

CITY OF ONTARIO
CITY COUNCIL AND HOUSING AUTHORITY
AGENDA
JUNE 4, 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 54957.6, CONFERENCE WITH LABOR NEGOTIATOR: Chris Hughes regarding American Federation of State, County and Municipal Employees; San Bernardino Public Employees Association; Confidential Group; Management Group; Department Heads; and Executive Management.
- GC 54956.9 (b), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION:
One (1) or more cases: City of Los Angeles/Los Angeles World Airports (LAWA).
- GC 54956.9 (d)(4), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION:
One (1) or more cases:

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

PLEDGE OF ALLEGIANCE

Council Member Avila

INVOCATION

Rabbi Gil Alchadeff, Temple Sholom of 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

13TH ANNUAL MODEL COLONY AWARDS PROGRAM

That the City Council present the 2013 "Model Colony" Awards for Historic Preservation.

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 April 16, 2013 and May 7, 2013, and approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

Bills April 7, 2013 through May 4, 2013 and **Payroll** April 7, 2013 through May 4, 2013, when audited by the Finance Committee.

3. A RESOLUTION OF INTENT TO ESTABLISH COMMUNITY FACILITIES DISTRICT NO. 20 OF THE CITY OF ONTARIO AND AUTHORIZE THE ASSOCIATED LEVY OF SPECIAL TAXES

That the City Council:

- (A) Accept the written petition (on file with the Records Management Department) from Wal-Mart Stores, Inc., a Delaware corporation, to create a community facilities district (“CFD”) and to waive certain procedural matters under the Mello-Roos Community Facilities Act of 1982; and
- (B) Adopt a resolution of intent to establish Community Facilities District No. 20 of the City of Ontario; authorize the levy of special taxes therein; and set a public hearing for the formation of the CFD as part of the regularly scheduled City Council meeting on Tuesday, July 16, 2013.

RESOLUTION NO. _____

A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, TO ESTABLISH COMMUNITY FACILITIES DISTRICT NO 20. AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES.

4. A RESOLUTION OF INTENT REGARDING THE ISSUANCE OF TAX-EXEMPT BONDS AND REIMBURSEMENT TO THE CITY FROM BOND PROCEEDS FOR WATER SYSTEM AND IMPROVEMENTS COSTS

That the City Council adopt a resolution of intent regarding the City’s issuance of tax-exempt obligations and to reimburse the City from proceeds of such obligations for water system and improvements costs incurred prior to issuance.

RESOLUTION NO. _____

A RESOLUTION OF INTENT OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, REGARDING THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS AND TO REIMBURSE THE CITY FROM PROCEEDS OF SUCH OBLIGATIONS FOR COSTS INCURRED PRIOR TO ISSUANCE (WATER SYSTEM IMPROVEMENTS/CITY CAPITAL IMPROVEMENTS).

5. RESOLUTIONS AUTHORIZING THE EXECUTION OF A JOINT EXERCISE OF POWERS AGREEMENT BY AND BETWEEN THE CITY OF ONTARIO AND THE ONTARIO HOUSING AUTHORITY CREATING THE ONTARIO PUBLIC FINANCING AUTHORITY

That the City Council of the City of Ontario and the Ontario Housing Authority Board adopt resolutions authorizing the execution and delivery of a Joint Exercise of Powers Agreement (on file in the Records Management Department) by and between the City of Ontario and the Ontario Housing Authority creating the Ontario Public Financing Authority.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE EXECUTION AND DELIVERY OF A JOINT EXERCISE OF POWERS AGREEMENT BY AND BETWEEN THE CITY OF ONTARIO AND THE ONTARIO HOUSING AUTHORITY.

RESOLUTION NO. _____

A RESOLUTION OF THE ONTARIO HOUSING AUTHORITY OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE EXECUTION AND DELIVERY OF A JOINT EXERCISE OF POWERS AGREEMENT BY AND BETWEEN THE CITY OF ONTARIO AND THE ONTARIO HOUSING AUTHORITY.

6. FISCAL YEAR 2012-13 THIRD QUARTER BUDGET REPORT

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

7. AGREEMENT FOR RECORDS AND ARCHIVE STORAGE MANAGEMENT AND CERTIFIED DESTRUCTION SERVICES/DOCU-TRUST

That the City Council authorize the City Manager to execute a three-year letter of agreement (on file in the Records Management Department) with Laguna Vault, LLC dba Docu-Trust, of San Bernardino, California, for records and archive storage/management and certified destruction with an annual estimated cost of \$30,000; and authorize up to two one-year extensions under the same terms, conditions, and billing rates for a total five-year estimate of \$150,000.

8. RESOLUTION PERTAINING TO DECLARED PRIMA FACIE SPEED LIMITS ON CERTAIN STREETS WITHIN THE CITY

That the City Council adopt a resolution rescinding Resolution 2011-068, and declaring prima facie speed limits on certain streets within the City.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, RESCINDING RESOLUTION 2011-068 AND DECLARING PRIMA FACIE SPEED LIMITS ON CERTAIN STREETS WITHIN THE CITY.

9. A RESOLUTION APPROVING FINAL TRACT MAP NOS. 18851 AND 18853

That the City Council adopt a resolution approving Final Tract Map Nos. 18851 and 18853 for property generally located at the northwest corner of Inland Empire Boulevard and Turner Avenue within the Ontario Festival Specific Plan area.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FINAL TRACT MAP NOS. 18851 AND 18853.

10. REJECTION OF BIDS RECEIVED FOR THE FY 2012/2013 SLURRY SEAL PROGRAM, BRIDGE APPROACH IMPROVEMENT AND CDBG-FUNDED BEGONIA AVENUE STREET LIGHTING AND SLURRY SEAL PROJECT

That the City Council reject all bids received to date in connection with the FY 2012/2013 Slurry Seal Program, Bridge Approach Improvement and CDBG-Funded Begonia Avenue Street Lighting and Slurry Seal Project.

11. CONSTRUCTION CONTRACT FOR CDBG ENERGY EFFICIENT STREET LIGHT PROJECT/FLATIRON ELECTRIC GROUP, LLC.

That the City Council approve the plans and specifications, and award a construction contract (on file in the Records Management Department) to Flatiron Electric Group, LLC. of Chino, California, for the CDBG Energy Efficient Street Light Project (MS0901) for the bid amount of \$158,693 plus a five (5%) percent contingency in the amount of \$7,935 for a total authorized expenditure of \$166,628; authorize the City Manager to execute all related documents and file a notice of completion at the conclusion of construction activities.

12. RENTAL AGREEMENT WITH MT. SAN ANTONIO COLLEGE FIRE ACADEMY FOR TRAINING CENTER USAGE

That the City Council authorize the City Manager to execute a one year agreement (on file with the Records Management Department) with Mt. San Antonio Community College District, of Walnut, California, for the rental of the City's Fire Training Center facilities in the amount of \$20,000.

13. RESOLUTIONS APPROVING A HOME PROGRAM PARTICIPATION AGREEMENT AMONG MERCY HOUSE LIVING CENTERS, ONTARIO HOUSING AUTHORITY AND THE CITY OF ONTARIO FOR THE SALE OF A MULTI-FAMILY PROPERTY LOCATED AT 412 NORTH PARKSIDE AVENUE; A SECOND AMENDMENT TO THE LEASE AGREEMENT FOR A MULTI-FAMILY PROPERTY LOCATED AT 411 NORTH PARKSIDE AVENUE BETWEEN THE AUTHORITY AND MERCY HOUSE LIVING CENTERS; AND FIRST AMENDMENTS TO THE LEASE AGREEMENTS FOR THE FRANCIS APARTMENTS LOCATED AT 307 – 311 WEST FRANCIS STREET AND A MULTI-FAMILY PROPERTY LOCATED AT 305 NORTH BEGONIA AVENUE BETWEEN THE AUTHORITY AND MERCY HOUSE CHDO

That the City Council and the Board of the Ontario Housing Authority adopt resolutions approving the following agreements (all on file in the City's Records Management Department):

- (A) HOME Program Participation Agreement for the disposition and rehabilitation for a multi-family property located at 412 North Parkside Avenue;
- (B) Lease Amendment for a multi-family property located at 411 North Parkside Avenue;
- (C) Lease Amendment for the Francis Apartments located at 307 – 311 West Francis Street; and
- (D) Lease Amendment for a multi-family property located at 305 North Begonia Avenue.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A HOME PROGRAM PARTICIPATION AGREEMENT WITH THE ONTARIO HOUSING AUTHORITY AND MERCY HOUSE LIVING CENTERS REGARDING PROPERTY LOCATED AT 412 N. PARKSIDE AVENUE.

RESOLUTION NO. _____

A RESOLUTION OF THE ONTARIO HOUSING AUTHORITY OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A HOME PROGRAM PARTICIPATION AGREEMENT WITH THE CITY OF ONTARIO AND MERCY HOUSE LIVING CENTERS AND A SECOND AMENDMENT TO LEASE AGREEMENT WITH MERCY HOUSE LIVING CENTERS REGARDING PROPERTY LOCATED AT 411 & 412 N. PARKSIDE AVENUE.

RESOLUTION NO. _____

A RESOLUTION OF THE ONTARIO HOUSING AUTHORITY OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A FIRST AMENDMENT TO LEASE AGREEMENT WITH MERCY HOUSE CHDO, INC., REGARDING PROPERTY LOCATED AT 307 - 311 W. FRANCIS STREET.

RESOLUTION NO. _____

A RESOLUTION OF THE ONTARIO HOUSING AUTHORITY OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A FIRST AMENDMENT TO LEASE AGREEMENT WITH MERCY HOUSE CHDO, INC., REGARDING PROPERTY LOCATED AT 305 N. BEGONIA AVENUE.

14. CONSTRUCTION CONTRACT FOR SEWER MAIN IMPROVEMENTS AT VARIOUS LOCATIONS/CP CONSTRUCTION COMPANY

That the City Council:

- (A) Approve the project plans and specifications;
- (B) Authorize the withdrawal and return of the bid and bid bond submitted by MCC Equipment Rentals, Inc., of Yucaipa, California, due to bidder clerical errors;
- (C) Award Contract No. UT 1213-07 (on file with Records Management Department) to CP Construction Company, Inc., of Ontario, California, for \$943,182 plus a 15% contingency (\$141,477) for a total authorization of \$1,084,659 for the Sewer Main Improvements at Various Locations Project; and authorize the City Manager to execute said contract and file a notice of completion at the conclusion of all construction activities related to the project.

15. ANNUAL MAINTENANCE CONTRACT FOR ON-CALL MAINTENANCE, REHABILITATION, INSPECTION AND URGENCY WELL REPAIRS/GENERAL PUMP COMPANY

That the City Council award Bid No. UT1314-01 to General Pump Company of San Dimas, California, for on-call maintenance, rehabilitation, inspection and urgency well repairs in a not-to-exceed amount of \$794,054; and authorize the City Manager to execute a one-year maintenance contract (on file in the Records Management Department) and extend the contract for up to four additional years consistent with City Council approved budgets.

16. MAINTENANCE SERVICES AGREEMENT FOR THE WATER SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) COMPUTER PROGRAMMING SUPPORT SERVICES/FREEDOM AUTOMATION

That the City Council authorize the City Manager to execute a one-year Maintenance Services Agreement (on file in the Records Management Department) with Freedom Automation of Oceanside, California, for the City's water Supervisory Control and Data Acquisition (SCADA) computer programming support services for a not to exceed amount of \$150,000; and, authorize the option to extend the agreement for up to four additional years consistent with City Council approved budgets.

17. MULTIPLE AGENCY MEMORANDUM OF UNDERSTANDING FOR COOPERATIVE EFFORTS TO MAINTAIN A SUSTAINABLE, HIGH QUALITY GROUNDWATER SUPPLY

That the City Council authorize the City Manager to execute, subject to non-substantive changes required by member agencies, a Memorandum of Understanding (MOU) (on file in the Records Management Department) with the City of Upland, Inland Empire Utilities Agency, Chino Basin Desalter Authority, Jurupa Community Services District and Western Municipal Water District to provide for cooperative efforts to maintain sustainable, high quality groundwater supply in the Chino Basin.

18. AMENDED AND RESTATED WATER SERVICE AGREEMENT WITH SAN ANTONIO WATER COMPANY

That the City Council approve the Amended and Restated Water Service Agreement (on file in the Records Management Department) with San Antonio Water Company (SAWCO) of Upland, California, subject to non-substantive changes; and authorize the City Manager to execute the agreement.

19. A LICENSE AGREEMENT FOR THE INSTALLATION OF A COMMUNICATIONS ANTENNA AT THE MILLIKEN LANDFILL/COUNTY OF SAN BERNARDINO

That the City Council authorize the City Manager to execute a five-year license agreement (on file with Records Management Department), subject to non-substantive changes, with the County of San Bernardino for the installation of a communications antenna at the Milliken Landfill; and authorize the extension of the agreement for up to four additional five-year terms.

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.

20. A PUBLIC HEARING TO CONSIDER ADOPTION OF A RESOLUTION ESTABLISHING THE GREATER ONTARIO TOURISM MARKETING DISTRICT AND ASSESSMENT OF AN ASSOCIATED 2% LEVY

That the City Council hold a public hearing to consider adoption of a resolution establishing the Greater Ontario Tourism Marketing District (GOTMD) and the assessment of a 2% levy to fund the District.

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

Written communication.

Oral presentation.

Public hearing closed.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING THE RESULTS OF MAJORITY PROTEST PROCEEDINGS AND ESTABLISHING THE GREATER ONTARIO TOURISM MARKETING DISTRICT

21. A PUBLIC HEARING TO CONSIDER ADOPTION OF RESOLUTIONS OF NECESSITY FOR THE ACQUISITION OF EASEMENT INTERESTS IN PORTIONS OF CERTAIN REAL PROPERTY

That the City Council hold a public hearing to:

- (A) Consider the adoption of Resolutions of Necessity and provide all parties interested in the affected properties, their attorneys or representatives, an opportunity to be heard on the issues relevant to the Resolutions of Necessity; and
- (B) Make the following findings as hereinafter described in this report:
 - (1) The public interest and necessity require the proposed project;
 - (2) The project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury;
 - (3) The portions of real property to be acquired are necessary for the project;
 - (4) The offers of just compensation have been made to the property owners; and
- (C) Adopt Resolutions of Necessity declaring that the acquisition of easement interests in portions of certain real property, more particularly described as APNs 156-020-044; 156-020-048; and 156-020-049 (all located in Riverside County) by eminent domain are necessary for public right-of-way and the construction of the South Milliken Avenue Grade Separation Project and related public infrastructure improvements in the City of Ontario, San Bernardino County, California.

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 NECESSITY OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FOR THE ACQUISITION OF STRUCTURE, ACCESS, CONSTRUCTION AND MAINTENANCE EASEMENT INTERESTS IN PORTIONS OF CERTAIN REAL PROPERTY LOCATED AT OR NEAR THE INTERSECTION OF MISSION BOULEVARD, PHILADELPHIA STREET AND THE UNION PACIFIC RAILROAD CROSSING, AND MORE PARTICULARLY DESCRIBED AS ASSESSOR PARCEL NO. 156-020-044 BY EMINENT DOMAIN, IS NECESSARY FOR PUBLIC RIGHT-OF-WAY FOR THE CONSTRUCTION OF THE SOUTH MILLIKEN AVENUE GRADE SEPARATION PROJECT AND RELATED PUBLIC INFRASTRUCTURE IMPROVEMENTS IN THE CITY OF ONTARIO, SAN BERNARDINO COUNTY, CALIFORNIA.

RESOLUTION NO. _____

A RESOLUTION OF NECESSITY OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FOR THE ACQUISITION OF STRUCTURE, ACCESS, CONSTRUCTION AND MAINTENANCE EASEMENT INTERESTS IN PORTIONS OF CERTAIN REAL PROPERTY LOCATED AT OR NEAR THE INTERSECTION OF MISSION BOULEVARD, PHILADELPHIA STREET AND THE UNION PACIFIC RAILROAD CROSSING, AND MORE PARTICULARLY DESCRIBED AS ASSESSOR PARCEL NOS. 156-020-048 AND 156-020-049 BY EMINENT DOMAIN, IS NECESSARY FOR PUBLIC RIGHT-OF-WAY FOR THE CONSTRUCTION OF THE SOUTH MILLIKEN AVENUE GRADE SEPARATION PROJECT AND RELATED PUBLIC INFRASTRUCTURE IMPROVEMENTS IN THE CITY OF ONTARIO, SAN BERNARDINO COUNTY, CALIFORNIA.

22. A PUBLIC HEARING TO CONSIDER FILE NO. PHP13-001, THE DESIGNATION OF THE EUCLID AVENUE HISTORIC DISTRICT, WHICH INCLUDES ALL PROPERTIES WITH EUCLID AVENUE FRONTAGE, BOUND BY G STREET TO THE SOUTH AND THE I-10 TO THE NORTH, AS A LOCAL HISTORIC DISTRICT

That the City Council hold a public hearing to consider adoption of a resolution approving File No. PHP13-001 designating the properties which front Euclid Avenue, bound by G Street to the south and the I-10 freeway to the north, as a local historic district.

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

Written communication.

Oral presentation.

Public hearing closed.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PHP13-001, THE DESIGNATION OF THE EUCLID AVENUE HISTORIC DISTRICT, WHICH FRONT ONTO EUCLID AVENUE BOUND BY G STREET TO THE SOUTH AND THE I-10 TO THE NORTH, A LOCAL HISTORIC DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF – VARIOUS APN'S.

23. A PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE POLICY PLAN (GENERAL PLAN) COMPONENT OF THE ONTARIO PLAN (FILE NO. PGPA12-002) REVISING THE MOBILITY ELEMENT

That the City Council hold a public hearing to consider adoption of a resolution approving File No. PGPA12-002, an Amendment to the Mobility Element of the Policy Plan: Figure M-3: Multipurpose Trails and Bikeway Corridor Plan.

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. PGPA12-002, A GENERAL PLAN AMENDMENT TO REVISE THE MOBILITY ELEMENT OF THE POLICY PLAN, FIGURE M-3: MULTIPURPOSE TRAILS AND BIKEWAY CORRIDOR PLAN, 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)
June 4, 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 54957.6, CONFERENCE WITH LABOR NEGOTIATOR: Chris Hughes regarding American Federation of State, County and Municipal Employees; San Bernardino Public Employees Association; Confidential Group; Management Group; Department heads; and Executive Management.

No Reportable Action	Continue	Approved
/ /	/ /	/ /

Disposition: _____

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

- 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: _____

**CITY OF ONTARIO
CLOSED SESSION REPORT**
City Council / / Housing Authority / / (GC 54957.1)
June 4, 2013
(continued)

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

- GC 54956.9 (d)(4), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION:
One (1) or more cases:

No Reportable Action	Continue	Approved
/ /	/ /	/ /

Disposition: _____

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

CITY OF ONTARIO

Agenda Report

June 4, 2013

SECTION:
SPECIAL CEREMONIES

SUBJECT: 13TH ANNUAL MODEL COLONY AWARD PROGRAM

RECOMMENDATION: That the City Council present the 2013 "Model Colony" Awards for Historic Preservation.

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
Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities

FISCAL IMPACT: The Model Colony Awards presentation will not have a fiscal impact.

BACKGROUND: The Planning Commission, acting as the Historic Preservation Commission, developed the "Model Colony" Awards program to recognize outstanding achievements in the preservation of Ontario's historic properties.

The "Model Colony" Awards are presented by the City Council each spring to coincide with National Preservation Month. Four awards will be presented in the categories of Rehabilitation, Landscape, and Merit. On April 23, 2013, the Planning Commission considered each category and chose the following recipients:

Rehabilitation Award: For achievement in the exterior and interior rehabilitation of a historic property.

Recipient: **The Lester Stroh House**
123 East La Deney Drive
Cliff Perry and Karen Starr

STAFF MEMBER PRESENTING: Jerry L. Blum, Planning Director

Prepared by: Diane Ayala
Department: Planning

City Manager
Approval: 

Submitted to Council/O.H.A. 06/04/2013

Approved: _____

Continued to: _____

Denied: _____

Rehabilitation Award: For achievement in the exterior and interior rehabilitation of a historic property.

Recipient: **The Mrs. W.L. Poole House
408 East Rosewood Court
Edward and Stacy Jaureguy**

**John S. Armstrong
Landscape Award:** For achievement in the landscape restoration of a historic property.

Recipient: **The A.J. Linkey House No. 2
1003 North Euclid Avenue
John and Mary Federico**

Award of Merit: For achievement in the ongoing preservation of a historic property.

Recipient: **The Carrie A. Vaughn House
314 West H Street
Andrew and Andreana Rabb**

CITY OF ONTARIO

Agenda Report

June 4, 2013

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION OF INTENT TO ESTABLISH COMMUNITY FACILITIES DISTRICT NO. 20 OF THE CITY OF ONTARIO AND AUTHORIZE THE ASSOCIATED LEVY OF SPECIAL TAXES

RECOMMENDATION: That the City Council:

- (A) Accept the written petition (on file with the Records Management Department) from Wal-Mart Stores, Inc., a Delaware corporation, to create a community facilities district ("CFD") and to waive certain procedural matters under the Mello-Roos Community Facilities Act of 1982; and
- (B) Adopt a resolution of intent to establish Community Facilities District No. 20 of the City of Ontario; authorize the levy of special taxes therein; and set a public hearing for the formation of the CFD as part of the regularly scheduled City Council meeting on Tuesday, July 16, 2013.

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 Downtown on Ontario's Economy and the City's Fiscal Health
Operate in a Businesslike Manner
Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: The use of Mello-Roos financing for the commercial development of CFD No. 20 is projected to generate approximately \$22,000 a year for funding City services. The proposed maximum tax rate for the project is \$1,523 per acre. The use of Mello-Roos financing for CFD No. 20 will not generate funds for facilities, and bonds will not be issued as part of this formation.

BACKGROUND: The Mello-Roos Community Facilities Act of 1982 provides local governments, with the consent from a majority of the property owners, the authority to establish community facilities districts for the purpose of levying special taxes to finance various kinds of public infrastructure facilities and city services. City services that may be included in a community facilities district include police protection services, fire protection and suppression services, ambulance and paramedic services,

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

Prepared by: Bob Chandler
Department: Management Services

City Manager Approval: 

Submitted to Council/O.H.A. 06/04/2013

Approved: _____

Continued to: _____

Denied: _____

3

maintenance and lighting of parks, parkways, streets, roads, open space and flood and storm drain protection services, recreation programs and library services.

The project addresses the commercial development of approximately 16.29 acres located on the west side of Mountain Avenue, south of Sixth Street and north of Fifth Street. The services authorized to be financed, in whole or in part, by Community Facilities District No. 20 of the City of Ontario are as follows: (1) the operation and maintenance of the public street lighting facilities and appurtenances that serve the property and whose installation is identified as part of the project and (2) the maintenance and servicing of the landscaping and appurtenant improvements of the raised, landscaped median to be constructed by the landowner on Mountain Avenue between Fifth Street and Sixth Street.

Under the Mello-Roos Act, the initial steps in the formation of a community facilities district normally involve resolutions declaring the City's intention to establish a community facilities district, levy special taxes, and issue bonds. As noted, the issuance of bonds is not being contemplated for this project, so there is no resolution to issue bonds in this instance. As proposed, the resolution of intention to establish the district and to levy special taxes will set the public hearing date on the formation of the CFD for the regularly scheduled City Council meeting of Tuesday, July 16, 2013 to consider the matter.

Included, as part of the resolution of intention, is the proposed Rate and Method of Apportionment of Special Tax for Community Facilities District No. 20 of the City of Ontario. The terms of the Rate and Method of Apportionment of Special Tax are consistent with the City Council's adopted Mello-Roos local goals and policies, which were last amended on June 6, 2006; and City staff has presented and discussed the proposed Rate and Method of Apportionment of Special Tax with the landowner.

RESOLUTION NO. _____

A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, TO ESTABLISH COMMUNITY FACILITIES DISTRICT NO 20. AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES.

WHEREAS, the City Council (the "City Council") of the City of Ontario, California (the "City"), has received a written petition (the "Petition") from the "Landowner", requesting the institution of proceedings for the establishment of a community facilities district (the "Community Facilities District"); and

WHEREAS, the Landowner has represented and warranted to the City Council that the Landowner is the owner of 100% of the area of land proposed to be included within the Community Facilities District; and

WHEREAS, under Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5 of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), the City Council is authorized to establish the Community Facilities District; and

WHEREAS, having received such Petition from the Landowner, it is appropriate that the City Council adopt a resolution of intention to establish the proposed Community Facilities District pursuant to Sections 53320 and 53321 of the California Government Code.

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

SECTION 1. The City Council hereby finds that the Petition is signed by the requisite number of owners of land proposed to be included in the Community Facilities District.

SECTION 2. The City Council proposes to establish a community facilities district under the terms of the Act. The boundaries of the territory proposed for inclusion in the Community Facilities District are described in the map showing the proposed Community Facilities District (the "Boundary Map") on file with the City Clerk of the City (the "City Clerk"), which boundaries are hereby preliminarily approved and to which map reference is hereby made for further particulars. The City Clerk is hereby directed to sign the original Boundary Map and record, or cause to be recorded, the Boundary Map with all proper endorsements thereon in the office of the San Bernardino County Recorder within 15 days of the date of adoption of this Resolution, all as required by Section 3111 of the California Streets and Highways Code.

SECTION 3. The name proposed for the Community Facilities District is "Community Facilities District No. 20 of the City of Ontario."

SECTION 4. The services (the “Services”) proposed to be financed by the Community Facilities District pursuant to the Act are described under the caption “Services” on Exhibit A hereto. The incidental expenses proposed to be incurred are identified under the caption “Incidental Expenses” on Exhibit A hereto.

The Community Facilities District shall finance the Services only to the extent that such Services are in addition to those provided in the territory of the Community Facilities District before the Community Facilities District was created and such Services may not supplant services already available within the territory of the Community Facilities District when the Community Facilities District is created.

SECTION 5. The City Council finds that the proposed Services described in Exhibit A hereof are necessary to meet increased demands placed upon the City as a result of new development occurring within the boundaries of the proposed Community Facilities District.

SECTION 6. Except where funds are otherwise available, a special tax sufficient to pay for all Services, secured by recordation of a continuing lien against all nonexempt real property in the Community Facilities District, will be annually levied within the Community Facilities District. The rate and method of apportionment of the special tax (the “Rate and Method”), in sufficient detail to allow each landowner within the proposed Community Facilities District to estimate the maximum amount that he or she will have to pay, is described in Exhibit B attached hereto, which is by this reference incorporated herein. The special tax will be collected in the same manner as ordinary *ad valorem* property taxes or in such other manner as the City Council shall determine, including direct billing of the affected property owners.

Under no circumstances shall the special tax to pay for public services levied against any parcel used for private residential purposes be increased as a consequence of delinquency or default by the owner of any other parcel or parcels within the Community Facilities District by more than 10%. For purposes of this paragraph, a parcel shall be considered “used for private residential purposes” not later than the date on which an occupancy permit for private residential use is issued.

SECTION 7. The City Council hereby fixes Tuesday, July 16, 2013, at 6:30 p.m., or as soon thereafter as the City Council may reach the matter, at 303 East B Street, Ontario, California, as the time and place when and where the City Council will conduct a public hearing on the formation of the Community Facilities District.

SECTION 8. The City Clerk is hereby directed to publish, or cause to be published, a notice of said public hearing one time in a newspaper of general circulation published in the area of the Community Facilities District. The publication of said notice shall be completed at least seven days prior to the date herein fixed for said hearing. Said notice shall contain the information prescribed by Section 53322 of the Act.

SECTION 9. The levy of said proposed special tax shall be subject to the approval of the qualified electors of the Community Facilities District at a special election. The proposed voting procedure shall be by mailed or hand-delivered ballot

among the landowners in the Community Facilities District, with each owner having one vote for each acre or portion of an acre such owner owns in the Community Facilities District.

SECTION 10. Each officer of the City who is or will be responsible for providing one or more of the proposed types of Services is hereby directed to study, or cause to be studied, the proposed Community Facilities District and, at or before said public hearing, file a report with the City Council containing a brief description of the services by type which will in his or her opinion be required to adequately meet the needs of the Community Facilities District, and his or her estimate of the cost of providing the Services. Such officers are hereby also directed to estimate the fair and reasonable cost of the incidental expenses proposed to be paid. Such report shall be made a part of the record of said public hearing to be held pursuant to Section 7 hereof.

SECTION 11. The officers, employees and agents of the City are hereby authorized and directed to take all actions and do all things which they, or any of them, may deem necessary or desirable to accomplish the purposes of this Resolution and not inconsistent with the provisions hereof.

SECTION 12. This Resolution shall take effect immediately upon its adoption.

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

PASSED, APPROVED, AND ADOPTED this 4th day of June 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 June 4, 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 June 4, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
June 4, 2013

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION OF INTENT REGARDING THE ISSUANCE OF TAX-EXEMPT BONDS AND REIMBURSEMENT TO THE CITY FROM BOND PROCEEDS FOR WATER SYSTEM AND IMPROVEMENTS COSTS

RECOMMENDATION: That the City Council adopt a resolution of intent regarding the City's issuance of tax-exempt obligations and to reimburse the City from proceeds of such obligations for water system and improvements costs incurred prior to issuance.

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 bond financing proposals are recommended or authorized with this action. However, it is anticipated that a proposed bond financing will be presented to the City Council for consideration in the near future to take advantage of refinancing opportunities or funding of public infrastructure improvements and facilities.

As a member of the Chino Basin Desalter Authority, the City is currently expending funds for the construction of a new desalter plant. The adoption of the proposed resolution is necessary should the City elect to utilize future bond proceeds to reimburse for water improvement costs incurred prior to the issuance of bonds.

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 pursue opportunities to refinance existing obligations and review bond financing alternatives to fund construction of City infrastructure and facilities that may be required over the next several years. The combination of low interest rates and today's lower construction cost may result in substantial savings to the City. Moreover, to help reduce the Federal budget deficit, the Federal government has discussed the potential elimination of tax-exempt

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. 06/04/2013

Approved: _____

Continued to: _____

Denied: _____

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status of municipal bonds. The cost of financing future City infrastructure and facilities will increase if the tax-exempt benefit is eliminated. Currently, tax-exempt bond financing is an eligible use for various City infrastructure and facilities, such as water systems, streets, parks, public safety facilities, and energy saving equipment.

RESOLUTION NO. _____

A RESOLUTION OF INTENT OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, REGARDING THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS AND TO REIMBURSE THE CITY FROM PROCEEDS OF SUCH OBLIGATIONS FOR COSTS INCURRED PRIOR TO ISSUANCE (WATER SYSTEM IMPROVEMENTS/CITY CAPITAL IMPROVEMENTS).

WHEREAS, the City Council of the City of Ontario (the "Issuer") desires to finance the costs of acquiring certain public facilities and improvements, as provided in Exhibit A attached hereto and incorporated herein (the "Project"); and

WHEREAS, the Issuer intends to finance the acquisition of the Project or portions of the Project with the proceeds of the sale of obligations the interest upon which is excluded from gross income for federal income tax purposes (the "Obligations"); and

WHEREAS, prior to the issuance of the Obligations the Issuer desires to incur certain expenditures with respect to the Project from available monies of the Issuer which expenditures are desired to be reimbursed by the Issuer from a portion of the proceeds of the sale of the Obligations.

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

SECTION 1. The Issuer hereby states its intention and reasonably expects to reimburse Project costs incurred prior to the issuance of the Obligations with proceeds of the Obligations. Exhibit A describes either the general character, type, purpose, and function of the Project, or the fund or account from which Project costs are to be paid and the general functional purpose of the fund or account.

SECTION 2. The reasonably expected maximum principal amount of the Obligations is \$35,000,000, with respect to certain Water System Improvements and City Capital Improvements described at Exhibit A.

SECTION 3. This Resolution is being adopted on or prior to the date (the "Expenditures Date or Dates") that the Issuer will expend monies for the portion of the Project costs to be reimbursed from proceeds of the Obligations.

SECTION 4. Except as described below, the expected date of issue of the Obligations will be within eighteen months of the later of the Expenditure Date or Dates and the date the Project is placed in service; provided, the reimbursement may not be made more than three years after the original expenditure is paid. For Obligations subject to the small issuer exception of Section 148(f)(4)(D) of the Internal Revenue Code, the "eighteen-month limit" of the previous sentence is changed to "three years"

and the limitation of the previous sentence beginning with “; provided,” is not applicable.

SECTION 5. Proceeds of the Obligations to be used to reimburse for Project costs are not expected to be used, within one year of reimbursement, directly or indirectly to pay debt service with respect to any obligation (other than to pay current debt service coming due within the next succeeding one year period on any tax-exempt obligation of the Issuer (other than the Obligations) or to be held as a reasonably required reserve or replacement fund with respect to an obligation of the Issuer or any entity related in any manner to the Issuer, or to reimburse any expenditure that was originally paid with the proceeds of any obligation, or to replace funds that are or will be used in such manner.

SECTION 6. This resolution is consistent with the budgetary and financial circumstances of the Issuer, as of the date hereof. No monies from sources other than the Obligation issue are, or are reasonably expected to be reserved, allocated on a long-term basis, or otherwise set aside by the Issuer (or any related party) pursuant to their budget or financial policies with respect to the Project costs. To the best of our knowledge, this City Council is not aware of the previous adoption of official intents by the Issuer that have been made as a matter of course for the purpose of reimbursing expenditures and for which tax-exempt obligations have not been issued.

SECTION 7. The limitations described in Section 3 and Section 4 do not apply to (a) costs of issuance of the Obligations, (b) an amount not in excess of the lesser of \$100,000 or five percent (5%) of the proceeds of the Obligations, or (c) any preliminary expenditures, such as architectural, engineering, surveying, soil testing, and similar costs other than land acquisition, site preparation, and similar costs incident to commencement of construction, not in excess of twenty percent (20%) of the aggregate issue price of the Obligations that finances the Project for which the preliminary expenditures were incurred.

SECTION 8. This resolution is adopted as official action of the Issuer in order to comply with Treasury Regulation § 1.150-2 and any other regulations of the Internal Revenue Service relating to the qualification for reimbursement of Issuer expenditures incurred prior to the date of issue of the Obligations, is part of the Issuer’s official proceedings, and will be available for inspection by the general public at the main administrative office of the Issuer.

SECTION 9. All the recitals in this Resolution are true and correct and this City Council so finds, determines and represents.

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

PASSED, APPROVED, AND ADOPTED this 4th day of June 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 June 4, 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 June 4, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

EXHIBIT A
DESCRIPTION OF PROJECT

Water System Improvements:

Chino Basin Desalter Plant Expansion

Wellhead Treatment

Pipeline Replacement

Reservoir Improvements; and
similar projects.

CITY OF ONTARIO

Agenda Report

June 4, 2013

SECTION:
CONSENT CALENDAR

SUBJECT: RESOLUTIONS AUTHORIZING THE EXECUTION OF A JOINT EXERCISE OF POWERS AGREEMENT BY AND BETWEEN THE CITY OF ONTARIO AND THE ONTARIO HOUSING AUTHORITY CREATING THE ONTARIO PUBLIC FINANCING AUTHORITY

RECOMMENDATION: That the City Council of the City of Ontario and the Ontario Housing Authority Board adopt resolutions authorizing the execution and delivery of a Joint Exercise of Powers Agreement (on file in the Records Management Department) by and between the City of Ontario and the Ontario Housing Authority creating the Ontario Public Financing Authority.

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: The proposed resolutions create the Ontario Public Financing Authority for the purpose of issuing bonds to finance public improvements under the Marks-Roos Local Bond Pooling Act of 1985. No specific bond financing proposals are recommended or authorized with this action. However, it is anticipated that a proposed bond financing will be presented to the City Council for consideration in the near future to take advantage of refinancing opportunities or funding of public infrastructure improvements and facilities.

BACKGROUND: In 1991, the City of Ontario and the Ontario Redevelopment Agency formed the Ontario Redevelopment Financing Authority for the purpose of issuing municipal bonds. However, due to the State's action dissolving redevelopment agencies, the Ontario Redevelopment Financing Authority's powers to issue bonds have been eliminated. To issue bonds in the future under the Marks-Roos Local Bond Pooling Act of 1985, it is recommended that a new Authority (the Ontario Public Financing Authority) be created between the City of Ontario and the Ontario Housing Authority.

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. 06/04/2013

Approved: _____

Continued to: _____

Denied: _____

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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 pursue opportunities to refinance existing obligations and review bond financing alternatives to fund construction of City infrastructure and facilities that may be required over the next several years. The combination of low interest rates and today's lower construction cost may result in substantial savings to the City. Moreover, to help reduce the Federal budget deficit, the Federal government has discussed the potential elimination of tax-exempt status of municipal bonds. The cost of financing future City infrastructure and facilities will increase if the tax-exempt benefit is eliminated. Currently, tax-exempt bond financing is an eligible use for various City infrastructure and facilities, such as water systems, streets, parks, public safety facilities, and energy saving equipment.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE EXECUTION AND DELIVERY OF A JOINT EXERCISE OF POWERS AGREEMENT BY AND BETWEEN THE CITY OF ONTARIO AND THE ONTARIO HOUSING AUTHORITY.

WHEREAS, the City of Ontario, California (the "City") is a general law city organized and existing under the laws of the State of California.

WHEREAS, the City, acting pursuant to Article I (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California (the "JPA Act") may enter into a joint exercise of powers agreement with one or more other public agencies pursuant to which such contracting parties may jointly exercise any power common to them and, pursuant to Government Code Section 6588, exercise certain additional powers.

WHEREAS, the City and the Housing Authority (the "Housing Authority") desire to create and establish the Ontario Public Financing Authority (the "Authority") pursuant to the JPA Act.

WHEREAS, there has been presented at this meeting a proposed form of Joint Exercise of Powers Agreement, dated as of June 1, 2013 (the "Joint Powers Agreement"), by and between the City and the Housing Authority, which Joint Powers Agreement creates and establishes the Authority; and

WHEREAS, under California law and the Joint Powers Agreement, the Authority will be a public entity separate and apart from the parties to the Joint Powers Agreement, and the debts, liabilities and obligations of the Authority will not be the debts, liabilities or obligations of the City, the Housing Authority or any representative of the City or the Housing Authority serving on the governing body of the Authority.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals and the statements, findings and determinations set forth in the preamble of the Joint Powers Agreement are true and correct.

SECTION 2. The form of the Joint Powers Agreement on file with the City Clerk is hereby approved. The Mayor, the City Clerk or the City Manager or the designee thereof is hereby authorized and directed, on behalf of the City, to execute and deliver the Joint Powers Agreement substantially in the approved form, with such changes as may be recommended by the City Attorney or Stradling Yocca Carlson & Rauth, a Professional Corporation, as Bond Counsel, said execution being conclusive evidence of such approval.

SECTION 3. The Mayor, the City Clerk or the City Manager or the designee thereof and any other proper officer of the City, acting singly, be and each of them hereby is authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or proper for carrying out the transactions contemplated by the Joint Powers Agreement and this Resolution. All prior actions of such officers or staff of the City with respect thereto are hereby ratified and approved.

SECTION 4. This resolution shall take effect immediately upon its passage.

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

PASSED, APPROVED, AND ADOPTED this 4th day of June 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 June 4, 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 June 4, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE ONTARIO HOUSING AUTHORITY OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE EXECUTION AND DELIVERY OF A JOINT EXERCISE OF POWERS AGREEMENT BY AND BETWEEN THE CITY OF ONTARIO AND THE ONTARIO HOUSING AUTHORITY.

WHEREAS, the Ontario Housing Authority (the "Housing Authority") is a housing authority established pursuant to the Housing Authorities Act, California Health and Safety Code Section 34240 *et seq.*, and all successor statutes and implementing regulations thereto.

WHEREAS, the Housing Authority, acting pursuant to Article I (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California (the "JPA Act") may enter into a joint exercise of powers agreement with one or more other public agencies pursuant to which such contracting parties may jointly exercise any power common to them and, pursuant to Government Code Section 6588, exercise certain additional powers.

WHEREAS, the City of Ontario (the "City") and the Housing Authority desire to create and establish the Ontario Public Financing Authority (the "Authority") pursuant to the JPA Act.

WHEREAS, there has been presented at this meeting a proposed form of Joint Exercise of Powers Agreement, dated as of June 1, 2013 (the "Joint Powers Agreement"), by and between the City and the Housing Authority, which Joint Powers Agreement creates and establishes the Authority; and

WHEREAS, under California law and the Joint Powers Agreement, the Authority will be a public entity separate and apart from the parties to the Joint Powers Agreement, and the debts, liabilities and obligations of the Authority will not be the debts, liabilities or obligations of the City, the Housing Authority or any representative of the City or the Housing Authority serving on the governing body of the Authority.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals and the statements, findings and determinations set forth in the preamble of the Joint Powers Agreement are true and correct.

SECTION 2. The form of the Joint Powers Agreement on file with the City Clerk/Authority Secretary is hereby approved. The Chair, or the Executive Director or the designee thereof is hereby authorized and directed, on behalf of the Housing Authority, to execute and deliver the Joint Powers Agreement substantially in the approved form, with such changes as may be recommended by the City Attorney/Authority Counsel or Stradling Yocca Carlson & Rauth, a Professional Corporation, as Bond Counsel, said execution being conclusive evidence of such approval.

SECTION 3. The Chair, or the Executive Director or the designee thereof and any other proper officer of the Housing Authority, acting singly, be and each of them hereby is authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or proper for carrying out the transactions contemplated by the Joint Powers Agreement and this resolution. All prior actions of such officers or staff of the Housing Authority with respect thereto are hereby ratified and approved.

SECTION 4. This resolution shall take effect immediately upon its passage.

The Secretary of the Ontario Housing Authority shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 4th day of June 2013.

PAUL S. LEON, CHAIRMAN

ATTEST:

MARY E. WIRTES, AUTHORITY SECRETARY

APPROVED AS TO LEGAL FORM:

AUTHORITY COUNSEL

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

I, MARY E. WIRTES, Secretary of the Ontario Housing Authority, DO HEREBY CERTIFY that foregoing Resolution No. 2013- was duly passed and adopted by the Ontario Housing Authority at their regular meeting held June 4, 2013 by the following roll call vote, to wit:

AYES: BOARD MEMBERS:

NOES: BOARD MEMBERS:

ABSENT: BOARD MEMBERS:

MARY E. WIRTES, AUTHORITY SECRETARY

(SEAL)

The foregoing is the original of Resolution No. 2013- duly passed and adopted by the Ontario Housing Authority at their regular meeting held June 4, 2013.

MARY E. WIRTES, AUTHORITY SECRETARY

(SEAL)

CITY OF ONTARIO

Agenda Report

June 4, 2013

SECTION:
CONSENT CALENDAR

SUBJECT: FISCAL YEAR 2012-13 THIRD QUARTER BUDGET REPORT

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

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

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

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

The primary purposes of this report are to:

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

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

Prepared by: Doreen M. Nunes
Department: Fiscal Services

City Manager Approval: 

Submitted to Council/O.H.A. 06/04/2013

Approved: _____

Continued to: _____

Denied: _____

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Third Quarter Budget Recommendations

Third Quarter Budget recommendations are routine and mainly comprised of previously approved City Council actions, adjustments in the revenue budget to reflect estimates based on current trends, and additional appropriations for new or ongoing programs/projects.

Budgetary items reflected in the Third Quarter Budget for the General Fund include: \$50,000 additional appropriations for building plan check consulting services (this is offset by a corresponding increase in building plan check fee revenue) and a \$25,704 expenditure increase for fire hazard abatement services.

Noteworthy budget adjustments in Other Funds include: \$13,500,000 for the Chino Basin Desalter (Phase 3) project which will be funded by a \$20,000,000 Proposition 50 Grant award; additional appropriations of \$2,400,000 for architect/design and right of way acquisition regarding the South Milliken Grade Separation project and \$710,000 for architect/design services and right of way acquisition in regards to the North Vineyard Grade Separation Project. Both of the grade separation projects are funded through a combination of a Southern California Easement Reimbursement Agreement (\$1,626,000), Measure I Valley Major Project funds (\$1,187,200) and Development Impact Fee (DIF) funds (\$296,800).

Quarterly budget reports also present recommendations for current personnel and organizational changes necessary to enhance program operations and efficiency. Current recommendations include an organizational change to the Fire Department which will result in a net zero position change and General Fund savings of \$3,148.

Economic Outlook

The local economy is showing signs of improvements, with the unemployment rate continuing to decline, stronger gains reported in sales tax revenues, and growth in home prices. The unemployment rate for the City of Ontario continues to decline with a rate of 10.5 percent in March 2013, down from a rate of 12.4 percent reported a year ago. Sales Tax revenues for fourth quarter of 2012 grew approximately seven percent compared to a year ago. For the calendar year 2012, Sales Tax revenues increased 9.1 percent over the previous calendar year. This growth is primarily attributed to higher consumer spending in new auto sales. In March 2013, median home prices for the San Bernardino County area jumped to \$190,000 from \$150,000 a year earlier. This significant increase of 26.7 percent over the prior year is attributed to lower mortgage rates and limited inventory.

Although the economy is improving, there are still concerns relating to continuing progress. Earlier in the calendar year, as a result of the Federal government's actions, the social security tax cut ended and income taxes increased for high wage earners. In addition, the federal deficit and potential budget cuts remain an unresolved issue, which resulted in a lower Consumer Confidence Index (CCI) for March 2013 of 61.9. April's CCI slightly improved to 68.1. For comparison, in pre-recession 2007, this index registered as high as 110.

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

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

CalPERS

The California Public Employees Retirement System (CalPERS) is considerably underfunded, primarily due to lower projected earning rates combined with significant investment losses incurred during the Great Recession. All of this has contributed to dramatic increases to the City's CalPERS contribution rates. With the recent adoption of amortization and smoothing policy changes by the CalPERS Board to address the severity of the underfunding, significant employer contribution rate increases will begin in Fiscal Year 2015-16. CalPERS' proposed rates will increase by approximately 50 percent by Fiscal Year 2019-20. These rates are dependent upon CalPERS earning a 7.5 percent return on their investments in the future.

Conclusion

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

The City is currently on schedule with its Five-Year Budget Action Plan. It is still recommended that the City maintain its conservative fiscal approach with the budget and consider the need to take further actions in the future to reduce costs should economic growth slow or decline beyond current expectations.

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

CITY OF ONTARIO

Agenda Report
June 4, 2013

SECTION:
CONSENT CALENDAR

SUBJECT: AGREEMENT FOR RECORDS AND ARCHIVE STORAGE MANAGEMENT AND CERTIFIED DESTRUCTION SERVICES

RECOMMENDATION: That the City Council authorize the City Manager to execute a three-year letter of agreement (on file in the Records Management Department) with Laguna Vault, LLC dba Docu-Trust, of San Bernardino, California, for records and archive storage/management and certified destruction with an annual estimated cost of \$30,000; and authorize up to two one-year extensions under the same terms, conditions, and billing rates for a total five-year estimate of \$150,000.

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 annual costs for citywide records storage, archival, and document destruction services is estimated to be \$30,000, or \$150,000 for the proposed five-year term (including the extension periods). Appropriations to cover the contract costs are included in the Records Management Department's baseline operating budget as well as the other primary using departments' budgets. Appropriations for future years will be included in the subsequent fiscal years' proposed budgets for City Council consideration.

BACKGROUND: In May 2013, the City solicited proposals for records and archive storage/management and certified destruction services. Five proposals were received with responses covering destruction services only to the full complement of services requested by the City. Laguna Vault, LLC dba Docu-Trust, located in San Bernardino, California, submitted a proposal that provides all of the requested services and meets all required specifications.

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

Prepared by: Vicki Kasad
Department: Records Management

City Manager Approval:  _____

Submitted to Council/O.H.A. 06/04/2013

Approved: _____

Continued to: _____

Denied: _____

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The responding firms, which includes both full and partial proposals, are as follows:

<u>Vendor</u>	<u>Location</u>
Document Storage Corporation	Ontario, CA
Docu-Trust	San Bernardino, CA
Shred-It	Corona, CA
Corodata Records Mgmt. Inc.	Corona, CA
Recall	Santa Fe Springs

Based on the proposal submitted, credentials and references, pricing and prior experience with the City's document management needs, staff recommends the award of a contract to Docu-Trust. The proposed agreement is for an initial period of three years with the option to extend for up to two additional one-year periods. The City can terminate the agreement at any time, with or without cause, with written notice to the vendor.

CITY OF ONTARIO

Agenda Report

June 4, 2013

SECTION:
CONSENT CALENDAR

SUBJECT: RESOLUTION PERTAINING TO DECLARED PRIMA FACIE SPEED LIMITS ON CERTAIN STREETS WITHIN THE CITY

RECOMMENDATION: That the City Council adopt a resolution rescinding Resolution 2011-068, and declaring prima facie speed limits on certain streets within the City.

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

FISCAL IMPACT: There is no direct fiscal impact. The City's annual operating budget includes appropriations for the repair, maintenance, and routine replacement of various street signs throughout the City.

BACKGROUND: In accordance with Sections 4-6.1501 and 4-6.1502 of the Ontario Municipal Code, the City Council declares new or revised prima facie speed limits by resolution. On November 1, 2011, the City Council adopted Resolution 2011-068 establishing speed limits on certain City streets. These limits were established in accordance with the California Vehicle Code which requires that engineering and traffic surveys be conducted before establishing speed limits on local roadways.

New engineering and traffic surveys are completed throughout the City as a matter of routine practice to ensure that surveys remain valid, and enforcement complies with the Vehicle Code. During the latest review, it was observed that several roadways had surveys at very frequent intervals, as short as one-quarter mile in some instances. This resulted in speed postings that also changed frequently even though the general characteristic of the roadway remained unchanged. Staff has carefully evaluated this situation and has determined that in most cases, fewer surveys can be taken, and more consistent limits be recommended along longer stretches of roadways.

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

Prepared by: Mauricio Diaz
Department: Engineering

City Manager
Approval: 

Submitted to Council/O.H.A. 06/04/2013

Approved: _____

Continued to: _____

Denied: _____

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During the past year, 29 roadways have been evaluated and by consolidating segments, the amount of surveys taken was reduced from approximately 134 down to 74. The consolidation and re-surveying results in 27 short roadway segments having the existing speed limit either increase or decrease by 5 mph to be consistent with the adjacent speed posting on a longer segment. The following changes are proposed:

Bon View Avenue	from Holt Boulevard to Philadelphia Street: 45 mph to 40 mph from Schaefer Avenue to Merrill Avenue: 50 mph to 45 mph
Campus Avenue	from Holt Boulevard to State Street: 35 mph to 40 mph from Phillips Street to Francis Street: 50 mph to 40 mph from Francis Street to Riverside Drive: 50 mph to 45 mph from Riverside Drive to Chino Avenue: 50 mph to 40 mph
Commerce Parkway	from Airport Drive to Jurupa Street: 40 mph to 45 mph
Deer Creek Loop	entire loop: 35 mph to 30 mph
Eighth Street	from Grove Avenue to east City limit: 45 mph to 40 mph
Etiwanda Avenue	from Jurupa Street to Philadelphia Street: 55 mph to 50 mph
Grove Avenue	from Walnut Street to Riverside Drive: 50 mph to 45 mph
Haven Avenue	from I-10 Freeway to Airport Drive: 50 mph to 45 mph
Holt Boulevard	from Benson Avenue to Mountain Avenue: 50 mph to 45 mph from Bon View Avenue to Grove Avenue: 50 mph to 40 mph from Grove Avenue to Cucamonga Channel: 50 mph to 45 mph
Jurupa Street	from Milliken Avenue to Auto Center Drive: 40 mph to 45 mph from Auto Center Drive to Etiwanda Avenue: 50 mph to 45 mph
Lytle Creek Loop	entire loop: 35 mph to 30 mph
Mountain Avenue	from Holt Boulevard to Mission Boulevard: 50 mph to 40 mph
Ontario Boulevard	from Bon View Avenue to California Street: 45 mph to 40 mph
San Antonio Avenue	from north City limit to Holt Boulevard: 40 mph to 35 mph from Mission Boulevard to Phillips Street: 40 mph to 35 mph
Sixth Street	from Grove Avenue to Baker Avenue: 40 mph to 45 mph
State Street	from Benson Avenue to Magnolia Avenue: 50 mph to 45 mph
Vine Avenue	from Fourth Street to Holt Boulevard: 35 mph to 30 mph from Mission Boulevard to Phillips Street: 35 mph to 30 mph
Vineyard Avenue	from Fourth Street to I-10 Freeway: 50 mph to 45 mph

Note: **Bolded Segments** are increasing.

An administrative correction is required for Phillips Street which should be declared at 40 mph from Benson Avenue to Euclid Avenue, not Benson Avenue to Campus Avenue. The segment of Phillips Street from Euclid Avenue to Campus Avenue shall be un-posted residential.

There are also three new speed limits proposed for roadway segments that currently do not have declared speed limits. They are:

- Bon View Avenue from Riverside Drive to Schaefer Avenue: 45 mph
- Francis Street from Dupont Avenue to Rochester Avenue: 40 mph
- from Wineville Avenue to Etiwanda Avenue: 40 mph

Staff recommends that Resolution 2011-068 be rescinded thereby abolishing all existing speed limits, and a new resolution be adopted hereby re-establishing existing speed limits with the proposed additions and revisions.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, RESCINDING RESOLUTION 2011-068 AND DECLARING PRIMA FACIE SPEED LIMITS ON CERTAIN STREETS WITHIN THE CITY.

WHEREAS, the California Vehicle Code authorizes local authorities to designate and regulate speed zones within their jurisdictions to facilitate the safe and orderly movement of traffic; and

WHEREAS, Sections 4-6.1501 and 4-6.1502 of the City of Ontario Municipal Code state that declarations of prima facie speed limits may be by resolution based upon the findings of engineering and traffic surveys; and

WHEREAS, on November 1, 2011 the City Council adopted Resolution 2011-068 establishing prima facie speed limits; and

WHEREAS, the following declared prima facie speed limits are based on the results of the engineering and traffic surveys.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Ontario does hereby rescind Resolution 2011-068 and declare that the following prima facie speed limits are the most appropriate to facilitate the safe and orderly movement of traffic:

Street	Segment	Declared Prima Facie Speed Limit (mph)	Date of Survey
Airport Dr	Haven Ave to Etiwanda Ave	45	3/25/2013
Archibald Ave	Fourth St to Airport Dr	50	12/15/2010
Archibald Ave	Jurupa St to Walnut St	45	12/7/2010
Archibald Ave	Walnut St to Schaefer Ave	50	12/8/2010
Archibald Ave	Schaefer Ave to South City Limits	55	12/7/2010
Baker Ave	Eighth Ave to Fourth Street	40	12/15/2010
Baker Ave	Mission Blvd to Philadelphia St	45	12/7/2010
Benson Ave	(Eastside) I-10 Freeway to Brooks St	35	1/14/2013
Benson Ave	(Eastside) State St to Philadelphia St	40	1/14/2013
Bon View Ave	Holt Blvd to Philadelphia St	40	1/17/2013
Bon View Ave	Riverside Dr to Merrill Ave	45	1/15/2013
Brooks St	Benson Avenue to Mountain Avenue	45	1/14/2013
Campus Ave	I-10 Freeway to Holt Blvd	35	1/5/2010
Campus Ave	Holt Blvd to Francis St	40	1/17/2013
Campus Ave	Francis to Riverside Dr	45	1/15/2013

Campus Ave	Riverside Dr to Chino Ave	40	3/21/2013
Center Ave	Fourth Street to Inland Empire Blvd	35	12/16/2010
Chino Ave	Euclid Ave to Archibald Ave	50	12/9/2010
Chino Ave	Archibald Ave to Turner Ave	40	12/8/2010
Cleveland Ave	Edison Ave to Eucalyptus Ave	45	12/8/2010
Commerce Pkwy	Airport Dr to Jurupa St	45	1/10/2013
Concours St	Center Ave to Milliken Ave	45	12/15/2010
Convention Center Way	Vineyard Ave to Holt Blvd	40	12/7/2010
D St	Benson Ave to Grove Ave	35	12/8/2010
D St	Grove Ave to Vineyard Ave	40	12/7/2010
Deer Creek Loop	North and South Loop	30	1/10/2013
Dupont Ave	Airport Dr to Francis St	40	1/10/2013
Edison Ave	Euclid Ave to Archibald Ave	50	12/7/2010
Edison Ave	Archibald Ave to Cleveland Ave	55	12/7/2010
Eighth St	West City Limit to East City Limit	40	1/7/2013
Etiwanda Ave	Fourth St to Philadelphia St	50	1/8/2013
Eucalyptus Ave	Euclid Ave to Grove Ave	45	12/7/2010
Eucalyptus Ave	Cleveland Ave to Hamner Ave	50	12/8/2010
Fifth St	Benson Ave to I-10 Freeway	35	11/16/2010
Fifth St	Grove Ave to Baker Ave	35	11/16/2010
Fourth St	Benson Ave to Mountain Ave	40	12/14/2010
Fourth St	Mountain Ave to Baker Ave	35	12/14/2010
Fourth St	Baker Ave to Vineyard Ave	45	12/15/2010
Fourth St	Vineyard Ave to Etiwanda Ave	55	12/14/2010
Francis St	Benson Ave to Euclid Ave	40	3/21/2013
Francis St	Euclid Ave to Campus Ave	35	3/21/2013
Francis St	Campus Ave to Archibald Ave	45	1/16/2013
Francis St	Metro Wy to Rochester Ave	40	1/7/2013
Francis St	Wineville Ave to Etiwanda Ave	40	1/8/2013
G St	Benson Ave to Grove Ave	35	12/8/2010
G St	Grove Ave to Vineyard Ave	40	12/8/2010
Grove Ave	Eighth St to Mission Blvd	45	1/7/2013
Grove Ave	Mission Blvd to SR-60 Freeway	50	1/16/2013
Grove Ave	SR-60 Freeway to Riverside Dr	45	1/15/2013
Grove Ave	Riverside Dr to Merrill Ave	50	1/15/2013
Guasti Rd	Holt Blvd to Haven Ave	45	12/15/2010
Haven Ave	Fourth St to Airport Dr	45	3/21/2013
Haven Ave	Airport Dr to Mission Blvd	55	1/9/2013
Haven Ave	Mission Blvd to SR-60 Freeway	50	1/7/2013
Haven Ave	SR-60 Freeway to Edison Ave	45	1/7/2013
Hellman Ave	Mission Blvd to Philadelphia St	45	3/25/2013
Holt Blvd	Benson Ave to San Antonio Ave	45	3/25/2013
Holt Blvd	San Antonio Ave to Grove Ave	40	1/17/2013
Holt Blvd	Grove Ave to Convention Center Way	45	1/7/2013
I St	Benson Ave to Fresno St	35	12/8/2010
Inland Empire Blvd	Vineyard Ave to Archibald Ave	50	12/15/2010

Inland Empire Blvd	Archibald Ave to Milliken Ave	45	12/15/2010
Jurupa St	Archibald Ave to Etiwanda Ave	45	1/8/2013
Lytle Creek Loop	North and South Loop	30	1/7/2013
Merrill Ave	Euclid Ave to Archibald Ave	50	12/7/2010
Milliken/Hamner Ave	Riverside Dr to South City Limits	55	12/8/2010
Milliken Ave	Fourth St to Riverside Dr	50	1/7/2013
Mission Blvd	Benson Ave to Euclid Ave	50	12/9/2010
Mission Blvd	Euclid Ave to Grove Ave	45	12/9/2010
Mission Blvd	Grove Ave to Milliken Ave	55	12/7/2010
Mountain Ave	I-10 Freeway to Mission Blvd	40	1/15/2013
Mountain Ave	Mission Blvd to Philadelphia St	50	1/14/2013
Mountain Ave	Philadelphia St to SR-60 Freeway	40	3/21/2013
Ontario Blvd	Campus Ave to California St	40	1/17/2013
Ontario Mills Cr	Entire Length of Loop	30	1/9/2013
Ontario Mills Pkwy	Milliken Ave to Rochester Ave	40	1/9/2013
Ontario Mills Pkwy	Rochester Ave to Etiwanda Ave	45	1/8/2013
Philadelphia St	Benson Ave to Euclid Ave	45	12/9/2010
Philadelphia St	Euclid Ave to Grove Ave	40	12/9/2010
Philadelphia St	Grove Ave to Archibald Ave	50	12/14/2010
Philadelphia St	Archibald Ave to Mission Blvd	45	12/14/2010
Philadelphia St	Milliken Ave to Etiwanda Ave	45	12/14/2010
Phillips St	Benson Ave to Euclid Ave	40	12/9/2010
Riverside Dr	Euclid Ave to Campus Ave	45	4/8/2008
Riverside Dr	Campus Ave to Milliken Ave	50	4/7/2008
Rockefeller Ave	Airport Ave to Jurupa St	35	12/14/2010
San Antonio Ave	I-10 Freeway to Phillips St	35	1/15/2013
San Antonio Ave	Phillips St to South City Limit	45	1/16/2013
Santa Ana St	Carnegie Ave to Rockefeller Ave	35	1/10/2013
Santa Ana St	Wineville Ave to Etiwanda Ave	35	1/8/2013
Schaefer Ave	Euclid Ave to Vineyard Ave	45	12/9/2010
Seventh St	West City Limit to Vineyard Ave	35	1/7/2013
Sixth St	Benson Ave to Euclid Ave	35	1/2/2008
Sixth St	Euclid Ave to Grove Ave	35	1/8/2013
Sixth St	Grove Ave to East City Limit	45	1/8/2013
State St	Benson Ave to San Antonio Ave	45	1/15/2013
State St	San Antonio Ave to Campus	35	1/17/2013
Sultana Ave	I-10 Freeway to Philadelphia St	35	12/8/2010
Turner Ave	Fourth St to Inland Empire Blvd	45	12/15/2010
Turner Ave	Arcadian Shore Dr to Grey Fox Ln	45	12/8/2010
Vine Ave	Fourth St to Phillips St	30	1/15/2013
Vineyard Ave	Eighth St to Fourth St	50	1/7/2013
Vineyard Ave	Fourth St to Airport Dr	45	1/7/2013
Vineyard Ave	Mission Blvd to Philadelphia St	50	1/16/2013
Vineyard Ave	Philadelphia St to Riverside Dr	45	1/16/2013
Walnut St	Fern Ave to Vineyard Ave	45	12/9/2010

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

PASSED, APPROVED, AND ADOPTED this 4th day of June 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 June 4, 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 June 4, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report

June 4, 2013

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION APPROVING FINAL TRACT MAP NOS. 18851 AND 18853

RECOMMENDATION: That the City Council adopt a resolution approving Final Tract Map Nos. 18851 and 18853 for property generally located at the northwest corner of Inland Empire Boulevard and Turner Avenue within the Ontario Festival 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 OF2010, LLC, the subdivider of the underlying subdivision (Tract Map No. 18850), at its sole cost.

BACKGROUND: Final Tract Map No. 18851, consisting of 93 numbered lots and 13 lettered lots on 7.01 acres and Final Tract Map No. 18853, consisting of 57 numbered lots and 10 lettered lots as shown on Exhibit 1 (attached), have been submitted by the developer, KB Home Coastal, Inc. of Wildomar, California (Mr. Michael H. Freeman, Vice President). These tracts are located in the Ontario Festival Specific Plan area and have planned developments of 93 single-family detached homes and 57 single-family detached homes, respectively. All backbone infrastructure supporting these developments is being constructed by OF2010, LLC, subdivider of the underlying Tract No. 18850.

Tentative Tract Map Nos. 18851 and 18853 were approved by the Planning Commission on October 30, 2012 and are consistent with the adopted Ontario Festival Specific Plan.

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

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

Prepared by: Dean A. Williams
Department: Engineering

City Manager
Approval: 

Submitted to Council/O.H.A. 06/04/2013

Approved: _____

Continued to: _____

Denied: _____

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RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FINAL TRACT MAP NOS. 18851 AND 18853.

WHEREAS, Tentative Tract Map Nos. 18851 and 18853, submitted for approval by the developer, KB Home Coastal, Inc., of Wildomar, California (Mr. Michael H. Freeman, Vice President) were approved by the Planning Commission of the City of Ontario on October 30, 2012; and

WHEREAS, Tentative Tract Map No. 18851 consists of ninety-three (93) numbered lots and thirteen (13) lettered lots, being a subdivision of Lot 3 and Lot 5, of Tract No. 18850, and Tentative Tract Map No. 18853 consists of fifty-seven (57) numbered lots and ten (10) lettered lots, being a subdivision of Lot 7, Lot 8 and Lot 9 , of Tract No. 18850, as filed in Book 337, Pages 16 through 20, inclusive, of Tract Maps, in the Office of the County Recorder of San Bernardino County; and

WHEREAS, to meet the requirements established as prerequisite to final approval of Final Tract Map Nos. 18851 and 18853, the subdivider of the underlying Tract No. 18850, has previously offered an Improvement Agreement, together with good and sufficient security, in conformance with the City Attorney's approved format, for approval and execution by the City; and

WHEREAS, said Improvement Agreement and good and sufficient security has been approved, entered into and accepted by the City and is currently on file in the Office of the City Clerk; and

WHEREAS, the requirement for the preparation of Covenants, Conditions and Restrictions (CC&R's), approved by the City Attorney's office, to ensure the right to mutual ingress and egress and continued maintenance of common facilities by the commonly affected property owners has been deferred to a later date, prior to the grant of occupancy of the first home constructed as part of the development of either Final Tract Map No. 18851 or Final Tract Map No. 18853.

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

1. That Final Tract Map Nos. 18851 and 18853 be approved and that the City Clerk be authorized to execute the statement thereon on behalf of said City.
2. The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 4th day of June 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 June 4, 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 June 4, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report

June 4, 2013

**SECTION:
CONSENT CALENDAR**

SUBJECT: REJECTION OF BIDS RECEIVED FOR THE FY 2012/2013 SLURRY SEAL PROGRAM, BRIDGE APPROACH IMPROVEMENT AND CDBG-FUNDED BEGONIA AVENUE STREET LIGHTING AND SLURRY SEAL PROJECT

RECOMMENDATION: That the City Council reject all bids received to date in connection with the FY 2012/2013 Slurry Seal Program, Bridge Approach Improvement and CDBG-Funded Begonia Avenue Street Lighting and Slurry Seal Project.

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

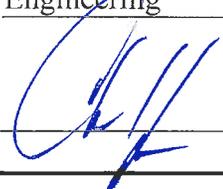
FISCAL IMPACT: None.

BACKGROUND: The City requested bids for the subject project, and as of April 18, 2013 three bids were received. The responding bidders were VSS International Inc., All American Asphalt Inc. and American Asphalt South Inc. After reviewing all bid responses, staff determined that it is in the best interest of the City to reject all bids in accordance with Ontario Municipal Code Title 2, Chapter 6, Section 2-6.13(g), re-scope the project, pre-qualify firms to bid on the project and put the project back out to bid.

The three bidders were notified via certified mail of staff's recommendation to the City Council as well as the date of this City Council meeting.

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

Prepared by: Gary Harms
Department: Engineering

City Manager Approval: 

Submitted to Council/O.H.A. 06/04/2013

Approved: _____

Continued to: _____

Denied: _____

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CITY OF ONTARIO

Agenda Report
June 4, 2013

SECTION:
CONSENT CALENDAR

SUBJECT: CONSTRUCTION CONTRACT FOR CDBG ENERGY EFFICIENT STREET LIGHT PROJECT

RECOMMENDATION: That the City Council approve the plans and specifications, and award a construction contract (on file in the Records Management Department) to Flatiron Electric Group, LLC. of Chino, California, for the CDBG Energy Efficient Street Light Project (MS0901) for the bid amount of \$158,693 plus a five (5%) percent contingency in the amount of \$7,935 for a total authorized expenditure of \$166,628; authorize the City Manager to execute all related documents and file a notice of completion at the conclusion of construction activities.

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: The current FY 2012-2013 budget includes appropriations for energy efficient street lighting of \$166,628 of CDBG funds.

BACKGROUND: The CDBG Energy Efficient Street Light Project includes replacement of 355 existing High Press Sodium (HPS) luminaires with Light Emitting Diode (LED) Luminaires. A location map is attached for reference as Exhibit "A". It is anticipated that construction will start no later than August 6, 2013 and be completed no later than September 3, 2013.

In March 2013, the City solicited bids for this project; and nine (9) bids were received as follows:

COMPANY	LOCATION	AMOUNT
Sierra Pacific Electrical	Riverside, CA	\$137,615
Flatiron Electric Group	Chino, CA	\$158,693
Siemens Industry	Anaheim, CA	\$159,495
International Line Builders	Riverside, CA	\$170,608

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

Prepared by: Steve Latino
Department: Engineering
City Manager Approval: 

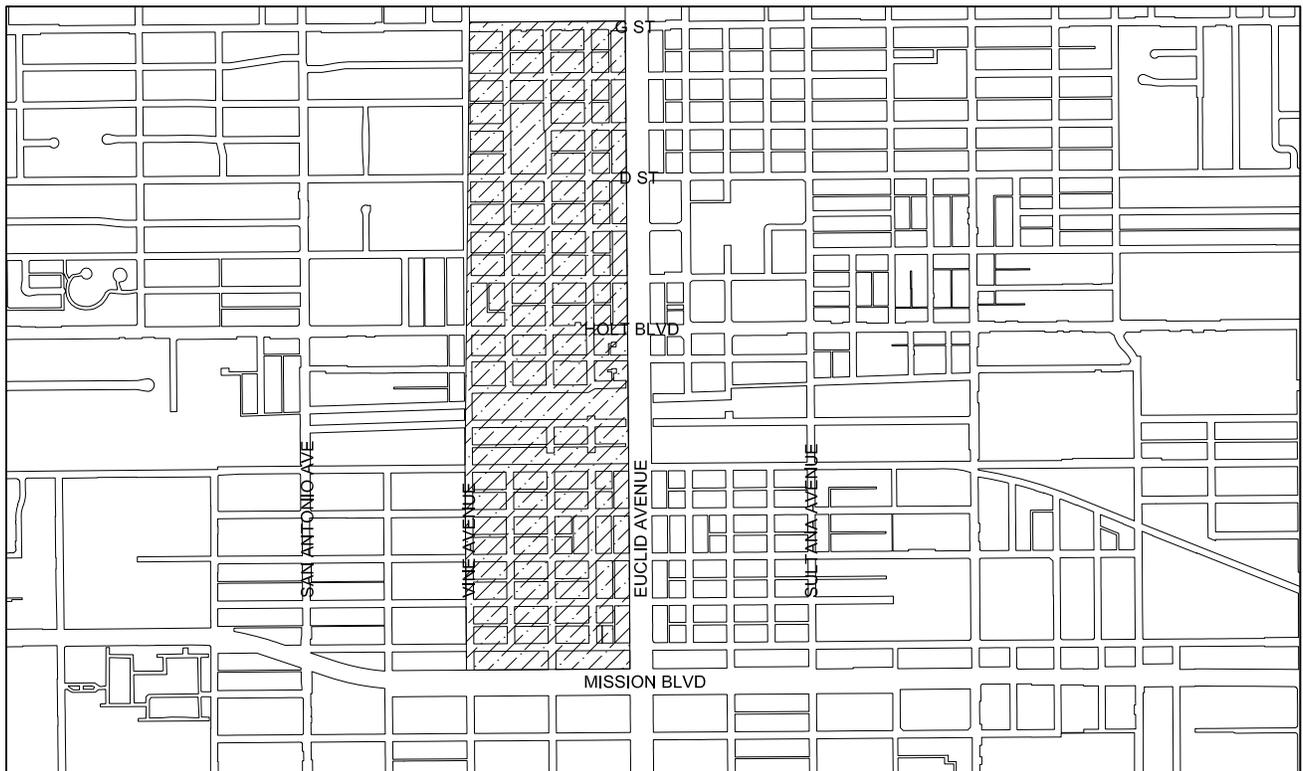
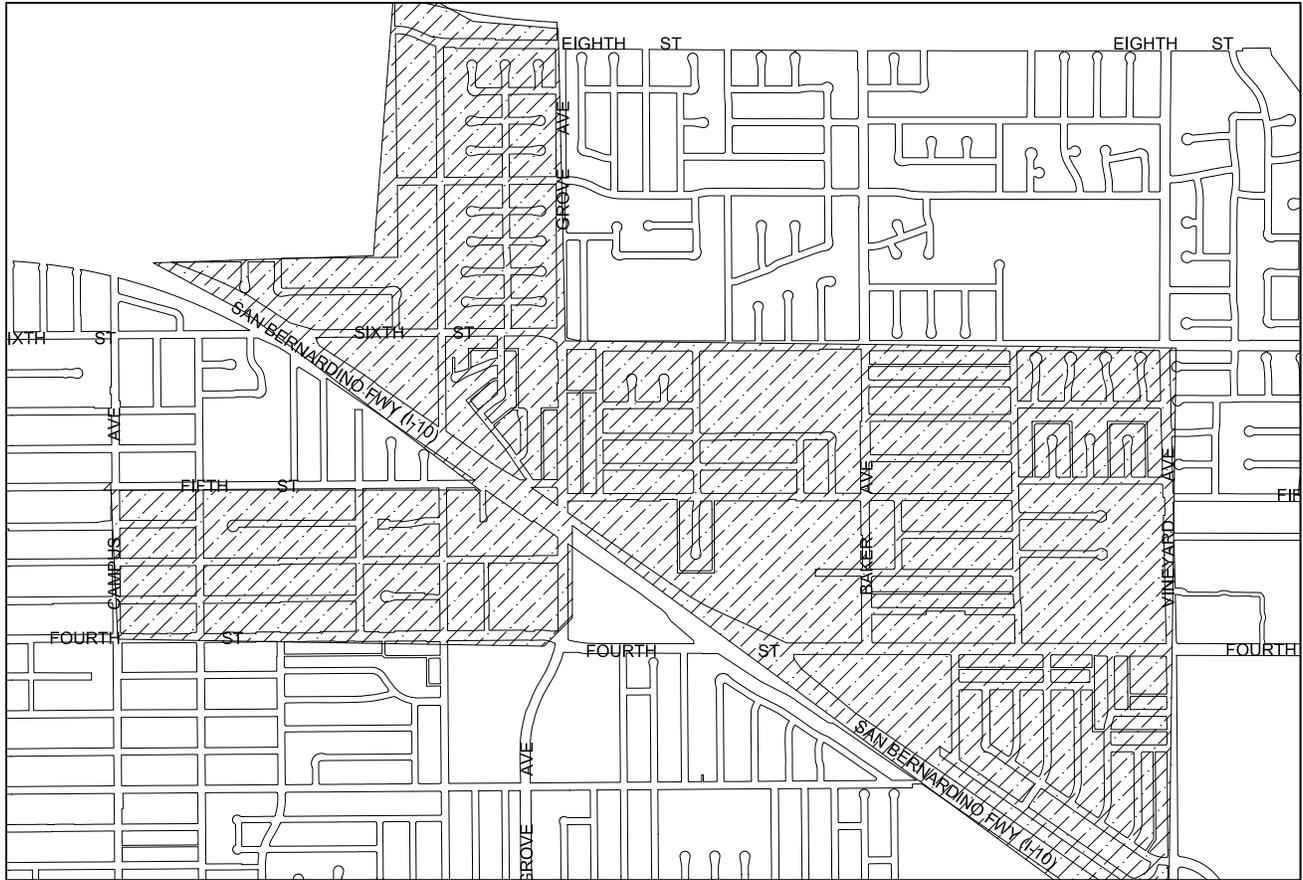
Submitted to Council/O.H.A. 06/04/2013
Approved: _____
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Steiny and Company	Baldwin Park, CA	\$177,642
California Professional Engineering	La Puente, CA	\$181,074
Macadee Electrical Construction	Chino, CA	\$188,071
JFL Electric	Los Angeles, CA	\$190,328
Lighting Technology Services	Santa Ana, CA	\$241,839

Sierra Pacific Electrical Contractor submitted the lowest bid; however, they failed to complete the appropriate CDBG forms as required in the bid documents and were deemed non-responsive. Therefore, Flatiron Electric Group, LLC. submitted the lowest responsive bid. Flatiron Electric Group, LLC. has completed similar work for the City of Santa Clarita and Caltrans in a satisfactory manner.

EXHIBIT A - LOCATION MAP
NO. MS0901, CDBG ENERGY EFFICIENT STREET LIGHT
REPLACEMENT PROJECT



CDBG ENERGY EFFICIENT STREET LIGHT REPLACEMENT AREA

CITY OF ONTARIO

Agenda Report
June 4, 2013

SECTION:
CONSENT CALENDAR

SUBJECT: RENTAL AGREEMENT WITH MT. SAN ANTONIO COLLEGE FIRE ACADEMY FOR TRAINING CENTER USAGE

RECOMMENDATION: That the City Council authorize the City Manager to execute a one year agreement (on file with the Records Management Department) with Mt. San Antonio Community College District, of Walnut, California, for the rental of the City's Fire Training Center facilities in the amount of \$20,000.

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

FISCAL IMPACT: The rental of the City's Fire Training Facility will generate \$20,000 in revenue for this one year agreement term. The annual rental fee is consistent with the current agreement.

BACKGROUND: The Mt. San Antonio College Fire Academy has been renting the Ontario Fire Department's Training Facility since 1988. The College conducts two full-time academies per year, consisting of fourteen consecutive weeks per academy. This Basic Fire Academy by Mt. San Antonio College provides the training for entry-level firefighters and meets many of the requirements to obtain the State Firefighter I certificate.

The Fire Department has worked well with Mt. San Antonio Fire Academy and has established a positive relationship while meeting both of our needs for training. The training provided facilitates professional development, the learning of basic and advanced firefighter skills and continues a revenue flow which partially offsets the cost of maintaining the Ontario Fire Training Center.

The recommended action covers the period of July 1, 2013 to June 30, 2014.

STAFF MEMBER PRESENTING: Floyd E. Clark, Fire Chief

Prepared by: Cathy Thomas
Department: Fire

City Manager Approval: 

Submitted to Council/O.H.A. 06/04/2013
Approved: _____
Continued to: _____
Denied: _____

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CITY OF ONTARIO

Agenda Report
June 4, 2013

SECTION:
CONSENT CALENDAR

SUBJECT: RESOLUTIONS APPROVING A HOME PROGRAM PARTICIPATION AGREEMENT AMONG MERCY HOUSE LIVING CENTERS, ONTARIO HOUSING AUTHORITY AND THE CITY OF ONTARIO FOR THE SALE OF A MULTI-FAMILY PROPERTY LOCATED AT 412 NORTH PARKSIDE AVENUE; A SECOND AMENDMENT TO THE LEASE AGREEMENT FOR A MULTI-FAMILY PROPERTY LOCATED AT 411 NORTH PARKSIDE AVENUE BETWEEN THE AUTHORITY AND MERCY HOUSE LIVING CENTERS; AND FIRST AMENDMENTS TO THE LEASE AGREEMENTS FOR THE FRANCIS APARTMENTS LOCATED AT 307 – 311 WEST FRANCIS STREET AND A MULTI-FAMILY PROPERTY LOCATED AT 305 NORTH BEGONIA AVENUE BETWEEN THE AUTHORITY AND MERCY HOUSE CHDO

RECOMMENDATION: That the City Council and the Board of the Ontario Housing Authority adopt resolutions approving the following agreements (all on file in the City's Records Management Department):

- (A) HOME Program Participation Agreement for the disposition and rehabilitation for a multi-family property located at 412 North Parkside Avenue;
- (B) Lease Amendment for a multi-family property located at 411 North Parkside Avenue;
- (C) Lease Amendment for the Francis Apartments located at 307 – 311 West Francis Street; and
- (D) Lease Amendment for a multi-family property located at 305 North Begonia Avenue.

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: The City will provide a loan, in the amount of \$1,307,022, to Mercy House Living Centers for the acquisition, rehabilitation, and operation of a multi-family property located at 412 North

STAFF MEMBER PRESENTING: Brent Schultz, Housing & Neighborhood Revitalization Director

Prepared by: Julie Bjork
Department: Housing Agency

City Manager Approval: 

Submitted to Council/O.H.A. 06/04/2013
Approved: _____
Continued to: _____
Denied: _____

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Parkside Avenue. Funding for this loan will be provided through the U.S. Department of Housing and Urban Development (HUD) HOME Investment Partnership Program (HOME). The loan is an interest-free, residual receipts note with a 30-year term.

This property is currently owned by the Authority and its sale will generate approximately \$1,000,000 in net proceeds that will be available for use with other new housing related activities. This property was appraised by a certified general real estate appraiser who concluded that the sales price of \$1,000,000 was reasonable. Authority staff will also provide construction management services during the rehabilitation period and will charge a construction management fee, in the amount of 10% of the rehabilitation budget. No General Fund monies will be used for this project.

BACKGROUND: On May 3, 2005, the City Council approved the Continuum of Care (“Continuum”). The Continuum was designed to provide a comprehensive approach to addressing homelessness within Ontario and includes the following components: a homeless outreach service center, a 34-bed transitional housing facility, 62 permanent affordable housing units, and after care services.

The Guadalupe Residence, located at 411 and 412 North Parkside Avenue, was rehabilitated and leased to Mercy House in May 2005 to create 15 of the 62 permanent housing units within the Continuum. This property consists of 15 4-bedroom units all restricted for moderate-income households. Given funding restrictions at the time, the rehabilitation was limited. The current lease expires June 30, 2015.

The proposed sale of the property, located 412 North Parkside Avenue, to Mercy House Living Centers will generate approximately \$1,000,000 in net revenue to the Authority. The proposed loan will also fund rehabilitation for items not addressed as part of the initial rehabilitation, and create deeper affordability levels for a period of 55 years. Rent increases are allowed to be adjusted annually by the percentage increase in income established by HUD for the San Bernardino Metropolitan Statistical Area.

The estimated total project cost for the acquisition and rehabilitation of 412 North Parkside Avenue by Mercy House Living Centers is \$1,307,022. Funding for this project will be provided through a loan from the City to Mercy House Living Centers, utilizing federal HOME funds. A detailed budget breakdown and the affordability modifications are shown in Exhibit A. It is estimated that it will take approximately six months to close escrow. Construction will begin upon escrow closing and is scheduled to be completed within six months.

The estimated revenue to operate the Continuum at its current level is \$368,000, which is provided via a combination of the following funding sources: net rent revenue (\$173,124), Community Development Block Grant (CDBG) (\$73,001), and Emergency Solutions Grant (ESG) (\$121,875). Any programs and services that are provided through the Continuum that exceed this funding level are the responsibility of Mercy House Living Centers. Mercy House Living Centers proactively works to secure additional funding through fundraising and grant writing efforts.

Other Continuum permanent housing developments previously leased to either Mercy House Living Centers and/or Mercy House CHDO, including 411 North Parkside Avenue, 307 – 311 West Francis Street, and 305 North Begonia Avenue, require lease modifications to allow rental income generated by these developments to be used to fund the Continuum. Once the Continuum funding of \$368,000 is met, then any additional net revenue will be returned to either the City or the Authority in the form of a lease payment or loan payment subject to the terms of the agreements.

All of the agreements provide the Authority with a purchase option should future Continuum funding be reduced through reductions in CDBG, ESG, or rental income. Should the Continuum's funding drop below \$368,000, the Authority may exercise its option to take back the properties through either a forgiveness of the then outstanding loan balance and/or termination of the existing lease agreements.

All permanent housing units within the Continuum are managed by Cannon Management Company, a Riverside based firm whose President is Peter Densmore. The Cannon Management Company has extensive experience in property management. The property management fee will be four percent of the gross rent receipts and there is an on-site property manager located at 411 North Parkside Avenue. The property management costs are shared amongst all 62 permanent housing units. All properties are also operated in compliance with the Ontario's Crime-Free Multi-Housing Program.

EXHIBIT A

**GUADALUPE RESIDENCE
412 N. PARKSIDE
ESTIMATED BUDGET**

Item	Amount
Sales Price	\$1,000,000
Soft Costs	\$15,000
Relocation	\$25,000
OHA Construction Management Fee	\$24,000
Construction	\$243,022
TOTAL	\$1,307,022

**GUADALUPE RESIDENCE
411 AND 412 N. PARKSIDE
OCCUPANCY RESTRICTIONS AND ESTIMATED RENT**

Number of Units	Unit Type	Income Restrictions	Estimated Rent (FY 12-13)
CURRENT AFFORDABILITY REQUIREMENTS			
14	4-Bedroom Units	Moderate-Income (120% of AMI)	\$1,245
1	4-Bedroom Unit	Property Manager	
PROPOSED AFFORDABILITY REQUIREMENTS			
2	4-Bedroom Units	Very Low-Income (50% of AMI)	\$801
5	4-Bedroom Units	Low-Income (80% of AMI)	\$1,035
7	4-Bedroom Units	Moderate-Income (120% of AMI)	\$1,245
1	4-Bedroom Unit	Property Manager	

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A HOME PROGRAM PARTICIPATION AGREEMENT WITH THE ONTARIO HOUSING AUTHORITY AND MERCY HOUSE LIVING CENTERS REGARDING PROPERTY LOCATED AT 412 N. PARKSIDE AVENUE.

WHEREAS, the Ontario Housing Authority (the "Authority") and Mercy House Living Centers, a nonprofit corporation ("Mercy House"), are party to that certain Lease Agreement, dated as of May 3, 2005, as amended by that certain First Amendment thereto dated as of July 18, 2006 (the "Lease Agreement"), regarding property commonly known as 411 & 412 N. Parkside Avenue (the "Property"); and

WHEREAS, pursuant to the Lease Agreement and in furtherance of its public purposes of increasing, improving and preserving the supply of affordable housing in the community: (a) Authority leases the Property to Mercy House, and (b) Mercy House operates the Property as affordable rental housing for low-income and previously homeless families as part of the Homeless Services Continuum of Care Program (the "Continuum"); and

WHEREAS, in order to improve 412 N. Parkside Avenue and operation of both the Property and the Continuum, Authority, Mercy House and the City of Ontario (the "City") propose the following: (a) Authority sell 412 N. Parkside Avenue to Mercy House at its fair market value, (b) Mercy House rehabilitate 412 N. Parkside Avenue, (c) City finance such sale and rehabilitation with the loan of HOME Program funds to Mercy House, and (d) Mercy House continue to operate the Property as affordable rental housing; and

WHEREAS, Authority, City and Mercy House propose to accomplish the actions described above by that certain HOME Program Participation Agreement [Guadalupe Residence/412 N. Parkside Avenue, Ontario, California] dated as of June 4, 2013 (the "HOME Agreement"), a copy of which is on file and available for public inspection in the offices of the Authority; and

WHEREAS, the City Council has duly considered all of the terms and conditions of the HOME Agreement and believes that the implementation thereof is in the best interests of the community and the health, safety and welfare of its residents; and is in accord with the public purposes and provisions of applicable State and local law and requirements.

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

1. The City Council hereby approves the HOME Agreement and authorizes the City Manager or his designee to (a) make any minor modifications thereto he deems necessary or desirable, (b) execute the HOME Agreement, and (c) take all actions he deems necessary or desirable to implement the HOME Agreement, including, without limitation, executing any and all documents or instruments connected therewith.

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

PASSED, APPROVED, AND ADOPTED this 4th day of June 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 June 4, 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 June 4, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE ONTARIO HOUSING AUTHORITY OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A HOME PROGRAM PARTICIPATION AGREEMENT WITH THE CITY OF ONTARIO AND MERCY HOUSE LIVING CENTERS AND A SECOND AMENDMENT TO LEASE AGREEMENT WITH MERCY HOUSE LIVING CENTERS REGARDING PROPERTY LOCATED AT 411 & 412 N. PARKSIDE AVENUE.

WHEREAS, the Ontario Housing Authority (the "Authority") and Mercy House Living Centers, a nonprofit corporation ("Mercy House"), are party to that certain Lease Agreement, dated as of May 3, 2005, as amended by that certain First Amendment thereto dated as of July 18, 2006 (the "Lease Agreement"), regarding property commonly known as 411 & 412 N. Parkside Avenue (the "Property"); and

WHEREAS, pursuant to the Lease Agreement and in furtherance of its public purposes of increasing, improving and preserving the supply of affordable housing in the community: (a) Authority leases the Property to Mercy House, and (b) Mercy House operates the Property as affordable rental housing for low-income and previously homeless families as part of the Homeless Services Continuum of Care Program (the "Continuum"); and

WHEREAS, in order to improve 412 N. Parkside Avenue and operation of both the Property and the Continuum, Authority, Mercy House and the City of Ontario (the "City") propose the following: (a) Authority sell 412 N. Parkside Avenue to Mercy House at its fair market value, (b) Mercy House rehabilitate 412 N. Parkside Avenue, (c) City finance such sale and rehabilitation with the loan of HOME Program funds to Mercy House, and (d) Mercy House continue to operate the Property as affordable rental housing; and

WHEREAS, Authority, City and Mercy House propose to accomplish the actions described above by that certain HOME Program Participation Agreement [Guadalupe Residence/412 N. Parkside Avenue, Ontario, California] dated as of June 4, 2013 (the "HOME Agreement"), a copy of which is on file and available for public inspection in the offices of the Authority; and

WHEREAS, in order to improve operation and function of the Continuum, Authority and Mercy House propose, by that certain Second Amendment to Lease Agreement [411 & 412 Parkside Avenue/Guadalupe Residence] dated as of June 4, 2013 (the "Second Amendment to Lease Agreement"), a copy of which is also on file and available for public inspection in the offices of the Authority, to amend the Lease Agreement to (a) remove 412 N. Parkside Avenue therefrom, and (b) modify the rental terms for 411 N. Parkside Avenue; and

WHEREAS, Authority has duly considered all of the terms and conditions of the HOME Agreement and of the Second Amendment to Lease Agreement and believes that the implementation thereof is in the best interests of the community and the health, safety and welfare of its residents; and is in accord with the public purposes and provisions of applicable State and local law and requirements.

NOW, THEREFORE, BE IT RESOLVED by the Ontario Housing Authority as follows:

1. The Authority hereby approves both the HOME Agreement and the Second Amendment to Lease Agreement and authorizes the Executive Director or his designee to (a) make any minor modifications thereto he deems necessary or desirable, (b) execute both the HOME Agreement and the Second Amendment to Lease Agreement, and (c) take all actions he deems necessary or desirable to implement the HOME Agreement and the Second Amendment to Lease Agreement, including, without limitation, executing any and all documents or instruments connected therewith.

The Secretary of the Ontario Housing Authority shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 4th day of June 2013

PAUL S. LEON, CHAIRMAN

ATTEST:

MARY E. WIRTES, AUTHORITY SECRETARY

APPROVED AS TO FORM:

AUTHORITY COUNSEL

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

I, MARY E. WIRTES, Secretary of the Ontario Housing Authority, DO HEREBY CERTIFY that the foregoing Resolution No. OHA- was duly passed and adopted by the Board Members of the Ontario Housing Authority at their regular meeting held June 4, 2013, by the following roll call vote, to wit:

AYES: BOARD MEMBERS:

NOES: BOARD MEMBERS:

ABSENT: BOARD MEMBERS:

MARY E. WIRTES, AUTHORITY SECRETARY

(SEAL)

The foregoing is the original of Resolution No. OHA duly passed and adopted by the Ontario Housing Authority at their regular meeting held June 4, 2013.

MARY E. WIRTES, AUTHORITY SECRETARY

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE ONTARIO HOUSING AUTHORITY OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A FIRST AMENDMENT TO LEASE AGREEMENT WITH MERCY HOUSE CHDO, INC., REGARDING PROPERTY LOCATED AT 307 – 311 W. FRANCIS STREET.

WHEREAS, the Ontario Housing Authority (the "Authority") and Mercy House CHDO, Inc., a nonprofit corporation ("Mercy House"), are party to that certain Lease Agreement, dated as of April 21, 2009 (the "Lease Agreement"), regarding property commonly known as 307 – 311 W. Francis Street (the "Property"); and

WHEREAS, pursuant to the Lease Agreement and in furtherance of its public purposes of increasing, improving and preserving the supply of affordable housing in the community: (a) Authority leases the Property to Mercy House, and (b) Mercy House operates the Property as affordable rental housing for low-income persons and families as part of the Homeless Services Continuum of Care Program (the "Continuum"); and

WHEREAS, in order to improve operation and function of the Continuum, Authority and Mercy House propose, by that certain First Amendment to Lease Agreement [307 – 311 W. Francis Street] dated as of June 4, 2013 (the "First Amendment to Lease Agreement"), a copy of which is on file and available for public inspection in the offices of the Authority, to amend the Lease Agreement to modify the rental terms for the Property; and

WHEREAS, Authority has duly considered all of the terms and conditions of the First Amendment to Lease Agreement and believes that the implementation thereof is in the best interests of the community and the health, safety and welfare of its residents; and is in accord with the public purposes and provisions of applicable State and local law and requirements.

NOW, THEREFORE, BE IT RESOLVED by the Ontario Housing Authority as follows:

1. The Authority hereby approves the First Amendment to Lease Agreement and authorizes the Executive Director or his designee to (a) make any minor modifications thereto he deems necessary or desirable, (b) execute the First Amendment to Lease Agreement, and (c) take all actions he deems necessary or desirable to implement the First Amendment to Lease Agreement, including, without limitation, executing any and all documents or instruments connected therewith. The Secretary of the Ontario Housing Authority shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 4th day of June 2013

PAUL S. LEON, CHAIRMAN

ATTEST:

MARY E. WIRTES, AUTHORITY SECRETARY

APPROVED AS TO FORM:

AUTHORITY COUNSEL

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

I, MARY E. WIRTES, Secretary of the Ontario Housing Authority, DO HEREBY CERTIFY that the foregoing Resolution No. OHA- was duly passed and adopted by the Board Members of the Ontario Housing Authority at their regular meeting held June 4, 2013, by the following roll call vote, to wit:

AYES: BOARD MEMBERS:

NOES: BOARD MEMBERS:

ABSENT: BOARD MEMBERS:

MARY E. WIRTES, AUTHORITY SECRETARY

(SEAL)

The foregoing is the original of Resolution No. OHA duly passed and adopted by the Ontario Housing Authority at their regular meeting held June 4, 2013.

MARY E. WIRTES, AUTHORITY SECRETARY

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE ONTARIO HOUSING AUTHORITY OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A FIRST AMENDMENT TO LEASE AGREEMENT WITH MERCY HOUSE CHDO, INC., REGARDING PROPERTY LOCATED AT 305 N. BEGONIA AVENUE.

WHEREAS, the Ontario Housing Authority (the "Authority") and Mercy House CHDO, Inc., a nonprofit corporation ("Mercy House"), are party to that certain Lease Agreement, dated as of October 10, 2010 (the "Lease Agreement"), regarding property commonly known as 305 N. Begonia Avenue (the "Property"); and

WHEREAS, pursuant to the Lease Agreement and in furtherance of its public purposes of increasing, improving and preserving the supply of affordable housing in the community: (a) Authority leases the Property to Mercy House, and (b) Mercy House operates the Property as affordable rental housing for low-income persons and families as part of the Homeless Services Continuum of Care Program (the "Continuum"); and

WHEREAS, in order to improve operation and function of the Continuum, Authority and Mercy House propose, by that certain First Amendment to Lease Agreement [305 N. Begonia Avenue] dated as of June 4, 2013 (the "First Amendment to Lease Agreement"), a copy of which is on file and available for public inspection in the offices of the Authority, to amend the Lease Agreement to modify the rental terms for the Property; and

WHEREAS, Authority has duly considered all of the terms and conditions of the First Amendment to Lease Agreement and believes that the implementation thereof is in the best interests of the community and the health, safety and welfare of its residents; and is in accord with the public purposes and provisions of applicable State and local law and requirements.

NOW, THEREFORE, BE IT RESOLVED by the Ontario Housing Authority as follows:

1. The Authority hereby approves the First Amendment to Lease Agreement and authorizes the Executive Director or his designee to (a) make any minor modifications thereto he deems necessary or desirable, (b) execute the First Amendment to Lease Agreement, and (c) take all actions he deems necessary or desirable to implement the First Amendment to Lease Agreement, including, without limitation, executing any and all documents or instruments connected therewith.

The Secretary of the Ontario Housing Authority shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 4th day of June 2013

PAUL S. LEON, CHAIRMAN

ATTEST:

MARY E. WIRTES, AUTHORITY SECRETARY

APPROVED AS TO FORM:

AUTHORITY COUNSEL

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

I, MARY E. WIRTES, Secretary of the Ontario Housing Authority, DO HEREBY CERTIFY that the foregoing Resolution No. OHA- was duly passed and adopted by the Board Members of the Ontario Housing Authority at their regular meeting held June 4, 2013, by the following roll call vote, to wit:

AYES: BOARD MEMBERS:

NOES: BOARD MEMBERS:

ABSENT: BOARD MEMBERS:

MARY E. WIRTES, AUTHORITY SECRETARY

(SEAL)

The foregoing is the original of Resolution No. OHA duly passed and adopted by the Ontario Housing Authority at their regular meeting held June 4, 2013.

MARY E. WIRTES, AUTHORITY SECRETARY

(SEAL)

CITY OF ONTARIO

Agenda Report

June 4, 2013

SECTION:
CONSENT CALENDAR

SUBJECT: CONSTRUCTION CONTRACT FOR SEWER MAIN IMPROVEMENTS AT VARIOUS LOCATIONS

RECOMMENDATION: That the City Council:

- (A) Approve the project plans and specifications;
- (B) Authorize the withdrawal and return of the bid and bid bond submitted by MCC Equipment Rentals, Inc., of Yucaipa, California, due to bidder clerical errors;
- (C) Award Contract No. UT 1213-07 (on file with Records Management Department) to CP Construction Company, Inc., of Ontario, California, for \$943,182 plus a 15% contingency (\$141,477) for a total authorization of \$1,084,659 for the Sewer Main Improvements at Various Locations Project; and authorize the City Manager to execute said contract and file a notice of completion at the conclusion of all construction activities related to the project.

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

FISCAL IMPACT: The Fiscal Year 2012-13 Five-Year Capital Improvement Program includes appropriations from the Sewer Capital Fund for the construction of these sewer main improvements at various locations. The recommended contract award to CP Construction Company, Inc. is for a bid amount of \$943,182 plus a 15% contingency of \$141,477 for a total contract authorization of \$1,084,659. There is no impact to the General Fund.

BACKGROUND: The City's Sewer Master Plan identifies capacity deficiencies in the City's sewer collection system and recommends that sewer pipelines in the project area be upsized in order to continue to maintain sewer service reliability. The sewer main improvements at various locations project consists of the installation of 2,600 linear feet of 12-inch diameter and 500 linear feet of 10-inch diameter sewer pipeline (see attached location map).

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

Prepared by: Dennis Mejia, P.E.
Department: MU/Engineering

City Manager
Approval: 

Submitted to Council/O.H.A. 06/04/2013
Approved: _____
Continued to: _____
Denied: _____

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On April 11, 2013, four (4) bids were received for the sewer main improvements at various locations project. The bids ranged from a low bid amount of \$769,000 to a high bid amount of \$1,177,290 and are summarized below:

<u>Bidder</u>	<u>Location</u>	<u>Amount</u>
MCC Equipment Rentals, Inc. *	Yucaipa, CA	\$769,000
CP Construction Company, Inc.	Ontario, CA	\$943,182
Kana Pipeline, Inc.	Placentia, CA	\$1,026,000
Dominguez General Engr., Inc.	Rosemead, CA	\$1,177,290

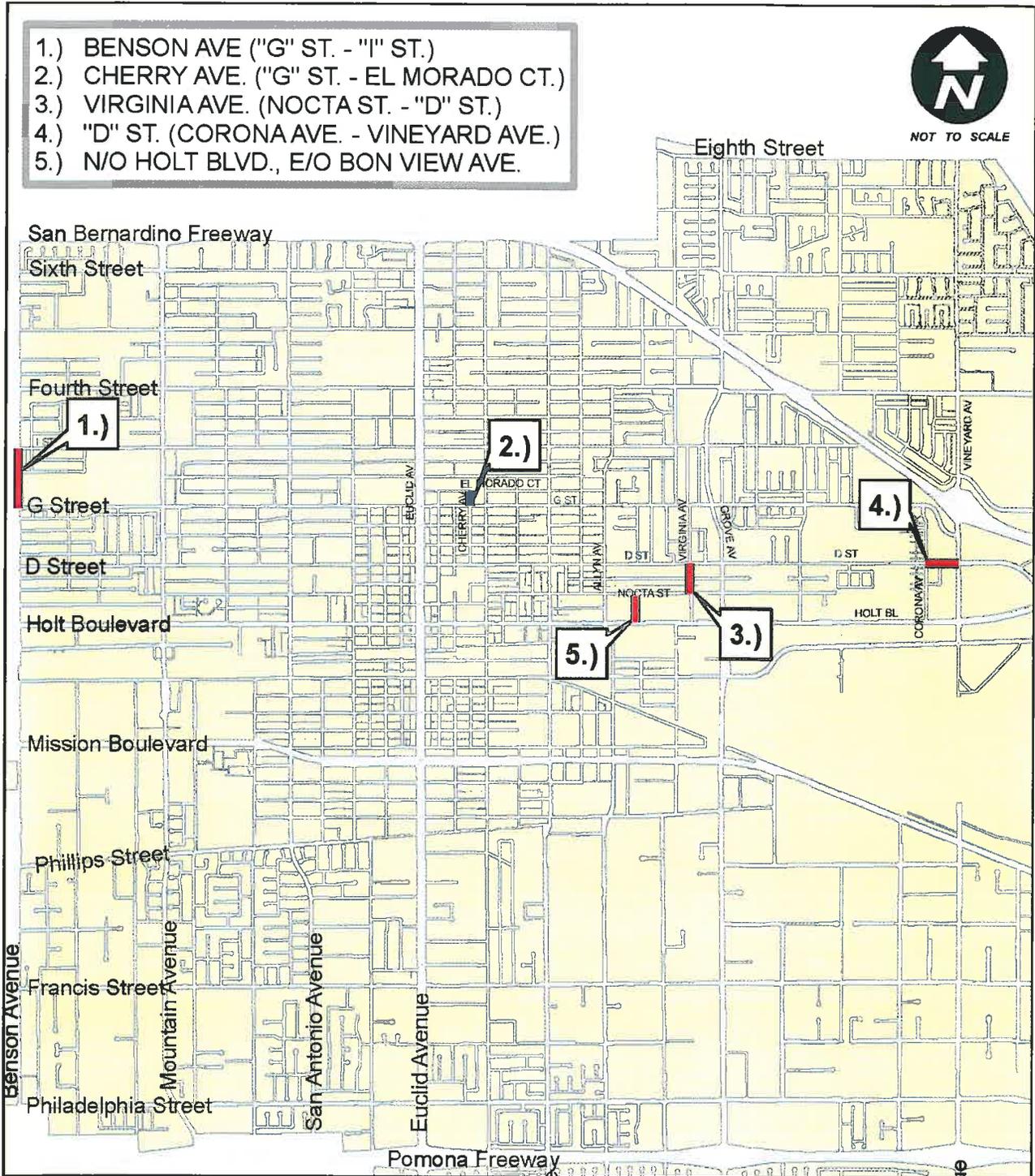
* *Withdrawn by bidder*

MCC Equipment Rentals, Inc. (MCC), submitted the lowest bid; however, MCC subsequently provided a written request to withdraw its bid due to bidder clerical errors and omissions made during the preparation of their submittal. Public Contract Code Section 5103 provides authorization for timely withdrawal of bids, if sufficient grounds exist. Staff, in consultation with the City Attorney’s Office, reviewed the bid documents, MCC’s submittal and its withdrawal request and determined that a bid withdrawal is appropriate. Accordingly, staff recommends that the City Council approve the withdrawal and return of the bid and bid bond submitted by MCC Equipment Rentals, Inc., and that the City award the contract to the next lowest responsive bidder CP Construction Company, Inc. in accordance with Public Contract Code Section 5106. CP Construction Company, Inc. has completed this type of work in the past and has the expertise and the ability to perform the work in a timely manner.

The project is a component of the 2012 Infrastructure Master Plans approved by the City Council on December 4, 2012. A Mitigated Negative Declaration (MND) was prepared and approved for the 2012 Infrastructure Master Plans pursuant to the provisions of CEQA. The MND addressed the drainage, sewer, water and recycled water master plans (2012 Infrastructure Master Plans) including their alignments, pipe sizes and installation for the City. An analysis of the project has determined that there is no deviation from the description of this component of the overall 2012 Infrastructure Master Plans. Thus, no further CEQA analysis is required.

OMUC CONTRACT No. UT1213-07

SEWER MAIN IMPROVEMENTS AT VARIOUS LOCATIONS



CITY OF ONTARIO

Agenda Report

June 4, 2013

SECTION:
CONSENT CALENDAR

SUBJECT: ANNUAL MAINTENANCE CONTRACT FOR ON-CALL MAINTENANCE, REHABILITATION, INSPECTION AND URGENCY WELL REPAIRS

RECOMMENDATION: That the City Council award Bid No. UT1314-01 to General Pump Company of San Dimas, California, for on-call maintenance, rehabilitation, inspection and urgency well repairs in a not-to-exceed amount of \$794,054; and authorize the City Manager to execute a one-year maintenance contract (on file in the Records Management Department) and extend the contract for up to four additional years consistent with 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
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: The recurring baseline Water Operating budget includes appropriations for on-call maintenance, rehabilitation, inspection and urgency well repairs. The projected annual cost for the one-year term beginning July 1, 2013 is \$794,054. The contract may be renewed at the discretion of the City for up to four additional years. Pricing for each additional year will be negotiated and any proposed fee increase will not exceed 3% per year. There is no impact to the General Fund.

BACKGROUND: The City's water system utilizes twenty four (24) groundwater wells and thirteen (13) booster pumps with motors ranging in size to 800 horsepower and pumps capable of producing up to 3,500 gallons of water per minute. These facilities are critical to the City's water supply and need to be rehabilitated periodically to ensure reliable operation and extend the useful life of the capital investment. In addition, this work keeps the facilities energy efficient, resulting in lower energy usage which is one of the largest operating costs for the City's water system.

This proposed annual contract includes planned maintenance and rehabilitation of four wells and two booster stations, along with inspection and urgency repairs that may result from unanticipated well

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

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

City Manager Approval:  _____

Submitted to Council/O.H.A. 06/04/2013

Approved: _____

Continued to: _____

Denied: _____

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failure on an as-needed basis. Actual costs will be based upon the predetermined price list for labor and equipment for the services provided annually.

On April 1, 2013, bids were solicited for the maintenance and rehabilitation of four wells and two boosters, and inspection and urgency repairs on wells on an as-needed basis.

On April 18, 2013, two bids were received and are summarized below:

<u>Bidder</u>	<u>Location</u>	<u>Amount</u>
General Pump Company, Inc.	San Dimas, CA	\$ 794,054
Layne Christensen Company	Redlands, CA	\$1,195,976

General Pump Company Inc., located in San Dimas, California, has the ability to perform the work in a timely manner, has the expertise in well rehabilitation and repairs, has preformed this type of work in the in the past, including the City's previous annual contract, and is familiar with city requirements.

CITY OF ONTARIO

Agenda Report

June 4, 2013

SECTION:
CONSENT CALENDAR

SUBJECT: MAINTENANCE SERVICES AGREEMENT FOR THE WATER SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) COMPUTER PROGRAMMING SUPPORT SERVICES

RECOMMENDATION: That the City Council authorize the City Manager to execute a one-year Maintenance Services Agreement (on file in the Records Management Department) with Freedom Automation of Oceanside, California, for the City's water Supervisory Control and Data Acquisition (SCADA) computer programming support services for a not to exceed amount of \$150,000; and, authorize the option to extend the agreement for up to four additional years consistent with 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
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: The recurring baseline Water Operating Budget includes appropriations for SCADA computer programming support services. The projected annual cost for the one-year term beginning July 1, 2013 is \$150,000. The contract may be renewed at the discretion of the City for up to four additional years with annual increases in the unit prices not to exceed 3%. There is no impact to the General Fund.

BACKGROUND: The City utilizes a Supervisory Control and Data Acquisition (SCADA) computer system to monitor and control twenty four (24) water production wells, seven (7) water reservoir sites, five (5) booster pumps stations and three (3) sewer lift stations. The agreement encompasses programming services associated with several maintenance, operations and management projects for water, such as a new Chino Basin Desalter Authority (CDA) booster station and turnouts; equipment evaluation and upgrades; software updates and the development of a SCADA Master Plan. SCADA programming services are critical to the reliable operation of the City's water and sewer infrastructure.

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

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

City Manager Approval:  _____

Submitted to Council/O.H.A. 06/04/2013

Approved: _____

Continued to: _____

Denied: _____

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In December 2012, two (2) proposals were received from the following firms in response to a Request for Proposal (RFP) was sent out to fifteen (15) vendors.

<u>Firm</u>	<u>Location</u>
Freedom Automation	Oceanside, CA
Cannon	Santa Monica, CA

Staff reviewed the proposals and evaluated the firms' qualifications and experience as well as the overall estimated costs. Freedom Automation was rated higher overall based upon the review criteria. Freedom Automation has provided SCADA computer programming support services for the City since 2003, and has extensive knowledge in the operation of the City's water and sewer systems.

CITY OF ONTARIO

Agenda Report
June 4, 2013

SECTION:
CONSENT CALENDAR

SUBJECT: MULTIPLE AGENCY MEMORANDUM OF UNDERSTANDING FOR COOPERATIVE EFFORTS TO MAINTAIN A SUSTAINABLE, HIGH QUALITY GROUNDWATER SUPPLY

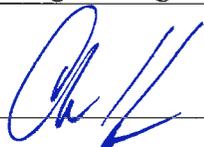
RECOMMENDATION: That the City Council authorize the City Manager to execute, subject to non-substantive changes required by member agencies, a Memorandum of Understanding (MOU) (on file in the Records Management Department) with the City of Upland, Inland Empire Utilities Agency, Chino Basin Desalter Authority, Jurupa Community Services District and Western Municipal Water District to provide for cooperative efforts to maintain sustainable, high quality groundwater supply in the Chino Basin.

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

FISCAL IMPACT: There is no direct fiscal impact as a result of approval of this MOU. In the event a potential "project" is identified through the cooperative efforts, it will be brought back to the City Council for consideration. There is no impact to the General Fund.

BACKGROUND: Over half of Ontario's water supply is produced from the Chino Groundwater Basin which faces multiple challenges including water quality. A potential long-term solution for maintaining this water supply resource is groundwater treatment as identified in the water master plan. On February 19, 2013, City Council authorized the filing of an application for State grant funding for a groundwater recovery and treatment system, which may allow Ontario to maximize the beneficial use of its local groundwater resources and address water quality changes over time. This MOU establishes a commitment among the parties to work collaboratively together to: (1) plan, develop and implement a strategy for the clean-up and beneficial future use of groundwater in the southerly portion of the Chino Groundwater Basin which includes south Ontario, and (2) secure state and federal funding to financially support such efforts.

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

Prepared by: Dennis Mejia
Department: MU/Engineering
City Manager Approval: 

Submitted to Council/O.H.A. 06/04/2013
Approved: _____
Continued to: _____
Denied: _____

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CITY OF ONTARIO

Agenda Report

June 4, 2013

SECTION:
CONSENT CALENDAR

SUBJECT: AMENDED AND RESTATED WATER SERVICE AGREEMENT WITH SAN ANTONIO WATER COMPANY

RECOMMENDATION: That the City Council approve the Amended and Restated Water Service Agreement (on file in the Records Management Department) with San Antonio Water Company (SAWCO) of Upland, California, subject to non-substantive changes; 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 City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: The City owns 295 SAWCO shares which entitles the City to receive approximately 781 acre feet of groundwater production rights and/or potable water at the current rate of \$183 per acre-foot. The annual cost to the City for these rights is approximately \$143,000, which is included in the recurring baseline Water Operating Budget and, if approved, will be included in future fiscal years' proposed budgets. There is no impact to the General Fund.

BACKGROUND: The City's current annual water demand is approximately 39,300 acre-feet. To meet this demand, the City's water supply portfolio includes imported state project water purchased from Metropolitan Water District (MWD) through the Water Facilities Authority (WFA), treated ground water purchased from the Chino Basin Desalter Authority (CDA), recycled water purchased from the Inland Empire Utilities Agency (IEUA), our own local ground water production, and direct delivery of water or the transfer of annual water production rights from local sources such as SAWCO.

The City owns shares of common stock in SAWCO and, as they become available, occasionally leases additional shares. These owned and leased shares entitle the City to receive water from SAWCO based on the number of shares.

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

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

City Manager Approval:  _____

Submitted to Council/O.H.A. 06/04/2013

Approved: _____

Continued to: _____

Denied: _____

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The existing agreement allows for the transfer of annual water production rights from SAWCO to the City with Chino Basin Watermaster approval. These rights may then be used to satisfy the City's replenishment obligation or they can be placed in the City's storage account to meet future demands and obligations for local groundwater.

The proposed amended and restated water service agreement will also allow for the direct delivery of water from SAWCO to Ontario through facilities SAWCO is currently constructing. This will provide the City with an inexpensive alternative when compared to the current cost to purchase replenishment water from Metropolitan Water District (MWD) at \$593 per acre-foot. The agreement is for a period of five (5) years beginning in 2014.

CITY OF ONTARIO

Agenda Report
June 4, 2013

SECTION:
CONSENT CALENDAR

SUBJECT: A LICENSE AGREEMENT FOR THE INSTALLATION OF A COMMUNICATIONS ANTENNA AT THE MILLIKEN LANDFILL

RECOMMENDATION: That the City Council authorize the City Manager to execute a five-year license agreement (on file with Records Management Department), subject to non-substantive changes, with the County of San Bernardino for the installation of a communications antenna at the Milliken Landfill; and authorize the extension of the agreement for up to four additional five-year terms.

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: The license agreement will allow Ontario to install and maintain an antenna on top of the Milliken Landfill. The initial term of the agreement is for five (5) years and the City may extend the agreement four times in increments of five years for 25 years total. The annual cost, to be paid in advance for each successive term, is \$1,000 plus adjustments each anniversary date based on the change in Consumer Price Index (CPI). If approved, appropriations will be included in the Proposed Fiscal Year 2013-14 Water Operations Budget. There is no impact to the General Fund.

BACKGROUND: 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 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 license agreement will provide for Ontario to install a repeater antenna on top of the Milliken Landfill to improve communication reliability and quality between remote water facilities and Ontario's utility control center at the Municipal Services Center.

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. 06/04/2013

Approved: _____

Continued to: _____

Denied: _____

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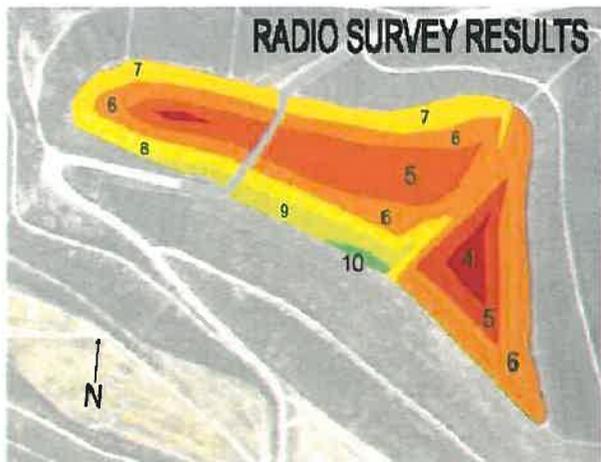
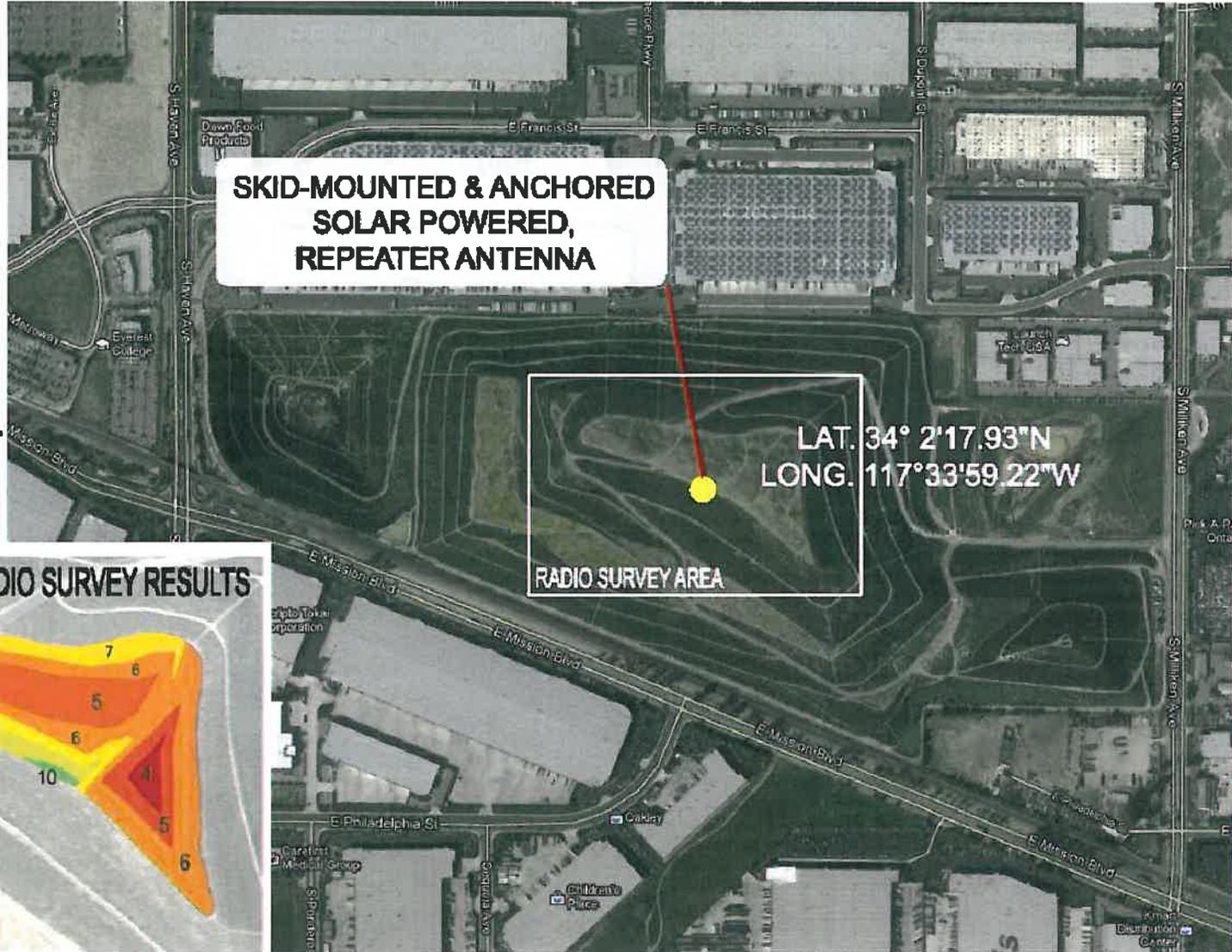
The proposed agreement has been reviewed by the City's legal counsel and San Bernardino County's legal counsel. If approved by the City Council, the agreement will then be considered for approval by the County Board of Supervisors.

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.



**REPEATER ANTENNA
INSTALLATION
AT MILLIKEN LANDFILL
ONTARIO, CA.**

Page 3 of 3



10 = Best LOCATION

CITY OF ONTARIO

Agenda Report

June 4, 2013

**SECTION:
PUBLIC HEARINGS**

SUBJECT: A PUBLIC HEARING TO CONSIDER ADOPTION OF A RESOLUTION ESTABLISHING THE GREATER ONTARIO TOURISM MARKETING DISTRICT AND ASSESSMENT OF AN ASSOCIATED 2% LEVY

RECOMMENDATION: That the City Council hold a public hearing to consider adoption of a resolution establishing the Greater Ontario Tourism Marketing District (GOTMD) and the assessment of a 2% levy to fund the District.

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

FISCAL IMPACT: The GOTMD will collect assessments from all lodging businesses with fifty (50) or more rooms located within the jurisdictional boundaries of the cities of Rancho Cucamonga and Ontario. The total GOTMD annual budget for each year of its five-year operational period is anticipated to be approximately \$2,000,000. Annual assessment rates will be two percent (2%) of gross short-term (stays less than 31 days) room rental revenue. Assessments will not be collected on any stays exempt from transient occupancy taxes.

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

Certain tourism-related business owners, primarily those providing lodging services, have requested that the City consider the creation of a tourism marketing district under the Property and Business Improvement District Law of 1994. As envisioned, the GOTMD would encompass the area included as

STAFF MEMBER PRESENTING: Chris Hughes, City Manager

Prepared by: Al Boling
Department: Citywide Administration

City Manager
Approval: 

Submitted to Council/O.H.A. 06/04/2013

Approved: _____

Continued to: _____

Denied: _____

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the city limits of Ontario and also Rancho Cucamonga. Since both cities lie within the boundaries of the proposed district and both cities will benefit from the improvements and activities of the GOTMD, a single comprehensive organization is recommended. On February 19, 2013, the Ontario City Council requested the consent of the City of Rancho Cucamonga to participate in the creation of the GOTMD; and on March 6, 2013, the Rancho Cucamonga City Council granted said consent.

The GOTMD is a five-year benefit assessment district proposed to help fund marketing and sales promotions efforts for lodging businesses. The district will be a partnership between lodging businesses with fifty (50) or more rooms, the City of Ontario, and the City of Rancho Cucamonga. This approach has been used successfully in other destination areas throughout the country to improve tourism and will drive additional room nights through marketing and promotion of the greater Ontario area as a tourist, meeting, and event destination.

The City of Ontario will serve as the lead agency in the formation of the district. In April 2013, petitions were collected from lodging businesses with 50 or more rooms operating within the cities of Rancho Cucamonga and Ontario. Staff from the Ontario City Clerk/Records Management Department in conjunction with the finance staff of both cities, tabulated the petitions based upon the total annual assessment. As of April 9, 2013, petitions representing 73.5% of the total annual assessment were received and counted in favor of forming the district; this exceeds the 50% threshold necessary to move forward in the formation process. Written notices were mailed to all eligible lodging businesses informing them of a public meeting held on May 7, 2013 to receive testimony on the district formation and the associated levy of assessments. This public hearing is the final step in the process to approve the District's formation. If approved, the GOTMD assessment will begin July 1, 2013, and will continue for five years through June 30, 2018.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO,
CALIFORNIA, DECLARING THE RESULTS OF MAJORITY PROTEST
PROCEEDINGS AND ESTABLISHING THE GREATER ONTARIO
TOURISM MARKETING DISTRICT

WHEREAS, the Property and Business Improvement District Law of 1994 (Streets and Highways Code §36600 et. seq.) authorizes cities and counties to establish property and business improvement districts upon petition by a weighted majority of the lodging business owners located within the boundaries of the district; and

WHEREAS, lodging business owners who will pay more than fifty percent (50%) of the proposed assessment, as weighted according to the amount of the assessment to be paid by the petitioner, within the boundaries of the Greater Ontario Tourism Marketing District (“GOTMD”) have petitioned the City Council to establish the GOTMD; and

WHEREAS, the City Council has requested and received consent from the City of Rancho Cucamonga to include lodging businesses in its respective jurisdiction in the GOTMD; and

WHEREAS, included with the petitions was a Management District Plan summary that describes the proposed assessment to be levied on lodging businesses within the GOTMD to pay for sales promotion and marketing activities, and other improvements and activities set forth in the Management District Plan; and

WHEREAS, the assessed lodging businesses within the GOTMD will be benefited by the activities and improvements set forth in the Management District Plan; and

WHEREAS, on April 16, 2013 at 6:30 p.m. at 303 East B Street, Ontario, CA 91764, the City Council adopted a Resolution of Intention, Resolution No. 2013-030; and

WHEREAS, the public meeting and public hearing to consider the establishment of the GOTMD have been properly noticed in accordance with Streets and Highways Code §36623; and

WHEREAS, on May 7, 2013 at 6:30 p.m. at 303 East B Street, Ontario, CA 91764, the City Council held a public meeting regarding the establishment of the GOTMD, and the City Council heard and received objections and protests, if any, to the establishment of the GOTMD and the levy of the proposed assessment; and

WHEREAS, on June 4, 2013 at 6:30 p.m. at 303 East B Street, Ontario, CA 91764, the City Council held a public hearing regarding the establishment of the

GOTMD, and the City Council heard and received all objections and protests, if any, to the establishment of the GOTMD and the levy of the proposed assessment; and

WHEREAS, the City Clerk has determined that there was no majority protest. A majority protest is defined as written protests received from owners of businesses in the proposed district which would pay fifty percent (50%) or more of the assessments proposed to be levied. Protests are weighted based on the assessment proposed to be levied on each lodging business.

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

1. The recitals set forth herein are adopted by the City Council as findings and they are true and correct.
2. The Greater Ontario Tourism Marketing District is hereby established for a five-year term.
3. The assessments levied for the GOTMD shall be applied towards sales, promotions and marketing programs to market lodging businesses in the Greater Ontario area as tourist, meeting and event destinations, and other improvements and activities as set forth in the Management District Plan.
4. The revenue from the levy of the assessments on lodging businesses within the GOTMD may not be used to provide for activities or improvements outside the GOTMD or for any purpose other than those specified herein, in the Management District Plan, and in the Resolution of Intention.
5. Assessments levied on lodging businesses pursuant to this resolution shall be levied on the basis of benefit. Because the services provided are intended to increase room rentals, an assessment based on room rentals is the best measure of benefit.
6. The amount of assessment, if passed on to each transient, shall be disclosed in advance and separately stated from the amount of rent charged and any other applicable taxes, and each transient shall receive a receipt for payment from the business.
7. The assessments for the entire District will total approximately \$2,000,000 in year one.
8. The activities and improvements set forth will be funded by the levy of an assessment on lodging businesses within the GOTMD as described in the Management District Plan that is on file with the City Clerk.

9. Bonds will not be issued to fund the GOTMD.
10. The boundaries of the GOTMD shall be the boundaries of the cities of Ontario and Rancho Cucamonga (an attached map, incorporated herein as Exhibit A).
11. The assessments shall be used for the purposes set forth above and any funds remaining at the end of any year may be used in subsequent years in which the GOTMD assessment is levied as long as they are used consistent with the requirements set forth herein.
12. The assessments to fund the activities and improvements for the GOTMD will be collected at the same time and in the same manner as are transient occupancy taxes, and in accordance with Streets and Highways Code §36631.
13. The Greater Ontario Convention and Visitors Bureau shall be the Owners Association pursuant to Streets and Highways Code §36614.5.
14. The Greater Ontario Convention and Visitors Bureau, pursuant to Streets and Highways Code §36650, shall cause to be prepared a report for each fiscal year, except the first year, for which assessments are to be levied and collected to pay the costs of the improvement and activities described in the report. The first report shall be due after the first year of operation of the district.
15. The GOTMD established pursuant to this resolution will be subject to any amendments to the Property and Business Improvement District Law of 1994 (California Streets and Highways Code §36600 et. seq.).
16. The City Clerk, or his or her designee, is directed to take all necessary actions to complete the establishment of the GOTMD and to levy the assessments.
17. This Resolution shall take effect immediately upon its adoption by the City Council.
18. The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 4th day of June 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 June 4, 2013 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

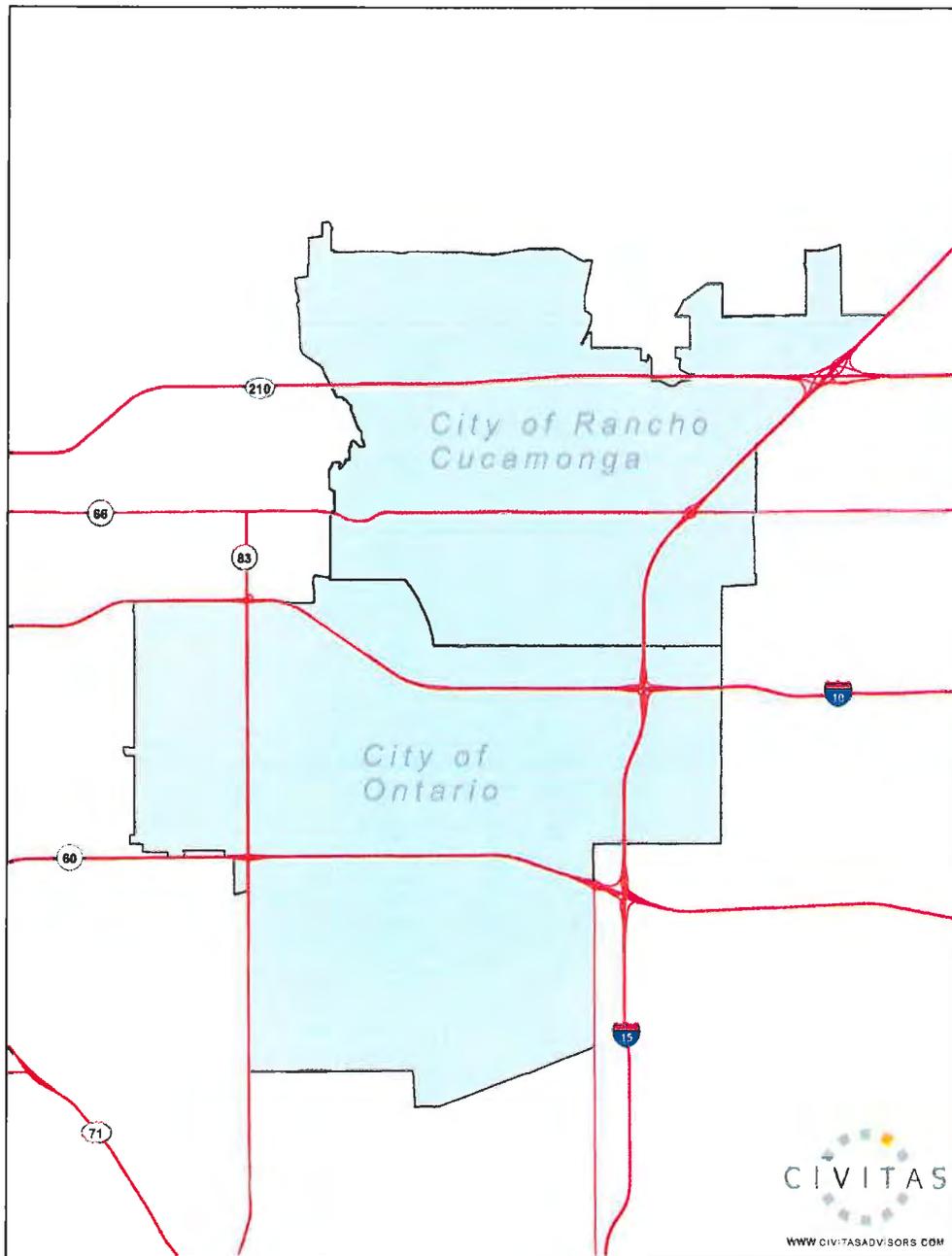
(SEAL)

The foregoing is the original of Resolution No. 2013- duly passed and adopted by the Ontario City Council at their regular meeting held June 4, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

Exhibit A
District Map



CITY OF ONTARIO

Agenda Report
June 4, 2013

SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER ADOPTION OF RESOLUTIONS OF NECESSITY FOR THE ACQUISITION OF EASEMENT INTERESTS IN PORTIONS OF CERTAIN REAL PROPERTY

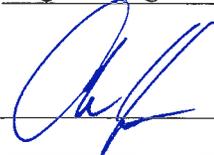
RECOMMENDATION: That the City Council hold a public hearing to:

- (A) Consider the adoption of Resolutions of Necessity and provide all parties interested in the affected properties, their attorneys or representatives, an opportunity to be heard on the issues relevant to the Resolutions of Necessity; and
- (B) Make the following findings as hereinafter described in this report:
 - (1) The public interest and necessity require the proposed project;
 - (2) The project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury;
 - (3) The portions of real property to be acquired are necessary for the project;
 - (4) The offers of just compensation have been made to the property owners; and
- (C) Adopt Resolutions of Necessity declaring that the acquisition of easement interests in portions of certain real property, more particularly described as APNs 156-020-044; 156-020-048; and 156-020-049 (all located in Riverside County) by eminent domain are necessary for public right-of-way and the construction of the South Milliken Avenue Grade Separation Project and related public infrastructure improvements in the City of Ontario, San Bernardino County, California.

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)

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

Prepared by: Jay Bautista
Department: Engineering

City Manager Approval:  _____

Submitted to Council/O.H.A. 06/04/2013

Approved: _____

Continued to: _____

Denied: _____

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FISCAL IMPACT: The adopted budget includes appropriations for the right-of-way phase of the South Milliken Avenue Grade Separation Project. The subject easement interests are for Southern California Edison (SCE) to encroach, construct, maintain and access overhead lines that are being relocated as a result of the Project. Deposits to file the Resolutions of Necessity total \$1,327,000 and are to be reimbursed by SCE.

BACKGROUND: The South Milliken Avenue Grade Separation Project and related public infrastructure improvements are required for and will benefit the community by eliminating potential conflicts between vehicular and train traffic, increasing travel reliability on Mission Boulevard and Milliken Avenue, enhancing the flow of truck traffic and improving air quality.

The City obtained appraisals of the affected properties from Integra Realty Resources. Offers of just compensation were made to the property owners pursuant to California Government Code section 7267.2. The consulting firm of Overland, Pacific & Cutler, Inc. has been negotiating on behalf of the City to purchase the properties, but no agreements have been reached with the property owners. Preliminary title reports were ordered to determine and confirm the identities of the record owners. Following standard public records and due diligence searches for ownership information, a notice of this public hearing was mailed to the property owners.

Since agreements have not been reached with the property owners, it may become necessary to acquire the properties by the eminent domain process to meet critical project deadlines or lose Trade Corridors Improvement Fund (TCIF) funding. The eminent domain process begins with the adoption of a Resolution of Necessity declaring the intent to acquire easement interests in portions of certain real property through eminent domain proceedings for public right-of-way and the construction of the South Milliken Avenue Grade Separation Project and related public infrastructure improvements. Adoption of the Resolutions of Necessity should not affect any negotiations or agreements reached with the property owners.

DESCRIPTION OF PROPERTY TO BE ACQUIRED:

The affected properties are located on the east side of Milliken Avenue from Philadelphia Street to Greystone Drive. Specifically, the acquisition entails various easement interests necessary for relocation of SCE poles, as more particularly described in Exhibits "A" of the subject Resolutions.

HEARINGS AND REQUIRED FINDINGS:

The recommended actions of the City Council pertain to the acquisition of easement interests in portions of certain real property from the property owners listed below:

Assessor Parcel No.: 156-020-044
J.W. Mitchell Company, LLC

Assessor Parcel No.: 156-020-048 and 156-020-049
12450 Philadelphia, LLC

The City is authorized to exercise the power of eminent domain to acquire property for purposes of installing electric utility power lines pursuant to California Government Code sections 37350.5, 39792 and California Code of Civil Procedure sections 1240.110 and 1240.125. The City is also authorized to acquire property for exchange to continue a use previously made of property acquired by the City, pursuant to California Code of Civil Procedure sections 1240.320 and 1240.330.

The subject properties are located in Eastvale, in Riverside County, California. The City of Ontario is authorized to acquire right-of-way for the Project within Eastvale by the Cooperative Agreement executed on April 1, 2012 and amended May 22, 2013 between the City of Eastvale and the City of Ontario (a copy is provided for reference).

California eminent domain law provides that a public entity may not commence an eminent domain proceeding until its governing body has adopted a Resolution of Necessity, which resolution may only be adopted after the governing body has given each party with an interest in the affected property or their representatives a reasonable opportunity to appear and be heard on the following matters:

1. The public interest and necessity require the proposed project.
2. The project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
3. The real property to be acquired is necessary for the project.
4. The offer of just compensation has been made to the property owner.

A notice of hearing was mailed on May 17, 2013 by first class mail to the property owners in accordance with Section 1245.235 of the California Code of Civil Procedure.

The above four required findings are addressed as follows:

1. The Public Interest and Necessity Require the Proposed Project

The South Milliken Avenue Grade Separation in San Bernardino County, California will eliminate the at-grade crossing; and will improve motorist and pedestrian safety, eliminate delays to motorists, reduce noise in the area and improve air quality.

2. The Project is Planned or Located in a Manner that will be Most Compatible with the Greatest Public Good and the Least Private Injury

The proposed improvement elevates Milliken Avenue over the Union Pacific Railroad with an overpass configuration and includes earth filled retaining walls for ramps. The project provides a superior intersection level of service and traffic circulation by separating the Mission Boulevard thru traffic movements from the intersection traffic compared to other alternatives. This was the lowest cost alternative with the shortest construction time, thus significantly reducing the short term impacts and detours to commercial businesses in the area. Various design alternatives related to the location of SCE easements and facilities have been considered by the City and SCE, and were determined to not be feasible.

3. The Real Property to be Acquired is Necessary for the Proposed Project

The properties described in Exhibits "A" of the subject Resolutions, portions of APNs 156-020-044; 156-020-048 and 156-020-049 (all located in Riverside County) are necessary for the project. The right-of-way is necessary to relocate SCE transmission poles affected by the project. The facilities and easements must be moved out of public right-of-way in order for the Project to proceed. The property at issue represents the area best suited for the relocations and the accompanying legal rights.

4. The Offer of Just Compensation Has Been Made

Appraisals were prepared by Integra Realty Resources to establish the fair market value of the real property the City is seeking to acquire. Offers of just compensation were made to the property owners to purchase the easement interests as established by the approved appraisal and as required by Section 7267.2 of the California Government Code. Although a negotiated settlement may still be possible for the real properties cited above, it would be appropriate to commence the procedures to acquire the property through eminent domain, to ensure that the City has possession of the real property, which is necessary in order for the City to begin construction of the project.

ENVIRONMENTAL ANALYSIS:

Compliance with the California Environmental Quality Act (CEQA) has been satisfied by Statutory Exemption – Section 21080.13 filed with the County of San Bernardino on May 4, 2010.

AMENDMENT NO. 1 TO COOPERATIVE AGREEMENT BETWEEN THE CITY OF EASTVALE AND THE CITY OF ONTARIO FOR DESIGN AND CONSTRUCTION OF THE SOUTH MILLIKEN AVENUE GRADE SEPARATION PROJECT AT THE UNION PACIFIC RAILROAD LOS ANGELES SUBDIVISION

This amendment no. 1 to Cooperative Agreement Between The City Of Eastvale And The City Of Ontario For Design And Construction Of The South Milliken Avenue Grade Separation Project At The Union Pacific Railroad Los Angeles Subdivision (this "Amendment"), is entered into this __ day of April 2013.

1. The Parties desire to amend and restate paragraph 5 in its entirety as follows:

"Pursuant to that certain letter from Eastvale to Ontario, dated February 6, 2012 and attached hereto as Exhibit "C" and the additional depiction attached hereto as Exhibit "D", Eastvale hereby consents to Ontario's recommended placement and construction of a new driveway for certain real property upon which a portion of the Improvements shall be constructed, known as the "J.W. Mitchell Property" and Eastvale further consents to the acquisition and location of certain additional easements, wherever necessary along the Project alignment in the City of Eastvale, as shown on Exhibit "D" for the relocation of Southern California Edison utility facilities."

2. Other than as otherwise expressly provided herein, this Amendment shall not be deemed to operate as an amendment or waiver of, or to prejudice, any right, power, privilege or remedy of any Party under the Agreement, nor shall the entering into of this Amendment preclude any Party from refusing to enter into any further amendments with respect to the Agreement. Other than as otherwise expressly provided herein, this Amendment shall not constitute a waiver of compliance with any covenant or other provision in the Agreement of the occurrence or continuance of any present or future default.

3. Except as expressly set forth in this Amendment, the terms, provisions and conditions of the Agreement are hereby ratified and confirmed and shall remain unchanged and in full force and effect without interruption or impairment of any kind.

4. This Amendment will be governed by and construed in accordance with the laws of the State of California, without giving effect to any choice of law principles.

5. This Amendment may be executed in two or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument. This Amendment may be delivered by exchange of copies of the signature page by facsimile transmission.

6. The provisions of this Amendment will be deemed severable and the invalidity or unenforceability of any provision will not affect the validity or enforceability of the other provisions hereof; provided that if any provision of this Amendment, as applied to any party or to any circumstance, is judicially determined not to be enforceable in accordance with its terms, the parties agree that the court judicially making such determination may modify the provision in

a manner consistent with its objectives such that it is enforceable, and/or to delete specific words or phrases, and in its modified form, such provision will then be enforceable and will be enforced.

7. This Amendment may not be amended or modified except in the manner specified Section 20 of the Agreement.

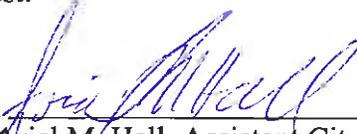
8. The Agreement as amended by this Amendment, together with the Exhibits and Schedules thereto and the certificates, documents, instruments and writings that are delivered pursuant thereto constitutes the entire agreement and understanding of the parties in respect of the subject matter of the Agreement as amended by this Amendment and supersedes all prior understandings, agreements or representations by or among the parties, written or oral, to the extent they relate in any way to the subject matter of the Agreement as amended by this Amendment.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the date first set forth above.

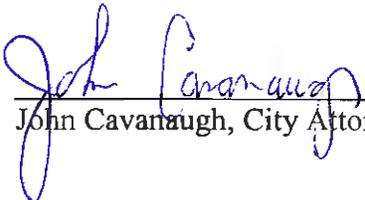
EASTVALE
City of Eastvale

By: 
Carol Jacobs, City Manager

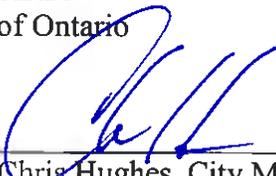
Attest:

By: 
Ariel M. Hall, Assistant City Clerk

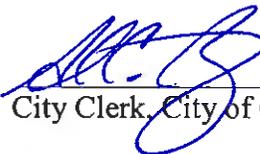
Approved as to Form:

By: 
John Cavanaugh, City Attorney

ONTARIO
City of Ontario

By: 
Chris Hughes, City Manager

Attest:

By:  DEPUTY CITY CLERK
City Clerk, City of Ontario

Approved as to Form:

By:  For
John E. Brown, City Attorney

EXHIBIT "C"

J.W. MITCHELL DRIVEWAY LETTER

City of Eastvale

12363 Limonite Ave., Suite 910
Eastvale, CA 91752
(951) 361-0900
www.ci.eastvale.ca.us



City of Ontario
303 East "B" Street
Ontario, California 91764

Attention: Louis Abi-younes, City Engineer

**SUBJECT: SOUTH MILLIKEN AVENUE GRADE SEPARATION – MISSION BOULEVARD DRIVEWAY
FOR J.W. MITCHELL PROPERTY**

Thank you for the opportunity to meet with your staff on January 9, 2012 to discuss the South Milliken Grade Separation Project and its impact on the City of Eastvale and surrounding properties. The plans call for an overcrossing, which will span the Union Pacific Railroad Los Angeles line and the adjacent Mission Boulevard. This requires the existing driveway to the J.W. Mitchell property currently located on Milliken Avenue to be relocated to a "right in-right out" driveway on Mission Boulevard.

We understand that the City of Ontario has proposed that the new driveway be located approximately 285 feet from the centerline of Milliken Avenue, which is the approximate midpoint along the J.W. Mitchell frontage on Mission Boulevard. This decision was based on overall public safety and consideration of the parking requirements for the property. This location will provide a clear view of the proposed driveway and the traffic entering and leaving the site, providing adequate site distance to ensure appropriate public safety for the motoring public. It also provides the same number of parking stalls that currently exist on the site. The estimated cost of this proposal is \$385,000.

The property owners would prefer that the driveway be located on Mission Boulevard on the westerly side of their frontage, about 150 feet from the centerline of Milliken Avenue. The City of Ontario is concerned that this location is too close to the proposed bridge structure. The bridge structure would create a phenomenon in which the eastbound drivers may be exposed to direct light, immediately followed by shadows under the bridge and then followed by direct sunlight again. The extreme shift in lighting can potentially cause challenges in visibility and reaction time for drivers. Drivers' vision may need additional time to get accustomed to the light and may not be able to react to a vehicle exiting the proposed "westernmost" driveway. However, it would provide 2 additional parking stalls. The estimated cost of this option is \$747,000 or approximately \$418,000 more than the City's design.

The City of Eastvale supports Ontario's decision to provide the highest level of public safety possible, with the "midpoint" driveway. We also appreciate their concern for fiscal responsibility.

Sincerely,

George Alvarez
City Engineer

cc: Jay Bautista, Principal Engineer (Ontario)

EXHIBIT "D"
UTILITY RELOCATION EASEMENTS

EXHIBIT "A"
LEGAL DESCRIPTION

A STRIP OF LAND 25.00 FEET WIDE OVER THAT PORTION OF PARCEL 1 OF CERTIFICATE OF PARCEL MERGER NO. 705, IN THE CITY OF EASTVALE, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER DOCUMENT RECORDED SEPTEMBER 18, 1990 AS INSTRUMENT NO. 346566 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

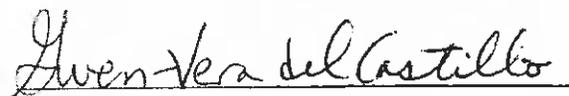
COMMENCING AT THE NORTHWEST CORNER OF SECTION 6, TOWNSHIP 2 SOUTH, RANGE 6 WEST, SAN BERNARDINO MERIDIAN AS SHOWN ON SAID PARCEL MERGER NO. 705, SAID POINT ALSO BEING THE CENTERLINE INTERSECTION OF MILLIKEN AVENUE (130 FEET WIDE) AND PHILADELPHIA STREET (100 FEET WIDE), SAID POINT ALSO BEING A FOUND 2" BRASS DISK STAMPED "LS 4430" AS SHOWN ON PARCEL MAP NO. 17414 RECORDED IN BOOK 216, PAGES 99 AND 100 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY; THENCE ALONG SAID CENTERLINE OF PHILADELPHIA STREET NORTH 89°39'52" EAST 112.87 FEET; THENCE LEAVING SAID CENTERLINE SOUTH 00°20'08" EAST 50.00 FEET TO THE NORTHERLY LINE OF SAID PARCEL 1 OF PARCEL MERGER NO. 705 AND THE TRUE POINT OF BEGINNING; THENCE SOUTH 00°45'02" EAST 100.04 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 62.50 FEET; THENCE SOUTHEASTERLY 68.14 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 62°27'46"; THENCE SOUTH 63°12'48" EAST 108.28 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 62.50 FEET; THENCE SOUTHEASTERLY, EASTERLY AND NORTHEASTERLY 127.54 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 116°55'05"; THENCE NORTH 00°07'53" WEST 149.18 FEET TO SAID NORTHERLY LINE OF SAID PARCEL 1.

THE SIDELINES OF SAID STRIP TO BE LENGTHENED OR SHORTENED TO TERMINATE NORTHERLY IN SAID NORTHERLY LINE OF SAID PARCEL 1.

CONTAINING 13,829 SQUARE FEET, MORE OR LESS.

ALL AS MORE PARTICULARLY SHOWN ON EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF.

DATED THIS 8TH DAY OF APRIL, 2013.



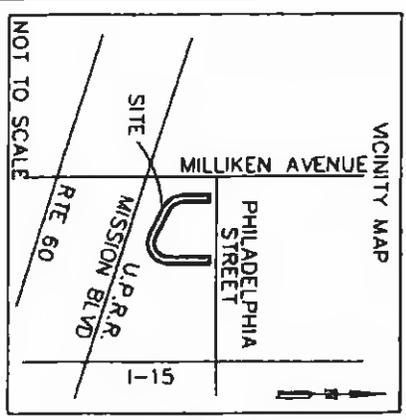
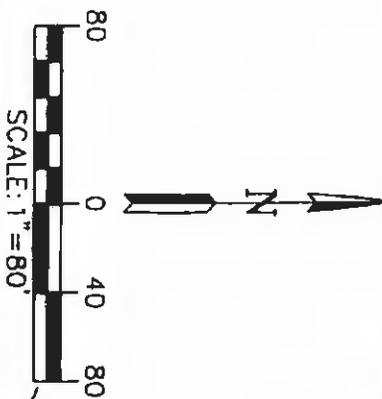
GWEN-VERA DEL CASTILLO, PLS 5108



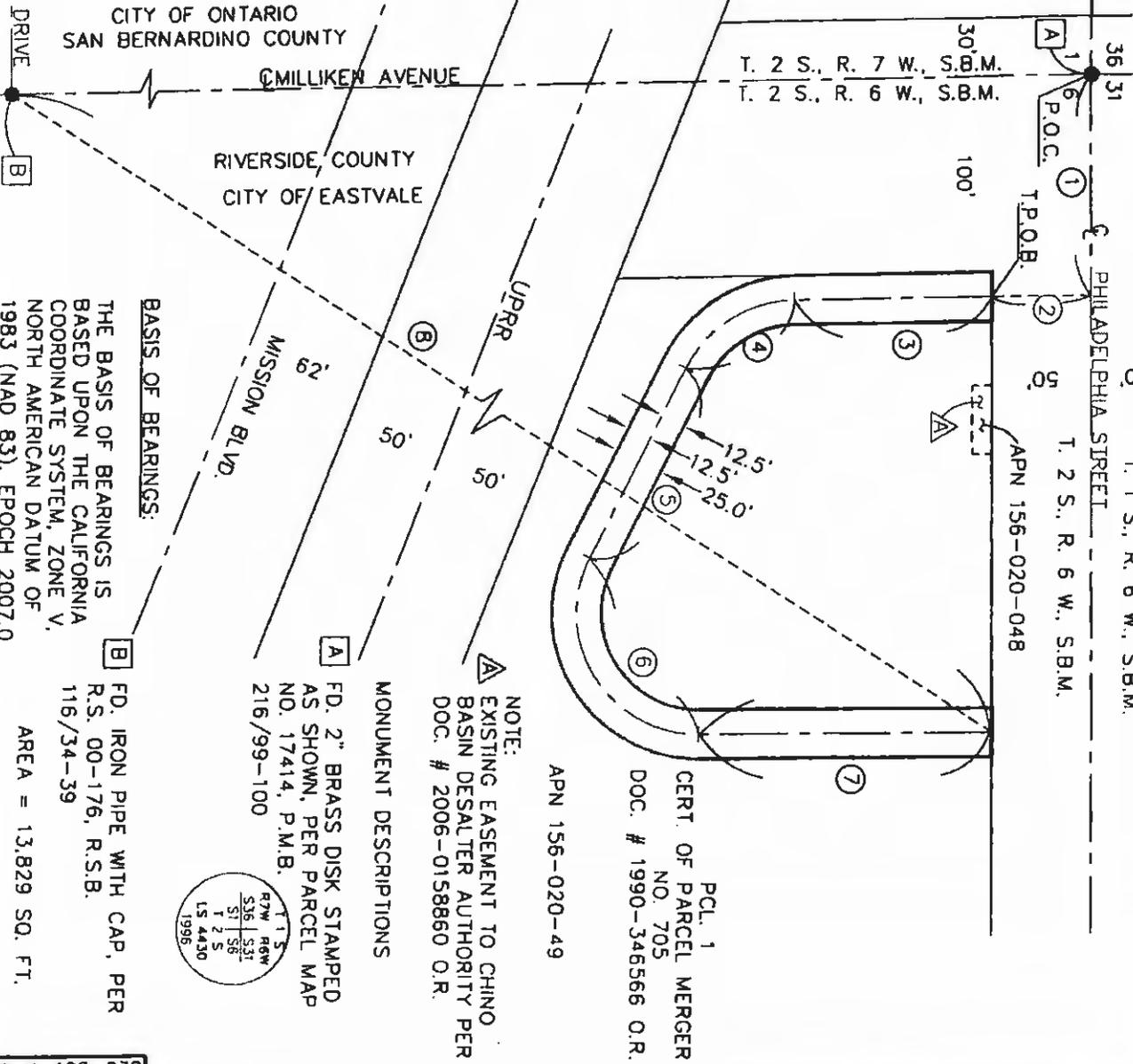
T. 1 S., R. 7 W., S.B.M.
T. 2 S., R. 7 W., S.B.M.

36 31
30' P.O.C.
100'

T. 1 S., R. 6 W., S.B.M.
T. 2 S., R. 6 W., S.B.M.



BEARING	DISTANCE	DELTA	RADIUS	LENGTH
N89°39'52"E	112.87'	62°27'46"	62.50'	68.14'
S00°20'08"E	50.00'	116°55'05"	62.50'	127.54'
S00°45'02"E	100.04'			
S63°12'48"E	108.28'			
N00°07'53"W	149.18'			
S08°31'17"E	2079.92'			



BASIS OF BEARINGS:
THE BASIS OF BEARINGS IS BASED UPON THE CALIFORNIA COORDINATE SYSTEM, ZONE V, NORTH AMERICAN DATUM OF 1983 (NAD 83), EPOCH 2007.0

MONUMENT DESCRIPTIONS
A FD. 2" BRASS DISK STAMPED AS 17414, P.M.B., 216/99-100
B FD. IRON PIPE WITH CAP, PER R.S. 00-176, R.S.B., 116/34-39
AREA = 13,829 SQ. FT.

NOTE:
EXISTING EASEMENT TO CHINO BASIN DESALTER AUTHORITY PER DOC. # 2006-0158860 O.R.

PCL. 1
CERT. OF PARCEL MERGER
NO. 705
DOC. # 1990-346566 O.R.
APN 156-020-49

JOB #: 108-038
DATE: 4/3/13
SCALE: 1" = 80'
SHEET 1 OF 1

EXHIBIT "B"
APN 156-020-049
EASEMENT

COAST SURVEYING, INC.
15031 PARKWAY LOOP, SUITE B
JUSTIN, CA 92780-8527 (714) 918-6266

EXHIBIT "A"
LEGAL DESCRIPTION

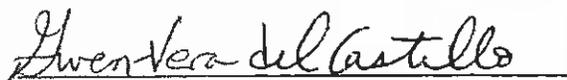
THAT PORTION OF PARCEL 1 OF CERTIFICATE OF PARCEL MERGER NO. 705, IN THE CITY OF EASTVALE, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER DOCUMENT RECORDED SEPTEMBER 18, 1990 AS INSTRUMENT NO. 346566 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 6, TOWNSHIP 2 SOUTH, RANGE 6 WEST, SAN BERNARDINO MERIDIAN AS SHOWN ON PARCEL MERGER NO. 705, ALSO BEING THE CENTERLINE INTERSECTION OF MILLIKEN AVENUE (130 FEET WIDE) AND PHILADELPHIA STREET (100 FEET WIDE), SAID POINT ALSO BEING A FOUND 2' BRASS DISK STAMPED "LS 4430" AS SHOWN ON PARCEL MAP NO. 17414 RECORDED IN BOOK 216, PAGES 99 AND 100 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY; THENCE NORTH 89°39'52" EAST 100.36 FEET ALONG SAID CENTERLINE OF PHILADELPHIA STREET; THENCE LEAVING SAID CENTERLINE SOUTH 00°20'08" EAST 50.00 FEET TO THE NORTHWESTERLY CORNER OF SAID PARCEL 1 OF PARCEL MERGER NO. 705 AND THE TRUE POINT OF BEGINNING; THENCE ALONG THE NORTHERLY LINE OF SAID PARCEL 1, ALSO BEING THE SOUTHERLY RIGHT OF WAY LINE OF PHILADELPHIA STREET, NORTH 89°39'52" EAST 63.00 FEET; THENCE LEAVING SAID NORTHERLY LINE SOUTH 00°20'08" EAST 189.46 FEET; THENCE NORTH 68°47'59" WEST 17.77 FEET; THENCE SOUTH 22°02'54" WEST 23.75 FEET TO THE SOUTHWESTERLY LINE OF SAID PARCEL 1, ALSO BEING THE NORTHEASTERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD RIGHT OF WAY (100 FEET WIDE) AS SHOWN ON SAID PARCEL MERGER; THENCE ALONG SAID SOUTHWESTERLY LINE NORTH 68°24'25" WEST 38.85 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL 1, ALSO BEING ON THE EASTERLY RIGHT OF WAY LINE OF MILLIKEN AVENUE (130 FEET WIDE); THENCE ALONG THE WESTERLY LINE OF SAID PARCEL 1 NORTH 00°45'02" WEST 190.39 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 12,087 SQUARE FEET, MORE OR LESS.

ALL AS MORE PARTICULARLY SHOWN ON EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF.

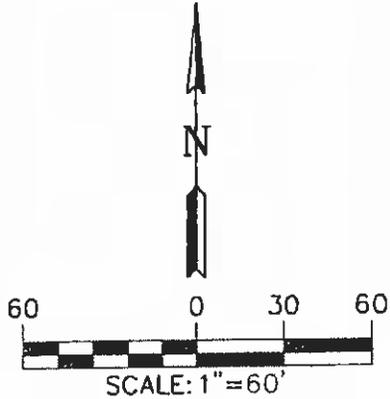
DATED THIS 8TH DAY OF APRIL, 2013.



GWEN-VERA DEL CASTILLO, PLS 5108

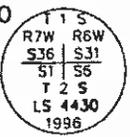


T. 1 S., R. 7 W., S.B.M.
T. 2 S., R. 7 W., S.B.M.



MONUMENT DESCRIPTIONS

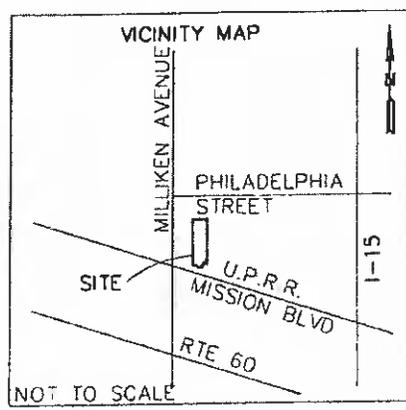
A FD. 2" BRASS DISK STAMPED AS SHOWN, PER PARCEL MAP NO. 17414, P.M.B. 216/99-100



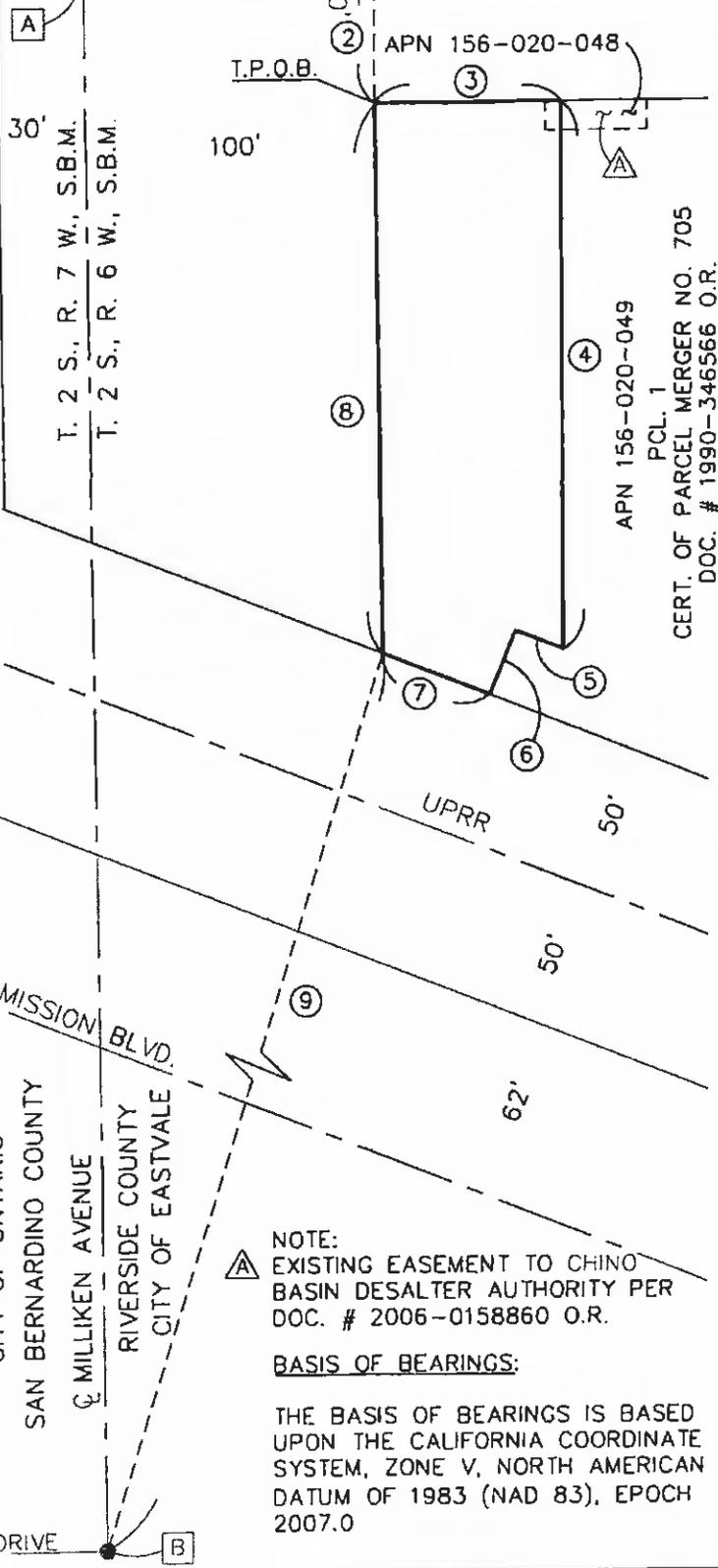
B FD. IRON PIPE WITH CAP, PER R.S. 00-176, R.S.B. 116/34-39

	BEARING	DISTANCE
1	N89° 39' 52" E	100.36'
2	S00° 20' 08" E	50.00'
3	N89° 39' 52" E	63.00'
4	S00° 20' 08" E	189.46'
5	N68° 47' 59" W	17.77'
6	S22° 02' 54" W	23.75'
7	N68° 24' 25" W	38.85'
8	N00° 45' 02" W	190.39'
9	S02° 19' 13" W	1866.74'

AREA = 12,087 SQ. FT.
R.S. 109/58



T. 1 S., R. 6 W., S.B.M.
PHILADELPHIA STREET
T. 2 S., R. 6 W., S.B.M.



APN 156-020-049
PCL. 1
CERT. OF PARCEL MERGER NO. 705
DOC. # 1990-346566 O.R.

NOTE:
EXISTING EASEMENT TO CHINO BASIN DESALTER AUTHORITY PER DOC. # 2006-0158860 O.R.

BASIS OF BEARINGS:

THE BASIS OF BEARINGS IS BASED UPON THE CALIFORNIA COORDINATE SYSTEM, ZONE V, NORTH AMERICAN DATUM OF 1983 (NAD 83), EPOCH 2007.0

JOB #: 108-038
DATE: 4/8/13
SCALE: 1"=60'
SHEET 1 OF 1

EXHIBIT "B"
APN 156-020-049
EASEMENT

COAST SURVEYING, INC.
15031 PARKWAY LOOP, SUITE B
TUSTIN, CA 92780-8527 (714) 918-6286

EXHIBIT "A"
LEGAL DESCRIPTION

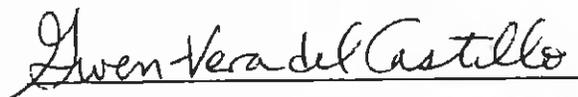
THAT PORTION OF PARCEL 1 OF CERTIFICATE OF PARCEL MERGER NO. 705, IN THE CITY OF EASTVALE, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER DOCUMENT RECORDED SEPTEMBER 18, 1990 AS INSTRUMENT NO. 346566 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 6 WEST, SAN BERNARDINO MERIDIAN AS SHOWN ON SAID PARCEL MERGER NO. 705, SAID POINT ALSO BEING THE CENTERLINE INTERSECTION OF MILLIKEN AVENUE (130 FEET WIDE) AND PHILADELPHIA STREET (100 FEET WIDE), SAID POINT ALSO BEING A FOUND 2' BRASS DISK STAMPED "LS 4430" AS SHOWN ON PARCEL MAP NO. 17414 RECORDED IN BOOK 216, PAGES 99 AND 100 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY; THENCE NORTH 89°39'52" EAST 100.36 FEET ALONG SAID CENTERLINE OF PHILADELPHIA STREET; THENCE LEAVING SAID CENTERLINE SOUTH 00°20'08" EAST 50.00 FEET TO THE NORTHWESTERLY CORNER OF SAID PARCEL 1 OF PARCEL MERGER NO. 705 AND THE TRUE POINT OF BEGINNING; THENCE ALONG THE NORTHERLY LINE OF SAID PARCEL 1, ALSO BEING THE SOUTHERLY RIGHT OF WAY LINE OF PHILADELPHIA STREET, NORTH 89°39'32" EAST 18.10 FEET; THENCE LEAVING SAID NORTHERLY LINE SOUTH 01°20'01" WEST 175.02 FEET; THENCE SOUTH 00°12'32" WEST 20.05 FEET TO THE SOUTHWESTERLY LINE OF SAID PARCEL 1, ALSO BEING THE NORTHEASTERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD RIGHT OF WAY (100 FEET WIDE) AS SHOWN ON SAID PARCEL MERGER; THENCE ALONG SAID SOUTHWESTERLY LINE NORTH 68°24'25" WEST 12.32 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL 1, ALSO BEING ON THE EASTERLY RIGHT OF WAY LINE OF MILLIKEN AVENUE (130 FEET WIDE); THENCE ALONG THE WESTERLY LINE OF SAID PARCEL 1 NORTH 00°45'02" WEST 190.39 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 2,814 SQUARE FEET, MORE OR LESS.

ALL AS MORE PARTICULARLY SHOWN ON EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF.

DATED THIS 8TH DAY OF APRIL, 2013.



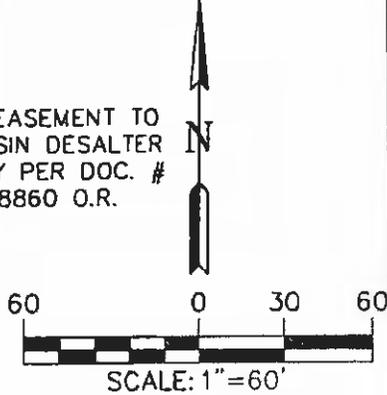
GWEN-VERA DEL CASTILLO, PLS 5108



T. 1 S., R. 7 W., S.B.M.
T. 2 S., R. 7 W., S.B.M.

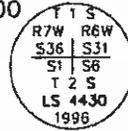
T. 1 S., R. 6 W., S.B.M. 50'
36 31
PHILADELPHIA STREET
T. 2 S., R. 6 W., S.B.M. 50'

NOTE:
EXISTING EASEMENT TO
CHINO BASIN DESALTER
AUTHORITY PER DOC. #
2006-0158860 O.R.



MONUMENT DESCRIPTIONS

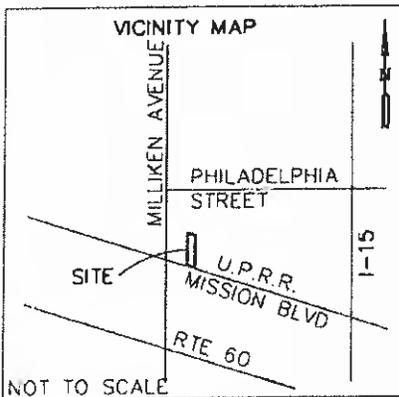
[A] FD. 2" BRASS DISK STAMPED AS SHOWN, PER PARCEL MAP NO. 17414, P.M.B. 216/99-100



[B] FD. IRON PIPE WITH CAP, PER R.S. 00-176, R.S.B. 116/34-39

BEARING	DISTANCE
1 N89° 39' 52" E	100.36'
2 S00° 20' 08" E	50.00'
3 N89° 39' 32" E	18.10'
4 S01° 20' 01" W	175.02'
5 S00° 12' 32" W	20.05'
6 N68° 24' 25" W	12.32'
7 N00° 45' 02" W	190.39'
8 S02° 19' 13" W	1866.74'

R.S. 109/58



CITY OF ONTARIO
SAN BERNARDINO COUNTY

MILLIKEN AVENUE

RIVERSIDE COUNTY

CITY OF EASTVALE

MISSION BLVD.

AREA = 2,814 SQ. FT.

BASIS OF BEARINGS:

THE BASIS OF BEARINGS IS BASED UPON THE CALIFORNIA COORDINATE SYSTEM, ZONE V, NORTH AMERICAN DATUM OF 1983 (NAD 83), EPOCH 2007.0

GREYSTONE DRIVE

JOB #: 108-038
DATE: 4/3/13
SCALE: 1"=60'
SHEET 1 OF 1

EXHIBIT "B"
APN 156-020-049
EASEMENT

COAST SURVEYING, INC.
15031 PARKWAY LOOP, SUITE B
TUSTIN, CA 92780-8527 (714) 918-6268

EXHIBIT "A"
LEGAL DESCRIPTION

THAT PORTION OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 2 SOUTH, RANGE 6 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF EASTVALE, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ACCORDING TO THE OFFICAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

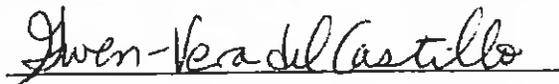
COMMENCING AT THE CENTERLINE INTERSECTION OF GREYSTONE DRIVE AND MILLIKEN AVENUE AS SHOWN ON RECORD OF SURVEY 00-176, AS SHOWN ON A MAP RECORDED IN BOOK 116, PAGES 34 THROUGH 39, INCLUSIVE OF RECORDS OF SURVEY IN THE OFFICE OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY, SAID POINT BEING A FOUND 1" IRON PIPE WITH CAP AS SHOWN ON SAID RECORD OF SURVEY; THENCE SOUTH 76°05'55" EAST 89.60 FEET TO THE EASTERLY RIGHT OF WAY LINE OF MILLIKEN AVENUE AS DESCRIBED IN THE EASEMENT DEED TO THE COUNTY OF RIVERSIDE, RECORDED SEPTEMBER 22, 1998 AS INSTRUMENT NO. 1998-402636 OFFICIAL RECORDS AND RE-RECORDED OCTOBER 18, 1999 AS INSTRUMENT NO. 99-459100 OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY AND THE TRUE POINT OF BEGINNING; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE NORTH 01°23'03" WEST 58.99 FEET TO AN ANGLE POINT IN SAID RIGHT OF WAY, SAID POINT ALSO BEING THE BEGINNING OF A NONTANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 25.00 FEET, A RADIAL BEARING TO SAID POINT BEARS SOUTH 34°49'02" EAST; THENCE LEAVING SAID RIGHT OF WAY NORTHEASTERLY 24.40 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 55°54'42"; THENCE NORTH 00°43'44" WEST 827.10 FEET; THENCE NORTH 06°26'37" WEST 44.28 FEET; THENCE NORTH 00°13'57" WEST 288.61 FEET; THENCE NORTH 89°07'06" EAST 35.77 FEET; THENCE NORTH 00°29'48" WEST 85.10 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 25.00 FEET; THENCE NORTHWESTERLY 38.60 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 88°28'14"; THENCE NORTH 88°58'03" WEST 8.56 FEET; THENCE NORTH 00°13'59" WEST 279.80 FEET; THENCE SOUTH 69°43'41" EAST 26.69 FEET TO A LINE PARALLEL WITH AND 25.00 FEET EASTERLY OF THE ABOVE COURSE HAVING A BEARING AND DISTANCE OF "NORTH 00°13'59" WEST 279.80 FEET"; THENCE ALONG SAID PARALLEL LINE SOUTH 00°13'59" EAST 154.42 FEET TO THE BEGINNING OF A NONTANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 50.00 FEET, A RADIAL BEARING TO SAID POINT BEARS NORTH 30°09'11" WEST; THENCE NORTHEASTERLY 5.02 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 05°45'11"; THENCE NORTH 65°35'59" EAST 13.46 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 50.00 FEET; THENCE NORTHEASTERLY 38.59 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 44°13'27"; THENCE NORTH 21°22'32" EAST 50.20 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 50.00 FEET; THENCE NORTHERLY AND NORTHWESTERLY 78.35 FEET ALONG

SAID CURVE THROUGH A CENTRAL ANGLE OF 89°46'58" TO A POINT OF CUSP WITH THE SOUTHWESTERLY RIGHT OF WAY LINE OF MISSION BOULEVARD (150.00 FEET WIDE); THENCE ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE SOUTH 68°24'25" EAST 124.97 FEET TO A POINT OF CUSP WITH A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 50.00 FEET; THENCE LEAVING SAID SOUTHWESTERLY RIGHT OF WAY LINE SOUTHWESTERLY 78.83 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°19'47"; THENCE SOUTH 21°15'47" WEST 58.21 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 50.00 FEET; THENCE SOUTHWESTERLY 34.84 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 39°55'26"; THENCE SOUTH 61°11'13" WEST 16.44 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 50.00 FEET; THENCE SOUTHWESTERLY 95.55 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 109°29'21" TO THE BEGINNING OF A REVERSE CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 50.00 FEET, A RADIAL BEARING THROUGH SAID POINT BEARS SOUTH 41°41'52" WEST; THENCE SOUTHEASTERLY 41.72 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 47°48'20" TO A LINE PARALLEL WITH AND 25.00 FEET EASTERLY OF THE ABOVE COURSE HAVING A BEARING AND DISTANCE OF "NORTH 00°29'48" WEST 85.10 FEET"; THENCE ALONG SAID PARALLEL LINE SOUTH 00°29'48" EAST 104.82 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 50.00 FEET; THENCE SOUTHWESTERLY 37.04 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 42°26'21"; THENCE SOUTH 41°56'33" WEST 14.80 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 50.00 FEET; THENCE SOUTHWESTERLY 36.80 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 42°10'30" TO A LINE PARALLEL WITH AND 25.00 FEET EASTERLY OF THE ABOVE COURSE HAVING A BEARING AND DISTANCE OF "NORTH 00°13'57" WEST 268.81 FEET"; THENCE ALONG SAID PARALLEL LINE SOUTH 00°13'57" EAST 176.96 FEET; THENCE SOUTH 06°26'37" EAST 44.17 FEET TO A LINE PARALLEL WITH AND 25.00 FEET EASTERLY OF THE ABOVE COURSE HAVING A BEARING AND DISTANCE OF "NORTH 00°43'44" WEST 827.10 FEET"; THENCE ALONG SAID PARALLEL LINE SOUTH 00°43'44" EAST 908.49 FEET; THENCE NORTH 90°00'00" WEST 35.32 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 49,039 SQUARE FEET, MORE OR LESS.

ALL AS MORE PARTICULARLY SHOWN ON EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF.

DATED THIS 9TH DAY OF APRIL, 2013.

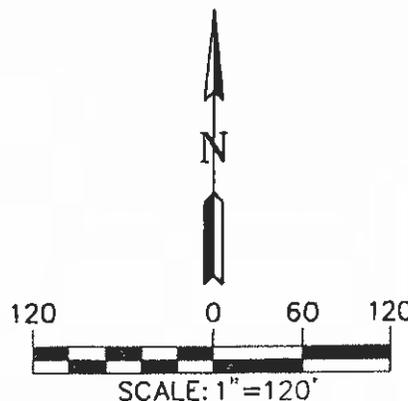


GWEN-VERA DEL CASTILLO, PLS 5108

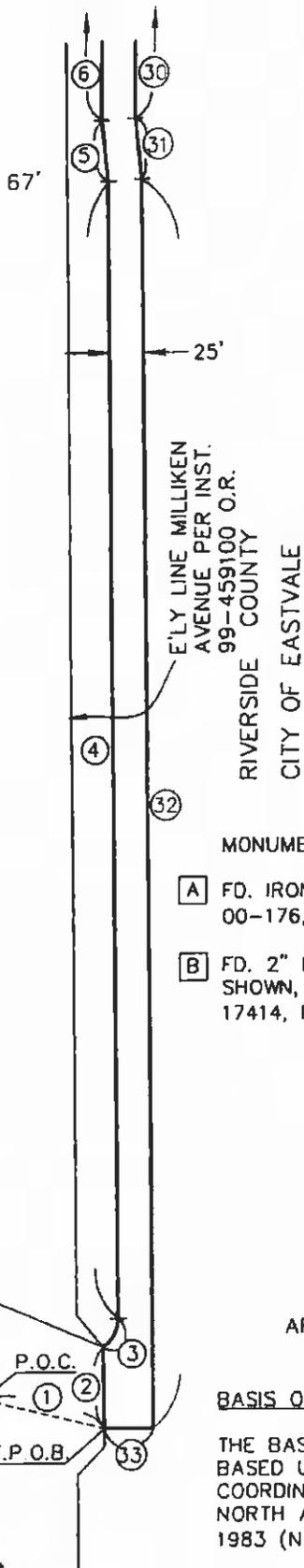


SEE SHEET 2

W 1/2, NW 1/4
SECTION 6
T. 2 S., R. 6 W.
S. B. B. M.



CITY OF ONTARIO
SAN BERNARDINO COUNTY
MILLIKEN AVENUE



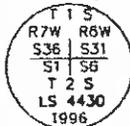
DOC. NO. 2002-017019 O. R.
REC. 1/10/2002

E'LY LINE MILLIKEN
AVENUE PER INST.
99-459100 O.R.

RIVERSIDE COUNTY
CITY OF EASTVALE

MONUMENT DESCRIPTIONS

- [A] FD. IRON PIPE WITH CAP, PER R.S. 00-176, R.S.B. 116/34-39
- [B] FD. 2" BRASS DISK STAMPED AS SHOWN, PER PARCEL MAP NO. 17414, P.M.B. 216/99-100



AREA = 49,039 SQ. FT.

BASIS OF BEARINGS:

THE BASIS OF BEARINGS IS BASED UPON THE CALIFORNIA COORDINATE SYSTEM, ZONE V, NORTH AMERICAN DATUM OF 1983 (NAD 83), EPOCH 2007 0

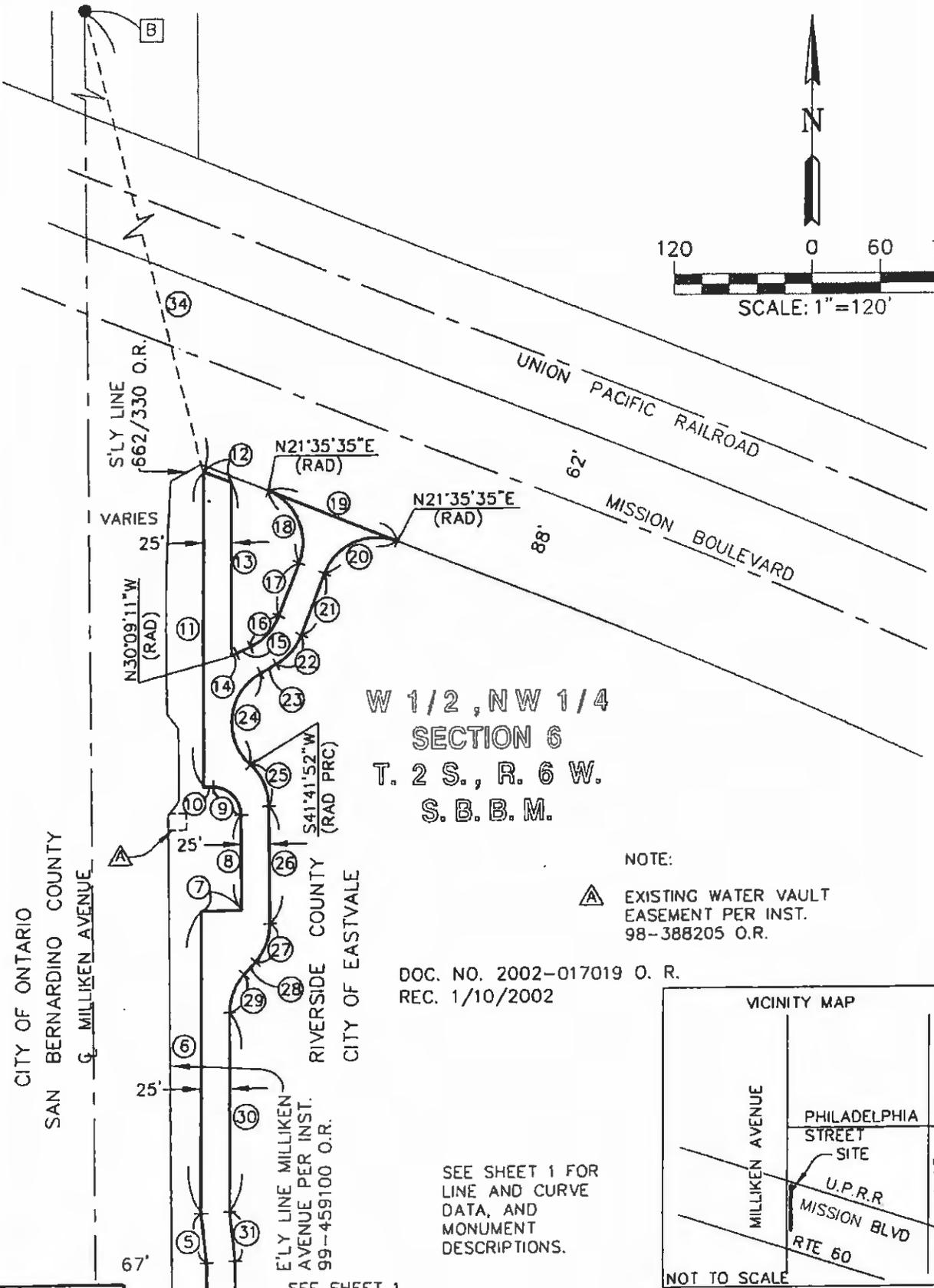
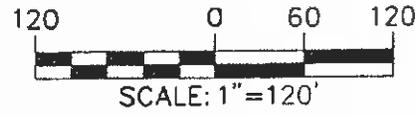
	BEARING	DISTANCE
1	S76°05'55"E	89.60'
2	N01°23'03"W	58.99'
4	N00°43'44"W	827.10'
5	N06°26'37"W	44.28'
6	N00°13'57"W	268.61'
7	N89°07'06"E	35.77'
8	N00°29'48"W	85.10'
10	N88°58'03"W	8.56'
11	N00°13'59"W	279.80'
12	S69°43'41"E	26.69'
13	S00°13'59"E	154.42'
15	N65°35'59"E	13.46'
17	N21°22'32"E	50.20'
19	S68°24'25"E	124.97'
21	S21°15'47"W	58.21'
23	S61°11'13"W	16.44'
26	S00°29'48"E	104.82'
28	S41°56'33"W	14.80'
30	S00°13'57"E	176.96'
31	S06°26'37"E	44.17'
32	S00°43'44"E	908.49'
33	N90°00'00"W	35.32'
34	N11°48'41"W	527.86'

	DELTA	RADIUS	LENGTH
3	55°54'42"	25.00'	24.40'
9	88°28'14"	25.00'	38.60'
14	5°45'11"	50.00'	5.02'
16	44°13'27"	50.00'	38.59'
18	89°46'58"	50.00'	78.35'
20	90°19'47"	50.00'	78.83'
22	39°55'26"	50.00'	34.84'
24	109°29'21"	50.00'	95.55'
25	47°48'20"	50.00'	41.72'
27	42°26'21"	50.00'	37.04'
29	42°10'30"	50.00'	36.80'

JOB #: 108-038
DATE: 4/9/13
SCALE: 1"=120'
SHEET 1 OF 2

EXHIBIT "B"
APN 156-020-044
EASEMENT

COAST SURVEYING, INC.
15031 PARKWAY LOOP, SUITE 9
TUSTIN, CA 92780-6527 (714) 918-8268

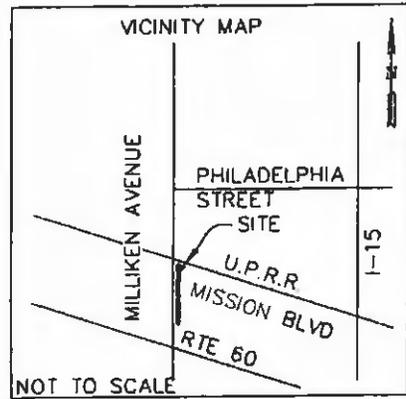


W 1/2, NW 1/4
SECTION 6
T. 2 S., R. 6 W.
S. B. B. M.

NOTE:
▲ EXISTING WATER VAULT
EASEMENT PER INST.
98-388205 O.R.

DOC. NO. 2002-017019 O. R.
REC. 1/10/2002

SEE SHEET 1 FOR
LINE AND CURVE
DATA, AND
MONUMENT
DESCRIPTIONS.



JOB #: 108-038
DATE: 4/9/13
SCALE: 1"=120'
SHEET 2 OF 2

SEE SHEET 1
EXHIBIT "B"
APN 156-020-044
EASEMENT

COAST SURVEYING, INC.
15031 PARKWAY LOOP, SUITE B
TUSTIN, CA 92780-6527 (714) 918-6266

EXHIBIT "A"
LEGAL DESCRIPTION

THAT PORTION OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 2 SOUTH, RANGE 6 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF EASTVALE, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ACCORDING TO THE OFFICAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTERLINE INTERSECTION OF GREYSTONE DRIVE AND MILLIKEN AVENUE AS SHOWN ON RECORD OF SURVEY 00-176, AS SHOWN ON A MAP RECORDED IN BOOK 116, PAGES 34 THROUGH 39, INCLUSIVE OF RECORDS OF SURVEY IN THE OFFICE OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY, SAID POINT BEING A FOUND 1" IRON PIPE WITH CAP AS SHOWN ON SAID RECORD OF SURVEY; THENCE NORTH $00^{\circ}45'02''$ WEST 822.00 FEET ALONG THE CENTERLINE OF MILLIKEN AVENUE; THENCE LEAVING SAID CENTERLINE NORTH $89^{\circ}14'58''$ EAST 67.00 FEET TO THE EASTERLY RIGHT OF WAY LINE OF MILLIKEN AVENUE AS DESCRIBED IN THE EASEMENT DEED TO THE COUNTY OF RIVERSIDE, RECORDED SEPTEMBER 22, 1998 AS INSTRUMENT NO. 1998-402636 OFFICIAL RECORDS AND RE-RECORDED OCTOBER 18, 1999 AS INSTRUMENT NO. 99-459100 OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY AND THE TRUE POINT OF BEGINNING; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE THE FOLLOWING SEVEN (7) COURSES:

1. NORTH $00^{\circ}45'02''$ WEST 460.38 FEET;
2. NORTH $36^{\circ}49'05''$ EAST 16.39 FEET;
3. NORTH $00^{\circ}45'02''$ WEST 64.00 FEET;
4. NORTH $38^{\circ}19'09''$ WEST 16.39 FEET;
5. NORTH $00^{\circ}45'02''$ WEST 80.00 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 1,433.00 FEET;
6. NORTHEASTERLY 84.40 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $03^{\circ}22'28''$;
7. NORTH $02^{\circ}37'26''$ EAST 42.98 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF MISSION BOULEVARD AS DESCRIBED IN A DEED RECORDED FEBRUARY 27, 1945 IN BOOK 662, PAGE 330, OFFICIAL RECORDS OF RIVERSIDE COUNTY;

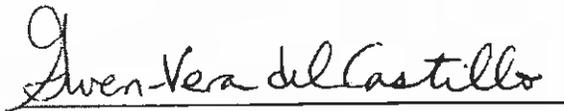
THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE NORTH $61^{\circ}30'45''$ EAST 30.93 FEET; THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY LINE SOUTH $68^{\circ}24'25''$ EAST 174.37 FEET; THENCE LEAVING SAID RIGHT OF WAY LINE SOUTH $21^{\circ}35'35''$ WEST 5.35 FEET TO THE BEGINNING OF A NONTANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 34.79 FEET, A RADIAL TO SAID POINT BEARS NORTH $22^{\circ}23'31''$ EAST; THENCE SOUTHWESTERLY 55.15 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $90^{\circ}49'20''$; THENCE SOUTH $21^{\circ}34'11''$ WEST 120.55 FEET TO A LINE

PARALLEL WITH AND 167.00 FEET EASTERLY OF THE SAID CENTERLINE OF MILLIKEN AVENUE; THENCE ALONG SAID PARALLEL LINE SOUTH 00°45'02" EAST 570.49 FEET; THENCE LEAVING SAID PARALLEL LINE SOUTH 89°14'58" WEST 100.00 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 80,743 SQUARE FEET, MORE OR LESS.

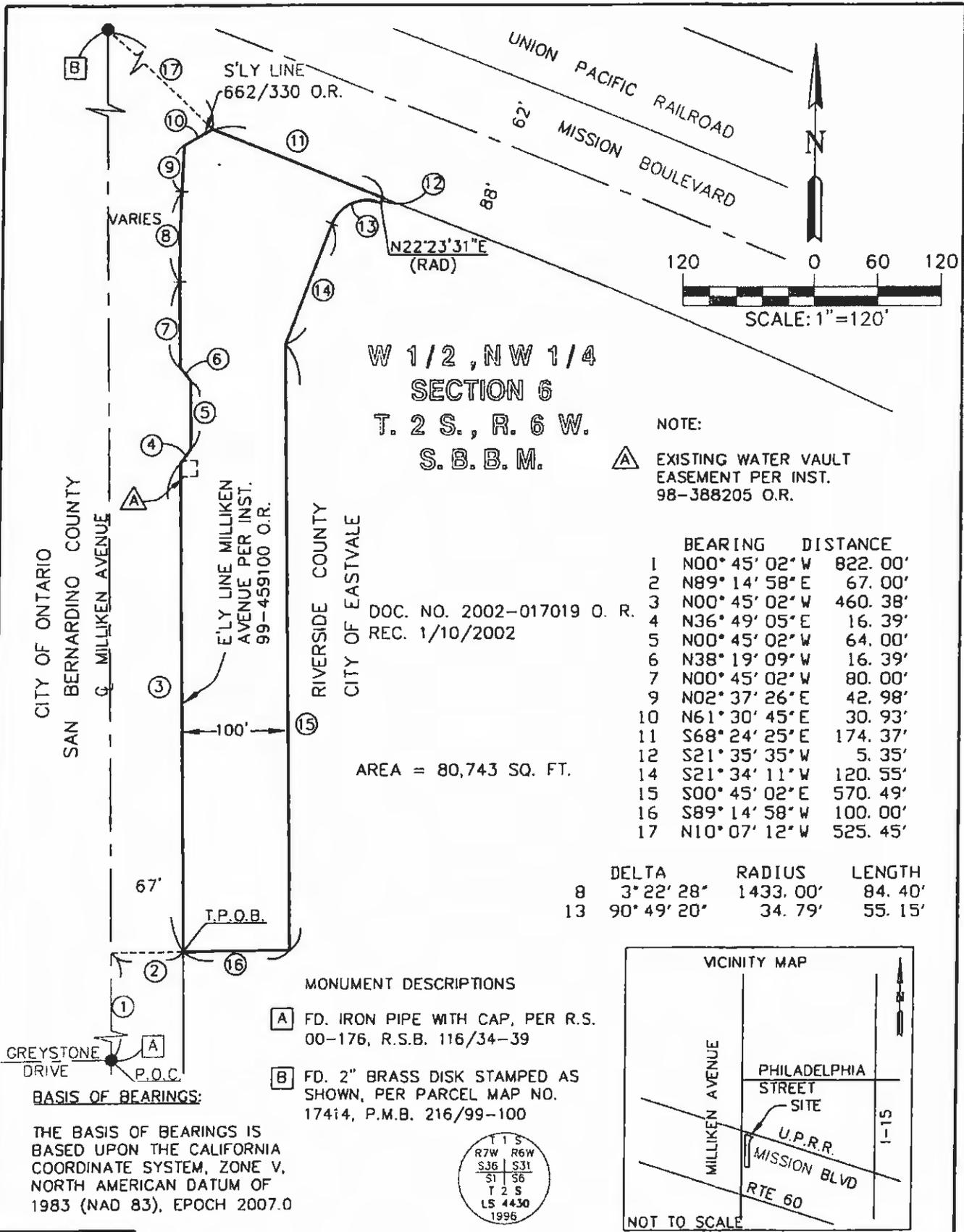
ALL AS MORE PARTICULARLY SHOWN ON EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF.

DATED THIS 8TH DAY OF APRIL, 2013.



GWEN-VERA DEL CASTILLO, PLS 5108





W 1/2, NW 1/4
SECTION 6
T. 2 S., R. 6 W.
S. B. B. M.

NOTE:
▲ EXISTING WATER VAULT
EASEMENT PER INST.
98-388205 O.R.

DOC. NO. 2002-017019 O. R.
REC. 1/10/2002

AREA = 80,743 SQ. FT.

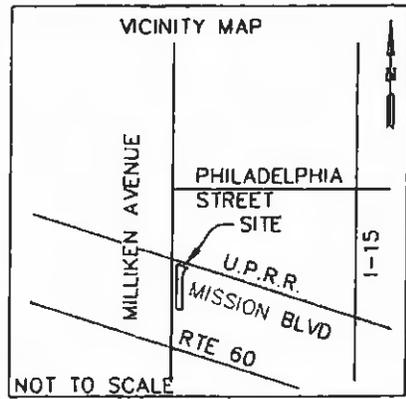
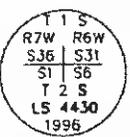
	BEARING	DISTANCE
1	N00° 45' 02" W	822.00'
2	N89° 14' 58" E	67.00'
3	N00° 45' 02" W	460.38'
4	N36° 49' 05" E	16.39'
5	N00° 45' 02" W	64.00'
6	N38° 19' 09" W	16.39'
7	N00° 45' 02" W	80.00'
8	N02° 37' 26" E	42.98'
9	N02° 37' 26" E	42.98'
10	N61° 30' 45" E	30.93'
11	S68° 24' 25" E	174.37'
12	S21° 35' 35" W	5.35'
13	S21° 34' 11" W	120.55'
14	S21° 34' 11" W	120.55'
15	S00° 45' 02" E	570.49'
16	S89° 14' 58" W	100.00'
17	N10° 07' 12" W	525.45'

	DELTA	RADIUS	LENGTH
8	3° 22' 28"	1433.00'	84.40'
13	90° 49' 20"	34.79'	55.15'

- MONUMENT DESCRIPTIONS
- ▲ FD. IRON PIPE WITH CAP, PER R.S. 00-176, R.S.B. 116/34-39
 - ▲ FD. 2" BRASS DISK STAMPED AS SHOWN, PER PARCEL MAP NO. 17414, P.M.B. 216/99-100

GREYSTONE DRIVE
P.O.C.
BASIS OF BEARINGS:

THE BASIS OF BEARINGS IS BASED UPON THE CALIFORNIA COORDINATE SYSTEM, ZONE V, NORTH AMERICAN DATUM OF 1983 (NAD 83), EPOCH 2007.0



JOB #: 108-038
DATE: 4/3/13
SCALE: 1" = 120'
SHEET 1 OF 1

EXHIBIT "B"
APN 156-020-044
EASEMENT

COAST SURVEYING, INC.
13031 PARKWAY LOOP, SUITE B
TUSTIN, CA 92780-6527 (714) 918-6266

EXHIBIT "A"
LEGAL DESCRIPTION

THAT PORTION OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 2 SOUTH, RANGE 6 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF EASTVALE, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ACCORDING TO THE OFFICAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTERLINE INTERSECTION OF GREYSTONE DRIVE AND MILLIKEN AVENUE AS SHOWN ON RECORD OF SURVEY 00-176, AS SHOWN ON A MAP RECORDED IN BOOK 116, PAGES 34-39, INCLUSIVE OF RECORDS OF SURVEY IN THE OFFICE OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY, SAID POINT BEING A FOUND 1" IRON PIPE WITH CAP AS SHOWN ON SAID RECORD OF SURVEY; THENCE NORTH 00°45'02" WEST 822.00 FEET ALONG THE CENTERLINE OF MILLIKEN AVENUE; THENCE LEAVING SAID CENTERLINE NORTH 89°14'58" EAST 67.00 FEET TO THE EASTERLY RIGHT OF WAY LINE OF MILLIKEN AVENUE AS DESCRIBED IN THE EASEMENT DEED TO THE COUNTY OF RIVERSIDE, RECORDED SEPTEMBER 22, 1998 AS INSTRUMENT NO. 1998-402636 OFFICIAL RECORDS AND RE-RECORDED OCTOBER 18, 1999 AS INSTRUMENT NO. 99-459100 OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY AND THE TRUE POINT OF BEGINNING; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE NORTH 00°45'02" WEST 181.17 FEET; THENCE LEAVING SAID RIGHT OF WAY LINE NORTH 07°05'00" EAST 68.11 FEET; THENCE NORTH 00°15'01" WEST 512.05 FEET; THENCE NORTH 00°12'32" EAST 1.56 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF MISSION BOULEVARD AS DESCRIBED IN A DEED RECORDED FEBRUARY 27, 1945 IN BOOK 662, PAGE 330, OFFICIAL RECORDS OF RIVERSIDE COUNTY; THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE NORTH 61°30'45" EAST 21.03 FEET; THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY LINE SOUTH 68°24'25" EAST 202.26 FEET; THENCE LEAVING SAID RIGHT OF WAY LINE SOUTH 21°35'53" WEST 17.50 FEET; THENCE NORTH 68°23'29" WEST 187.22 FEET TO A LINE PARALLEL WITH AND 26.00 FEET EASTERLY OF THE ABOVE COURSE HAVING A BEARING AND DISTANCE OF "NORTH 00°15'01" WEST 512.05 FEET"; THENCE ALONG SAID PARALLEL LINE SOUTH 00°15'01" EAST 503.43 FEET TO A LINE PARALLEL WITH AND 26.00 FEET EASTERLY OF THE ABOVE COURSE HAVING A BEARING AND DISTANCE OF "NORTH 07°05'00" EAST 68.11 FEET"; THENCE ALONG SAID PARALLEL LINE SOUTH 07°05'00" WEST 249.07 FEET; THENCE SOUTH 89°14'58" WEST 1.32 FEET TO SAID EASTERLY RIGHT OF WAY LINE OF MILLIKEN AVENUE AND THE TRUE POINT OF BEGINNING.

CONTAINING 21,106 SQUARE FEET, MORE OR LESS.

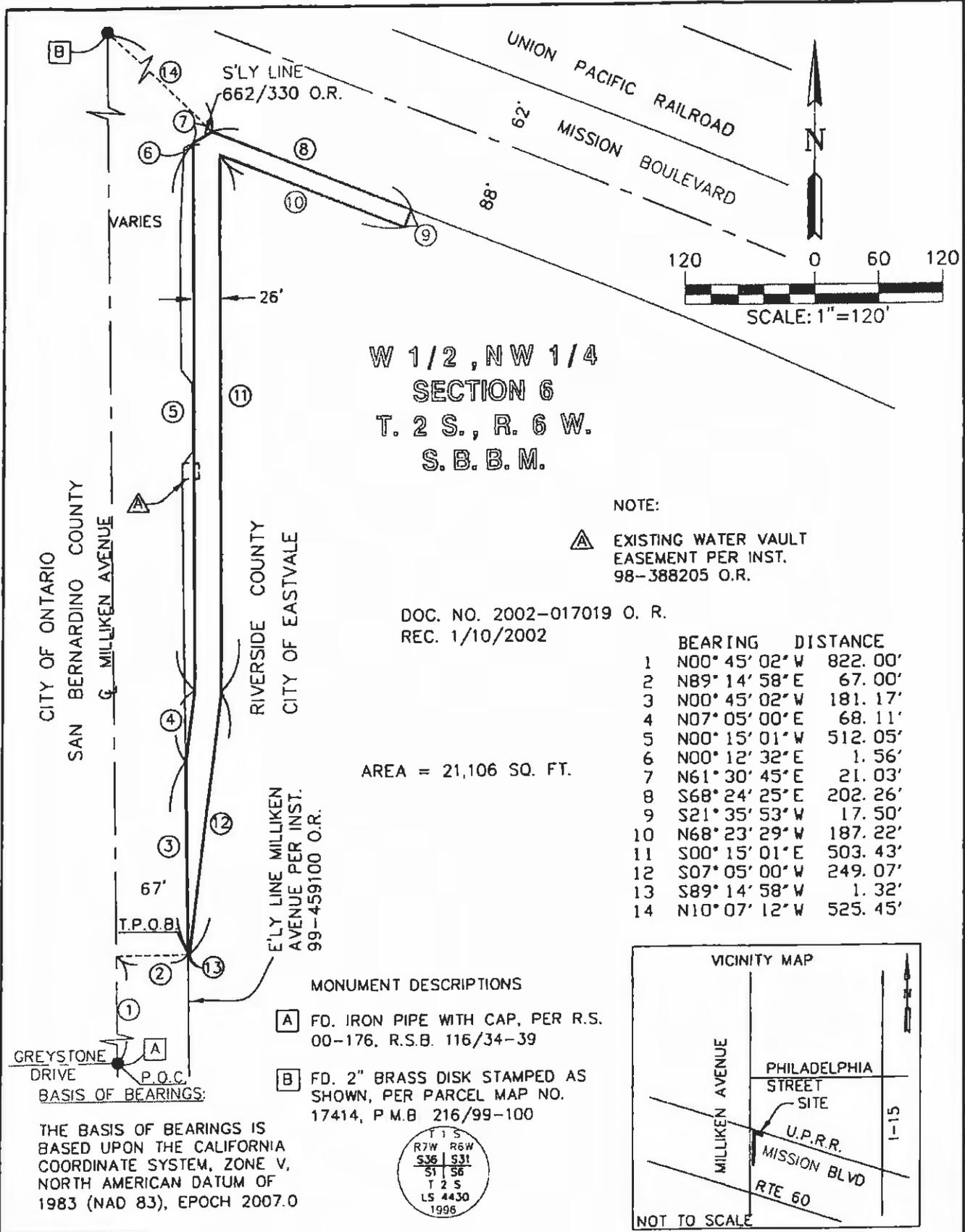
ALL AS MORE PARTICULARLY SHOWN ON EXHIBIT "B" ATTACHED HERETO AND
MADE A PART HEREOF.

DATED THIS 8TH DAY OF APRIL, 2013.

Gwen-Vera del Castillo

GWEN-VERA DEL CASTILLO, PLS 5108





W 1/2, NW 1/4
SECTION 6
T. 2 S., R. 6 W.
S. B. B. M.

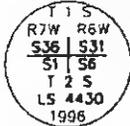
NOTE:
 ▲ EXISTING WATER VAULT
 EASEMENT PER INST.
 98-388205 O.R.

DOC. NO. 2002-017019 O. R.
 REC. 1/10/2002

AREA = 21,106 SQ. FT.

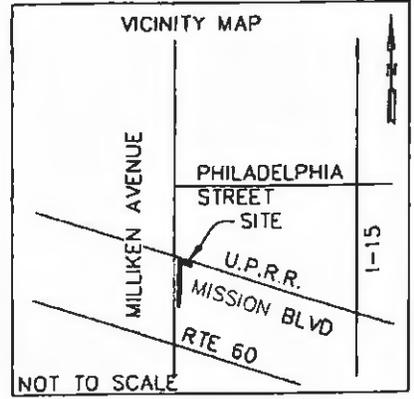
	BEARING	DISTANCE
1	N00° 45' 02" W	822.00'
2	N89° 14' 58" E	67.00'
3	N00° 45' 02" W	181.17'
4	N07° 05' 00" E	68.11'
5	N00° 15' 01" W	512.05'
6	N00° 12' 32" E	1.56'
7	N61° 30' 45" E	21.03'
8	S68° 24' 25" E	202.26'
9	S21° 35' 53" W	17.50'
10	N68° 23' 29" W	187.22'
11	S00° 15' 01" E	503.43'
12	S07° 05' 00" W	249.07'
13	S89° 14' 58" W	1.32'
14	N10° 07' 12" W	525.45'

- MONUMENT DESCRIPTIONS
- ▲ FD. IRON PIPE WITH CAP, PER R.S. 00-176, R.S.B. 116/34-39
 - ▲ FD. 2" BRASS DISK STAMPED AS SHOWN, PER PARCEL MAP NO. 17414, P.M.B. 216/99-100



GREYSTONE DRIVE
 BASIS OF BEARINGS:

THE BASIS OF BEARINGS IS BASED UPON THE CALIFORNIA COORDINATE SYSTEM, ZONE V, NORTH AMERICAN DATUM OF 1983 (NAD 83), EPOCH 2007.0



JOB #: 108-038
 DATE: 4/3/13
 SCALE: 1"=120'
 SHEET 1 OF 1

EXHIBIT "B"
 APN 156-020-044
 EASEMENT

COAST SURVEYING, INC.
 15031 PARKWAY LOOP, SUITE B
 TUSTIN, CA 92780-6527 (714) 918-8266

EXHIBIT "A"
LEGAL DESCRIPTION

THAT PORTION OF SECTION 6, TOWNSHIP 2 SOUTH, RANGE 6 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF EASTVALE, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ACCORDING TO THE OFFICAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 6, TOWNSHIP 2 SOUTH, RANGE 6 WEST, SAN BERNARDINO MERIDIAN AS SHOWN ON A RECORD OF SURVEY FILED IN BOOK 109, PAGE 58 IN THE OFFICE OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY, SAID POINT ALSO BEING THE CENTERLINE INTERSECTION OF MILLIKEN AVENUE (130 FEET WIDE) AND PHILADELPHIA STREET (100 FEET WIDE), SAID POINT ALSO BEING A FOUND 2" BRASS DISK STAMPED "LS 4430" AS SHOWN ON PARCEL MAP NO. 17414 RECORDED IN BOOK 216, PAGES 99 AND 100 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY; THENCE SOUTH 00°45'02" EAST 200.02 FEET ALONG SAID CENTERLINE OF MILLIKEN AVENUE TO THE NORTHEASTERLY RIGHT OF WAY LINE OF THE PROPERTY CONVEYED TO SAN PEDRO, LOS ANGELES AND SALT LAKE RAILROAD COMPANY (100 FEET WIDE), NOW U.P.R.R. RIGHT OF WAY; THENCE ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE SOUTH 68°24'25" EAST 92.51 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE SOUTH 68°24'25" EAST 27.92 FEET; THENCE LEAVING SAID NORTHEASTERLY RIGHT OF WAY LINE SOUTH 00°12'32" WEST 107.39 FEET TO THE SOUTHWESTERLY RAILROAD RIGHT OF WAY LINE; THENCE ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE NORTH 68°24'25" WEST 27.92 FEET; THENCE LEAVING SAID SOUTHWESTERLY RIGHT OF WAY LINE NORTH 00°12'32" EAST 107.39 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 2,792 SQUARE FEET, MORE OR LESS.

ALL AS MORE PARTICULARLY SHOWN ON EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF.

DATED THIS 4TH DAY OF APRIL, 2012.

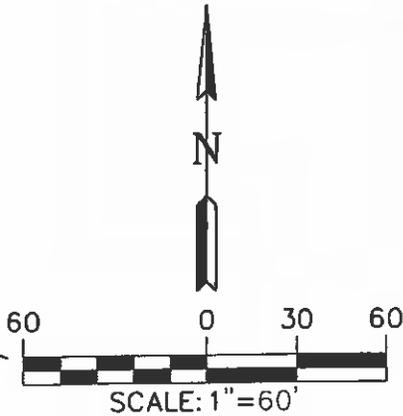


GWEN-VERA DEL CASTILLO, PLS 5108



T. 1 S., R. 7 W., S.B.M.
 T. 2 S., R. 7 W., S.B.M.

T. 1 S., R. 6 W., S.B.M.
 PHILADELPHIA STREET
 T. 2 S., R. 6 W., S.B.M.



36 31
 1
 6
 P.O.C.
 30'
 T. 2 S., R. 7 W., S.B.M.
 T. 2 S., R. 6 W., S.B.M.

100'

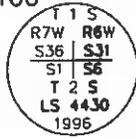
	BEARING	DISTANCE
1	S00° 45' 02" E	200.02'
2	S68° 24' 25" E	92.51'
3	S68° 24' 25" E	27.92'
4	S00° 12' 32" W	107.39'
5	N68° 24' 25" W	27.92'
6	N00° 12' 32" E	107.39'
7	S62° 38' 49" E	1172.84'

AREA = 2,792 SQ. FT.

**PARCEL 1
 PARCEL MAP
 NO. 22281
 P.M. 153/29-33**

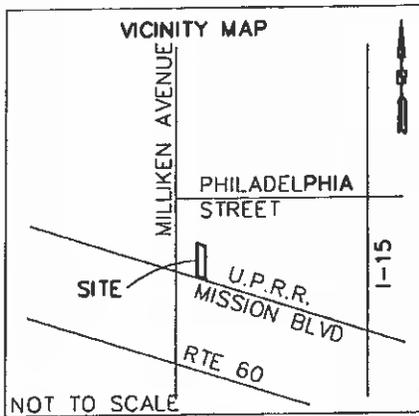
MONUMENT DESCRIPTIONS

[A] FD. 2" BRASS DISK STAMPED AS SHOWN, PER PARCEL MAP NO. 17414, P.M.B. 216/99-100

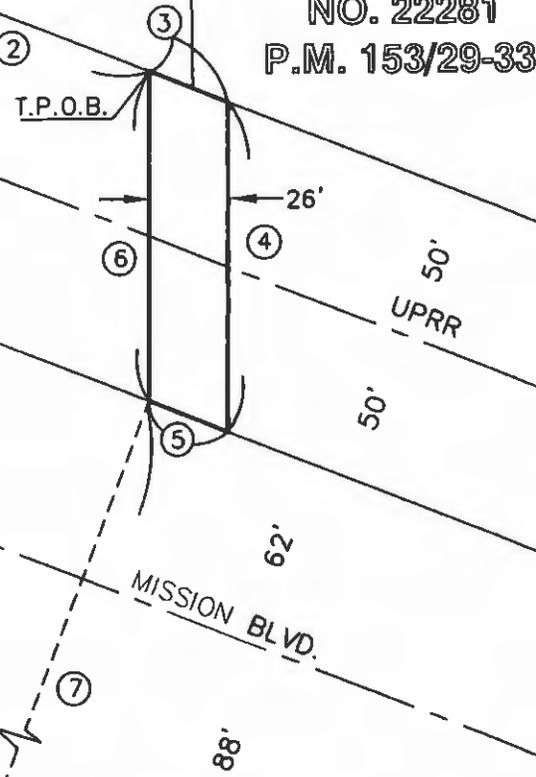


[B] FD. IRON PIPE WITH CAP, PER R.S. 00-176, R.S.B. 116 / 34-39.

R.S. 109/58



CITY OF ONTARIO
 SAN BERNARDINO COUNTY
 MILLIKEN AVENUE
 RIVERSIDE COUNTY
 CITY OF EASTVALE



BASIS OF BEARINGS:

THE BASIS OF BEARINGS IS BASED UPON THE CALIFORNIA COORDINATE SYSTEM, ZONE V, NORTH AMERICAN DATUM OF 1983 (NAD 83), EPOCH 2007.0

JOB #: 108-038
 DATE: 4/3/13
 SCALE: 1"=60'
 SHEET 1 OF 1

EXHIBIT "B"

UPRR

COAST SURVEYING, INC.
 15031 PARKWAY LOOP, SUITE B
 TUSTIN, CA 92780-6527 (714) 918-8268

RESOLUTION NO. _____

A RESOLUTION OF NECESSITY OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FOR THE ACQUISITION OF STRUCTURE, ACCESS, CONSTRUCTION AND MAINTENANCE EASEMENT INTERESTS IN PORTIONS OF CERTAIN REAL PROPERTY LOCATED AT OR NEAR THE INTERSECTION OF MISSION BOULEVARD, PHILADELPHIA STREET AND THE UNION PACIFIC RAILROAD CROSSING, AND MORE PARTICULARLY DESCRIBED AS ASSESSOR PARCEL NO. 156-020-044 BY EMINENT DOMAIN, IS NECESSARY FOR PUBLIC RIGHT-OF-WAY FOR THE CONSTRUCTION OF THE SOUTH MILLIKEN AVENUE GRADE SEPARATION PROJECT AND RELATED PUBLIC INFRASTRUCTURE IMPROVEMENTS IN THE CITY OF ONTARIO, SAN BERNARDINO COUNTY, CALIFORNIA.

WHEREAS, the City of Ontario (the "City") proposes to acquire structure, access, construction and maintenance easement interests in portions of certain real property located at or near the intersection of Mission Boulevard, Philadelphia Street and the Union Pacific Railroad crossing, and more particularly described as Assessor Parcel No. 156-020-044 (located in Riverside County), for public right-of-way purposes and the construction of the South Milliken Avenue Grade Separation Project and related public infrastructure improvements, in the City of Ontario, California, pursuant to the authority granted to it by Section 37350.5 of the California Government Code; and

WHEREAS, pursuant to section 1245.235 of the California Code of Civil Procedure, the City scheduled a public hearing for Tuesday, June 4, 2013, at 6:30 p.m. at the Ontario City Hall, Council Chambers, 303 East "B" Street, Ontario, California, and gave to each person whose property is to be acquired and whose name and address appeared on the last equalized county assessment roll, notice and a reasonable opportunity to appear at said hearing and be heard on the matters referred to in Section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, said hearing has been held by the City and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on said matters; and

WHEREAS, the City may now adopt a Resolution of Necessity pursuant to Section 1240.040 of the California Code of Civil Procedure.

WHEREAS, the City has the power to condemn property located in the City of Eastvale, pursuant to an agreement between the City of Ontario and the City of Eastvale.

WHEREAS, The City is authorized to exercise the power of eminent domain to acquire property for purposes of installing electric utility power lines pursuant to California Government Code Sections 37350.5, 39792 and California Code of Civil Procedure Sections 1240.110 and 1240.125.

WHEREAS, The City is authorized to acquire property for exchange to continue a use previously made of property acquired by the City, pursuant to California Code of Civil Procedure Sections 1240.320 and 1240.330.

NOW, THEREFORE, THE CITY DOES HEREBY RESOLVE AND DECLARE AS FOLLOWS:

SECTION 1. Compliance with California Code of Civil Procedure and California Environmental Quality Act. There has been compliance by the City with the requirements of Section 1245.235 of the California Code of Civil Procedure and the California Environmental Quality Act.

SECTION 2. Public Use. The public use for which the real property is to be acquired is for public right-of-way purposes and the construction of the South Milliken Avenue Grade Separation Project and related public infrastructure improvements, in San Bernardino County, California. Section 37350.5 of the California Government Code authorizes the City to acquire by eminent domain real property necessary for such purposes.

SECTION 3. Description of Property. Attached and marked as Exhibit "A" is the legal description and depiction of the real property to be acquired by the City, which describes the general location and extent of the property to be acquired with sufficient detail for reasonable identification.

SECTION 4. Findings. The City hereby finds and determines each of the following:

- (a) The public interest and necessity require the proposed project;
- (b) The proposed project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The real property described in Exhibit "A" is necessary for the proposed project;
- (d) The offer required by section 7267.2 of the California Government Code was made.

SECTION 5. Use Not Unreasonably Interfering with Existing Public Use(s). Some or all of the real property to be acquired is subject to easements and rights-of-way appropriated to existing public uses. The legal descriptions of these easements and rights-of-way are on file with the City and describe the general location and extent of the easements and rights-of-way with sufficient detail for reasonable identification. In the event the herein described use or uses will not unreasonably interfere with or impair the continuance of the public use as it now exists or may reasonably be expected to exist in the future, counsel for the City is authorized to acquire the real property subject to such existing public use(s) pursuant to section 1240.510 of the California Code of Civil Procedure.

SECTION 6. More Necessary Public Use. Some or all of the real property to be acquired is subject to easements and rights-of-way appropriated to existing public uses. To the extent that the herein described use or uses will unreasonably interfere with or impair the continuance of the public use as it now exists or may reasonably be expected to exist in the future, the City finds and determines that the herein described use or uses are more necessary than said existing public use. Counsel for the City is authorized to acquire the real property appropriated to such existing public use(s) pursuant to section 1240.610 of the California Code of Civil Procedure. Staff is further authorized to make such improvements to the real property being acquired that it determines is reasonably necessary to mitigate any adverse impact upon the existing public use.

SECTION 7. Further Activities. Counsel for the City is hereby authorized to file legal proceedings necessary to acquire the hereinabove described real property in the name of and on behalf of the City by eminent domain, and counsel is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Legal counsel is further authorized to take such steps as may be authorized and required by law, and to make such security deposits as may be required by order of court, to permit the City to take possession of and use said real property at the earliest possible time. Counsel is further authorized to correct any errors or to make or agree to non-material changes in the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transaction required to acquire the subject real property. Counsel is further authorized to reduce or modify the extent of the interests or property to be acquired so as to reduce the compensation payable in the action where such change would not substantially impair the construction and operation for the project for which the real property is being acquired.

SECTION 8. Effective Date. This Resolution shall take effect upon adoption.

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

PASSED, APPROVED, AND ADOPTED this 4th day of June 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 June 4, 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 June 4, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF NECESSITY OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FOR THE ACQUISITION OF STRUCTURE, ACCESS, CONSTRUCTION AND MAINTENANCE EASEMENT INTERESTS IN PORTIONS OF CERTAIN REAL PROPERTY LOCATED AT OR NEAR THE INTERSECTION OF MISSION BOULEVARD, PHILADELPHIA STREET AND THE UNION PACIFIC RAILROAD CROSSING, AND MORE PARTICULARLY DESCRIBED AS ASSESSOR PARCEL NOS. 156-020-048 AND 156-020-049 BY EMINENT DOMAIN, IS NECESSARY FOR PUBLIC RIGHT-OF-WAY FOR THE CONSTRUCTION OF THE SOUTH MILLIKEN AVENUE GRADE SEPARATION PROJECT AND RELATED PUBLIC INFRASTRUCTURE IMPROVEMENTS IN THE CITY OF ONTARIO, SAN BERNARDINO COUNTY, CALIFORNIA.

WHEREAS, the City of Ontario (the "City") proposes to acquire structure, access, construction and maintenance easement interests in portions of certain real property located at or near the intersection of Mission Boulevard, Philadelphia Street and the Union Pacific Railroad crossing, and more particularly described as Assessor Parcel Nos. 156-020-048 and 156-020-049 (located in Riverside County), for public right of-way purposes and the construction of the South Milliken Avenue Grade Separation Project and related public infrastructure improvements, in the City of Ontario, California, pursuant to the authority granted to it be by Section 37350.5 of the California Government Code; and

WHEREAS, pursuant to Section 1245.235 of the California Code of Civil Procedure, the City scheduled a public hearing for Tuesday, June 4, 2013, at 6:30 p.m. at the Ontario City Hall, Council Chambers, 303 East "B" Street, Ontario, California, and gave to each person whose property is to be acquired and whose name and address appeared on the last equalized county assessment roll, notice and a reasonable opportunity to appear at said hearing and be heard on the matters referred to in Section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, said hearing has been held by the City and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on said matters; and

WHEREAS, the City may now adopt a Resolution of Necessity pursuant to Section 1240.040 of the California Code of Civil Procedure.

WHEREAS, the City has the power to condemn property located in the City of Eastvale, pursuant to an agreement between the City of Ontario and the City of Eastvale.

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NOW, THEREFORE, THE CITY DOES HEREBY RESOLVE AND DECLARE AS FOLLOWS:

SECTION 1. Compliance with California Code of Civil Procedure and California Environmental Quality Act. There has been compliance by the City with the requirements of Section 1245.235 of the California Code of Civil Procedure and the California Environmental Quality Act.

SECTION 2. Public Use. The public use for which the real property is to be acquired is for public right-of-way purposes and the construction of the South Milliken Avenue Grade Separation Project and related public infrastructure improvements, in San Bernardino County, California. Section 37350.5 of the California Government Code authorizes the City to acquire by eminent domain real property necessary for such purposes.

SECTION 3. Description of Property. Attached and marked as Exhibit "A" is the legal description and depiction of the real property to be acquired by the City, which describes the general location and extent of the property to be acquired with sufficient detail for reasonable identification.

SECTION 4. Findings. The City hereby finds and determines each of the following:

- (a) The public interest and necessity require the proposed project;
- (b) The proposed project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The real property described in Exhibit "A" are necessary for the proposed project;
- (d) The offer required by Section 7267.2 of the California Government Code was made.

SECTION 5. Use Not Unreasonably Interfering with Existing Public Use(s). Some or all of the real property to be acquired is subject to easements and rights-of-way appropriated to existing public uses. The legal descriptions of these easements and rights-of-way are on file with the City and describe the general location and extent of the easements and rights-of-way with sufficient detail for reasonable

identification. In the event the herein described use or uses will not unreasonably interfere with or impair the continuance of the public use as it now exists or may reasonably be expected to exist in the future, counsel for the City is authorized to acquire the real property subject to such existing public use(s) pursuant to Section 1240.510 of the California Code of Civil Procedure.

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SECTION 7. Further Activities. Counsel for the City is hereby authorized to file legal proceedings necessary to acquire the hereinabove described real property in the name of and on behalf of the City by eminent domain, and counsel is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Legal counsel is further authorized to take such steps as may be authorized and required by law, and to make such security deposits as may be required by order of court, to permit the City to take possession of and use said real property at the earliest possible time. Counsel is further authorized to correct any errors or to make or agree to non-material changes in the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transaction required to acquire the subject real property. Counsel is further authorized to reduce or modify the extent of the interests or property to be acquired so as to reduce the compensation payable in the action where such change would not substantially impair the construction and operation for the project for which the real property is being acquired.

SECTION 8. Effective Date. This Resolution shall take effect upon adoption.

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

PASSED, APPROVED, AND ADOPTED this 4th day of June 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 June 4, 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 June 4, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report

June 4, 2013

SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER FILE NO. PHP13-001, THE DESIGNATION OF THE EUCLID AVENUE HISTORIC DISTRICT, WHICH INCLUDES ALL PROPERTIES WITH EUCLID AVENUE FRONTAGE, BOUND BY G STREET TO THE SOUTH AND THE I-10 TO THE NORTH, AS A LOCAL HISTORIC DISTRICT

RECOMMENDATION: That the City Council hold a public hearing to consider adoption of a resolution approving File No. PHP13-001 designating the properties which front Euclid Avenue, bound by G Street to the south and the I-10 freeway to the north, as a local historic district.

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

FISCAL IMPACT: The approval of the Local Historic District designation will not have a direct fiscal impact. However, if the designation is approved, property owners whom own "Contributors" to the district will be eligible to apply for a Mills Act Contract which, if approved, would provide for a potential reduction in property taxes in exchange for an agreed-upon list of improvements to the property.

BACKGROUND: The Euclid Avenue Historic District predominately features residential buildings, both single family and multifamily, which embody distinct architectural styles that vary from the late 1880s (Victorian era) to the 1960s (Post Modern era). It also features two churches, Chaffey High School, and medical and administrative offices. In addition to historic buildings, the Euclid Avenue median, street lights, street trees, rock curbs, streets, and front yard open space are all considered elements of the district. There are 102 properties that represent the district, with 75 properties contributing to the significance of the district. Also, in 2005, Euclid Avenue was included on the list of National Historic Places.

STAFF MEMBER PRESENTING: Jerry L. Blum, Planning Director

Prepared by: Diane Ayala
Department: Planning
City Manager Approval: 

Submitted to Council/O.H.A. 06/04/2013
Approved: _____
Continued to: _____
Denied: _____

22

DESIGNATION CRITERIA: Any neighborhood or area listed as a historic resource may be designated a Historic District by the City Council if the district can meet one or more designation criteria for local designation as contained in the Historic Preservation Ordinance, (Sec. 9-1.2615 of the Development Code). The Euclid Avenue Historic District meets the following designation criteria:

1. It is a geographically definable area possessing a concentration of Historical Resources or thematically related grouping of structures which contribute to each other and are unified by plan, style, or physical development; and embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values; and

The Euclid Avenue Historic District is comprised of properties which front Euclid Avenue from north of G Street to south of I-10 at the Ontario City limit (see Exhibit “A”). The historic resources within this district embody distinct residential architectural styles that vary from the Victorian era to the Post War Era. These resources collectively represent the City’s pattern of development starting from 1887 through the 1960s.

2. It reflects significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes, or distinctive examples of a park landscape, site design, or community planning; and

As town founders, George and William Chaffey, planned and developed Ontario with Euclid Avenue and the median as the centerpiece in their design. Not only did Euclid Avenue serve as the main roadway to and from town, it also was utilized as an irrigated pathway for Chaffey’s newly irrigated colony.

The Euclid Avenue Historic District is predominately residential development with single and multi family residences, churches, and a school. The District embodies architectural elements and styles from multiple periods of development, starting as early as the late 1880s and ending in the late 1960s. The shift to commercial buildings and uses between G and I Streets that occurred during the 1950s makes up a “transition area” from downtown commercial to residential that currently exists today. The significance of the district relates to each period of development which is exemplified through the residential architectural styles of the buildings.

3. It is or the contributing resources are, associated with the lives of persons important to Ontario California, or national history.

Early town residents that provided essential services were often considered leaders of the community—promoting and contributing to the settlement of the colony. Residents that are considered important to the settlement of Ontario were often early citrus pioneers, bankers, clergymen, teachers, doctors, and business owners. The listed below are the names of important people who resided an on Euclid Avenue or contributed to the significance of the District.

George & William Chaffey– City of Ontario **Newman Draper**– Founder of Draper Mortuary
founders who established Euclid Avenue

Oscar Arnold – President of First National Bank	Jerene Appleby Harnish – Owner of the Daily Report newspaper
W.E. Freemire – Ontario Mayor (1912-1914)	Dr. Alois Graettinger – Rancher
James Bradford – Founder of the Avenue Livery Stable	Rev. Richard Gushee – Reverend of the Christ Church
Jay Dewey Harnish - Architect and founder of HMC Architects	Lela McClelland – Chaffey College/High School Art Teacher
Captain J.P. Robertson - Civil war veteran and Banker	Charles Latimer – Founder of the San Antonio Orchard Company & City Council Member
Herbert Oakley – Citrus Rancher	Peter Vandenberg – Superintendent of General Electric Flat Iron Plant
Thomas Henry – Rancher	Lewis McCann – Owner of the McCann Hardwood Store
Alfred Davenport – City Council Member (1928-29)	Sanford Ballou – Rancher and owner of Citrus Ford
Clifford Huston – Rancher & Banker	Alex R. Gemmel – Owner and founder of Gemmel’s Pharmacy
Charles & Rose Mead – Owner of the Central Drug Store	Judge James Pollock – Justice of the Peace & President of Ontario National Bank

A neighborhood meeting was held on February 7, 2013, where 25-30 owners of property in the proposed historic district attended. Staff responded to several questions regarding what the designation would mean to their properties, but no one voiced opposition to the proposed action.

At their meeting of April 23, 2013, the Planning Commission heard this matter at a public hearing. No one was present to offer testimony and the Commission voted to recommend to City Council, approval of the designation.

ENVIRONMENTAL REVIEW: The application was reviewed pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA"). Per Section 21065 of the CEQA Guidelines, the local landmark designation is not considered a project.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PHP13-001, THE DESIGNATION OF THE EUCLID AVENUE HISTORIC DISTRICT, WHICH FRONT ONTO EUCLID AVENUE BOUND BY G STREET TO THE SOUTH AND THE I-10 TO THE NORTH, A LOCAL HISTORIC DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF – VARIOUS APN'S.

WHEREAS, the City of Ontario ("Applicant") has filed an application for the approval of a Local Historic District Designation, File No. PHP13-001, as described in the title of this Resolution (hereinafter referred to as "Project"); and

WHEREAS, the City's character and history are reflected in its cultural, historical, and architectural heritage with an emphasis on the "Model Colony" as declared by an act of the Congress of the United States and presented at the St. Louis World's Fair in 1904; and

WHEREAS, the City's historical foundations should be preserved as living parts of community life and development in order to foster an understanding of the City's past so that future generations may have a genuine opportunity to appreciate, enjoy, and understand Ontario's rich heritage; and

WHEREAS, the Community Design and Social Resources Elements of The Ontario Plan sets forth Goals and Policies to conserve Ontario's historic buildings and districts; and

WHEREAS, the Euclid Avenue Historic District, an eclectic neighborhood, which includes all properties that front Euclid Avenue, bound by G Street to the south and the I-10 to the north, and as described in the attached Exhibit "A", and is worthy of preservation and designation as a Local Historic District; and

WHEREAS, on March 14, 2013, the Historic Preservation Subcommittee reviewed this District and determined that it met designation criteria as set forth in the Historic Preservation Ordinance (Sec. 9-1.2615 of the Ontario Development Code) and

WHEREAS, on April 23, 2013, the Historic Preservation Commission reviewed this District and determined that it met the local historic district criteria as set forth in Article 26 of the City's Historic Preservation Ordinance (Sec. 9-1.2615) and recommended approval of the Project to the City Council.

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

SECTION 1. As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the 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 designation is not considered a project pursuant to Section 21065 of the CEQA Guidelines.

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. FINDING: *It is a geographically definable area possessing a concentration of Historical Resources or thematically related grouping of structures which contribute to each other and are unified by plan, style, or physical development; and embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values; and*

FACT: The Euclid Avenue Historic District is comprised of properties which front Euclid Avenue from north of G Street to south of I-10 at the Ontario City limit. The historic resources within this district embody distinct residential architectural styles that vary from the Victorian era to the Post War Era. These resources collectively represent the City's pattern of development starting from 1887 through the 1960s.

- b. FINDING: *It reflects significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes, or distinctive examples of a park landscape, site design, or community planning; and*

FACT: As town founders, George and William Chaffey, planned and developed Ontario with Euclid Avenue and the median as the centerpiece in their design. Not only did Euclid Avenue serve as the main roadway to and from town, it also was utilized as an irrigated pathway for Chaffey's newly irrigated colony.

The Euclid Avenue Historic District is predominately residential development with single and multi family residences, churches, and a school which embody architectural elements and styles from multiple periods of development, starting as early as the late 1880s and ending in the late 1960s. The shift to commercial buildings and uses between G and I Streets that occurred during the 1950s makes up a "transition area" from downtown commercial to residential that currently exists today. The significance of the district relates to each period of development which is exemplified through the residential architectural styles of the buildings.

- c. FINDING: *It is or the contributing resources are, associated with the lives of persons important to Ontario California, or national history*

FACT: Early town residents that provided essential services were often considered leaders of the community promoting and contributing to the settlement of the colony. Residents that are considered important to the settlement of Ontario were often early citrus pioneers, bankers, clergymen, teachers, doctors, and business owners.

SECTION 3. Based upon findings set forth in Sections 1 and 2 above, the City Council approves and designates the Euclid Avenue Historic District, which includes all properties that front Euclid Avenue, bound by G Street to the south and the I-10 to the north, and as described in the attached Exhibit "A", be designated as Local Historic District No. 7, and that it is subject to the provisions of the Historic Preservation Ordinance (Article 26 of the Ontario Development Code)

SECTION 4. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 5. The City Clerk shall certify to the adoption of the Resolution.

SECTION 6. The City Clerk of the City of Ontario, California, shall cause a copy of this Resolution to be recorded in the office of the County recorder of San Bernardino, County, California.

PASSED, APPROVED, AND ADOPTED this 4th day of June 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 June 4, 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 June 4, 2013.

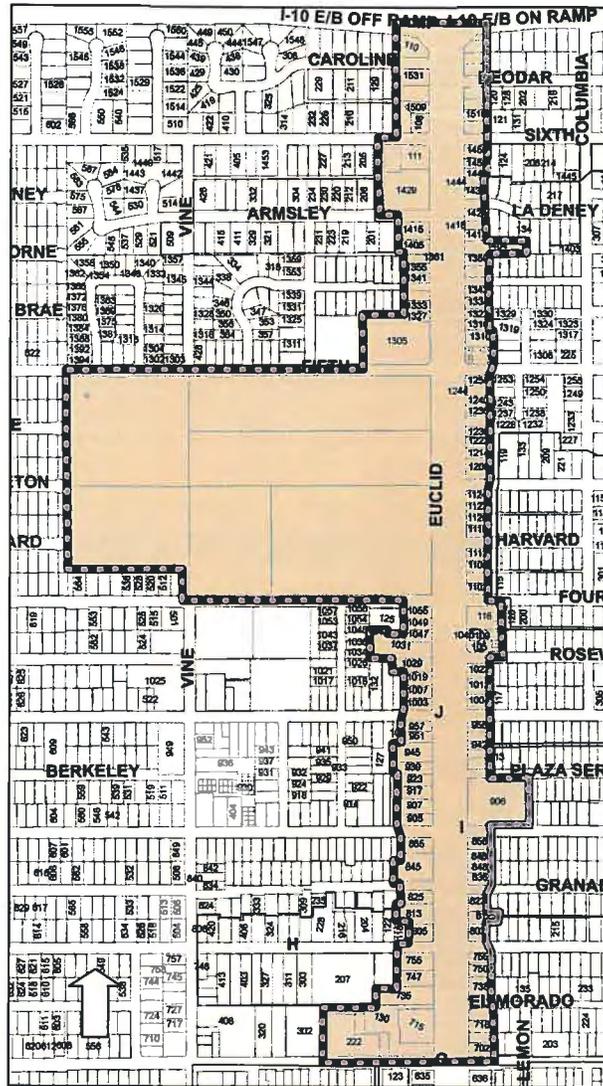
MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

EXHIBIT "A"

AN ATTACHMENT TO THE RESOLUTION OF THE ONTARIO CITY COUNCIL APPROVING FILE NO. PHP13-001, DESIGNATING THE EUCLID AVENUE HISTORIC DISTRICT AS A LOCAL HISTORIC DISTRICT

The following properties are included in the Euclid Avenue Historic District:



1. 702-706 N. Euclid Ave. and 113 E. G St. (APN: 104824206), TRACT MORADA LOT 6 EL MORADA TR S 9.25 FT LOT 6 LOT 7 AND S 78 ½ FT W ½ LOT 8
2. 712 N. Euclid Ave. (APN: 104824207), TRACT MORADA LOT 6 BLOCK 3 EL MORADA TR N 60 FT LOT 6 BLK 3 AND N 60 FT W ½ LOT 8

3. 715 N. Euclid Ave. (APN: 104827118), TOWN ONTARIO THAT PTN LOT 4 BLOCK 906 DESC AS BEG AT SE COR SD LOT TH N 6 FT ALG ELY LI SD LOT 4 TH S 89 DEG 57 MIN 29 SECONDS W 451.41 FT TO A PT TH N 141.88 FT TH E 247.1
4. 130 West G St. (APN:104827119), TOWN ONTARIO PTN LOTS 3 AND 4 BLK 906 DESC AS FOL COM AT SE COR SD LOT 4 TH N ALG E LI 77.20 FT TH W ON A LI PARALLEL WITH S LI SD LOTS 194.28 FT TH N 90.35 FT TH W 10 FT T
5. 206 West G St. (APN: 104827120), TOWN ONTARIO THOSE PTNS OF LOTS 3 AND 4 BLOCK 906 DESC AS FOLL BEG AT SE COR SD LOT 4 TH N 6 FT ALG ELY LI SD LOT TH S 89 DEG 57 MIN 29 SECONDS W 451.41 FT TO A PT TH N
6. 222 West G St. (APN: 104827122), TOWN ONTARIO THOSE PTN OF LOTS 3 AND 4 BLOCK 906 DESC AS FOLLS BEG AT THE SE COR SD LOT 4 TH N 6 FT ALG ELY LI SD LOT 4 TH S 89 DEG 57 MIN 29 SECONDS W PARALLEL WITH
7. 718 N. Euclid Ave. (APN: 104824208), EL MORADO TRACT S 69.25 FT W 1/2 LOT 3 AND ALL LOT 5 BLK 3
8. 728 N. Euclid Ave. (APN: 104824201), EL MORADA TRACT N 69.25 FT W 1/2 LOT 3 BLK 3 AND ALL LOT 4
9. 735 N. Euclid Ave. (APN: 104827117), TOWN OF ONTARIO S 105 FT LOT 1 BLK 906
10. 738 N. Euclid Ave. (APN: 104824134), TOWN OF ONTARIO COM 20 FT N OF SW COR LOT 2 BLK 907 TH E 143 FT M/L TO PT 200 FT W OF E LI SD LOT TH N 138 FT TH W 143 FT M/L TH S 138 FT TO POB EX ST
11. 747 N. Euclid Ave (APN: 104827116), TOWN OF ONTARIO BEG 100 FT S OF NE COR LOT 1 BLK 906 TH S 92 FT TH W 220 FT TH N 92 FT TH E 220 FT TO BEG
12. 748 and 750 N. Euclid Ave. (APN: 104824135), TOWN OF ONTARIO COM 158 FT N AND 200 FT W OF SE COR LOT 2 BLK 907 TH N 76 FT M/L TH W 143 FT M/L TO E LI NORTH EUCLID AVE TH S 76 FT M/L TO PT 158 FT N OF N LI EL MORADO CO
13. 755 N. Euclid Ave. (APN: 104827115), TOWN OF ONTARIO N 100 FT E 220 FT LOT 1 BLK 906
14. 756 N. Euclid Ave. (APN: 104824101), TOWN OF ONTARIO PTN LOT 2 BLK 907 COM AT NW COR SD LOT TH S 63 FT TH E 143 FT M/L TO A PT 200 FT W OF E LI SD LOT TH N 63 FT TH W 143 FT TO POB

15. 802 N. Euclid Ave. (APN: 104825241), TOWN OF ONTARIO W 110 FT S 100 FT LOT 3 BLK 882
16. 805 N. Euclid Ave. (APN: 104826218), TOWN OF ONTARIO S 100 FT E 150 FT LOT 4 BLK 883
17. 812-816 N. Euclid Ave. (APN: 104825242), TOWN OF ONTARIO N 72 FT OF S 172 FT W 179.25 FT LOT 3 BLK 882
18. 813 N. Euclid Ave. (APN: 104826217), TOWN OF ONTARIO N 117 FT S 217 FT E 220 FT LOT 4 BLK 883
19. 822 N. Euclid Ave. (APN: 104825201), TOWN OF ONTARIO PTN LOT 3 BLK 882 COM 172 FT N OF SW COR SD LOT TH E 109 FT TH N 100 FT TH W 109 FT TH S 100 FT TO POB EX ST
20. 825 N. Euclid Ave. (APN: 104826232), PARCEL MAP 3048 PARCEL NO 1 EX ST PER
21. 836 N. Euclid Ave. (APN: 104825147), HAASIS SUB LOT 14
22. 845 N. Euclid Ave. (APN: 104826123), TOWN OF ONTARIO PTN LOT 1 BLK 883 COM AT A PT ON E L1 SD LOT A D1STANCE 50 FT N OF S L1 SD LOT TH W 221.49 FT TH N PARALLEL TO E L1 SD LOT 113.5 FT TO A PT 133.5 FT S OF N
23. 846 N. Euclid Ave. (APN: 104825152), AND INT IN COMMON AREA
24. 848 N. Euclid Ave. (APN: 104825154), COMMON AREA
25. 848 N. Euclid Ave. (APN: 104825153), AND INT IN COMMON AREA
26. 855 N. Euclid Ave. (APN: 104826122), TOWN OF ONTARIO N 90 FT E 184.49 FT LOT 1 BLK 883
27. 856 N. Euclid Ave. (APN: 104825101), HAASIS SUBDIVISION LOT 11
28. 903 N. Euclid Ave. (APN: 104804314), TOWN OF ONTARIO S 68 FT E 200 FT LOT 4 BLK 848
29. 907 N. Euclid Ave. (APN: 104804313), TOWN OF ONTARIO N 85 FT S 153 FT E 200 FT LOT 4 BLK 848
30. 917 N. Euclid Ave. (APN: 104804312), TOWN OF ONTARIO S 72 FT N 144 FT E 200 FT LOT 4 BLK 848
31. 918 N. Euclid Ave. (APN: 104807201), TOWN OF ONTARIO LOT 3 BLK 849 EX ST

32. 923 N. Euclid Ave. (APN: 104804311), TOWN OF ONTARIO N 72 FT OF E 200 FT OF LOT4 BLK 848 EX THEREFROM N 2 FT
33. 936 N. Euclid Ave. (APN: 104807150), BURTONS SUB LOT 9 AND W 1/2 ALLEY VACATED ADJ ON E
34. 938-940 N. Euclid Ave. (APN: 104807151), BURTON SUB LOT 8 AND W 1/2 ALLEY VACATED ADJ ON E
35. 939 N. Euclid Ave. (APN: 104804310), TOWN OF ONTARIO THAT PTN OF LOTS 1 AND 4 BLK 848 DESC AS FOLL BEG AT A PT ON E LI SD LOT 4 A DISTANCE OF 2 FT S OF NE COR SD LOT TH W 200 FT TH N 2 FT TO S LI SD LOT 1 TH W
36. 942 N. Euclid Ave. (APN: 104807152), BURTONS SUBDIVISION LOT 7 AND W 1/2 ALLEY ADJ ON E
37. 944 N. Euclid Ave. (APN: 104807153), BURTONS SUB LOT 6 AND W 1/2 ALLEY VACATED ADJ ON E
38. 945 N. Euclid Ave. (APN: 104804309), TOWN OF ONTARIO S 110 FT N 233.9 FT E 224 FT LOT 1 BLK 848
39. 951 N. Euclid Ave. (APN: 104804308), TOWN OF ONTARIO S 65 FT N 123.9 FT OF E 174 FT LOT 1 BLK 848
40. 956 N. Euclid Ave. (APN: 104807101), BURTON SUB LOT 5 AND W 1/2 ALLEY VACATED ADJ ON E
41. 957 N. Euclid Ave. (APN: 104804307), TOWN OF ONTARIO N 58.9 FT E 174 FT LOT 1 BLK 848
42. 1003 N. Euclid Ave. (APN: 104805211), TOWN OF ONTARIO S 68 FT E 166 FT LOT 4 BLK 825
43. 1004 N. Euclid Ave. (APN: 104806221), TOWN OF ONTARIO S 89 FT W 138 FT LOT 3 BLK 824
44. 1007 N. Euclid Ave. (APN: 104805210), TOWN OF ONTARIO N 73 FT S 141 FT E 166 FT LOT 4 BLK 825
45. 1012 N. Euclid Ave. (APN: 104806224), TOWN OF ONTARIO PTN LOT 3 BLK 824 COM AT PT ON W LI SD LOT 89 FT N OF SW COR THEREOF THE 138 FT TH N 90 FT TH W 138 FT TO W LI SD LOT TH S 90 FT TO POB

46. 1019 N. Euclid Ave. (APN: 104805209), TOWN OF ONTARIO S 78 FT N 156 FT E 166 FT LOT 4 BLK 825
47. 1022 N. Euclid Ave. (APN: 104806201), TOWN OF ONTARIO N 88 FT S 267 FT W 138 FT LOT 3 BLK 824
48. 1025 N. Euclid Ave. (APN: 104805208), TOWN OF ONTARIO N 78 FT E 226 FT LOT 4 BLK 825
49. 1031 N. Euclid Ave. (APN: 104805227), PARCEL MAP 4551 PARCEL 2
50. 1036 N. Euclid Ave. (APN: 104806123), TRACT 11046 UNIT 3 AND INT IN COMMON AREA AS PER RECORD AND PURSUANT TO SEC 2188.5 OF REVENUE AND TAXATION CODE (1036)
51. 1040 N. Euclid Ave. (APN: 104806122), TRACT 11046 UNIT 2 AND INT IN COMMON AREA AS PER RECORD AND PURSUANT TO SEC 2188.5 OF REVENUE AND TAXATION CODE (1040)
52. 1043-1047 N. Euclid Ave. (APN: 104805206), TOWN OF ONTARIO S 68 FT N 204 FT E 157 FT LOT 1 BLK 825
53. 1044 N. Euclid Ave. (APN: 104806121), TRACT 11046 UNIT 1 AND INT IN COMMON AREA AS PER RECORD AND PURSUANT TO SEC 2188.5 OF REVENUE AND TAXATION CODE (1044)
54. 103 E. Rosewood Ct. (APN: 104806124), TRACT 11046 UNIT 4 AND INT IN COMMON AREA AS PER RECORD AND PURSUANT TO SEC 2188.5 OF REVENUE AND TAXATION CODE
55. 105 E. Rosewood Ct. (APN: 104806125), TRACT 11046 UNIT 5 AND INT IN COMMON AREA AS PER RECORD AND PURSUANT TO SEC 2188.5 OF REVENUE AND TAXATION CODE
56. 107 E. Rosewood Ct. (APN: 104806126), TRACT 11046 UNIT 6 AND INT IN COMMON AREA AS PER RECORD AND PURSUANT TO SEC 2188.5 OF REVENUE AND TAXATION CODE
57. 109 E. Rosewood Ct. (APN: 104806132), TRACT 11046 UNIT 7 AND INT IN COMMON AREA AS PER RECORD AND PURSUANT TO SEC 2188.5 OF REVENUE AND TAXATION CODE
58. 111 E. Rosewood Ct. (APN: 104806131), TRACT 11046 UNIT 8 AND INT IN COMMON AREA AS PER RECORD AND PURSUANT TO SEC 2188.5 OF REVENUE AND TAXATION CODE

59. 113 E. Rosewood Ct. (APN: 104806130), TRACT 11046 UNIT 9 AND INT IN COMMON AREA AS PER RECORD AND PURSUANT TO SEC 2188.5 OF REVENUE AND TAXATION CODE
60. 115 E. Rosewood Ct. (APN: 104806129), TRACT 11046 UNIT 10 AND INT IN COMMON AREA AS PER RECORD AND PURSUANT TO SEC 2188.5 OF REVENUE AND TAXATION CODE
61. 117 E. Rosewood Ct. (APN: 104806128), TRACT 11046 UNIT 11 AND INT IN COMMON AREA AS PER RECORD AND PURSUANT TO SEC 2188.5 OF REVENUE AND TAXATION CODE
62. 119 E. Rosewood Ct. (APN: 104806127), TRACT 11046 UNIT 12 AND INT IN COMMON AREA AS PER RECORD AND PURSUANT TO SEC 2188.5 OF REVENUE AND TAXATION CODE
63. 1049 N. Euclid Ave. (APN: 104805205), TOWN OF ONTARIO S 68 FT N 136 FT E 157 FT LOT 1 BLK 825
64. 1055 N. Euclid Ave. (APN: 104805204), TOWN OF ONTARIO PTN LOT 1 BLK 825 BEG AT NE COR SD LOT TH W 157 FT TH S 68 FT TH E 157 FT TH N 68 FT TO BEG
65. 1056 N. Euclid Ave. and 116 E. Fourth St. (APN: 104806101), TRACT 2319 LOTS 1 2 AND 3
66. 1102 N. Euclid Ave. (APN: 104754201), COLLEGE PARK TRACT LOT 14 BLK 2
67. 1106 N. Euclid Ave. (APN: 104754202), COLLEGE PARK TR S 60 FT LOT 13 BLK 2
68. 1108 N. Euclid Ave. (APN: 104754203), COLLEGE PARK TR S 60 FT LOT 12 AND N 6 FT LOT 13 BLK 2
69. 1112 N. Euclid Ave. (APN: 104754204), COLLEGE PARK TRACT LOT 11 AND N 6 FT LOT 12 BLK 2
70. 1118 N. Euclid Ave. (APN: 104754201), COLLEGE PARK TRACT LOT 14 BLK 1
71. 1120 N. Euclid Ave. (APN: 104754102), COLLEGE PARK TRACT LOT 13 BLK 1
72. 1122 N. Euclid Ave. (APN: 104754103), COLLEGE PARK TRACT LOT 12 BLK 1
73. 1124 N. Euclid Ave. (APN: 104754104), COLLEGE PARK TRACT LOT 11 BLK 1

74. 1208 N. Euclid Ave. (APN: 104753101), F C BELLS F1RST ADD S 20 FT LOT 3 AND ALL LOT 4
75. 1214 N. Euclid Ave. (APN: 104753102), F C BELLS FIRST ADD N 60 FT LOT 3
76. 1222 N. Euclid Ave. (APN: 104753103), BELLS 1ST ADD S 60 FT LOT 2
77. 1230 N. Euclid Ave. (APN: 104753104), ONTARIO COLONY LANDS W 150 FT N 33 FT S 333 FT LOT 774 AND BELLS 1ST ADD N 27 FT LOT 2
78. 1232 N. Euclid Ave. (APN: 104753105), O C L W 150 FT N 60 FT S 393 FT LOT 774
79. 1236 N. Euclid Ave. (APN: 104753106), ONTARIO COLONY LANDS W 150 FT N 60 FT S 453 FT LOT 774
80. 1240 N. Euclid Ave. (APN: 104753107), ONTARIO COLONY LANDS N 60 FT S 513 FT W 150 FT LOT 774
81. 1244 N. Euclid Ave. (APN: 104753108), ONTARIO COLONY LANDS N 54 FT S 567 FT W 150 FT LOT 774
82. 211 W. Fifth St. (APN: 104756101), ONTARIO COLONY LANDS N 1/2 LOTS 775 AND 776
83. 1245 N. Euclid Ave. (APN: 104755101), ONTARIO COLONY LANDS CHAFFEY COLLEGE TR E 225 FT LOT 797 AND ALL LOT 798 10 AC
84. 1245 N. Euclid Ave. (APN: 104755102), ONTARIO COLONY LANDS CHAFFEY COLLEGE TR LOT 797 EX E 225 FT 10 AC
85. 1245 N. Euclid Ave. (APN: 104725102), TRACT 2863 LOT 4
86. 1245 N. Euclid Ave. (APN: 104756102), ONTARIO COLONY LANDS S 1/2 LOTS 775 AND 776
87. 1245 N. Euclid Ave. (APN: 104757149), ONTARIO COLONY LANDS WELL NEAR N LI LOT 777 UND 1/2 INT
88. 1245 N. Euclid Ave. (APN: 10475714950), ONTARIO COLONY LANDS WELL NEAR N LI LOT 777 UND 1/2 INT
89. 1258 N. Euclid Ave. (APN: 104753109), ONTARIO COLONY LANDS N 60 FT W 150 FT LOT 774
90. 1305 and 1313 N. Euclid Ave. Euclid Ave. (APN: 104733215), PARCEL MAP 14349 PARCEL 1 BOOK 182 PAGE 22

91. 1310 N. Euclid Ave. (APN: 104836116), ONTARIO COLONY LANDS N 94.5 FT W 175 FT S 194.5 FT LOT 757
92. 1316 N. Euclid Ave. (APN: 104736117), ONTARIO COLONY LANDS COM 194.5 FT N OF SW COR LOT 757 E 150 FT N 59.25 FT W 150 FT S 59.25 FT
93. 1322 N. Euclid Ave. (APN: 104736118), ONTARIO COLONY LANDS BEG 253.75 FT N OF SW COR LOT 757 E 150 FT N 59.25 FT W 150 FT S 59.25 FT TO BEG
94. 1327 N. Euclid Ave. (APN: 104733216), PARCEL MAP 14349 PARCEL 2 BOOK 182 PAGE 22
95. 1333 N. Euclid Ave. (APN: 104733212), ONTARIO COLONY LANDS S 60 FT N 324 FT E 150 FT LOT 756
96. 1334 N. Euclid Ave. (APN: 104736119), TRACT 1949 LOT 23
97. 1339 N. Euclid Ave. (APN: 104733211), ONTARIO COLONY LANDS COM 206 FT S OF NE COR LOT 756 TH W 150 FT TH S 58 FT TH E 150 FT TH N 58 FT TO POB
98. 1341 N. Euclid Ave. (APN: 104733103), ONTARIO COLONY LANDS S 58 FT N 166 FT E 150 FT LOT 756
99. 1342 N. Euclid Ave. (APN: 104736120), TRACT 1949 LOT 24
100. 1352 N. Euclid Ave. (APN: 104735112), TRACT 1949 LOT 2
101. 1355 N. Euclid Ave. (APN: 104733102), ONTARIO COLONY LANDS S 54 FT N 108 FT E 150 FT LOT 756
102. 1360 N. Euclid Ave. (APN: 104735113), TRACT 1949 LOT 1
103. 1361 N. Euclid Ave. (APN: 104733101), ONTARIO COLONY LANDS N 54 FT E 150 FT LOT 756
104. 1404 N. Euclid Ave. (APN: 104735114), ONTARIO COLONY LANDS S 80 FT W 1/2 LOT 732 AND TR NO 2218 PTN LOT 14 LYING S OF S LI LOT 13 SD TR EXTENDED ELY TO E LI SD LOT 14
105. 1405 N. Euclid Ave. (APN: 104734409), PARCEL MAP 3838 PARCEL 1
106. 1414 N. Euclid Ave. (APN: 104735115), ONTARIO COLONY LANDS N 60 FT S 140 FT W 140 FT LOT 732

107. 1415 N. Euclid Ave. (APN: 104734407), TR NO 1780 N 103.13 FT E 35 FT LOT 38 AND N 103.13 FT LOT 37
108. 1418 N. Euclid Ave. (APN: 104735129), PARCEL MAP 1687 PARCEL 1
109. 1424 N. Euclid Ave. (APN: 104735117), TR NO 2218 LOT 10 AND ONTARIO COLONY LANDS N 10 FT S 200 FT W 140 FT LOT 732
110. 1429N. Euclid Ave. (APN: 104734501), TR NO 1780 LOTS 35 36 AND S 20 FT LOT 2 AND PTN LOT 1 COM AT SE COR SD LOT 1 TH N 35 FT TH W 165 FT PARALLEL TO S L1 SD LOT 1 TH S 15 FT TO A PT 20 FT N OF S L1 SD LOT 1 TH
111. 1436 N. Euclid Ave. (APN: 104735210), TRACT NO 2218 PTN LOT 9 COM ON N L1 LA DENEY DR 130.01 FT E OF SW COR SD LOT TH N TO PT ON N L1 SD LOT 130 FT E OF NW COR THEREOF TH W 130 FT TO SD NW COR TH S TO SW
112. 1444 N. Euclid Ave. (APN: 104735211), TRACT 2218 W 130 FT LOT 8
113. 1446 N. Euclid Ave. (APN: 104735212), ONTARIO COLONY LANDS BEG 134 FT S OF NW COR LOT 732 TH E 150 FT TH S 54 FT TH W 150 FT TH N 54 FT TO BEG .32 AC
114. 1452 N. Euclid Ave. (APN: 104735213), ONTARIO COLONY LANDS BEG 80 FT S OF NW COR LOT 732 TH E 150 FT TH S 54 FT TH W 150 FT TH N 54 FT TO POB .32 AC
115. 1458 N. Euclid Ave. (APN: 104735214), ONTARIO COLONY LANDS N 80 FT W 150 FT LOT 732
116. 1506 N. Euclid Ave. (APN: 104724106), TRACT 2845 LOT 63
117. 1509 N. Euclid Ave. (APN: 104725127), PARCEL MAP 11830 PARCEL 2
118. 1510 N. Euclid Ave. (APN: 104724107), TRACT 2845 LOT 62
119. 1518 N. Euclid Ave. (APN: 104724108), TRACT 2845 LOT 61
120. 1521 N. Euclid Ave. (APN: 104725102), TRACT 2863 LOT 4
121. 1524 N. Euclid Ave. (APN: 104724109), TRACT 2845 LOT 60
122. 1531 N. Euclid Ave. (APN: 104725101), TRACT 2863 LOT 3
123. 1540 N. Euclid Ave. (APN: 104724208), TRACT 2845 LOT 22
124. 1544 N. Euclid Ave. (APN: 104724209), TRACT 2845 LOT 21

125. 105 E. Fifth St. (APN: 104736132), TRACT 10584 UNIT 1 AND INT IN COMMON AREA AS PER RECORD AND PURSUANT TO SEC 2188.5 OF REVENUE AND TAXATION CODE
126. 107 E. Fifth St. (APN: 104736133), TRACT 10584 UNIT 2 AND INT IN COMMON AREA AS PER RECORD AND PURSUANT TO SEC 2188.5 OF REVENUE AND TAXATION CODE
127. 109 E. Fifth St. (APN: 104736134), TRACT 10584 UNIT 3 AND INT IN COMMON AREA AS PER RECORD AND PURSUANT TO SEC 2188.5 OF REVENUE AND TAXATION CODE
128. 111 E. Fifth St. (APN: 104736135), TRACT 10584 UNIT 4 AND INT IN COMMON AREA AS PER RECORD AND PURSUANT TO SEC 2188.5 OF REVENUE AND TAXATION CODE
129. 113 E. Fifth St. (APN: 104736136), TRACT 10584 UNIT 5 AND INT IN COMMON AREA AS PER RECORD AND PURSUANT TO SEC 2188.5 OF REVENUE AND TAXATION CODE
130. 117 E. Fifth St. (APN: 104736138), TRACT 10584 UNIT 7 AND INT IN COMMON AREA AS PER RECORD AND PURSUANT TO SEC 2188.5 OF REVENUE AND TAXATION CODE
131. 106 West Sixth St. (APN: 104725126), PARCEL MAP 11830 PARCEL 1
132. 111 W. Sixth St. (APN: 104734504), PARCEL MAP 3035 PARCEL 2

CITY OF ONTARIO

Agenda Report

June 4, 2013

SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE POLICY PLAN (GENERAL PLAN) COMPONENT OF THE ONTARIO PLAN (FILE NO. PGPA12-002) REVISING THE MOBILITY ELEMENT

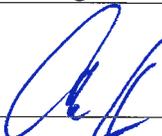
RECOMMENDATION: That the City Council hold a public hearing to consider adoption of a resolution approving File No. PGPA12-002, an Amendment to the Mobility Element of the Policy Plan: Figure M-3: Multipurpose Trails and Bikeway Corridor Plan.

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
Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities
Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony

FISCAL IMPACT: None.

BACKGROUND: The City of Ontario adopted the Policy Plan (General Plan) in January 2010. The Policy Plan is reviewed continuously to reflect changes in land use patterns, new legislation, regional plans and/or local plans to maintain consistency. The proposed General Plan amendment would revise the Mobility Element, Figure M-3: *Multipurpose Trails and Bikeway Corridor Plan*. The Mobility Element guides the design and improvement of the City's multifaceted transportation system to meet the current and future needs of residents, businesses and the region. This amendment will bring greater clarity and updated information to Figure M3. The proposed amendment includes the following:

STAFF MEMBER PRESENTING: Jerry L. Blum, Planning Director

Prepared by: Lorena Mejia
Department: Planning
City Manager Approval: 

Submitted to Council/O.H.A. 06/04/2013
Approved: _____
Continued to: _____
Denied: _____

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- Deleted unnecessary trail connections and realigned trails for better connectivity within the New Model Colony, i.e. deleted Cucamonga Creek Trail between Chino and Edison Avenues where it goes through the flood control basins, and added the trail to Hellman Avenue, around the basins.
- Designated portions of the Multi-purpose Trail system that are located on SCE property, as “SCE Trails” to address them as potential trails pursuant to note 4 on the Exhibit “A” map.
- Labeled trails with their proper identification, i.e. SCE Trail “A,” Lower Deer Creek Trail, etc. These trails need to be labeled because they are not located along a public street where trail names are typically derived.

Exhibit “A” represents the final Multi-purpose Trail and Bikeway Corridor Plan, as amended. Exhibits 1 and 2 in the Planning Commission staff report (attached for reference) provide a detailed explanation of each of the changes being proposed.

The Planning Commission reviewed the proposed general plan amendment at their meeting of April 23, 2013 and recommended approval to the City Council.

COMPLIANCE WITH THE AIRPORT LAND USE COMPATIBILITY PLAN: The project site is located within the Airport Influence Area of LA/Ontario International Airport and has been found to be consistent with the policies and criteria set forth within the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP).

ENVIRONMENTAL REVIEW: The proposed amendments to Figure M-3 would not result in the construction of new streets or trails and therefore is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) since the project will not have a significant effect on the environment.



PLANNING COMMISSION STAFF REPORT

April 23, 2013

SUBJECT: A general plan amendment (PGPA12-002) request to revise the Mobility Element of the Policy Plan Figure M-3: Multipurpose Trails and Bikeway Corridor Plan. **City Council action is required.**

SUBMITTED BY: City of Ontario, Engineering & Planning Departments

RECOMMENDED ACTION: That the Planning Commission recommend approval of General Plan Amendment (File No. PGPA12-002), to the City Council pursuant to the facts and reasons contained in the staff report and attached resolution.

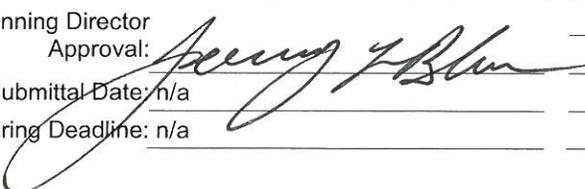
BACKGROUND: The Planning Commission reviewed the proposed general plan amendment PGP12-002 at their meeting of November 27, 2012 and recommended approval to the City Council. The amendment was not moved forward to City Council due to some required changes to Figure M-3: *Multipurpose Trails and Bikeway Corridor Plan*. These changes are reflected in Figure M-3 and include the reclassification of future trails within Southern California Edison (SCE) easements. SCE recently adopted a new policy prohibiting new trails within their easements. Due to the changes made to Figure M-3 this amendment is being brought back to the Planning Commission.

PROJECT DESCRIPTION: The City of Ontario adopted the Policy Plan (General Plan) in January 2010. The proposed general plan amendment would revise the Policy Plan - Mobility Element Figure M-3: Multipurpose Trails and Bikeway Corridor Plan to bring greater clarity and updated information into the documents.

PROJECT ANALYSIS:

The Policy Plan is reviewed continuously to reflect changes in land use patterns, new legislation, regional plans and/or local plans to maintain consistency. The proposed general plan amendment would revise the Mobility Element, Figure M-3: *Multipurpose Trails and Bikeway Corridor Plan*. The Mobility Element guides the design and improvement of the City's multifaceted transportation system to meet the current and future needs of residents, businesses and the region. This amendment will bring greater clarity and updated information into Figure M3. The proposed amendment includes the following:

- Labeling trails;
- Reclassifying trails from SCE easements; and
- Delete unnecessary trail connections and re-align trails for better connectivity within the New Model Colony.

Case Planner: Lorena Mejia	Hearing Body	Date	Decision	Action
Planning Director	DAB			
Approval: 	ZA			
Submittal Date: n/a	PC	4/23/2013	Approved	Recommend
Hearing Deadline: n/a	CC	05/21/2013		Final

The Mobility Element guides the design and improvement of the City's multifaceted transportation system to meet the current and future needs of residents, businesses and the region. This Element includes policies to ensure mobility options are integrated into land use planning that are aesthetically pleasing and provide functional roadways, transportation facilities, multipurpose trails, linkages and nodes. The mobility system is reviewed continuously to reflect changes in land use patterns, regional transportation plans and/or local plans to maintain consistency.

Exhibit 1 illustrates the changes proposed to Figure M-3, accompanied by a table detailing each modification.

COMPLIANCE WITH THE ONTARIO PLAN: The proposed project is consistent with the principles, goals and policies contained within the six components that make up The Ontario Plan (TOP), including: (1) Vision, (2) Governance, (3) Policy Plan (General Plan), (4) City Council Priorities, (5) Implementation and (6) Tracking and Feedback.

- **Policy M2-1 Bikeway Plan.** We maintain our Multipurpose Trails & Bikeway Corridor Plan to create a comprehensive system of on- and off-street bikeways that connect residential areas, businesses, schools, parks, and other key destination points.
 - **Policy Compliance:** *The proposed amendments to Figure M-3 furthers this goal by eliminating unneeded trails and adding needed trails through areas of planned development creating a comprehensive system of trails.*

STATE COMPLIANCE WITH GENERAL PLAN LAW:

- The proposed amendment is in the public's interest, the general plan Mobility Element has not been amended more than four times throughout the calendar year and is consistent with California Government Code Section §65358.
 - **State Compliance:** *The proposed general plan amendment is for the mobility element and is the first amendment to the Mobility Element for the 2013 calendar year.*
- For substantial general plan amendments, the required entities were notified in accordance with California Government Code Section §65352 prior to City Council taking action.
 - **State Compliance:** *The required entities were notified in accordance with §65352.*
- The proposed amendment is consistent and compatible with the goals and policies of the General Plan.
- During the preparation or amendment of the general plan, opportunities for the involvement of citizens, California Native American Indian tribes (§65352.3.), public agencies, public utility companies, and civic, education, and other

community groups, through public hearings or other means were implemented consistent with California Government Code Section §65351. *California Native American Indian tribes were notified of this general plan amendment consistent with the requirements set forth in §65352.3.*

- **State Compliance:** *City of Ontario citizens, public agencies, public utility companies, civic education, and other community groups were given opportunities to participate in the general plan amendment process consistent with §65351.*

COMPLIANCE WITH THE AIRPORT LAND USE COMPATIBILITY PLAN: The project site is located within the Airport Influence Area of LA/Ontario International Airport and has been found to be consistent with the policies and criteria set forth within the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP).

ENVIRONMENTAL REVIEW: The proposed amendments to Figures M-3 would not result in the construction of new streets or trails and therefore is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) since the project will not have a significant effect on the environment.

Exhibit 1: Figure M-3 Multipurpose Trails and Bikeways Plan Amendments

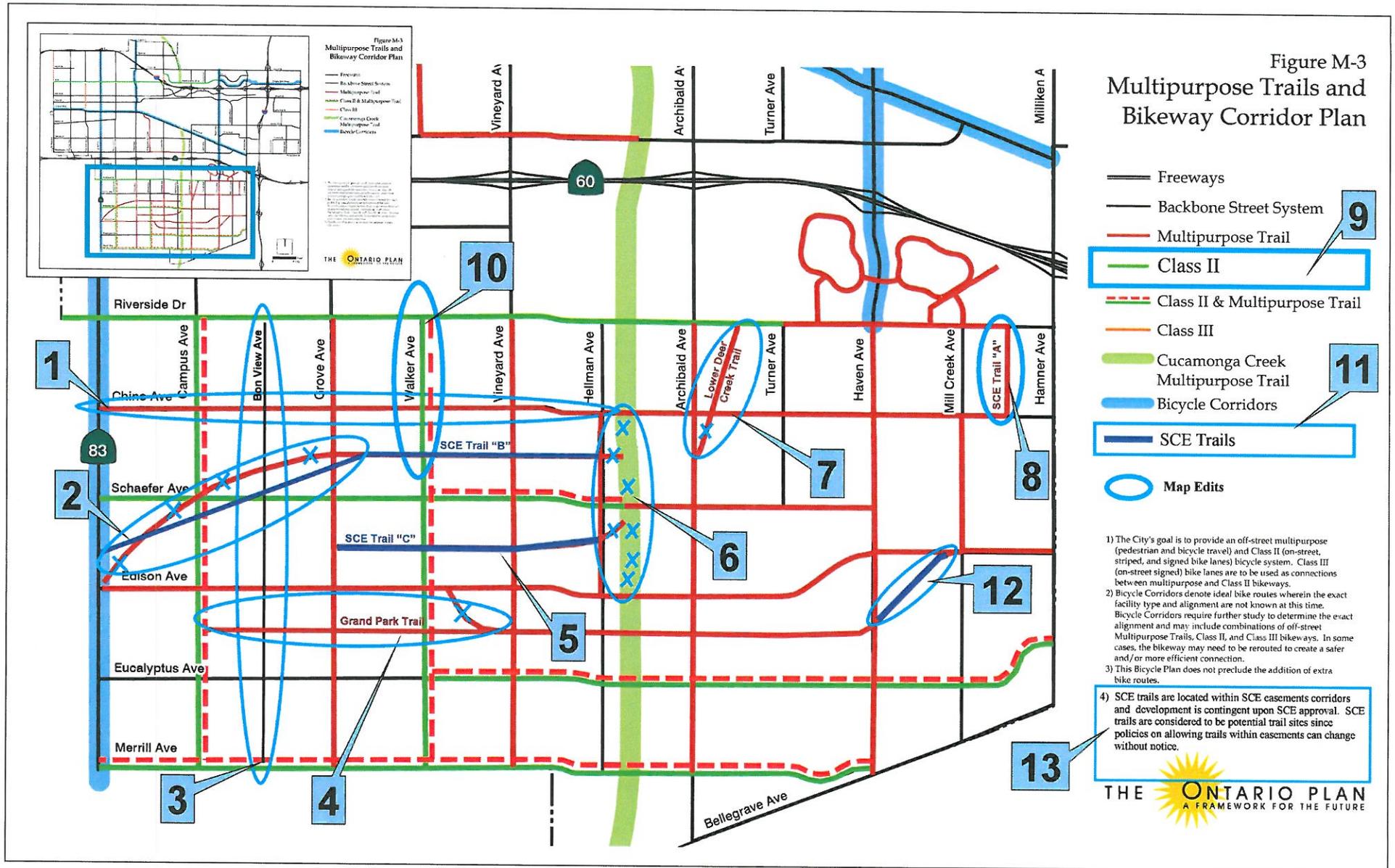


Exhibit 2: Figure M-3 (Map Edit Descriptions)

Map ID #	Map Edit Description	Reason for Map Modification
1	The Chino Avenue multipurpose trail was extended from Hellman Avenue to Euclid Avenue.	Chino Avenue has a wide neighborhood edge which will allow for the trail to be continuous along the entire length of Chino Avenue and would provide direct cross connections to the north-south multipurpose trails at Euclid, Campus, Grove, Vineyard and Hellman Avenues.
* 2	The SCE Trail was labeled and realigned to reflect SCE easement locations and line color was altered to blue.	SCE is currently not allowing trails within SCE easements. Changes were made to identify SCE trails as separate trail. SCE trails are still being shown on map despite current SCE policies to not allow trails but may change in the future.
3	The existing street Bon View Avenue was added graphically as a backbone street.	The backbone street was missing from Figure M-3 and needed to be added.
4	Grand Park Trail was labeled and extended from Vineyard Avenue to Campus Avenue and a portion was deleted from Edison and Vineyard Avenues.	These changes were made to be consistent with the Grand Park Limits.
*5	The SCE Trail was labeled and line color was altered to blue.	SCE is currently not allowing trails within SCE easements. Changes were made to identify SCE trails as separate trail. SCE trails are still being shown on map despite current SCE policies to not allow trails but may change in the future.
6	a) Portions "SCE Trail B and C" were removed from Hellman Avenue to the Cucamonga Creek Multipurpose Trail. A multipurpose trail was added between Chino and Edison Avenues. b) Portions of the Cucamonga Creek Trail between Chino and Schaefer Avenues were deleted.	a) These trail segments were deemed not necessary with the addition of Hellman Avenue Multipurpose Trail between Chino and Edison Avenues. b) Portions of the Cucamonga Trail were deleted since development will not occur adjacent to this channel.
7	A portion of Lower Deer Creek trail was deleted between Chino and Archibald Avenues and labeled.	The portion of Deer Creek Trail being deleted is not needed. The preferred route is along Chino Avenue to Archibald Avenue in order to avoid a midblock crossing on Archibald Avenue south of Chino Avenue.
8	"SCE Trail A" was labeled on the map.	Label was added for identification purposes.
9	Class II symbol was added to legend.	The map was missing this symbol from the legend.
*10	The Walker Avenue multi-purpose and Class II trail will be extended north to Riverside Drive.	This trail was extended for better trail connectivity.
*11	SCE Trail symbol was added to legend.	Legend item added for identification purposes.
*12	A portion Grand Park Trail was changed to SCE Trail.	This change was made to identify this Trail as SCE trail for consistency.
*13	A footnote was added to map to explain SCE Trail conditions.	This change was made for consistency.

* Modifications made after the November 27, 2012 Planning Commission meeting.

RESOLUTION NO. PC13-021

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING APPROVAL OF FILE NO. PGPA12-002, A GENERAL PLAN AMENDMENT TO REVISE THE MOBILITY ELEMENT OF THE POLICY PLAN, FIGURE M-3: MULTIPURPOSE TRAILS AND BIKEWAY CORRIDOR PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF

WHEREAS, City of Ontario ("Applicant") has filed an Application for the approval of a General Plan Amendment, File No. PGPA12-002, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, The Planning Commission reviewed the proposed general plan amendment PGP12-002 at their meeting of November 27, 2012 (PC Reso. No. PC12-071) and recommended approval to the City Council; and

WHEREAS, The amendment was not moved forward to City Council due to some required changes to Figure M-3: *Multipurpose Trails and Bikeway Corridor Plan* requiring the amendment to be brought forward to the Planning Commission; and

WHEREAS, The City of Ontario adopted The Policy Plan (General Plan) as part of The Ontario Plan in January 2010. Since the adoption of The Ontario Plan the City has evaluated Figure M-3: Multipurpose Trails and Bikeway Corridor Plan further and is proposing modifications; and

WHEREAS, Amendment to Figure M-3 include labeling trails, reclassify trails from SCE easements, deleting unnecessary trail connections and re-aligning trails for better connectivity within the New Model Colony; and

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

WHEREAS, the Project is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines. The proposed general plan amendment is considered a technical amendment that is not proposing any policy or land use changes. Therefore, this project is exempt from CEQA since the proposed activity would not have the potential for causing a significant effect on the environment; and

WHEREAS, on April 23, 2013 the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

SECTION 1. As the decision-making body for the Project, the Planning Commission 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 Planning Commission, the Planning Commission finds that this resolution should supersede PC Resolution No. PC12-071 adopted on November 27, 2012 and finds as follows:

- a. The Project is exempt from environmental review pursuant to Section 15061(b)(3) (Review for Exemption) of the CEQA Guidelines; and
- b. The determination of CEQA exemption reflects the independent judgment of the Planning Commission.

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

- a. The proposed General Plan Amendment is consistent with the goals and policies of The Ontario Plan;
- b. The proposed General Plan Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City;
- c. The Mobility Element is a mandatory element allowed four general plan amendments per calendar year and this general plan amendment is the first amendment to the Mobility Element of the 2013 calendar year consistent with California Government Code Section §65358;
- d. During the preparation or amendment of the general plan, opportunities for the involvement of citizens, California Native American Indian tribes (§65352.3.), public agencies, public utility companies, and civic, education, and other community groups, through public hearings or other means were implemented consistent with California Government Code Section §65351.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the Planning Commission hereby recommends the City Council approve the Project.

SECTION 4. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 5. The Secretary shall certify to the adoption of the Resolution.

The Secretary Pro Tempore for the Planning Commission of the City of Ontario shall certify as to the adoption of this Resolution.

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 23rd day of April 2013, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.



Rick Gage, Planning Commission
Chairman

ATTEST:



Jerry L. Blum, Planning Director/
Secretary of Planning Commission

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

I, Jeanina Govea, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC13-021 was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on April 23, 2013, by the following roll call vote, to wit:

AYES: Delman, Downs, Gage, Gregorek, Mautz, Reyes

NOES: None

ABSENT: Willoughby

ABSTAIN: None



Jeanina Govea, Secretary Pro Tempore

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PGPA12-002, A GENERAL PLAN AMENDMENT TO REVISE THE MOBILITY ELEMENT OF THE POLICY PLAN, FIGURE M-3: MULTIPURPOSE TRAILS AND BIKEWAY CORRIDOR PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, City of Ontario ("Applicant") has filed an Application for the approval of a General Plan Amendment, File No. PGPA12-002, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the City adopted the Policy Plan (General Plan) in January 2010. Since the adoption of The Ontario Plan the City has evaluated Figure M-3: Multipurpose Trails and Bikeway Corridor Plan further and is proposing modifications; and

WHEREAS, City staff is proposing modifications to Figure M-3 (Exhibit A) to label trails, correct SCE corridor locations, delete and re-align trails for better trail connectivity within the New Model Colony; and

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

WHEREAS, the Project is exempt from CEQA pursuant to a categorical exemption (listed in CEQA Guidelines Article 19, commencing with Section 15300) and the application of that categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2; and

WHEREAS, on April 23, 2013, the Planning Commission of the City of Ontario conducted a duly noticed public hearing and issued Resolution No. 2013-021, recommending the City Council approve the application.

WHEREAS, on June 4, 2013, the City Council of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

SECTION 1. As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the 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. WHEREAS, the Project is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines. The proposed general plan amendment is considered a technical amendment that is not proposing any policy or land use changes. Therefore, this project is exempt from CEQA since the proposed activity would not have the potential for causing a significant effect on the environment; and

b. The application of the categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2; and

c. The determination of CEQA exemption reflects the independent judgement 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 General Plan Amendment is consistent with the goals and policies of The Ontario Plan; and

b. The proposed General Plan Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City; and

c. The Mobility Element is a mandatory element allowed four general plan amendments per calendar year and this general plan amendment is the first amendment to the Mobility Element of the 2013 calendar year consistent with California Government Code Section §65358; and

d. During the preparation or amendment of the general plan, opportunities for the involvement of citizens, California Native American Indian tribes (§65352.3.), public agencies, public utility companies, and civic, education, and other community groups, through public hearings or other means were implemented consistent with California Government Code Section §65351.

e. The project site is located within the Airport Influence Area of LA/Ontario International Airport and Chino Airport and has been found to be consistent with the policies and criteria set forth within the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) and Chino ALUCP.

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

SECTION 4. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 5. The City Clerk shall certify to the adoption of the Resolution.

PASSED, APPROVED, AND ADOPTED this 4th day of June 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 June 4, 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 June 4, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)