

**CITY OF ONTARIO
CITY COUNCIL AND HOUSING AUTHORITY
AGENDA
FEBRUARY 19, 2013**

Paul S. Leon
Mayor

Jim W. Bowman
Mayor pro Tem

Alan D. Wapner
Council Member

Debra Dorst-Porada
Council Member

Paul Vincent Avila
Council Member



Chris Hughes
City Manager

John E. Brown
City Attorney

Mary E. Wirtes, MMC
City Clerk

James R. Milhiser
Treasurer

WELCOME to a meeting of the Ontario City Council.

- All documents for public review are on file with the Records Management/City Clerk's Department located at 303 East B Street, Ontario, CA 91764.
- Anyone wishing to speak during public comment or on a particular item will be required to fill out a blue slip. Blue slips must be turned in prior to public comment beginning or before an agenda item is taken up. The Clerk will not accept blue slips after that time.
- Comments will be limited to 3 minutes. Speakers will be alerted when they have 1 minute remaining and when their time is up. Speakers are then to return to their seats and no further comments will be permitted.
- In accordance with State Law, remarks during public comment are to be limited to subjects within Council's jurisdiction. Remarks on other agenda items will be limited to those items.
- Remarks from those seated or standing in the back of chambers will not be permitted. All those wishing to speak including Council and Staff need to be recognized by the Chair before speaking.

ORDER OF BUSINESS: The regular City Council and Housing Authority meeting begins with Closed Session and Closed Session Comment at 6:00 p.m., Public Comment at 6:30 p.m. immediately followed by the Regular Meeting and Public Hearings. No agenda item will be introduced for consideration after 10:00 p.m. except by majority vote of the City Council.

(EQUIPMENT FOR THE HEARING IMPAIRED AVAILABLE IN THE RECORDS MANAGEMENT OFFICE)

CALL TO ORDER (*OPEN SESSION*)

6:00 p.m.

ROLL CALL

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

CLOSED SESSION PUBLIC COMMENT The Closed Session Public Comment portion of the Council/Housing Authority meeting is limited to a maximum of 3 minutes for each speaker and comments will be limited to matters appearing on the Closed Session. Additional opportunities for further Public Comment will be given during and at the end of the meeting.

CLOSED SESSION

- GC 54956.9 (b), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION:
One (1) or more cases: City of Los Angeles/Los Angeles World Airports (LAWA).

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

PLEDGE OF ALLEGIANCE

Mayor pro Tem Bowman

INVOCATION

Brother Donald Sanders, Calvary Apostolic Tabernacle

REPORT ON CLOSED SESSION

City Attorney

PUBLIC COMMENTS

6:30 p.m.

The Public Comment portion of the Council/Housing Authority meeting is limited to 30 minutes with each speaker given a maximum of 3 minutes. An opportunity for further Public Comment may be given at the end of the meeting. Under provisions of the Brown Act, Council is prohibited from taking action on oral requests.

As previously noted -- if you wish to address the Council, fill out one of the blue slips at the rear of the chambers and give it to the City Clerk.

AGENDA REVIEW/ANNOUNCEMENTS: The City Manager will go over all updated materials and correspondence received after the agenda was distributed to ensure Council Members have received them. He will also make any necessary recommendations regarding Agenda modifications or announcements regarding Agenda items to be considered.

CONSENT CALENDAR

All matters listed under CONSENT CALENDAR will be enacted by one motion in the form listed below – there will be no separate discussion on these items prior to the time Council votes on them, unless a member of the Council requests a specific item be removed from the Consent Calendar for a separate vote.

Each member of the public wishing to address the City Council on items listed on the Consent Calendar will be given a total of 3 minutes.

1. APPROVAL OF MINUTES

Minutes for the regular meeting of the City Council and Housing Authority of January 15, 2013, and approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

Bills January 13, 2013 through January 26, 2013 and **Payroll** January 13, 2013 through January 26, 2013, when audited by the Finance Committee.

3. ADOPTION OF RESOLUTIONS APPROVING A MEDICAL EXPENSE REIMBURSEMENT PLAN AND AN AMENDED AND RESTATED IRS SECTION 125 FLEXIBLE BENEFITS PLAN FOR CITY EMPLOYEES; AND AN AMENDMENT TO THE CONTRACT WITH BENEFITS COORDINATORS CORPORATION FOR BENEFITS ADMINISTRATION

That the City Council:

- (A) Adopt a resolution approving a Medical Expense Reimbursement Plan for covered City retirees;
- (B) Adopt a resolution approving an Amended and Restated IRS Section 125 Flexible Benefits Plan for all City employees; and
- (C) Authorize the City Manager to: execute an updated and amended contract (on file with the Records Management Department) with Benefit Coordinators Corporation, of Pittsburgh, Pennsylvania, for benefits administration; and execute trust and/or other documents necessary to further implement the retiree medical provisions of the existing public safety memoranda of understanding.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A MEDICAL EXPENSE REIMBURSEMENT PLAN FOR ELIGIBLE CITY RETIREES.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, RESCINDING RESOLUTION NOS. 88-33 AND 2004-144 AND APPROVING AN AMENDED AND RESTATED IRS SECTION 125 FLEXIBLE BENEFITS PLAN FOR CITY EMPLOYEES.

4. A RESOLUTION REQUESTING CONSENT OF THE CITY OF RANCHO CUCAMONGA TO PARTICIPATE IN THE CREATION OF THE GREATER ONTARIO TOURISM MARKETING DISTRICT

That the City Council adopt a resolution requesting the consent of the City of Rancho Cucamonga to participate in the formation of the Greater Ontario Tourism Marketing District.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, REQUESTING CONSENT OF THE CITY OF RANCHO CUCAMONGA TO CREATE THE GREATER ONTARIO TOURISM MARKETING DISTRICT.

5. A RESOLUTION ADOPTING THE CURRENT SANTA ANA WATERSHED PROJECT AUTHORITY "ONE WATER ONE WATERSHED" INTEGRATED REGIONAL WATER MANAGEMENT PLAN

That the City Council adopt a resolution approving the current Santa Ana Watershed Project Authority "One Water One Watershed" Integrated Regional Water Management Plan as a mandatory condition of receiving grant funding for the Francis Street Storm Drain and Ely Basin Flood Control and Aquifer Recharge Project.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING THE CURRENT SANTA ANA WATERSHED PROJECT AUTHORITY "ONE WATER ONE WATERSHED" INTEGRATED REGIONAL WATER MANAGEMENT PLAN.

6. FISCAL YEAR 2012-13 MID-YEAR BUDGET REPORT

That the City Council approve the budget adjustments and recommendations as listed in the Fiscal Year 2012-13 Mid-Year Budget Report.

7. AN ORDINANCE AMENDING THE DEVELOPMENT AGREEMENT BETWEEN FORESTAR COUNTRYSIDE LLC., AND THE CITY OF ONTARIO TO INCLUDE THE CONSTRUCTION OF UP TO 39 RESIDENTIAL UNITS AND REQUIRED INFRASTRUCTURE ON 8.77 ACRES OF LAND WITHIN NEIGHBORHOOD 3 (RD-5,000) OF THE COUNTRYSIDE SPECIFIC PLAN, AND AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE A DEVELOPMENT IMPACT FEE CREDIT AND REIMBURSEMENT AGREEMENT

That the City Council adopt an ordinance approving an amendment (File No. PDA12-001) to the Development Agreement between Forestar Countryside, LLC, and the City of Ontario regarding the development of 39 residential units on 8.77 acres within the Countryside Specific Plan, generally located north of Chino Avenue, south of Riverside Drive, and west of Archibald Avenue (APN: 218-111-52); and authorize the City Manager to execute a Development Impact Fee Credit and Reimbursement Agreement for the construction of public infrastructure.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND FORESTAR COUNTRYSIDE, LLC. FILE NO. PDA12-001, TO INCLUDE THE DEVELOPMENT OF UP TO 39 RESIDENTIAL UNITS ON 8.77 ACRES WITHIN NEIGHBORHOOD 3 (RD-5,000) OF THE COUNTRYSIDE SPECIFIC PLAN, OF THE NEW MODEL COLONY, GENERALLY LOCATED NORTH OF CHINO AVENUE, SOUTH OF RIVERSIDE DRIVE, EAST OF THE CUCAMONGA CHANNEL, AND WEST OF ARCHIBALD AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF (APN: 0218-111-52).

8. RESOLUTIONS APPROVING TIME EXTENSIONS FOR TENTATIVE TRACT MAP NOS. 17749 (FILE NO. PMTT06-003), 17932 (FILE NO. PMTT06-004), 17933 (FILE NO. PMTT06-005), 17931 (FILE NO. PMTT06-007), 17935 (FILE NO. PMTT06-013), 17936 (FILE NO. PMTT06-014), AND 18380 (FILE NO. PMTT06-056)

That the City Council adopt resolutions approving a five-year time extension for:

- (A) Tentative Tract Map 17749 (File No. PMTT06-003) to subdivided 63.8 acres of land into 4 numbered lots and 5 lettered within the proposed Esperanza Specific Plan, located at the northwest corner of Milliken Avenue and Bellegrave Avenue. (APN No. 0218-252-03)
- (B) Tentative Tract Map 17932 (File No. PMTT06-004) to subdivide 17.75 into 82 residential lots and 2 lettered lots within Planning Area 9 of Esperanza Specific Plan, located on the southeast corner of Mill Creek Avenue and Merrill Avenue. (APN No. 0218-252-04)
- (C) Tentative Tract Map 17933 (PMTT06-005) to subdivide 23.31 acres into 107 residential lots and 24 lettered lots, within Planning Area 9 of Esperanza Specific Plan, located on the northeast corner of Mill Creek Avenue and Bellegrave Avenue. (APN: 218-252-04, 05 (and portions of 01 & 03) and 218-332-01 & 02)
- (D) Tentative Tract Map 17931 (File No. PMTT06-007) to subdivide 19.92 acres into 100 residential lots and 3 lettered lots, within Planning Area 10 of Esperanza Specific Plan, located on the northeast corner of Mill Creek Avenue and Merrill Avenue. (APN: 218-252-04, 05 (and portions of 01 & 03) and 218-332-01 & 02)
- (E) Tentative Tract Map 17935 (PMTT06-013) to subdivide 13.6 acres into 78 numbered lots and 10 lettered lots, within the Esperanza Specific Plan, located at the northwest corner of Milliken Avenue and Bellegrave Avenue. (APN No. 0218-252-03, 04, and 0218-332-02, 04, and 05)
- (F) Tentative Tract Map 17936 (File No. PMTT06-014) to subdivide 14.32 acres into 76 numbered lots and one lettered lot, within the Esperanza Specific Plan, located at the northwest corner of Milliken Avenue and Bellegrave Avenue. (APN No. 0218-252-03, 04, and 05)
- (G) Tentative Tract Map 18380 (File No. PMTT06-056) to subdivide 73.76 acres of land into 7 lots within the draft Esperanza Specific Plan, located at the northeast corner of Mill Creek Avenue and Bellegrave Avenue. (APN No. 0218-252-05)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-003 (TT 17749), A REQUEST TO SUBDIVIDE 63.8 ACRES OF LAND INTO 4 NUMBERED LOTS AND 5 LETTERED LOTS WITHIN THE ESPERANZA SPECIFIC PLAN, LOCATED AT THE NORTHWEST CORNER OF MILLIKEN AVENUE AND BELLEGRAVE AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-252-03.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-004 (TT 17932), A REQUEST TO SUBDIVIDE 17.75 ACRES OF LAND INTO 82 NUMBERED LOTS AND 2 LETTERED LOTS WITHIN THE ESPERANZA SPECIFIC PLAN, LOCATED AT THE NORTHEAST CORNER OF MILL CREEK AVENUE AND BELLEGRAVE AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-252-04.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-005 (TT 17933), A REQUEST TO SUBDIVIDE 23.31 ACRES OF LAND INTO 107 NUMBERED LOTS AND 24 LETTERED LOTS WITHIN THE ESPERANZA SPECIFIC PLAN, LOCATED AT THE NORTHEAST CORNER OF MILL CREEK AVENUE AND BELLEGRAVE AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-252-04, 05 (AND PORTIONS OF 01 & 03) AND 218-332-01 & 02.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-007 (TT 17931), A REQUEST TO SUBDIVIDE 19.92 ACRES OF LAND INTO 100 NUMBERED LOTS AND 3 LETTERED LOTS WITHIN THE ESPERANZA SPECIFIC PLAN, LOCATED AT THE NORTHEAST CORNER OF MILL CREEK AVENUE AND MERRILL AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-252-04, 05 (AND PORTIONS OF 01 & 03) AND 218-332-01 & 02.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-013 (TT 17935), A REQUEST TO SUBDIVIDE 13.6 ACRES OF LAND INTO 78 NUMBERED LOTS AND 10 LETTERED LOTS WITHIN THE ESPERANZA SPECIFIC PLAN, LOCATED AT THE NORTHWEST CORNER OF MILLIKEN AVENUE AND BELLEGRAVE AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-252-03.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-014 (TT 17936), A REQUEST TO SUBDIVIDE 14.32 ACRES OF LAND INTO 76 NUMBERED LOTS AND ONE LETTERED LOT WITHIN THE ESPERANZA SPECIFIC PLAN, LOCATED AT THE NORTHWEST CORNER OF MILLIKEN AVENUE AND BELLEGRAVE AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-252-03.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-056 (TT 18380), A REQUEST TO SUBDIVIDE 73.76 ACRES OF LAND INTO 7 NUMBERED LOTS AND 9 LETTERED LOTS WITHIN THE ESPERANZA SPECIFIC PLAN, LOCATED AT THE NORTHEAST CORNER OF MILL CREEK AVENUE AND BELLEGRAVE AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-252-05.

9. A RESOLUTION APPROVING A TIME EXTENSION FOR TENTATIVE TRACT MAP 18419 (FILE NO. PMTT06-066)

That the City Council adopt a resolution approving a five-year time extension for Tentative Tract Map 18419 (File No. PMTT06-066), a request to subdivide 38.75 acres of land into 234 residential lots and 18 lettered lots within Planning Areas 6A and 6B of The Avenue Specific Plan, located along the east side of Turner Avenue, 255 feet north of Schaefer Avenue (APN: 0218-201-15).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-066 (TT 18419), A REQUEST TO SUBDIVIDE 38.75 ACRES OF LAND INTO 234 RESIDENTIAL LOTS AND 18 LETTERED LOTS WITHIN PLANNING AREAS 6A AND 6B OF THE AVENUE SPECIFIC PLAN, LOCATED AT THE SOUTHEAST CORNER OF ARCHIBALD AVENUE AND SCHAFFER AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF - APN: 218-201-15.

10. AN ORDINANCE APPROVING A ZONE CHANGE (FILE NO. PZC12-002) TO REZONE APPROXIMATELY 18,000 SQUARE FEET OF LAND FROM OPEN SPACE (OS) TO INDUSTRIAL PARK (M2), FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF THE ONTARIO SOCCER COMPLEX, LOCATED NORTH OF SR 60, BETWEEN VINEYARD AVENUE AND ARCHIBALD AVENUE, SOUTH OF PHILADELPHIA STREET

That the City Council adopt an ordinance approving a Mitigated Negative Declaration and the rezoning (File No. PZC12-002) of approximately 18,000 square feet of land from Open Space (OS) to Industrial Park (M2) for land located at the southeast corner of the Ontario Soccer Complex (APN # 0113-281-13).

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC12-002, A CHANGE IN THE ZONING DESIGNATION FROM OPEN SPACE (OS) TO INDUSTRIAL PARK (M2) ON APPROXIMATELY 18,000 SQUARE FEET OF LAND LOCATED WITHIN THE SOUTHEAST CORNER OF THE ONTARIO SOCCER COMPLEX LOCATED JUST NORTH OF SR 60 BETWEEN VINEYARD AVENUE AND ARCHIBALD AVENUE ON PHILADELPHIA STREET, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 113-281-13 (2200 EAST PHILADELPHIA STREET).

11. MANAGEMENT AGREEMENT FOR THE OPERATION OF WHISPERING LAKES GOLF COURSE AND A RESOLUTION MODIFYING GREENS AND OTHER FEES AT THE GOLF COURSE/DONOVAN BROTHERS GOLF, LLC

That the City Council:

- (A) Authorize the City Manager to execute a five-year Management Agreement (on file in the Records Management Department) with Donovan Brothers Golf, LLC of Chino Hills, California, for the management and operation of Whispering Lakes Golf Course with the option to extend the agreement for an additional five-year period;
- (B) Adopt a resolution rescinding Resolution 96-120 and approving a modification of greens and other golf course fees; and
- (C) Authorize the City Manager to adjust or amend greens fees rate structures and applicability guidelines; and approve future fee changes not to exceed one dollar (\$1) per category per year.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, RESCINDING RESOLUTION 96-120 AND ESTABLISHING FEES AND CHARGES AT WHISPERING LAKES GOLF COURSE.

12. A RESOLUTION APPROVING AN APPLICATION FOR THE FISCAL YEARS 2013-14 AND 2014-15 LOCAL GOVERNMENT WASTE TIRE AMNESTY GRANT PROGRAM FROM THE DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE)

That the City Council adopt a resolution approving the City's application for the Fiscal Years 2013-14 and 2014-15 Local Government Waste Tire Amnesty Grant Program pursuant to Section 42889(b)(5) of the Public Resources Code; and authorize the City Manager to execute said application.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A GRANT APPLICATION WITH THE DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY TIRE AMNESTY GRANT PROGRAM TO FUND OUTREACH AND FOUR WASTE TIRE EVENTS PURSUANT TO SECTION 42889(b)(5) OF THE PUBLIC RESOURCES CODE.

13. CONSTRUCTION CONTRACT FOR THE CUCAMONGA AVENUE SCREEN WALL IMPROVEMENT PROJECT/MDE GROUP, INC.

That the City Council approve the plans and specifications and award Contract No. UT1213-08 to MDE Group, Inc., of Riverside, California, for the Cucamonga Avenue Screen Wall Improvement project at the Ontario Municipal Service Center (OMSC) in the amount of \$189,690 plus a 15% contingency (\$28,454) for a total of \$218,144; authorize the City Manager to execute said contract (on file in the Records Management Department); and file the notice of completion at the conclusion of all construction activities.

ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

14. RESOLUTIONS MODIFYING RETIREE MEDICAL CONTRIBUTIONS FOR SAFETY EMPLOYEE GROUPS PURSUANT TO EXISTING LABOR AGREEMENTS AND THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT

That the City Council adopt resolutions modifying the retiree medical contributions for safety employee groups consistent with the terms and conditions of existing labor agreements and pursuant to the Public Employees' Medical and Hospital Care Act (PEMHCA).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FIXING THE EMPLOYER'S CONTRIBUTION UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FIXING THE EMPLOYER'S CONTRIBUTION UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FIXING THE EMPLOYER'S CONTRIBUTION UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FIXING THE EMPLOYER'S CONTRIBUTION UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT.

COUNCIL MATTERS

APPOINTMENTS TO THE MUSEUM OF HISTORY & ART BOARD OF TRUSTEES

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

STAFF MATTERS

City Manager Hughes

ADJOURNMENT

**CITY OF ONTARIO
CLOSED SESSION REPORT**
City Council / / Housing Authority / / (GC 54957.1)
February 19, 2013

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

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

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

- GC 54956.9, CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION:
One (1) or more cases: City of Los Angeles/Los Angeles World Airports (LAWA).

No Reportable Action	Continue	Approved
----------------------	----------	----------

/ /	/ /	/ /
-----	-----	-----

Disposition: _____

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

CITY OF ONTARIO

Agenda Report
February 19, 2013

SECTION:
CONSENT CALENDAR

SUBJECT: ADOPTION OF RESOLUTIONS APPROVING A MEDICAL EXPENSE REIMBURSEMENT PLAN AND AN AMENDED AND RESTATED IRS SECTION 125 FLEXIBLE BENEFITS PLAN FOR CITY EMPLOYEES; AND AN AMENDMENT TO THE CONTRACT WITH BENEFITS COORDINATORS CORPORATION FOR BENEFITS ADMINISTRATION

RECOMMENDATION: That the City Council:

- (A) Adopt a resolution approving a Medical Expense Reimbursement Plan for covered City retirees;
- (B) Adopt a resolution approving an Amended and Restated IRS Section 125 Flexible Benefits Plan for all City employees; and
- (C) Authorize the City Manager to: execute an updated and amended contract (on file with the Records Management Department) with Benefit Coordinators Corporation, of Pittsburgh, Pennsylvania, for benefits administration; and execute trust and/or other documents necessary to further implement the retiree medical provisions of the existing public safety memoranda of understanding.

COUNCIL GOALS: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Maintain the Current High Level of Public Safety
Operate in a Businesslike Manner

FISCAL IMPACT: Terms and conditions of the existing public safety memoranda of understanding (MOUs) include the establishment of a Medical Expense Reimbursement Plan for covered retirees, the cost of which was included in the overall fiscal impact of ratifying the MOUs. Additionally, the City must approve an Amended and Restated IRS Section 125 Flexible Benefits Plan. There is no direct fiscal impact to the City associated with the adoption of either plan. The plans allow the City to make qualified employee benefit reimbursements or payroll deductions on a pre-tax basis. The estimated cost of the contract amendment with Benefits Coordinators Corporation (BCC) to administer the retiree portion is less than \$2,500 for the remainder of Fiscal Year 2012-13, which is included in the current

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

Prepared by: Linda Matthews
Department: Human Resources
City Manager Approval: 

Submitted to Council/O.H.A. 02/19/2013
Approved: _____
Continued to: _____
Denied: _____

3

operating budget. The agreement with BCC is for three years with an option to extend for up to two additional years.

BACKGROUND: The MOUs with the Ontario Police Officers Association (OPOA), Ontario Police Management Group (OPMG), Ontario Firefighters Association (FFA), and Ontario Fire Management Group (FMG), approved by the City Council on May 1, 2012, include a second tier of retiree medical benefits for employees hired on or after July 1, 2012, resulting in long-term cost savings for the City. The impact of the change will begin when employees hired on or after July 1, 2012 ultimately retire and start receiving the modified retiree medical contribution as compared to current employees. The recommended actions are related to the implementation of a two-tier retiree medical benefits program for the safety bargaining units.

The first action is the adoption of a Medical Expense Reimbursement Plan for City retirees and eligible dependents. This plan is adopted pursuant to Internal Revenue Code Sections 105 and 106 and will allow the City to reimburse eligible retirees for qualified retiree health and medical expenses on a pre-tax basis. The second related action is the adoption of an Amended and Restated IRS Section 125 Flexible Benefits Plan for City employees and eligible dependents. The City is required to have a plan that is compliant with IRS Section 125 in order to contribute different amounts toward medical premiums for active and retired employees. The plan allows employees to pay for qualified health expenses on a pre-tax basis. This includes medical, dental, vision premiums as well as the City's flexible spending and dependent care accounts. The plan was originally adopted by the City Council in March 1988 and last amended in December 2004. The purpose for this plan amendment is to incorporate changes in federal regulations, including those mandated by the Affordable Care Act which was enacted in 2010.

The third action includes the approval and execution of an updated and amended contract with BCC to administer certain portions of the City's benefits programs. BCC has provided third-party administration to the City for various employee benefits since 2008. This contract amendment establishes billing rates for the next three years, and includes an option to extend for up to two additional years, for continued administration of dental, vision, flexible spending accounts, and the Consolidated Omnibus Budget Reconciliation Act (COBRA). In addition, the contract includes new services for directly reimbursing retirees hired on or before July 1, 2012 for the difference between the minimum employer contribution the City pays to the California Public Employees' Retirement System (CalPERS) and the City's contractual obligation for retiree medical benefits.

Approval of this item also gives the City Manager authority to execute related agreements and/or documents which may be necessary to implement the retiree medical expense terms. A key component to the tiering of retiree medical benefits for public safety groups is a monthly contribution during active employment into a health reimbursement account for employees hired on or after July 1, 2012. Since this contribution is intended to assist with medical costs during retirement, it was agreed that each public safety employee group will be allowed to determine the appropriate retiree medical trust and, if applicable, be allowed to assume full responsibility and authority for administering such trusts. OPOA has researched available trusts and has determined that the PORAC Retiree Medical Trust, a joint trust available to PORAC member Associations with pooled contributions from multiple agencies, best meets the needs of their members. In accordance with MOU provisions, the City will make contributions to the trust on behalf of OPOA employees. To do so, the City must acknowledge the OPOA's participation in the trust. The acknowledgment agreement also relieves the City from liability of any debts of the trust. The other public safety groups are continuing their research of potential retiree medical trusts appropriate for their members and will present any required agreements or documents to the City Manager at a later date.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A MEDICAL EXPENSE REIMBURSEMENT PLAN FOR ELIGIBLE CITY RETIREES.

WHEREAS, the City desires to implement a medical expense reimbursement program for eligible retirees and qualified dependents; and

WHEREAS, a Medical Expense Reimbursement Plan allows the City to reimburse eligible participants for qualified health and medical expenses on a pre-tax basis; and

WHEREAS, City staff has contracted with a Third Party Administrator to administer provisions of the Plan.

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

SECTION 1. That the City of Ontario Medical Expense Reimbursement Plan, included as Exhibit A, is hereby approved and adopted; and

SECTION 2. That the Medical Expense Reimbursement Plan shall be effective upon adoption of this Resolution; and

SECTION 3. Signature and Attestation. The Mayor of the City shall sign this Resolution and the City Clerk shall attest and certify to the passage and adoption thereof.

PASSED, APPROVED, AND ADOPTED this 19th day of February 2013.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2013- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held February 19, 2013 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2013- duly passed and adopted by the Ontario City Council at their regular meeting held February 19, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, RESCINDING RESOLUTION NOS. 88-33 AND 2004-144 AND APPROVING AN AMENDED AND RESTATED IRS SECTION 125 FLEXIBLE BENEFITS PLAN FOR CITY EMPLOYEES.

WHEREAS, the City Council previously adopted Resolution No. 88-33 which provided a Flexible Benefits Plan for City employees; and

WHEREAS, the City Council previously adopted Resolution No. 2004-144 which amended and restated the Flexible Benefits Plan for City employees; and

WHEREAS, State and Federal regulations have changed since 2004; and

WHEREAS, an updated IRS Section 125 Plan has been prepared to continue to allow for employees to pay for qualified medical expenses on a pre-tax basis; and

WHEREAS, City staff has contracted with a Third Party Administrator to administer provisions of the Plan.

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

SECTION 1. That Resolution No. 88-33, adopted on March 15, 1988, and Resolution No. 2004-144, adopted December 21, 2004, are hereby rescinded in their entirety.

SECTION 2. That the City of Ontario Flexible Benefits Plan, included as Exhibit A, is hereby approved and adopted; and

SECTION 3. That the Amendment and Restated Plan shall be effective upon adoption of this Resolution; and

SECTION 4. Signature and Attestation. The Mayor of the City shall sign this Resolution and the City Clerk shall attest and certify to the passage and adoption thereof.

PASSED, APPROVED, AND ADOPTED this 19th day of February 2013.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2013- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held February 19, 2013 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2013- duly passed and adopted by the Ontario City Council at their regular meeting held February 19, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
February 19, 2013

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION REQUESTING CONSENT OF THE CITY OF RANCHO CUCAMONGA TO PARTICIPATE IN THE CREATION OF THE GREATER ONTARIO TOURISM MARKETING DISTRICT

RECOMMENDATION: That the City Council adopt a resolution requesting the consent of the City of Rancho Cucamonga to participate in the formation of the Greater Ontario Tourism Marketing District.

COUNCIL GOALS: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Pursue City's Goals and Objectives by Working with Other Governmental Agencies

FISCAL IMPACT: None. The granting of consent for participation by the City of Rancho Cucamonga does not commit either city or any of their respective tourism-related businesses to any expenditure of funds. This action merely permits the inclusion of Rancho Cucamonga into the jurisdictional boundaries of any district that may be formed by future actions.

BACKGROUND: The City of Ontario is uniquely located at the intersection of three major freeways, passenger and freight railroad routes, and serves as the home of the Ontario International Airport. Capitalizing on the City's geographic assets, Ontario's tourism is bolstered by entertainment and public gathering facilities such as the Ontario Mills Mall, the Citizens Business Bank Arena, and the Ontario Convention Center. Supporting the tourism sector of the local economy are a number of lodging businesses.

Certain tourism-related business owners, primarily those providing lodging services, have requested that the City consider the creation of a tourism marketing district under the Property and Business Improvement District Law of 1994. As envisioned, the Greater Ontario Tourism Marketing District

STAFF MEMBER PRESENTING: Chris Hughes, City Manager
Michael Krouse, President & CEO - OCVB

Prepared by: Al Boling
Department: Citywide Administration

City Manager Approval: 

Submitted to Council/O.H.A. 02/19/2013
Approved: _____
Continued to: _____
Denied: _____

4

("GOTMD") would encompass the area included as the city limits of Ontario and also Rancho Cucamonga. A location map is provided for reference as Exhibit A of the resolution.

Since both cities lie within the boundaries of the proposed district and both cities will benefit from the improvements and activities of the GOTMD, a single comprehensive organization is recommended. The Property and Business Improvement District Law of 1994 requires Ontario, as the lead agency, obtain the consent of Rancho Cucamonga's City Council to include portions of that jurisdiction as the necessary proceedings to form the GOTMD begin.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, REQUESTING CONSENT OF THE CITY OF RANCHO CUCAMONGA TO CREATE THE GREATER ONTARIO TOURISM MARKETING DISTRICT.

WHEREAS, the City Council of the City of Ontario desires to begin proceedings to form the Greater Ontario Tourism Marketing District ("GOTMD"); and

WHEREAS, certain tourism business owners have requested that the City Council (the "Council") of the City of Ontario (the "City") create the GOTMD; and

WHEREAS, a portion of the territory proposed to be included in the GOTMD lies within the boundaries of the City of Rancho Cucamonga ("Rancho Cucamonga"), as shown on the map attached hereto as "Exhibit A" and incorporated herein by such attachment; and

WHEREAS, the area of Rancho Cucamonga which lies within the boundaries of the proposed GOTMD will, in the opinion of the City Council of the City of Ontario, be benefited by the improvements and activities, and the purpose sought to be accomplished by the work can best be accomplished by a single comprehensive scheme of work.

NOW, THEREFORE, be it resolved by the City Council of the City of Ontario that:

SECTION 1. The above recitals are true and correct.

SECTION 2. Consent of the City of Rancho Cucamonga, through its City Council, is hereby requested to create the GOTMD, and to grant to the City Council of Ontario jurisdiction for all the purposes in connection with creation and operation of the proposed GOTMD.

SECTION 3. The City Clerk is hereby directed to transmit a certified copy of this resolution to the City Clerk of the City of Rancho Cucamonga.

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

PASSED, APPROVED, AND ADOPTED this 19th day of February 2013.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO LEGAL FORM:

CIVITAS ADVISORS
SPECIAL COUNSEL

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

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2013- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held February 19, 2013 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

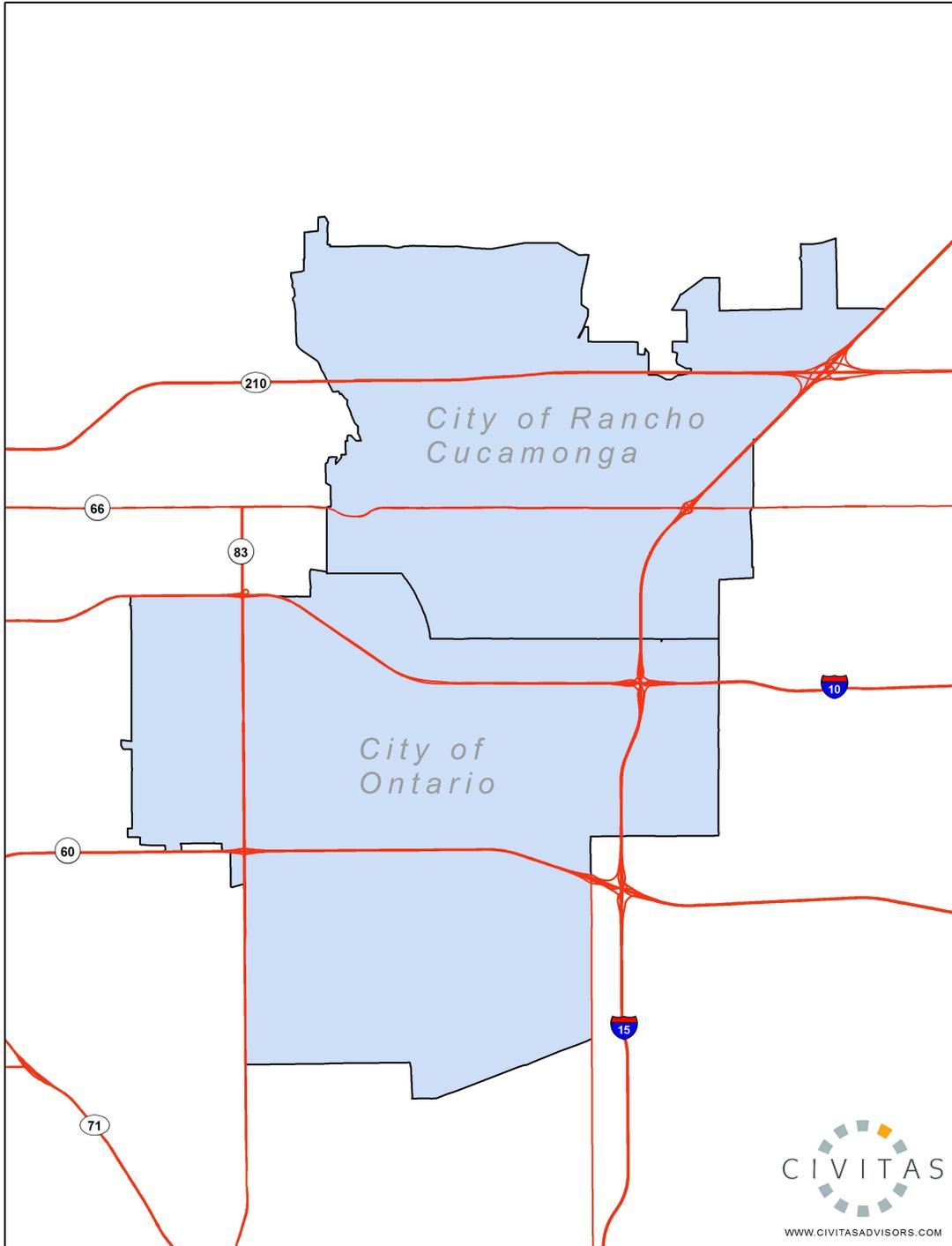
(SEAL)

The foregoing is the original of Resolution No. 2013- duly passed and adopted by the Ontario City Council at their regular meeting held February 19, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

**EXHIBIT A
DISTRICT BOUNDARY MAP**



CITY OF ONTARIO

Agenda Report
February 19, 2013

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION ADOPTING THE CURRENT SANTA ANA WATERSHED PROJECT AUTHORITY "ONE WATER ONE WATERSHED" INTEGRATED REGIONAL WATER MANAGEMENT PLAN

RECOMMENDATION: That the City Council adopt a resolution approving the current Santa Ana Watershed Project Authority "One Water One Watershed" Integrated Regional Water Management Plan as a mandatory condition of receiving grant funding for the Francis Street Storm Drain and Ely Basin Flood Control and Aquifer Recharge Project.

COUNCIL GOALS: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: None.

BACKGROUND: On January 15, 2013 City Council approved a resolution authorizing the filing of an Application for the Stormwater Management Grant Program funded by Proposition 1E for the Francis Street Storm Drain and Ely Basin Flood Control and Aquifer Recharge Project.

As part of the application requirements, the City must adopt by resolution the Santa Ana Watershed Integrated Regional Water Management Plan, commonly referred to as the "One Water One Watershed" (OWOW) Plan. The OWOW is a new and innovative Integrated Regional Water Management Plan (IRWMP) planning process being developed within the Santa Ana Watershed. The State of California requires local agencies to adopt the IRWMP, and the specific project must be listed in the plan, to be eligible for state grant funding such as the Proposition 1E and 84 programs which the City is applying for.

This master planned priority drainage project will improve flood protection and enhance water conservation and water quality through ground water recharge. Flooding along Francis Street and the

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

Prepared by: Cindy Hackett, P.E.
Department: Engineering

City Manager Approval: 

Submitted to Council/O.H.A. 02/19/2013

Approved: _____

Continued to: _____

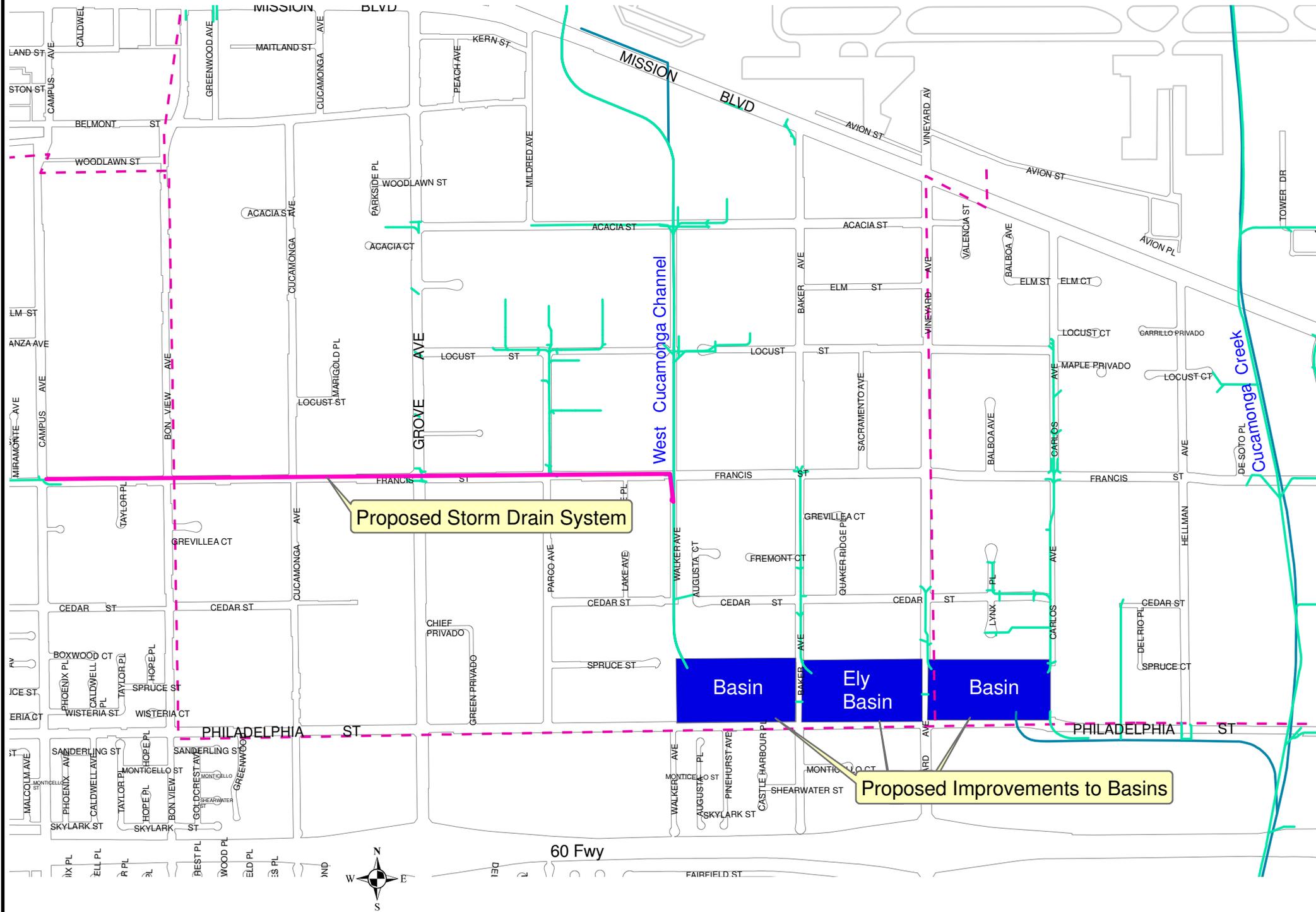
Denied: _____

5

intersection of Grove Avenue and Francis Street has occurred during moderate flood events for decades. Conveyance facilities will be constructed along Francis Street from Campus Avenue to the West Cucamonga Channel. The Channel will then convey the runoff, currently lost to the region, to the Ely Basins (see Exhibit "A" for a location map). Rather than continuing to allow this valuable water resource to simply be conveyed downstream, the City will incorporate improvements to the Ely Basins to conserve more water resources for the benefit of the region by deepening all three basins and creating more storage volume.

EXHIBIT "A"

Francis Street Storm Drain and Ely Basin Flood Control and Aquifer Recharge Project



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING THE CURRENT SANTA ANA WATERSHED PROJECT AUTHORITY "ONE WATER ONE WATERSHED" INTEGRATED REGIONAL WATER MANAGEMENT PLAN.

WHEREAS, Santa Ana Watershed Project Authority (SAWPA) has completed and adopted the "One Water One Watershed" (OWOW) Integrated Regional Water Management (IRWM) Plan dated November 16, 2010. The plan includes a list of regional project and the proponents; and

WHEREAS, the State of California requires local agencies adopt the IRWM Plan and the specific project be listed in the Plan to be eligible for state grant funding including Proposition 1E and 84 programs; and

WHEREAS, on October 1, 2012, the City of Ontario submitted a project proposal for the Francis Street Storm Drain and Ely Basin Flood Control and Aquifer Recharge Project under the Santa Ana Watershed Project Authority (SAWPA) "One Water One Watershed" (OWOW) Integrated Regional Water Management (IRWM) Plan for grant funding made available through the California Department of Water Resources' (DWR) Proposition 84, IRWM Program. As such, the City's project would be considered for inclusion in the OWOW regional project list; and

WHEREAS, on December 18, 2012, the SAWPA Board of Commissioners approved a list of projects that includes the City of Ontario's Francis Street Storm Drain and Ely Basin Flood Control and Aquifer Recharge Project for both inclusion to its OWOW regional project list and for funding. The Commission further authorized SAWPA to carry out the intent of the OWOW IRWM Plan including preparing application to the state to receive Proposition 84, IRWM Round 2 funding for the selected list of projects to receive said funding; and

WHEREAS, the City, independently and collaboratively, is preparing and submitting applications to the state for both Proposition 1E (independently) and 84 (collaboratively) program funding considerations.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Ontario does hereby acknowledge the OWOW IRWM Plan, and as a required condition of the receiving grant funding, adopts the current SAWPA OWOW IRWM Plan and the amended project list as of this date.

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

PASSED, APPROVED, AND ADOPTED this 19th day of February 2013.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2013- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held February 19, 2013 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2013- duly passed and adopted by the Ontario City Council at their regular meeting held February 19, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
February 19, 2013

SECTION:
CONSENT CALENDAR

SUBJECT: FISCAL YEAR 2012-13 MID-YEAR BUDGET REPORT

RECOMMENDATION: That the City Council approve the budget adjustments and recommendations as listed in the Fiscal Year 2012-13 Mid-Year Budget Report.

**COUNCIL GOALS: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Operate in a Businesslike Manner**

FISCAL IMPACT: The recommended actions will affect several fund budgets as outlined in the FY 2012-13 Mid-Year Budget Report and supporting schedules.

BACKGROUND: This is the second interim budget report for Fiscal Year 2012-13 which reflects the Administrative Services Agency's continued efforts to provide timely, accurate, and understandable financial information to assist the City Council with decision making and achieve their core goals. All funds have been reviewed in preparing this report. The emphasis of this report is on the General Fund, which funds most of the government services such as public safety, recreation, library, museum, parks, building, and planning. This report also discusses prior budget trends and the economic outlook that may impact the City's resources.

The primary purposes of this report are to:

- Revise the City's budget to reflect the City Council's actions taken since the First Quarter Budget Report;
- Recommend personnel and organizational changes to enhance program operations and efficiency;
- Recommend budget changes to align the budget with projected year-end results;
- Recommend budget adjustments that are consistent with City Council goals and objectives; and
- Comment on significant budget trends which may impact next fiscal year's budget development.

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

Prepared by: Doreen M. Nunes
Department: Fiscal Services Director

City Manager
Approval: 

Submitted to Council/O.H.A. 02/19/2013
Approved: _____
Continued to: _____
Denied: _____

6

Mid-Year Budget Recommendations

Mid-Year Budget recommendations are routine in nature and mainly comprised of previously approved City Council actions, adjustments in the revenue budget to reflect estimates based on current trends, and additional appropriations for new or ongoing programs/projects. For the General Fund, the proposed actions will reduce the estimated structural deficit by approximately \$3.4 million. As a result, the deficit for Fiscal Year 2012-13 is projected to decline from approximately \$5.9 million to approximately \$2.5 million.

Major budgetary items reflected in the Mid-Year include: \$2,750,000 to reflect growth in Sales Tax revenues; \$500,000 to account for increases in Development Related revenues; \$300,000 increase in Transient Occupancy Tax revenue; and \$200,000 for sales tax consulting services. With the proposed budgetary items, the ending General Fund Balance will remain an estimated \$35.3 million or 21.9 percent of the General Fund operating budget.

Noteworthy budget adjustments in Other Funds include: \$3.9 million for a wellhead treatment system at Well No. 41, partially funded by a State grant; \$1.3 million for installation and related construction of traffic signals at Philadelphia Street and Cypress Avenue, and at various street crossings on Mission Boulevard, partially funded by a Federal grant; \$559,795 for various Police grants, previously approved; and \$401,200 for street widening on Mountain Avenue.

Quarterly budget reports also present recommendations for current personnel and organizational changes necessary to enhance program operations and efficiency. Current recommendations include organizational changes to the Police Department and Administrative Services Agency, which will result in a net zero position change and General Fund savings of \$3,059.

As a result of actions by the Federal Reserve to reduce short and long-term interest rates to historical lows, it is recommended that the City analyze opportunities to refinance existing obligations and review bond financing alternatives to fund construction of City facilities that may be required over the next several years. The combination of low interest rates and today's lower construction cost may result in substantial savings to the City. Moreover, to help reduce the federal budget deficit, the Federal government has discussed the potential elimination of tax-exempt status of municipal bonds. The cost of financing future City facilities will increase if the tax-exempt status is eliminated. Currently, tax-exempt bond financing is an eligible use for various City facilities, such as parks, community facilities, public safety facilities, infrastructure, and energy saving equipment.

Economic Outlook

The local economy is showing signs of improvements, with the unemployment rate continuing to decline, stronger gains reported in sales tax revenues, and growth in home prices. The unemployment rate for the City of Ontario continues to decline with a rate of 11.5 percent in December 2012 down from a rate of 12.7 percent reported a year ago. Sales Tax revenues for 3rd Quarter 2012 grew over 10 percent compared to a year ago. This gain is primarily attributed to higher consumer spending in new auto sales. Median home prices for the San Bernardino County area jumped to \$158,540 in December 2012. This significant increase of 23.4 percent over the prior year is attributed to lower mortgage rates and limited inventory.

Although the economy is improving, there are still concerns relating to the continued progress. As a result of the Federal government's actions, the social security tax cut ended and income taxes increased for high wage earners. In addition, the federal deficit and potential budget cuts remain outstanding. The Consumer Confidence Index (CCI) has begun to reflect this impact with a decline to 58.6 in

January 2013. For most of 2012, the index was in the 60s range. For context, in pre-recession 2007, this index registered as high as 110.

In addition, the declining passenger traffic at the Ontario International Airport is of utmost concern for the City. The Airport has lost over 40 percent of passenger traffic since 2005, which equates to a loss of approximately \$500 million dollars of regional economic impact and 9,300 local jobs. The transfer of Ontario Airport management decisions to local control is in the best interest for the region to regain its status as the economic engine for the Inland Empire and to ensure there is sufficient airport capacity in the long-term for Southern California.

The economy is showing some signs of a recovery. The continuation of this recovery will be dependent on the Federal government's ability to address the Federal budget deficit, increase jobs in the private sector and create higher wages.

CalPERS

The California Public Employees Retirement System (CalPERS) is considerably underfunded, primarily due to lower projected earning rates combined with significant investment losses incurred during the Great Recession. All of this has contributed to dramatic increases to the City's CalPERS contribution rates. CalPERS estimated rates for Safety Police, Safety Fire, and Miscellaneous Plans will increase to 35.6, 30.5, and 15.3 percent respectively by Fiscal Year 2017-18. These rates are dependent upon CalPERS earning a 7.5 percent return on their investments in the future.

Conclusion

In summary, while the City is experiencing improvement during the economic recovery, challenges still remain. The economy will slowly expand over the next couple of years due to a continued sluggish job market, expiration of the Federal stimulus program, increased taxes, the potential negative impact to the economy resulting from the Federal deficit, and the ongoing financial crisis in Europe.

Although the City is currently on schedule with its Five-Year Budget Action Plan, there remains a General Fund structural budget deficit. This deficit is lower than originally projected and is declining due to growth in sales tax and higher development revenues. However, it is still recommended that the City maintain its conservative fiscal approach with the budget and consider the need to take further actions in the future to reduce costs should economic growth slow or decline beyond current expectations.

The Adopted Operating Budget for FY 2012-13, as modified through the Mid-Year Budget Report, continues to reflect the City Council's commitment to foster steady, controlled growth and to provide the highest level of service to the community within the City's fiscal constraints. With the City Council's leadership and their prudent fiscal policies, the City's longer-term fiscal health will further solidify its standing as the economic leader in the Inland Empire, and a formidable player in California and the nation.

CITY OF ONTARIO

Agenda Report
February 19, 2013

SECTION:
CONSENT CALENDAR

SUBJECT: AN ORDINANCE AMENDING THE DEVELOPMENT AGREEMENT BETWEEN FORESTAR COUNTRYSIDE LLC., AND THE CITY OF ONTARIO TO INCLUDE THE CONSTRUCTION OF UP TO 39 RESIDENTIAL UNITS AND REQUIRED INFRASTRUCTURE ON 8.77 ACRES OF LAND WITHIN NEIGHBORHOOD 3 (RD-5,000) OF THE COUNTRYSIDE SPECIFIC PLAN, AND AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE A DEVELOPMENT IMPACT FEE CREDIT AND REIMBURSEMENT AGREEMENT

RECOMMENDATION: That the City Council adopt an ordinance approving an amendment (File No. PDA12-001) to the Development Agreement between Forestar Countryside, LLC, and the City of Ontario regarding the development of 39 residential units on 8.77 acres within the Countryside Specific Plan, generally located north of Chino Avenue, south of Riverside Drive, and west of Archibald Avenue (APN: 218-111-52); and authorize the City Manager to execute a Development Impact Fee Credit and Reimbursement Agreement for the construction of public infrastructure.

COUNCIL GOALS: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Invest in the Growth and Evolution of the City's Economy
Operate in a Businesslike Manner
Invest in the City's Infrastructure (Water, Streets, Sewer, 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: The proposed Development Agreement Amendment will provide funding from a community facilities district (CFD) for additional City services required to support the Countryside Specific Plan development, thereby mitigating the increased cost associated with such services. In addition, the City will receive Public Service Funding fees plus development impact, compliance processing, licensing, and permitting fees. No Original Model Colony revenue will be used to support

STAFF MEMBER PRESENTING: Jerry L. Blum, Planning Director

Prepared by: Scott Murphy
Department: Planning
City Manager Approval: 

Submitted to Council/O.H.A. 02/19/2013
Approved: _____
Continued to: _____
Denied: _____

7

the New Model Colony development. The Development Agreement and the related tract map conditions require the developer to construct public infrastructure with an estimated cost of \$6.1 million. The proposed DIF Credit and Reimbursement Agreement defines the amount of DIF Credit and DIF Reimbursement that the developer may be eligible to receive when the infrastructure is completed. The DIF Reimbursement cap is based on the program costs of infrastructure and is estimated at \$3.5 million. DIF Credit may be used in-lieu of the payment of Development Impact Fees, and DIF Reimbursement is available when other developers that benefit from the construction of the infrastructure pay their respective DIF.

BACKGROUND: At the meeting of February 5, 2013, the City Council introduced an ordinance amending the Development Agreement between Forestar Countryside, LLC and the City of Ontario. Forestar Countryside, LLC (“Forestar”) and the City recognized that the financial commitment required for construction in the New Model Colony (“NMC”) was substantial. To adequately forecast these costs and gain assurance that the project may proceed under the existing policies, rules and regulations, Forestar entered into a development agreement with the City for the properties north and south of the subject site, providing for the development of up to 422 dwelling units. The Development Agreement, approved in April 2011, addressed issues of parkland, public facilities, public services funding, infrastructure and affordable housing.

The Development Agreement Amendment proposes to include 8.77 acres of residential development as shown in Exhibit A (Specific Plan Map) to the previously approved Development Agreement. The Agreement grants to the Owner a vested right to develop their project as long as the Owner complies with the terms and conditions of the Countryside Specific Plan and EIR.

The Amendment funds all new City expenses created by the project, including operational costs related to the review, approval and administration of the Forestar project, additional project related services, infrastructure and affordable housing requirements. The Amendment proposes minor adjustments to the costs of the services based on revisions to the construction agreement with NMC Builders. Unless otherwise stipulated in the Amendment, the approved Development Agreement remains intact.

The main points of the Development Agreement and the Amendment are as follows:

- Term: Maintains the same term of ten (10) years with a five (5) year option.
- Assignment: Assignable with all terms and conditions applying to the assignee. The City has conditional approval and City will assess a processing fee.
- Fees:
 - Development Impact: Varies by category (i.e.; Streets and Bridges, Police, Fire, Open Space/Parks etc.). This is a separate fee from existing City licensing fees and permits and is due at building permit issuance for each unit.
 - Public Services Funding: Reduces the fee from \$1,980/unit to \$1,800/unit due in two (2) installments:
 - 1) \$900/unit with the issuance of the each building permit or within 30 days of City commencing construction of the Fire Station No. 9, whichever occurs first.

- 2) \$900 upon issuance of each remaining building permits, the cost of which shall increase each January 1 beginning January 1, 2014.

Community Facilities District
(CFD):

City will cooperate with Owner to form a CFD to reimburse costs of infrastructure construction and maintenance of public facilities.

Parks/Open Space:

Maintains The Ontario Plan (General Plan) requirement of five (5) acres per 1,000 projected population through park dedication and/or the payment of in-lieu fees.

Housing:

Maintains the provision of affordable housing as required by the General Plan through construction, rehabilitation, or by paying an in-lieu fee.

Compliance:

Owner will submit an annual monitoring report which the City will review for compliance. The City will assess a review/approval processing fee. If Owner is found to be in compliance, the City will issue a Certificate of Compliance. If noncompliance is identified, a letter of correction will be issued.

Schools:

Maintains the requirement to satisfy Mountain View Elementary School District and Chaffey Joint Union High School District school facilities requirements.

Termination:

Maintains the City's ability to terminate the Agreement if substantial evidence is found of noncompliance.

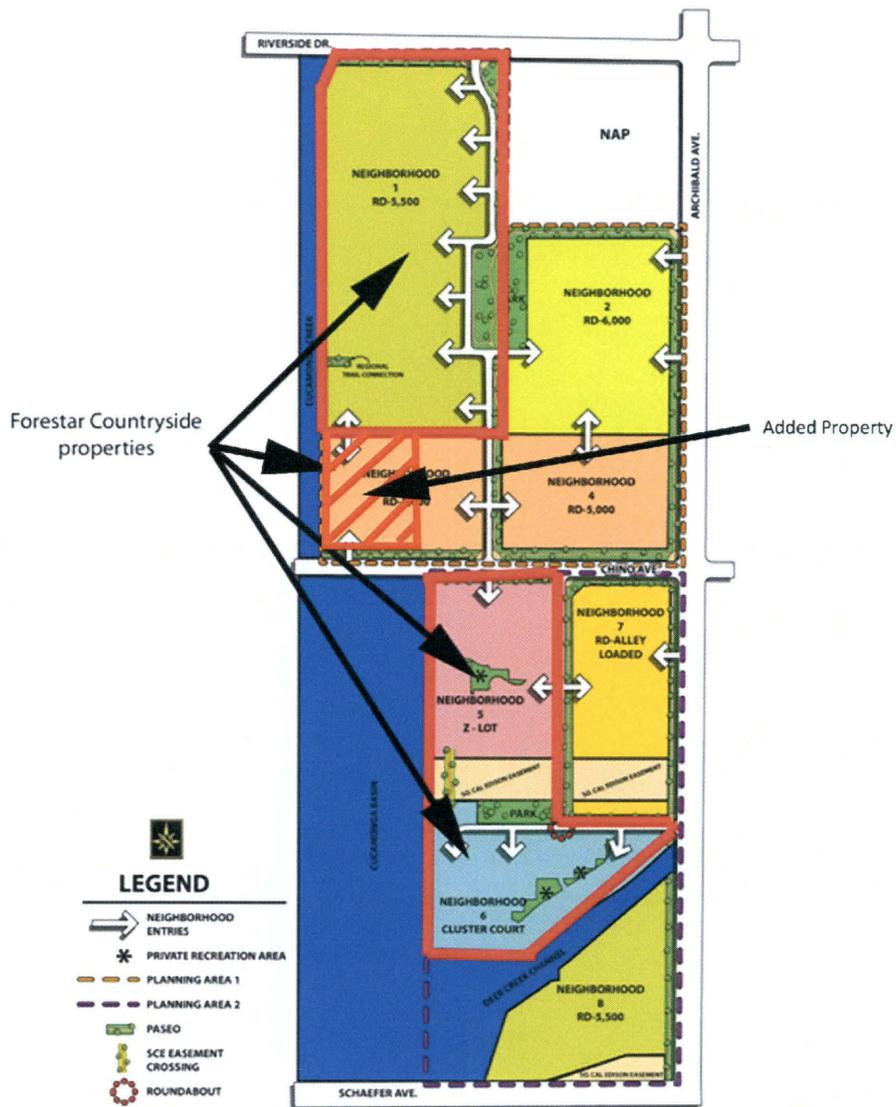
The Development Agreement and this Amendment recognize the developer's requirement to construct public infrastructure contained within the City Development Impact Fee Program. This infrastructure is in the Water, Streets and Storm Drain DIF infrastructure categories. The Development Agreement also recognizes that the developer is eligible to receive credit towards the payment of DIF up to the developer's total DIF obligation upon completion of construction of the public infrastructure. As the estimated costs in the City's DIF program for the required infrastructure exceeds the developer's DIF Obligations in the Water and Streets DIF categories, the developer is eligible to receive future reimbursements from DIF collected when future development projects that benefit pay their respective DIF in these categories. The Development Agreement references (Section 4.2.7) a separate DIF credit agreement to provide for the specific limitations on the issuance of DIF Credit and Reimbursement and other related provisions. This agreement amendment has been drafted in compliance with the City's recently-amended DIF Policies and in conformance with the Amended Construction Agreement with NMC Builders. Under the provisions of the City's DIF Program, the City Manager is authorized to execute such agreements with the approval of the City Council.

In considering the application at their meeting of December 20, 2012, the Planning Commission found that the Development Agreement Amendment is consistent with State law, The Ontario Plan, the City's Development Agreement policies, and other Development Agreements previously approved for NMC

development, and unanimously recommended approval of the Development Agreement Amendment to the City Council.

ENVIRONMENTAL REVIEW: Pursuant to CEQA section 21166 and sections 15162 and 15163 of the CEQA Guidelines, an Addendum to the Certified Environmental Impact Report for the Countryside Specific Plan (SCH# 2004071001) was prepared by the City with regard to the Project (“Addendum”). The Addendum incorporates, by reference, the analysis contained in the Certified Environmental Impact Report for the Countryside Specific Plan, and addresses only those issues specific to the Project. As described in the Addendum and the Initial Study, the Certified Environmental Impact Report for the Countryside Specific Plan adequately describes the activity proposed. The Addendum concludes that the Project will not result in new or substantially more adverse, significant environmental impacts than those disclosed in the Certified Environmental Impact Report for the Countryside Specific Plan.

Exhibit "A" – Specific Plan Map



Land Use Plan

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND FORESTAR COUNTRYSIDE, LLC. FILE NO. PDA12-001, TO INCLUDE THE DEVELOPMENT OF UP TO 39 RESIDENTIAL UNITS ON 8.77 ACRES WITHIN NEIGHBORHOOD 3 (RD-5,000) OF THE COUNTRYSIDE SPECIFIC PLAN, OF THE NEW MODEL COLONY, GENERALLY LOCATED NORTH OF CHINO AVENUE, SOUTH OF RIVERSIDE DRIVE, EAST OF THE CUCAMONGA CHANNEL, AND WEST OF ARCHIBALD AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF (APN: 0218-111-52).

WHEREAS, California Government Code Section 65864 now provides, in pertinent part, as follows:

“The Legislature finds and declares that:

(a) The lack of certainty in the approval process of development projects can result in a waste of resources, escalate the cost of housing and other developments to the consumer, and discourage investment in and commitment to comprehensive planning which would make maximum efficient utilization of resources at the least economic cost to the public.

(b) Assurance to the Applicant for a development project that upon approval of the project, the Applicant may proceed with the project in accordance with existing policies, rules and regulations, and subject to conditions of approval, will strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic costs of development.”

WHEREAS, California Government Code Section 65865 provides, in pertinent part, as follows:

“Any city ... may enter into a Development Agreement with any person having a legal or equitable interest in real property for the development of such property as provided in this article ...”

WHEREAS, California Government Code Section 65865.2. provides, in part, as follows:

“A Development Agreement shall specify the duration of the Agreement, the permitted uses of the property, the density of intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes. The Development Agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and

requirements for discretionary actions shall not prevent development of the land for the uses and to the density of intensity of development set forth in this Agreement ...”

WHEREAS, on the 4th day of April 1995, the City Council of the City of Ontario adopted Resolution No. 95-22 establishing procedures and requirements whereby the City of Ontario may consider Development Agreements.

WHEREAS, on the 10th day of September 2002, the City Council of the City of Ontario adopted Resolution No. 2002-100 which revised the procedures and requirements whereby the City of Ontario may consider Development Agreements.

WHEREAS, on the April 5th day of 2011, the City Council of the City of Ontario, adopted Ordinance No. 2934, approving a Development Agreement between Forestar Countryside, LLC, and the City; and

WHEREAS, attached to this Ordinance, marked Exhibit “A” and incorporated herein by this reference, is the proposed First Amendment to the Development Agreement between Forestar Countryside, LLC. and the City of Ontario, File No. PDA12-001 concerning those 8.77 acres of land generally located north of Chino Avenue, south of Riverside Drive, east of the Cucamonga Channel, and west of Archibald Avenue and as legally described in the attached First Amendment Development Agreement. Hereinafter in this Resolution, the Development Agreement is referred to as the “First Amendment”; and

WHEREAS, on December 20, 2012, the Planning Commission of the City of Ontario conducted a hearing to consider the First Amendment and concluded said hearing on that date. After considering all public testimony, the Planning Commission unanimously recommended approval of the application; and

WHEREAS, as the first action on the Project, the City Council adopted an Addendum to Countryside Specific Plan Environmental Impact Report, previously certified by the Ontario City Council, with a Statement of Overriding Considerations, on April 18, 2006. The Addendum finds that the proposed Development Agreement introduces no new significant environmental impacts, and all previously adopted mitigation measures are to be a condition of project approval, and are incorporated into the Project by reference; and

WHEREAS, on February 5, 2013, the City Council of the City of Ontario conducted a hearing to consider the First Amendment and concluded said hearing on that date; and

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

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

SECTION 1. As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the Addendum to the Countryside Specific Plan Environmental Impact Report, previously certified by the Ontario City Council, with a Statement of Overriding Considerations, on April 18, 2006, and the supporting documentation. Based upon the facts and information contained in the Addendum and supporting documentation, the Planning Commission finds as follows:

a. The Addendum contains a complete and accurate reporting of the environmental impacts associated with the Project; and

b. The Addendum was completed in compliance with CEQA and the Guidelines promulgated thereunder; and.

c. The Addendum reflects the independent judgment of the Planning Commission; and

d. All previously adopted mitigation measures, which are applicable to the Project, shall be a condition of Project approval and are incorporated herein by reference.

SECTION 2. Based upon substantial evidence presented to the City Council during the above-referenced hearing on February 5, 2013, including written and oral staff reports, together with public testimony, the City Council hereby specifically finds as follows:

a. The First Amendment to the Development Agreement applies to 8.77 acres of residential land within the Countryside Specific Plan, generally located north of Chino Avenue, south of Riverside Drive, east of the Cucamonga Channel, and west of Archibald Avenue and is presently utilized for dairy and agriculture uses; and

b. The properties to the north are developed with residential uses and the property to the west, east and south are developed with dairy and agricultural uses; and

c. The Development Agreement and the First Amendment to the Development Agreement establishes parameters for the development of the Countryside residential projects. The Development Agreement also grants Forestar Countryside, LLC the right to develop, the ability to quantify the fees; and establish the terms and conditions that apply to those projects. These terms and conditions are consistent with The Ontario Plan Policy plan (General Plan), design guidelines and development standards for the Countryside Specific Plan; and

d. The First Amendment to the Development Agreement focuses on the 8.77 acres of residential development within Neighborhood 3 (RD-5,000) of the Countryside Specific Plan; and

e. The First Amendment to the Development Agreement will provide for development of up to 39 residential units as established by the Countryside Specific Plan; and

f. The First Amendment to the Development Agreement has been prepared in conformance with the goals and policies of The Ontario Plan Policy Plan (General Plan); and

g. The First Amendment to the Development Agreement does not conflict with the Land Use Policies of The Ontario Plan Policy Plan (General Plan) and will provide for development, within the district, in a manner consistent with the Policy Plan and with related development; and

h. The First Amendment to the Development Agreement will promote the goals and objectives of the Land Use Element of the Policy Plan; and,

i. The First Amendment to the Development Agreement will not be materially injurious or detrimental to the adjacent properties and will have a significant impact on the environment or the surrounding properties but the benefits of the project outweighs the potential environmental impacts and the mitigation of these impacts were addressed in the Countryside Specific Plan EIR certified by the City Council on April 18, 2006.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council approves the Project.

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

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

SECTION 6. 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.

SECTION 7. This Ordinance shall become effective thirty (30) days from its adoption.

PASSED, APPROVED, AND ADOPTED this 19th day of February 2013.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 2958 was duly introduced at a regular meeting of the City Council of the City of Ontario held February 5, 2013 and adopted at the regular meeting held February 19, 2013 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 2958 duly passed and adopted by the Ontario City Council at their regular meeting held February 19, 2013 and that Summaries of the Ordinance were published on February 12, 2013 and _____, in the Inland Valley Daily Bulletin newspaper.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
February 19, 2013

SECTION:
CONSENT CALENDAR

SUBJECT: RESOLUTIONS APPROVING TIME EXTENSIONS FOR TENTATIVE TRACT MAP NOS. 17749 (FILE NO. PMTT06-003), 17932 (FILE NO. PMTT06-004), 17933 (FILE NO. PMTT06-005), 17931 (FILE NO. PMTT06-007), 17935 (FILE NO. PMTT06-013), 17936 (FILE NO. PMTT06-014), AND 18380 (FILE NO. PMTT06-056)

RECOMMENDATION: That the City Council adopt resolutions approving a five-year time extension for:

- (A) Tentative Tract Map 17749 (File No. PMTT06-003) to subdivided 63.8 acres of land into 4 numbered lots and 5 lettered within the proposed Esperanza Specific Plan, located at the northwest corner of Milliken Avenue and Bellegrave Avenue. (APN No. 0218-252-03)
- (B) Tentative Tract Map 17932 (File No. PMTT06-004) to subdivide 17.75 into 82 residential lots and 2 lettered lots within Planning Area 9 of Esperanza Specific Plan, located on the southeast corner of Mill Creek Avenue and Merrill Avenue. (APN No. 0218-252-04)
- (C) Tentative Tract Map 17933 (PMTT06-005) to subdivide 23.31 acres into 107 residential lots and 24 lettered lots, within Planning Area 9 of Esperanza Specific Plan, located on the northeast corner of Mill Creek Avenue and Bellegrave Avenue. (APN: 218-252-04, 05 (and portions of 01 & 03) and 218-332-01 & 02)
- (D) Tentative Tract Map 17931 (File No. PMTT06-007) to subdivide 19.92 acres into 100 residential lots and 3 lettered lots, within Planning Area 10 of Esperanza Specific Plan, located on the northeast corner of Mill Creek Avenue and Merrill Avenue. (APN: 218-252-04, 05 (and portions of 01 & 03) and 218-332-01 & 02)

STAFF MEMBER PRESENTING: Jerry L. Blum, Planning Director

Prepared by: Scott Murphy
Department: Planning
City Manager Approval: 

Submitted to Council/O.H.A. 02/19/2013
Approved: _____
Continued to: _____
Denied: _____

8

- (E) Tentative Tract Map 17935 (PMTT06-013) to subdivide 13.6 acres into 78 numbered lots and 10 lettered lots, within the Esperanza Specific Plan, located at the northwest corner of Milliken Avenue and Bellegrave Avenue. (APN No. 0218-252-03, 04, and 0218-332-02, 04, and 05)
- (F) Tentative Tract Map 17936 (File No. PMTT06-014) to subdivide 14.32 acres into 76 numbered lots and one lettered lot, within the Esperanza Specific Plan, located at the northwest corner of Milliken Avenue and Bellegrave Avenue. (APN No. 0218-252-03, 04, and 05)
- (G) Tentative Tract Map 18380 (File No. PMTT06-056) to subdivide 73.76 acres of land into 7 lots within the draft Esperanza Specific Plan, located at the northeast corner of Mill Creek Avenue and Bellegrave Avenue. (APN No. 0218-252-05)

COUNCIL GOALS: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Ensure the Development of a Well-Planned, Balanced, and Self-Sustaining Community in the New Model Colony

FISCAL IMPACT: Granting of the time extension provides for greater development opportunities as the housing market rebounds.

BACKGROUND: Tentative Tract Maps 17749 and 18380 were approved by the Ontario Planning Commission on December 18, 2006. Tentative Tract Maps 17935 and 17936 were approved by the Planning Commission on February 27, 2007. Tentative Tract Maps 17931, 17932, 17933 were approved by the Planning Commission on March 27, 2007. Tentative Tract Maps 17449 and 18380, the "A" maps, create large pads for future residential tract development and a pad for a future 10-acre elementary school. The "A" maps facilitate the backbone infrastructure improvements (major streets, sewer, water and storm drain facilities) for the lower southeast portion of the Specific Plan. The other Tentative Maps, the "B" maps, further subdivide the property into 443 single family lots ranging in size from 2,640 square feet to 11,959 square feet with an average lot size of 5,470 square feet. The lots are configured around two pocket parks within the subdivision.

In conjunction with the tentative map approvals, the original applicants, Armada Development and Amberhill Development, entered into Development Agreements which were approved by the City Council on February 20, 2007. The agreements included, but were not limited to, provisions for development impact fees, affordable housing, public services funding, school financing, and tentative map approval time period. Under the Development Agreements, the tentative maps were approved initially for a five-year period with the option of a five-year extension, to be approved by the City Council. The applicant is now requesting to exercise the five-year extension.

In reviewing the time extension requests, staff finds that the Esperanza Specific Plan development standards remain unchanged from the initial project approval. While a new land use plan (The Ontario Plan - TOP) has been adopted for the City since project approval, the land use designation for the site remains the same (Low Density Residential). The development of the 443 lots is consistent with the standards of the Esperanza Specific Plan. Further, the conditions of approval require installation of all infrastructure improvements (sewer, water, etc.) necessary to serve the site. The applicant is a member of NMC Builders and is involved in the design of the backbone infrastructure necessary to serve the site.

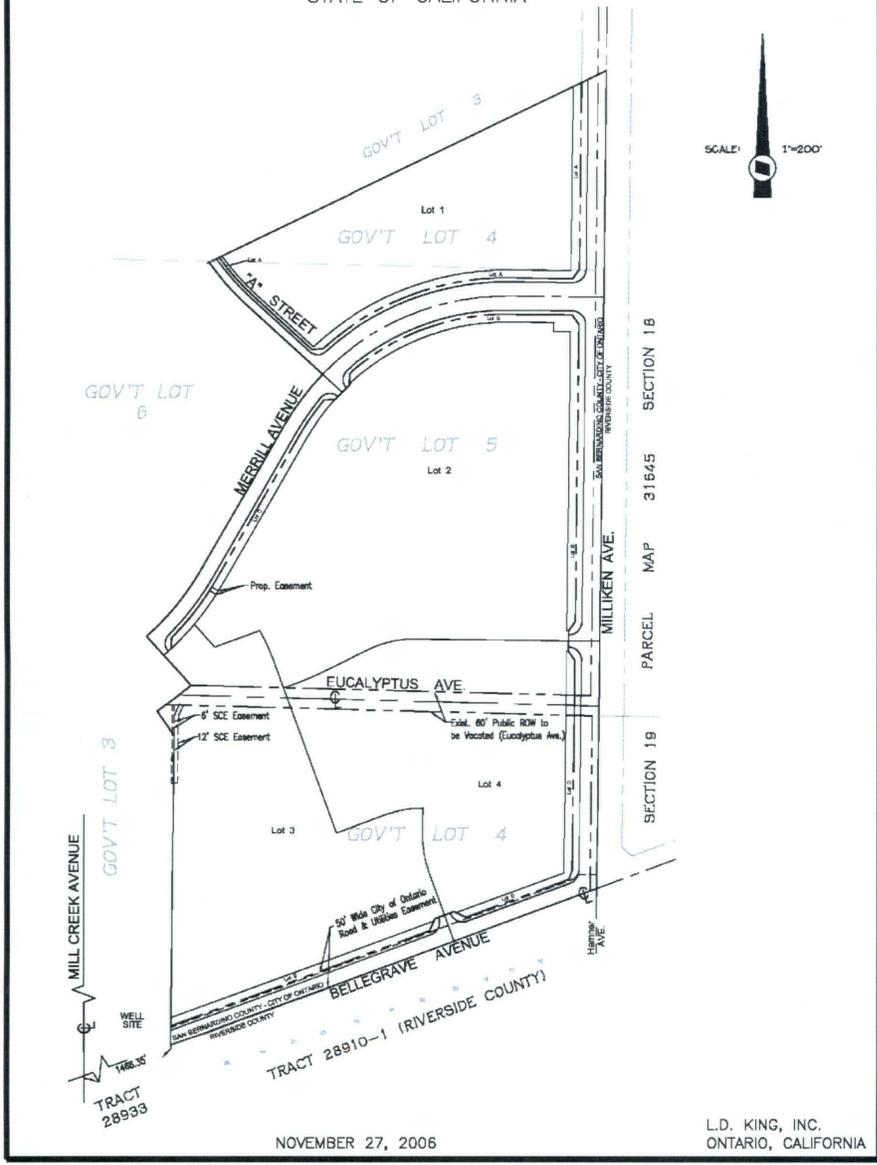
The work being done by NMC Builders would provide the infrastructure to serve the site, consistent with the conditions of approval.

The Planning Commission reviewed the application at their meeting of January 22, 2013 and found that the tentative maps are in compliance with current development standards and conditions of approval. As a result, the Planning Commission unanimously recommended approval of the time extension.

ENVIRONMENTAL REVIEW: The environmental impacts of this project were previously reviewed in conjunction with the Esperanza Specific Plan, for which an Environmental Impact Report (SCH #2002061047) was certified by the City Council on January 7, 2007. This application is unchanged and introduces no new significant environmental impacts. All previously adopted mitigation measures are to be a condition of project approval and are incorporated herein by reference.

TENTATIVE TRACT 17749

IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO,
STATE OF CALIFORNIA



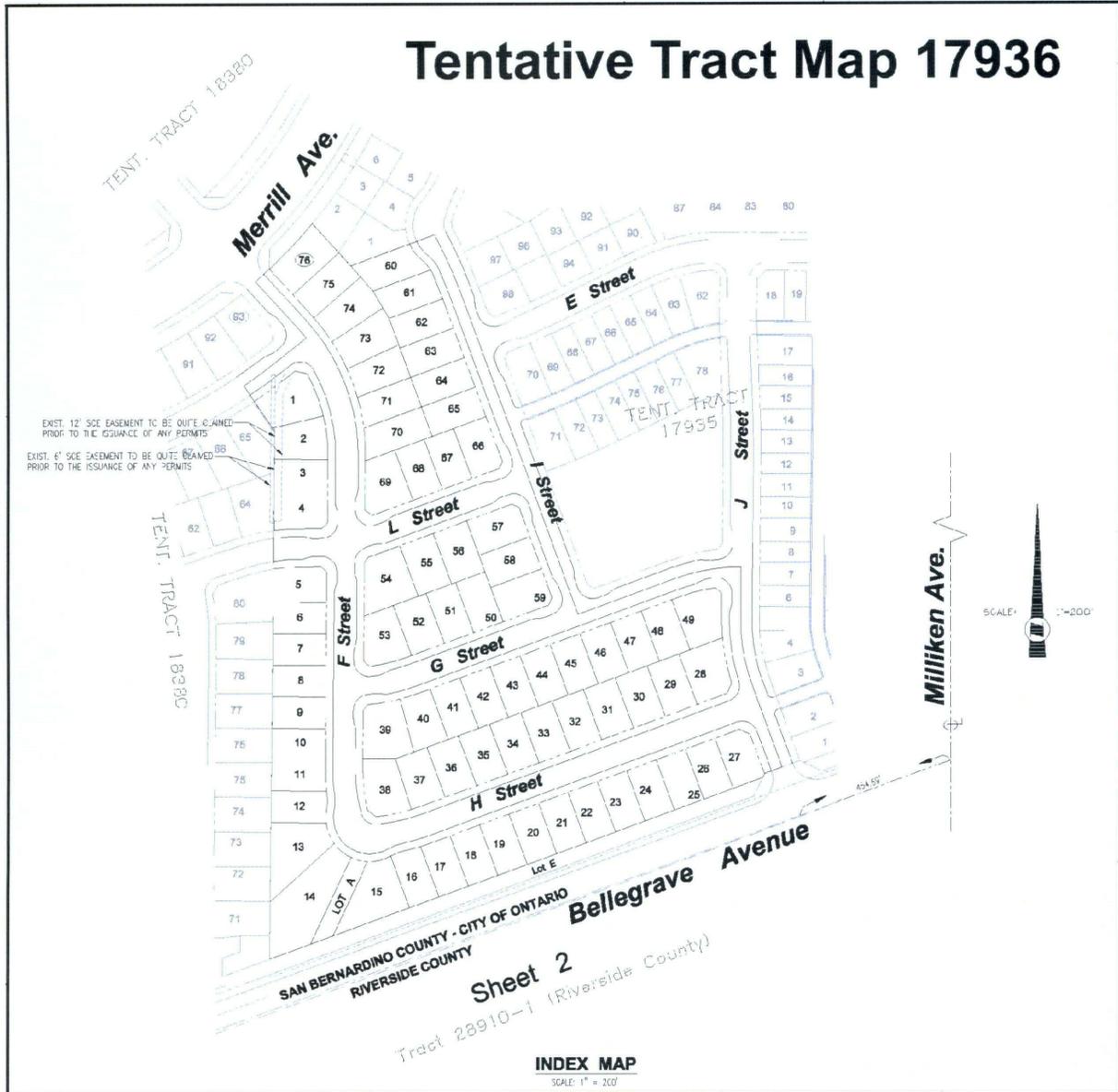
NOVEMBER 27, 2006

L.D. KING, INC.
ONTARIO, CALIFORNIA

E:\300-598\300-Submitt\0581-007\c:\data\300598\01_117749.dwg, Plotted: Nov 27, 2006 - 11:55am
JN 59802 Amherst

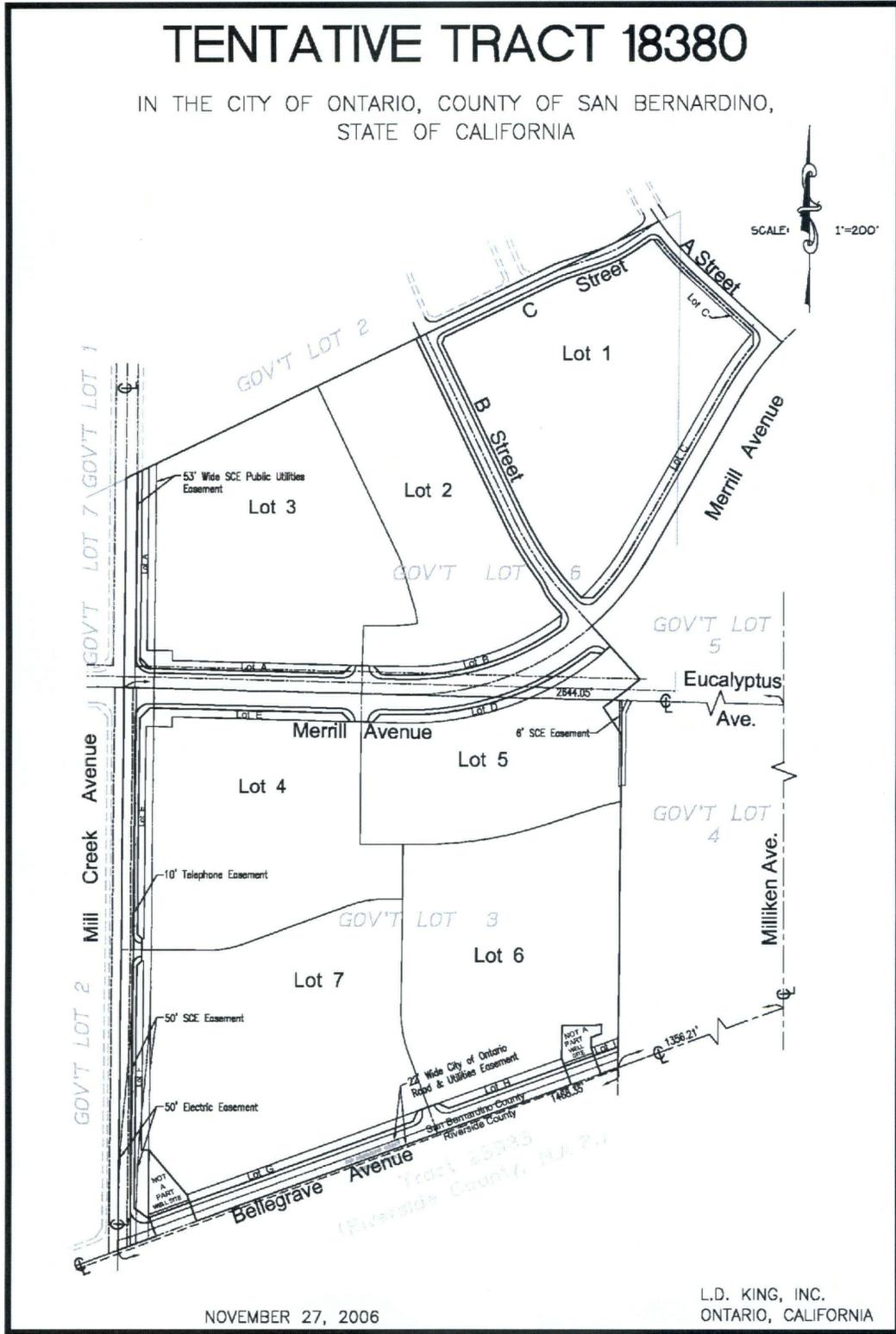
11/27/06

Tentative Tract Map 17936



TENTATIVE TRACT 18380

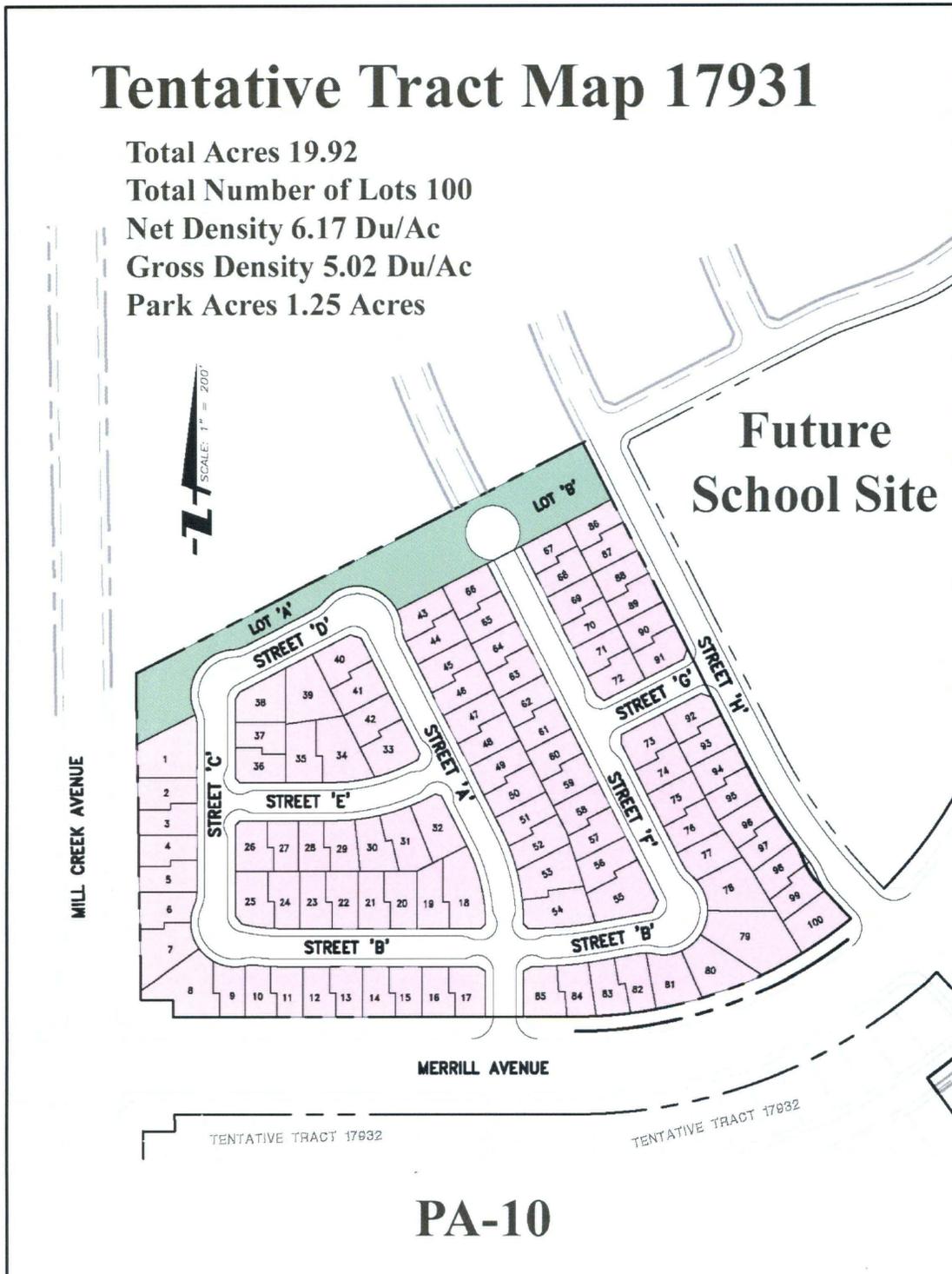
IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO,
STATE OF CALIFORNIA



Armada Homes JUN 57007 11/27/06 E:\500-500\570-Armada\0570-01A\Exhibits\5701\TM01_112706.dwg, Plotfile: Nov 27, 2006 - 11:40am

Tentative Tract Map 17931

Total Acres 19.92
Total Number of Lots 100
Net Density 6.17 Du/Ac
Gross Density 5.02 Du/Ac
Park Acres 1.25 Acres



Tentative Tract Map 17932

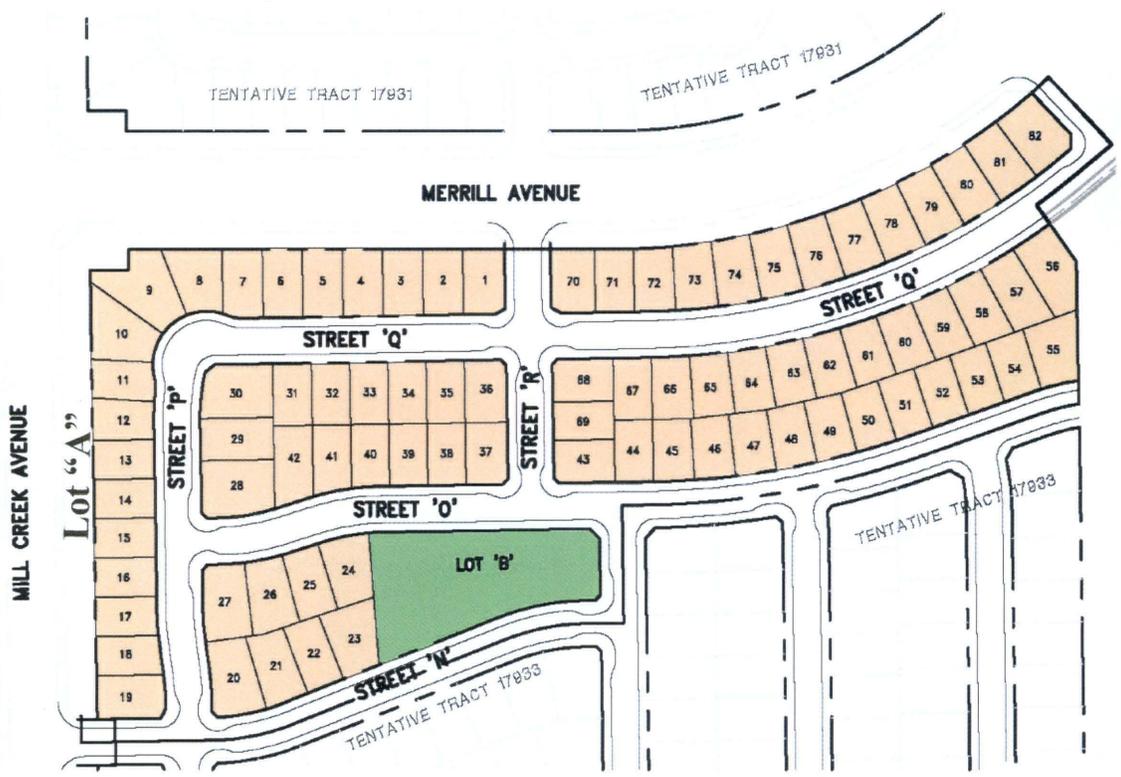
Total Acres 17.75

Park Acres 0.83

Number of Lots 82

Net Density 5.70 Du/Ac

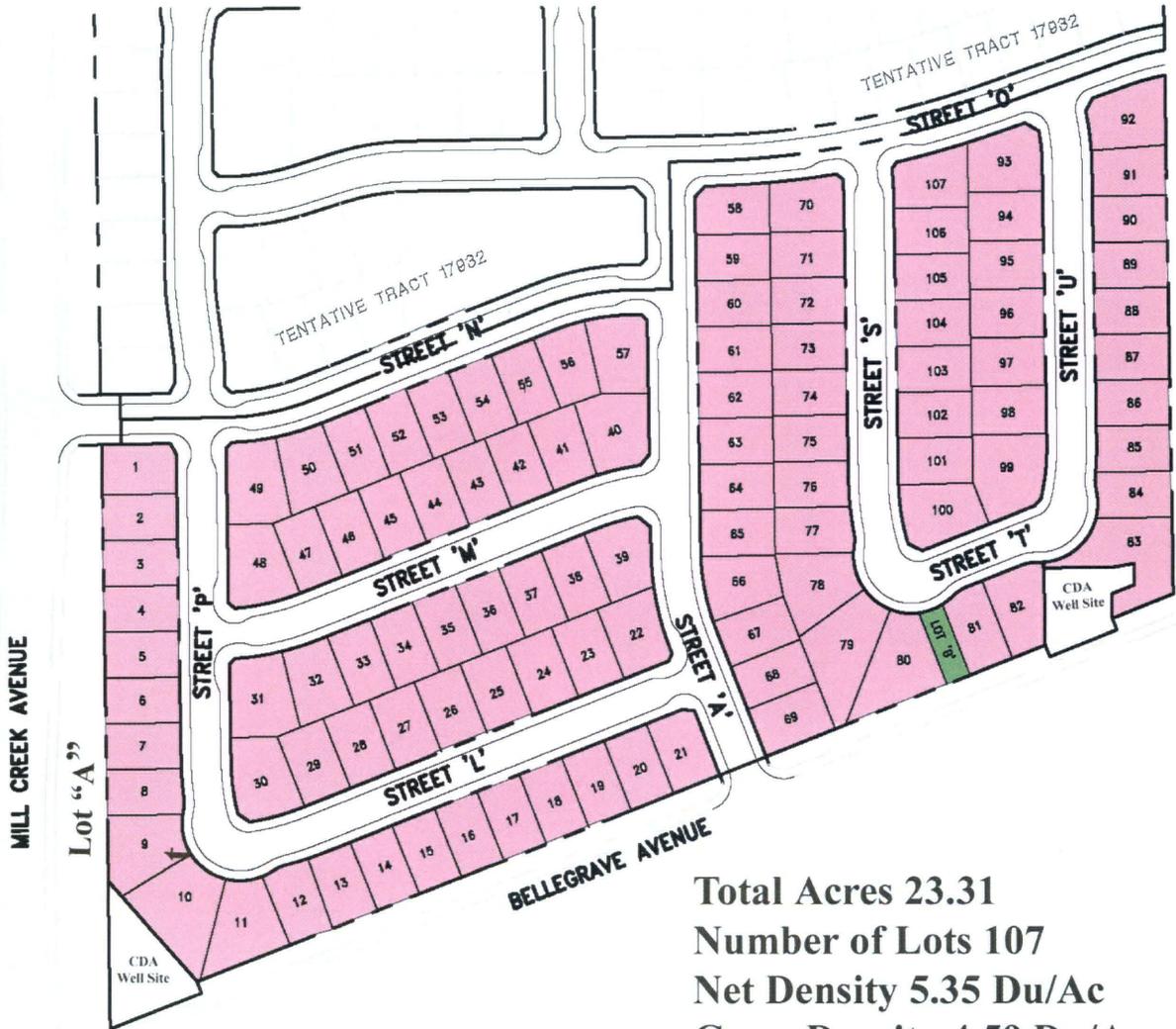
Gross Density 4.6 Du/Ac



PA-9

Tentative Tract Map 17933

PA-9



Total Acres 23.31
Number of Lots 107
Net Density 5.35 Du/Ac
Gross Density 4.59 Du/Ac

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-003 (TT 17749), A REQUEST TO SUBDIVIDE 63.8 ACRES OF LAND INTO 4 NUMBERED LOTS AND 5 LETTERED LOTS WITHIN THE ESPERANZA SPECIFIC PLAN, LOCATED AT THE NORTHWEST CORNER OF MILLIKEN AVENUE AND BELLEGRAVE AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-252-03.

WHEREAS, GDCI-RCCD, LP, ("Applicant") has filed an Application for the approval of a time extension for a tentative map, File No. PMTT06-003, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to property located within planning areas 4-7 of the Esperanza Specific Plan located on the northwest corner of Milliken and Bellegrave Avenues and is presently vacant; and

WHEREAS, the property to the north is within planning areas 3 and 4 of the Esperanza Specific Plan and is developed with a dairy. The property to the south of the project site is developed with single family residences within the City of Eastvale. The property to the east is also within the City of Eastvale and is designated for residential development. The property to the west is within planning areas 1-2 and 8-11 of the Esperanza Specific Plan and is vacant and developed with a dairy; and

WHEREAS, On December 18, 2006, the Planning Commission approved the application for the subdivision of the property into four numbered lots; and

WHEREAS, On February 20, 2007, the City Council approved a development agreement for the property that provided an initial approval period of five (5) years for the tentative map and a possible extension of an additional five (5) years, subject to approval by the City Council; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA"); and

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with the Esperanza Specific Plan, for which an Environmental Impact Report (SCH #2002061047) was certified by the City Council on January 7, 2007, and this Application introduces no new significant environmental impacts; and

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

WHEREAS, on January 22, 2013, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date. After considering all testimony, the Commission unanimously recommended approval of the time extension; and

WHEREAS, on February 19, 2013, the City Council of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

SECTION 1. As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the previously certified the Esperanza Specific Plan EIR and supporting documentation. Based upon the facts and information contained in the Esperanza Specific Plan EIR (SCH #2002061047) and supporting documentation, the City Council finds as follows:

a. The previous the Esperanza Specific Plan EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and

b. The previous the Esperanza Specific Plan EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder; and.

c. The previous the Esperanza Specific Plan EIR reflects the independent judgment of the City Council; and

d. All previously adopted mitigation measures, which are applicable to the Project, shall be a condition of Project approval and are incorporated herein by reference.

SECTION 2. Based upon the substantial evidence presented to the City Council during the above-referenced hearing and upon the specific findings set forth in Section 1 above, the City Council hereby concludes as follows:

a. The subdivision is consistent with all applicable general and specific plans. The subdivision of 63.8 acres into four parcels ranging in size from 11.96 to 23.78 gross acres is consistent the Low Density Residential land use designation of TOP and the requirements of the Esperanza Specific Plan;

b. The design or improvement of the subdivision is consistent with all applicable general and specific plans. The subdivision complies with the development standards of the Esperanza Specific Plan

c. The site is physically suitable for the type of development proposed. The site is rectangular in shape and relatively flat in slope, thus providing sufficient area, adequate access, and appropriate amenities for the type of development proposed and to serve future residents.

d. The site is physically suitable for the proposed density of development. The site is rectangular in shape and relatively flat in slope, thus providing sufficient area, adequate access, and appropriate amenities for the type of development proposed and to serve future residents

e. The design of the subdivision or the proposed improvement is not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat. An Environmental Impact Report was prepared for the Esperanza Specific Plan. The EIR identified potential impacts resulting from the development and, to the extent practicable, mitigated impacts associated with the development.

f. The design of the subdivision or the proposed improvement is not likely to cause serious public health problems. The potential environmental impacts of the Project were evaluated with the Esperanza Specific Plan EIR that was certified by the City Council on January 7, 2007.

g. The design of the subdivision will not conflict with any easement acquired by the public at large, then of record, for access through or use of the property within the proposed subdivision. There are no know easements acquired by the public through the site.

h. The design of the subdivision has, to the extent feasible, provided for future passive or natural heating or cooling opportunities, i.e. lot sizes and configuration permit orientation of structures in an east-west alignment or permit orientation of structures to take advantage of shade or prevailing breezes. The majority of the lots will provide opportunities for passive solar and to take advantage of the prevailing evening breeze from the southwest.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council hereby approves a five (5) year time extension for the Project.

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

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

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

PASSED, APPROVED, AND ADOPTED this 19th day of February 2013.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2013- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held February 19, 2013 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2013- duly passed and adopted by the Ontario City Council at their regular meeting held February 19, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-004 (TT 17932), A REQUEST TO SUBDIVIDE 17.75 ACRES OF LAND INTO 82 NUMBERED LOTS AND 2 LETTERED LOTS WITHIN THE ESPERANZA SPECIFIC PLAN, LOCATED AT THE NORTHEAST CORNER OF MILL CREEK AVENUE AND BELLEGRAVE AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-252-04.

WHEREAS, GDC Investments 6, LP, ("Applicant") has filed an Application for the approval of a time extension for a tentative map, File No. PMTT06-004, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to property located within planning area 9 of the Esperanza Specific Plan located on the northeast corner of Mill Creek and Bellegrave Avenues and is presently vacant; and

WHEREAS, the property to the north is within planning area 10 of the Esperanza Specific Plan and is developed with a dairy. The property to the south of the project site is developed with single family residences within the City of Eastvale. The property to the east is within the City of Eastvale and is designated for residential development. The property to the west is designated as Low Density Residential and is vacant and developed with a dairy; and

WHEREAS, On March 27, 2007, the Planning Commission approved the application for the subdivision of the property into 82 numbered lots; and

WHEREAS, On February 20, 2007, the City Council approved a development agreement for the property that provided an initial approval period of five (5) years for the tentative map and a possible extension of an additional five (5) years, subject to approval by the City Council; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA"); and

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with the Esperanza Specific Plan, for which an Environmental Impact Report (SCH #2002061047) was certified by the City Council on January 7, 2007, and this Application introduces no new significant environmental impacts; and

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

WHEREAS, on January 22, 2013, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date. After considering all testimony, the Commission unanimously recommended approval of the time extension; and

WHEREAS, on February 19, 2013, the City Council of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

SECTION 1. As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the previously certified the Esperanza Specific Plan EIR and supporting documentation. Based upon the facts and information contained in the Esperanza Specific Plan EIR (SCH #2002061047) and supporting documentation, the City Council finds as follows:

a. The previous the Esperanza Specific Plan EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and

b. The previous the Esperanza Specific Plan EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder; and.

c. The previous the Esperanza Specific Plan EIR reflects the independent judgment of the City Council; and

d. All previously adopted mitigation measures, which are applicable to the Project, shall be a condition of Project approval and are incorporated herein by reference.

SECTION 2. Based upon the substantial evidence presented to the City Council during the above-referenced hearing and upon the specific findings set forth in Section 1 above, the City Council hereby concludes as follows:

a. The subdivision is consistent with all applicable general and specific plans. The subdivision of 17.75 acres into 82 parcels ranging in size from 4,050 square feet to 7,355 square feet is consistent the Low Density Residential land use designation of TOP and the requirements of the Esperanza Specific Plan;

b. The design or improvement of the subdivision is consistent with all applicable general and specific plans. The subdivision complies with the development standards of the Esperanza Specific Plan

c. The site is physically suitable for the type of development proposed. The site is rectangular in shape and relatively flat in slope, thus providing sufficient area, adequate access, and appropriate amenities for the type of development proposed and to serve future residents.

d. The site is physically suitable for the proposed density of development. The site is rectangular in shape and relatively flat in slope, thus providing sufficient area, adequate access, and appropriate amenities for the type of development proposed and to serve future residents

e. The design of the subdivision or the proposed improvement is not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat. An Environmental Impact Report was prepared for the Esperanza Specific Plan. The EIR identified potential impacts resulting from the development and, to the extent practicable, mitigated impacts associated with the development.

f. The design of the subdivision or the proposed improvement is not likely to cause serious public health problems. The potential environmental impacts of the Project were evaluated with the Esperanza Specific Plan EIR that was certified by the City Council on January 7, 2007.

g. The design of the subdivision will not conflict with any easement acquired by the public at large, then of record, for access through or use of the property within the proposed subdivision. There are no known easements acquired by the public through the site.

h. The design of the subdivision has, to the extent feasible, provided for future passive or natural heating or cooling opportunities, i.e. lot sizes and configuration permit orientation of structures in an east-west alignment or permit orientation of structures to take advantage of shade or prevailing breezes. The majority of the lots will provide opportunities for passive solar and to take advantage of the prevailing evening breeze from the southwest.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council hereby approves a five (5) year time extension for the Project.

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

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

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

PASSED, APPROVED, AND ADOPTED this 19th day of February 2013.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2013- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held February 19, 2013 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2013- duly passed and adopted by the Ontario City Council at their regular meeting held February 19, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-005 (TT 17933), A REQUEST TO SUBDIVIDE 23.31 ACRES OF LAND INTO 107 NUMBERED LOTS AND 24 LETTERED LOTS WITHIN THE ESPERANZA SPECIFIC PLAN, LOCATED AT THE NORTHEAST CORNER OF MILL CREEK AVENUE AND BELLEGRAVE AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-252-04, 05 (AND PORTIONS OF 01 & 03) AND 218-332-01 & 02.

WHEREAS, GDC Investments 6, LP, ("Applicant") has filed an Application for the approval of a time extension for a tentative map, File No. PMTT06-005, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to property located within planning area 8 of the Esperanza Specific Plan located on the northeast corner of Mill Creek and Bellegrave Avenues and is presently vacant; and

WHEREAS, the property to the north is within planning area 9 of the Esperanza Specific Plan and is vacant. The property to the south of the project site is developed with single family residences within the City of Eastvale. The property to the east is within planning areas 5-7 of the Esperanza Specific Plan and are vacant. The property to the west is designated as Low Density Residential and is vacant and developed with a dairy; and

WHEREAS, On March 27, 2007, the Planning Commission approved the application for the subdivision of the property into 107 numbered lots; and

WHEREAS, On February 20, 2007, the City Council approved a development agreement for the property that provided an initial approval period of five (5) years for the tentative map and a possible extension of an additional five (5) years, subject to approval by the City Council; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA"); and

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with the Esperanza Specific Plan, for which an Environmental Impact Report (SCH #2002061047) was certified by the City Council on January 7, 2007, and this Application introduces no new significant environmental impacts; and

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

WHEREAS, on January 22, 2013, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date. After considering all testimony, the Commission unanimously recommended approval of the time extension; and

WHEREAS, on February 19, 2013, the City Council of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

SECTION 1. As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the previously certified the Esperanza Specific Plan EIR and supporting documentation. Based upon the facts and information contained in the Esperanza Specific Plan EIR (SCH #2002061047) and supporting documentation, the City Council finds as follows:

a. The previous the Esperanza Specific Plan EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and

b. The previous the Esperanza Specific Plan EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder; and.

c. The previous the Esperanza Specific Plan EIR reflects the independent judgment of the City Council; and

d. All previously adopted mitigation measures, which are applicable to the Project, shall be a condition of Project approval and are incorporated herein by reference.

SECTION 2. Based upon the substantial evidence presented to the City Council during the above-referenced hearing and upon the specific findings set forth in Section 1 above, the City Council hereby concludes as follows:

a. The subdivision is consistent with all applicable general and specific plans. The subdivision of 23.31 acres into 107 parcels ranging in size from 4,050 square feet to 7,355 square feet is consistent the Low Density Residential land use designation of TOP and the requirements of the Esperanza Specific Plan.

b. The design or improvement of the subdivision is consistent with all applicable general and specific plans. The subdivision complies with the development standards of the Esperanza Specific Plan.

c. The site is physically suitable for the type of development proposed. The site is rectangular in shape and relatively flat in slope, thus providing sufficient area, adequate access, and appropriate amenities for the type of development proposed and to serve future residents.

d. The site is physically suitable for the proposed density of development. The site is rectangular in shape and relatively flat in slope, thus providing sufficient area, adequate access, and appropriate amenities for the type of development proposed and to serve future residents

e. The design of the subdivision or the proposed improvement is not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat. An Environmental Impact Report was prepared for the Esperanza Specific Plan. The EIR identified potential impacts resulting from the development and, to the extent practicable, mitigated impacts associated with the development.

f. The design of the subdivision or the proposed improvement is not likely to cause serious public health problems. The potential environmental impacts of the Project were evaluated with the Esperanza Specific Plan EIR that was certified by the City Council on January 7, 2007.

g. The design of the subdivision will not conflict with any easement acquired by the public at large, then of record, for access through or use of the property within the proposed subdivision. There are no know easements acquired by the public through the site.

h. The design of the subdivision has, to the extent feasible, provided for future passive or natural heating or cooling opportunities, i.e. lot sizes and configuration permit orientation of structures in an east-west alignment or permit orientation of structures to take advantage of shade or prevailing breezes. The majority of the lots will provide opportunities for passive solar and to take advantage of the prevailing evening breeze from the southwest.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council hereby approves a five (5) year time extension for the Project.

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

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

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

PASSED, APPROVED, AND ADOPTED this 19th day of February 2013.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2013- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held February 19, 2013 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2013- duly passed and adopted by the Ontario City Council at their regular meeting held February 19, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-007 (TT 17931), A REQUEST TO SUBDIVIDE 19.92 ACRES OF LAND INTO 100 NUMBERED LOTS AND 3 LETTERED LOTS WITHIN THE ESPERANZA SPECIFIC PLAN, LOCATED AT THE NORTHEAST CORNER OF MILL CREEK AVENUE AND MERRILL AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-252-04, 05 (AND PORTIONS OF 01 & 03) AND 218-332-01 & 02.

WHEREAS, GDC Investments 6, LP, ("Applicant") has filed an Application for the approval of a time extension for a tentative map, File No. PMTT06-007, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to property located within planning area 10 of the Esperanza Specific Plan located on the northeast corner of Mill Creek and Merrill Avenues and is presently vacant; and

WHEREAS, the property to the north is within planning area 2 of the Esperanza Specific Plan and is developed with a dairy. The property to the south of the project site is developed with single family residences within the City of Eastvale. The property to the east is within planning areas 5-7 and 11 of the Esperanza Specific Plan and are vacant. The property to the west is designated as Low Density Residential and is vacant and developed with a dairy; and

WHEREAS, On March 27, 2007, the Planning Commission approved the application for the subdivision of the property into 100 numbered lots; and

WHEREAS, On February 20, 2007, the City Council approved a development agreement for the property that provided an initial approval period of five (5) years for the tentative map and a possible extension of an additional five (5) years, subject to approval by the City Council; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA"); and

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with the Esperanza Specific Plan, for which an Environmental Impact Report (SCH #2002061047) was certified by the City Council on January 7, 2007, and this Application introduces no new significant environmental impacts; and

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

WHEREAS, on January 22, 2013, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date. After considering all testimony, the Commission unanimously recommended approval of the time extension; and

WHEREAS, on February 19, 2013, the City Council of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

SECTION 1. As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the previously certified the Esperanza Specific Plan EIR and supporting documentation. Based upon the facts and information contained in the Esperanza Specific Plan EIR (SCH #2002061047) and supporting documentation, the City Council finds as follows:

a. The previous the Esperanza Specific Plan EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and

b. The previous the Esperanza Specific Plan EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder; and.

c. The previous the Esperanza Specific Plan EIR reflects the independent judgment of the City Council; and

d. All previously adopted mitigation measures, which are applicable to the Project, shall be a condition of Project approval and are incorporated herein by reference.

SECTION 2. Based upon the substantial evidence presented to the City Council during the above-referenced hearing and upon the specific findings set forth in Section 1 above, the City Council hereby concludes as follows:

a. The subdivision is consistent with all applicable general and specific plans. The subdivision of 19.92 acres into 100 parcels ranging in size from 3,580 square feet to 10,372 square feet is consistent the Low Density Residential land use designation of TOP and the requirements of the Esperanza Specific Plan;

b. The design or improvement of the subdivision is consistent with all applicable general and specific plans. The subdivision complies with the development standards of the Esperanza Specific Plan

c. The site is physically suitable for the type of development proposed. The site is rectangular in shape and relatively flat in slope, thus providing sufficient area, adequate access, and appropriate amenities for the type of development proposed and to serve future residents.

d. The site is physically suitable for the proposed density of development. The site is rectangular in shape and relatively flat in slope, thus providing sufficient area, adequate access, and appropriate amenities for the type of development proposed and to serve future residents

e. The design of the subdivision or the proposed improvement is not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat. An Environmental Impact Report was prepared for the Esperanza Specific Plan. The EIR identified potential impacts resulting from the development and, to the extent practicable, mitigated impacts associated with the development.

f. The design of the subdivision or the proposed improvement is not likely to cause serious public health problems. The potential environmental impacts of the Project were evaluated with the Esperanza Specific Plan EIR that was certified by the City Council on January 7, 2007.

g. The design of the subdivision will not conflict with any easement acquired by the public at large, then of record, for access through or use of the property within the proposed subdivision. There are no know easements acquired by the public through the site.

h. The design of the subdivision has, to the extent feasible, provided for future passive or natural heating or cooling opportunities, i.e. lot sizes and configuration permit orientation of structures in an east-west alignment or permit orientation of structures to take advantage of shade or prevailing breezes. The majority of the lots will provide opportunities for passive solar and to take advantage of the prevailing evening breeze from the southwest.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council hereby approves a five (5) year time extension for the Project.

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

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

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

PASSED, APPROVED, AND ADOPTED this 19th day of February 2013.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2013- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held February 19, 2013 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2013- duly passed and adopted by the Ontario City Council at their regular meeting held February 19, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-013 (TT 17935), A REQUEST TO SUBDIVIDE 13.6 ACRES OF LAND INTO 78 NUMBERED LOTS AND 10 LETTERED LOTS WITHIN THE ESPERANZA SPECIFIC PLAN, LOCATED AT THE NORTHWEST CORNER OF MILLIKEN AVENUE AND BELLEGRAVE AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-252-03.

WHEREAS, GDCI-RCCD, LP, ("Applicant") has filed an Application for the approval of a time extension for a tentative map, File No. PMTT06-013, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to property located within planning area 6 of the Esperanza Specific Plan located on the northwest corner of Milliken and Bellegrave Avenues and is presently vacant; and

WHEREAS, the property to the north is within planning area 5 of the Esperanza Specific Plan and is vacant. The property to the south of the project site is developed with single family residences within the City of Eastvale. The property to the east is also within the City of Eastvale and is designated for residential development The property to the west is within planning areas 7 of the Esperanza Specific Plan and is vacant; and

WHEREAS, On February 27, 2007, the Planning Commission approved the application for the subdivision of the property into four numbered lots; and

WHEREAS, On February 20, 2007, the City Council approved a development agreement for the property that provided an initial approval period of five (5) years for the tentative map and a possible extension of an additional five (5) years, subject to approval by the City Council; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA"); and

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with the Esperanza Specific Plan, for which an Environmental Impact Report (SCH #2002061047) was certified by the City Council on January 7, 2007, and this Application introduces no new significant environmental impacts; and

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

WHEREAS, on January 22, 2013, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date. After considering all testimony, the Commission unanimously recommended approval of the time extension; and

WHEREAS, on February 19, 2013, the City Council of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

SECTION 1. As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the previously certified the Esperanza Specific Plan EIR and supporting documentation. Based upon the facts and information contained in the Esperanza Specific Plan EIR (SCH #2002061047) and supporting documentation, the City Council finds as follows:

a. The previous the Esperanza Specific Plan EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and

b. The previous the Esperanza Specific Plan EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder; and.

c. The previous the Esperanza Specific Plan EIR reflects the independent judgment of the City Council; and

d. All previously adopted mitigation measures, which are applicable to the Project, shall be a condition of Project approval and are incorporated herein by reference.

SECTION 2. Based upon the substantial evidence presented to the City Council during the above-referenced hearing and upon the specific findings set forth in Section 1 above, the City Council hereby concludes as follows:

a. The subdivision is consistent with all applicable general and specific plans. The subdivision of 8.2 acres into 61 parcels ranging in size from 2,640 square feet to 5,212 square feet is consistent the Low Density Residential land use designation of TOP and the requirements of the Esperanza Specific Plan;

b. The design or improvement of the subdivision is consistent with all applicable general and specific plans. The subdivision complies with the development standards of the Esperanza Specific Plan

c. The site is physically suitable for the type of development proposed. The site is rectangular in shape and relatively flat in slope, thus providing sufficient area, adequate access, and appropriate amenities for the type of development proposed and to serve future residents.

d. The site is physically suitable for the proposed density of development. The site is rectangular in shape and relatively flat in slope, thus providing sufficient area, adequate access, and appropriate amenities for the type of development proposed and to serve future residents

e. The design of the subdivision or the proposed improvement is not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat. An Environmental Impact Report was prepared for the Esperanza Specific Plan. The EIR identified potential impacts resulting from the development and, to the extent practicable, mitigated impacts associated with the development.

f. The design of the subdivision or the proposed improvement is not likely to cause serious public health problems. The potential environmental impacts of the Project were evaluated with the Esperanza Specific Plan EIR that was certified by the City Council on January 7, 2007.

g. The design of the subdivision will not conflict with any easement acquired by the public at large, then of record, for access through or use of the property within the proposed subdivision. There are no know easements acquired by the public through the site.

h. The design of the subdivision has, to the extent feasible, provided for future passive or natural heating or cooling opportunities, i.e. lot sizes and configuration permit orientation of structures in an east-west alignment or permit orientation of structures to take advantage of shade or prevailing breezes. The majority of the lots will provide opportunities for passive solar and to take advantage of the prevailing evening breeze from the southwest.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council hereby approves a five (5) year time extension for the Project.

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

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

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

PASSED, APPROVED, AND ADOPTED this 19th day of February 2013.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2013- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held February 19, 2013 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2013- duly passed and adopted by the Ontario City Council at their regular meeting held February 19, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-014 (TT 17936), A REQUEST TO SUBDIVIDE 14.32 ACRES OF LAND INTO 76 NUMBERED LOTS AND ONE LETTERED LOT WITHIN THE ESPERANZA SPECIFIC PLAN, LOCATED AT THE NORTHWEST CORNER OF MILLIKEN AVENUE AND BELLEGRAVE AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-252-03.

WHEREAS, GDCI-RCCD, LP, ("Applicant") has filed an Application for the approval of a time extension for a tentative map, File No. PMTT06-014, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to property located within planning area 7 of the Esperanza Specific Plan located on the northwest corner of Milliken and Bellegrave Avenues and is presently vacant; and

WHEREAS, the property to the north is within planning area 5 of the Esperanza Specific Plan and is vacant. The property to the south of the project site is developed with single family residences within the City of Eastvale. The property to the east is also within the City of Eastvale and is designated for residential development The property to the west is within planning areas 7 of the Esperanza Specific Plan and is vacant; and

WHEREAS, On February 27, 2007, the Planning Commission approved the application for the subdivision of the property into four numbered lots; and

WHEREAS, On February 20, 2007, the City Council approved a development agreement for the property that provided an initial approval period of five (5) years for the tentative map and a possible extension of an additional five (5) years, subject to approval by the City Council; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA"); and

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with the Esperanza Specific Plan, for which an Environmental Impact Report (SCH #2002061047) was certified by the City Council on January 7, 2007, and this Application introduces no new significant environmental impacts; and

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

WHEREAS, on January 22, 2013, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date. After considering all testimony, the Commission unanimously recommended approval of the time extension; and

WHEREAS, on February 19, 2013, the City Council of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

SECTION 1. As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the previously certified the Esperanza Specific Plan EIR and supporting documentation. Based upon the facts and information contained in the Esperanza Specific Plan EIR (SCH #2002061047) and supporting documentation, the City Council finds as follows:

a. The previous the Esperanza Specific Plan EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and

b. The previous the Esperanza Specific Plan EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder; and.

c. The previous the Esperanza Specific Plan EIR reflects the independent judgment of the City Council; and

d. All previously adopted mitigation measures, which are applicable to the Project, shall be a condition of Project approval and are incorporated herein by reference.

SECTION 2. Based upon the substantial evidence presented to the City Council during the above-referenced hearing and upon the specific findings set forth in Section 1 above, the City Council hereby concludes as follows:

a. The subdivision is consistent with all applicable general and specific plans. The subdivision of 14.32 acres into 76 parcels ranging in size from 4,250 square feet to 11,959 square feet is consistent the Low Density Residential land use designation of TOP and the requirements of the Esperanza Specific Plan;

b. The design or improvement of the subdivision is consistent with all applicable general and specific plans. The subdivision complies with the development standards of the Esperanza Specific Plan

c. The site is physically suitable for the type of development proposed. The site is rectangular in shape and relatively flat in slope, thus providing sufficient area, adequate access, and appropriate amenities for the type of development proposed and to serve future residents.

d. The site is physically suitable for the proposed density of development. The site is rectangular in shape and relatively flat in slope, thus providing sufficient area, adequate access, and appropriate amenities for the type of development proposed and to serve future residents

e. The design of the subdivision or the proposed improvement is not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat. An Environmental Impact Report was prepared for the Esperanza Specific Plan. The EIR identified potential impacts resulting from the development and, to the extent practicable, mitigated impacts associated with the development.

f. The design of the subdivision or the proposed improvement is not likely to cause serious public health problems. The potential environmental impacts of the Project were evaluated with the Esperanza Specific Plan EIR that was certified by the City Council on January 7, 2007.

g. The design of the subdivision will not conflict with any easement acquired by the public at large, then of record, for access through or use of the property within the proposed subdivision. There are no know easements acquired by the public through the site.

h. The design of the subdivision has, to the extent feasible, provided for future passive or natural heating or cooling opportunities, i.e. lot sizes and configuration permit orientation of structures in an east-west alignment or permit orientation of structures to take advantage of shade or prevailing breezes. The majority of the lots will provide opportunities for passive solar and to take advantage of the prevailing evening breeze from the southwest.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council hereby approves a five (5) year time extension for the Project.

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

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

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

PASSED, APPROVED, AND ADOPTED this 19th day of February 2013.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2013- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held February 19, 2013 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2013- duly passed and adopted by the Ontario City Council at their regular meeting held February 19, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-056 (TT 18380), A REQUEST TO SUBDIVIDE 73.76 ACRES OF LAND INTO 7 NUMBERED LOTS AND 9 LETTERED LOTS WITHIN THE ESPERANZA SPECIFIC PLAN, LOCATED AT THE NORTHEAST CORNER OF MILL CREEK AVENUE AND BELLEGRAVE AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-252-05.

WHEREAS, GDC Investments 6, LP, ("Applicant") has filed an Application for the approval of a time extension for a tentative map, File No. PMTT06-056, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to property located within planning areas 8-11 of the Esperanza Specific Plan located on the northeast corner of Mill Creek and Bellegrave Avenues and is presently vacant; and

WHEREAS, the property to the north is within planning area 2 of the Esperanza Specific Plan and is developed with a dairy. The property to the south of the project site is developed with single family residences within the City of Eastvale. The property to the east is within planning areas 5-7 of the Esperanza Specific Plan and are vacant. The property to the west is designated as Low Density Residential and is vacant and developed with a dairy; and

WHEREAS, On December 18, 2006, the Planning Commission approved the application for the subdivision of the property into 7 numbered lots; and

WHEREAS, On February 20, 2007, the City Council approved a development agreement for the property that provided an initial approval period of five (5) years for the tentative map and a possible extension of an additional five (5) years, subject to approval by the City Council; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA"); and

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with the Esperanza Specific Plan, for which an Environmental Impact Report (SCH #2002061047) was certified by the City Council on January 7, 2007, and this Application introduces no new significant environmental impacts; and

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

WHEREAS, on January 22, 2013, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date. After considering all testimony, the Commission unanimously recommended approval of the time extension; and

WHEREAS, on February 19, 2013, the City Council of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

SECTION 1. As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the previously certified the Esperanza Specific Plan EIR and supporting documentation. Based upon the facts and information contained in the Esperanza Specific Plan EIR (SCH #2002061047) and supporting documentation, the City Council finds as follows:

a. The previous the Esperanza Specific Plan EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and

b. The previous the Esperanza Specific Plan EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder; and.

c. The previous the Esperanza Specific Plan EIR reflects the independent judgment of the City Council; and

d. All previously adopted mitigation measures, which are applicable to the Project, shall be a condition of Project approval and are incorporated herein by reference.

SECTION 2. Based upon the substantial evidence presented to the City Council during the above-referenced hearing and upon the specific findings set forth in Section 1 above, the City Council hereby concludes as follows:

a. The subdivision is consistent with all applicable general and specific plans. The subdivision of 73.76 acres into 7 parcels ranging in size from 7.17 to 13.54 gross acres is consistent the Low Density Residential land use designation of TOP and the requirements of the Esperanza Specific Plan;

b. The design or improvement of the subdivision is consistent with all applicable general and specific plans. The subdivision complies with the development standards of the Esperanza Specific Plan

c. The site is physically suitable for the type of development proposed. The site is rectangular in shape and relatively flat in slope, thus providing sufficient area, adequate access, and appropriate amenities for the type of development proposed and to serve future residents.

d. The site is physically suitable for the proposed density of development. The site is rectangular in shape and relatively flat in slope, thus providing sufficient area, adequate access, and appropriate amenities for the type of development proposed and to serve future residents

e. The design of the subdivision or the proposed improvement is not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat. An Environmental Impact Report was prepared for the Esperanza Specific Plan. The EIR identified potential impacts resulting from the development and, to the extent practicable, mitigated impacts associated with the development.

f. The design of the subdivision or the proposed improvement is not likely to cause serious public health problems. The potential environmental impacts of the Project were evaluated with the Esperanza Specific Plan EIR that was certified by the City Council on January 7, 2007.

g. The design of the subdivision will not conflict with any easement acquired by the public at large, then of record, for access through or use of the property within the proposed subdivision. There are no know easements acquired by the public through the site.

h. The design of the subdivision has, to the extent feasible, provided for future passive or natural heating or cooling opportunities, i.e. lot sizes and configuration permit orientation of structures in an east-west alignment or permit orientation of structures to take advantage of shade or prevailing breezes. The majority of the lots will provide opportunities for passive solar and to take advantage of the prevailing evening breeze from the southwest.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council hereby approves a five (5) year time extension for the Project.

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

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

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

PASSED, APPROVED, AND ADOPTED this 19th day of February 2013.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2013- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held February 19, 2013 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2013- duly passed and adopted by the Ontario City Council at their regular meeting held February 19, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
February 19, 2013

**SECTION:
CONSENT CALENDAR**

SUBJECT: A RESOLUTION APPROVING A TIME EXTENSION FOR TENTATIVE TRACT MAP 18419 (FILE NO. PMTT06-066)

RECOMMENDATION: That the City Council adopt a resolution approving a five-year time extension for Tentative Tract Map 18419 (File No. PMTT06-066), a request to subdivide 38.75 acres of land into 234 residential lots and 18 lettered lots within Planning Areas 6A and 6B of The Avenue Specific Plan, located along the east side of Turner Avenue, 255 feet north of Schaefer Avenue (APN: 0218-201-15).

COUNCIL GOALS: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Ensure the Development of a Well-Planned, Balanced, and Self-Sustaining Community in the New Model Colony

FISCAL IMPACT: Granting of the time extension provides for greater development opportunities as the housing market rebounds.

BACKGROUND: Tentative Tract Map 18419 was approved by the Ontario Planning Commission on May 22, 2007. The subdivision provided for the creation of 234 numbered lots for three product types: Single Family Detached product with a minimum lot size of 3,200 square feet; Single Family Detached product with a minimum lot size of 4,250 square feet; and "lane" loaded product with a minimum lot size of 2,380 square feet. The lots range in size from 2,880 square feet to 11,770 square feet with an average lot size of 4,160 square feet.

In conjunction with the tentative map approval, the original applicant, Distinguished Land Development, entered into a Development Agreement with the City Council on June 19, 2007. The agreement included, but was not limited to, provisions for development impact fees, affordable housing, public services funding, school financing, and tentative map approval time period. Under the Development Agreement, the tentative map was approved initially for a five-year period with the option of a five-year

STAFF MEMBER PRESENTING: Jerry L. Blum, Planning Director

Prepared by: Scott Murphy
Department: Planning

City Manager Approval: 

Submitted to Council/O.H.A. 02/19/2013
Approved: _____
Continued to: _____
Denied: _____

9

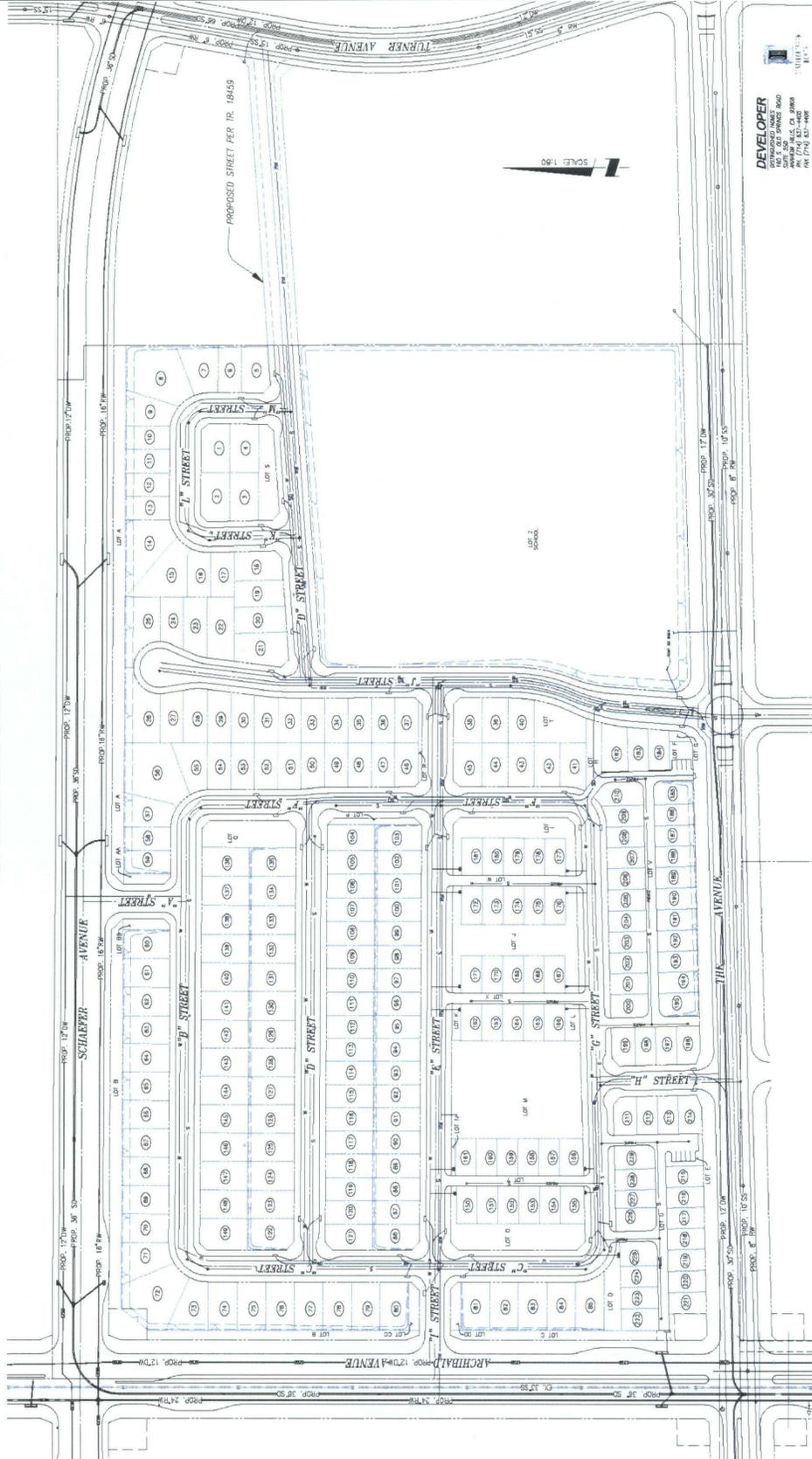
extension, upon approval of the City Council. The applicant is now requesting to exercise the five-year extension.

In reviewing the time extension request, staff finds that The Avenue Specific Plan development standards remain unchanged from the initial project approval. While a new land use plan (The Ontario Plan - TOP) has been adopted for the City since project approval, the land use designation for the site remains the same (Low Density Residential). The development of the 234 lots is consistent with Planning Area 6A and 6B of The Avenue Specific Plan. Further, the conditions of approval require installation of all infrastructure improvements (sewer, water, etc.) necessary to serve the site. The applicant is a member of NMC Builders and is involved in the design of the backbone infrastructure necessary to serve the site. The work being done by NMC Builders would provide the infrastructure to serve the site, consistent with the conditions of approval.

The Planning Commission reviewed the application at their meeting of January 22, 2013, and found that the tentative map is in compliance with current development standards and conditions of approval. As a result, the Planning Commission unanimously recommended approval of the time extension.

ENVIRONMENTAL REVIEW: The environmental impacts of this project were previously reviewed in conjunction with The Avenue Specific Plan, for which an Environmental Impact Report (SCH #2005071109) was certified by the City Council on December 19, 2006. This Application introduces no new significant environmental impacts. All previously adopted mitigation measures are be a condition of project approval and are incorporated herein by reference.

**TTM 18419 - THE AVENUE
IMPROVEMENTS LAYOUT**



DEVELOPER
 HUNAKER & ASSOCIATES
 1111 17th St. N.
 Grand Rapids, MI 49503
 PH: (616) 532-4400
 FX: (616) 532-4400
 WWW: HUNAKER.COM

PREPARED BY:
 HUNAKER & ASSOCIATES
 1111 17th St. N.
 Grand Rapids, MI 49503
 PH: (616) 532-4400
 FX: (616) 532-4400
 WWW: HUNAKER.COM

PLOTTED BY: Max_Jared DATE: May 08, 2007 10:18:27 AM FILE: F:\0507\Planning\TTM 18419\Submittal\Improvements layout.dwg

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-066 (TT 18419), A REQUEST TO SUBDIVIDE 38.75 ACRES OF LAND INTO 234 RESIDENTIAL LOTS AND 18 LETTERED LOTS WITHIN PLANNING AREAS 6A AND 6B OF THE AVENUE SPECIFIC PLAN, LOCATED AT THE SOUTHEAST CORNER OF ARCHIBALD AVENUE AND SCHAFER AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 218-201-15.

WHEREAS, Ontario Schaeffer Holdings, LLC, ("Applicant") has filed an Application for the approval of a time extension for a tentative map, File No. PMTT06-066, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to property located within planning areas 6A and 6B of The Avenue Specific Plan located at the southeast corner of Archibald and Schaefer Avenues and is presently vacant; and

WHEREAS, the property to the north of the Project site is within the R1 (Single Family Residential) zoning district and is developed with single family residences. The property to the south is within Subarea 10, Low Density Residential land use designation of The Avenue Specific Plan and is vacant. The property to the east is within the Open Space designation of the West Haven Specific Plan and is developed with electric transmission facilities. The property to the west is within the R1, Single Family Residential, zoning district and is developed with single family residences; and

WHEREAS, On May 22, 2007, the Planning Commission approved the application for the subdivision of the property into 234 lots; and

WHEREAS, On June 19, 2007, the City Council approved a development agreement for the property that provided an initial approval period of five (5) years for the tentative map and a possible extension of an additional five (5) years, subject to approval by the City Council; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA"); and

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with the West Haven Specific Plan, for which an Environmental Impact Report (SCH #2005071109) was certified by the City Council on December 19, 2006, and this Application introduces no new significant environmental impacts; and

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

WHEREAS, on January 22, 2013, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date. After considering all testimony, the Commission unanimously recommended approval of the time extension; and

WHEREAS, on February 19, 2013, the City Council of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

SECTION 1. As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the previously certified The Avenue Specific Plan EIR and supporting documentation. Based upon the facts and information contained in The Avenue Specific Plan EIR (SCH #2005071109) and supporting documentation, the City Council finds as follows:

a. The previous The Avenue Specific Plan EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and

b. The previous The Avenue Specific Plan EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder; and.

c. The previous The Avenue Specific Plan EIR reflects the independent judgment of the City Council; and

d. All previously adopted mitigation measures, which are applicable to the Project, shall be a condition of Project approval and are incorporated herein by reference.

SECTION 2. Based upon the substantial evidence presented to the City Council during the above-referenced hearing and upon the specific findings set forth in Section 1 above, the City Council hereby concludes as follows:

a. The subdivision is consistent with all applicable general and specific plans. The subdivision of 38.75 acres into 234 parcels ranging in size from 2,880 square feet to 11,770 square feet is consistent the Low Density Residential land use designation of TOP and the requirements of The Avenue Specific Plan;

b. The design or improvement of the subdivision is consistent with all applicable general and specific plans. The subdivision complies with the development standards of The Avenue Specific Plan

c. The site is physically suitable for the type of development proposed. The site is rectangular in shape and relatively flat in slope, thus providing sufficient area, adequate access, and appropriate amenities for the type of development proposed and to serve future residents.

d. The site is physically suitable for the proposed density of development. The site is rectangular in shape and relatively flat in slope, thus providing sufficient area, adequate access, and appropriate amenities for the type of development proposed and to serve future residents

e. The design of the subdivision or the proposed improvement is not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat. An Environmental Impact Report was prepared for The Avenue Specific Plan. The EIR identified potential impacts resulting from the development and, to the extent practicable, mitigated impacts associated with the development.

f. The design of the subdivision or the proposed improvement is not likely to cause serious public health problems. The potential environmental impacts of the Project were evaluated with The Avenue Specific Plan EIR that was certified by the City Council on December 19, 2006.

g. The design of the subdivision will not conflict with any easement acquired by the public at large, then of record, for access through or use of the property within the proposed subdivision. There are no known easements acquired by the public through the site.

h. The design of the subdivision has, to the extent feasible, provided for future passive or natural heating or cooling opportunities, i.e. lot sizes and configuration permit orientation of structures in an east-west alignment or permit orientation of structures to take advantage of shade or prevailing breezes. The majority of the lots will provide opportunities for passive solar and to take advantage of the prevailing evening breeze from the southwest.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council hereby approves a five (5) year time extension for the Project.

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

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

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

PASSED, APPROVED, AND ADOPTED this 19th day of February 2013.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2013- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held February 19, 2013 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2013- duly passed and adopted by the Ontario City Council at their regular meeting held February 19, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
February 19, 2013

SECTION:
CONSENT CALENDAR

SUBJECT: AN ORDINANCE APPROVING A ZONE CHANGE (FILE NO. PZC12-002) TO REZONE APPROXIMATELY 18,000 SQUARE FEET OF LAND FROM OPEN SPACE (OS) TO INDUSTRIAL PARK (M2), FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF THE ONTARIO SOCCER COMPLEX, LOCATED NORTH OF SR 60, BETWEEN VINEYARD AVENUE AND ARCHIBALD AVENUE, SOUTH OF PHILADELPHIA STREET

RECOMMENDATION: That the City Council adopt an ordinance approving a Mitigated Negative Declaration and the rezoning (File No. PZC12-002) of approximately 18,000 square feet of land from Open Space (OS) to Industrial Park (M2) for land located at the southeast corner of the Ontario Soccer Complex (APN # 0113-281-13).

COUNCIL GOALS: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Invest in the Growth and Evolution of the City's Economy

FISCAL IMPACT: None.

BACKGROUND: At the meeting of December 18, 2012, the City Council introduced and had a first reading of an ordinance approving File No. PZC12-002, a request to rezone 18,000 square feet of the Ontario Soccer Complex from Open Space (Parkland) to Industrial (MZ). The request for rezone accompanied a request to amend the Land Use Element of the Policy Plan, changing the land use designation from Open Space to Industrial. These changes were necessary in order to allow for a ground lease agreement with San Diego Outdoor Advertising, Inc. to construct a 64 foot-high electronic billboard sign on the site.

STAFF MEMBER PRESENTING: Jerry L. Blum, Planning Director

Prepared by: Richard Ayala
Department: Planning

City Manager Approval:  _____

Submitted to Council/O.H.A. 02/19/2013

Approved: _____

Continued to: _____

Denied: _____

10

The current action is the second reading and adoption of the ordinance and approval of the Mitigated Negative Declaration, the Mitigation Monitoring and Reporting Program, and Zone Change File No. PZC12-002.

It should be noted that because of a clerical error, when the rezone was considered and approved on December 18, 2012, the ordinance introducing the rezone was erroneously referred to and titled as a resolution at its first reading. The document included in this action is that ordinance presented for second reading, as was originally intended. All information submitted in support of the rezone is the same and the facts and reasons supporting the rezone remain the same as was decided upon at the previous hearing. The ordinance will become effective thirty days following its adoption.

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

ENVIRONMENTAL REVIEW: The application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") and an initial study has been prepared to determine possible environmental impacts. On the basis of the initial study, which indicated that all potential environmental impacts from the Project were less than significant or could be mitigated to a level of insignificance, a Mitigated Negative Declaration was prepared pursuant to CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines. Furthermore, to ensure that the mitigation measures are implemented, a Mitigation Monitoring Plan has been prepared for the Project pursuant to CEQA Guidelines Section 15097, which specifies responsible agencies/departments, monitoring frequency, timing and method of verification and possible sanctions for non-compliance with mitigation measures. The environmental documentation for this project is available for review at the Planning Department public counter.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC12-002, A CHANGE IN THE ZONING DESIGNATION FROM OPEN SPACE (OS) TO INDUSTRIAL PARK (M2) ON APPROXIMATELY 18,000 SQUARE FEET OF LAND LOCATED WITHIN THE SOUTHEAST CORNER OF THE ONTARIO SOCCER COMPLEX LOCATED JUST NORTH OF SR 60 BETWEEN VINEYARD AVENUE AND ARCHIBALD AVENUE ON PHILADELPHIA STREET, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 113-281-13 (2200 EAST PHILADELPHIA STREET).

WHEREAS, the City of Ontario ("Applicant") has filed an Application for the approval of a Zone Change, File No. PZC12-002, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to property located within the southeast corner of the Ontario Soccer Complex located just north of State Route 60 between Vineyard Avenue and Archibald Avenue on Philadelphia Street, as shown on Exhibit "A"; and

WHEREAS, the property to the north of the Project site is within the M2 (Industrial Park) zoning district and is developed with a industrial uses. The property to the south is State Route 60 (Pomona 60 Fwy). The property to the east is within the SP (Specific Plan) zoning district and is developed with industrial warehouses. The property to the west is within the SP (Specific Plan) zoning district and is largely developed with the Kaiser Hospital facility; and

WHEREAS, the Application was initiated in conjunction with a General Plan Amendment (File No. PGPA12-001), request to facilitate the construction of a 64 foot high freeway oriented pylon sign with an electronic message display on the project site; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA"); and

WHEREAS, as the first action on the Project, on September 25, 2012, the Planning Commission approved a Resolution recommending adoption of a Mitigated Negative Declaration ("MND") and Mitigation Monitoring and Reporting Program ("MMRP") to the City Council. The MND indicated that all potential environmental impacts from the Project were less than significant or could be mitigated to a level of less than significant; and

WHEREAS, the project site is located within the Airport Influence Area of Ontario International Airport and the Project is consistent with the policies and criteria set forth within the Airport Land Use Compatibility Plan; and

WHEREAS, on September 25, 2012, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and issued Resolution No. PC12-056, recommending the City Council approve the project; and

WHEREAS, on December 18, 2012, the City Council of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

SECTION 1. As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the Mitigated Negative Declaration (MND) prepared for the Project and supporting documentation. Based upon the facts and information contained in the MND and supporting documentation, the City Council finds as follows:

- a. The MND contains a complete and accurate reporting of the environmental impacts associated with the Project; and
- b. The MND was completed in compliance with CEQA and the Guidelines promulgated thereunder; and.
- c. The MND reflects the independent judgment of the City Council; and
- d. All environmental impacts of the Project are either less than significant or can be mitigated to a level of less than significant pursuant to the mitigation measures outlined in the MND, the Mitigation Monitoring and Reporting Program and the Initial Study.

SECTION 2. Based upon the substantial evidence presented to the City Council during the above-referenced hearing and upon the specific findings set forth in Section 1 above, the City Council hereby concludes as follows:

- a. The proposed zone change is consistent with the goals and policies of the general plan.
- b. The proposed zone change is reasonable and beneficial, and in the interest of good zoning practice.
- c. The project site is physically suitable, including, but not limited to parcel size, shape, access, availability of utilities and compatibility with adjoining land uses, for the requested zoning designation and anticipated development.

d. The proposed zone change will not adversely affect the harmonious relationship with adjacent parcels and land uses.

e. The proposed zone change will not have a significant adverse impact on the environment.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council hereby approve the requested Zone Change.

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

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

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

PASSED, APPROVED, AND ADOPTED this _____ day of _____ 2013.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. _____ was duly introduced at a regular meeting of the City Council of the City of Ontario held _____ and adopted at the regular meeting held _____, 2013 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, 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.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

EXHIBIT "A"

Existing Zoning Classification



- LEGEND**
- FIRE STATION
 - AIRPORT NOISE CONTOURS (65, 70, AND 75 db LEVELS)
 - AIRPORT CLEAR ZONE
 - SPECIFIC PLANS
 - EUCLID AVENUE OVERLAY DISTRICT
- ZONING**
- AR Agricultural Residential
 - RE Residential Estate
 - R1 One-Family Residential (1 to 5 d.u./acre)
 - R1.5 Low Density Residential (5.1 to 11 d.u./acre)
 - R2 Multiple Family Residential (11.1 to 16 d.u./acre)
 - R3 High Density Residential District (16.1 to 25 d.u./acre)
 - MH Mobile Home Park
 - PUD Planned Unit Development
 - NCC Neighborhood Convenience Commercial
 - C1 Shopping Center Commercial
 - C2 Central Business Commercial
 - C3 Commercial Service
 - C4 Airport Related Services (ARS)
 - AP Administrative Professional
 - M1 Limited Industrial
 - M2 Industrial Park
 - M3 General Industrial
 - (VI) Vintage Industrial Overlay (M3/VI)
 - OS Open Space
 - PF Public Facility
 - P1 Off-Street Parking
 - SP Specific Plan
 - (AG) Specific Plan (Ag Preserve)

Proposed Zoning Classification



CITY OF ONTARIO

Agenda Report
February 19, 2013

SECTION:
CONSENT CALENDAR

SUBJECT: MANAGEMENT AGREEMENT FOR THE OPERATION OF WHISPERING LAKES GOLF COURSE AND A RESOLUTION MODIFYING GREENS AND OTHER FEES AT THE GOLF COURSE

RECOMMENDATION: That the City Council:

- (A) Authorize the City Manager to execute a five-year Management Agreement (on file in the Records Management Department) with Donovan Brothers Golf, LLC of Chino Hills, California, for the management and operation of Whispering Lakes Golf Course with the option to extend the agreement for an additional five-year period;
- (B) Adopt a resolution rescinding Resolution 96-120 and approving a modification of greens and other golf course fees; and
- (C) Authorize the City Manager to adjust or amend greens fees rate structures and applicability guidelines; and approve future fee changes not to exceed one dollar (\$1) per category per year.

COUNCIL GOALS: Develop Strategies and Take Actions, including Regaining Local Control of the Ontario International Airport, to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Operate in a Businesslike Manner
Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities

FISCAL IMPACT: The Management Agreement calls for Donovan Brothers Golf, LLC to operate and manage Whispering Lakes Golf Course and provide bookings to play golf, tournaments, events, programs and other golfing activities. Donovan Brothers will be responsible for all costs associated with operating the golf course and in return will receive an annual management fee to cover the following oversight services: marketing, accounting, administration, employee training, payroll and benefits administration, agronomy, merchandising, and web management. The annual management fee will be paid monthly for a total of \$96,000 for each of the first two years, with a 2% increase for the third through fifth years. The City shall receive as revenue from Donovan Brothers an annual guaranty of \$75,000 for each the first two years and \$100,000 for the third through fifth years. In addition, any

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

Prepared by: Stacy Orton
Department: Community and Public Services

City Manager Approval: 

Submitted to Council/O.H.A. 02/19/2013
Approved: _____
Continued to: _____
Denied: _____

remaining net cash flow balance at each year-end shall be distributed seventy five percent (75%) to the City and twenty-five percent (25%) to Donovan Brothers as a contingent management fee. The agreement also requires the establishment of a capital reserve fund equal to one dollar per 18-hole round which will be used to defray the cost of future capital improvements and equipment purchases. Staff recommends, based upon market analysis and surveys, an increase to greens fees, cart fees and other golf course fees effective July 1, 2013. The estimated annual increase in greens fees revenue is \$170,000 based on a projected 52,000 annual rounds.

BACKGROUND: In preparation for the completion of improvements and construction at Whispering Lakes Golf Course, staff sought to partner with a golf course operator that will provide management, marketing and operations of the golf course and its associated facilities. A request for proposals was issued in February 2011, and three responses were received. Based on an analysis of all proposals, credentials, references, evaluation and negotiations, staff recommends a five-year agreement with Donovan Brothers Golf, LLC. with the option to extend for an additional five-years at the City's discretion. The agreement provides for its termination at any time with 180-day written notice to the operator. Throughout the evaluation and negotiations process, Donovan Brothers was the only operator agreeable to the City's terms and conditions associated with the new management agreement, including an annual guaranty, additional financial and statistical reporting and contingent profit sharing.

Donovan Brothers has over 35 years of experience in the management and ownership of golf courses. Currently, they own and operate, or provide management services to twelve golf courses in Southern California including Sierra Lakes Golf Course in Fontana and Western Hills Country Club in Chino Hills. Donovan Brothers has operated Whispering Lakes Golf Course for the last 15 years. The proposed management agreement includes provisions for Donovan Brothers and the City to implement an annual budget and marketing plan that will be used to promote the Whispering Lakes golf experience and improve rounds of play through tournaments, lessons, recreation programming, relighting the driving range, and marketing opportunities with the Ontario Convention Center and Citizens Business Bank Arena.

Based on a review of golf course fees in the surrounding area and the Economics Research Associates' analysis and marketing report of April 2008, the current greens fees at Whispering Lakes are below market rates by \$4 to \$5 for posted weekday rates and \$7 to \$8 for weekend rates. With the completion of the golf facility improvements and the installation of new leased golf carts, staff recommends an increase to fees including \$4 for both weekday and weekend 18-hole green fees, a \$2 and \$3 increase to twilight and 9-hole fees, and an adjustment to cart rental fees. The new fees are listed for reference in the proposed resolution and include \$1 per 18-hole round to be deposited into a capital reserve account to assist with facility improvements and equipment replacement in the future. With these increases, the greens fee rate structure at Whispering Lakes will remain twenty (20%) to thirty-nine (39%) percent below the market average when compared to the surrounding municipal golf courses. All rate changes will be effective July 1, 2013 to coincide with the new fiscal year and provide notice to players. Residents and seniors will continue to receive discounts for both weekday and weekend play.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, RESCINDING RESOLUTION 96-120 AND ESTABLISHING FEES AND CHARGES AT WHISPERING LAKES GOLF COURSE.

WHEREAS, the City Council of the City of Ontario, California, is empowered to impose reasonable fees, rates and charges for golf course services; and

WHEREAS, it is the intention of the City Council that the revised fees and charges shall cover, the estimated costs for providing service and maintenance for the customers of the Whispering Lakes Golf Course; and to define the type of fees and policies associated with the operation of the golf course; and;

WHEREAS, based upon the evidence provided, the City Council hereby determines that the revised fees herein are reasonable for providing the service and maintenance for which the fee is charged;

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

SECTION 1. FEES AND CHARGES The following fees and charges for the Whispering Lakes golf course are hereby adopted.

(a). Green Fees

<u>18 Holes</u>	<u>Standard Fee</u>	<u>Resident Fee</u>	<u>Junior/Senior Fee</u>	<u>Twilight Fee</u>
Weekends/Holidays	\$27	\$23	\$22	\$17
Weekdays	\$23	\$20	\$16	\$14

<u>9 Holes</u>	<u>Standard Fee</u>	<u>Resident Fee</u>	<u>Junior/Senior Fee</u>	<u>Twilight Fee</u>
Weekends/Holidays	\$17	\$16	\$15	N/A
Weekdays	\$14	\$13	\$11	N/A

(1). Holidays. As specified below.

- Week of New Year's Eve – Week of January 1st
- Martin Luther King's Birthday – 3rd Monday in January
- President's Day – 3rd Monday in February
- Good Friday – Friday prior to Easter Sunday
- Memorial Day – Last Monday in May

- Independence Day – July 4th
- Labor Day- 2nd Monday in October
- Veteran’s Day – November 11th
- Thanksgiving Day – 4th Thursday in November
- Day after Thanksgiving – 4th Friday in November
- Week of Christmas Day – Week of December 25th

(b). Special Green Fees

- (1). Resident Fee Residents of the city will be provided with discounted green fees as set forth in Section 1(a) “Green Fees.” Proof of residence by photo identification upon payment will be required.
- (2). Twilight Fee The twilight green fee rate shall be applicable for eighteen (18) holes after 1:00 p.m. daily. Twilight times may be adjusted and super twilight times and rates may be added at the discretion of the operator.
- (3). High School Golf Team Fee For students enrolled at high school, the green fee for eighteen (18) holes, when officially representing teams in sanctioned golf practice or tournament, shall be Six and No/100ths (\$6.00) Dollars, except Saturday, Sunday and holidays, when the rates set forth in Section 1(a) “Green Fees” shall apply.

High school golf teams will be provided a per season (January – April) fee for a not to exceed One-Thousand and No/100ths (\$1,000) per team.

- (4). Junior Fee For all golfers seventeen (17) years of age and under will be provided with discounted green fees as set forth in Section 1(a) “Green Fees.” Proof of junior status will be by photo identification and required at the time of payment.
- (5). Senior Citizen Fee Senior citizens will be provided with discounted green fees as set forth in Section 1(a) “Green Fees.” Senior citizen is defined as fifty (50) years of age and older. Proof of senior citizen status will be by photo identification and required at the time of payment.
- (6). Monthly/Bi-Monthly Passes Monthly passes shall be issued for the sum not to exceed One Hundred Twenty-Five and No/100ths (\$125) Dollars for thirty (30) days, and for the sum not to exceed Seventy-Five and No/100ths (\$75) Dollars for fifteen (15) days, which shall permit the purchaser to play without payment of additional green fees at any time during the calendar month when issued, except Saturday, Sunday and holidays. Such passes shall be voided if transferred. Personal identification may be required.

- (7). Range Discount Special The range discount special tickets shall be issued for a sum not to exceed Fifty and No/100ths (\$50) Dollars for ten buckets of range balls, which shall permit the purchaser to play without the payment of additional fees at any time during the specified number available on the ticket.
- (8). Tournaments Green fees for tournaments will be for the sum not to exceed Thirty-Five and No/100ths (\$35) Dollars on weekdays and a sum not to exceed Forty and No/100ths (\$40) on weekends, per player, except nine (9) hole league play for Ten and No/100ths (\$10) Dollars.
- (9). Weekend Rates Weekend rates shall apply to Saturday, Sunday and holidays.

(c). Golf Cart Fees

<u>Standard/per person</u>	<u>Weekday</u>	<u>Weekend /Holidays</u>	<u>Twilight</u>
18 Holes	\$12.00	\$12.00	\$ 8.00
9 Holes	\$ 8.00	\$ 8.00	N/A

A standard Eighteen (18) hole cart fee will be applied for any spectator riding in a cart following a groups golf game.

SECTION 2. POSTING OF FEES AND CHARGES The above fees and charges shall be posted at the Pro Shop and driving range.

SECTION 3. POLICY Upon passage of this Resolution, the following policy shall be in effect at the Whispering lakes Golf Course.

- (a). Reservations Reservations for weekday/weekend play can be made no earlier than seven (7) days in advance of the day being requested.
- (b). Fivesome Five (5) golfers (fivesome) will be the maximum in a group. In fivesomes, only when three (3) carts are rented, the third cart will be charged at the standard rate. The only exception to this policy is during tournaments outlined in Section 1(b)(8) "Special Green Fees."
- (c). Men's/Women's Golf Club Players Members of the Ontario Men's/Women's Golf Club Players with scheduled weekend starting times will be required to guarantee four (4) paid green fees per starting time. In the event that the member is unable to comply with this requirement, or is unable to complete a foursome, he/she must contact the Golf Course Manager/Pro or his representative with the number of openings or cancellations in his scheduled time. Failure to comply with these requirements will result in the

forfeiture of the member's scheduled time. The Golf Course Manager/Pro or his representative will record these cancellations and beginning Wednesday at noon, issue these times to the golfing public on a first-come first-serve basis, either via telephone or in person.

- (d). Scheduled Tournament Play Scheduled tournament play shall not commence until 9:00 a.m. on Saturdays and Sundays. The Operator or his representative may allow earlier starting times for tournaments .
- (e). Golf Course Etiquette The Golf Course Manager/Pro, Starter or Golf Course Marshals, shall have the authority to prohibit further play by any golfer who violates any rule or regulation now in existence or hereafter established for conduct on the Whispering Lakes Golf Course.

SECTION 4. Authorize the City Manager, or designee, to adjust or amend fee rate structures and applicability guidelines as needed; and approve future fee changes not to exceed one dollar (\$1.00) per category per year.

SECTION 5. The fees set forth in Section 1 will take effect on July 1, 2013.

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

PASSED, APPROVED, AND ADOPTED this 19th day of February 2013.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2013- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held February 19, 2013 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2013- duly passed and adopted by the Ontario City Council at their regular meeting held February 19, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
February 19, 2013

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION APPROVING AN APPLICATION FOR THE FISCAL YEARS 2013-14 AND 2014-15 LOCAL GOVERNMENT WASTE TIRE AMNESTY GRANT PROGRAM FROM THE DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE)

RECOMMENDATION: That the City Council adopt a resolution approving the City's application for the Fiscal Years 2013-14 and 2014-15 Local Government Waste Tire Amnesty Grant Program pursuant to Section 42889(b)(5) of the Public Resources Code; and authorize the City Manager to execute said application.

COUNCIL GOALS: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Pursue City's Goals and Objectives by Working With Other Governmental Agencies
Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: The City may receive up to \$40,000, approximately \$10,000 per event, in grant reimbursement for the cost of waste tire collection events and associated outreach activities for Fiscal Years 2013-14 and 2014-15. A minimum of two waste tire collection events is required for each fiscal year. No matching funds are required. There is no impact to the General Fund.

BACKGROUND: The City is eligible to apply for the Fiscal Year 2013-14 and Fiscal Year 2014-15 Waste Tire Amnesty Grant from the State of California, Department of Resources Recycling and Recovery (CalRecycle). The tire grant programs are designed to encourage activities that promote reducing the number of waste tires going to landfills for disposal and eliminate the stockpiling of waste tires. Revenue for the grants is generated from a tire fee on each new tire sold in California.

This program provides funding on a competitive basis to local governments to conduct amnesty events at convenient locations for the public to bring in their waste tires at no charge for recycling. Grant

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

Prepared by: Bob Figoni
Department: MU/Solid Waste

City Manager
Approval: 

Submitted to Council/O.H.A. 02/19/2013
Approved: _____
Continued to: _____
Denied: _____

12

awards are competitive and will be based on the estimated per tire cost for the City to conduct the amnesty events.

If successful in obtaining the grant award, events would be held at the Ontario Municipal Services Center and would be open to Ontario residents only with a limit of nine (9) automobile tires per resident. It is anticipated that as many as 3,000 tires would be collected at each event.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A GRANT APPLICATION WITH THE DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY TIRE AMNESTY GRANT PROGRAM TO FUND OUTREACH AND FOUR WASTE TIRE EVENTS PURSUANT TO SECTION 42889(b)(5) OF THE PUBLIC RESOURCES CODE.

WHEREAS, Public Resources Code sections 40000 et seq. authorize the Department of Resources Recycling and Recovery (CalRecycle), to administer various Grant Programs in furtherance of the State of California's 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.

WHEREAS, if awarded, the applicant will enter into a Grant Agreement with CalRecycle to conduct four waste tire amnesty events, two during Fiscal Year 2013-14 and two during Fiscal Year 2014-15.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Ontario authorizes the submittal of an application to CalRecycle for the Local Government Waste Amnesty Tire Program.

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 19th day of February 2013.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2013- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held February 19, 2013 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2013- duly passed and adopted by the Ontario City Council at their regular meeting held February 19, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
February 19, 2013

SECTION:
CONSENT CALENDAR

SUBJECT: CONSTRUCTION CONTRACT FOR THE CUCAMONGA AVENUE SCREEN WALL IMPROVEMENT PROJECT

RECOMMENDATION: That the City Council approve the plans and specifications and award Contract No. UT1213-08 to MDE Group, Inc., of Riverside, California, for the Cucamonga Avenue Screen Wall Improvement project at the Ontario Municipal Service Center (OMSC) in the amount of \$189,690 plus a 15% contingency (\$28,454) for a total of \$218,144; authorize the City Manager to execute said contract (on file in the Records Management Department); and file the notice of completion at the conclusion of all construction activities.

COUNCIL GOALS: Develop Strategies and Take Action, Including Regaining Local Control of the Ontario International Airport, to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: The Fiscal Year 2012-13 Capital Improvement Program Budget includes appropriations from the Utilities Capital Funds for this project. The recommended contract is for the bid amount of \$189,690 plus a fifteen percent (15%) contingency of \$28,454, for a total authorized amount of \$218,144. There is no impact to the General Fund.

BACKGROUND: On December 20, 2011, City Council awarded a contract to complete the street widening of Cucamonga Avenue fronting the OMSC. This included the construction of new curb and gutter, sidewalk, street lights, and improved drainage. A new screen wall along the OMSC property is part of the frontage improvements and will bring the OMSC into conformance with current development standards consistent with surrounding properties. This project will replace an existing chain link fence with 498 linear feet of 8' high masonry block wall, 123 linear feet of 8' high steel tube fence, and two 8' high steel tube vehicular access gates. The new wall will also provide improved security at the OMSC.

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

Prepared by: Dennis Mejia
Department: MU/Engineering

City Manager Approval:  _____

Submitted to Council/O.H.A. 02/19/2013

Approved: _____

Continued to: _____

Denied: _____

13

On December 20, 2012, five (5) bids were received as summarized below.

<u>Vendor</u>	<u>Location</u>	<u>Amount</u>
MDE Group Inc.	Riverside, CA	\$189,690
Roadway Engineering & Contracting	Mira Loma, CA	\$201,398
Grifith Company	Santa Fe Springs, CA	\$237,486
Parsam Construction, Inc.	Glendale, CA	\$264,711
Broughton Construction Inc.	Rancho Cucamonga, CA	\$285,197
The Richards Group	Murrieta, CA	\$288,565

Staff recommends awarding the contract to MDE Group Inc. of Riverside, California, based on their expertise and ability to perform the work in a timely manner and successful completion of this type of work in the past.

The project has been reviewed pursuant to the California Environmental Quality Act (CEQA) and has been determined to be exempt from CEQA pursuant to Section 15268 which states that ministerial projects are exempt from the requirements of CEQA.

CITY OF ONTARIO

Agenda Report
February 19, 2013

SECTION:
ADMINISTRATIVE REPORTS/
DISCUSSION/ACTION

SUBJECT: RESOLUTIONS MODIFYING RETIREE MEDICAL CONTRIBUTIONS FOR SAFETY EMPLOYEE GROUPS PURSUANT TO EXISTING LABOR AGREEMENTS AND THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT

RECOMMENDATION: That the City Council adopt resolutions modifying the retiree medical contributions for safety employee groups consistent with the terms and conditions of existing labor agreements and pursuant to the Public Employees' Medical and Hospital Care Act (PEMHCA).

COUNCIL GOALS: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Maintain the Current High Level of Public Safety
Operate in a Businesslike Manner

FISCAL IMPACT: An actuarial analysis was prepared by Bartel Associates, LLC to report the impact of the retiree medical changes included in the recently negotiated labor agreements. The actuarial analysis was presented to the City Council on December 4, 2012. The actuary determined that the changes for safety new hires will result in future cost savings to the City, which will be gradually phased in as new safety employees are hired.

BACKGROUND: On May 1, 2012, the City Council approved new Memoranda of Understanding (MOUs) with the Ontario Police Officers Association, Ontario Police Management Group, Ontario Firefighters Association, and Ontario Fire Management Group. All four bargaining units worked collaboratively with the City to reduce future retirement costs. The safety groups agreed to a second tier of retiree medical benefits for employees hired on or after July 1, 2012, resulting in long-term cost savings for the City. The impact of the change will begin when employees hired on or after July 1, 2012 ultimately retire and start receiving the modified retiree medical contribution as compared to current employees.

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

Prepared by: Linda Matthews

Department: Human Resources

City Manager Approval: 

Approval: _____

Submitted to Council/O.H.A. 02/19/2013

Approved: _____

Continued to: _____

Denied: _____

14

Upon retirement, employees in the second tier will receive a monthly employer contribution for retiree medical costs equal to the minimum legally required under PEMHCA, the medical healthcare program that is administered by the California Public Employees' Retirement System (CalPERS). The minimum employer contribution as of 2013 is \$115 per month, and CalPERS adjusts it annually based on the medical care component of the Consumer Price Index. While actively employed, those in the second tier will also receive a monthly contribution into a retiree medical trust that can be used upon retirement to offset medical costs on a tax-free basis.

As part of the process of implementing the two-tier retiree medical benefits program, it is necessary that the City adopt resolutions for CalPERS stating that the City's contribution is fixed at the minimum employer contribution required under PEMHCA.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FIXING THE EMPLOYER'S CONTRIBUTION UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT.

WHEREAS, Government Code Section 22892(a) provides that a local agency contracting under the Public Employees' Medical and Hospital Care Act shall fix the amount of the employer's contribution at an amount not less than the amount required under Section 22892(b) of the Act; and

WHEREAS, the City of Ontario, hereinafter referred to as Public Agency is local agency contracting under the Act for participation by members of the Police Unit.

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

SECTION 1. That the employer's contribution for each employee or annuitant shall be the amount necessary to pay the full cost of his/her enrollment, including the enrollment of his/her family members in a health benefits plan up to a maximum of minimum employer contributions per month as prescribed in Section 22892(b)(1) of the Government Code per month, plus administrative fees and Contingency Reserve Fund Assessments; and

SECTION 2. That the City of Ontario has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above; and

SECTION 3. Effective Date. This Resolution shall take effect on July 1, 2013; and

SECTION 4. Signature and Attestation. The Mayor of the City shall sign this Resolution and the City Clerk shall attest and certify to the passage and adoption thereof.

PASSED, APPROVED, AND ADOPTED this 19th day of February 2013.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2013- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held February 19, 2013 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2013- duly passed and adopted by the Ontario City Council at their regular meeting held February 19, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FIXING THE EMPLOYER'S CONTRIBUTION UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT.

WHEREAS, Government Code Section 22892(a) provides that a local agency contracting under the Public Employees' Medical and Hospital Care Act shall fix the amount of the employer's contribution at an amount not less than the amount required under Section 22892(b) of the Act; and

WHEREAS, the City of Ontario, hereinafter referred to as Public Agency is local agency contracting under the Act for participation by members of the Police Management Unit.

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

SECTION 1. That the employer's contribution for each employee or annuitant shall be the amount necessary to pay the full cost of his/her enrollment, including the enrollment of his/her family members in a health benefits plan up to a maximum of minimum employer contributions per month as prescribed in Section 22892(b)(1) of the Government Code per month, plus administrative fees and Contingency Reserve Fund Assessments; and

SECTION 2. That the City of Ontario has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above; and

SECTION 3. Effective Date. This Resolution shall take effect on July 1, 2013; and

SECTION 4. Signature and Attestation. The Mayor of the City shall sign this Resolution and the City Clerk shall attest and certify to the passage and adoption thereof.

PASSED, APPROVED, AND ADOPTED this 19th day of February 2013.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2013- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held February 19, 2013 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2013- duly passed and adopted by the Ontario City Council at their regular meeting held February 19, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FIXING THE EMPLOYER'S CONTRIBUTION UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT.

WHEREAS, Government Code Section 22892(a) provides that a local agency contracting under the Public Employees' Medical and Hospital Care Act shall fix the amount of the employer's contribution at an amount not less than the amount required under Section 22892(b) of the Act; and

WHEREAS, the City of Ontario, hereinafter referred to as Public Agency is local agency contracting under the Act for participation by members of the Fire Unit.

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

SECTION 1. That the employer's contribution for each employee or annuitant shall be the amount necessary to pay the full cost of his/her enrollment, including the enrollment of his/her family members in a health benefits plan up to a maximum of minimum employer contributions per month as prescribed in Section 22892(b)(1) of the Government Code per month, plus administrative fees and Contingency Reserve Fund Assessments; and

SECTION 2. That the City of Ontario has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above; and

SECTION 3. Effective Date. This Resolution shall take effect on July 1, 2013; and

SECTION 4. Signature and Attestation. The Mayor of the City shall sign this Resolution and the City Clerk shall attest and certify to the passage and adoption thereof.

PASSED, APPROVED, AND ADOPTED this 19th day of February 2013.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2013- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held February 19, 2013 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2013- duly passed and adopted by the Ontario City Council at their regular meeting held February 19, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FIXING THE EMPLOYER'S CONTRIBUTION UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT.

WHEREAS, Government Code Section 22892(a) provides that a local agency contracting under the Public Employees' Medical and Hospital Care Act shall fix the amount of the employer's contribution at an amount not less than the amount required under Section 22892(b) of the Act; and

WHEREAS, the City of Ontario, hereinafter referred to as Public Agency is local agency contracting under the Act for participation by members of the Fire Management Unit.

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

SECTION 1. That the employer's contribution for each employee or annuitant shall be the amount necessary to pay the full cost of his/her enrollment, including the enrollment of his/her family members in a health benefits plan up to a maximum of minimum employer contributions per month as prescribed in Section 22892(b)(1) of the Government Code per month, plus administrative fees and Contingency Reserve Fund Assessments; and

SECTION 2. That the City of Ontario has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above; and

SECTION 3. Effective Date. This Resolution shall take effect on July 1, 2013; and

SECTION 4. Signature and Attestation. The Mayor of the City shall sign this Resolution and the City Clerk shall attest and certify to the passage and adoption thereof.

PASSED, APPROVED, AND ADOPTED this 19th day of February 2013.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2013- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held February 19, 2013 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2013- duly passed and adopted by the Ontario City Council at their regular meeting held February 19, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)