

CITY OF ONTARIO
CITY COUNCIL AND HOUSING AUTHORITY
AGENDA
APRIL 17, 2012

Paul S. Leon
Mayor

Sheila Mautz
Mayor pro Tem

Alan D. Wapner
Council Member

Jim W. Bowman
Council Member

Debra Dorst-Porada
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

Mautz, Wapner, Bowman, Dorst-Porada, 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 (a), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *Chino Basin Municipal Water District v. City of Chino, et al., San Bernardino County Case No. RCV51010*
- GC 54956.9 (a), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *Ontario Mountain Village Association v. City of Ontario, San Bernardino Superior Court Case No. CIVRS1110506; Ontario Mountain Village Association and Phillip Meza v. City of Ontario, San Bernardino Superior Court Case CIVRS1200998; Phillip Meza v. City of Ontario; Wal-Mart Stores, Inc., et al, San Bernardino Superior Court Case CIVRS1108028; The Inland Oversight Committee v. City of Ontario, United States Central District Court Case No. EDCV 12-00178 VAP (OPx)*
- GC 54956.9 (b), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION: *One or more cases: City of Los Angeles/Los Angeles World Airports (LAWA).*

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

PLEDGE OF ALLEGIANCE

Mayor pro Tem Mautz

INVOCATION

Bishop Tim Keife, Church of Jesus Christ of Latter Day Saints

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

100TH ANNIVERSARY RECOGNITION OF THE GIRL SCOUTS OF THE USA

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 20, 2012, and approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

Bills March 11, 2012 through March 24, 2012 and **Payroll** March 11, 2012 through March 24, 2012, when audited by the Finance Committee.

3. FORMATION OF A JOINT POWERS AUTHORITY TO DEVELOP A HOMEOWNER PROTECTION PROGRAM

That the City Council adopt a resolution approving a Joint Exercise of Powers Agreement (on file in the Records Management Department) between the City of Ontario, the City of Hesperia, the City of Fontana, and the County of San Bernardino establishing a Homeownership Protection Program; and authorize the City Manager to execute the agreement.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A JOINT EXERCISE OF POWERS AGREEMENT BETWEEN THE CITY OF ONTARIO, THE CITY OF HESPERIA, THE CITY OF FONTANA, AND THE COUNTY OF SAN BERNARDINO ESTABLISHING A HOMEOWNERSHIP PROTECTION PROGRAM.

4. A RESOLUTION FOR PLACEMENT OF SPECIAL ASSESSMENTS ON COUNTY TAX ROLLS

That the City Council adopt a resolution for recovery of fees and costs incurred in abating property and dangerous building violations as well as administrative citations and civil penalties associated with property maintenance violations, and placing special assessments on County tax rolls.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING A REPORT REQUESTING THE PLACEMENT OF SPECIAL ASSESSMENTS ON PROPERTY TAX BILLS FOR CIVIL PENALTIES OR RECOVERY OF COSTS INCURRED FOR ABATEMENT OF VIOLATIONS OF CITY CODES AND ORDINANCES.

5. A RESOLUTION DESIGNATING REPRESENTATIVES TO THE OVERSIGHT BOARD OF THE FORMER ONTARIO REDEVELOPMENT AGENCY SUCCESSOR ENTITY

That the City Council, as Successor Agency, adopt a resolution confirming appointments designating representatives to the Oversight Board of the Successor Agency to the former Ontario Redevelopment Agency.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CONFIRMING THE MAYOR'S APPOINTMENTS OF TWO (2) MEMBERS TO THE OVERSIGHT BOARD CREATED BY HEALTH AND SAFETY CODE SECTION 34179.

6. A RESOLUTION APPROVING A RECOGNIZED OBLIGATION PAYMENT SCHEDULE PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 34177

That the City Council, as the Successor Agency of the dissolved Ontario Redevelopment Agency, adopt a resolution approving the Redevelopment Agency's Recognized Obligation Payment Schedule.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, SERVING AS THE SUCCESSOR AGENCY TO THE DISSOLVED ONTARIO REDEVELOPMENT AGENCY, APPROVING AND ADOPTING AN INITIAL DRAFT OF A RECOGNIZED OBLIGATION PAYMENT SCHEDULE PURSUANT TO HEALTH AND SAFETY CODE SECTION 34177(1).

7. PROFESSIONAL SERVICES AGREEMENT FOR DATA COLLECTION AND PROCESSING SERVICES FOR THE TRAFFIC SIGN REFLECTIVITY AND INVENTORY PROJECT/NATIONAL DATA & SURVEYING SERVICES, INC.

That the City Council approve a professional services agreement (on file in the Records Management Department) with National Data & Surveying Services, Inc. of Beverly Hills, California, to provide data collection and processing services for the Traffic Sign Reflectivity and Inventory Project in the amount of \$148,560 plus a ten percent (10%) contingency of \$14,856 for a total authorized expenditure of \$163,416; and authorize the City Manager to execute said agreement and future amendments to the agreement.

8. RESOLUTION APPROVING AN ESCROW AGREEMENT, IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND PARCEL MAP NOS. 19341 AND 19342

That the City Council adopt a resolution approving an escrow agreement, improvement agreement, improvement security and parcel map nos. 19341 and 19342 located at the northeast and southeast corners of Archibald Avenue and Jurupa Street, respectively, within the Airport Business Park - Hofer Ranch Specific Plan Area.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN ESCROW AGREEMENT, IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND PARCEL MAP NOS. 19341 AND 19342.

9. A RESOLUTION DESIGNATING AUTHORIZED AGENTS TO REPRESENT THE CITY OF ONTARIO IN OBTAINING FEDERAL FINANCIAL ASSISTANCE PROVIDED THROUGH THE EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) PROGRAM

That the City Council approve a resolution authorizing three designated personnel to represent the City of Ontario in obtaining federal financial assistance provided through the Department of Homeland Security (DHS) / Federal Emergency Management Agency (FEMA) EMPG program administered by the California Emergency Management Agency (Cal EMA).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DESIGNATING AUTHORIZED AGENTS TO REPRESENT THE CITY OF ONTARIO IN OBTAINING FEDERAL FINANCIAL ASSISTANCE PROVIDED THROUGH THE EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) PROGRAM.

10. A RESOLUTION DESIGNATING AUTHORIZED AGENTS TO REPRESENT THE CITY OF ONTARIO IN OBTAINING FEDERAL FINANCIAL ASSISTANCE PROVIDED THROUGH THE HOMELAND SECURITY GRANT PROGRAM (HSGP)

That the City Council approve a resolution authorizing three designated personnel to represent the City of Ontario in obtaining federal financial assistance provided through the Department of Homeland Security (DHS) / Federal Emergency Management Agency (FEMA) HSGP administered by the California Emergency Management Agency (Cal EMA).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DESIGNATING AUTHORIZED AGENTS TO REPRESENT THE CITY OF ONTARIO IN OBTAINING FEDERAL FINANCIAL ASSISTANCE PROVIDED THROUGH THE HOMELAND SECURITY GRANT PROGRAM (HSGP).

11. MASTER PLAN DESIGN FOR GEORGE GIBBS PARK

That the City Council adopt the proposed Park Master Plan (on file in Records Management Department) for George Gibbs Park.

PUBLIC HEARINGS

12. AN ORDINANCE AMENDING THE ONTARIO DEVELOPMENT CODE (FILE NO. PDCA12-001) ADDING ARTICLE 22, MULTI-MODAL TRANSIT OVERLAY DISTRICT, CREATING THE OVERLAY DISTRICT AND ESTABLISHING DEVELOPMENT STANDARDS AND PERMITTED AND CONDITIONALLY PERMITTED USES FOR APPROXIMATELY 75 ACRES OF LAND LOCATED SOUTH OF INTERSTATE 10, WEST OF ARCHIBALD AVENUE, AND NORTH AND EAST OF GUAISTI ROAD (ASSESSOR'S PARCEL NUMBERS 110-322-08, 17, 18, 21, 22, 25, 27, 29, 30, 31, AND 33)

That the City Council introduce and waive further reading of an ordinance approving Development Code Amendment File No. PDCA12-001, adding Development Code Article 22; and, pursuant to State CEQA Guidelines section 15164, adopting the Addendum to The Ontario Plan Environmental Impact Report analyzing the environmental effects thereof.

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. PDCA12-001, A DEVELOPMENT CODE AMENDMENT ADDING ARTICLE 22, MULTI-MODAL TRANSIT OVERLAY DISTRICT, CREATING THE OVERLAY DISTRICT AND ESTABLISHING DEVELOPMENT STANDARDS AND PERMITTED AND CONDITIONALLY PERMITTED USES FOR APPROXIMATELY 75 ACRES OF LAND LOCATED SOUTH OF INTERSTATE 10, WEST OF ARCHIBALD AVENUE, NORTH OF THE RAILROAD TRACKS, AND EAST OF GUAISTI ROAD MAKING FINDINGS IN SUPPORT THEREOF (APN: 110-322-08, 17, 18, 21, 22, 25, 27, 29, 30, 31, AND 33).

13. A PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE POLICY PLAN (GENERAL PLAN) COMPONENT OF THE ONTARIO PLAN (FILE NO. PGPA09-001) TO REVISE THE HAMNER/SR-60 MIXED USE AREA TO INCLUDE A RESIDENTIAL LAND USE (20.0-30.0 DWELLING UNITS PER ACRE), A ZONE CHANGE (FILE NO. PZC09-002) TO REZONE APPROXIMATELY 20-ACRES OF LAND FROM R1 (SINGLE-FAMILY RESIDENTIAL) TO SPECIFIC PLAN, AND THE ADOPTION OF TUSCANA VILLAGE SPECIFIC PLAN (FILE NO. PSP09-001), TO MASTER PLAN APPROXIMATELY 20-ACRES OF LAND BY ESTABLISHING LAND USE DESIGNATIONS AND DESIGN GUIDELINES FOR THE PROPERTY LOCATED AT THE NORTHWEST CORNER OF RIVERSIDE DRIVE AND MILLIKEN AVENUE

That the City Council adopt a resolution approving an Amendment to the Policy Plan (General Plan) component of The Ontario Plan (File No. PGPA09-001), introduce and waive further reading of an ordinance approving a Zone Change (File No. PZC09-002), and introduce and waive further reading of an ordinance approving the Tuscana Village Specific Plan (File No. PSP09-001).

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

Written communication.

Oral presentation.

Public hearing closed.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PGPA09-001, AN AMENDMENT TO THE POLICY PLAN (GENERAL PLAN) COMPONENT OF THE ONTARIO PLAN TO REVISE THE HAMNER/SR-60 MIXED USE AREA TO INCLUDE A RESIDENTIAL LAND USE WITH A DENSITY OF 20.0 - 30.0 DWELLING UNITS PER ACRE, LOCATED AT THE NORTHWEST CORNER OF RIVERSIDE DRIVE AND MILLIKEN AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APNS: 1083-361-01, 1083-361-04 & 1083-361-07.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC09-002, A ZONE CHANGE TO REZONE APPROXIMATELY 20 ACRES OF LAND FROM R1 (SINGLE-FAMILY RESIDENTIAL) TO SPECIFIC PLAN (TUSCANA VILLAGE), LOCATED AT THE NORTHWEST CORNER OF RIVERSIDE DRIVE AND MILLIKEN AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 1083-361-01.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM, AND APPROVING FILE NO. PSP09-001, A SPECIFIC PLAN (TUSCANA VILLAGE), TO MASTER PLAN APPROXIMATELY 20-ACRES OF LAND BY ESTABLISHING LAND USE DESIGNATIONS AND DESIGN GUIDELINES FOR THE PROPERTIES LOCATED AT THE NORTHWEST CORNER OF RIVERSIDE DRIVE AND MILLIKEN AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 1083-361-01.

14. CONSIDERATION OF AN ORDINANCE RELATED TO A DEVELOPMENT AGREEMENT (FILE NO PDA11-001) BETWEEN PANAYIOTIS AND ANDRIANA KATELARIS AND THE CITY OF ONTARIO TO ESTABLISH THE TERMS AND CONDITIONS FOR COMMERCIAL AND RESIDENTIAL DEVELOPMENT OF 20 ACRES WITHIN THE TUSCANA VILLAGE SPECIFIC PLAN

That the City Council introduce and waive further reading of an ordinance establishing a Development Agreement (PDA11-001) between Panayiotis and Andriana Katelaris and the City of Ontario regarding the development of 20 acres within the Tuscana Village Specific Plan, generally located at the northwest corner of Milliken Avenue and Riverside Drive (APN: 218-091-09).

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 A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND PANAYIOTIS AND ANDRIANA KATELARIS, FILE NO. PDA11-001, TO ESTABLISH THE TERMS AND CONDITIONS FOR COMMERCIAL AND RESIDENTIAL DEVELOPMENT OF 20 ACRES WITHIN THE TUSCANA VILLAGE SPECIFIC PLAN, GENERALLY LOCATED AT THE NORTHWEST CORNER OF MILLIKEN AVENUE AND RIVERSIDE DRIVE, AND MAKING FINDINGS IN SUPPORT THEREOF (APN: 218-091-09).

COUNCIL MATTERS

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

STAFF MATTERS

City Manager Hughes

ADJOURNMENT

CITY OF ONTARIO

Agenda Report
April 17, 2012

SECTION:
CONSENT CALENDAR

SUBJECT: FORMATION OF A JOINT POWERS AUTHORITY TO DEVELOP A HOMEOWNER PROTECTION PROGRAM

RECOMMENDATION: That the City Council adopt a resolution approving a Joint Exercise of Powers Agreement (on file in the Records Management Department) between the City of Ontario, the City of Hesperia, the City of Fontana, and the County of San Bernardino establishing a Homeownership Protection Program; and authorize the City Manager to execute the agreement.

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
Pursue City's Goals and Objectives by Working with Other Governmental Agencies
Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: The initial formation of the recommended Joint Powers Authority (JPA) will not result in any additional General Fund expenditures since existing staff will perform the preliminary responsibilities. Any future commitment of City funds will be presented to the City Council for consideration for subsequent budget action.

BACKGROUND: Over the past four years, the communities participating in this JPA have been adversely affected by an unprecedented economic downturn. Unemployment has reached record high levels, revenue to local governments throughout California has dropped to historic lows, and a drop in household income, particularly for working families, has resulted in widespread foreclosures of homes, depriving thousands of the San Bernardino County residents of the benefits of home ownership. Concomitantly, home values have plummeted, resulting in "underwater loans" or "negative equity"—where the outstanding principal balance on the home loan exceeds the market value of the house—and accordingly increasing the likelihood of further foreclosures, inhibiting the ability to refinance, and dampening consumer confidence and economic activity.

STAFF MEMBER PRESENTING: Chris Hughes, City Manager

Prepared by: Al Boling

Department: City Administration

City Manager Approval: 

Approval: _____

Submitted to Council/O.H.A. _____

Approved: _____

Continued to: _____

Denied: _____

04/17/2012

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The Cities of Ontario, Hesperia, and Fontana and the County of San Bernardino desire to enter into a Joint Exercise of Powers Agreement for Homeownership Protection Program to establish a JPA that will take actions and make decisions to assist in preserving home ownership and occupancy for homeowners with negative equity within the participating jurisdictions, avoid the negative impacts of underwater loans and further foreclosures, and enhance the economic vitality and the health of these respective communities.

The San Bernardino County Board of Supervisors approved the Authority's creation on April 10, 2012. The other participating cities are expected to approve the JPA in the upcoming weeks.

CITY OF ONTARIO

Agenda Report
April 17, 2012

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION FOR PLACEMENT OF SPECIAL ASSESSMENTS ON COUNTY TAX ROLLS

RECOMMENDATION: That the City Council adopt a resolution for recovery of fees and costs incurred in abating property and dangerous building violations as well as administrative citations and civil penalties associated with property maintenance violations, and placing special assessments on County tax rolls.

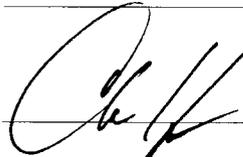
COUNCIL GOALS: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Operate in a Businesslike Manner

FISCAL IMPACT: The levy of special assessments will result in the recovery of \$28,907 in costs the City has expended for inspection or abatement as well as the collection of \$504,965 associated with civil penalties and/or fines for continued violations for a total of \$533,872 related to 102 parcels. When received, reimbursement will be made to the General Fund \$529,767 and the Dangerous Building Fund \$4,105.

BACKGROUND: The City has established revolving funds to cover City costs for abatement of property and dangerous building violations as a result of code enforcement activities as well as the generation of fines associated with administrative citations for property maintenance violations and fees and penalties associated with the Abandoned and Distressed Property Program. These costs, fines, fees and penalties are recovered through placement of special tax assessments upon the properties. The placement of special assessments and collection of revenue is done under Ordinance 2553, Property Appearance (Title 5, Chapter 22 of the Ontario Municipal Code); Chapter 9 of the Uniform Code for the Abatement of Dangerous Buildings; and Ordinance 2920 for civil penalties for continued violations of the Ontario Municipal Code and fines associated with administrative citations (Title 1, Chapters 2 and 5 of the Ontario Municipal Code). The City and the County currently have a contractual agreement

STAFF MEMBER PRESENTING: Karen De Vrieze, Code Enforcement Director

Prepared by: Erin Bonett
Department: Code Enforcement Department

City Manager Approval:  _____

Submitted to Council/O.H.A. 04/17/2012

Approved: _____

Continued to: _____

Denied: _____

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regarding implementation of special assessments; however, a resolution authorizing the placement of the specific assessments is required.

This assessment cycle, the Code Enforcement Department has billed \$799,641 in costs for the abatement of violations, the issuance of fines associated with administrative citations, and the issuance of registration fees and civil penalties associated with the Abandoned and Distressed Property Program on 718 parcels. Of this amount, \$243,545 has already been collected as a result of direct invoicing. Attached are itemized accountings of: 1) costs associated with inspection or abatement as shown in Exhibit A of the resolution; 2) civil penalties and/or fines for continued violations as shown in Exhibit B of the resolution; and 3) total amounts assessed per parcel as shown in Exhibit C of the resolution. The expenditure list, with any necessary corrections and adjustments, will be submitted to the County prior to August 2012 for placement on its 2012-2013 tax rolls. The uncollected balance of \$22,224 reflects funds expended on matters that are not yet resolved. Most often such matters are under the jurisdiction of the local Superior Court. When these matters are brought into court, the City becomes dependent on the court to award the abatement costs and attorney fees.

All affected property owners were given notice of the imposition of the special assessment via certified mail as provided in Ontario Municipal Code Section 1-4.05(a), and either have not requested an appeal or have exhausted the appellate procedure as provided in Ontario Municipal Code Section 1-4.05(b).

CITY OF ONTARIO

Agenda Report
April 17, 2012

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION DESIGNATING REPRESENTATIVES TO THE OVERSIGHT BOARD OF THE FORMER ONTARIO REDEVELOPMENT AGENCY SUCCESSOR ENTITY

RECOMMENDATION: That the City Council, as Successor Agency adopt a resolution confirming appointments designating representatives to the Oversight Board of the Successor Agency to the former Ontario Redevelopment Agency.

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: The City of Ontario, as the Successor Agency, is responsible for administering any and all outstanding enforceable obligations of the Ontario Redevelopment Agency. There is no compensation or reimbursement for serving on the Oversight Board, and no City funds are involved with the confirmation of the subject appointments to the Oversight Board.

BACKGROUND: On January 10, 2012, the City Council adopted a resolution designating the City of Ontario as Successor Agency to the Ontario Redevelopment Agency in connection with implementation of duties under Part 1.85 of the Health and Safety Code. The Successor Agency is responsible for the winding down of the former Redevelopment Agency's obligations and liquidating the Agency's assets, with monitoring by an Oversight Board.

Health and Safety Code Section 34179 enacted by Assembly Bill 1X26 states that each Successor Agency shall have an Oversight Board composed of seven members, detailed as follows:

1. One member appointed by the County Board of Supervisors;
2. One member appointed by the Mayor for the City that formed the Redevelopment Agency;

STAFF MEMBER PRESENTING: John Andrews, Economic Development Director

Prepared by: John Andrews
Department: Economic Development

City Manager Approval:  _____

Submitted to Council/O.H.A. 04/17/2012

Approved: _____

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Denied: _____

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3. One member appointed by the largest Special District, by property tax share, with territory in the territorial jurisdiction of the former redevelopment agency, which is of the type of special district that is eligible to receive property tax revenues pursuant to Section 34188.
4. One member appointed by the County Superintendent of Education to represent schools if the superintendent is elected. If the County Superintendent of Education is appointed, then the appointment made pursuant to this paragraph shall be made by the County Board of Education.
5. One member appointed by the Chancellor of the California Community Colleges to represent the community college districts in the County.
6. One member of the public appointed by the County Board of Supervisors.
7. One member representing the employees of the former redevelopment agency appointed by the Mayor or chair of the Board of Supervisors, as the case may be, from the recognized employee organization representing the largest number of former redevelopment agency employees employed by the Successor Agency at the time.

Of these seven seats, two come under the responsibility of the City for purposes of appointment to the Oversight Board. The subject seats are at-large with no fixed term expiration date, therefore, appointees may be removed at any time. Pursuant to the statute, Oversight Boards will cease operation as of July 1, 2016, when all Oversight Boards will combine into one county-wide Oversight Board.

It is recommended that the following individuals be appointed to the two City seats as indicated below:

- One member appointed by the Mayor for the City that formed the Redevelopment Agency: Al Boling, Deputy City Manager, City of Ontario.
- One member representing the employees of the former redevelopment agency appointed by the Mayor or chair of the Board of Supervisors, as the case may be, from the recognized employee organization representing the largest number of former redevelopment agency employees employed by the Successor Agency at the time: Jamie Richardson, Project Coordinator, City of Ontario.

CITY OF ONTARIO

Agenda Report
April 17, 2012

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION APPROVING A RECOGNIZED OBLIGATION PAYMENT SCHEDULE PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 34177

RECOMMENDATION: That the City Council, as the Successor Agency of the dissolved Ontario Redevelopment Agency, adopt a resolution approving the Redevelopment Agency's Recognized Obligation Payment Schedule.

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: This action lists existing obligations of the Successor Agency of the dissolved Ontario Redevelopment Agency, for the time period July 1 through December 31, 2012, in the form of a Recognized Obligation Payment Schedule (ROPS). The County Auditor-Controller will allocate property tax revenues to the successor agencies to pay those debts listed on the ROPS.

BACKGROUND: On August 16, 2011, the City Council adopted an ordinance agreeing to participate in the Voluntary Alternative Redevelopment Program (VARP), which would have allowed the Ontario Redevelopment Agency (Agency) to continue to operate and use its assets and tax increment revenues for redevelopment purposes. This action was required by Assembly Bill 1X 26 which would have abolished the Agency effective October 1, 2011 unless the City complied with Assembly Bill 1X 27, and agreed to pay the voluntary payment under the VARP.

In August 2011, the California Supreme Court issued a partial stay on the effectiveness of Assembly Bills 1X26 and 1X 27 until the Court could rule on the constitutionality of the two bills. However, Section 34161 through 34167 of the California Health and Safety Code remained in effect. These sections called for the suspension of non-administrative redevelopment activities and required the adoption and filing of an Enforceable Obligations Payment Schedule (EOPS). The Ontario

STAFF MEMBER PRESENTING: John P. Andrews, Economic Development Director

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

City Manager Approval: 

Submitted to Council/O.H.A. 04/17/2012

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Continued to: _____

Denied: _____

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Redevelopment Agency Board approved its EOPS on September 6, 2011 for listed Agency payments through December 31, 2011.

On December 29, 2011, the California Supreme Court rendered its decision regarding the constitutionality of Assembly Bills 1X 26 and 1X 27. It upheld Assembly Bill 1X 26 regarding the dissolution of redevelopment agencies, but it declared Assembly Bill 1X 27, relating to the continuance of redevelopment agencies by participation in the VARP and payment of the voluntary payment, to be invalid in its entirety. While the Court was reviewing the petition regarding the constitutionality of Assembly Bills 1X 26 and 1X 27, the implementation of their provisions was stayed. Now that the Court has issued its ruling, the effective dates related to Assembly Bill 1X27 have been extended by the Court by four months for those dates arising before May 1, 2012. Thus, the Redevelopment Agency was dissolved as of February 1, 2012 rather than the initial October 2011 date.

On March 20, 2012, the City, as the Successor Agency of the dissolved Ontario Redevelopment Agency, approved the ROPS for the time period January 1 through June 30, 2012. Pursuant to Health and Safety Code section 34177, the Successor Agency of the former redevelopment agency must approve a ROPS before each six-month fiscal period. This ROPS is for the time period July 1 through December 31, 2012. The County Auditor-Controller will allocate property tax revenues to the successor agencies to pay those debts listed on the ROPS. Therefore, to ensure that future payments will continue on existing indebtedness, it is recommended that the City of Ontario, as the Successor Agency of the Ontario Redevelopment Agency, adopt the ROPS which accurately reflects all recognized and enforceable obligation of the Agency.

CITY OF ONTARIO

Agenda Report
April 17, 2012

SECTION:
CONSENT CALENDAR

SUBJECT: PROFESSIONAL SERVICES AGREEMENT FOR DATA COLLECTION AND PROCESSING SERVICES FOR THE TRAFFIC SIGN REFLECTIVITY AND INVENTORY PROJECT

RECOMMENDATION: That the City Council approve a professional services agreement (on file in the Records Management Department) with National Data & Surveying Services, Inc. of Beverly Hills, California, to provide data collection and processing services for the Traffic Sign Reflectivity and Inventory Project in the amount of \$148,560 plus a ten percent (10%) contingency of \$14,856 for a total authorized expenditure of \$163,416; and authorize the City Manager to execute said agreement and future amendments to the agreement.

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

FISCAL IMPACT: The Fiscal Year 2011-12 Capital Improvement Program includes appropriations of \$225,000 from Gas Tax funds for the Traffic Sign Reflectivity and Inventory Project. The recommended expenditure authorization is \$163,416 including a 10% contingency of \$14,856.

BACKGROUND: The Federal Highway Administration (FHWA) recently introduced new language into the Manual on Uniform Traffic Control Devices (MUTCD), the national standard for all traffic control devices, establishing minimum retroreflectivity levels that must be maintained for traffic signs. The FHWA established January 2012 as the date for Agencies to implement an assessment or management method designed to maintain regulatory and warning sign retroreflectivity at or above established minimum levels. The FHWA has postponed the January 2012 date pursuant to concerns expressed by local, county and state agencies that they did not have funding to comply with new requirements. The FHWA is currently analyzing the comments received and expects to publish a final

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

Prepared by: Steve Latino, P.E.
Department: Engineering

City Manager
Approval: 

Submitted to Council/O.H.A. 04/17/2012

Approved: _____

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ruling in summer of 2012. Until then, FHWA is urging state and local agencies to focus their efforts on long-range planning for the maintenance and upgrade of existing traffic control devices.

In response to the FHWA requirements, a Request for Proposal (RFP) was issued to solicit consulting firms to perform an inventory, assessment and management program for the City's existing traffic signs, and track all new sign installations. Six (6) proposals were received in January 2012. A consultant selection team consisting of five (5) City staff members evaluated the firms based on their qualifications and experience, personnel, and project understanding. Staff finalized the scope of services and negotiated a fee with National Data and Surveying Services, Inc. for \$148,560. The compensation rates were found to be reasonable and consistent with industry standards and are adequate to provide the required scope of services.

CITY OF ONTARIO

Agenda Report
April 17, 2012

SECTION:
CONSENT CALENDAR

SUBJECT: RESOLUTION APPROVING AN ESCROW AGREEMENT, IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND PARCEL MAP NOS. 19341 AND 19342

RECOMMENDATION: That the City Council adopt a resolution approving an escrow agreement, improvement agreement, improvement security and parcel map nos. 19341 and 19342 located at the northeast and southeast corners of Archibald Avenue and Jurupa Street, respectively, within the Airport Business Park - Hofer Ranch Specific Plan Area.

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. All public infrastructure improvements required for this subdivision will be constructed by the developer at its sole cost.

BACKGROUND: Parcel map no. 19341 consisting of one (1) parcel for the development of an 804,5547 square-foot industrial building on 28.4 acres and a 28.9-acre remainder parcel, located at the northeast corner of Archibald Avenue and Jurupa Street, as shown on Exhibit 1 (attached), and parcel map no. 19342 consisting of two (2) parcels for the development of two industrial buildings totaling 192,443 square feet on 10.1 acres and a 5.1-acre remainder parcel, located at the southeast corner of Archibald Avenue and Jurupa Street, as shown on Exhibit 2 (attached) have been submitted for approval by the developer, HRCA Buildings, LLC, a California Limited Liability Company (by Hillwood, Ned Sciortino, Vice President).

The Subdivision Map Act requires the City Council, when approving a final map where the public improvements are not yet completed, to enter into an Agreement for Completion of Public Improvements with the owner. In this case, the developer (HRCA Buildings, LLC) is not yet the owner

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

Prepared by: Naiim Khoury
Department: Engineering

City Manager Approval:  _____

Submitted to Council/O.H.A. 04/17/2012

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of the subject property that will be subdivided. Instead, the property is currently owned by Hofer Vineyards, LLC and Sultana Investments, LLC.

As a result, in consultation with the City Attorney, City staff recommends that the City Council also approve an escrow agreement between the City, the current owner, and the developer to ensure that the property is not subdivided without having an enforceable agreement for completion of the public improvements with the then existing property owner.

The tentative parcel map nos. 19341 and 19342 were approved by the Planning Commission on January 24, 2012.

Improvements will include street widening, sewer main, recycled water main, traffic signal modification, street lights, sidewalk, parkway landscape, curb and gutter and bus turnout. The developer has entered into an improvement agreement with the City and has posted adequate security to ensure completion of the aforementioned public improvements.

These maps meet all conditions of the Subdivision Map Act and the Ontario Municipal Code and have been reviewed and approved by the City Engineer.

CITY OF ONTARIO

Agenda Report
April 17, 2012

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION DESIGNATING AUTHORIZED AGENTS TO REPRESENT THE CITY OF ONTARIO IN OBTAINING FEDERAL FINANCIAL ASSISTANCE PROVIDED THROUGH THE EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) PROGRAM

RECOMMENDATION: That the City Council approve a resolution authorizing three designated personnel to represent the City of Ontario in obtaining federal financial assistance provided through the Department of Homeland Security (DHS) / Federal Emergency Management Agency (FEMA) EMPG program administered by the California Emergency Management Agency (Cal EMA).

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
Pursue City's Goals and Objectives by Working with Other Governmental Agencies

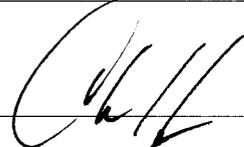
FISCAL IMPACT: This designation of authorized agents does not result in any fiscal impact to the City, but will allow for continued participation in the EMPG program and potential future funding awards.

BACKGROUND: The EMPG Program provides federal financial assistance to the State Emergency Management Agency and local government emergency management agencies, for the sustainment and enhancement of all-hazard emergency management capabilities as authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

San Bernardino County Fire Protection District (County Fire) Office of Emergency Service (OES) is acting as lead agency for the San Bernardino County Operational Area and will manage the EMPG program allocation. County Fire OES is requesting all sub-recipients to submit authorized agent information for each position or personnel appointed by their governing body.

STAFF MEMBER PRESENTING: Floyd E. Clark, Fire Chief

Prepared by: Cathy Thomas
Department: Fire Department

City Manager Approval: 

Submitted to Council/O.H.A. 04/17/2012

Approved: _____

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The agents listed in the resolution are identified by position title only, therefore eliminating any future need to resubmit an amended resolution when personnel changes are made. The position titles authorized are: City Manager, Fire Chief, and Emergency Manager. The designation of authorized agents will allow for the City's continued participation in the EMPG program in accordance with Cal EMA guidance.

CITY OF ONTARIO

Agenda Report
April 17, 2012

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION DESIGNATING AUTHORIZED AGENTS TO REPRESENT THE CITY OF ONTARIO IN OBTAINING FEDERAL FINANCIAL ASSISTANCE PROVIDED THROUGH THE HOMELAND SECURITY GRANT PROGRAM (HSGP)

RECOMMENDATION: That the City Council approve a resolution authorizing three designated personnel to represent the City of Ontario in obtaining federal financial assistance provided through the Department of Homeland Security (DHS) / Federal Emergency Management Agency (FEMA) HSGP administered by the California Emergency Management Agency (Cal EMA).

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

Pursue City's Goals and Objectives by Working with Other Governmental Agencies

FISCAL IMPACT: This designation of authorized agents does not result in any fiscal impact to the City, but will allow for continued participation in the HSGP and potential future funding awards.

BACKGROUND: The HSGP provides federal financial assistance to the State Emergency Management Agency and local government emergency management agencies, for terrorism risk capability assessments and eligible equipment for Emergency First Responders. The HSGP is one tool among a comprehensive set of federal measures administered by Cal EMA to help strengthen the state against risks associated with potential terrorist attacks.

San Bernardino County Fire Protection District (County Fire) Office of Emergency Service (OES) is acting as lead agency for the San Bernardino County Operational Area and will manage the HSGP allocation. County Fire OES is requesting all sub-recipients to submit authorized agent information for each position or personnel appointed by their governing body.

STAFF MEMBER PRESENTING: Floyd E. Clark, Fire Chief

Prepared by: Cathy Thomas

Department: Fire Department

City Manager Approval: 

Approval: _____

Submitted to Council/O.H.A. 04/17/2012

Approved: _____

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Denied: _____

10

The agents listed in the resolution are identified by position title only, therefore eliminating any future need to resubmit an amended resolution when personnel changes are made. The position titles authorized are: City Manager, Fire Chief, and Police Chief. The designation of authorized agents will allow for the City's continued participation in the HSGP program in accordance with Cal EMA guidance.

CITY OF ONTARIO

Agenda Report
April 17, 2012

SECTION:
CONSENT CALENDAR

SUBJECT: MASTER PLAN DESIGN FOR GEORGE GIBBS PARK

RECOMMENDATION: That the City Council adopt the proposed Park Master Plan (on file in Records Management Department) for George Gibbs Park.

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 Infrastructure (Water, Streets, Sewers, Parks, Storm Drains, and Public Facilities)

FISCAL IMPACT: The approval of the proposed Park Master Plan does not commit any funds or require additional budget appropriations. The costs of constructing the planned park improvements will occur when necessary funds become available and as development of the park facilities takes place. This action establishes the site layouts for planned future park facilities if and when funding becomes available. By adopting the master plan, the City will better prepared to aggressively pursue grant opportunities to assist the development of George Gibbs Park.

BACKGROUND: On January 23, 2012, the Recreation and Parks Commission approved the subject Park Master Plan and recommended it be forwarded for City Council approval.

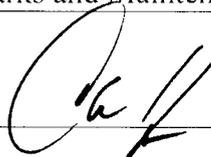
The existing George Gibbs Park is 2.8 acres of mostly open space with a small picnic area and baseball field that is underutilized and not designed to Little League standards. By utilizing the policies identified in the Comprehensive Park and Recreation Master Plan adopted by the City Council in September 2002, staff evaluated George Gibbs Park and identified several recommended park improvements. The goal of the proposed master plan is to maximize the use of existing park space by enhancing the overall appearance, add recreational amenities and create more of a special use neighborhood park.

The proposed park amenities in this Park Master Plan include, but are not limited to: a parking lot, picnic shelter, splash pad, restroom facilities, universally accessible playgrounds for 2-5 year olds and

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

Prepared by: Stacy Orton

Department: Parks and Maintenance

City Manager Approval: 

Approval: _____

Submitted to Council/O.H.A. 04/17/2012

Approved: _____

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5-12 year olds, walking trails, an outdoor fitness area and exercise stations, benches, picnic tables, security lighting and monument signs. A site plan for the park is provided for reference.

The project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to § 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines, in which the project meets the following conditions:

1. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
2. The project occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
3. The project site has no value as habitat for endangered, rare or threatened species.
4. The project will not result in any significant effects relating to traffic, noise, air quality, or water quality.
5. The project will be adequately served by all required utilities and public services.

CITY OF ONTARIO

Agenda Report
April 17, 2012

SECTION:
PUBLIC HEARINGS

SUBJECT: AN ORDINANCE AMENDING THE ONTARIO DEVELOPMENT CODE (FILE NO. PDCA12-001) ADDING ARTICLE 22, MULTI-MODAL TRANSIT OVERLAY DISTRICT, CREATING THE OVERLAY DISTRICT AND ESTABLISHING DEVELOPMENT STANDARDS AND PERMITTED AND CONDITIONALLY PERMITTED USES FOR APPROXIMATELY 75 ACRES OF LAND LOCATED SOUTH OF INTERSTATE 10, WEST OF ARCHIBALD AVENUE, AND NORTH AND EAST OF GUASTI ROAD (ASSESSOR'S PARCEL NUMBERS 110-322-08, 17, 18, 21, 22, 25, 27, 29, 30, 31, AND 33)

RECOMMENDATION: That the City Council introduce and waive further reading of an ordinance approving Development Code Amendment File No. PDCA12-001, adding Development Code Article 22; and, pursuant to State CEQA Guidelines section 15164, adopting the Addendum to The Ontario Plan Environmental Impact Report analyzing the environmental effects thereof.

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

FISCAL IMPACT: The City would experience a nominal increase in revenue as a result of the business licenses required for the companies which operate within the overlay district; and would gain from the indirect fiscal benefits associated with jobs created by the same businesses.

BACKGROUND: In 1985, the zoning of the 75 acres bounded on the north by Interstate 10, on the east by Archibald Avenue, on the south by the railroad tracks, and west by Guasti Road was changed to Airport Related Services (ARS). As the name implies, the ARS zone permitted uses related to airport operations including, but not limited to, hotels, offices, personal services, and similar uses. Additionally, the ARS zone permitted some light manufacturing operations, such as optical goods, scientific instruments, watches/clocks, and some light assembly. The ARS zone did not, however, permit

STAFF MEMBER PRESENTING: Jerry L. Blum, Planning Director

Prepared by: Scott Murphy
Department: Planning

City Manager Approval: 

Submitted to Council/O.H.A. 04/17/2012

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warehouse/distribution facilities or contractor's storage yards. As a result, use of the existing buildings became non-conforming – the office portion of the northerly building remained a permitted use.

With the adoption of The Ontario Plan (TOP) in 2010, the site was designated as the Multi-Modal Transit Center. That designation is the only one of its type in the City and creates a situation where the existing warehouse and contractor's storage yard uses on the site continue to remain non-conforming. Under the Development Code, the building could only be used for uses conforming to the land use designation. The northerly building is designed for warehouse/distribution uses and indeed has been used for many years as a warehouse operation. The building is ill-suited for uses allowed in the transit center (residential, office, retail) but still has a useful life. Generally, the concept of creating non-conforming uses is so that the marginal properties can transition to new, desirable uses over time. In this case, the new use as a transit center may take years or decades to transition due to the lack of funding for transit infrastructure.

To allow the use of the warehouse/distribution and office structures until more definitive plans are available for the multi-modal transit center, an overlay district is being proposed that will temporarily allow those uses that were in operation at the existing buildings until April 2010 to continue until 2027, or until the buildings are demolished, whichever comes first. Uses would include warehouse/distribution, ancillary offices and temporary uses, in keeping with the existing buildings' design and the existing buildings' previous uses.

To ensure compliance with the long term TOP vision for the area, a "sunset clause" is included in the Ordinance that will result in the overlay district expiring under the following scenarios:

1. In 15 years on June 30, 2027, unless otherwise extended by the City Council; or
2. Upon demolition of the existing buildings.

The Planning Commission reviewed the proposed Development Code Amendment on March 27, 2012, and recommended approval of the application.

Following review by the Planning Commission, the overlay district was further refined by staff to narrow the uses allowed under the proposed overlay to those uses previously that previously occupied the buildings. As a result, the changes noted below have been incorporated into the overlay:

1. Sec. 9-1.2200 Introduction -- Sentence added to the end of the second paragraph to read "However, the City wishes to authorize the use of the existing buildings for the purpose for which they were previously used.
2. Sec. 9-1.2210 Permitted Uses – Delete "Wholesale sales" and "Limited retail sales" and add "Temporary uses in accordance with Article 11, Temporary Use Permits, of the Ontario Development Code.

In that these changes restrict the uses to a greater degree than considered by the Planning Commission, further review by the Planning Commission is not required.

ENVIRONMENTAL REVIEW: Pursuant to CEQA section 21166 and sections 15162 and 15163 of the CEQA Guidelines, an addendum to the Ontario Plan EIR was prepared by the City with regard to the Project ("Addendum"). The Addendum incorporates, by reference, the analysis contained in the Ontario

Plan EIR, and addresses only those issues specific to the Project. The Addendum concludes that because the Project will not permit any uses other than those uses already in operation on the site at the time of the certification of the Ontario Plan EIR, the Project will not result in new, or substantially more adverse, significant environmental impacts than those disclosed in the Ontario Plan EIR.

CITY OF ONTARIO

Agenda Report
April 17, 2012

SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE POLICY PLAN (GENERAL PLAN) COMPONENT OF THE ONTARIO PLAN (FILE NO. PGPA09-001) TO REVISE THE HAMNER/SR-60 MIXED USE AREA TO INCLUDE A RESIDENTIAL LAND USE (20.0-30.0 DWELLING UNITS PER ACRE), A ZONE CHANGE (FILE NO. PZC09-002) TO REZONE APPROXIMATELY 20-ACRES OF LAND FROM R1 (SINGLE-FAMILY RESIDENTIAL) TO SPECIFIC PLAN, AND THE ADOPTION OF TUSCANA VILLAGE SPECIFIC PLAN (FILE NO. PSP09-001), TO MASTER PLAN APPROXIMATELY 20-ACRES OF LAND BY ESTABLISHING LAND USE DESIGNATIONS AND DESIGN GUIDELINES FOR THE PROPERTY LOCATED AT THE NORTHWEST CORNER OF RIVERSIDE DRIVE AND MILLIKEN AVENUE

RECOMMENDATION: That the City Council adopt a resolution approving an Amendment to the Policy Plan (General Plan) component of The Ontario Plan (File No. PGPA09-001), introduce and waive further reading of an ordinance approving a Zone Change (File No. PZC09-002), and introduce and waive further reading of an ordinance approving the Tuscana Village Specific Plan (File No. PSP09-001).

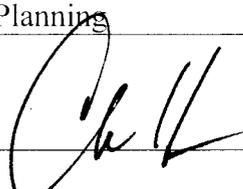
COUNCIL GOALS: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Invest in the Growth and Evolution of the City's Economy
Maintain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

FISCAL IMPACT: The proposed development will increase demands for certain City services. Conditions of approval require the formation of a Community Facilities District to provide funding for

STAFF MEMBER PRESENTING: Jerry L. Blum, Planning Director

Prepared by: John Earle Hildebrand III

Department: Planning

City Manager Approval: 

Approval: _____

Submitted to Council/O.R.A./O.H.A. 04/17/2012

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those services (police, fire, landscape maintenance, street lights) required to support the Tuscana Specific Plan development, thereby mitigating the increased cost associated with such services.

BACKGROUND: The project site is located at the northwest corner of Riverside Drive and Milliken Avenue, and is described as the Hamner/SR-60 Mixed Use Area within The Ontario Plan. A 20-acre portion of the entire 44-acre Mixed Use site is master planned under a new Specific Plan called Tuscana Village. In addition to the Specific Plan, an Amendment to the Policy Plan (General Plan) component of The Ontario Plan and a Zone Change are required.

POLICY PLAN (GENERAL PLAN) AMENDMENT: To accommodate the proposed Tuscana Village Specific Plan, an Amendment to the Policy Plan (General Plan) component of The Ontario Plan is first required. Pursuant to the Hamner/SR-60 Mixed Use Area of The Ontario Plan, a mixture of office and retail uses with a 1.0 maximum Floor Area Ratio (FAR), is allowed. Analysis of the Mixed Use area has concluded that there is too much commercially designated property within the site. As a result, the applicant for the Tuscana Village Specific Plan is proposing to dedicate approximately 7.1-acres for Residential use with a density of 20 - 30 dwelling units per acre. The proposed Amendment to the Policy Plan (General Plan) component of The Ontario Plan includes revisions to Exhibits LU-02: *Land Use Designation Summary Table* and LU-03: *Future Buildout Table*, to include a residential use, within the Hamner/SR-60 Mixed Use Area. All proposed changes are listed and described within the technical appendix of this report.

Pursuant to Policy CE3-2 of the Policy Plan (General Plan) component of The Ontario Plan, most amendments require a fiscal analysis to be prepared in conjunction with proposed amendments:

CE3-2: *General Plan Amendments*. We require those proposing General Plan Amendments to disclose reasonably foreseeable impacts through a fiscal analysis.

The analysis conducted by the City's Administrative/Fiscal Services staff concluded that there would be a negligible increase to the City's annual expenditures for services as a result of adding a residential component to the Mixed Use area. A maximum of 200 dwelling units is allowed, but the related Development Plan (File No. PDEV09-016) will result in the approval of 176 units. Any deficit will be realized through the establishment of a Community Facilities District (CFD).

ZONE CHANGE: Pursuant to the Mixed Use Land Use Designation of the Policy Plan (General Plan) component of The Ontario Plan (TOP), the site is required to be developed under a Specific Plan. In order to implement the TOP requirements, this Zone Change will result in changing the project site to Specific Plan from its current zoning of R1 (single family residential).

SPECIFIC PLAN: The Tuscana Village Specific Plan area consists of one parcel, owned by Panayiotis Katelaris. The Specific Plan is a master plan of development which specifies land uses, infrastructure, landscaping, and architectural requirements, ensuring the orderly and complete development of the site. Consistent with The Ontario Plan, the project site is designated by the Specific Plan, which establishes Residential, with a density range of 20 - 30 dwelling units per acre, and Commercial land uses.

- **Development:** The Ontario Plan currently allows for a maximum Floor Area Ratio (FAR) of 1.0 within the Specific Plan area. The site is proposed to be split into a 7.1-acre parcel for residential development, allowing for a maximum of 200 dwelling units, 1.7-acres will be dedicated for new

streets, and the remaining 11.3-acres will be developed with commercial uses, including inline retail stores, a vehicle fueling and wash station, and a farm store. It is anticipated that the operators of the farm store will also include a plant growing area, petting zoo, wine tasting, restaurant, and other seasonal sales items and live entertainment events in conjunction with the use.

- **Project Design:** The Specific Plan includes architectural design requirements for the project site. Both Tuscan and Italianate themes are proposed, which will be carried throughout both the residential and commercial developments. These styles are generally characterized by simple building massing and forms, with courtyard building configurations enhanced by rich architectural details, including recessed windows with rustic wood shutters, as well as stone and ironwork accents. Roof forms tend to be simple, with low pitches, exposed rafter tails, large overhangs, and s-tile roofing.
- **Circulation:** Two new public streets, identified as “A” Street and “B” Street, will provide primary access through the site and will allow future access to the northern properties within the Mixed Use area. Additionally, direct access to the site is provided from both Milliken Avenue and Riverside Drive through a series of drive approaches. Milliken Avenue is an 8-lane arterial and Riverside Drive is a 6-lane arterial, as specified in The Ontario Plan. Dedications and improvements, including a new curb, gutter, and parkway, are required along the southbound side of Milliken Avenue, as well as the westbound side of Riverside Drive.
- **Signage:** A master sign program will be prepared for the commercial development, which will identify the locations, designs, and sizing for all wall and monument signs. Pursuant to the New Model Colony Master Plan of Streets, the Riverside/Hamner corner is identified as a major City entry point and a City of Ontario identity sign will be constructed at this corner.
- **Future Development:** Only a portion of the 44-acre Hamner/SR-60 Mixed Use Area is proposed for development at this time. Should the properties north of the project site be developed in the future, they would first be required to be annexed into the Tuscana Village Specific Plan, or be master planned under a new Specific Plan.

COMPLIANCE WITH THE AIRPORT LAND USE COMPATIBILITY PLAN: The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and a consistency evaluation was conducted to determine if the proposed project is consistent with policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT. The project site is located outside of the safety zones but is located within the 60-65 dB CNEL noise contour. Residential land uses are allowed but required to have a Recorded Overflight Notification appearing on the Property Deed and Title incorporating the language below consistent with Business and Professions Code Section 11010 and Civil Code Sections 1102.6, 1103.4, and 1353. The required notification will read as follows:

NOTICE OF AIRPORT IN VICINITY: This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are

associated with the property before you complete your purchase and determine whether they are acceptable to you.

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 and the Mitigation Monitoring Plan is attached as Exhibit I: *Mitigation Monitoring Plan*.

The Planning Commission considered the application at their meeting of March 27, 2012, and unanimously recommended approval of the applications.

CITY OF ONTARIO

Agenda Report
April 17, 2012

SECTION:
PUBLIC HEARINGS

SUBJECT: CONSIDERATION OF AN ORDINANCE RELATED TO A DEVELOPMENT AGREEMENT (FILE NO PDA11-001) BETWEEN PANAYIOTIS AND ANDRIANA KATELARIS AND THE CITY OF ONTARIO TO ESTABLISH THE TERMS AND CONDITIONS FOR COMMERCIAL AND RESIDENTIAL DEVELOPMENT OF 20 ACRES WITHIN THE TUSCANA VILLAGE SPECIFIC PLAN

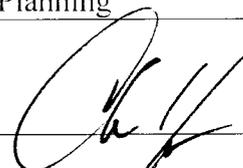
RECOMMENDATION: That the City Council introduce and waive further reading of an ordinance establishing a Development Agreement (PDA11-001) between Panayiotis and Andriana Katelaris and the City of Ontario regarding the development of 20 acres within the Tuscana Village Specific Plan, generally located at the northwest corner of Milliken Avenue and Riverside Drive (APN: 218-091-09).

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
Maintain the Current High Level of Public Safety
Operate in a Businesslike Manner

FISCAL IMPACT: The proposed Development Agreement will provide for the formation of a Community Facilities District to provide funding for additional City services (police, fire, landscape maintenance, street lights) required to support the Tuscana Village Specific Plan development, thereby mitigating the increased cost associated with such services.

BACKGROUND: On March 27, 2012, the Planning Commission reviewed the proposed Development Agreement ("Agreement") and unanimously recommended it to the City Council for approval. The Agreement applies to 20 acres of land generally located north of Riverside Drive and west of Milliken Avenue. Approval of this Agreement will grant Panayiotis and Andriana Katelaris ("Owner") a vested right to develop the project as long as they comply with the terms and conditions of the Tuscana Village Specific Plan and Mitigated Negative Declaration.

STAFF MEMBER PRESENTING: Jerry L. Blum, Planning Director

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

Submitted to Council/O.R.A./O.H.A. 04/17/2012
Approved: _____
Continued to: _____
Denied: _____

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The proposed Agreement applies to the 20 acres of commercial and residential development as shown in Exhibit A – Specific Plan Map. The Agreement grants to the Owner certain rights to develop their project consistent with the Tuscana Village Specific Plan.

The Agreement also funds all additional City expenses created by the introduction of residential development. These expenses include operational costs related to project related City services, including, but not limited to police and fire services, maintenance of median and neighborhood edge landscaping, and street light maintenance.

The main points of the Agreement are as follows:

- | | |
|---------------------------------|---|
| Term: | 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. |
| Phasing of Public Improvements: | Identifies the construction timing of various public improvements |
| Reimbursements: | Provides for reimbursement for the cost of installing infrastructure over-sized to serve other properties.

Provides the conditions under which reimbursement will be calculated. |
| Compliance: | Owner will submit an annual monitoring report which the City will review for compliance. 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. |
| Termination: | The City may terminate the Agreement if substantial evidence is found of noncompliance. |

The Planning Commission considered the application at their meeting of March 27, 2012. At that time, the adjacent property owner raised concerns about the timing, extent and methodology of the reimbursement agreement. Staff addressed many of the questions asked but noted that further discussions could occur with the property owner prior to the City Council meeting. The Planning Commission unanimously approved the application and directed staff to continue working with the adjacent property owners on the Development Agreement language prior to the Council hearing. Staff has been in contact with the property owner and their representatives and believes that the issues have been addressed.

ENVIRONMENTAL REVIEW: The application was reviewed pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") and an initial study has been prepared for the Tuscana Village Specific Plan 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. The application is consistent with the Tuscana Village Specific Plan and Mitigated Negative Declaration and introduces no new significant environmental impacts.