

CITY OF ONTARIO
CITY COUNCIL AND HOUSING AUTHORITY
AGENDA
APRIL 2, 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 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: southeast corner of Holt Boulevard and Euclid Avenue, APN: 1049-061-01, 02 and 03; and southeast corner of Lemon Avenue and Transit Street, APN: 1049-064-01, 02, 03, 4 and 05; City/Authority Negotiator: Chris Hughes or his designee; Negotiating parties: Westates De Oro LLC; Under negotiation: Price and terms of payment.
- 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

Council Member Avila

INVOCATION

Pastor Mike Urciuoli, Calvary Chapel Ontario

REPORT ON CLOSED SESSION

City Attorney

PUBLIC COMMENTS

6:30 p.m.

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

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

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

SPECIAL CEREMONIES

PRESENTATION BY CHINO BASIN WATER CONSERVATION DISTRICT

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 March 5, 2013, and approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

Bills February 24, 2013 through March 9, 2013 and **Payroll** February 24, 2013 through March 9, 2013, when audited by the Finance Committee.

3. A RESOLUTION SUPPORTING THE LEAGUE OF CALIFORNIA CITIES PROPOSED AMENDMENTS TO LEAGUE BYLAWS

That the City Council adopt a resolution supporting the League of California Cities proposed amendments to League Bylaws designed to ensure responsiveness to the membership's interests by establishing criteria relating to (1) the submittal of resolutions to the League for General Assembly consideration and (2) the authority for the League Board's to take a position on a statewide ballot measure.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ONTARIO, CALIFORNIA, SUPPORTING THE LEAGUE OF
CALIFORNIA CITIES PROPOSED AMENDMENTS TO LEAGUE
BYLAWS.

4. A PROFESSIONAL SERVICES AGREEMENT FOR FINANCIAL AUDIT SERVICES/LANCE, SOLL & LUNGHARD, LLP

That the City Council authorize the City Manager to execute a three year professional services agreement (on file with the Records Management Department) with the accounting firm of Lance, Soll & Lunghard, LLP, of Brea, California, in the amount of \$233,530 to perform annual auditing services for the City of Ontario, the Ontario Housing Authority, and the Successor Agency of the former Redevelopment Agency; and authorize extension of the agreement for up to two additional years subject to City Council approved budgets.

5. APPROVAL OF BOND FINANCING TEAM FOR INVESTMENT BANKING AND LEGAL SERVICES FOR ANY FUTURE BOND ISSUES INITIATED THROUGH FISCAL YEAR 2013-14

That the City Council approve a bond financing team comprised of Wedbush Securities Inc. of Los Angeles, CA (Bond Underwriter/Financial Advisors); Jones Hall of San Francisco, CA (Bond Counsel/Disclosure Counsel); Stradling, Yocca Carlson & Rauth of Newport Beach, CA (Bond Counsel/Disclosure Counsel); and CSG Advisors of San Francisco, CA (Financial Advisors) for investment banking and legal services for any future bond issues that may be initiated through Fiscal Year 2013-14.

6. AN AMENDMENT TO A LEASE AGREEMENT WITH THE CITY OF UPLAND FOR ONTARIO-OWNED PROPERTIES LOCATED AT 8TH AND CAMPUS AND 13TH AND CAMPUS

That the City Council authorize the City Manager to execute, subject to non-substantive changes, an amendment to the lease agreement (on file with Records Management Department) with the City of Upland for Upland's continued use of Ontario-owned properties located within Upland city limits at 8th and Campus and 13th and Campus.

PUBLIC HEARINGS

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

7. AN ORDINANCE AMENDING VARIOUS PROVISIONS OF TITLE 9, CHAPTER 1, OF THE ONTARIO MUNICIPAL CODE, INCLUDING PART 3, ARTICLE 13 (LAND USE AND SPECIAL REQUIREMENTS), AND PART 4, ARTICLE 14 (RESIDENTIAL DISTRICTS)

That the City Council introduce and waive further reading of an ordinance approving File No. PDCA13-001, a Development Code Amendment revising Title 9 (Development Code), Chapter 1 (Zoning and Land Use Requirements), of the Ontario Municipal Code, including Part 3 (Zoning Districts and Land Use), Article 13 (Land Use and Special Requirements), and Part 4 (Base District Regulations), Article 14 (Residential Districts), adding the HDR-45 (High Density Residential—25.1 to 45.0 du/acre) Zoning District, and related land use and development standards.

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

Written communication.
Oral presentation.
Public hearing closed.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA13-001, A DEVELOPMENT CODE AMENDMENT REVISING TITLE 9 (DEVELOPMENT CODE), CHAPTER 1 (ZONING AND LAND USE REQUIREMENTS), OF THE ONTARIO MUNICIPAL CODE, INCLUDING PART 3 (ZONING DISTRICTS AND LAND USE), ARTICLE 13 (LAND USE AND SPECIAL REQUIREMENTS), AND PART 4 (BASE DISTRICT REGULATIONS), ARTICLE 14 (RESIDENTIAL DISTRICTS), ADDING THE HDR-45 (HIGH DENSITY RESIDENTIAL—25.1 TO 45.0 DU/ACRE) ZONING DISTRICT, AND RELATED LAND USE AND DEVELOPMENT STANDARDS, AND MAKING FINDINGS IN SUPPORT THEREOF.

COUNCIL MATTERS

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)
April 2, 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 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: southeast corner of Holt Boulevard and Euclid Avenue, APN: 1049-061-01, 02 and 03; and southeast corner of Lemon Avenue and Transit Street, APN: 1049-064-01, 02, 03, 4 and 05; City/Authority Negotiator: Chris Hughes or his designee; Negotiating parties: Westates De Oro LLC; Under negotiation: Price and terms of payment.

No Reportable Action Continue Approved

/ / / / / /

Disposition: _____

- GC 54956.9 (b), 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
April 2, 2013

SECTION:
CONSENT CALENDAR

**SUBJECT: A RESOLUTION SUPPORTING THE LEAGUE OF CALIFORNIA CITIES
PROPOSED AMENDMENTS TO LEAGUE BYLAWS**

RECOMMENDATION: That the City Council adopt a resolution supporting the League of California Cities proposed amendments to League Bylaws designed to ensure responsiveness to the membership's interests by establishing criteria relating to (1) the submittal of resolutions to the League for General Assembly consideration and (2) the authority for the League Board's to take a position on a statewide ballot measure.

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: The adoption of the resolution in support of League of California Cities' bylaws amendments will not result in any direct fiscal impact.

BACKGROUND: The League of California Cities is a non-profit mutual benefit corporation under California law and, as such, is governed by corporate bylaws. The League's Board of Directors periodically reviews the bylaws for issues of clarity, practicality, compliance with current laws, and responsiveness to membership interests. At its February 7-8, 2013 meeting, the League Board of Directors approved submitting amendments to the League's bylaws to member cities.

The first amendment would require that resolutions submitted to the League for presentation to the General Assembly must be concurred in by at least five or more cities or by city officials from at least five or more cities. This amendment is to encourage member cities to seek concurrence of other cities and city officials that the subject of the proposed resolution is a substantial one and of broad interest and importance to cities.

The second amendment would establish that the League Board may take a position on a statewide ballot measure by a 2/3rd vote of those directors present. Currently, the Board may take positions with a

STAFF MEMBER PRESENTING: Chris Hughes, City Manager

Prepared by: Al Boling
Department: Citywide Administration

City Manager
Approval: 

Submitted to Council/O.H.A. 04/02/2013

Approved: _____

Continued to: _____

Denied: _____

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simple majority vote. The purpose of this amendment is to ensure that when the Board considers a position on possibly controversial statewide ballot measures, the Board's ultimate decision represents a broad consensus of the directors.

In order for the League to change its bylaws, each amendment must receive a 2/3rd vote of those members voting. Voting is being conducted by mail ballot, and the deadline for member cities to respond is April 19, 2013. If this action is approved by the City Council, the City Clerk will ensure that the mail ballot is completed and received by the League prior to the deadline.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO,
CALIFORNIA, SUPPORTING THE LEAGUE OF CALIFORNIA CITIES
PROPOSED AMENDMENTS TO LEAGUE BYLAWS.

WHEREAS, the League of California Cities is a non-profit mutual benefit corporation under California law and, as such, is governed by corporate bylaws; and

WHEREAS, the League's Board of Directors periodically reviews the League's bylaws for issues of clarity, practicality, compliance with current laws, and responsiveness to membership interests'; and

WHEREAS, at its February 7-8, 2013 meeting, the League of California Cities' Board of Directors, approved submitting the following amendments to the League's bylaws to the League's membership by mail ballot:

1. Article VI, Section 2 of the League's bylaws shall be amended to read as follows:

"Resolutions may originate from city officials, city councils, regional divisions, functional departments, policy committees, or the League Board or by being included in a petition signed by designated voting delegates of ten percent of the number of Member Cities. Except for petitioned resolutions, all other resolutions must be submitted to the League with documentation that at least five or more cities, or city officials from at least five or more cities, have concurred in the resolution."

2. A new Article VII, section 16 is added to the League's bylaws to read as follows:

"Section 16: Positions on Statewide Ballot Measures.

Notwithstanding any other provision of these bylaws, the League Board may take a position on a statewide ballot measure by a 2/3rd vote of those Directors present."; and

WHEREAS, the purpose of the amendments is to encourage the League of California Cities to consider items of substance and broad interest and importance to cities; and to ensure that when the League Board of Directors considers a position on possibly controversial statewide ballot measures that the Board's decision represents a broad consensus of the Directors.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ontario, California, that the proposed amendments to the League of California Cities bylaws are in the best interest of and are supported by the City of Ontario.

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

PASSED, APPROVED, AND ADOPTED this 2nd day of April 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 April 2, 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 April 2, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report

April 2, 2013

SECTION: CONSENT CALENDAR

SUBJECT: A PROFESSIONAL SERVICES AGREEMENT FOR FINANCIAL AUDIT SERVICES

RECOMMENDATION: That the City Council authorize the City Manager to execute a three year professional services agreement (on file with the Records Management Department) with the accounting firm of Lance, Soll & Lunghard, LLP, of Brea, California, in the amount of \$233,530 to perform annual auditing services for the City of Ontario, the Ontario Housing Authority, and the Successor Agency of the former Redevelopment Agency; and authorize extension of the agreement for up to two additional years subject to City Council approved budgets.

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 cost for the proposed financial audit agreement will be \$75,554 for the first year, and increase three percent for each of the next two years, or \$77,821 and \$80,155, respectively. The audit costs for the two option years (Fiscal Years 2015-16 and 2016-17) will be fixed at year three rates. Overall, the cost will increase an average of 1.4 percent per year throughout the full five year term.

Due to the significant effort and initial costs for an independent auditor to become familiar with the City's systems and internal controls, audit contracts are generally awarded for a period of five years to allow audit firms to spread the initial costs over a period of time. This approach of procuring audit services results in lower annual audit costs to the City. Under the proposed contract with Lance, Soll & Lunghard, the City will have a three year contract with an option to renew for years four and five.

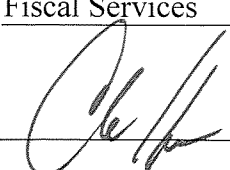
BACKGROUND: The City is required under several Federal and State grants to have an annual audit of its financial statements performed by "an independent auditor". An independent auditor is an external

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

Prepared by: Doreen M. Nunes

Department: Fiscal Services

City Manager

Approval: 

Submitted to Council/O.H.A. 04/02/2013

Approved: _____

Continued to: _____

Denied: _____

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auditor or public accountant who meets the independence standards included in the generally accepted government auditing standards.

For the past fifteen years the City's financial audit services have been performed by the firm of Lance, Soll & Lunghard. During this period, the City's Comprehensive Annual Financial Report (CAFR) has received annual financial reporting awards from the Government Finance Officer's Association (GFOA) and California Society of Municipal Finance Officers (CSMFO).

Lance, Soll & Lunghard has been extremely supportive and knowledgeable during the ongoing redevelopment dissolution and related issues, including with the subsequent reporting, audits, data requests and disputed items with the California Department of Finance.

Upcoming financial reporting requirements will involve substantial reporting format modifications for financial statements for governmental, proprietary and fiduciary funds. With these additional requirements, maintaining the same firm for auditing services will provide continuity and minimal disruption to City staff. The recommendation to continue audit services with Lance, Soll & Lunghard, LLP is also based on:

- Firm experience – over 80 years of audit experience with government agencies;
- Extensive expertise in RDA dissolution and successor agency reporting/auditing (LSL is recognized as a State DOF approved firm)
- City clients – provides audit services for 60 cities;
- Staff qualifications – all partners and management staff are Certified Public Accountants;
- Minimal annual fee increases;
- High quality of past performance with the City; and
- Familiarity with the City's automated financial system.

CITY OF ONTARIO

Agenda Report

April 2, 2013

SECTION: CONSENT CALENDAR

SUBJECT: APPROVAL OF BOND FINANCING TEAM FOR INVESTMENT BANKING AND LEGAL SERVICES FOR ANY FUTURE BOND ISSUES INITIATED THROUGH FISCAL YEAR 2013-14

RECOMMENDATION: That the City Council approve a bond financing team comprised of Wedbush Securities Inc. of Los Angeles, CA (Bond Underwriter/Financial Advisors); Jones Hall of San Francisco, CA (Bond Counsel/Disclosure Counsel); Stradling, Yocca Carlson & Rauth of Newport Beach, CA (Bond Counsel/Disclosure Counsel); and CSG Advisors of San Francisco, CA (Financial Advisors) for investment banking and legal services for any future bond issues that may be initiated through Fiscal Year 2013-14.

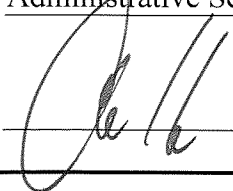
COUNCIL GOALS: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health,
Invest in the City's Infrastructure (Water, Streets, Sewers,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

FISCAL IMPACT: No specific financing proposals are recommended or authorized with this action. Accordingly, there are no fiscal impacts resulting from the approval of the proposed bond financing team. The rates and charges of each firm for future financing activities would be funded from any bond proceeds and would be consistent with the market at the time of issuance.

Any proposals to utilize bond financing for projects or refinancing opportunities will be presented to the City Council for consideration as part of the City's annual budget development process or future City Council meetings.

BACKGROUND: 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 the low interest rates and today's lower construction costs may result in substantial savings to the City. Moreover, to help reduce the federal

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

Prepared by: Grant D. Yee
Department: Administrative Services
City Manager Approval: 

Submitted to Council/O.H.A. 04/02/2013
Approved: _____
Continued to: _____
Denied: _____

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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.

In the event that additional capital is needed for future projects or refinancing opportunities, it is recommended that the City establish a bond financing team in advance to provide the City with flexibility to react quickly to financing needs that may arise and take advantage of current favorable market conditions. The firms recommended for the City's bond team have significant experience in municipal bond financing and are familiar with the City's existing outstanding debt obligations and terms. A similar bond team was previously approved by the City Council in 2007. The recommendation to continue investment banking and legal services with these firms are based on the following:

- Firms' experience with municipal bonds
- Staff qualifications
- High quality past performance with the City
- Exceptional customer service
- Competitive fees

CITY OF ONTARIO

Agenda Report

April 2, 2013

SECTION: CONSENT CALENDAR

SUBJECT: AN AMENDMENT TO A LEASE AGREEMENT WITH THE CITY OF UPLAND FOR ONTARIO-OWNED PROPERTIES LOCATED AT 8TH AND CAMPUS AND 13TH AND CAMPUS

RECOMMENDATION: That the City Council authorize the City Manager to execute, subject to non-substantive changes, an amendment to the lease agreement (on file with Records Management Department) with the City of Upland for Upland's continued use of Ontario-owned properties located within Upland city limits at 8th and Campus and 13th and Campus.

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, Sewer, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: This amendment will allow Ontario to install and maintain an antenna atop of Upland's ball field lighting pole. There is no change to the financial terms and conditions of the original lease agreement. Ontario will be responsible for maintenance of its antenna, and Upland will continue to maintain the park facilities constructed on the Ontario-owned properties.

BACKGROUND: Ontario owns two properties in Upland that house water reservoirs. Originally constructed between 1926 and 1972, one is located at 8th and Campus and the other at 13th and Campus. There is a 10 million gallon reservoir on the 10.2 acre property at 8th and Campus, and three (3) underground reservoirs that hold a combined 8.75 million gallons on the 2.4 acre property at 13th and Campus. Ontario has leased the use of the land above and around the reservoirs at the two sites to Upland since 1971 for use as park space. Upland has subsequently constructed improvements at the sites including lighted ball fields, snack bar and parking lot facilities at 8th and Campus; and a basketball court and open space at 13th and Campus.

The City uses remote telemetry units, radios, and antennas to monitor reservoir levels and control wells, booster stations, pressure regulating valves, and lift stations. The telemetry units communicate through

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

Prepared by: Tim Mim Mack
Department: MU/Engineering

City Manager
Approval: 

Submitted to Council/O.H.A. 04/02/2013

Approved: _____

Continued to: _____

Denied: _____

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networked radios and “line of sight” antennas to monitor over 950 critical alarms. Over time, the line of sight between the reservoirs and the utility control center located at the Municipal Services Center has been obstructed as trees mature and properties are developed. The proposed amendment will provide for Ontario to install a repeater antenna atop one of Upland’s 70 foot tall baseball field lighting poles at the 8th Street and Campus Avenue property to improve communication reliability and quality between both reservoir sites and Ontario’s utility control center at the Municipal Services Center. A site map is provided as Exhibit “A”.

The project has been reviewed pursuant to the California Environmental Quality Act (CEQA) and is categorically exempt under Section 15303, (Class 3, New Construction or Conversion of Small Structures) of CEQA.

EXHIBIT 'A'

REPEATER ANTENNA - 8TH AND CAMPUS

ONTARIO RESERVOIR NO.1



CITY OF ONTARIO

Agenda Report
April 2, 2013

SECTION: PUBLIC HEARINGS

SUBJECT: AN ORDINANCE AMENDING VARIOUS PROVISIONS OF TITLE 9, CHAPTER 1, OF THE ONTARIO MUNICIPAL CODE, INCLUDING PART 3, ARTICLE 13 (LAND USE AND SPECIAL REQUIREMENTS), AND PART 4, ARTICLE 14 (RESIDENTIAL DISTRICTS)

RECOMMENDATION: That the City Council introduce and waive further reading of an ordinance approving File No. PDCA13-001, a Development Code Amendment revising Title 9 (Development Code), Chapter 1 (Zoning and Land Use Requirements), of the Ontario Municipal Code, including Part 3 (Zoning Districts and Land Use), Article 13 (Land Use and Special Requirements), and Part 4 (Base District Regulations), Article 14 (Residential Districts), adding the HDR-45 (High Density Residential—25.1 to 45.0 du/acre) Zoning District, and related land use and development standards.

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
Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: There is no direct fiscal impact as a result of adoption of this Development Code Amendment.

BACKGROUND: This item is a continued public hearing from the March 19, 2013 regular City Council meeting. In 2010, the City Council adopted an update to the City's General Plan (File No. PGPA06-001), including the adoption of The Ontario Plan and the Preferred Land Use Plan, together with the creation of the High Density Residential (25.1 to 45 dwelling units per acre) land use designation. Revisions to Articles 13 (Land Use and Special Requirements) and 14 (Residential Districts) of Chapter 1 (Zoning and Land Use Requirements) of the City's Development Code (Title 9 of the Ontario Municipal Code) are now being proposed, which:

- Establish the HDR-45 (High Density Residential — 25.1 to 45 dwelling units per acre) zoning district consistent with the High Density Residential land use designation established by the

STAFF MEMBER PRESENTING: Jerry L. Blum, Planning Director

Prepared by: Charles Mercier
Department: Planning

City Manager
Approval: 

Submitted to Council/O.H.A. 04/02/2013

Approved: _____

Continued to: _____

Denied: _____

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Policy Plan component of The Ontario Plan. No actual properties would be affected by the creation of the HDR-45 zoning district. All future zone changes intended to bring the zoning of properties into consistency with the Policy Plan will require that neighborhood meetings be conducted by Planning Department staff, followed by public hearings before the Planning Commission and City Council;

- Add the HDR-45 zoning district to Table 13-1 (Permitted, Conditional, and Ancillary Land Uses—All Zoning Districts) of the Development Code, which establishes the land uses allowed within the proposed zoning district. The land uses proposed within the HDR-45 zoning district mirror those land uses allowed within the R3 zoning district; and
- Add development standards and guidelines for the HDR-45 zoning district, which serve to further the City's desired level of high quality multiple-family residential development.

Sections 3 through 7 of the ordinance contain each of the changes proposed within Articles 13 (Land Use and Special Requirements) and 14 (Residential Districts) of Chapter 1 (Zoning and Land Use Requirements) of the City's Development Code, which will serve to implement the HDR-45 zoning district.

All Development Code updates that were a part of the original public hearing and not relative to the creation of the HDR-45 zoning district will not be acted on at this time, and will come forward at a future date as part of the comprehensive Development Code update program.

ENVIRONMENTAL REVIEW: The environmental impacts of this project were previously reviewed in conjunction with The Ontario Plan (File No. PGPA06-001), an update of the City of Ontario General Plan and Preferred Land Use Plan, for which an Environmental Impact Report (SCH No. 2008101140) was adopted by the City Council on January 27, 2010. This Project introduces no new significant environmental impacts.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA13-001, A DEVELOPMENT CODE AMENDMENT REVISING TITLE 9 (DEVELOPMENT CODE), CHAPTER 1 (ZONING AND LAND USE REQUIREMENTS), OF THE ONTARIO MUNICIPAL CODE, INCLUDING PART 3 (ZONING DISTRICTS AND LAND USE), ARTICLE 13 (LAND USE AND SPECIAL REQUIREMENTS), AND PART 4 (BASE DISTRICT REGULATIONS), ARTICLE 14 (RESIDENTIAL DISTRICTS), ADDING THE HDR-45 (HIGH DENSITY RESIDENTIAL—25.1 TO 45.0 DU/ACRE) ZONING DISTRICT, AND RELATED LAND USE AND DEVELOPMENT STANDARDS, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, the City of Ontario ("Applicant") has initiated an amendment to Title 9 of the Ontario Municipal Code ("Development Code"), File No. PDCA13-001, as described in the title of this Ordinance (hereinafter referred to as "Project"); and

WHEREAS, an amendment is proposed to the provisions of Development Code Chapter 1 (Zoning and Land Use Requirements), Part 3 (Zoning Districts and Land Use), Article 13 (Land Use and Special Requirements), which regulates the establishment of land uses, activities and facilities within each zoning district of the City, and prescribes special requirements for certain land uses, activities and facilities within the City; and

WHEREAS, an amendment is proposed to the provisions of Development Code Chapter 1 (Zoning and Land Use Requirements), Part 4 (Base District Regulations), Article 14 (Residential Districts), which regulates the development of properties within the residential zoning districts of the City; and

WHEREAS, in January 2010, the City Council adopted an update to the City's General Plan and Preferred Land Use Plan (File No. PGPA06-001), which requires the completion of numerous significant and comprehensive changes to the City's Development Code and Official Zoning Map, and over the past three years, staff has worked toward completing the necessary zoning and Development Code revisions; and

WHEREAS, the first phase of Development Code revisions is reflected in proposed changes to Chapter 1 (Zoning and Land Use Requirements), Part 3 (Zoning Districts and Land Use), Article 13 (Land Use and Special Requirements), and Part 4 (Base District Regulations), Article 14 (Residential Districts), which includes:

- The establishment of the HDR-45 zoning district, a high density residential zoning district allowing for the development of multiple-family dwellings at a density of 25.1 to 45.0 dwellings per acre, consistent with the High Density Residential land use designation established by the Policy Plan component of The Ontario Plan;

- The addition of the HDR-45 zoning district to Table 13-1 (Permitted, Conditional, and Ancillary Land Uses—All Zoning Districts) of the Development Code, which establishes the land uses allowed within the proposed zoning district. The land uses proposed within the HDR-45 zoning district mirror those land uses allowed within R3 zoning district; and
- The addition of development standards and guidelines for the HDR-45 zoning district, which serve to further the City's desired level of high quality residential development.

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 Ontario Plan (File No. PGPA06-001), an update of the City of Ontario General Plan and Preferred Land Use Plan, for which an Environmental Impact Report (SCH No. 2008101140) was adopted by the City Council on January 27, 2010; and

WHEREAS, on February 26, 2013, the Planning Commission of the City of Ontario conducted a duly noticed public hearing and issued Resolution No. PC13-015, recommending the City Council approve the proposed Development Code Amendment.

WHEREAS, on April 2, 2013, the City Council of the City of Ontario conducted a public hearing to consider the proposed Development Code 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 administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the City Council, the City Council finds as follows:

(a) The environmental impacts of this project were previously reviewed in conjunction with The Ontario Plan (File No. PGPA06-001), an update of the City of Ontario General Plan and Preferred Land Use Plan, for which an Environmental Impact Report (SCH No. 2008101140) was adopted by the City Council on January 27, 2010;

(b) This Project introduces no new significant environmental impacts; and

(c) The determination reflects the independent judgment of the City Council.

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 Development Code Amendment is consistent with the goals and policies of the Policy Plan component of The Ontario Plan;

(b) The proposed Development Code Amendment is reasonable and beneficial, and in the interest of good zoning practice; and

(c) The proposed development code amendment will not have a significant adverse impact on the environment.

SECTION 3. Amend Table 13-1 (Permitted, Conditional, and Ancillary Land Uses—All Zoning Districts) of Chapter 1 (Zoning and Land Use Requirements) of the Development Code, adding the “HDR-45” column to the “Residential Districts” grouping of “Zoning Districts,” and matching the R3 zoning district as to the allowed and prohibited land uses within the HDR-45 zone.

SECTION 4. Amend Article 14 (Residential Districts) of Chapter 1 (Zoning and Land Use Requirements) of the Development Code, adding Paragraph 9-1.1400.B.7 to read as follows:

“The HDR-45 zoning district is intended to accommodate high-density multiple-family developments in an urban environment, generally located within 1/2-mile of a transit corridor or station, at a density range of 25.1 to 45.0 dwelling units per acre. The HDR-45 zoning district is consistent with and implements the High Density Residential land use designation of the Policy Plan component of The Ontario Plan.”

SECTION 5. Amend Table 14-2 (Multiple-Family Residential Development Standards) of Chapter 1 (Zoning and Land Use Requirements) of the Development Code, adding the “HDR-45” column to the “Zoning Districts” grouping, and adding the following development standards:

<i>Requirement</i>	<i>HDR-45</i>	<i>Notes</i>
Site Requirements		
A. Maximum Lot Coverage	100%	
B. Minimum Lot Size (in SF)	20,000	Note 1
C. Maximum Density (in dwelling units per acre)		
1. Base Density	N/A	
2. Maximum Density	45	
D. Minimum Lot Dimensions (in FT)		
1. Lot Width		
a. Interior Lots	100	Note 1

Requirement	HDR-45	Notes
b. Corner Lots	100	Note 1
c. Cul-De-Sac Lots		
i. Measured Along Front Property Line	40	Note 1
ii. Measured at Front Building Setback	40	Note 1
2. Lot Depth	200	Note 1
E. Minimum Access Drive, Access Aisle, and Parking Space Setbacks (in FT)		
1. Access Drive, Access Aisle or Parking Space to Front Property Line	10	
2. Access Drive, Access Aisle or Parking Space to Street Side Property Line		
a. Arterial Streets	20	
b. Other Streets	10	
3. Access Drive, Access Aisle or Parking Space to Interior Side Property Line	5	
4. Access Drive, Access Aisle or Parking Space to Rear Property Line	5	
F. Off-Street Parking and Circulation	Off-street parking facilities shall be provided pursuant to Article 30 (Off-Street Parking and Loading Requirements) of this Chapter.	
G. Landscaping	Landscaping shall be provided pursuant to Section 9-1.3205 (Landscape Design Guidelines) and Section 9-1.3040 (Landscaping of Parking Facilities) of this Chapter.	

Building Requirements

A. Front Yard Setback		
1. From Public Streets (measured from property line)	5	
2. From Private Streets (measured from back of sidewalk)	15	
B. Street Side Setback (in FT)		
1. Arterial Streets (measured from street property line)	5	
2. Other Public Street (measured from street property line)	5	
3. Private Streets (measured from back of sidewalk)	15	
C. Interior Side Yard Setback (in FT)		
1. First Floor	10	
2. Second or More Floors	10	
3. Adjacent to R1 Zone	10	
D. Rear Yard Setback (in FT)	10	

Requirement	HDR-45	Notes
E. Building to Parking Space Setback (in FT)		
1. From Living Area and Other Habitable Space	3	
2. From Garage and Other Nonhabitable Space	3	
F. Building to Access Drive Setback (in FT)		
1. From Living Area and Other Habitable Space	3	
2. From Garage and Other Nonhabitable Space	3	
G. Building to Access Aisle Setback (in FT)		
1. From Living Area and Other Habitable Space	3	
2. From Garage and Other Nonhabitable Space	3	
H. Freeway Setback (in FT)	20	
I. Maximum Structure Height (in FT)	75	
J. Maximum Building Separations (in FT)		
1. Habitable Structures		
a. Front to Front	30	
b. Front to Back	30	
c. Other	Front to Side: 25; Side to Side: 10; and Rear to Rear: 20	
2. Nonhabitable Structures	10	
K. Open Space	Open space shall be provided pursuant to Section 9-1.1425 (Open Space Requirements)	
L. Minimum Setback From Major Pipelines (habitable structures only) (in FT)	50	
M. Maximum No. of Units Per Building	N/A	

Notes:

1. *Reductions in the minimum lot size and dimensions may be permitted in conjunction with a "planned residential development" designed pursuant to Section 9-1.1430 (Planned Residential Development) of this Chapter.*
2. *Residential projects in the R1.5, R2 and R3 zones, which exceed the base density, must comply with the "bonus requirements" contained in Section 9-1.1420 (Residential Densities) of this Chapter.*
3. *The minimum side yard setback for legally established lots with a width less than 50 FT, shall be 10 percent of the lot width or 3 FT, whichever is greater.*
4. *Within the R1.5 and R2 zoning districts, no dwelling unit shall occupy space above another dwelling unit.*

SECTION 6. Amend Table 14-3 (Open Space Requirements for Multiple-Family Developments) of Chapter 1 (Zoning and Land Use Requirements) of the Development Code, adding the "HDR-45" column to the "Zoning Districts" grouping, and adding the following open space requirements:

Open Space Type	HDR-45
Private Open Space (in SF)	60
Common Open Space (in SF)	250

SECTION 7. Amend Article 14 (Residential Districts) of Chapter 1 (Zoning and Land Use Requirements) of the Development Code, adding Paragraph 9-1.1425.B.3 to read as follows:

“Within the HDR-45 zoning district, the ratio of private open space area to common open space area established by the Table14-3 (Open Space Requirements for Multiple-Family Developments) may be adjusted, based upon the housing market (occupants) the proposed development is intended to serve and subject to approval by the Approving Authority for the project. At a minimum, however, a total of 310 SF of open space (private plus common) shall be provided for each dwelling unit.”

SECTION 8. Based upon the findings and conclusions set forth in Sections 1 through 4, above, the City Council hereby approves File No. PDCA13-001, amending Chapter 1, Articles 13 and 14 of the City of Ontario Development Code.

SECTION 9. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is for any reason held to be invalid, unconstitutional or otherwise struck-down by a court of competent jobs, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more portions of this ordinance might be declared invalid.

SECTION 10. 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 11. 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:

JOHN E. BROWN, 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 April 2, 2013 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 _____, 2013 and that Summaries of the Ordinance were published on _____ and _____, in the Inland Valley Daily Bulletin newspaper.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)