

CITY OF ONTARIO
CITY COUNCIL AND HOUSING AUTHORITY
AGENDA
NOVEMBER 1, 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 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*)

6:30 p.m.

ROLL CALL

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

PLEDGE OF ALLEGIANCE

Council Member Wapner

INVOCATION

Pastor David Gaunt, Sunrise Church

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 October 4, 2016, and the special meeting of the City Council and Housing Authority of July 22, 2016, approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

Bills September 18, 2016 through October 1, 2016 and **Payroll** September 18, 2016 through October 1, 2016, when audited by the Finance Committee.

3. AN ORDINANCE TO PROVIDE AN EXPEDITED STREAMLINED PERMITTING PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS

That the City Council consider and adopt an ordinance adding a new Chapter 9 to Title 8 of the Ontario Municipal Code entitled Electric Vehicle Charging Stations.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADDING A NEW CHAPTER 9 TO TITLE 8 OF THE ONTARIO MUNICIPAL CODE TO PROVIDE AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS.

4. A RESOLUTION AUTHORIZING SUBMITTAL OF GRANT APPLICATIONS TO THE DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE) RUBBERIZED PAVEMENT GRANT PROGRAM

That the City Council approve a resolution authorizing submittal of Grant Applications to the Department of Resources Recycling and Recovery (CalRecycle) Rubberized Pavement Program pursuant to Sections 42872 and 42873 of the Public Resources Code; and authorize the City Manager to execute said applications.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A \$350,000 GRANT APPLICATION TO THE DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY RUBBERIZED PAVEMENT GRANT PROGRAM PURSUANT TO SECTIONS 42872 AND 42873 OF THE PUBLIC RESOURCES CODE.

5. A RESOLUTION TO MODIFY AND EXPAND THE CITY'S ELECTRIC VEHICLE CHARGING STATION PILOT PROGRAM

That the City Council adopt a resolution modifying the City's Electric Vehicle Station Pilot Program, which includes, but is not limited to:

- (A) Approval of the installation and operation of up to 46 additional electrical vehicle (EV) charging ports through the Southern California Edison (SCE) Charge Ready Program at a cost of \$237,103, plus a 15% contingency of \$35,565, for a total not to exceed amount of \$272,668; and
- (B) Authorize City Manager to execute SCE Charge Ready Agreements and Grant of Easements (on file with the Records Management Department) and all other documents necessary to participate in the SCE Charge Ready Program with installations at Citizens Business Bank Arena; City Hall; DeAnza Community and Teen Center; Ontario Convention Center; Ontario Police Department; Ovitt Family Community Library; and Whispering Lakes Golf Course. A map and a detailed breakdown of the eligible sites with costs are attached as Exhibits A and B; and
- (C) Approve a contract with EV Connect (on file with the Records Management Department) for the purchase of EV chargers and a ten-year subscription agreement for cloud-based commercial services and automated payment processing; and
- (D) Authorize participation in additional government incentive/rebate programs for the purchase and installation of EV chargers.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, MODIFYING AND EXPANDING THE ELECTRIC VEHICLE CHARGING STATION PILOT PROGRAM.

6. THREE YEAR EXTENSION OF THE EXISTING ENTERPRISE LICENSE AGREEMENT FOR GIS SOFTWARE/ESRI, INC.

That the City Council authorize the City Manager to execute a three year extension to the existing citywide Enterprise License Agreement for GIS software with ESRI, Inc., of Redlands, California in the amount of \$125,000 for year 1, \$140,000 for year 2 and \$150,000 for year 3.

7. AN AGREEMENT FOR PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE WEST ONTARIO COMMERCE CENTER SPECIFIC PLAN

That the City Council approve and authorize the City Manager to execute an agreement (on file with the Records Management Department) with Phil Martin & Associates, Inc., of Irvine, CA, to prepare an Environmental Impact Report (EIR) for the West Ontario Commerce Center Specific Plan, related to approximately 135 acres of land located north of Merrill Avenue, south of Eucalyptus Avenue, east of Carpenter Avenue, and west of the Cucamonga Creek flood control channel, in the amount not to exceed \$224,555 (includes 15% contingency); and authorize the City Manager to approve any future budget adjustments necessary to complete the EIR.

8. A SERVICES AGREEMENT FOR STORM DRAIN MAINTENANCE/UNITED STORM WATER, INC.

That the City Council approve and authorize the City Manager to execute a one year Maintenance Services Agreement (on file with the Records Management Department) for Contract No. DM 1617-01 with United Storm Water, Inc. of City of Industry, California, for an annual estimated cost of \$130,000 (\$123,940 base contract plus a contingency of \$6,060); and authorize the addition of future service areas consistent with City Council approved budgets.

9. AN AGREEMENT BETWEEN THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY AND THE CITY OF ONTARIO FOR LAW ENFORCEMENT SERVICES

That City Council authorize the City Manager to approve a Professional Services Agreement for the City of Ontario to provide law enforcement services to the Ontario International Airport Authority.

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.

10. INTRODUCTION OF ORDINANCES TO ADOPT THE 2015 INTERNATIONAL FIRE CODE, AND 2016 CALIFORNIA STATE FIRE AND BUILDING CODES

That the City Council:

- (A) Introduce and waive further reading of an ordinance amending Chapter 4, Title 4 of the Ontario Municipal Code entitled "Fire Code" adopting by reference, with certain amendments, additions, deletions, and exceptions, the 2015 International Fire Code and the 2016 California Fire Code (California Code of Regulations, Title 24, Part 9); and
- (B) Introduce and waive further reading of an ordinance amending Chapters 1, 2, 3, 4, 5, 6, 7, 11 and 12 of Title 8 of the Ontario Municipal Code to adopt the California Building Standards Code.

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

Written communication.

Oral presentation.

Public hearing closed.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTER 4 OF TITLE 4 OF THE ONTARIO MUNICIPAL CODE; ADOPTING BY REFERENCE WITH CERTAIN AMENDMENTS, ADDITIONS, DELETIONS, AND CHANGES THERETO, THE 2016 CALIFORNIA FIRE CODE AND THE 2015 INTERNATIONAL FIRE CODE, PROVIDING FOR THE RECOVERY OF COSTS AND COLLECTION OF FEES; AND REPEALING ORDINANCE NO. 2976 OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTERS 1, 2, 3, 4, 5, 6, 7, 11, AND 12 OF TITLE 8 OF THE ONTARIO MUNICIPAL CODE, ADOPTING BY REFERENCE THE 2016 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE, INCORPORATING THE 2016 CALIFORNIA BUILDING CODE, THE 2016 CALIFORNIA MECHANICAL CODE, THE 2016 CALIFORNIA ELECTRICAL CODE, THE 2016 CALIFORNIA RESIDENTIAL CODE, THE 2016 CALIFORNIA PLUMBING CODE, THE 2016 CALIFORNIA GREEN BUILDING STANDARDS CODE, THE 1997 EDITION OF THE UNIFORM HOUSING CODE, AND THE 1997 EDITION OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS; TOGETHER WITH CERTAIN AMENDMENTS THERETO.

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

Agenda Report
November 1, 2016

SECTION:
CONSENT CALENDAR

SUBJECT: AN ORDINANCE TO PROVIDE AN EXPEDITED STREAMLINED PERMITTING PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS

RECOMMENDATION: That the City Council consider and adopt an ordinance adding a new Chapter 9 to Title 8 of the Ontario Municipal Code entitled Electric Vehicle Charging Stations.

COUNCIL GOALS: Regain Local Control of the Ontario International Airport
Operate in a Businesslike Manner
Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: None. The nominal cost to implement the new expedited permitting process will be recovered through existing permit fees.

BACKGROUND: On October 18, 2016 the City Council introduced an ordinance adding a new Chapter 9 to Title 8 of the Ontario Municipal Code entitled Electric Vehicle Charging Stations. Assembly Bill 1236 (AB 1236), which amended the California Electric Vehicle Charging Stations Open Access Act, requires that on or before September 30, 2017 every city with a population of less than 200,000 residents and on or before September 2016, cities with a population of more than 200,000 residents must adopt an ordinance that creates an expedited, streamlined permitting process for electric vehicle charging stations. The purpose of the law is to further the State policy of promoting and encouraging the installation and use of electric vehicle charging stations and to limit obstacles to their use.

To assist the public, the Building Department created an easy to follow permit checklist and has been expediting the permitting process for vehicle charging stations since early 2016, prior to the requirements of AB 1236. The goal is to process residential permits within 3 days and commercial permits within 10 days. During the last 6 months, the City has approved 3 residential permits within 2 business days and has processed 2 commercial plan submittals with an average turnaround time of 4 business days.

The proposed ordinance establishes the need for a checklist of all requirements with which electric vehicle charging stations shall comply to be eligible for expedited review. Pursuant to AB 1236, the

STAFF MEMBER PRESENTING: Kevin Shear, Building Official

Prepared by: Pedro Rico
Department: Building

City Manager
Approval: 

Submitted to Council/O.H.A. 11/01/2016
Approved: _____
Continued to: _____
Denied: _____

City may refer to the recommendations contained in the most current version of the “Plug-In Electric Vehicle Infrastructure Permitting Checklist” of the “Zero-Emission Vehicles in California: Community Readiness Guidebook” published by the Governor’s Office of Planning and Research. AB 1236 further requires that applications meeting all of the checklist requirements shall be approved administratively by City staff pursuant to a non-discretionary permit.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADDING A NEW CHAPTER 9 TO TITLE 8 OF THE ONTARIO MUNICIPAL CODE TO PROVIDE AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS.

WHEREAS, the City Council of the City of Ontario seeks to implement Assembly Bill 1236 (Chapter 598, Statutes 2015) through the creation of an expedited, streamlined permitting process for electric vehicle charging stations; and

WHEREAS, the City Council wishes to encourage the installation of electric vehicle charging stations by all of its residents and businesses; and

WHEREAS, it is in the interest of the health, safety, and welfare of the residents and businesses of the City to provide an expedited permitting process for electric vehicle charging stations to assure the effective deployment of electric vehicle charging stations technology, in accordance with the requirements of Assembly Bill 1236.

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.

SECTION 2. Chapter 9 is added to Title 8 of the City of Ontario Municipal Code to read in its entirety as follows:

“CHAPTER 9. ELECTRIC VEHICLE CHARGING STATIONS”

8-9.01 Applicability and Purpose

8-9.02 Electric Vehicle Charging Stations Requirements

8-9.03 Duties of the Building Department

8-9.04 Expedited Permit Review and Inspection Requirements

Sec. 8-9.01 Applicability and Purpose.

This Chapter applies to the permitting of all electric vehicle charging stations in the City. Electric vehicle charging stations legally established or permitted prior to the effective date of this chapter are not subject to the requirements of this chapter unless physical modifications or alterations are undertaken that materially change the size, type, or components of the electric vehicle charging station in such a way as to require new permitting. Routine operation and maintenance or like-kind replacements shall not require a permit.

Sec. 8-9.02 Electric Vehicle Charging Stations Requirements.

- (a) “Electric vehicle charging station” or “charging station” means all of the following:
 - (1) Any level of electric vehicle supply equipment station;
 - (2) Is designed and built in compliance with Article 625 of the California Electrical Code;
 - (3) Delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle;
 - (4) Conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City, and all state and City health and safety standards;
- (b) An electric vehicle charging station shall meet all applicable safety and performance standards established by the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

Sec. 8-9.03 Duties of the Building Department.

- (a) A checklist and required permitting documentation of all requirements with which electric vehicle charging stations shall comply to be eligible for expedited review and all documents required for the submission of an expedited electric vehicle charging stations shall be published on the City’s publicly accessible Internet Web site.
- (b) Electronic submittal of the required permit application and documents via email, or facsimile shall be made available to all electric vehicle charging stations permit applicants. Web site applications may be allowed at such time in the future that the technology is made available by the City.
- (c) An applicant’s electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.
- (d) The Building Department shall adopt a checklist and required permitting documentation of all requirements with which electric vehicle charging stations shall comply to be eligible for expedited review.
- (e) The checklist and required permitting documentation of all requirements with which electric vehicle charging stations may refer to the recommendations contained in the most current version of the “Plug-In Electric Vehicle Infrastructure Permitting Checklist” of the “Zero-Emission Vehicles in California: Community Readiness Guidebook” published by the Governor’s Office of Planning and Research.

Sec. 8-9.04 Expedited Permit Review and Inspection Requirements.

- (a) The Building Department shall adopt an administrative, nondiscretionary review process to expedite the approval of electric vehicle charging stations applications within thirty (30) days of the adoption of this chapter.
- (b) An application for electric vehicle charging stations that meets the requirements of the checklist and required permitting documentation of all requirements shall be deemed complete, and the Building Department shall issue a building permit or other non-discretionary permit at expedited rate.
- (c) Review of the application shall be limited to the Building Department's review of whether the applicant meets local, state and federal health and safety requirements.
- (d) If an application for electric vehicle charging station is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permitting shall be provided to the applicant for resubmission.
- (e) Inspections shall be required and performed by the Building Department for electric vehicle charging stations.
- (f) The inspection shall be done in an efficient inspection process, in a timely manner, and should include consolidated inspections; inspection measures taken should be consistent with safety requirements to ensure that the electric vehicle charging stations are properly installed.
- (g) If electric vehicle charging station fails inspection, a subsequent inspection is authorized but need not conform to the requirements of this chapter."

SECTION 3. CEQA. This Ordinance does not commit the City to any action that may have a significant effect on the environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act.

SECTION 4. Severability. If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance, which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are hereby declared to be severable. This Ordinance amends, adds to and deletes (as applicable) sections of the Ontario Municipal Code.

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

SECTION 6. Effective Date. This Ordinance shall become effective thirty (30) days following its adoption.

SECTION 7. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

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

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3061 was duly introduced at a regular meeting of the City Council of the City of Ontario held October 18, 2016 and adopted at the regular meeting held November 1, 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. 3061 duly passed and adopted by the Ontario City Council at their regular meeting held November 1, 2016 and that Summaries of the Ordinance were published on October 25, 2016 and November 8, 2016, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report

November 1, 2016

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION AUTHORIZING SUBMITTAL OF GRANT APPLICATIONS TO THE DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE) RUBBERIZED PAVEMENT GRANT PROGRAM

RECOMMENDATION: That the City Council approve a resolution authorizing submittal of Grant Applications to the Department of Resources Recycling and Recovery (CalRecycle) Rubberized Pavement Program pursuant to Sections 42872 and 42873 of the Public Resources Code; and authorize the City Manager to execute said applications.

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 subject grant provides for reimbursement to the City for up to \$350,000 for FY 2016-17. The grant is to supplement the cost for usage of Rubberized Asphalt, which includes use of recycled tires. If the grant is awarded to Ontario, appropriations and corresponding revenue will be included in future quarterly budget reports for City Council approval.

BACKGROUND: The Department of Resources Recycling offers grant programs to promote markets for rubberized pavement products derived from one hundred percent (100%) recycled California-generated waste tires. The Rubberized Asphalt Concrete Project grant program is designed to encourage use of rubberized pavement, which utilizes crumb rubber from recycled tires. CalRecycle provides funding on a competitive basis to local governments and are paid on a reimbursement basis. Grant funds are determined by the amount of Rubberized Asphalt placed and cost differential for rubberized asphalt versus conventional asphalt. Matching funds are not required. It is noted that the City has been using Recycled Rubberized Asphalt for more than 10 years.

STAFF MEMBER PRESENTING: Louis Abi-Younes, City Engineer

Prepared by: Bill Braun
Department: Engineering

City Manager
Approval: 

Submitted to Council/O.H.A. 11/01/2016

Approved: _____

Continued to: _____

Denied: _____

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A \$350,000 GRANT APPLICATION TO THE DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY RUBBERIZED PAVEMENT GRANT PROGRAM PURSUANT TO SECTIONS 42872 AND 42873 OF THE PUBLIC RESOURCES CODE.

WHEREAS, Public Resources Code sections 48000et seq. authorize the Department of Resources Recycling and Recovery (CalRecycle), to administer various grant programs (grants) in furtherance of the State of California's (state) efforts to reduce, recycle and reuse solid waste generated in the State thereby preserving landfill capacity and protecting public health and safety and the environment; and

WHEREAS, in furtherance of this authority CalRecycle is required to establish procedures governing the application, awarding, and management of the grants; and

WHEREAS, CalRecycle grant application procedures require, among other things, an Applicant's governing body to declare by Resolution certain authorizations related to the administration of CalRecycle grants.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Ontario authorizes the submittal of applications to CalRecycle for Rubber Asphalt Concrete grant program; and

BE IT FURTHER RESOLVED that the City Manager, or his designee is hereby authorized and empowered to execute in the name of the City of Ontario all grant documents, including but not limited to, applications, agreements and requests for payment, necessary to secure grant funds and implement the approved grant project; and

BE IT FURTHER RESOLVED that these authorizations are effective for five (5) years from the date of adoption 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 1st day of November 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 November 1, 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 November 1, 2016.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
November 1, 2016

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION TO MODIFY AND EXPAND THE CITY'S ELECTRIC VEHICLE CHARGING STATION PILOT PROGRAM

RECOMMENDATION: That the City Council adopt a resolution modifying the City's Electric Vehicle Station Pilot Program, which includes, but is not limited to:

- (A) Approval of the installation and operation of up to 46 additional electrical vehicle (EV) charging ports through the Southern California Edison (SCE) Charge Ready Program at a cost of \$237,103, plus a 15% contingency of \$35,565, for a total not to exceed amount of \$272,668; and
- (B) Authorize City Manager to execute SCE Charge Ready Agreements and Grant of Easements (on file with the Records Management Department) and all other documents necessary to participate in the SCE Charge Ready Program with installations at Citizens Business Bank Arena; City Hall; DeAnza Community and Teen Center; Ontario Convention Center; Ontario Police Department; Ovitt Family Community Library; and Whispering Lakes Golf Course. A map and a detailed breakdown of the eligible sites with costs are attached as Exhibits A and B; and
- (C) Approve a contract with EV Connect (on file with the Records Management Department) for the purchase of EV chargers and a ten-year subscription agreement for cloud-based commercial services and automated payment processing; and
- (D) Authorize participation in additional government incentive/rebate programs for the purchase and installation of EV chargers.

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

FISCAL IMPACT: The estimated net cost for the installation and operation of 46 ports through EV Connect is \$237,103 and includes GE Durastation (Level 2) electric vehicle charging stations, initial set-up, a five-year parts and labor warranty, a five-year operations and maintenance plan, and 10-year cloud-based commercial services and automated payment processing. The estimated rebate from SCE for these chargers is \$60,532 for a net estimated cost to the City of \$176,571. The cost of the EV Chargers will be reimbursed through the City's grant funds that are restricted for eligible Air Quality Management District (AQMD) activities. There is no impact to the General Fund.

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

Prepared by: Julie Bjork
Department: Housing and Municipal Services

City Manager
Approval: 

Submitted to Council/O.H.A. 11/01/2016

Approved: _____

Continued to: _____

Denied: _____

5

The EV Pilot Program had established a baseline charging rate of \$0.32/per kilowatt hour (kWh), which was waived for a three-year period to promote public use of electric vehicles. If charging for the electricity resumes, EV Connect will receive a fee equal to 12% of each charging session at each EV Connect station. Any charging session proceeds collected will be returned to the City on a monthly basis.

The estimated annual energy cost to provide these charging stations free of charge to the public at each site is shown below:

Location	Number of Ports	Estimated Annual Energy Cost
City Hall/Library	10	\$8,382
Citizens Business Bank Arena	12	\$20,928
De Anza Community and Teen Center	6	\$4,489
Ontario Convention Center	5	\$10,311
Ontario Police Department	5	\$4,191
Whispering Lakes Golf Course	8	\$14,903

BACKGROUND: On July 17, 2012, the City Council approved the City’s Municipal Climate Action Plan, and the Community Climate Action Plan was approved on December 16, 2014. These plans identify measures to support the development of alternative energy infrastructure to reduce greenhouse gas (GHG) emissions. The installation and operation of electric vehicle charging stations will continue to build upon the City’s efforts to reduce GHG emissions, improve local air quality, and invest in the City’s infrastructure.

On August 4, 2015, the City Council adopted a resolution establishing an Electric Vehicle Charging Station Pilot Program. This proposed action will build upon the success of the initial electric vehicle charger that was installed in the City Hall parking lot in 2015, and increase the number of electric vehicle charging stations throughout Ontario.

SCE is currently implementing the Charge Ready Program, which is a \$22 million pilot program to support the installation of up to 1,500 electric vehicle charging stations within SCE’s service territory. As part of the Charge Ready Program, SCE will install and maintain at their cost the complete electric infrastructure serving charging stations and provide a rebate to offset the costs for the charging stations and installation. Participants in the program are required to purchase EV charging stations through SCE approved vendors, operate the EV charging stations for a minimum of 10 years, subscribe to a data management plan with an approved EV charging network service provider, participate in future Demand Response (DR) programs for the EV charging stations, and grant an easement for SCE to maintain the infrastructure necessary to operate the EV charging stations.

The City submitted applications for seven sites and has been working with SCE staff to qualify these sites for program participation. At this time, three sites have been formally approved by SCE and four sites are pending finalization of agreements. A detailed breakdown of the sites with associated costs is provided as Exhibit B. In order to reserve funding for the City under the SCE Charge Ready Program, the City Manager initiated SCE Agreements for some of the identified sites. The proposed resolution ratifies the prior initiated SCE Agreements, and authorizes the City Manager to execute the remaining SCE Agreements.

As required, staff solicited bids from approved SCE Charge Ready vendors. A request for bids (“RFB”) was advertised on August 15 and 22, 2016. All SCE approved vendors were contacted regarding the RFB. In response to the RFB, one bid was received from EV Connect, Inc. (“EV Connect”), located in El Segundo, California. Exhibit C provides a breakdown of the final costs submitted by EV Connect.

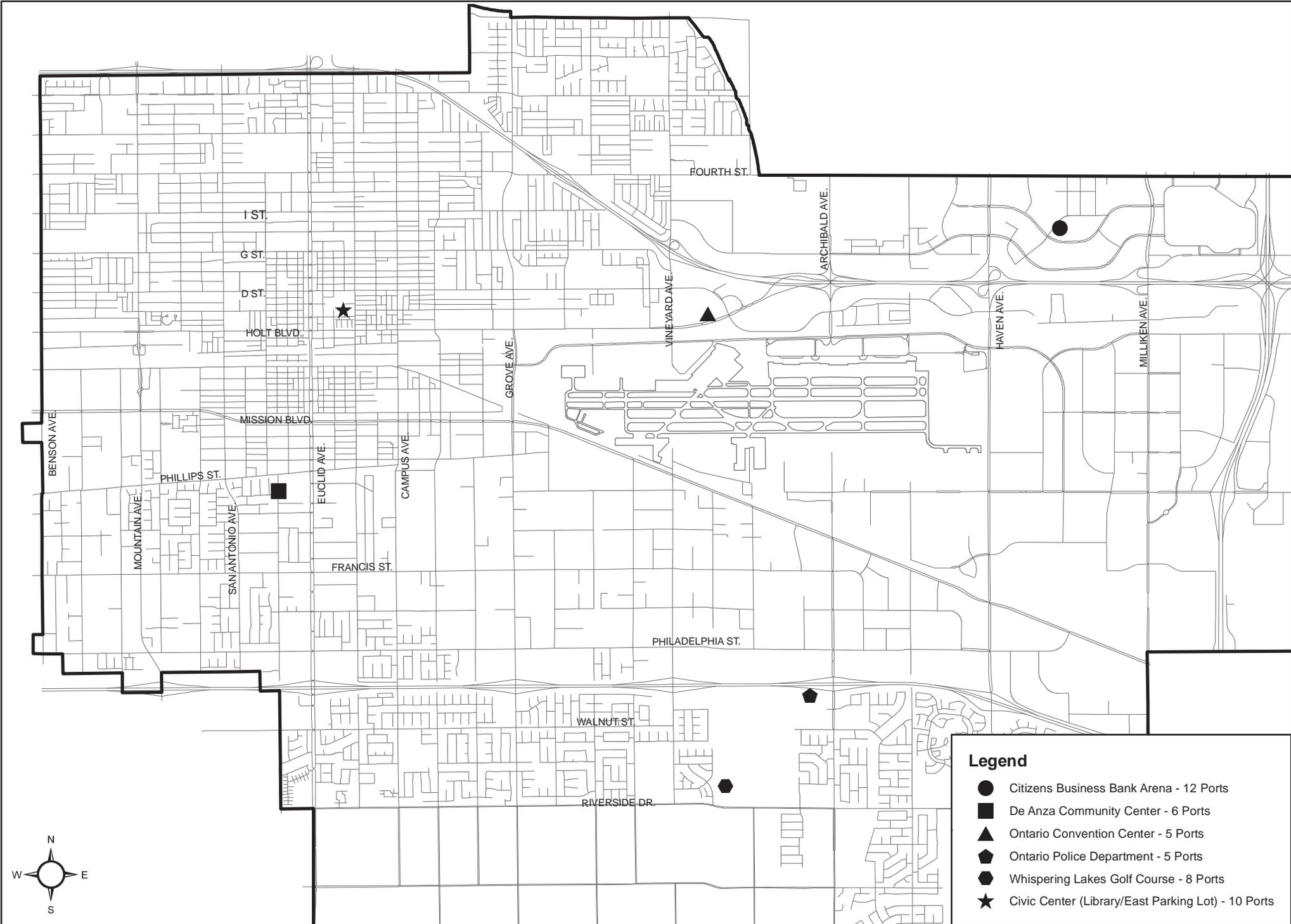
Since 2009, EV Connect has deployed more than 1,500 charging stations throughout the US. EV Connect’s government customers include Los Angeles Metro, New York Power Authority, and California Department of Transportation.

The proposed agreement with EV Connect is for a five-year term for the acquisition of EV charging stations and provides the City with the flexibility to purchase fewer or more chargers depending on the final site designs provided by SCE through the Charge Ready Program and other funding opportunities that may arise in the future.

Staff is also requesting that the City Council provide advance authority for participation in additional government incentive/rebate programs for EV chargers, including advance authority for the City Manager to execute agreements for these programs, subject to City Attorney review, and to purchase additional chargers under the EV Connect agreement as part of participating in such programs. Government incentive/rebate programs for EV chargers often have limited funding availability, offered on a first-come, first-serve basis. Reservation of funds under these programs generally requires submission of a binding agreement from the City. The ability of the City to quickly submit executed agreements for participation will greatly improve the City’s chances of successfully obtaining funding under these programs. The authority requested would be subject to the availability of funding within the budget. The City Manager will report participation in any additional programs to the City Council on a regular basis.

CEQA Compliance. Staff is recommending that the City Council find, under Title 14 of the California Code of Regulations, Section 15061(b)(3), that action is 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. Staff is recommending that the City Council, therefore, direct that a Notice of Exemption be filed with the County Clerk of the County of San Bernardino in accordance with CEQA Guidelines.

EXHIBIT A EV CHARGER LOCATIONS



- Legend**
- Citizens Business Bank Arena - 12 Ports
 - De Anza Community Center - 6 Ports
 - ▲ Ontario Convention Center - 5 Ports
 - ⬠ Ontario Police Department - 5 Ports
 - ⬡ Whispering Lakes Golf Course - 8 Ports
 - ★ Civic Center (Library/East Parking Lot) - 10 Ports

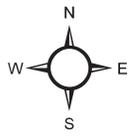


EXHIBIT B

DETAILED BREAKDOWN BY SITE

SITE	EV PORTS	SCE STATION REQUIREMENTS	EV CONNECT PRICE PER STATION*	EV CONNECT TOTAL PRICES	SCE REBATE	NET STATION COST
SCE CHARGE READY APPROVED						
Convention Center	5	1 Dual Port Station	\$ 10,093	\$ 10,093	\$ 3,272	\$ 6,821
		3 Single Port Stations	\$ 5,667	\$ 17,001	\$ 4,908	\$ 12,093
OCC TOTAL				\$ 27,094	\$ 8,180	\$ 18,914
Police Department	5	2 Dual Port Station	\$ 10,093	\$ 20,186	\$ 6,544	\$ 13,642
		1 Single Port Station	\$ 5,667	\$ 5,667	\$ 1,636	\$ 4,031
OPD TOTAL				\$ 25,853	\$ 8,180	\$ 17,673
City Hall (East Parking)	5	1 Dual Port Station	\$ 10,093	\$ 10,093	\$ 3,272	\$ 6,821
		3 Single Port Stations	\$ 5,667	\$ 17,001	\$ 4,908	\$ 12,093
CITY HALL (EAST PARKING LOT) TOTAL				\$ 27,094	\$ 8,180	\$ 18,914
TOTAL APPROVED SITES				\$ 80,041	\$ 24,540	\$ 55,501
PENDING SITES						
SITE	EV PORTS	SCE STATION REQUIREMENTS	EV CONNECT PRICE PER STATION*	EV CONNECT TOTAL PRICES	SCE REBATE	NET STATION COST
City Hall (Library)	5	2 Dual Port Station	\$ 10,093	\$ 20,186	\$ 6,544	\$ 13,642
		1 Single Port Station	\$ 5,667	\$ 5,667	\$ 1,636	\$ 4,031
CITY HALL (LIBRARY) TOTAL				\$ 25,853	\$ 8,180	\$ 17,673
Arena	12	6 Dual Port Station	\$ 10,093	\$ 60,558	\$ 4,908	\$ 55,650
ARENA TOTAL				\$ 60,558	\$ 4,908	\$ 55,650
DeAnza Community Center	6	3 Dual Port Station	\$ 10,093	\$ 30,279	\$ 9,816	\$ 20,463
DE ANZA COMMUNITY CENTER TOTAL				\$ 30,279	\$ 9,816	\$ 20,463
Whispering Lakes Golf Course	8	4 Dual Port Station	\$ 10,093	\$ 40,372	\$ 13,088	\$ 27,284
WHISPERING LAKES GOLF COURSE TOTAL				\$ 40,372	\$ 13,088	\$ 27,284
TOTAL	46			\$ 237,103	\$ 60,532	\$ 176,571
*Includes five-year parts and labor warranty, five-year O&M, and 10-year subscription costs						

EXHIBIT C

EV CONNECT BID BREAKDOWN

EV Connect Bid (Original Bid Prices per Unit/Port)					
Description	Estimated Total Number of Units	Estimated Total Number of Ports	Unit Price	Annual Fee (per port)	Estimated Total Price
Dual Port Level 2	19		\$ 4,337		\$ 82,403
Single Port Level 2	8		\$ 2,789		\$ 22,312
Five-Year parts and labor warranty (per port)			\$ 599		\$ 27,554
Five-Year O&M (per port)			\$ 100		\$ 4,600
Initial activation and provisioning (per port)			\$ 29		\$ 1,334
10-Year Services and Subscription Agreement (per port)	27		46		
TOTAL*					\$ 237,103
Dual Port (All-Inclusive Cost)					\$ 10,093
Single Port (All-Inclusive Cost)					\$ 5,667
<i>*Paid for by AQMD or other grant funds</i>					

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO,
CALIFORNIA, MODIFYING AND EXPANDING THE ELECTRIC VEHICLE
CHARGING STATION PILOT PROGRAM.

WHEREAS, the City Council has previously adopted the City of Ontario (“City”) Electric Vehicle Charging Station Pilot Program (the “Pilot Program”) on August 4, 2015, pursuant to Resolution No. 2015-084 (the “Original Resolution”), the terms of which are incorporated into this Resolution by reference; and

WHEREAS, under the Pilot Program the City has installed an electric vehicle charging station (“Charging Station”) at the City Hall parking lot, and has made the Charging Station available for public use; and

WHEREAS, the Original Resolution provides authority for the City to charge a fee for use of the Charging Station, to waive the fee at the election of the City Council, to designate parking spaces for vehicle charging purposes, and to tow impermissibly parked vehicles; and

WHEREAS, the City now wishes to expand the Pilot Program by purchasing and installing up to 46 Charging Stations under the Southern California Edison (“SCE”) Charge Ready Program (“SCE Program”), for a not to exceed total of Two Hundred Seventy Two Thousand, One Hundred Fifty One Dollars (\$272,151), at the properties identified in Exhibit “A” attached hereto and incorporated herein by reference (the “Sites”); and

WHEREAS, in order to participate in the SCE Program, SCE Charge Ready Agreements and Grant of Easements (“SCE Agreements”) must be executed by the City Manager and any SCE Agreements signed in advance by the City Manager in order to commence the SCE Program process and reserve SCE funding for the City, must be ratified by the City Council; and

WHEREAS, the City has conducted a low-bid procurement process and has obtained a competitive bid from EV Connect, Inc. (“EV Connect”) for purchase and operation of Charging Stations, and the City wishes to enter into contracts with EV Connect for such purpose; and

WHEREAS, the City also desires to allow the purchase and installation of additional Charging Stations under other government incentive or rebate programs as part of the Pilot Program, provided that such action is within the City budget; and

WHEREAS, two parking spaces in front of each Charging Station installed as part of the Pilot Program will be reserved for charging (“Designated Spaces”), and in order to ensure efficient and maximum use of any such Charging Stations, pursuant to Vehicle Code section 22511, the City desires to provide for towing of vehicles that are parked in a Designated Space, and that are not connected to a Charging Station.

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

SECTION 1. Findings. The above Recitals are true and correct and are incorporated herein by this reference.

SECTION 2. Approval of Amendments to Charging Station Pilot Program. The City Council hereby approves the amendments to the Pilot Program to expand the program to include installation of Charging Stations at the Sites, as identified in the attached Exhibit "A", and at any other sites within the City approved by the City Manager.

SECTION 3. Participation in SCE Charge Ready Program. The City Council hereby approves participation in the SCE Charge Ready Program, and hereby ratifies any SCE Agreements for the Sites previously executed by the City Manager, and further authorizes the City Manager, subject to City Attorney review, to execute any additional SCE Agreements for the Sites.

SECTION 4. Approval of EV Connect Contract. The City Council hereby accepts the bid from EV Connect, and authorizes the City Manager, subject to City Attorney review, to: (i) execute the purchase contract with EV Connect, (ii) purchase Charging Stations pursuant to the terms thereof, and (iii) execute the additional agreements with EV Connect for operation and maintenance of the Charging Stations.

SECTION 5. Authority to Participate in Other Rebate/Incentive Programs. The City Council hereby provides authority for the City Manager, subject to City Attorney review, to execute additional government rebate/incentive program agreements for purchase and installation of additional Charging Stations, and to purchase such stations under the contract with EV Connect, pursuant to the terms therein, provided that sufficient funds have been budgeted and are available for such actions.

SECTION 6. Charging Fee Policy. The Charging Fee set under the Original Resolution, and defined therein, and the authority to waive the fee shall continue to apply to the Pilot Program, as amended by this Resolution, and to the Charging Stations installed pursuant to the authority granted hereunder.

SECTION 7. Designation of Spaces; Parking Policy. The City Council hereby designates the Designated Spaces for the exclusive purpose of charging and parking a vehicle that is connected for electric charging purposes. Parking in the Designated Spaces shall be limited to a period of four (4) hours.

SECTION 8. Towing of Vehicles. Pursuant to Vehicle Code Section 22511, and provided that the City has posted signage as required herein, after notifying the City Police Department, the City may cause the removal of a vehicle from the Designated Spaces to the nearest garage, as defined in Vehicle Code Section 340, that is owned, leased, or approved for use by the City if the vehicle is not connected for electric charging purposes.

SECTION 9. Posting of Signage. The City Council hereby directs City staff, prior to towing any vehicle from the Designated Spaces, to post signage in accordance with the requirements of Vehicle Code Section 22511.

SECTION 10. Implementation. The City Manager or his or her designee is hereby authorized and directed to, on behalf of the City, execute any and all documents, and take any and all action necessary to effectuate the implementation of the Pilot Program in accordance with this Resolution and applicable law.

SECTION 11. Severability. If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.

SECTION 12. CEQA Compliance. The City Council further finds, under Title 14 of the California Code of Regulations, Section 15061(b)(3), that this Resolution is 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 13. Certification. The City Clerk shall certify to the adoption of this Resolution.

SECTION 14. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED this 1st day of November 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 November 1, 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 November 1, 2016.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

THE SITES

Citizens Business Bank Arena, located at 4000 E. Ontario Parkway

City Hall, located at 303 E. B Street

DeAnza Community and Teen Center, 1405 S. Fern Avenue

Ontario Convention Center, located at 2000 East Convention Center Way

Ontario Police Department, located at 2500 South Archibald Avenue

Ovitt Family Community Library, located at 215 E. C Street

Whispering Lakes Golf Course, located at 2525 E. Riverside Drive

CITY OF ONTARIO

Agenda Report
November 1, 2016

SECTION:
CONSENT CALENDAR

SUBJECT: THREE YEAR EXTENSION OF THE EXISTING ENTERPRISE LICENSE AGREEMENT FOR GIS SOFTWARE

RECOMMENDATION: That the City Council authorize the City Manager to execute a three year extension to the existing citywide Enterprise License Agreement for GIS software with ESRI, Inc., of Redlands, California in the amount of \$125,000 for year 1, \$140,000 for year 2 and \$150,000 for year 3.

COUNCIL GOALS: Regain Local Control of the Ontario International Airport
Maintain the Current High Level of Public Safety
Operate in a Businesslike Manner
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: The City's recurring baseline operating budget includes appropriations of \$150,000 in the Information Technology Fund for annual licensing and maintenance support for ESRI software.

BACKGROUND: Over the past several decades, the City has developed extensive Geographic Information Systems (GIS) using ESRI's ArcGIS based software. This software documents and tracks changes to land data processed by the City; and it is a foundational data source for many of the software applications used by City staff including: computer aided dispatch (CAD), emergency operations, mobile data computers (MDCs), business licensing, Accela Automation used for permitting and land management, customer information system (CIS) used for utilities billing and collection, the CityWorks work order management system, trash truck routing, GeoViewer, Property Information Management System (PIMS), The Ontario Plan, and CityView for code enforcement case management.

The recommended extension to the Enterprise Licensing Agreement will allow for continuity of the City's test, development and production systems. It will also allow for continued licensing to support Police crime analysis, fiber optic network management, presentation of GIS data over the web and provide a planning and presentation tool with CityEngine modeling.

STAFF MEMBER PRESENTING: Elliott Ellsworth, Information Technology Director

Prepared by: Peter Witherow
Department: Information Technology

City Manager
Approval: 

Submitted to Council/O.H.A. 11/01/2016

Approved: _____

Continued to: _____

Denied: _____

CITY OF ONTARIO

Agenda Report
November 1, 2016

SECTION:
CONSENT CALENDAR

SUBJECT: AN AGREEMENT FOR PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE WEST ONTARIO COMMERCE CENTER SPECIFIC PLAN

RECOMMENDATION: That the City Council approve and authorize the City Manager to execute an agreement (on file with the Records Management Department) with Phil Martin & Associates, Inc., of Irvine, CA, to prepare an Environmental Impact Report (EIR) for the West Ontario Commerce Center Specific Plan, related to approximately 135 acres of land located north of Merrill Avenue, south of Eucalyptus Avenue, east of Carpenter Avenue, and west of the Cucamonga Creek flood control channel, in the amount not to exceed \$224,555 (includes 15% contingency); and authorize the City Manager to approve any future budget adjustments necessary to complete the EIR.

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

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

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

FISCAL IMPACT: None. The EIR contract is a "pass-thru" to be paid by the project applicant. A budget adjustment for the \$224,555 in Revenue and corresponding expenditures will be included in the 2nd quarter budget report.

BACKGROUND: On January 27, 2010, the City adopted The Ontario Plan (TOP) and certified the accompanying EIR. TOP serves as the City's new General Plan for the entire City, including Ontario Ranch. The project site is zoned SP/AG (Specific Plan/Agriculture Preserve). The zoning of "SP" requires the project area to be developed with a Specific Plan to carry out the Goals and Policies of TOP.

The applicant, REDA, OLV, is proposing the West Ontario Commerce Center Specific Plan that will establish land use designations, development standards, design guidelines and infrastructure

STAFF MEMBER PRESENTING: Scott Murphy, Planning Director

Prepared by: Richard Ayala
Department: Planning

City Manager
Approval: 

Submitted to Council/O.H.A. 11/01/2016

Approved: _____

Continued to: _____

Denied: _____

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improvements that will govern the development of approximately 135 acres of land for industrial development. The Specific Plan site is generally located north of Merrill Avenue, south of Eucalyptus Avenue, east of Carpenter Avenue, and west of the Cucamonga Creek Flood Control Channel.

The project will also include applications for a Development Agreement, Development Plan, Tentative Parcel Map, and a General Plan Amendment to decrease the Business Park land use designation from 71.5 acres to 21 acres and increase the Industrial land use designation from 63 acres to 110 acres.

In order to thoroughly address the environmental impacts associated with the proposed specific plan, a project Environmental Impact Report (EIR) is required.

The City of Ontario Planning Department is responsible for selecting the consultant to prepare the EIR. A Request for Proposal (RFP) to prepare an EIR for the West Ontario Commerce Center Specific Plan was sent to five (5) qualified environmental consulting firms. The selection committee unanimously recommended Phil Martin & Associates, Inc., be hired to prepare the EIR for the West Ontario Commerce Center Specific Plan. The experience and qualifications of the Phil Martin & Associates, Inc., team seemed to best address and fully respond to the work scope.

The total cost for completing the EIR is \$224,555, which includes a fifteen percent (15%) contingency required by the City, which will be paid by the applicant. The applicant is aware and has agreed to the required total amount. Staff will oversee the project from start to finish.

The Professional Services Agreement including a detailed scope of work and fee schedule is available upon request from the Planning Department and City Clerk.

CITY OF ONTARIO

Agenda Report
November 1, 2016

SECTION:
CONSENT CALENDAR

SUBJECT: A SERVICES AGREEMENT FOR STORM DRAIN MAINTENANCE

RECOMMENDATION: That the City Council approve and authorize the City Manager to execute a one year Maintenance Services Agreement (on file with the Records Management Department) for Contract No. DM 1617-01 with United Storm Water, Inc. of City of Industry, California, for an annual estimated cost of \$130,000 (\$123,940 base contract plus a contingency of \$6,060); and authorize the addition of future service areas consistent with City Council approved budgets.

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

FISCAL IMPACT: The estimated base cost of the proposed Maintenance Service Agreement is \$123,940 plus \$6,060 of contingency for urgency services for a total annual amount of \$130,000. The maintenance cost for storm drain maintenance services is included in the Fiscal Year 2016-17 Adopted Operating Budget within the Storm Drain Maintenance Fund. Future year costs will be dependent upon the actual service levels expended and will be limited to City Council appropriations for the respective fiscal year.

BACKGROUND: In September 2016, the City solicited a request for bids for storm drain maintenance services throughout the city. Three bids were received that met bid criteria and standards necessary to perform this work. Base cost bids ranged from \$123,940 to \$163,380.

<u>Vendor</u>	<u>Location</u>	<u>Base Amount</u>
United Storm Water, Inc.	City of Industry, CA	\$123,940
Pipe-Tec	Irwindale, CA	\$125,420
DownStream Services, Inc.	Escondido, CA	\$163,380

United Storm Water, Inc. location in City of Industry, California submitted a bid that met all the required specifications with a base cost of \$123,940. Based on the bid, credentials, pricing, and favorable reference, staff recommends award of a Maintenance Services Agreement to United Storm Water, Inc.

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

Prepared by: Roberto Perez
Department: Parks and Maintenance

City Manager
Approval: 

Submitted to Council/O.H.A. 11/01/2016

Approved: _____

Continued to: _____

Denied: _____

CITY OF ONTARIO

Agenda Report
November 1, 2016

SECTION:
CONSENT CALENDAR

SUBJECT: AN AGREEMENT BETWEEN THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY AND THE CITY OF ONTARIO FOR LAW ENFORCEMENT SERVICES

RECOMMENDATION: That City Council authorize the City Manager to approve a Professional Services Agreement for the City of Ontario to provide law enforcement services to the Ontario International Airport Authority.

**COUNCIL GOALS: Regain Local Control of the Ontario International Airport
Maintain the Current High Level of Public Safety**

FISCAL IMPACT: Full service law enforcement services will be provided at billing rates identified under the annual City of Ontario Cost Allocation Plan. The City will keep a record of and invoice the Authority for all law enforcement staffing and supervision, plus the cost of all materials, equipment, vehicles, and training necessary to provide law enforcement services on behalf of the OIAA and ONT through the duration of this agreement. Included in the Police Department's Fiscal Year 2016/2017 Operating Budget adopted in June 2016 is \$3.5 million for airport law enforcement operations. This is a time-and-materials contract under which appropriate staffing levels will be directed by the OIAA. Ontario will coordinate with the OIAA Chief Executive Officer on policing, public safety and security strategies for ONT and appropriate technology, tools and techniques. Future costs will be adjusted commensurate with changes in staffing levels determined necessary to ensure safety to the travelling public and ONT employees.

BACKGROUND: Ownership and operations of the Ontario International Airport is being transferred to the Ontario International Airport Authority. This transition will begin on or about November 1, 2016 and includes a 21 month transition from LAWA operations to OIAA operations. OIAA does not currently have any law enforcement staff. OIAA desires that the City of Ontario provides law enforcement services.

STAFF MEMBER PRESENTING: Brad Kaylor, Police Chief

Prepared by: Scott Melendrez

Department: Police

City Manager
Approval: 

Submitted to Council/O.H.A. 11/01/2016

Approved: _____

Continued to: _____

Denied: _____

The Ontario Police Department has expertise in administering a full service law enforcement operation for the City of Ontario on a 24/7 basis. The Ontario Airport has similar law enforcement concerns that must continually be addressed. During LAWA's past operation of ONT, the Ontario Police Department regularly provided supplemental law enforcement services to LAWA. This law enforcement agreement is intended to facilitate the provision of all law enforcement services by Ontario and allow for the transition out of LAWA public safety staff. Ontario Police command staff are currently working closely with the Authority team on transition issues, assessing staffing demands and on recommended solutions and strategies.

CITY OF ONTARIO

Agenda Report
November 1, 2016

SECTION:
PUBLIC HEARINGS

SUBJECT: INTRODUCTION OF ORDINANCES TO ADOPT THE 2015 INTERNATIONAL FIRE CODE, AND 2016 CALIFORNIA STATE FIRE AND BUILDING CODES

RECOMMENDATION: That the City Council:

- (A) Introduce and waive further reading of an ordinance amending Chapter 4, Title 4 of the Ontario Municipal Code entitled "Fire Code" adopting by reference, with certain amendments, additions, deletions, and exceptions, the 2015 International Fire Code and the 2016 California Fire Code (California Code of Regulations, Title 24, Part 9); and
- (B) Introduce and waive further reading of an ordinance amending Chapters 1, 2, 3, 4, 5, 6, 7, 11 and 12 of Title 8 of the Ontario Municipal Code to adopt the California Building Standards Code.

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

FISCAL IMPACT: None. Adoption of the proposed ordinances will not impact the current permit or plan check fees. The proposed ordinances provide that future fee revisions may be enacted by City Council resolution.

BACKGROUND: Every three years, the California Building Standards Commission adopts the California Building Standards Code, which consists of the codes that regulate building construction. The California Health and Safety Code mandates that all public agencies responsible for administering Building and Safety and Fire Codes comply with the State adopted Building and Safety and Fire Codes; and local agencies are required to adopt and enforce the State codes. Local agencies may also adopt amendments to the State Codes based on findings relative to local geological or topographic conditions. Staff recommends amendments to the Codes based upon certain local conditions to ensure compliance

STAFF MEMBER PRESENTING: Rob Elwell, Fire Chief
Kevin Shear, Building Official

Prepared by: Art Andres / Kevin Shear
Department: Fire / Building

City Manager
Approval: 

Submitted to Council/O.H.A. 11/01/2016

Approved: _____

Continued to: _____

Denied: _____

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with State mandates, to assure that Ontario's Codes continue to address the latest technological advances, and to provide for the use of companion Fire and Building Codes.

Fire Codes: The proposed ordinance adopts the 2015 International Fire Code and the 2016 California Fire Code and provides for certain local amendments. These amendments are consistent with other provisions that are in the current version of the City's Fire Code. The State Codes incorporate, by reference, the Model Codes published by the International Code Council (ICC).

Building Codes: The California Building Standards Commission has adopted the 2015 edition of the International Building Code as the State Building Code. The proposed ordinance adopts the 2016 edition of the State Building, Electrical, Plumbing, Mechanical, Residential, and Green Building Standards Codes. The Dangerous Building Code - Chapter 11 and the Uniform Housing Code - Chapter 2 are being readopted without amendments. The summary below outlines key points involving the new State Building Codes:

- All the subject State Codes must be enforced by local agencies effective January 1, 2017.

The State Building Standards Commission has held numerous hearings related to adoptions of the codes, hearing public testimony from all stakeholders. All public testimony endorsed the use of International Codes.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTER 4 OF TITLE 4 OF THE ONTARIO MUNICIPAL CODE; ADOPTING BY REFERENCE WITH CERTAIN AMENDMENTS, ADDITIONS, DELETIONS, AND CHANGES THERETO, THE 2016 CALIFORNIA FIRE CODE AND THE 2015 INTERNATIONAL FIRE CODE, PROVIDING FOR THE RECOVERY OF COSTS AND COLLECTION OF FEES; AND REPEALING ORDINANCE NO. 2976 OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA.

WHEREAS, pursuant to Government Code Section 50022.1 *et seq.*, the City of Ontario, California ("City") may adopt by reference the 2016 edition of the California Building Standards Code as provided in Title 24 of the California Code of Regulations; and

WHEREAS, California Health and Safety Code Sections 17958.7 and 18941.5 authorize cities to adopt the California Building Standards Code with modifications that are determined to be reasonably necessary because of local climatic, geological, or topographical conditions; and

WHEREAS, prior to making modifications permitted under California Health and Safety Code Sections 17958.7 and 18941.5, the City Council is required to make express findings that such modifications are needed in accordance with California Health and Safety Code Sections 17958.7; and

WHEREAS, the City held a public hearing on November 1, 2016, at which time all interested persons had the opportunity to appear and be heard on the matter of adopting the Codes as amended herein; and

WHEREAS, the City published notice of the aforementioned public hearing pursuant to California Government Code Section 6066 on October 20, 2016; and

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

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

SECTION 1. The City Council hereby finds that the following proposed amendments to the 2016 California Fire Code and the 2015 International Fire Code are (1) necessary because of local climatic, geological, or topographical conditions, or (2) are of an administrative or procedural nature, and/or do not modify building standards and are reasonably necessary to safeguard life and property within the City.

Amendment	Applicable Findings from Listing Below
Sections 102.7, 103.1, 103.2, 103.3, 103.4, 103.4.1, 104.10, 105.6.50, 108.1, 109.4, 111.4	D-1
Section 503.2.1	D-2
Section 503.4	D-2
Section 507.5.1.2	A-1, B-1, B-2, C-1, C-2, C-3
Section 903.3.7	A-1, A-2, B-2, B-3, B-4, B-5, B-6, C-1, C-2, C-3 & C-4
Section 903.7	A-1, A-2, B-2, B-3, B-4, B-5, B-6, C-1, C-2, C-3 & C-4
Sections 2808.1, 2808.3, 2808.4, 2808.5, 2808.10	C-1, C-2, C-3 & C-4
Sections 2810, 2810.1	C-1, C-2, C-3 & C-4
Appendix B Section B105.2	A-1, B-2, B-3, B-4 & B-5

A. Local Geological Conditions.

A-1. The City of Ontario is subject to moderately strong to severe shaking and surface ruptures resulting from five earthquake faults located within or near the City. These local earthquake faults have the potential to cause severe personal and property damage and fire hazards. Moreover, there is also a potential for damage to roadways, water supplies, and the impairment of access allowing fire equipment to respond to emergencies in the event of a severe earthquake.

A-2. Adverse geological conditions exist in portions of the City that may cause excessive flooding. Flood control facilities are not adequate to handle the water flow that occurs during major storms or prolonged rains. Some of the streets in the City are actually designed and used for flood control purposes, thus making the fire and emergency access difficult during flood conditions. As a consequence, many of the streets within the City are impaired during such flood conditions and such flooding causes physical damage to the streets and the accumulation of debris, all of which hinder access to fire equipment for the purposes of responding to fire and other emergencies.

B. Local Topographical Conditions.

B-1. The topography of the City of Ontario is generally that of a gently sloping inclined plane that slopes in a southerly direction from an elevation of 1,190 feet to an elevation of 730 feet at the southern boundary of the City resulting in several water pressure zones to serve the City. The elevation changes caused by the mountains and hills creates the geological foundation upon which the City is built and will continue to build.

B-2. Located within the City are two major interstate freeways and a major state highway that provide for limited under crossing access points to traverse the City. These highways also restrict the ability of the water supply grid to provide water from multiple points to all areas of the City and necessitates the use of dead-end water mains to many areas adjacent to highways.

B-3. The City is bisected from east to west by two very active railroad main route tracks used by the Southern Pacific and Union Pacific Railroads. These lines are used for both commuter and large freight transport trains, including the transporting of large quantities of hazardous materials. Limited under-crossings and overcrossings exist within the City for uninterrupted emergency vehicle passage. Moreover, emergency vehicles are routinely delayed at grade crossings until passenger trains or passing freight trains clear the grade crossings.

B-4. Two large petroleum product pipelines bisect the City along the Southern Pacific Railroad right-of-way. The pipelines are used to transport large quantities of gasoline, diesel fuel, and jet fuels under high pressures. Another petroleum pipeline intersects the City along the east side en-route to the Etiwanda electrical generating station north and east of the City. While generally underground, these pipelines pass overhead at several overpasses located over main thoroughfares in the City. Damage to these pipelines during seismic events poses the dual potential of creating a time emergency and at the same time restricting emergency vehicle access within the City.

B-5. Two large, high pressure, natural gas transmission pipelines traverse the easterly part of the City, along the I-15 Freeway and on the west side along Benson Avenue. These 36" transmission mains transport natural gas at pressures exceeding 500 psi and pass through developed residential and industrial areas. These transmission pipelines also intersect the previously mentioned petroleum pipelines. Interruption of these pipelines due to flooding or seismic events is possible and would result in reduced resources to protect the balance of the City.

B-6. A large commercial airport is located within the central portion of the City providing limited emergency vehicle access from the north to the south central portions of the City. A majority of the City is located within the approach and/or departure paths of large commercial aircraft exposing a large part of the City to potential aircraft related emergencies. Moreover, Santa Ana Winds frequently require the flight paths of arriving and departing aircraft to be reversed.

C. Local Climatic Conditions.

C-1. The City is subject to extremely strong winds, commonly referred to as "Santa Ana Winds," which can reach speeds in excess of 80 miles per hour and approach the basin from the desert via the Devore Pass. Extensive damage often occurs during such winds, including downed electric wires, downed poles, fallen trees, blowing debris, sand, and dust. Blowing dust experienced during these winds has reduced visibility near zero and impacted the response times of emergency vehicles.

C-2. During the summer months, the Santa Ana Winds produce period of extremely low humidity causing an increase in the threat of fire from dry vegetation and other common fuels. These conditions have, in the past, resulted in vegetation and structure fires.

C-3. The City experiences summer temperatures in excess of 100 degrees Fahrenheit. When coupled with severe Santa Ana Winds these conditions can cause a fire to spread quickly throughout portions of the City.

C-4. Weather conditions, coupled with flammable vegetation in bordering cities results in numerous wildland rims, which draw existing fire fighting forces from their structure protection duties for extended periods of time. This results in increased response times to structure fires when fire department personnel and equipment are committed to nonstructural fire protection activities.

D. Administrative/Procedural/Public Safety Amendments.

D-1. This amendment is necessary for administrative or procedural clarification and to establish administrative standards for the effective enforcement or the building standards of the City of Ontario and does not modify a building standard pursuant to California Health & Safety Code sections 17958, 17958.7, and/or 18941.5.

D-2. This amendment does not modify a building standard pursuant to California Health and Safety Code sections 17958, 17958.7, and/or 18941.5 and is reasonably necessary to safeguard life and property within the City of Ontario.

SECTION 2. Chapter 4 of Title 4 of the Ontario Municipal Code is hereby rewritten in its entirety to read as follows:

Chapter 4: Fire Code

Sections:

- 4-4.01 Adoption of California Fire Code and the International Fire Code
- 4-4.02 Cost Recovery
- 4-4.03 Establishment of the Limits of Districts in Which Stationary Containers of Flammable Cryogenic Fluids Are Prohibited
- 4-4.04 Establishment of the Limits of Districts in Which Storage of Class I and Class II Liquids in Unprotected Aboveground Tanks and in Below Grade Vaulted Tanks is Prohibited
- 4-4.05 Establishment of the Limits in Which Storage of Liquefied Petroleum Gases Is Restricted for the Protection of Heavily Populated or Congested Areas
- 4-4.06 Amendments to the 2016 California Fire Code and 2015 International Fire Code
- 4-4.07 Amendment: Referenced codes and standards
- 4-4.08 Amendment: General
- 4-4.09 Amendment: Appointment

4-4.10	Amendment: Deputies
4-4.11	Amendment: Liability and Legal Defense
4-4.12	Amendment: Investigations
4-4.13	Amendment: Pallets
4-4.14	Amendment: Board of Appeals Established
4-4.15	Amendment: Violation Penalties
4-4.16	Amendment: Failure to Comply
4-4.17	Amendment: Dimensions
4-4.18	Amendment: Obstruction of Fire Apparatus Access Roads
4-4.19	Amendment: Two Points of Connection
4-4.20	Amendment: Floor Control Valves
4-4.21	Amendment: Rooftop Hose Connections
4-4.22	Amendment: General
4-4.23	Amendment: Size of Piles
4-4.24	Amendment: Pile Separation
4-4.25	Amendment: Combustible Waste
4-4.26	Amendment: Emergency Plan
4-4.27	Amendment: Requirements for Pallet Yards
4-4.28	Amendment: Buildings Other than One- and Two-Family Dwellings

Section 4-4.01. Adoption of the California Fire Code and the International Fire Code

The City Council of the City of Ontario hereby adopts by reference with certain amendments, additions, deletions and exceptions, the 2016 California Fire Code with errata, incorporating therein the 2015 International Fire Code, also referred to as Part 9 of Title 24 of the California Code of Regulations, with included appendices, as published by the International Code Council and adopted by the California State Building Standards Commission, (hereinafter also “this Code” or the “Ontario Fire Code”,) for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion.

Section 4-4.02. Cost Recovery.

(A) Expense for Responding to and Securing an Emergency.

1. Fire suppression, investigation and rescue or emergency medical costs shall be recoverable in accordance with Health & Safety Code Sections 13009 and 13009.1.

2. Any person or entity who negligently or intentionally, or in violation of law, causes an emergency response, including but not limited to, a traffic accident or spill of toxic or flammable fluids or chemicals, is liable for the costs of responding, securing and investigating such emergency, including those costs set out in Health & Safety Code Section 13009 *et seq.* and Government Code Section 53150 *et seq.* Any expense incurred by the Fire Department for responding to, securing, or investigating such an emergency situation shall constitute a debt of the person or entity responsible and shall be subject to collection by the City in the same manner as an obligation under contract, expressed or implied.

3. The expense of responding to, securing and investigating any emergency or hazard which is the result of a violation of this Code or any other code, ordinance or state law, or any damages caused by malicious mischief requiring any corrective or preventive actions by the Fire Department shall be a charge against the person(s) or entity whose violation caused the emergency and/or damage. Damages caused by such emergency or action may constitute a debt of such person(s) or entity responsible and shall be collectible as provided below:

i. Liability for Hazardous Activities and Conditions. The Chief may also impose the reasonable cost of fire prevention, fire suppression, incident investigation and protection of the public from other safety hazards when a fire or hazardous condition results from any of the following activities or conditions:

- (1) The manufacture, transportation, storage, handling, or spilling, of hazardous chemicals, flammable or combustible liquids, explosives, or blasting agents as defined in this Code; and
- (2) The failure to correct a hazardous condition for which a "Notice of Violation," or equivalent notice, has been previously given by the Chief; and
- (3) The use of welding equipment, cutting torches, tar pot, or other open flame devices; and
- (4) Permitting or causing the accumulation of hazardous or flammable materials on property; and
- (5) Setting of a fire or allowing a fire to be set in violation of any code, ordinance, law or regulation; and
- (6) The possession of, or causing illegal fireworks, explosive devices or destructive devices to ignite, explode or detonate; and
- (7) Creating, allowing, or maintaining a hazard as stated in Ontario Fire Code Section 109.1.

ii. Determination of Costs. Whenever the Chief determines that the fire department or other public agency has incurred costs for fire suppression, fire prevention, or protection of the public from a fire or other hazardous condition that results from the activities or conditions described in subsection (a), the Chief shall:

- (1) Calculate the costs incurred;
- (2) Identify the person(s) or entity to be charged for those costs; and
- (3) Send a report with this information to the City Clerk.

iii. Method of Calculation. In determining costs to be charged a responsible person or entity, the Chief shall include all necessary expenditures to correct the hazardous condition or extinguish the fire, including, but not limited to the following:

- (1) The cost of personnel;
- (2) The cost of extinguishing agents;
- (3) The reasonable value of the use of City equipment;
- (4) The cost incurred for the use of any private contractors to mitigate or remove the hazard or condition; and
- (5) Any and all administrative costs incurred pursuant to the fee schedule as set by resolution duly adopted by the City Council.

iv. Reimbursement Hearing. The City Clerk shall, thereupon, set the report and account received by the Chief for hearing before the City Council at a regular or adjourned regular meeting to be held at least fourteen (14) calendar days after the date the Clerk mails the notice to the responsible person(s) or entity. The City Clerk shall send by regular mail a Notice of said hearing to the person or entity to be charged at the person's or entity's address as shown on the latest equalized tax assessor's roll, or as otherwise known to the City.

v. Notice to Person Charged. The Notice sent by the City Clerk to the responsible person(s) or entity shall contain:

- (1) The name of the person(s) or entity sought to be charged;
- (2) The location, date and time of the incident upon which the claim for reimbursement is based;
- (3) The amount of, and the basis upon which the claim for reimbursement is made;
- (4) The date, time and place of the hearing to be held on the claim for reimbursement with a statement describing the rights of the person or entity charged and the procedures for presenting evidence at said hearing; and
- (5) The Chief's account of the sum claimed to be due.

vi. Procedure for Hearing Before the City Council. At the hearing on the Chief's accounting of the costs and other evidence upon which reimbursement is sought, the City Council shall hear and consider evidence by the person or entity against which reimbursement is sought. The City Council shall thereafter confirm or disallow the account, all or in part, and set forth in a resolution the amount of the account confirmed, if any. Thereafter, any amount confirmed by resolution of the City Council shall become a debt owing to the City of Ontario and shall be collectible by the City in the same manner as in the case of an obligation under contract expressed or implied.

(B) Service Fees.

1. Permit Fees. Any person, establishment, business, occupancy, or process requiring any permit or utilizing any special service or activity performed by or under the direction of the Fire Department shall compensate the City for the cost of such service or activity, in accordance with the adopted fee and charge schedule and any departmental policy.

2. Service Fee Refunds. The Fire Chief is authorized to refund any fee paid hereunder which is determine to be erroneously paid or collected.

i. The Fire Chief is authorized to refund eighty percent (80%) of the service fee paid when the permittee has performed no work nor commenced an operation for which a permit was issued in accordance with this Ordinance.

ii. The Fire Chief is authorized to refund eighty percent (80%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review is completed.

iii. The Fire Chief shall not authorize the refund of any fee paid except upon written application filed by the original permittee not later than one hundred eighty (180) days after the date the fee was paid. Such written application shall state the reasons for the refund request and be accompanied with a receipt of payment.

Section 4-4.03. Establishment of the Limits of Districts in Which Stationary Containers of Flammable Cryogenic Fluids Are Prohibited.

The limits referred to in Section 5806.2 of the 2016 California Fire Code in which the storage of flammable cryogenic fluids in stationary containers is prohibited are hereby established as follows:

1. All areas and zoning districts of the City except the General Industrial District of the City Development Code, and with the specific approval of the Fire Chief.

Section 4-4.04. Establishment of the Limits of Districts in Which Storage of Flammable or Combustible Class I and Class II Liquids in Outside Unprotected Aboveground Tanks is Prohibited.

The limits referred to in Sections 5704.2.9.6.1 and 5706.2.4.4 of the 2016 California Fire Code in which the storage of flammable or combustible liquids in outside aboveground unprotected tanks are prohibited are hereby established as follows:

1. In all areas of the City unless upon specific written findings, the Chief determines that the installation of flammable and combustible unprotected aboveground storage tanks or below grade vaulted tanks will not create a hazard to occupants and property owners in the surrounding area.

Section 4-4.05. Establishment of the Limits in Which Storage of Liquefied Petroleum Gases is Restricted for the Protection of Heavily Populated or Congested Areas.

The limits referred to in Section 6104.2 of 2016 California Fire Code, in which storage of liquefied petroleum gas is restricted, are hereby established as follows:

1. All areas and zoning districts of the City except the General Industrial District of the City zoning ordinance, and with the specific approval of the Fire Chief.

Section 4-4.06. Amendments to the 2016 California Fire Code (CFC) and 2015 International Fire Code (IFC).

Designated portions of the 2016 California Fire Code (CFC) and 2015 International Fire Code (IFC) are amended and changed as set forth in Sections 4-4.07 through 4-4.28.

Section 4-4.07. Amendment: Referenced codes and standards.

Section 102.7 of the 2015 IFC is amended to read as follows:

“102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 80, and such codes and standards shall be considered to be part of the requirements of this code to the prescribed extent of each such reference and as further regulated by Sections 102.7.1 and 102.7.2. The Fire Chief also hereby authorizes the use of the Ontario Fire Department Fire Protection Standards for the purposes of interpreting and clarifying requirements of this Code and its referenced codes and standards.”

Section 4-4.08. Amendment: General.

Section 103.1 of the 2015 IFC is amended to read as follows:

“103.1 General. The Fire Code as adopted and amended herein shall be enforced by the Bureau of Fire Prevention of the Fire Department of the City of Ontario which is hereby established and shall operate under the supervision of the Chief of the Fire Department.”

Section 4-4.09. Amendment: Appointment.

Section 103.2 of the IFC is amended to read as follows:

“103.2 Appointment. The Fire Marshal shall be responsible for operating the Bureau of Fire Prevention and shall be appointed by the Fire Chief on the basis of examination to determine his or her qualifications.”

Section 4-4.10. Amendment: Deputies.

Section 103.3 of the IFC is amended to read as follows:

“103.3 Deputies. The Chief of the Fire Department shall recommend to the City Manager the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position.”

Section 4-4.11. Amendment: Liability and Legal Defense.

Section 103.4.1 of the IFC is hereby deleted and Section 103.4 of the IFC is amended to read as follows:

“103.4 Liability and legal defense. The Chief and other individuals charged by the Chief with the enforcement of this Code or any other official duties, acting in good faith and without malice in the discharge of their duties, shall not thereby be rendered personally liable for any damage that may accrue to persons or property as a result of any act or by reason of any act or omission in the discharge of their duties. Any suit brought against the Chief or such individuals because of such act or omission performed in the enforcement of any provision of such Code or other pertinent laws or ordinances implemented through the enforcement of this Code or enforced by the code enforcement agency shall be defended by this jurisdiction until final termination of such proceedings, and any judgment resulting there from shall be assumed by this jurisdiction subject to the provisions of Government Code Section 825.”

Section 4-4.12. Amendment: Investigations.

Section 104.10 of the CFC is amended to read as follows:

“104.10 Investigations. The Fire Department is authorized to investigate promptly the cause, origin and circumstances of each and every fire or explosion occurring in the jurisdiction involving loss of life or injury to any person or destruction or damage to property and, if it appears to the Fire Prevention Bureau that such fire or explosion is of suspicious origin, is authorized to take immediate charge of all physical evidence relating to the cause of the fire or explosion and is authorized to pursue the investigation to its conclusion. Fire investigators shall have the powers of a police officer in performing their duties under this code. The Chief is authorized to investigate the cause, origin and circumstances of unauthorized releases of hazardous materials.”

Section 4-4.13. Amendment: Pallets.

Section 105.6.50 is added to the IFC to read as follows:

"105.6.50 Pallets. An operational permit is required for idle storage, handling, repair or manufacturing of combustible pallets in excess of one thousand (1,000) units at any one site."

Section 4-4.14. Amendment: Board of Appeals.

Section 108.2 and 108.3 of the IFC is hereby deleted and Section 108.1 of the IFC is amended to read as follows:

"108.1 Board of Appeals Established. The City Council of the City of Ontario may hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, pursuant to Chapter 4 of Title 1 of the City of Ontario Municipal Code. An application for appeal shall be submitted in writing, in a timely manner, and shall be based on a claim that the

intent of this code or the rules, standards and interpretations adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method of protection or safety is proposed. The Council shall have no authority to waive requirements of this Code. The City Council shall set the matter for hearing and shall give written notice to the appellant. The fire code official shall act as staff in advising the City Council during such hearing. A written copy of the decision shall be mailed to the concerned parties after the conclusion of such proceedings.”

Section 4-4.15. Amendment: Violation penalties.

Section 109.4 of the IFC is amended to read as follows:

“109.4 Violation penalties. Any person who violates any provision of the Fire Code as adopted and amended herein or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the Board of Appeals or by a court of competent jurisdiction, within the required time, shall severally for each and every such violation and noncompliance, respectively, be guilty of an infraction or a misdemeanor, punishable as set forth in Chapter 2 of Title 1 of the Ontario Municipal Code. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that a prohibited condition is maintained shall constitute a separate offense. The application of this penalty shall not be held to prevent the enforced removal of prohibited conditions.”

Section 4-4.16. Amendment: Failure to Comply.

Section 111.4 of the CFC is amended to read as follows:

“111.4 Failure to Comply. Any person who shall continue any work after having been served with a stop work order, except that work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor, punishable as set forth in Chapter 2 of Title 1 of the Ontario Municipal Code. Each day that any work is done under a stop work order shall constitute a separate offense.”

Section 4-4.17. Amendment: Dimensions.

Section 503.2.1 of the IFC is amended to read as follows:

“503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 24 feet (7315 mm), exclusive of shoulders or curbs, except for approved security gates in accordance with section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm). Fire apparatus access roads that serve buildings that are 3 or more stories in height or having occupied floors more than 30 feet above the lowest level of fire department access shall have an unobstructed width of not less than 26 feet (7925 mm).

Exception: When approved by the fire code official, fire apparatus access roads in existing development that serve only one way traffic shall be a minimum of 20 feet (6096 mm) in width."

Section 4-4.18. Amendment: Obstruction of Fire Apparatus Access Roads.

Section 503.4 of the IFC is amended to read as follows:

"503.4 Obstruction of fire apparatus access roads. The required width of a fire apparatus access road shall not be obstructed in any manner, including parking of vehicles. Access roads, private roadways and public roadways shall be provided and maintained in a passable condition at all times. Any obstruction or impediment to reasonable access may be removed by any public safety agency with the expense of such removal to be borne by the owner of the roadway, or in the case of an obstructing vehicle or object, by the owner of said vehicle or object."

Section 4-4.19. Amendment: Two points of connection.

Section 507.5.1.2 of the CFC is added to read as follows:

"507.5.1.2 Redundant water supplies. New on-site fire protection water systems that serve buildings greater than 100,000 square feet (9,290 m²) in floor area shall have two separate remote connections to the public water system designed and constructed in accordance with recognized standards. The locations of such water connections shall be approved by the fire code official."

Section 4-4.20. Amendment: Floor Control Valves

Section 903.3.7 of the CFC is hereby amended to read as follows:

"903.3.7 Floor Control Valves. Floor control valves and waterflow detection assemblies shall be installed at each floor where any of the following occur:

1. Buildings where the floor level of the highest story is located more than 20 feet above the lowest level of fire department vehicle access.
2. Buildings that are three or more stories in height.
3. Buildings that are two or more stories below the highest level of fire department vehicle access.

Exception: Group R-3 and R-3.1 occupancies floor control valves and waterflow detection assemblies shall not be required."

Section 4-4.21. Amendment: Rooftop Hose Outlets.

Section 903.7 of the CFC is hereby added to read as follows:

"903.7 Rooftop Hose Outlets. New buildings that are equipped with automatic fire sprinklers that exceed 100,000 square feet in floor area shall have hose outlets with

listed valves installed on the roof, in approved locations. Such outlets shall be supplied from the closest sprinkler system. The outlets shall have both 2 ½” and 1 ½” threaded connections for fire department use and shall comply with local standards.”

Section 4-4.22. Amendment: General.

Section 2808.1 of the CFC is amended to read as follows:

“2808.1 General. The storage and processing of wood chips, hogged materials, fines, compost and raw product produced from yard waste, debris, recycling, and green waste processing facilities shall comply with Sections 2808.2 through 2808.10.”

Section 4-4.23. Amendment: Size of piles.

Section 2808.3 of the CFC is amended to read as follows:

“2808.3 Size of piles. Piles shall not exceed 15 feet (4572 mm) in height, 25 feet (7620 mm) in width and 250 feet (76 200 mm) in length.

Exception: The fire code official is authorized to allow the pile size to be increased when additional fire protection is provided in accordance with Chapter 9. The increase shall be based up on the capabilities of the system installed.”

Section 4-4.24. Amendment: Pile separation.

Section 2808.4 of the CFC is amended to read as follows:

“2808.4 Pile separation. Piles shall be separated from adjacent piles by approved fire apparatus access roads. Apparatus roads shall be a minimum of 20 feet (6096 mm).”

Section 4-4.25. Amendment: Combustible waste.

Section 2808.5 of the CFC is amended to read as follows:

“2808.5 Combustible waste. The storage, accumulation and handling of combustible materials and control of vegetation shall comply with Chapter 3. All incoming materials shall be ground or incorporated within 10 days. All incoming materials shall be incorporated into windrows within 15 days. Internal temperatures of stockpiles shall be monitored prior to incorporation into windrows.”

Section 4-4.26. Amendment: Emergency plan.

Section 2808.10 of the CFC is amended to read as follows:

“2808.10 Emergency plan. The owner or operator shall develop a plan for monitoring, controlling and extinguishing spot fires and submit the plan to the Ontario Fire Department Fire Prevention Bureau for review and approval. The plan shall include, but not be limited to methods and policies for:

1. Monitoring, controlling and extinguishing spot fires.
2. Emergency contact information for personnel who are able to respond to location 24 hours a day, 7 days a week.
3. Onsite equipment to assist with firefighting operations, such as dozers, water tenders, and large tractors.
4. Special considerations for fire safety during extreme weather conditions.
5. Method of providing adequate onsite water supply for firefighting operation. Water system shall have a minimum delivery/replenish capability of 500 gallons per minute for 2 hours.”

Section 4-4.27. Amendment: Pallet Yards.

Sections 2810 and 2810.1 are added to the CFC to read as follows:

SECTION 2810 PALLET YARDS

2810.1 Requirements. Facilities that store, handle, repair or manufacture combustible pallets in excess of 1,000 units at any one site shall comply with locally adopted Ontario Fire Department standards. Such facilities shall require an operational permit in accordance with section 105.6.50.”

Section 4-4.28. Amendment: Buildings Other than One- and Two-family Dwellings, Group R-3 and R-4 buildings and townhomes.

Table B105.2 of Appendix B is hereby deleted and Appendix B Section B105.2 of the CFC is amended to read as follows:

“B105.2 Buildings other than one- and two-family dwellings. The minimum fire-flow and flow duration for buildings other than one- and two-family dwellings, Group R-3 and R-4 buildings and townhouses shall be as specified in Table B105.1(2).

Exceptions:

1. A reduction in required fire-flow of up to 50 percent, as approved, is allowed when the building is provided with an approved sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2. The resulting fire-flow shall not be less than 1,500 gallons per minute (5678 L/min) for the prescribed duration as specified in Table B105.1(2).
2. [SFM] Group B, S-2 and U occupancies having a floor area not exceeding 1,000 square feet, primarily constructed of noncombustible exterior walls with wood or steel roof framing, having a Class A roof assembly, with uses limited to the following or similar uses:

- 2.1. California State Parks buildings of an accessory nature (restrooms).
- 2.2. Safety roadside rest areas, (SRRA), public restrooms.
- 2.3. Truck inspection facilities, (TIF), CHP office space and vehicle inspection bays.
- 2.4. Sand/salt storage buildings, storage of sand and salt.”

SECTION 3. Filing of Ordinance. The Fire Chief shall transmit a copy of this Ordinance for filing to the State of California Building Standards Commission, pursuant to Health and Safety Code Section 17958.7. One copy of the Ontario Fire Code shall be placed on file in the Office of the City Clerk and is hereby adopted and made a part of this Chapter as if fully set forth at length herein.

SECTION 4. Repeal of Conflicting Ordinances. Ordinance No. 2976, all former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the Fire Code, as adopted and amended herein, are hereby repealed.

SECTION 5. Severability. Any section, paragraph, sentence or word of this ordinance or of the Fire Code as adopted and amended herein that for any reason has been determined to be invalid, it is the intent of the City Council that it will be considered severable from all other portions of this ordinance independent of the elimination therefrom of any such portion as may be declared invalid.

SECTION 6. Effective Date. This ordinance shall take effect and be in force thirty (30) days after its final passage. From the date on which this Ordinance shall take effect, the provisions of the Ontario Fire Code shall be controlling within the City limits of the City of Ontario.

SECTION 7. CEQA. The City Council finds that the changes made to the California Fire Code and the International Fire Code are enacted to mitigate threats to public peace, health and safety from earthquakes, high winds and fire. Moreover, the amendments are substantially similar to those provisions previously enacted and contained in the current version of the City's Fire Code. Therefore, it can be seen with certainty that the adoption of this Ordinance will not have a significant adverse effect on the environment and is therefore exempt from the California Environmental Quality Act (CEQA) pursuant to section 15061(b)(3) of the CEQA Guidelines. Staff is directed to file a Notice of Exemption within five (5) days of the adopting of this Ordinance.

SECTION 8. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

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

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. _____ was duly introduced at a regular meeting of the City Council of the City of Ontario held on November 1, 2016 and adopted at the regular meeting held _____, 2016 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. _____ duly passed and adopted by the Ontario City Council at their regular meeting held _____, 2016 and that Summaries of the Ordinance were published on _____, 2016 and _____, 2016, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTERS 1, 2, 3, 4, 5, 6, 7, 11, AND 12 OF TITLE 8 OF THE ONTARIO MUNICIPAL CODE, ADOPTING BY REFERENCE THE 2016 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE, INCORPORATING THE 2016 CALIFORNIA BUILDING CODE, THE 2016 CALIFORNIA MECHANICAL CODE, THE 2016 CALIFORNIA ELECTRICAL CODE, THE 2016 CALIFORNIA RESIDENTIAL CODE, THE 2016 CALIFORNIA PLUMBING CODE, THE 2016 CALIFORNIA GREEN BUILDING STANDARDS CODE, THE 1997 EDITION OF THE UNIFORM HOUSING CODE, AND THE 1997 EDITION OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS; TOGETHER WITH CERTAIN AMENDMENTS THERETO.

WHEREAS, pursuant to Government Code Section 50022.1 *et seq.*, the City of Ontario, California ("City") may adopt by reference the 2016 Edition of the California Building Standards Code as provided in Titles 24 and 25 of the California Code of Regulations and other codes, including, without limitation, the Uniform Housing Code and the Uniform Code for the Abatement of Dangerous Buildings; and

WHEREAS, the California Building Standards Commission recently adopted the 2016 Edition of the California Building Standards Code; and

WHEREAS, California Health and Safety Code Sections 17958.7 and 18941.5 authorize cities to adopt the California Building Standards Code with modifications that are determined to be a reasonably necessary because of local climatic, geological, or topographical conditions; and

WHEREAS, prior to making modifications permitted under California Health and Safety Code Sections 17958.7 and 18941.5, the City Council is required to make express findings that such modifications are needed in accordance with California Health and Safety Code Sections 17958.7; and

WHEREAS, the City desires to adopt the California Building Standards Code with the necessary amendments to assure it is tailored to the particular safety needs of the City as required by its unique climatic, geological, and topographical conditions; and

WHEREAS, the City held a public hearing on November 1, 2016, at which time all interested persons had the opportunity to appear and be heard on the matter of adopting the Codes as amended herein; and

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

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

SECTION 1. Findings. The City Council hereby finds that the proposed amendments to Section 113.4 is necessary for administrative or procedural clarification and to establish administrative standards for the effective enforcement of the building standards of the City of Ontario and does not modify a building standard pursuant to California Health & Safety Code Section 17958, 17958.7, and/or 18941.5.

SECTION 2. Chapter 1 of Title 8 of the Ontario Municipal Code is amended in its entirety to read as follows:

Chapter 1 – Building Code

Section 8-1.01. Adoption of the Building Code

The 2016 Edition of the California Building Code, which incorporates and amends the 2015 Edition of the International Building Code, as published by the International Code Council, subject to the amendments set forth in this chapter, is hereby adopted by reference and made a part of this chapter as if fully set forth at length herein. One (1) copy of said code is on file in the office of the City Clerk for public review.

Section 8-1.02. Amendment: Section 113.4

Section 113.4 is added to the California Building Code to read as follows:

113.4 Ontario Building Appeals Board. The City Manager shall recommend to the City Council five (5) individuals desirous to serve on the Building Appeals Board who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the City. Each Board Member's term on the Building Appeals Board shall remain indefinite unless the Board Member resigns, or the City Council wishes to designate a new Board Member in its discretion. Should any Board Member be unable to continue serving on the Building Appeals Board, he or she shall submit a written resignation to the City Manager as soon as possible. The City Manager shall, in turn, present a recommended replacement to the City Council for appointment.

SECTION 3. Chapter 2 of Title 8 of the Ontario Municipal Code is amended in its entirety to read as follows:

Chapter 2 – Mechanical Code

Section 8-2.01. Adoption of the Mechanical Code

The 2016 Edition of the California Mechanical Code, which incorporates and amends the 2015 Edition of the Uniform Mechanical Code, as published by the International Association of Plumbing and Mechanical Officials, is hereby adopted by reference and made a part of this chapter as if fully set forth at length herein. One (1) copy of said code is on file in the office of the City Clerk for public review.

SECTION 4. Chapter 3 of Title 8 of the Ontario Municipal Code is amended in its entirety to read as follows:

Chapter 3 – Housing Code

Section 8-3.01. Adoption of Housing Code

The 1997 Edition of the Uniform Housing Code, as published by the International Conference of Building Officials, one (1) copy of which is on file for public review in the office of the City Clerk, is hereby adopted by reference and made a part of this chapter as if fully set forth at length herein.

SECTION 5. Chapter 4 of Title 8 of the Ontario Municipal Code is amended in its entirety to read as follows:

Chapter 4 – Electrical Code

Section 8-4.01. Adoption of the Electrical Code

The 2016 Edition of the California Electrical Code, which incorporates and amends the 2014 Edition of the National Electrical Code, as published by the National Fire Protection Association, is hereby adopted by reference and made a part of this chapter as if fully set forth at length herein. One (1) copy of said code is on file in the office of the City Clerk for public review.

SECTION 6. Chapter 5 of Title 8 of the Ontario Municipal Code is hereby amended in its entirety to read as follows:

Chapter 5 – Residential Code

Section 8-5.01. Adoption of the Residential Code

The 2016 Edition of the California Residential Code, which incorporates and amends the 2015 Edition of the International Residential Code, as published by the International Code Council, is hereby adopted by reference and made a part of this chapter as if fully set forth at length herein. One (1) copy of said code is on file in the office of the City Clerk for public review.

SECTION 7. Chapter 6 of Title 8 of the Ontario Municipal Code is amended in its entirety to read as follows:

Chapter 6 – General Provisions

Section 8-6.01. Fees

Fees for any permit, license or other approval issued pursuant to any of the codes adopted by this title shall be as set forth by resolution of the City Council.

Section 8-6.02. Violations

Violations of any provision of any of the codes adopted by this title shall subject the violator to any or all of the penalties provided in this code or applicable law.

SECTION 8. Chapter 7 of Title 8 of the Ontario Municipal Code is hereby amended in its entirety to read as follows:

Chapter 7 – Plumbing Code

Section 8-7.01. Adoption of the Plumbing Code

The 2016 Edition of the California Plumbing Code, which incorporates and amends the 2015 Uniform Plumbing Code, as published by the International Association of Plumbing & Mechanical Officials, is hereby adopted by reference and made a part of this chapter as if fully set forth at length herein. One (1) copy of said code is on file in the office of the City Clerk for public review.

SECTION 9. Chapter 11 of Title 8 of the Ontario Municipal Code is hereby amended in its entirety to read as follows:

Chapter 11 – Dangerous Building Code

Section 8-11.01. Adoption of Uniform Code for the Abatement of Dangerous Buildings

The 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings, as published by the International Conference of Building Officials, is hereby adopted by reference and made a part of this chapter as if fully set forth at length herein. One (1) copy of said code is on file in the office of the City Clerk for public review.

SECTION 10. Chapter 12 of Title 8 of the Ontario Municipal Code is hereby amended in its entirety to read as follows:

Chapter 12 – California Green Building Standards Code

Section 8-12.01. Adoption of California Green Building Standards Code

The 2016 Edition of the California Green Buildings Standards Code is hereby adopted by reference and made a part of this chapter as if fully set forth as length herein. One (1) copy of said code is on file in the office of the City Clerk for public review.

SECTION 11. Repeal of Conflicting Ordinances. Ordinance No. 2977, all former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance, as adopted and amended herein, are hereby repealed.

SECTION 12. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

SECTION 13. CEQA. The City Council finds that the changes made to the California Building Code and the International Building Code are enacted to mitigate threats to public peace, health and safety from earthquakes, high winds and fire. Moreover, the amendments are substantially similar to those provisions previously enacted and contained in the current version of the City's Building Code. Therefore, it can be seen with certainty that the adoption of this Ordinance will not have a significant adverse effect on the environment and is therefore exempt from the California Environmental Quality Act (CEQA) pursuant to section 15061(b)(3) of the CEQA Guidelines. Staff is directed to file a Notice of Exemption within five (5) days of the adopting of this Ordinance.

SECTION 14. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

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

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. _____ was duly introduced at a regular meeting of the City Council of the City of Ontario held November 1, 2016 and adopted at the regular meeting held _____, 2016 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

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

SHEILA MAUTZ, CITY CLERK

(SEAL)