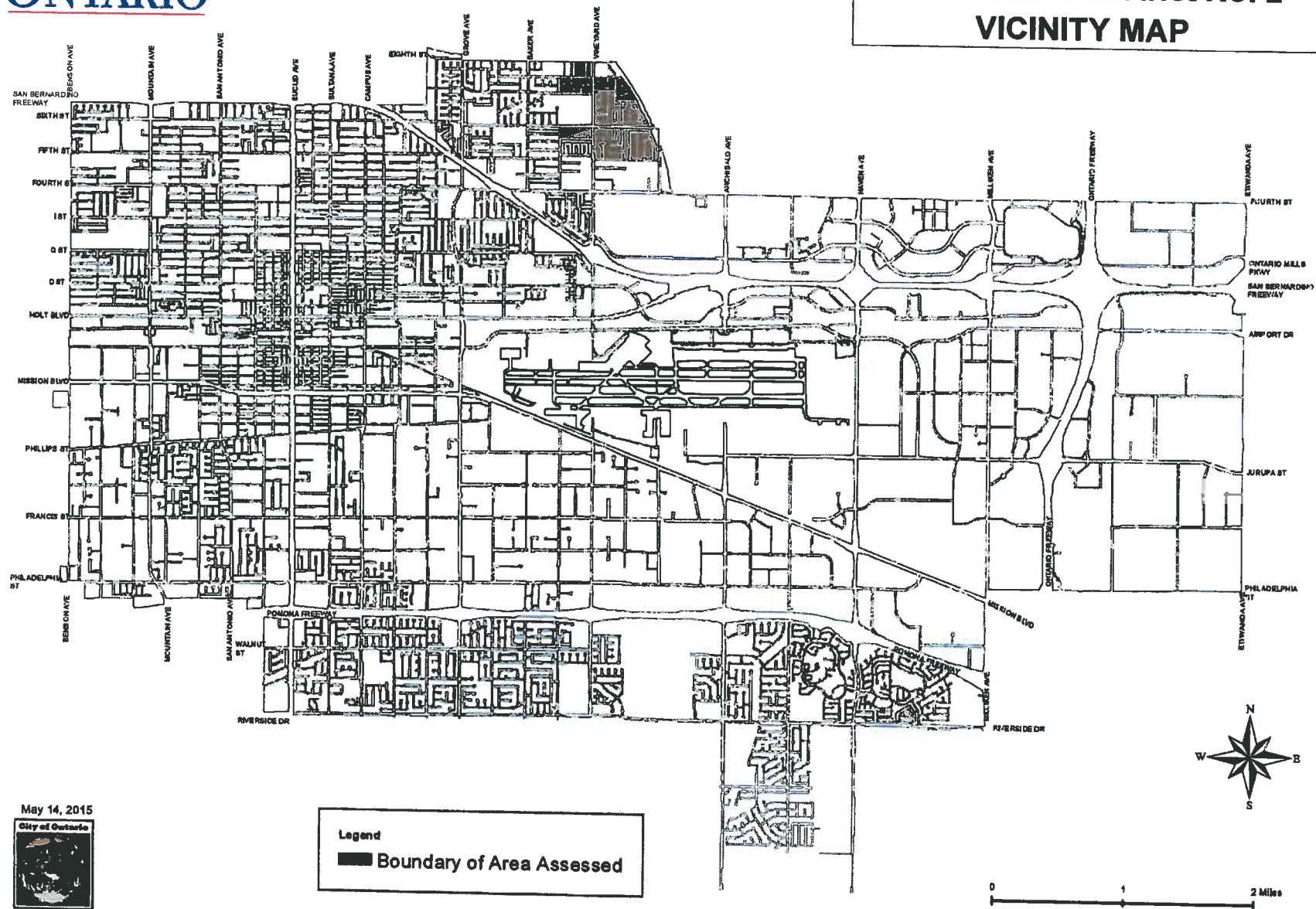
On June 21, 2016, the City Council adopted resolutions which ordered the preparation of Engineer's Reports for the annual levy of assessments within each District, preliminarily approved the Engineer's Reports, declared Council's intention to levy and collect assessments within the Districts for the referenced fiscal year, and set July 19, 2016 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 in the Records Management Department.

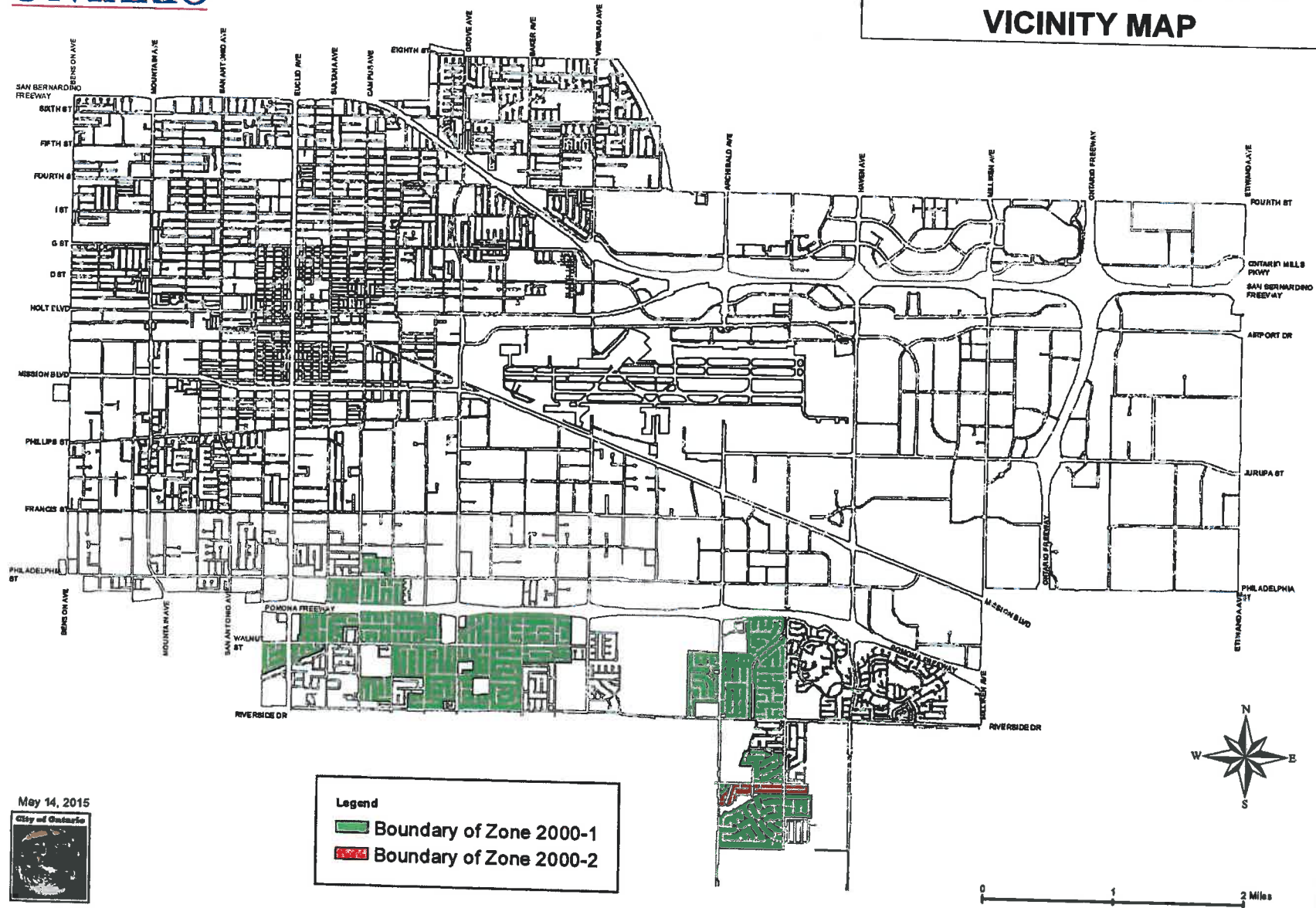
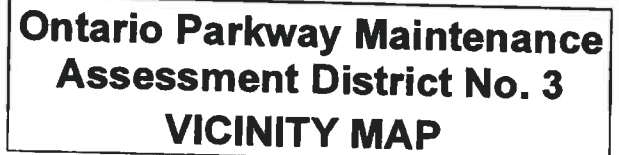
The Engineer's Reports, which have been prepared for each district pursuant to the 1972 Act, are on file with the Records Management Department. Each report includes plans and specifications for the improvements and maintenance, an estimate of costs, a diagram of the area proposed to be assessed, and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





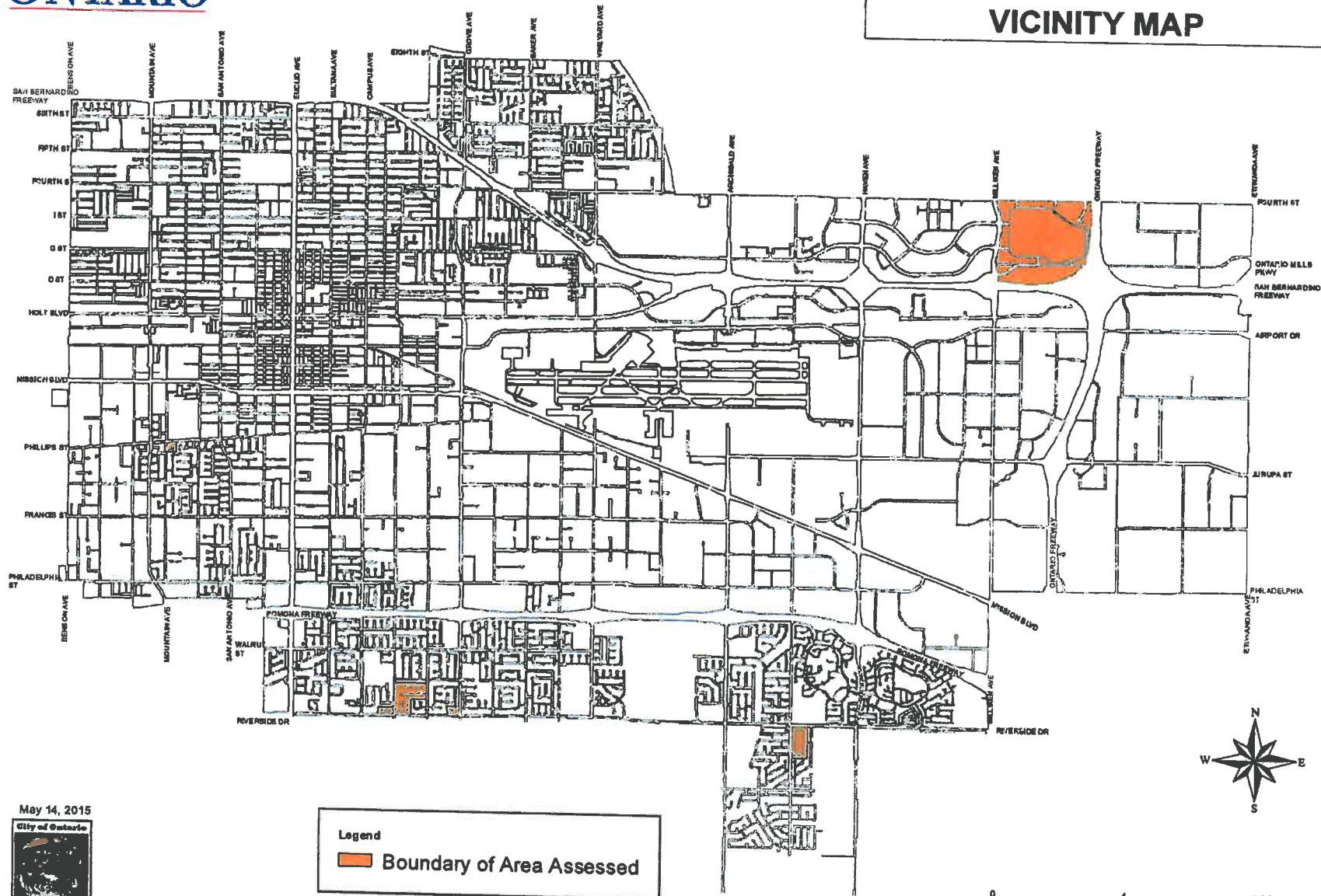








# Ontario Parkway Maintenance Assessment District No. 4 VICINITY MAP



May 14, 2015



Legend

 Boundary of Area Assessed

0 1 2 Miles

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 2016-17.

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 19<sup>th</sup> day of July 2016.

\_\_\_\_\_  
PAUL S. LEON, MAYOR

ATTEST:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
BEST BEST & KRIEGER LLP  
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2016-     was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 19, 2016 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. 2015-     duly passed and adopted by the Ontario City Council at their regular meeting held July 19, 2015.

\_\_\_\_\_  
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 2016-17.

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 19<sup>th</sup> day of July 2016.

---

PAUL S. LEON, MAYOR

ATTEST:

---

SHEILA MAUTZ, CITY CLERK



APPROVED AS TO LEGAL FORM:

---

BEST BEST & KRIEGER LLP  
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2016-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 19, 2016 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. 2016-        duly passed and adopted by the Ontario City Council at their regular meeting held July 19, 2016.

\_\_\_\_\_  
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 2016-17.

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 19<sup>th</sup> day of July 2016.

---

PAUL S. LEON, MAYOR

ATTEST:

---

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

---

BEST BEST & KRIEGER LLP  
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2016-    was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 19, 2016 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. 2016-    duly passed and adopted by the Ontario City Council at their regular meeting held July 19, 2016.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

# CITY OF ONTARIO

## Agenda Report

July 19, 2016

## SECTION: PUBLIC HEARINGS

**SUBJECT: ANNUAL LEVY OF ASSESSMENTS WITHIN STREET LIGHTING MAINTENANCE DISTRICTS NO. 1 AND 2 FOR FISCAL YEAR 2016-2017**

**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:** Regain Local Control of the Ontario International Airport  
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 \$391,987 from SLMD No. 1 and \$95,143 from SLMD No. 2 during Fiscal Year 2016-17. 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 \$16,882. The total of the recommended assessments is increasing by an average of 2.3% for the two Benefit Zones within SLMD No. 1, and by 2.3% 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:** Grant D. Yee, Administrative Services/Finance Director

Prepared by: Bob Chandler  
Department: Management Services

City Manager  
Approval: 

Submitted to Council/O.H.A. 07/19/2016  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

15

cost of maintenance and operation of certain street lighting facilities within the districts. The locations of the districts are shown on the attached 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 2015-16 was \$383,266 in SLMD No. 1, and \$93,035 in SLMD No. 2. The proposed total assessments for tax year 2016-17 are \$391,987 in SLMD No. 1, and \$95,143 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 \$16,882 for Fiscal Year 2016-17. The assessed tax rates for Fiscal Year 2015-16, and the maximum and proposed tax rates for Fiscal Year 2016-17, are as follows:

		Assessed 2015-16	Proposed 2016-17	Maximum 2016-17
SLMD No. 1, Zone 2000-1	per AU	\$ 134	\$ 137	\$ 139
SLMD No. 1, Zone 2000-2	per AU	\$ 67	\$ 69	\$ 114
SLMD No. 2, MA# 99-1		\$ 4,134	\$ 4,229	\$ 9,880
SLMD No. 2, MA# 99-2		\$ 2,136	\$ 2,185	\$ 4,913
SLMD No. 2, MA# 99-3		\$ 4,267	\$ 4,366	\$ 8,186
SLMD No. 2, MA# 99-4		\$ 1,428	\$ 1,461	\$ 3,279
SLMD No. 2, MA# 99-5		\$ 1,303	\$ 1,334	\$ 3,074
SLMD No. 2, MA# 99-6		\$ 12,779	\$ 13,074	\$ 28,691
SLMD No. 2, MA# 99-7		\$ 388	\$ 393	\$ 887
SLMD No. 2, MA# 99-8		\$ 2,848	\$ 2,914	\$ 6,549
SLMD No. 2, MA# 00-1		\$ 2,724	\$ 2,788	\$ 3,014
SLMD No. 2, MA# 00-2		\$ 1,428	\$ 1,461	\$ 2,010
SLMD No. 2, MA# 00-3		\$ 7,824	\$ 7,996	\$ 11,052
SLMD No. 2, MA# 00-4		\$ 51,776	\$ 52,941	\$ 63,287

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

On June 21, 2016, 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 19, 2015 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 in the Records Management Department.



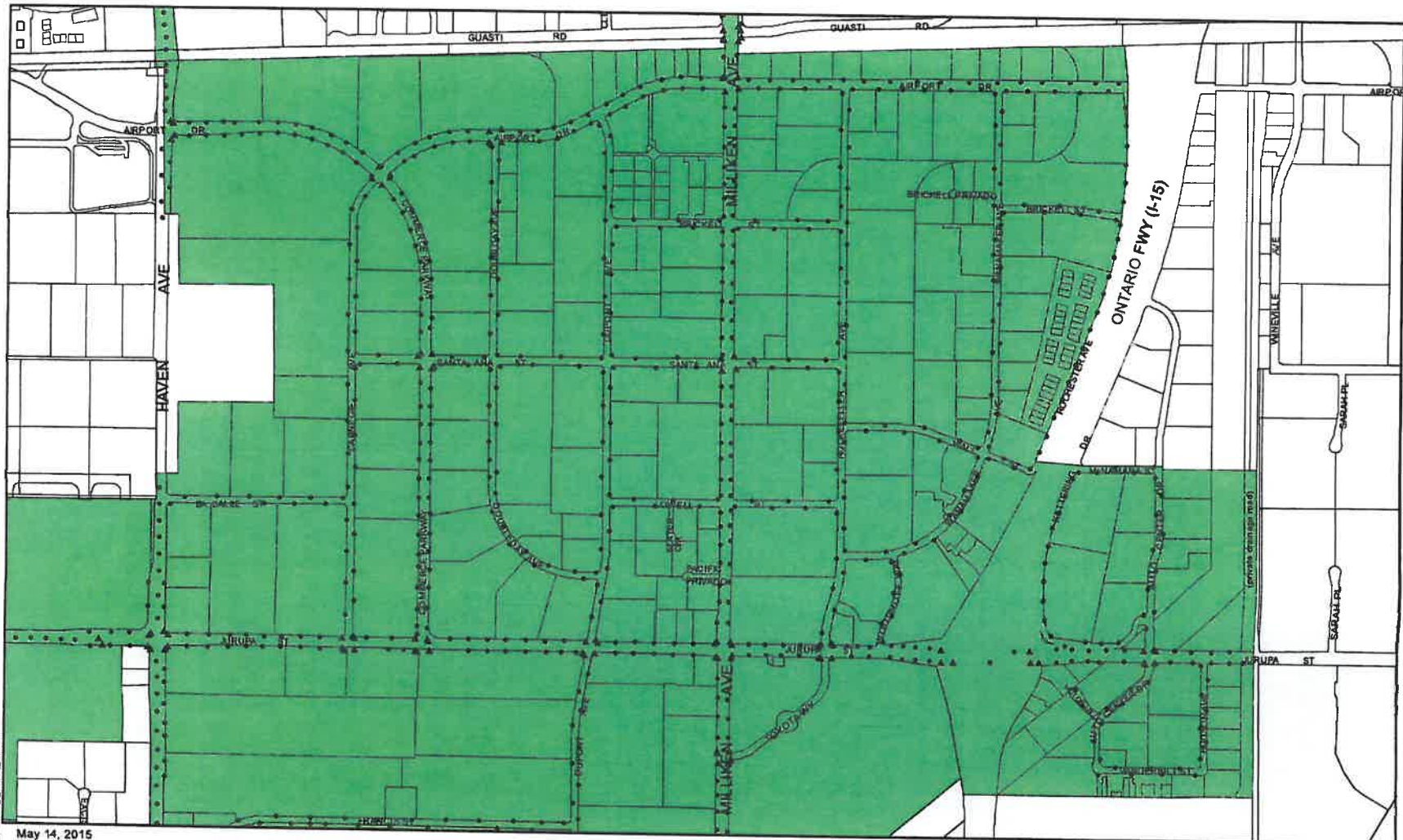
The Engineer's Reports, which have been prepared for each district pursuant to the 1972 Act, are on file with the Records Management Department. Each report includes plans and specifications for the improvements being operated and maintained, an estimate of costs, a diagram of the area proposed to be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



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.



# Street Lighting Maintenance District No.1 Boundary and Inventory Map



May 14, 2015



0 1,500 3,000 Feet



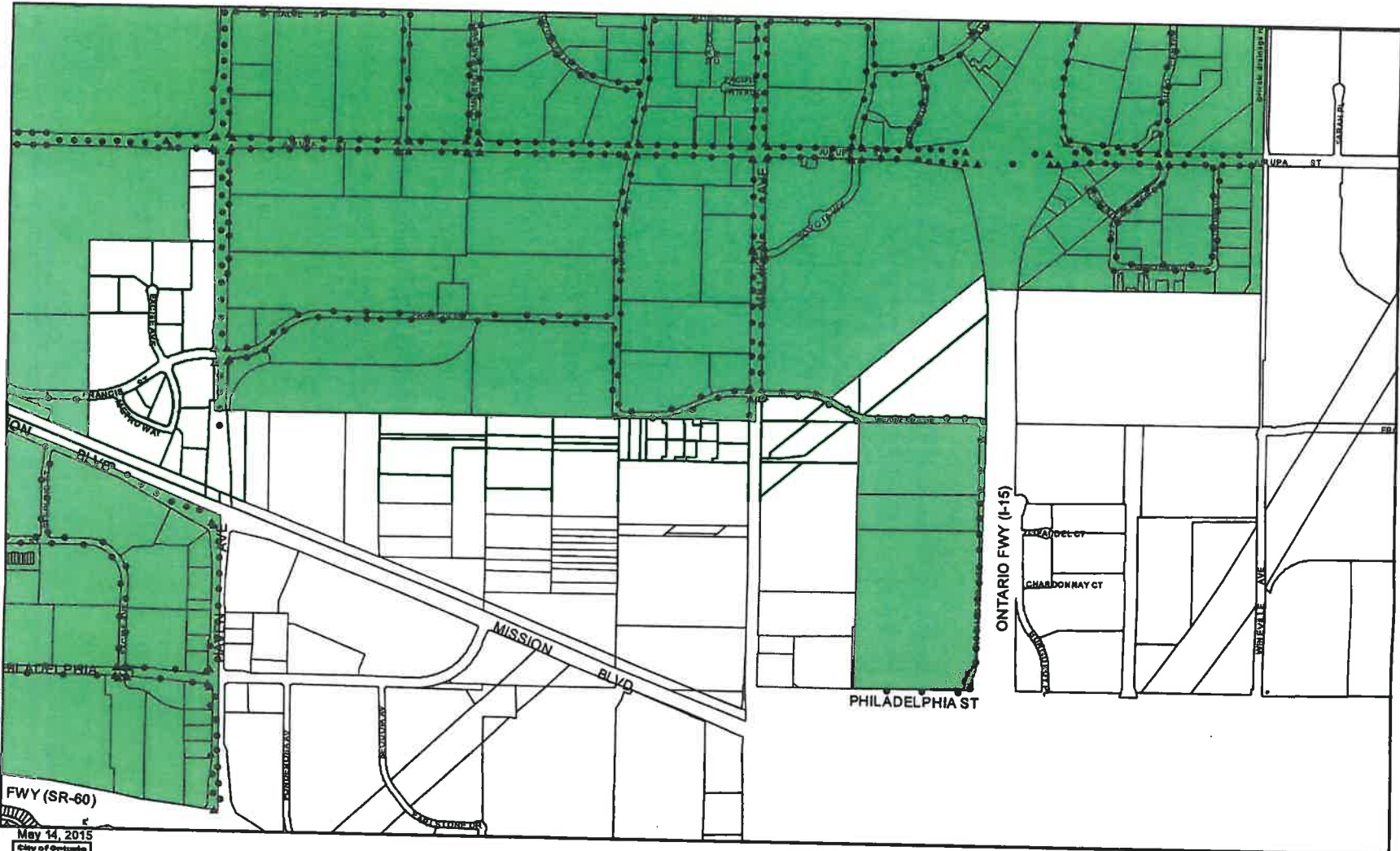
- Legend 2 of 5**
- Street Lights
  - ▲ Safety Lights
  - ZONE 2000-1
  - ▨ Zone 2000-2

**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.





# Street Lighting Maintenance District No.1 Boundary and Inventory Map



May 14, 2015



0 1,500 3,000 Feet

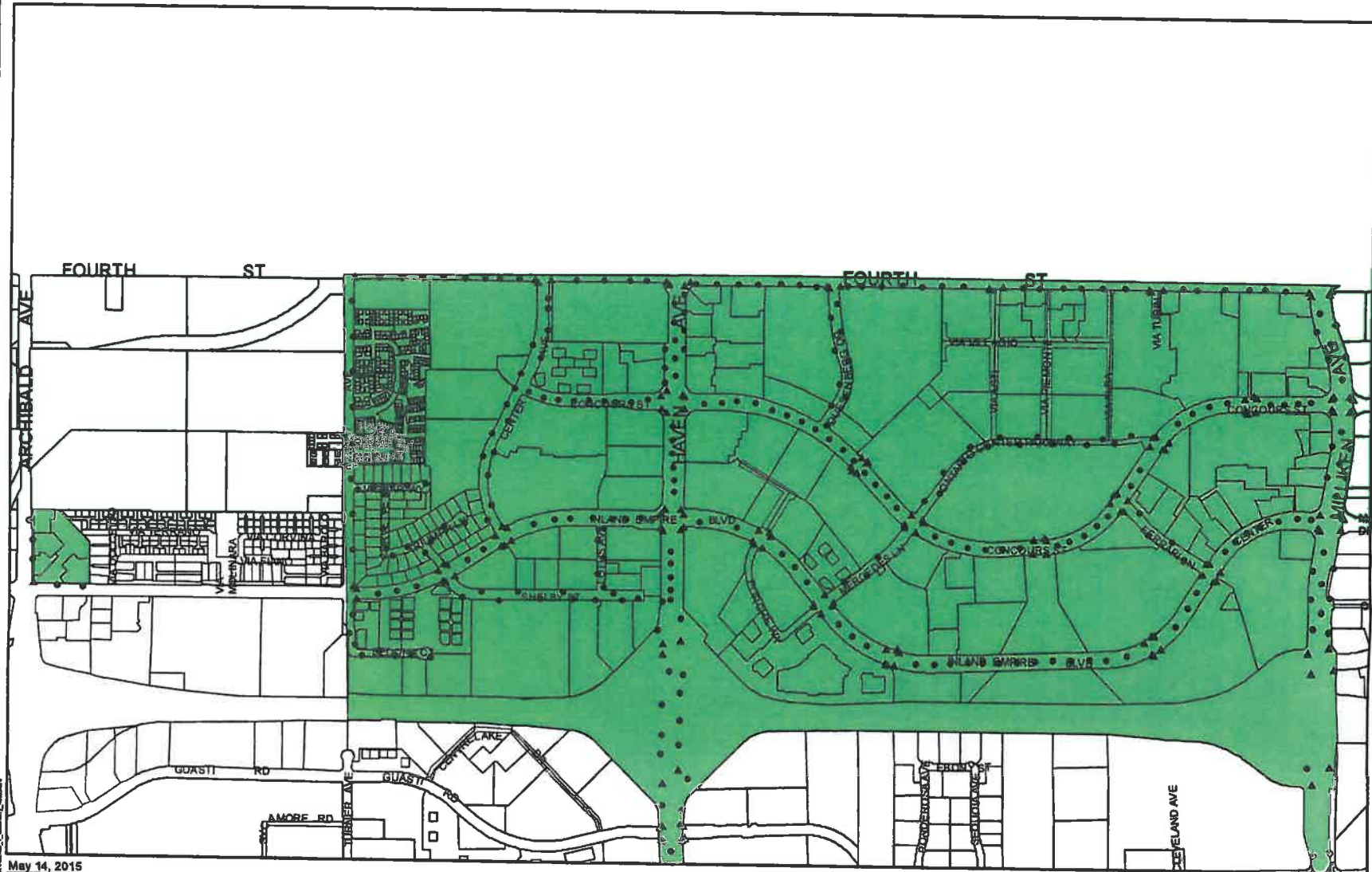


Legend 3 of 6	
●	Street Lights
▲	Safety Lights
■	ZONE 2000-1
□	Zone 2000-2

**Note:**  
Reference is hereby made to the Maps of the Assessor of the County of San Bernardino, California, for detailed descriptions of the lines and dimensions of the parcels shown herein.



# Street Lighting Maintenance District No.1 Boundary and Inventory Map



May 14, 2015  
City of Ontario

0 950 1,900 Feet



**Legend 4 of 5**

- Street Lights
- ▲ Safety Lights
- ZONE 2000-1
- Zone 2000-2

**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.





# Street Lighting Maintenance District No. 1 Boundary and Inventory Map



May 14, 2015

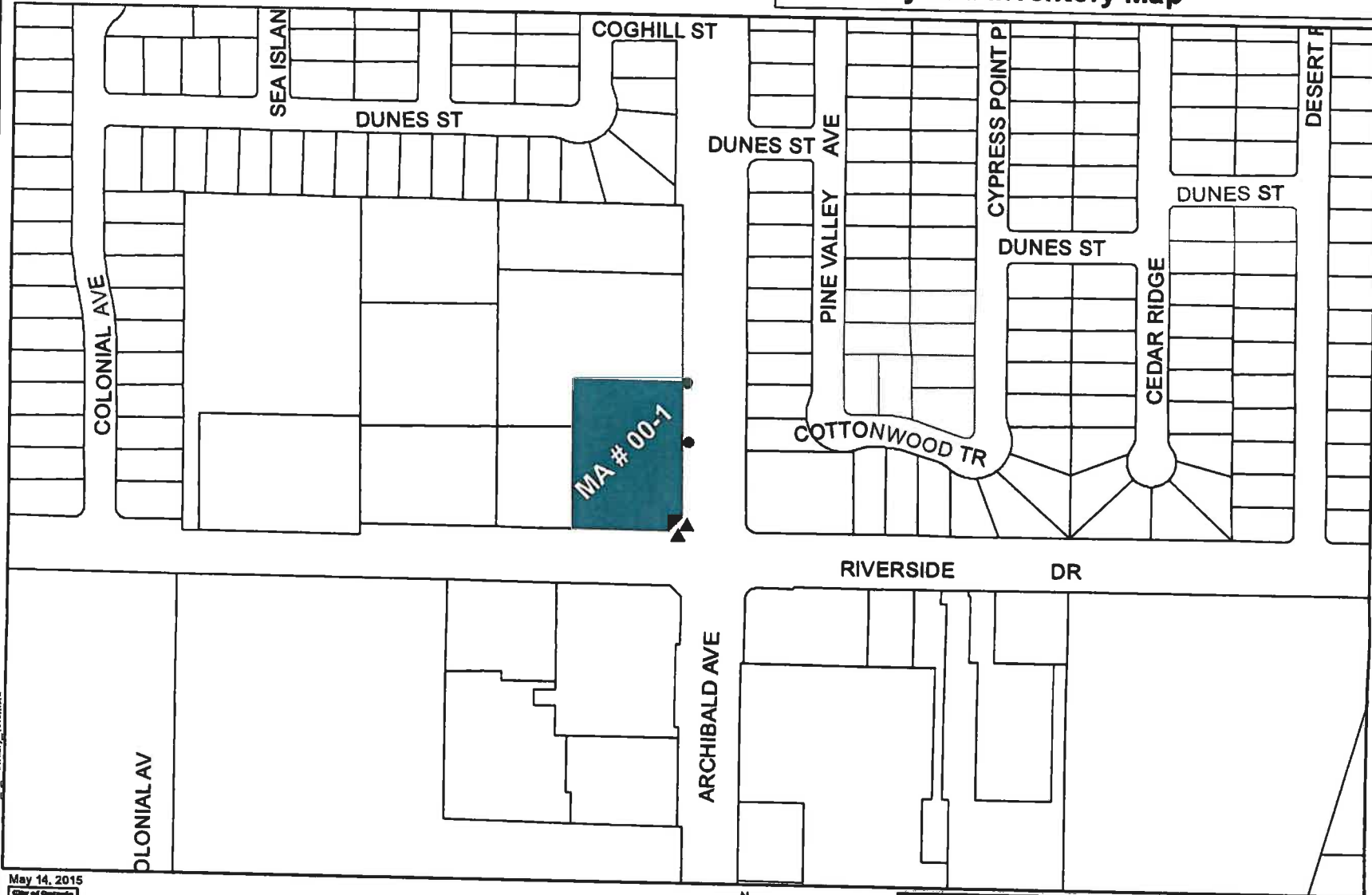


Legend 5 of 5	
●	Street Lights
▲	Safety Lights
■	Zone 2000-1
▨	Zone 2000-2

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



# Street Lighting Maintenance District No. 2 Boundary and Inventory Map



May 14, 2015



0 250 500 Feet



**Legend**

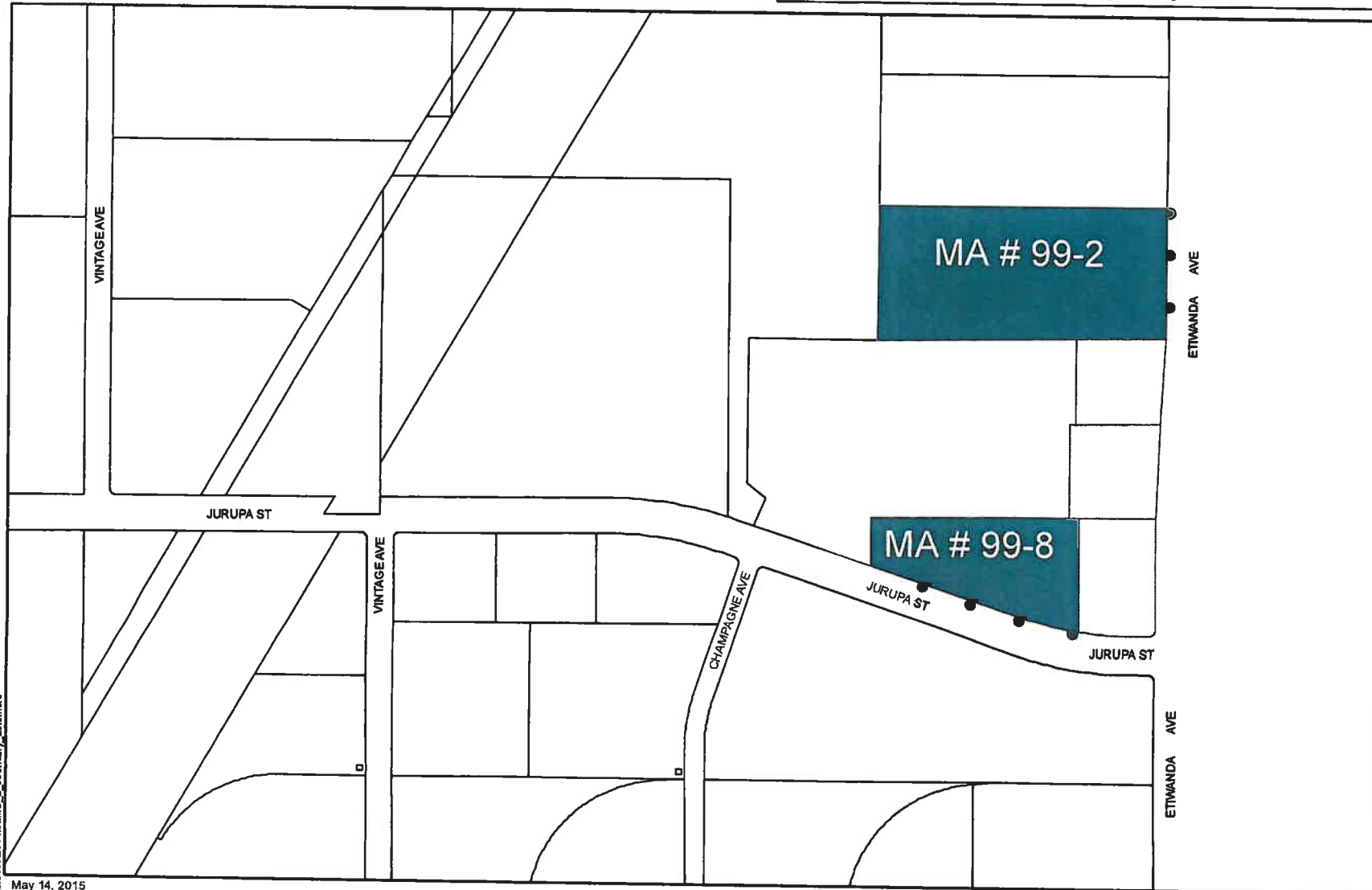
- Street Light
- ▲ Safety Light
- MA # Boundary and Maintenance Area #

1 of 8

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



# Street Lighting Maintenance District No. 2 Boundary and Inventory Map



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May 14, 2015



0 500 1,000 Feet



## Legend

• Streetlight

MA # Boundary and Maintenance Area #

2 of 9

## Note:

Reference is hereby made to the Maps of the Assessor of the County of San Bernardino, California, for detailed descriptions of the lines and dimensions of the parcels shown herein.





# Street Lighting Maintenance District No. 2 Boundary and Inventory Map

POMONA FWY (SR-60)

MA # 99-4

ARCH

ARCHIBALD AVE

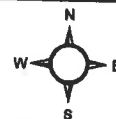
PINE VALLEY

OAK HILL DR

VE

W

0 250 500 Feet



## Legend

• Streetlight



Boundary and  
Maintenance Area #

3 of 8

## Note:

Reference is hereby made  
to the Maps of the Assessor of  
the County of San Bernardino,  
California, for detailed descriptions  
of the lines and dimensions of the  
parcels shown hereon.

May 14, 2015





# Street Lighting Maintenance District No. 2 Boundary and Inventory Map

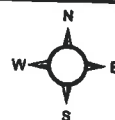


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May 14, 2015



0 400 800 Feet



**Legend** 9 of 9

- Streetlight
- MA # Boundary and Maintenance Area #

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





**Street Lighting Maintenance District No. 2  
Boundary and Inventory Map**



May 14, 2015



**Legend** 5 of 8

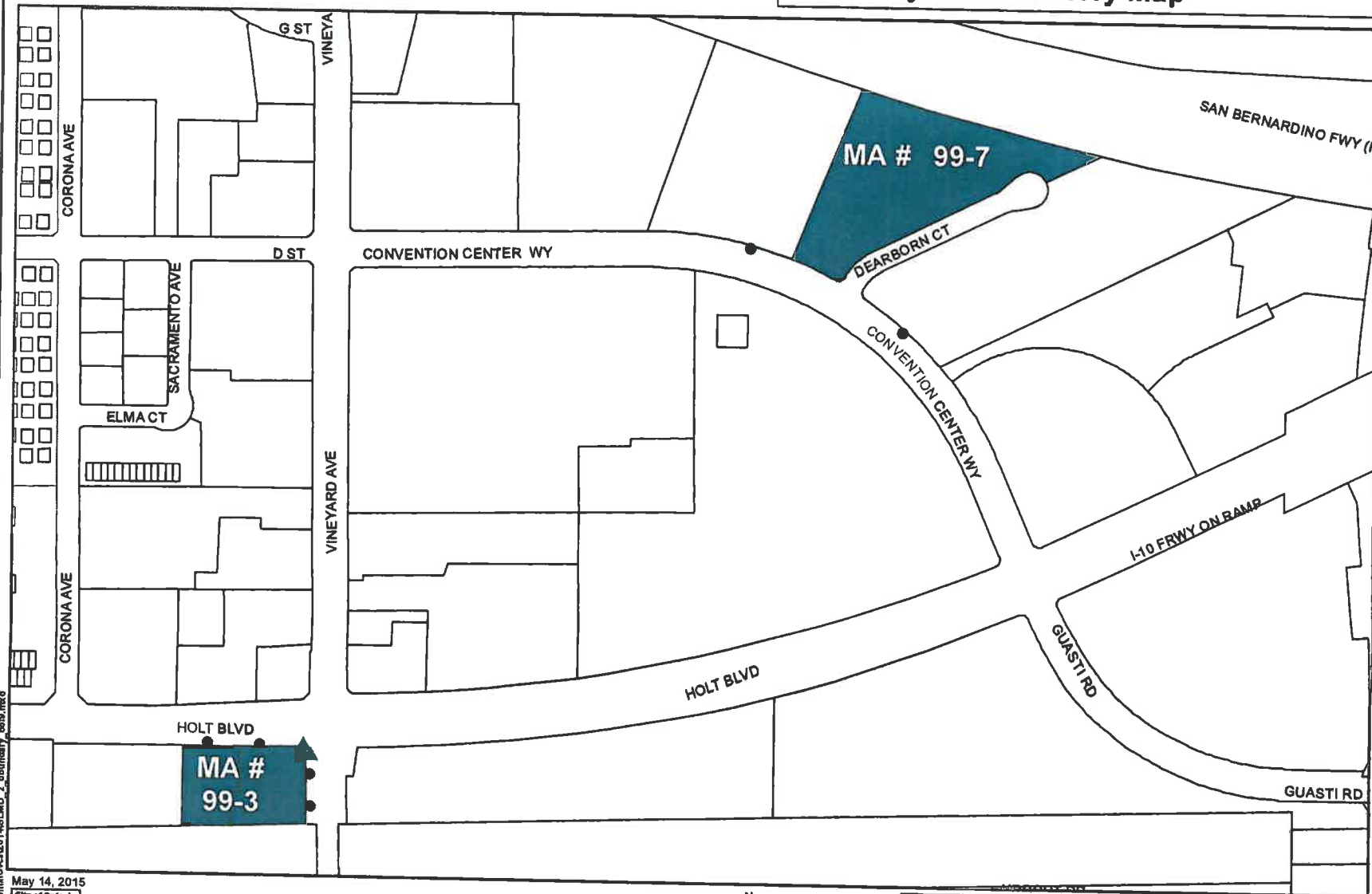
● Streetlight

**MA #** Boundary and Maintenance Area #

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



# Street Lighting Maintenance District No. 2 Boundary and Inventory Map



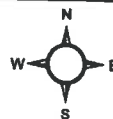
\\users\local\ADMIN\GIS\2014\MD\_2\_Boundary\_SLR.mxd

May 14, 2015

City of Ontario



0 395 790 Feet



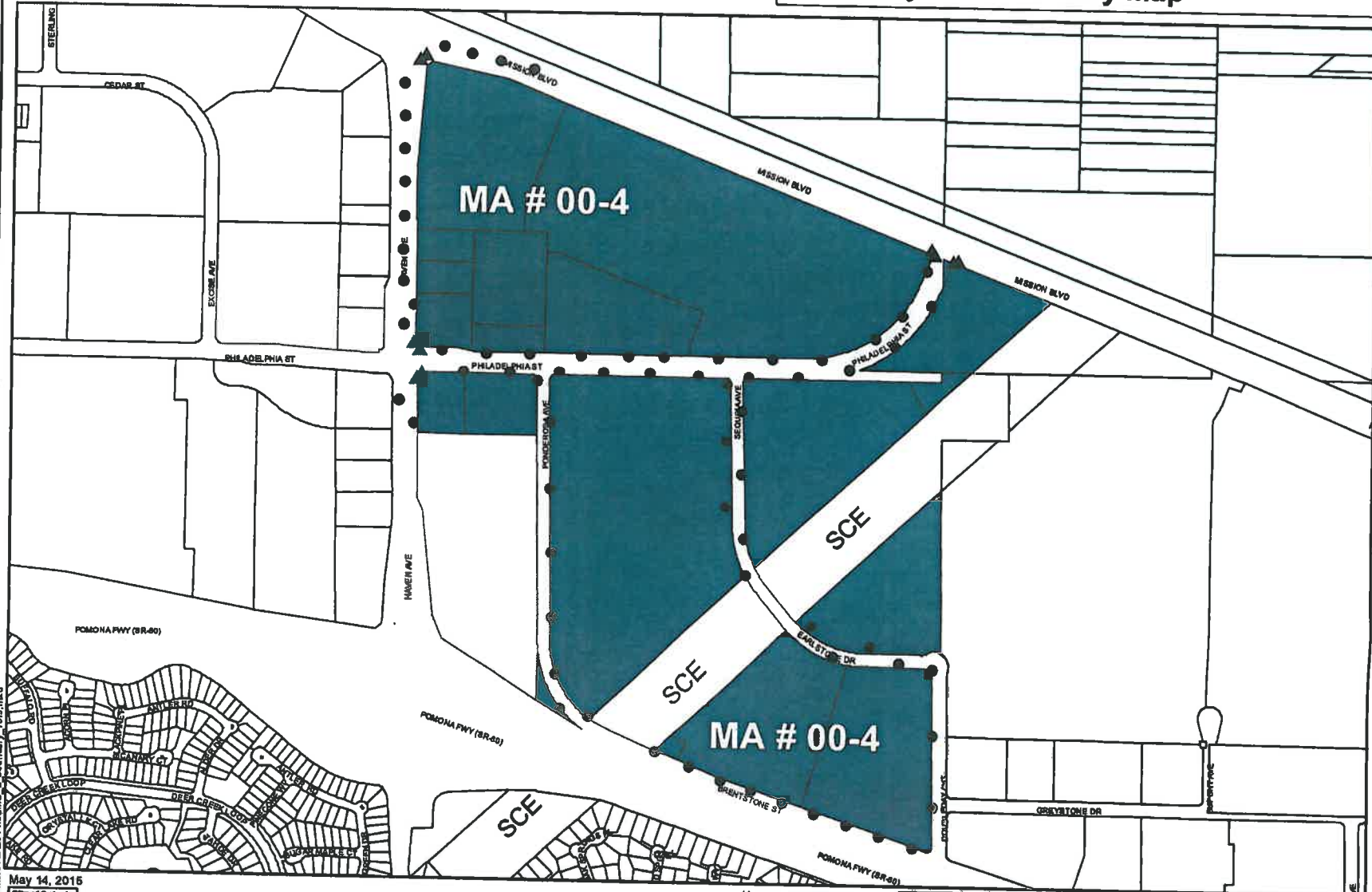
**Legend** 6 of 9

- Street Light
- ▲ Safety Light

**MA #** Boundary and Maintenance Area #

**Note:**  
Reference is hereby made to the Maps of the Assessor of the County of San Bernardino, California, for detailed descriptions of the lines and dimensions of the parcels shown herein.

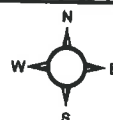
# Street Lighting Maintenance District No. 2 Boundary and Inventory Map



May 14, 2015



0 500 1,000 Feet



## Legend

- Street Light
- ▲ Safety Light
- MA # Boundary and Maintenance Area

7 of 8

## Note:

Reference is hereby made to the Maps of the Assessor of the County of San Bernardino, California, for detailed descriptions of the lines and dimensions of the parcels shown hereon.



## Street Lighting Maintenance District No. 2 Boundary and Inventory Map

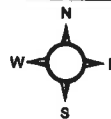


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May 14, 2015



0 500 1,000 Feet



### Legend

● Streetlight

MA # Boundary and Maintenance Area #

8 of 8

### Note:

Reference is hereby made to the Maps of the Assessor of the County of San Bernardino, California, for detailed descriptions of the lines and dimensions of the parcels shown hereon.



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 2016-17.

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 19<sup>th</sup> day of July 2016.

\_\_\_\_\_  
PAUL S. LEON, MAYOR

ATTEST:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
BEST BEST & KRIEGER LLP  
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2016-     was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 19, 2016 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. 2016-     duly passed and adopted by the Ontario City Council at their regular meeting held July 19, 2016.

\_\_\_\_\_  
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 2016-2017.

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 19<sup>th</sup> day of July 2016.

\_\_\_\_\_  
PAUL S. LEON, MAYOR

ATTEST:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
BEST BEST & KRIEGER LLP  
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2016-     was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 19, 2016 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. 2016-     duly passed and adopted by the Ontario City Council at their regular meeting held July 19, 2016.

\_\_\_\_\_  
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 2016-17.

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 19<sup>th</sup> day of July 2016.

\_\_\_\_\_  
PAUL S. LEON, MAYOR

ATTEST:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
BEST BEST & KRIEGER LLP  
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2016-     was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 19, 2016 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. 2016-     duly passed and adopted by the Ontario City Council at their regular meeting held July 19, 2016.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

# CITY OF ONTARIO

## Agenda Report

July 19, 2016

## SECTION: PUBLIC HEARINGS

**SUBJECT: A PUBLIC HEARING TO CONSIDER AN URGENCY ORDINANCE EXTENDING THE MORATORIUM PROHIBITING THE ISSUANCE OF NEW BUSINESS LICENSES OR NEW ENTITLEMENTS FOR COMPOSTING (GREEN WASTE AND MANURE) FACILITIES IN THE CITY OF ONTARIO FOR AN ADDITIONAL 22 MONTHS AND 15 DAYS, PENDING STUDY AND ADOPTION OF REGULATORY AND ZONING STANDARDS**

**RECOMMENDATION:** That the City Council adopt an urgency ordinance extending the interim ordinance adopted on June 7, 2016, prohibiting the issuance of new business licenses or approval of new entitlements for composting facilities for an additional 22 months and 15 days.

**COUNCIL GOALS:** Regain Local Control of the Ontario International Airport

Maintain the Current High Level of Public Safety

Operate in a Businesslike Manner

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

**FISCAL IMPACT:** None.

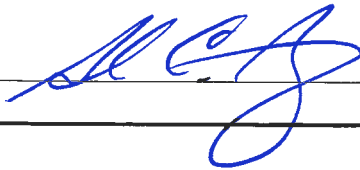
**BACKGROUND:** With the annexation of Ontario Ranch into the City of Ontario in 1999, the City adopted a “right to farm” ordinance that allowed for on-going agricultural uses within the former agricultural preserve. One of the uses identified in the right to farm ordinance was “Waste management/fertilizer operations in accordance with applicable Local, State, and Federal Regulations.” Over the past five years, several applications for composting facilities have been received, with the most recent application being submitted in 2015. During the course of the review for this application, concern was expressed about the potential public health and safety concerns associated with composting operations, including impacts to air quality, water quality, and traffic. As a result of these concerns, the City Council directed staff to enact a moratorium on all new composting facility applications to allow staff time to review the City’s current requirements, available information, and, if appropriate, provide revised standards for future composting establishments.

**STAFF MEMBER PRESENTING:** Scott Murphy, Planning Director

Prepared by: Scott Murphy

Department: Planning

City Manager

Approval: 

Submitted to Council/O.H.A. 07/19/2016

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

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

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

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On June 7, 2016, the City Council adopted Ordinance No. 3053, establishing a 45-day moratorium on the issuance of new business licenses or approval of new entitlements for composting facilities. During the 45-day period, staff has been reviewing the requirements of the various agencies for which permits are required for composting facilities. In accordance with Government Code Section 65858(d), a report was made available on the City's website ten days prior to the hearing outlining the steps taken by staff to alleviate the conditions which led to the adoption of the ordinance. A copy of the report is attached as Exhibit "A".

Because of the complexity of the issue and extensive information to be reviewed, additional time is necessary to determine what changes should be made to the City's Development Code to address the health and safety concerns. As a result, staff recommends the City Council extend the moratorium an additional 22 months and 15 days.



# CITY OF ONTARIO

## MEMORANDUM

**TO:** Mayor and Members of the City Council

**FROM:** Al C. Boling, City Manager *alb*

**BY:** Scott Murphy, Planning Director

**DATE:** July 7, 2016

**SUBJECT: REPORT ON MEASURES TAKEN TO ALLEVIATE THE CONDITIONS WHICH LED TO THE ADOPTION OF INTERIM URGENCY ORDINANCE NO. 3053 ESTABLISHING A MORATORIUM ON THE ESTABLISHMENT OF COMPOSTING FACILITIES (GREEN WASTE AND MANURE) PENDING STUDY AND ADOPTION OF REGULATORY AND ZONING STANDARDS**

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### SUMMARY

In accordance with Government Code Section 65858, staff is issuing this report on behalf of the City Council.

### REPORT

On June 7, 2016, the City Council adopted Interim Urgency Ordinance No. 3053 ("Interim Ordinance"), enacting a forty-five (45) day moratorium on the establishment of composting businesses, pending study and adoption of regulatory and zoning standards in order to protect the public health, safety and welfare. The moratorium is set to expire on July 22, 2016.

Government Code Section 65858 requires that at least ten (10) days prior to the expiration of an interim ordinance or any extension, the City Council must issue a written report describing the measures taken to alleviate the condition(s) which led to the adoption of the initial moratorium in the Interim Ordinance. The conditions that led to the adoption of the initial moratorium were listed in the Interim Ordinance and still exist as of the date of this report.

Since the enactment of the Interim Ordinance, the following actions have been taken:

- (1) The City's Planning Department has begun the process of reviewing the City's Zoning Code and identifying which zones might be appropriate for composting facilities.

(2) The City's Planning Department has begun the process of determining appropriate standards for composting facilities within the City.

(3) The City's Planning Department has begun the process of reviewing the State Water Resources Control Board Order WQ 2015-0121-DWQ, General Waste Discharge Requirements for Composting Operations.

(4) The City's Planning Department has begun the process of reviewing the South Coast Air Quality Management District's Rule 1133, requirements for composting facilities.

(5) The City's Planning Department has begun the process of reviewing CalRecycle's requirements for composting facilities.

(6) The City's Planning Department, in conjunction with the City Attorney's Office, has prepared a 22 month and fifteen (15) day extension for the moratorium in accordance with Government Code Section 65858.

In light of the complexity of this matter, City Staff requires additional time to study the issue in depth in order to determine the best way to serve all interests while protecting the public health, safety, and welfare. While this study is being continued and a new ordinance is being prepared, City staff believes it is critical that the moratorium established by the Interim Ordinance be extended in accordance with Government Code Section 65858.

cc: Vicki Kasad, Assistant City Clerk

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

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, EXTENDING THE MORATORIUM ON THE ISSUANCE OF NEW BUSINESS LICENSES OR NEW ENTITLEMENTS FOR COMPOSTING (GREEN WASTE AND MANURE) FACILITIES IN THE CITY OF ONTARIO FOR AN ADDITIONAL 22 MONTHS AND 15 DAYS, PENDING STUDY AND ADOPTION OF REGULATORY AND ZONING STANDARDS, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, in 1999, the City annexed 13 square miles of the San Bernardino County Agricultural Preserve, previously known as the New Model Colony or "NMC"; and

WHEREAS, the City recognized the need to allow for/maintain the existing agricultural uses in the NMC and to provide for the logical transition of uses over time; and

WHEREAS, in 2000, the City adopted Ordinance 2727, establishing the Agricultural Overlay and providing for waste and fertilizer operations as a conditionally permitted use; and

WHEREAS, concern has been expressed about the potential public health and safety impacts resulting from composting (green waste and manure) facilities, including air quality, water quality, and traffic impacts; and

WHEREAS, on June 7, 2016, the City Council adopted Ordinance No. 3053 pursuant to Government Code Section 65858, establishing a 45 day moratorium on the issuance of new business licenses or new entitlements for composting (green waste and manure) facilities in order to give City staff time to gather data about the adverse effects of composting facilities and research, study, and consider ways to amend the City's business license process and the City's Development Code to reduce potential impacts occurring from composting facilities; and

WHEREAS, while no new regulations have been formulated or proposed in the brief time since the adoption of the moratorium, much progress has been made toward identifying key stakeholders and logical next steps; and

WHEREAS, the City's Planning Department has begun the process of reviewing the City's Zoning Code and identifying which zones might be appropriate for composting facilities; and

WHEREAS, the City's Planning Department has begun the process of determining appropriate standards for composting facilities within the City; and

WHEREAS, the City's Planning Department has begun the process of reviewing the State Water Resources Control Board Order WQ 2015-0121-DWQ, General Waste

Discharge Requirements for Composting Operations; and

WHEREAS, the City's Planning Department has begun the process of reviewing the South Coast Air Quality Management District's Rule 1133, requirements for composting facilities; and

WHEREAS, the City's Planning Department has begun the process of reviewing CalRecycle's requirements for composting facilities; and

WHEREAS, because of the complexities of the issue, City staff requires additional time to complete the research and provide appropriate regulations for City Council consideration. As a result, the City Council desires to extend the moratorium for 22 months and 15 days; and

WHEREAS, in preparation for further extending the Ordinance No. 3053, on July 8, 2016, the City issued a report pursuant to Government Code Section 65858(d) describing the measures taken to alleviate the conditions which led to the adoption of Ordinance No. 3053; and

WHEREAS, based on the report, the City Council has determined that the circumstances that led to Ordinance No. 3053, which are set in the recitals of Ordinance No. 3053, have not been alleviated as of the date of this Ordinance and continue to create the concerns described in Ordinance No. 3053; and

WHEREAS, the City has substantially complied with the notice and public hearing required by Government Code Section 65858(a) of the California Government Code for the extension of Ordinance No. 3053.

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

SECTION 1. Findings. The above recitals are true and correct and are incorporated herein by this reference. The Ontario City Council hereby finds that this Urgency Ordinance is necessary for the current and immediate protection of the public health, safety, and welfare of the City and its residents.

SECTION 2. Urgency Action. The City Council hereby extends the moratorium established under Ordinance No. 3053 for a period of 22 months and 15 days. No business license or other permit or entitlement shall be issued for the establishment or operation of a composting facility until June 3, 2018. The Ontario City Council hereby finds that there is an urgent need to extend this temporary prohibition in order to eliminate the current and immediate threats set forth above.

SECTION 3. Adoption. Pursuant to Government Code Section 36937, this Urgency Ordinance is designed to protect the health, safety, and welfare of the City and its residents and becomes effective immediately upon adoption by at least a four-fifths (4/5) vote of the City Council following the notice and public hearing required by Government Code section 65858(a).



SECTION 4. CEQA. This Urgency Ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act ("CEQA") Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly. The City Council further finds, under Title 14 of the California Code of Regulations, section 15061(b)(3), that this Urgency Ordinance is nonetheless exempt from the requirements of CEQA in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The City Council, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of San Bernardino in accordance with CEQA Guidelines.

SECTION 5. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings and this Urgency Ordinance are based are located at the Office of the City Clerk, located at 303 East "B" Street, Ontario, CA 91764. The custodian of these records is the City Clerk.

SECTION 6. Severability. If any section, sentence, clause or phrase of this Urgency 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 Urgency Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Urgency Ordinance are severable. The People of the City of Ontario hereby declare that they would have adopted this Urgency 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 7. Effective Date. This Urgency Ordinance shall become effective immediately upon its adoption.

SECTION 8. Publication and Posting. The Mayor shall sign this Urgency Ordinance and the City Clerk shall certify as to its adoption and shall cause a copy of the full ordinance 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 Urgency 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 19<sup>th</sup> day of July 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 Urgency Ordinance No. \_\_\_\_\_ was duly introduced and adopted at a regular meeting of the City Council of the City of Ontario held July 19, 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 Urgency Ordinance No. \_\_\_\_\_ duly passed and adopted by the Ontario City Council at their regular meeting held July 19, 2016 and the entire Ordinance was published on July 26, 2016, in the Inland Valley Daily Bulletin newspaper.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

# CITY OF ONTARIO

## Agenda Report

July 19, 2016

## SECTION: ADMINISTRATIVE REPORTS/ DISCUSSION/ACTION

**SUBJECT: A RESOLUTION AUTHORIZING THE ISSUANCE OF SPECIAL TAX BONDS FOR COMMUNITY FACILITIES DISTRICT NO. 24 (PARK PLACE FACILITIES - PHASE I)**

**RECOMMENDATION:** That the City Council adopt a resolution authorizing the issuance of special tax bonds for Community Facilities District No. 24 (Park Place Facilities – Phase I). The resolution:

- (A) Authorizes the issuance of special tax bonds for public improvements required to facilitate the development of the Park Place Facilities – Phase I project;
- (B) Approves the forms of the Indenture of Trust, the Bond Purchase Agreement, the Continuing Disclosure Agreement, and the Preliminary Official Statement;
- (C) Authorizes a negotiated sale of the special tax bonds to Stern Brothers & Co. (the “Underwriter”) in accordance with the terms of the Bond Purchase Agreement;
- (D) Authorizes the execution of the Indenture of Trust, the Bond Purchase Agreement, the Continuing Disclosure Agreement, and the Preliminary Official Statement by the City Manager, or his designee;
- (E) Authorizes the execution of the special tax bonds by the Mayor; and
- (F) Authorizes the appointment by the City Manager of a trustee for the District.

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

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

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

**FISCAL IMPACT:** The use of Mello-Roos financing for public facilities in the residential development of the Park Place project is estimated to generate approximately \$14 million, which will be used to help fund a portion of the public infrastructure improvements that will serve the project. The resolution authorizing the issuance of special tax bonds for Community Facilities District 24 limits the principal amount of the bonds to \$18 million. The City expects the bonds to be sold during the latter half

**STAFF MEMBER PRESENTING:** Grant D. Yee, Administrative Services/Finance Director

Prepared by: Bob Chandler  
Department: Management Services

City Manager  
Approval: 

Submitted to Council/O.H.A. 07/19/2016

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

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

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

17

of 2016. Since Mello-Roos bonds are not a direct obligation of the City, and are paid from special taxes levied on each taxable parcel in the district, there is no General Fund impact from the issuance of Mello-Roos bonds.

**BACKGROUND:** The Mello-Roos Community Facilities Act of 1982 provided 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 fund governmental services and to finance various kinds of public infrastructure facilities. Under the Mello-Roos Act, the initial steps in the formation of a community facilities district to finance public improvements are adopting a resolution declaring the City's intention to establish a community facilities district and levy special taxes, and a resolution to issue bonds.

On September 2, 2014, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of Community Facilities District No. 24 ("District") with the adoption of Resolution No. 2014-090, declaring the City's intention to establish the District and to authorize the levy of special taxes. On November 18, 2014, the City Council adopted Resolution No. 2014-107 establishing the formation of the District. Upon a successful property owner election, the City Council adopted Ordinance No. 3002 on December 2, 2014, authorizing the levy of special taxes for the District to finance public improvements related to the Park Place project. The Park Place Facilities – Phase I project addresses the residential development of approximately 72 acres located east of Archibald Avenue, generally west of Haven Avenue, generally south of Merrill Avenue and north of Bellegrave Avenue. At build out, the development is projected to include 432 single family units.

The proposed resolution references several bond documents and other matters related to the proposed issuance of bonds for Community Facilities District No. 24. These documents are listed below and are on file with the Records Management Department.

- Indenture of Trust
- Bond Purchase Agreement
- Continuing Disclosure Agreement for the Bonds
- Preliminary Official Statement for the Bonds

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE ISSUANCE OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 24 (PARK PLACE FACILITIES - PHASE I) SPECIAL TAX BONDS, SERIES 2016, IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$18,000,000, AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDENTURE, A BOND PURCHASE AGREEMENT AND A CONTINUING DISCLOSURE AGREEMENT, AUTHORIZING THE DISTRIBUTION OF AN OFFICIAL STATEMENT IN CONNECTION THEREWITH AND AUTHORIZING THE EXECUTION OF NECESSARY DOCUMENTS AND CERTIFICATES AND RELATED ACTIONS.

WHEREAS, the City Council (the "City Council") of the City of Ontario (the "City") has formed the City of Ontario Community Facilities District No. 24 (Park Place Facilities - Phase I) (the "Community Facilities District") under the provisions of the Mello-Roos Community Facilities Act of 1982 (the "Act"); and

WHEREAS, the Community Facilities District is authorized under the Act to levy special taxes (the "Special Taxes") to pay for the costs of certain public facilities (the "Facilities") and to issue bonds payable from the Special Taxes; and

WHEREAS, in order to provide funds to finance certain of the Facilities, the Community Facilities District proposes to issue its City of Ontario Community Facilities District No. 24 (Park Place Facilities - Phase I) Special Tax Bonds, Series 2016 (the "Series 2016 Bonds"), in the aggregate principal amount of not to exceed \$18,000,000; and

WHEREAS, in order to provide for the authentication and delivery of the Series 2016 Bonds, to establish and declare the terms and conditions upon which the Series 2016 Bonds are to be issued and secured and to secure the payment of the principal thereof, premium, if any, and interest thereon, the Community Facilities District proposes to enter into an Indenture with The Bank of New York Mellon Trust Company, N.A., as trustee (the "Trustee") (such Indenture, in the form presented to this meeting, with such changes, insertions and omissions as are made pursuant to this Resolution, being referred to herein as the "Indenture"); and

WHEREAS, Stern Brothers & Co. (the "Underwriter"), has presented the Community Facilities District with a proposal, in the form of a Bond Purchase Agreement, to purchase the Series 2016 Bonds from the Community Facilities District (such Bond Purchase Agreement, in the form presented to this meeting, with such changes, insertions and omissions as are made pursuant to this Resolution, being referred to herein as the "Purchase Agreement"); and

WHEREAS, Rule 15c2-12 promulgated under the Securities Exchange Act of 1934 ("Rule 15c2-12") requires that, in order to be able to purchase or sell the Series 2016 Bonds, the underwriter thereof must have reasonably determined that the Community Facilities District has, or one or more appropriate obligated persons have, undertaken in a written agreement or contract for the benefit of the holders of the Series 2016 Bonds to provide disclosure of certain financial information and certain material events on an ongoing basis; and

WHEREAS, in order to cause such requirement to be satisfied, the Community Facilities District desires to enter into a Continuing Disclosure Agreement with the Trustee (such Continuing Disclosure Agreement, in the form presented to this meeting, with such changes, insertions and omissions as are made pursuant to this Resolution, being referred to herein as the "Continuing Disclosure Agreement"); and

WHEREAS, a form of the Preliminary Official Statement to be distributed in connection with the public offering of the Series 2016 Bonds has been prepared (such Preliminary Official Statement, in the form presented to this meeting, with such changes, insertions and omissions as are made pursuant to this Resolution, being referred to herein as the "Preliminary Official Statement"); and

WHEREAS, there have been prepared and submitted to this meeting forms of:

- (a) the Indenture;
- (b) the Purchase Agreement;
- (c) the Continuing Disclosure Agreement; and
- (d) the Preliminary Official Statement;

WHEREAS, Harris Realty Appraisal has prepared and provided to the Community Facilities District an appraisal report, dated May 18, 2016 (the "Appraisal"), providing an opinion of value of the property in the Community Facilities District, which has been submitted to this meeting; and

WHEREAS, the Community Facilities District desires to proceed to issue and sell the Series 2016 Bonds and to authorize the execution of such documents and the performance of such acts as may be necessary or desirable to effect the offering, sale and issuance of the Series 2016 Bonds; and

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

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

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. Subject to the provisions of Section 3 hereof, the issuance of the Series 2016 Bonds, in an aggregate principal amount of not to exceed \$18,000,000, on the terms and conditions set forth in, and subject to the limitations specified in, the Indenture, be and the same is hereby authorized and approved. The Series 2016 Bonds shall be dated, shall bear interest at the rates, shall mature on the dates, shall be subject to call and redemption, shall be issued in the form and shall be as otherwise provided in the Indenture, as the same shall be completed as provided in this Resolution.

SECTION 3. The Indenture, in substantially the form submitted to this meeting and made a part hereof as though set forth herein, be and the same is hereby approved. Each of the Mayor of the City, and such other member of the City Council as the Mayor may designate, the City Manager of the City and the Administrative Services/Finance Director of the City, and such other officer or employee of the City as the City Manager may designate (the "Authorized Officers") is hereby authorized, and any one of the Authorized Officers is hereby directed, for and in the name of the Community Facilities District, to execute and deliver the Indenture in the form submitted to this meeting, with such changes, insertions and omissions as the Authorized Officer executing the same may require or approve, such requirement or approval to be conclusively evidenced by the execution of the Indenture by such Authorized Officer; provided, however, that such changes, insertions and omissions shall not authorize an aggregate principal amount of Series 2016 Bonds in excess of \$18,000,000, shall not result in a final maturity date of the Series 2016 Bonds later than September 1, 2046 and shall not result in a true interest cost for the Series 2016 Bonds in excess of 6.00%.

SECTION 4. The Purchase Agreement, in substantially the form submitted to this meeting and made a part hereof as though set forth in full herein, be and the same is hereby approved. Each of the Authorized Officers is hereby authorized, and any one of the Authorized Officers is hereby directed, for and in the name of the Community Facilities District, to execute and deliver the Purchase Agreement in the form presented to this meeting, with such changes, insertions and omissions as the Authorized Officer executing the same may require or approve, such requirement or approval to be conclusively evidenced by the execution of the Purchase Agreement by such Authorized Officer; provided, however, that such changes, insertions and omissions shall not result in an aggregate underwriter's discount (not including any original issue discount) from the principal amount of the Series 2016 Bonds in excess of 1.25% of the aggregate principal amount of the Series 2016 Bonds. The City Council hereby finds and determines that the sale of the Series 2016 Bonds at negotiated sale as contemplated by the Purchase Agreement will result in a lower overall cost.

SECTION 5. The Continuing Disclosure Agreement, in substantially the form submitted to this meeting and made a part hereof as though set forth in full herein, be and the same is hereby approved. Each of the Authorized Officers is hereby authorized, and any one of the Authorized Officers is hereby directed, for and in the name of the Community Facilities District, to execute and deliver the Continuing Disclosure Agreement in the form presented to this meeting, with such changes, insertions and omissions as the Authorized Officer executing the same may require or approve, such requirement or approval to be conclusively evidenced by the execution of the Continuing Disclosure Agreement by such Authorized Officer.



SECTION 6. The Preliminary Official Statement, in substantially the form presented to this meeting and made a part hereof as though set forth in full herein, with such changes, insertions and omissions therein as may be approved by an Authorized Officer, be and the same is hereby approved, and the use of the Preliminary Official Statement in connection with the offering and sale of the Series 2016 Bonds is hereby authorized and approved. The Authorized Officers are each hereby authorized to certify on behalf of the Community Facilities District that the Preliminary Official Statement is deemed final as of its date, within the meaning of Rule 15c2-12 (except for the omission of certain final pricing, rating and related information as permitted by Rule 15c2-12).

SECTION 7. The preparation and delivery of a final Official Statement (the "Official Statement"), and its use in connection with the offering and sale of the Series 2016 Bonds, be and the same is hereby authorized and approved. The Official Statement shall be in substantially the form of the Preliminary Official Statement, with such changes, insertions and omissions as may be approved by an Authorized Officer, such approval to be conclusively evidenced by the execution and delivery thereof. Each of the Authorized Officers is hereby authorized, and any one of the Authorized Officers is hereby directed, for and in the name of the Community Facilities District, to execute the final Official Statement and any amendment or supplement thereto.

SECTION 8. Based upon the property values within the Community Facilities District reported in the Appraisal and the value-to-lien information set forth in the Preliminary Official Statement, the City Council, for purposes of Section 53345.8 of the Act, hereby finds and determines that the value of the real property that would be subject to the Special Tax to pay debt service on the Series 2016 Bonds will be at least three times the principal amount of the Series 2016 Bonds to be sold and the principal amount of all other bonds outstanding that are secured by a special tax levied pursuant to the Act on property within the Community Facilities District or a special assessment levied on property within the Community Facilities District.

SECTION 9. 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 10. 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 19<sup>th</sup> day of July 2016.

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PAUL S. LEON, MAYOR

ATTEST:

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SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

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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 Resolution No. 2016-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 19, 2016 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. 2016-       duly passed and adopted by the Ontario City Council at their regular meeting held July 19, 2016.

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SHEILA MAUTZ, CITY CLERK

(SEAL)