CITY OF ONTARIO CITY COUNCIL AND HOUSING AUTHORITY AGENDA JUNE 18, 2013

Paul S. Leon Mayor

Jim W. Bowman Mayor pro Tem

Alan D. Wapner Council Member

Debra Dorst-Porada Council Member

Paul Vincent Avila Council Member



Chris Hughes City Manager

John E. Brown City Attorney

Mary E. Wirtes, MMC City Clerk

James R. Milhiser Treasurer

WELCOME to a meeting of the Ontario City Council.

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

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

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

CALL TO ORDER (OPEN SESSION)

6:00 p.m.

ROLL CALL

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

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

CLOSED SESSION

- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: City of Ontario vs. City of Los Angeles, Los Angeles World Airports, and Los Angeles Board of Airport Commissioners, RIC 1306498
- 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 54957, PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Title: City Manager.

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

PLEDGE OF ALLEGIANCE

Mayor pro Tem Bowman

INVOCATION

Pastor Steve Marquedant, Sovereign Grace Baptist Church

REPORT ON CLOSED SESSION

City Attorney

PUBLIC COMMENTS

6:30 p.m.

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

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

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

CONSENT CALENDAR

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

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

1. BILLS/PAYROLL

Bills May 5, 2013 through May 18, 2013 and **Payroll** May 5, 2013 through May 18, 2013, when audited by the Finance Committee.

2. A RESOLUTION AUTHORIZING THE INITIATION OF IMPASSE APPEAL PROCEEDINGS WITH THE LOS ANGELES COUNTY AIRPORT LAND USE COMMISSION RELATING TO THE CITY OF LOS ANGELES' AND LOS ANGELES WORLD AIRPORTS' APPROVAL OF THE LOS ANGELES INTERNATIONAL AIRPORT SPECIFIC PLAN AMENDMENT STUDY PROJECT AND CERTIFICATION OF THE RELATED FINAL ENVIRONMENTAL IMPACT REPORT

That the City Council adopt a resolution authorizing the initiation of impasse appeal proceedings with the Los Angeles County Airport Land Use Commission ("ALUC") relating to the City of Los Angeles' ("LA") and Los Angeles World Airports' ("LAWA") approval of the Los Angeles International Airport Specific Plan Amendment Study project ("SPAS Project") and certification of the related Final Environmental Impact Report ("FEIR").

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE INITIATION OF IMPASSE APPEAL PROCEEDINGS WITH THE LOS ANGELES COUNTY AIRPORT LAND USE COMMISSION RELATING TO THE CITY OF LOS ANGELES' AND LOS ANGELES WORLD AIRPORTS' APPROVAL OF THE LOS ANGELES INTERNATIONAL AIRPORT SPECIFIC PLAN AMENDMENT STUDY PROJECT AND CERTIFICATION OF RELATED FINAL ENVIRONMENTAL IMPACT REPORT.

3. A PROFESSIONAL SERVICES AGREEMENT FOR EMPLOYEE SUPPORT AND COUNSELING SERVICES/THE COUNSELING TEAM INTERNATIONAL

That the City Council authorize the City Manager to execute a three-year professional services agreement (on file with the Records Management Department) with The Counseling Team International, of San Bernardino, California, for on-going employee support services with an estimated annual cost of \$80,000; and authorize extension of the agreement for up to two one-year periods under the same terms and conditions and subject to City Council approved budgets.

4. A RESOLUTION SUPPORTING THE RENEWAL, EXPANSION, RENAMING, AND ADMINISTRATION OF THE SAN BERNARDINO COUNTY RECYCLING MARKET DEVELOPMENT ZONE

That the City Council adopt a resolution supporting the renewal, expansion, renaming, and administration of the San Bernardino County Recycling Market Development Zone; inclusion of the City of Ontario into the expanded zone; and the approval and adoption of the initial study and negative declaration.

RESOLUTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, SUPPORTING THE RENEWAL, EXPANSION, RENAMING, AND ADMINISTRATION OF THE SAN BERNARDINO COUNTY RECYCLING MARKET DEVELOPMENT ZONE AND THE APPROVAL AND ADOPTION OF THE INITIAL STUDY AND NEGATIVE DECLARATION.

5. PROFESSIONAL SERVICES AGREEMENT TO MAINTAIN THE CITY'S TRAFFIC SIGNALS AND TRAFFIC SIGNAL SYSTEM/SIEMENS INDUSTRY, INC.

That the City Council approve a one-year professional services agreement (on file in the Records Management Department) with Siemens Industry, Inc. of Novato, California, for an estimated annual amount of \$497,125; authorize the extension of the agreement for up to four additional one-year periods; and authorize the City Manager to execute said agreement and future amendments or extensions subject to City Council appropriations.

6. ON-CALL BOARD-UP, LIGHT-GENERAL CONSTRUCTION AND LANDSCAPE MAINTENANCE SERVICES AGREEMENT/BRAUGHTON CONSTRUCTION, INC.

That the City Council and Housing Authority Board authorize the City Manager/Executive Director to execute a one-year On-call Board-up, Light-General Construction and Landscaping Maintenance Services Agreement (on file with the Records Management Department), with Braughton Construction, Inc., of Rancho Cucamonga, California, with an annual estimated cost of \$285,000; and authorize extension of the agreement for up to two additional one-year terms subject to approved appropriations budgets for the City and Housing Authority.

7. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT NO. 5 FOR FISCAL YEAR 2013-14

That the City Council adopt a resolution establishing the annual special tax within Community Facilities District No. 5 for Fiscal Year 2013-14.

RESOLUTION NO.	

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 5 (FREEWAY INTERCHANGE PROJECT), ESTABLISHING THE ANNUAL SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT NO. 5 FOR FISCAL YEAR 2013-14.

8. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT NO. 9 (EDENGLEN) FOR FISCAL YEAR 2013-14

That the City Council adopt a resolution establishing the annual special tax within Community Facilities District No. 9 (Edenglen) for Fiscal Year 2013-14.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 9 (EDENGLEN), ESTABLISHING THE ANNUAL SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT NO. 9 FOR FISCAL YEAR 2013-14.

9. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT NO. 10 FOR FISCAL YEAR 2013-14

That the City Council adopt a resolution establishing the annual special tax within Community Facilities District No. 10 for Fiscal Year 2013-14.

RESOLUTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 10 (ONTARIO AIRPORT TOWERS), ESTABLISHING THE ANNUAL SERVICES SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT NO. 10 FOR FISCAL YEAR 2013-14.

10. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT NO. 13 FOR FISCAL YEAR 2013-14

That the City Council adopt a resolution establishing the annual special tax within Community Facilities District No. 13 for Fiscal Year 2013-14.

RESOLU	TION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 13 (CALIFORNIA COMMERCE CENTER – PHASE IV), ESTABLISHING THE ANNUAL SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT NO. 13 FOR FISCAL YEAR 2013-14.

11. A RESOLUTION OF INTENT TO ESTABLISH COMMUNITY FACILITIES DISTRICT NO. 21 OF THE CITY OF ONTARIO (PARKSIDE) AND AUTHORIZE THE LEVY OF SPECIAL TAXES

That the City Council:

- (A) Accept the written petition (on file with the Records Management Department) from OF2010 LLC, a Delaware Limited Liability Company ("OF2010"), KB HOME COASTAL INC., a California Corporation ("KB") and Don R. Green and Donna J. Green, Trustees of the Don R. and Donna J. Green Trust ("Green"), (collectively, the "landowners") 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. 21 of the City of Ontario (Parkside); 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 scheduled for Tuesday, August 20, 2013.

RESOLUTION NO.	
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A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, TO ESTABLISH COMMUNITY FACILITIES DISTRICT NO. 21 AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES.

12. ANNUAL LEVY OF ASSESSMENTS WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2, 3 AND 4 FOR FISCAL YEAR 2013-14

That the City Council adopt resolutions pertaining to the levy of assessments within Ontario Parkway Maintenance Assessment Districts (OPMAD) No. 1, 2, 3 and 4:

- (A) A resolution initiating proceedings and ordering the preparation of an Engineer's Report for each district relating to the annual levy of assessments, and
- (B) A resolution giving preliminary approval of the Engineer's Reports, and
- (C) Resolutions declaring the City's intention to levy the special assessments for Fiscal Year 2013-14 and setting the date of July 16, 2013 for a Public Hearing on each district in accordance with the Landscaping and Lighting Act of 1972.

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE PREPARATION OF THE ASSESSMENT ENGINEER'S REPORTS PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, FOR PROCEEDINGS FOR THE ANNUAL ASSESSMENT LEVY WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2, 3 AND 4 FOR FISCAL YEAR 2013-2014.

RESOL	UTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE ASSESSMENT ENGINEER'S REPORTS FOR THE ANNUAL LEVY OF ASSESSMENTS WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2, 3 AND 4 FOR FISCAL YEAR 2013-2014.

RESOL	UTION NO.	
KESUL	OTION NO.	

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2013-2014 IN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2 AND 3, PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON.

RESOLUTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2013-2014 IN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICT NO. 4, PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON.

13. ANNUAL LEVY OF ASSESSMENTS WITHIN STREET LIGHTING MAINTENANCE DISTRICTS NO. 1 AND 2 FOR FISCAL YEAR 2013-14

That the City Council adopt resolutions pertaining to the levy of assessments within Street Lighting Maintenance Districts (SLMD) No. 1 and 2:

- (A) A resolution initiating proceedings and ordering the preparation of an Engineer's Report for each district relating to the annual levy of assessments, and
- (B) A resolution giving preliminary approval of the Engineer's Reports, and
- (C) Resolutions declaring the City's intention to levy the special assessments for Fiscal Year 2013-14 and setting the date of July 16, 2013 for a Public Hearing on each district in accordance with the Landscaping and Lighting Act of 1972.

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE PREPARATION OF THE ASSESSMENT ENGINEER'S REPORTS PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, FOR PROCEEDINGS FOR THE ANNUAL ASSESSMENT LEVY WITHIN ONTARIO STREET LIGHTING MAINTENANCE DISTRICTS NO. 1 AND NO. 2 FOR FISCAL YEAR 2013-2014.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE ASSESSMENT ENGINEER'S REPORTS FOR THE ANNUAL LEVY OF ASSESSMENTS WITHIN ONTARIO STREET LIGHTING MAINTENANCE DISTRICTS NO. 1 AND NO. 2 FOR FISCAL YEAR 2013-2014.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2013-2014 IN ONTARIO STREET LIGHTING MAINTENANCE DISTRICT NO. 1 PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2013-2014 IN ONTARIO STREET LIGHTING MAINTENANCE DISTRICT NO. 2, PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON.

14. AMENDMENT TO THE AGREEMENT WITH ALL CITY MANAGEMENT SERVICES, INC. FOR CROSSING GUARD SERVICES/ALL CITY MANAGEMENT SERVICES, INC.

That the City Council authorize the City Manager to execute an amendment to the existing Professional Services Agreement (on file with Records Management Department) with All City Management Services, Inc., of Santa Fe Springs, California, extending the agreement for three years at an estimated annual cost of \$261,599; authorize future extensions based upon mutual consent and agreement on terms; and authorize the City Manager to modify service locations on an as-needed basis consistent with City Council approved budgets.

15. STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY AND DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL GRANT PROGRAMS

That City Council authorize the City Manager to accept and execute grant documents to accept two 12-month grants totaling \$142,500 to assist in funding multi-agency task force operations and overtime enforcement operations for the California Office of Traffic Safety (OTS) and the Alcoholic Beverage Control (ABC) to address alcohol-related problems in the community.

16. CONSTRUCTION CONTRACT FOR WATER MAIN IMPROVEMENTS AT EUCLID AVENUE, DEODAR STREET AND VARIOUS LOCATIONS/TK CONSTRUCTION

That the City Council approve the plans and specifications and authorize the City Manager to execute for the Water Main Improvements at Euclid Avenue, Deodar Street and Various Locations Project; award Contract No. UT1112-07 (on file with Records Management Department) to TK Construction of San Bernardino, California, in the amount \$1,407,486 plus a 15% contingency (\$211,123) for a total of \$1,618,609; and authorize the filing of a notice of completion at the construction activities related to the project.

17. A RESOLUTION APPROVING AN APPLICATION FOR THE USED OIL PAYMENT PROGRAM CYCLE 4 (FISCAL YEAR 2013-14) FROM THE DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE)

That the City Council adopt a resolution approving an application for the Used Oil Payment Program Cycle 4 (Fiscal Year 2013-14) from the State of California Department of Resources Recycling and Recovery (CalRecycle), and authorize the City Manager or his designee to execute all necessary documents to participate in the program.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE SUBMITTAL OF AN ANNUAL APPLICATION TO PARTICIPATE IN THE USED OIL PAYMENT PROGRAM CYCLE 4 (FISCAL YEAR 2013-14) FROM THE STATE OF CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CalRecycle).

18. CONSTRUCTION CONTRACT FOR THE REPLACEMENT OF CONCRETE PARKING LOT LIGHT POLE FOUNDATIONS AND FIXTURES AT THE POLICE DEPARTMENT/RYMAX ELECTRIC, INC.

That the City Council award Contract No. MS 1213-6 (on file in the Records Management Department) to Rymax Electric, Inc., of Upland, California, in the amount of \$134,765 plus a 15% contingency of \$20,215 for a total of \$154,980 for the replacement of concrete parking lot light pole foundations and fixtures at the Police Department; authorize the City Manager to execute said contract and authorize the filing of the notice of completion at the conclusion of all construction activities.

19. PURCHASE OF A REPLACEMENT POLICE VEHICLE/WONDRIES FLEET GROUP

That the City Council authorize the purchase and delivery of one 2013 Chevrolet Tahoe Police Pursuit Vehicle from Wondries Fleet Group of Alhambra, California, in an amount not to exceed \$32,992 under the Cooperative Purchase Provision of the Los Angeles County Sheriff's Department, Purchase Order No. PO-SH-13321655-1.

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 RECEIVE AND RESPOND TO PUBLIC COMMENTS ON THE REPORT ON THE CITY'S WATER QUALITY RELATIVE TO PUBLIC HEALTH GOALS

That the City Council hold a public hearing to receive and respond to public comments on the Report on the City's Water Quality Relative to Public Health Goals in accordance with the Calderon-Sher Safe Drinking Water Act of 1996 and California Health and Safety Code Section 116470.

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. 21. A GENERAL PLAN AMENDMENT (FILE NO. PGPA 11-002) TO CHANGE THE LAND USE DESIGNATIONS ON CERTAIN PROPERTIES LOCATED THROUGHOUT THE CITY AND MODIFY THE FUTURE BUILDOUT TABLE TO BE CONSISTENT WITH THE LAND USE DESIGNATION CHANGES

That the City Council hold a public hearing to consider adoption of a resolution approving an addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) adopted by City Council on January 27, 2010; and adopt a resolution approving General Plan Amendment File No. PGPA11-002 changing the land use designations of certain properties on the Official Land Use Plan (Policy Plan Exhibit LU-01) and modifying the Buildout table (Policy Plan Exhibit and LU-03) to be consistent with the land use designation changes.

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.

RESOI	UTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING AN ADDENDUM TO THE ONTARIO PLAN ENVIRONMENTAL IMPACT REPORT FOR FILE NO. PGPA11-002, FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND MAKING FINDINGS IN SUPPORT THEREOF.

RESOLUTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PGPA11-002, A GENERAL PLAN AMENDMENT TO REVISE THE LAND USE ELEMENT OF THE POLICY PLAN, FIGURE LU-01 OFFICIAL LAND USE PLAN AND FIGURE LU-03: FUTURE BUILDOUT, AND MAKING FINDINGS IN SUPPORT THEREOF – APNS: VARIOUS (SEE EXHIBIT A).

22. AN ORDINANCE FOR A ZONE CHANGE (FILE NO. PZC12-003) TO CHANGE THE ZONING DESIGNATIONS ON CERTAIN PROPERTIES LOCATED THROUGHOUT THE CITY IN ORDER TO MAKE THE ZONING OF THE PROPERTIES CONSISTENT WITH THE LAND USE DESIGNATIONS OF THE POLICY PLAN (GENERAL PLAN) OF THE ONTARIO PLAN

That the City Council hold a public hearing to consider adoption of a resolution approving an addendum to The Ontario Plan Environmental Impact Report analyzing the environmental effects of the Project, pursuant to State CEQA Guidelines section 15164; and introduce and waive further reading of an ordinance approving Zone Change File No. PZC12-003 to change the zoning designations on certain properties located throughout the City making the zoning of the properties consistent with the Policy Plan (General Plan) of The Ontario Plan land use designations of the properties.

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.

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING AN ADDENDUM TO THE ONTARIO PLAN ENVIRONMENTAL IMPACT REPORT FOR FILE NO. PZC12-003, FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND MAKING FINDINGS IN SUPPORT THEREOF.

ORDINANCE NO.	
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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC12-003, A CHANGE IN THE ZONING DESIGNATIONS FOR CERTAIN PROPERTIES IN THE CITY OF ONTARIO TO MAKE THE ZONING CONSISTENT WITH THE ONTARIO PLAN LAND USE DESIGNATIONS OF THE PROPERTIES, AND MAKING FINDINGS IN SUPPORT THEREOF – APNS: VARIOUS (SEE EXHIBIT A).

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

Agenda Report June 18, 2013

ENVIRONMENTAL IMPACT REPORT

SECTION: CONSENT CALENDAR

SUBJECT: A RESOLUTION AUTHORIZING THE INITIATION OF IMPASSE APPEAL PROCEEDINGS WITH THE LOS ANGELES COUNTY AIRPORT LAND USE COMMISSION RELATING TO THE CITY OF LOS ANGELES' AND LOS ANGELES WORLD AIRPORTS' APPROVAL OF THE LOS ANGELES INTERNATIONAL AIRPORT SPECIFIC PLAN AMENDMENT STUDY PROJECT AND CERTIFICATION OF THE RELATED FINAL

RECOMMENDATION: That the City Council adopt a resolution authorizing the initiation of impasse appeal proceedings with the Los Angeles County Airport Land Use Commission ("ALUC") relating to the City of Los Angeles' ("LA") and Los Angeles World Airports' ("LAWA") approval of the Los Angeles International Airport Specific Plan Amendment Study project ("SPAS Project") and certification of the related Final Environmental Impact Repor ("FEIR").

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

Pursue City Goals and Objectives by Working with Other Governmental Agencies

FISCAL IMPACT: The cost of the impasse appeal process will be shared equally among the co-petitioners which currently include Ontario, the County of San Bernardino, and the City of Culver City. It is estimated that Ontario's share of the costs will be \$5,000.

BACKGROUND: On April 30, 2013, after a lengthy process during which various agencies and organizations submitted extensive public comments in opposition, the LA City Council approved the Specific Plan Amendment Study (SPAS) related to the proposed expansion at Los Angeles International Airport (LAX) and certified the related FEIR. The SPAS Project was a result of a stipulated settlement in a 2005 lawsuit against Los Angeles; and the goal of the SPAS process was to identify amendments to the LAX Specific Plan in considering the expansion and improvement of LAX in a manner designed for a capacity of 78.9 million passengers annually, while enhancing safety and security, minimizing

STAFF MEMBER PRESENTING: Chris Hughes, City Manager

Prepared by:	Al Boling	Submitted to Council/O.H.A. 06 18 201	3
Department:	Citywide Administration	Approved: Continued to:	
City Manager Approval:	/ h//	Denied:	_
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environmental impacts on the surrounding communities and creating conditions that encourage airlines to fly to other airports in the region.

The approval of the SPAS Project by the LA City Council was preceded by the LA City Planning Commission's recommendation of approval and ALUC's finding that the SPAS Project is consistent with the LA County Airport Land Use Compatibility Plan.

Several parties, including the City of Ontario, submitted comments on the Draft Environmental Impact Report ("DEIR") and the FEIR for the SPAS Project and/or provided testimony (either in person or in writing) during the hearings for each stage of the approval process. The comments addressed numerous concerns including noise impacts to the areas next to or near LAX; increases in airport-related traffic as LAX's capacity expands; potential shifts in local traffic patterns resulting from the development of new ground transportation facilities at LAX; and air quality impacts on nearby communities, particularly if runways are relocated. The comments and testimony also concluded that the FEIR is inadequate because: (1) it fails to adequately analyze the Project's capacity-enhancing impacts; (2) the Project was not consistent with the Los Angeles County Airport Land Use Plan; and (3) it fails to adequately analyze the air quality, greenhouse gas, noise, land use and planning and surface traffic impacts of the Project. In conclusion, the FEIR did not provide for adequate mitigation of these and other impacts, including regionalization alternatives such as the use of Ontario International Airport (ONT).

Based on the inadequacies in the FEIR's evaluation and mitigation of project impacts, and with regard to the SPAS Project approval, Ontario, the County of San Bernardino, and the City of Culver City have agreed to file a challenge to ALUC's determination that the SPAS Project is consistent with the LA County Airport Land Use Compatibility Plan. This process is called an "impasse appeal" and applies only to the County of Los Angeles' actions. Under the impasse appeal procedures, if ALUC changes its determination of consistency, LAWA would not be able to go forward with the SPAS Project, unless the LA City Council votes, by a super majority, to overturn it.

ALUC requires a formal resolution of the governing body of the public jurisdiction bringing the appeal which in this case are the co-petitioners of Ontario, County of San Bernardino, and the City of Culver City.

RESOLUTION N	10.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE INITIATION OF IMPASSE APPEAL PROCEEDINGS WITH THE LOS ANGELES COUNTY AIRPORT LAND USE COMMISSION RELATING TO THE CITY OF LOS ANGELES' AND LOS ANGELES WORLD AIRPORTS' APPROVAL OF THE LOS ANGELES INTERNATIONAL AIRPORT SPECIFIC PLAN AMENDMENT STUDY PROJECT AND CERTIFICATION OF RELATED FINAL ENVIRONMENTAL IMPACT REPORT.

WHEREAS, on April 30, 2013, after a lengthy process during which the City of Ontario ("City") submitted comments in opposition, the Los Angeles ("LA") City Council approved the Specific Plan Amendment Study project ("SPAS Project") related to the proposed expansion at Los Angeles International Airport ("LAX") and certified the related Final Environmental Impact Report ("FEIR"); and

WHEREAS, the approval of the SPAS Project by the LA City Council was preceded by the LA City Planning Commission's recommendation of approval and the Los Angeles County Airport Land Use Commission's ("ALUC") finding that the SPAS Project is consistent with the LA County Airport Land Use Compatibility Plan ("ALUCP"); and

WHEREAS, the City's comments and testimony during this process concluded that the FEIR is inadequate because, among other things, the SPAS Project is not consistent with the ALUCP; and

WHEREAS, the City desires to challenge ALUC's determination that the SPAS Project is consistent with the ALUCP by the filing of an Impasse Appeal.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ONTARIO AS FOLLOWS:

<u>SECTION 1</u>. The City Council authorizes the initiation of Impasse Appeal proceedings with the Los Angeles County Airport Land Use Commission relating to the City of Los Angeles' and Los Angeles World Airports' approval of the Los Angeles International Airport Specific Plan Amendment Study project and certification of the related Final Environmental Impact Report.

<u>SECTION 2</u>. The City Council hereby authorizes the City Attorney, or designee, in consultation with the City Manager, to execute and submit all documents including, but not limited to applications, memorandums and legal briefs, which may be necessary for the Impasse Appeal process.

<u>SECTION 3</u>. The City Clerk shall forward a certified copy of this Resolution to the Los Angeles County Airport Land use Commission.

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

PASSED, APPROVED, AND ADOPTED this 18th 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		

	CALIFORNIA F SAN BERNARDINO ITARIO))
foregoing Re	esolution No. 2013- was	e City of Ontario, DO HEREBY CERTIFY that duly passed and adopted by the City Council of ting held June 18, 2013 by the following roll call
AYES:	COUNCIL MEMBERS:	
NOES:	COUNCIL MEMBERS:	
ABSENT:	COUNCIL MEMBERS:	
		MARY E. WIRTES, MMC, CITY CLERK
(SEAL)		
	ng is the original of Resolution Council at their regular mee	on No. 2013- duly passed and adopted by the eting held June 18, 2013.
		MARY E. WIRTES, MMC, CITY CLERK
(SEAL)		

CITY OF ONTARIO

Agenda Report June 18, 2013

SECTION: CONSENT CALENDAR

SUBJECT: A PROFESSIONAL SERVICES AGREEMENT FOR EMPLOYEE SUPPORT AND COUNSELING SERVICES

RECOMMENDATION: That the City Council authorize the City Manager to execute a three-year professional services agreement (on file with the Records Management Department) with The Counseling Team International, of San Bernardino, California, for on-going employee support services with an estimated annual cost of \$80,000; and authorize extension of the agreement for up to two one-year periods under the same terms and conditions and subject to City Council approved budgets.

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

FISCAL IMPACT: The estimated annual cost for employee support and counseling services is \$80,000 with the actual cost for any given fiscal year dependent upon the services required by City departments. The proposed hourly bill rates range from \$50 to \$250 depending upon services to be provided and will be fixed for the entire five-year period. Appropriations are included in the City's baseline budget, and funding for subsequent years will be included in the proposed operating budgets for the respective fiscal years subject to City Council approval.

BACKGROUND: The City recently solicited proposals from experienced firms capable of providing a variety of employee support services such as Employee Assistance Program (EAP) services, critical incident intervention and debriefing, pre-employment applicant psychological testing, hostage negotiations, and in-service training. The Counseling Team International was one of two firms that submitted a response and was the only firm offering all the required services. The Counseling Team International provides employee support services to over 50 organizations including cities, counties, school districts, police and fire departments, and private companies. The Counseling Team has contracted with the City and provided satisfactory services for the last 23 years.

STAFF MEMBER PRESENTING: Al Boling, Deputy City Manager

Prepared by: Ramon Figueroa	Submitted to Council/O.H.A. 06/18/2013	3
Department: Human Resources	Approved:	
	Continued to:	
City Manager / //	Denied:	_
Approval:	3	

CITY OF ONTARIO

Agenda Report June 18, 2013

SECTION: CONSENT CALENDAR

SUBJECT: A RESOLUTION SUPPORTING THE RENEWAL, EXPANSION, RENAMING, AND ADMINISTRATION OF THE SAN BERNARDINO COUNTY RECYCLING MARKET DEVELOPMENT ZONE

RECOMMENDATION: That the City Council adopt a resolution supporting the renewal, expansion, renaming, and administration of the San Bernardino County Recycling Market Development Zone; inclusion of the City of Ontario into the expanded zone; and the approval and adoption of the initial study and negative declaration.

COUNCIL GOALS: <u>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</u>

FISCAL IMPACT: There are no additional costs to the City associated with participation in this program. The recycling market development zone provides technical and financial incentives to stimulate development of post-consumer and secondary materials markets for recyclables, and is an additional benefit to doing business in Ontario.

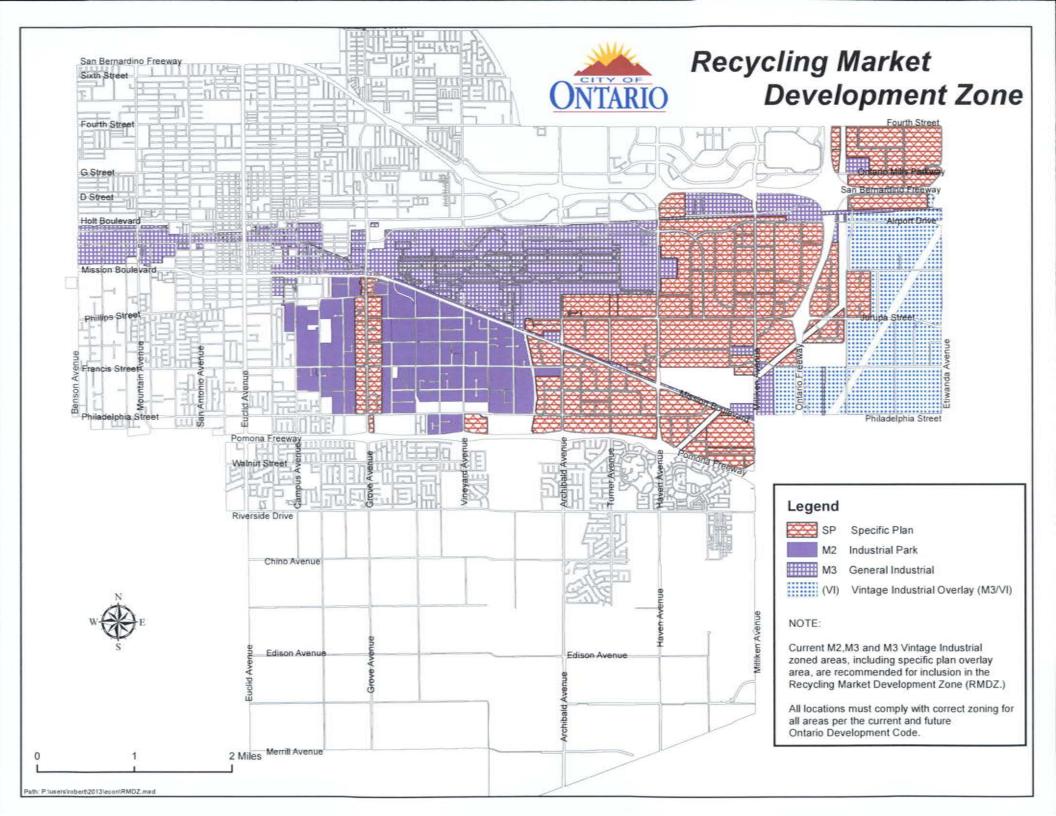
BACKGROUND: The Recycling Market Development Zone ("RMDZ") is a State program that focuses on bringing recycling-oriented businesses and jobs to local markets. San Bernardino County is taking over the local RMDZ from Riverside County and is looking for more involvement from cities.

The RMDZ program provides participating businesses with several incentives to keep them in the program. The program will assist manufacturers with locating manufacturing materials, finding markets in which to sell products, and marketing products on their website. Businesses will also receive permitting referral, siting, and loans for equipment and business related expenses.

STAFF MEMBER PRESENTING: John Andrews, Economic Development Director

Prepared by:	John Andrews	Submitted to Council/O.H.A.	06/18/2013
Department:	Economic Development	Approved:	
City Manager	/1///	Continued to: Denied:	
Approval:	h		4

If approved, the Economic Development Agency staff will market the program to increase new business participation, and the RMDZ program will offer assistance to the City to help retain and attract qualifying businesses. The RMDZ program requires the City to provide information to meet State requirements. The City Council must adopt a resolution, and the City must provide a quarterly review of all participating businesses to the County. This commitment will run through March 2023. The recommended RMDZ benefit area is shown on the provided location map, and corresponds to the M2 and M3 area within the Ontario City limits.



	RESOLUTION	NO.
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, SUPPORTING THE RENEWAL, EXPANSION, RENAMING, AND ADMINISTRATION OF THE SAN BERNARDINO COUNTY RECYCLING MARKET DEVELOPMENT ZONE AND THE APPROVAL AND ADOPTION OF THE INITIAL STUDY AND NEGATIVE DECLARATION.

WHEREAS, the California Public Resources Code Section 42010 provides for the establishment of the Recycling Market Development Zone (RMDZ) program throughout the state to provide incentives to stimulate development of post-consumer and secondary materials markets for recyclables; and

WHEREAS, the existing Agua Mansa Recycling Market Development Zone (RMDZ) includes portions of unincorporated San Bernardino and Riverside counties and portions of the cities of Colton, Rialto, Riverside, and San Bernardino; and

WHEREAS, the existing Agua Mansa RMDZ shall be: (1) renamed as the San Bernardino County Recycling Market Development Zone (RMDZ); (2) administered by the County of San Bernardino Economic Development Agency; and (3) expanded and redefined to include select unincorporated communities and incorporated cities in the County of San Bernardino; and

WHEREAS, the reconstituted San Bernardino County RMDZ shall exclude all communities and cities located in Riverside County; and

WHEREAS, the San Bernardino County RMDZ shall exclude communities currently participating in the Chino Valley, Hesperia and High Desert RMDZs, which includes the municipalities of Apple Valley, Barstow, Chino, Chino Hills, Hesperia, Twentynine Palms, Victorville and Yucca Valley; and

WHEREAS, the San Bernardino County RMDZ includes the entire following cities with development permitted in appropriate zones: Colton, Fontana, Montclair, Rancho Cucamonga, Rialto, San Bernardino, and Yucaipa; and

WHEREAS, the San Bernardino County RMDZ in the City of Ontario only includes M2 and M3 industrial zones and certain Specific Plan and Vintage Industrial zone overlay areas; and

WHEREAS, the San Bernardino County RMDZ includes unincorporated communities in the valley portion of the County of San Bernardino, which has a northern boundary from coordinates -117.653, 34.259 to -117.311, 34.259, an eastern boundary from coordinates -117.311, 34.259 to -116.93, 34.034, and the county line representing the southern and western boundaries; and

WHEREAS, cities and counties must meet a 50 percent reduction in landfill waste disposal as mandated in the California Integrated Waste Management Act; and

WHEREAS, the San Bernardino County RMDZ is dedicated to establishing, sustaining, and expanding recycling-based manufacturing businesses, which is essential for market development and to assist local jurisdictions to meeting the established landfill reduction goals; and

WHEREAS, the Agua Mansa RMDZ designation will expire in March 2013 unless renewed by the County of San Bernardino and re-designated by the California Department of Resources Recycling and Recovery (CalRecycle); and

WHEREAS, City of Ontario still desires existing and new recycling-based manufacturing businesses locating within the region to be eligible for the technical and financial incentives associated with the RMDZ program; and

WHEREAS, the renewal of the San Bernardino County RMDZ is still necessary to facilitate local and regional planning, coordination, and support of existing recycling-based manufacturing businesses, as well as attract private sector recycling business investments to the region; and

WHEREAS, the continued development of local markets for recycled materials would reduce the need to transport them out of the region in the future; and

WHEREAS, the current and proposed waste management practices and conditions are favorable to the development of post-consumer and secondary waste materials markets; and

WHEREAS, City of Ontario will assist the San Bernardino County RMDZ Administrator market and promote RMDZ benefits, contact prospective businesses, and provide data to complete annual and other reporting documents within their local jurisdiction; and

WHEREAS, the San Bernardino County RMDZ does not supersede nor attempt to change local land use, planning and zoning regulations as enforced by City of Ontario; and

WHEREAS, the City of Ontario shall inform economic development and solid waste professionals in their jurisdiction the benefits of the San Bernardino County RMDZ; and

WHEREAS, the California Legislature has defined environmental justice as "the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies" [Government Code section 65040.12(e)], and has directed the California Environmental Protection Agency to conduct its programs, policies, and activities that substantially affect human health or the environment in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations of the state [Public Resources Code section 71110(a)]; and

WHEREAS, CalRecycle has adopted a goal to continuously integrate environmental justice concerns into all of its programs and activities; and

WHEREAS, the County of San Bernardino as Lead Agency under the California Environmental Quality Act, has prepared, or caused to be prepared, and adopted a Negative Declaration for this zone renewal project that finds that the project will not have a significant impact on the environment; and

WHEREAS, the City of Ontario has reviewed and finds that the information in the Negative Declaration adopted by the County of San Bernardino for the zone renewal project will not have a significant impact on the environment.

NOW, THEREFORE, the City of Ontario resolves as follows:

<u>SECTION 1</u>. Approves the submittal of a Recycling Market Development Zone renewal application to include City of Ontario.

SECTION 2. Agrees to participate in the RMDZ program in a manner that seeks to ensure the fair treatment of people of all races, cultures and incomes, including but not limited to soliciting public participation in all communities within the RMDZ.

SECTION 3. The City of Ontario hereby adopts the Negative Declaration.

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

PASSED, APPROVED, AND ADOPTED this 18th 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

	CALIFORNIA F SAN BERNARDINO NTARIO	
foregoing Re	esolution No. 2013- was d	City of Ontario, DO HEREBY CERTIFY that luly passed and adopted by the City Council of ng held June 18, 2013 by the following roll call
AYES:	COUNCIL MEMBERS:	
NOES:	COUNCIL MEMBERS:	
ABSENT:	COUNCIL MEMBERS:	
	ī	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 18, 2013.		
	Ĩ	MARY E. WIRTES, MMC, CITY CLERK
(SEAL)		

CITY OF ONTARIO

Agenda Report June 18, 2013

SECTION: CONSENT CALENDAR

SUBJECT: PROFESSIONAL SERVICES AGREEMENT TO MAINTAIN THE CITY'S TRAFFIC SIGNALS AND TRAFFIC SIGNAL SYSTEM

RECOMMENDATION: That the City Council approve a one-year professional services agreement (on file in the Records Management Department) with Siemens Industry, Inc. of Novato, California, for an estimated annual amount of \$497,125; authorize the extension of the agreement for up to four additional one-year periods; and authorize the City Manager to execute said agreement and future amendments or extensions subject to City Council appropriations.

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

<u>Maintain the Current High Level of Public Safety</u>

FISCAL IMPACT: The recurring baseline Operating Budget includes appropriations of \$535,600 for traffic signal system maintenance services. The projected annual cost for the one-year term beginning July 1, 2013 is \$497,125. The contract may be extended at the discretion of the City for up to four additional years with any increases to billing rates to be negotiated for each year but limited to the change in the Consumer Price Index and subject to City Council approved budgets.

BACKGROUND: The City is responsible for maintaining 181 traffic signals throughout Ontario. The current contract for traffic signal maintenance services is set to expire on June 30, 2013. A request for proposals for traffic signal maintenance services was issued in April 2013. Three qualified proposals were received and evaluated by City staff based on company longevity, qualified technicians, company experience, references, and company resources. Staff also reviewed the associated costs and finds them to be in line with market rates for the associated work as well as comparable to the previous years' contract labor, material and equipment rates. Siemens Industry, Inc. has successfully provided these maintenance services to the City, as did Siemens' predecessor company Republic ITS. Accordingly, staff recommends award of this services agreement to Siemens Industry, Inc.

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

Prepared by:		Submitted to Council/O.H.A.	06/18/2013
Department: City Manager	Engineering	Approved: Continued to: Denied:	
Approval:		5	

CITY OF ONTARIO

Agenda Report June 18, 2013

SECTION: CONSENT CALENDAR

SUBJECT: ON-CALL BOARD-UP, LIGHT-GENERAL CONSTRUCTION AND LANDSCAPE MAINTENANCE SERVICES AGREEMENT

RECOMMENDATION: That the City Council and Housing Authority Board authorize the City Manager/Executive Director to execute a one-year On-call Board-up, Light-General Construction and Landscaping Maintenance Services Agreement (on file with the Records Management Department), with Braughton Construction, Inc., of Rancho Cucamonga, California, with an annual estimated cost of \$285,000; and authorize extension of the agreement for up to two additional one-year terms subject to approved appropriations budgets for the City and Housing 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

Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: The contractor will be compensated on an on-call, as-needed basis at the billing rates set forth in the agreement for the various services to be provided. The fee structure will remain fixed for the duration of the initial term and extension periods. The actual costs for any given fiscal year will be dependent upon the type and nature of the on-call work required by the City and/or Housing Agency; and shall not exceed the amounts allocated in the respective years' approved budgets. The estimated annual cost for both City (Code Enforcement Department) and Housing Agency contract services needs is \$285,000. Services required by the Housing Agency's Quiet Home Program will be funded through Federal Aviation Administration (FAA) and/or Los Angeles World Airports (LAWA) Part 150 grants.

BACKGROUND: There is a regular need for contract on-call services to address emergency maintenance issues (i.e., building board ups, clean-ups, weed abatement, landscaping, light construction, etc.) on public and privately-owned properties. The current agreement will expire on June 30, 2013. To ensure that on-call services continue to be available to the City and Authority, staff issued a Request for

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

Prepared by:	Sam C. Delgado	Submitted to Council/O.H.A. 06/18/2013
Department:	Housing Agency	Approved:
City Manager	//	Continued to: Denied:
Approval:	() h	6

Proposals (RFP), in accordance with the City and Federal Aviation Administration (FAA) procurement guidelines.

The RFP was advertised in the Inland Valley Daily Bulletin and posted on the City's online bidding system. Staff reviewed the two responses received based on responsiveness, completeness, qualifications and references. The proposal submitted by ACE CD, Inc., of Glendora, California, was determined to be incomplete. Braughton Construction's proposal was determined to be complete, and staff finalized an agreed-upon scope of services and successfully negotiated a fee schedule. This fee schedule for the various services that may be required will remain fixed for the duration of the agreement including extension periods. The initial term of the Agreement is for one year with the ability to extend for up to two additional one-year periods. Total compensation for the initial term and subsequent term extensions will be subject to the amounts allocated in the approved City and Authority budgets for each fiscal year.

It is anticipated that the on-call services will be primarily used by the Quiet Home Program, Code Enforcement Department and the Housing Agency. However, the agreement is structured such that it can be used by any City department, when needed. For the last three years, Braughton Construction has provided similar services to the City and Authority with a high level of responsiveness to on-call service needs and satisfactory work product. Based on the qualifications of the selected contractor, negotiated rate schedules, and references, staff recommends award of the on-call board-up, light-general construction and landscaping maintenance services agreement to Braughton Construction.

CITY OF ONTARIO

Agenda Report June 18, 2013

SECTION: CONSENT CALENDAR

SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT NO. 5 FOR FISCAL YEAR 2013-14

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within Community Facilities District No. 5 for Fiscal Year 2013-14.

COUNCIL GOALS: <u>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</u>

Operate in a Businesslike Manner

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

FISCAL IMPACT: Special tax revenue, required to pay debt service on the District's outstanding bonds, administration and incidental expenses in the coming year, will be generated in the amount of \$810,475.

BACKGROUND: On June 6, 1995, the City Council adopted Resolution No. 95-65 establishing the formation of Community Facilities District No. 5, as shown on the attached location map. Community Facilities District No. 5 was formed to provide funding for the construction of three projects, as follows:

- Improvement of the Milliken Avenue/I-10 Freeway Interchange,
- Improvement of the Fourth Street/I-15 Freeway Interchange, and
- Improvement of Milliken Avenue from the I-10 Freeway to the south side of Guasti Road, including portions of Guasti Road east and west of Milliken Avenue to the entrances of the two truck stops.

These improvements are vital to traffic circulation in the northeastern portion of Ontario, to the Ontario Mills, to The Ontario Center, and to the truck stops south of the I-10 Freeway at Milliken Avenue.

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

Prepared by:	Bob Chandler	Submitted to Council/O.H.A. 06/18/201	3
Department:	Management Services	Approved: Continued to:	_
City Manager Approval:	Denied: 7	_	

On September 12, 1995, upon conclusion of the property owner election, the District received an eighty-two and one-half percent (82.5%) affirmative vote of the property owners in favor of approving the sale of bonds and the levy of an annual special tax to secure the bonded indebtedness. On July 15, 1997, the City Council adopted Resolution No. 97-059, authorizing the issuance of \$12,000,000 in bonds, and Ordinance No. 2639, authorizing the levy of an annual special tax.

Due to the varying levels of benefit received by the properties within the District from the improvements, the District is divided into two tax rate zones identified as Zone A and Zone B. The special tax for the properties within Zone B was prepaid prior to the issuance of bonds; therefore, there is no special tax levy on the properties within Zone B of this District.

The modification of the Fourth Street/I-15 Freeway Interchange was completed in March 1997. The Milliken Avenue and Guasti Road project was completed in January 1999. The modification of the Milliken Avenue/I-10 Freeway Interchange was completed in May 2001. Bond proceeds have been fully expended and the District has no further obligation for funding the improvements.

The adoption of a resolution by the City Council is required annually to establish the special tax rates to be levied, until the bonds mature in 2017. The tax rates required for Fiscal Year 2013-14 are \$1,399.43 per Taxable Acre for Zone A, and \$0.00 per Taxable Acre for Zone B, where the property owners have prepaid their tax obligation. The tax rates for Fiscal Year 2012-13 were \$1,410.41 per Taxable Acre for Zone A, and \$0.00 per Taxable Acre for Zone B. This special tax finances the annual debt service, administration and incidental expenses for the bonds issued by the District. The maximum annual special tax that may be levied is \$2,500.00 per Taxable Acre within Zone A.

RESOLUTION	NO.
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 5 (FREEWAY INTERCHANGE PROJECT), ESTABLISHING THE ANNUAL SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT NO. 5 FOR FISCAL YEAR 2013-14.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982," being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as COMMUNITY FACILITIES DISTRICT NO. 5 (FREEWAY INTERCHANGE PROJECT) (hereinafter referred to as "District"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 2639 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a special tax to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rates of the special tax to be collected for the specified Fiscal Year.

NOW. THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates and amount of the special tax to be collected to pay for the costs and expenses for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A."

SECTION 3. That the rates as set forth above does not exceed the amount as previously authorized by Ordinance of this legislative body, and is not in excess of that as previously approved by the qualified electors of the District.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution, together with a list of all parcels subject to the special tax for the above specified Fiscal Year and the amount of the special tax to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10th; provided, however, that such may be filed after August 10th, but not later than August 21st, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

- <u>SECTION 5.</u> That the proceeds of the special tax shall be used only to pay the following costs and expenses:
 - (a) Debt service on all bonds or other indebtedness issued to finance those facilities and incidental expenses authorized to be financed by the District (including the costs of any credit enhancement);
 - (b) Costs of those facilities authorized to be financed by the District;
 - (c) Costs incurred by the District and the City in the annual levy and collection of the special taxes;
 - (d) Administrative costs of the District; and
 - (e) Any amounts required to replenish any reserve funds established in association with bonds issued to finance those facilities and incidental expenses authorized to be financed by the District.
- SECTION 6. The special tax shall be collected in the same manner as ordinary ad valorem property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for ad valorem taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any said special tax.
- <u>SECTION 7.</u> All monies above collected shall be paid into the Community Facilities District No. 5 Fund.
- <u>SECTION 8.</u> The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "Ontario C.F.D. No. 5, Special Tax," or by any other suitable designation, the installment of the special tax.
- SECTION 9. The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.
- SECTION 10. This legislative body hereby certifies that the levy of the special tax was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIIIA and XIIIC of the Constitution of the State of California.

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

PASSED, APPROVED, AND ADOPTED this 18th 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	

	CALIFORNIA F SAN BERNARDINO ITARIO))
foregoing Re	esolution No. 2013- was	ne City of Ontario, DO HEREBY CERTIFY that duly passed and adopted by the City Council of ting held June 18, 2013 by the following roll call
AYES:	COUNCIL MEMBERS:	
NOES:	COUNCIL MEMBERS:	
ABSENT:	COUNCIL MEMBERS:	
		MARY E. WIRTES, MMC, CITY CLERK
(SEAL)		WART E. WILLES, MINIO, OTT I GEETING
(02/12)		
	g is the original of Resoluti Council at their regular mee	on No. 2013- duly passed and adopted by the eting held June 18, 2013.
		MARY E. WIRTES, MMC, CITY CLERK
(SEAL)		

EXHIBIT "A"

CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 5 (FREEWAY INTERCHANGE PROJECT)

SPECIAL TAX RATES FOR FISCAL YEAR 2013-14

The Community Facilities District has been divided into two (2) Tax Rate Zones:

- Zone "A": Properties generally located north of the I-10 freeway, which primarily benefit from the improvement of the Milliken Avenue/I-10 Freeway Interchange, and the improvement of the Fourth Street/I-15 Freeway Interchange.
- Zone "B": Properties generally located south of the I-10 Freeway, which primarily benefit from the improvement of the Milliken Avenue/I-10 Freeway Interchange, and the improvement of Milliken Avenue from the I-10 Freeway to the south side of Guasti Road, and portions of Guasti Road east and west of Milliken Avenue.

The rate of the special tax for each zone is as follows:

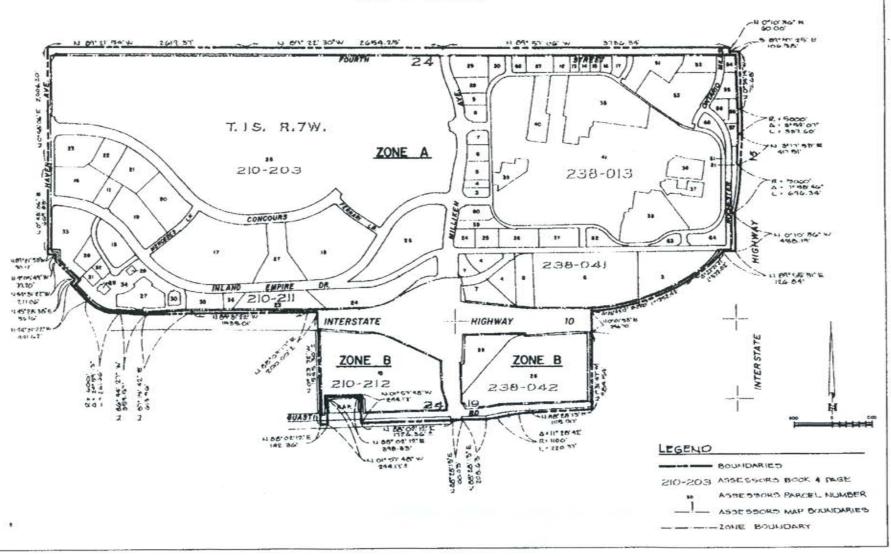
Zone "A": \$1,399.43 per Taxable Acre Zone "B": \$0.00 per Taxable Acre

For the purpose of calculating the special tax, "Taxable Acre" shall be as defined in Ordinance No. 2639, which authorizes the levy of the special tax.

The above rates are based on the amount required to pay debt service on the outstanding bonds, together with any adjustments required, as authorized by ordinance. Data used in the calculation of the rates relative to parcel acreage and taxable status may change prior to issuance of the tax bills by the County. If changes do occur, the amount levied upon each property shall be adjusted.

COMMUNITY FACILITIES DISTRICT NO. 5 (FREEWAY INTERCHANGE DISTRICT)

CITY OF ONTARIO, COUNTY OF SAN BERNARDINO STATE OF CALIFORNIA



CITY OF ONTARIO

Agenda Report June 18, 2013

SECTION: CONSENT CALENDAR

SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT NO. 9 (EDENGLEN) FOR FISCAL YEAR 2013-14

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within Community Facilities District No. 9 (Edenglen) for Fiscal Year 2013-14.

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

Operate in a Businesslike Manner

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

FISCAL IMPACT: Special tax revenue will be generated in the amount of \$488,097 to fund City services, administration and incidental expenses.

BACKGROUND: On March 20, 2007, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of Community Facilities District No. 9 (Edenglen) with the adoption of Resolution No. 2007-036, declaring the City's intention to establish the District and to authorize the levy of special taxes, and Resolution No. 2007-037, to issue bonds for the District. On May 1, 2007, the City Council adopted Resolution No. 2007-056 establishing the formation of the District.

Upon a successful property owner election, the City Council adopted Ordinance No. 2860 on May 15, 2007, authorizing the levy of special taxes for the District to finance facilities (Special Tax A) and to fund City services (Special Tax B). Due to the downturn in the housing market, Edenglen Ontario LLC, the developer, retracted its request for bond financing of facilities. On October 16, 2007, the City Council adopted Resolution No. 2007-120 determining that Special Tax A for facilities cease to be levied. Special Tax B for City services remains in full force and effect.

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

Prepared by:	Bob Chandler	Submitted to Council/O.H.A. 06/18/2013
Department:	Management Services	Approved:
City Manager	01/	Continued to: Denied:
Approval:	- Ca/L	8

The District, as shown in the attached boundary map, is within the westerly portion of the Edenglen Specific Plan development within the New Model Colony. The Edenglen Specific Plan addresses the development of approximately 160 acres and is generally located on the south side of Riverside Drive, north of Chino Avenue, west of Milliken Avenue and east of Mill Creek Avenue. The residential portion of the development, which comprises the District, is approximately 80 acres and will consist of 310 single family units and 274 multi-family units at build-out.

Special Tax B is levied each fiscal year to fund authorized services and administrative expenses associated with administering CFD No. 9. The authorized services to be funded from special taxes are police protection services, fire protection and suppression services, ambulance and paramedic services, maintenance of parks, parkways and open space and flood and storm protection services. Special tax collections and expenses for the District were \$338,130 and \$339,564, respectively, during Fiscal Year 2011-12, which is the most recent fiscal year ended.

The adoption of a resolution by the City Council is required annually to establish the special tax rates to be levied. Fiscal Year 2008-09 was the first year that this special tax was levied. Pursuant to the Rate and Method of Apportionment of Special Tax, as approved by the property owners, beginning on July 1, 2010, and annually thereafter, the maximum annual tax rates shall be increased by an amount equal to 2% of the amount in effect the previous Fiscal Year. The Fiscal Year 2012-13 tax rates and the maximum and proposed annual tax rates for Fiscal Year 2013-14 are as follows:

Annual Tax Rates

Land Use Class	Land Use	Tax Zone	The second secon	13 Annual Rates	100000000000000000000000000000000000000	14 Annual Rates	FY 201 Maximum	373 The 1	No. of Units or SF	Totals
1-11	Residential	1	\$1,315.90	per Unit	\$1,342.22	per Unit	\$ 1,342.22	per Unit	218	\$292,603.96
13-21	Residential	2	\$1,030.43	per Unit	\$1,051.04	per Unit	\$ 1,051.04	per Unit	186	\$195,493.44
12 or 22	Non-Residential	N/A	\$ 0.2547	per SF	\$ 0.2598	per SF	\$ 0.2598	per SF	0	\$ -

Total Annual Tax \$488,097.40

RESOLUTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 9 (EDENGLEN), ESTABLISHING THE ANNUAL SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT NO. 9 FOR FISCAL YEAR 2013-14.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982," being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as City of Ontario Community Facilities District No. 9 (Edenglen) (hereinafter referred to as "District"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 2860 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a special tax to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rates of the special tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates and amount of the special tax to be collected to pay for the costs and expenses for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A."

<u>SECTION 3.</u> That the rates as set forth above does not exceed the amount as previously authorized by the Special Tax Ordinance of this legislative body, and is not in excess of that as previously approved by the qualified electors of the District.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution, together with a list of all parcels subject to the special tax for the above specified Fiscal Year and the amount of the special tax to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10th; provided, however, that such may be filed after August 10th, but not later than August 21st, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

<u>SECTION 5.</u> That the proceeds of the special tax shall be used only to pay the following costs and expenses:

- (a) Costs of those services authorized to be financed by the District;
- (b) Costs incurred by the District and the City in the annual levy and collection of the special taxes;
- (c) Administrative costs of the District; and
- (d) Any incidental expenses authorized to be financed by the District.

SECTION 6. The special tax shall be collected in the same manner as ordinary ad valorem property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for ad valorem taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any said special tax.

SECTION 7. All monies above collected shall be paid into the Community Facilities District No. 9 Fund.

<u>SECTION 8.</u> The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "Ontario C.F.D. No. 9 Special Tax," or by any other suitable designation, the installment of the special tax.

<u>SECTION 9.</u> The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

<u>SECTION 10.</u> This legislative body hereby certifies that the levy of the special tax was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIIIA and XIIIC of the Constitution of the State of California.

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 2013.

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MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP CITY ATTORNEY

STATE OF C COUNTY OF CITY OF ON	SAN BERNARDINO))
foregoing Re	esolution No. 2013- was	ne City of Ontario, DO HEREBY CERTIFY that duly passed and adopted by the City Council of eting held June 18, 2013 by the following roll call
AYES:	COUNCIL MEMBERS:	
NOES:	COUNCIL MEMBERS:	
ABSENT:	COUNCIL MEMBERS:	
		MARY E. WIRTES, MMC, CITY CLERK
(SEAL)		
	g is the original of Resoluti Council at their regular med	ion No. 2013- duly passed and adopted by the eting held June 18, 2013.
		MARY E. WIRTES, MMC, CITY CLERK
(SEAL)		
,		

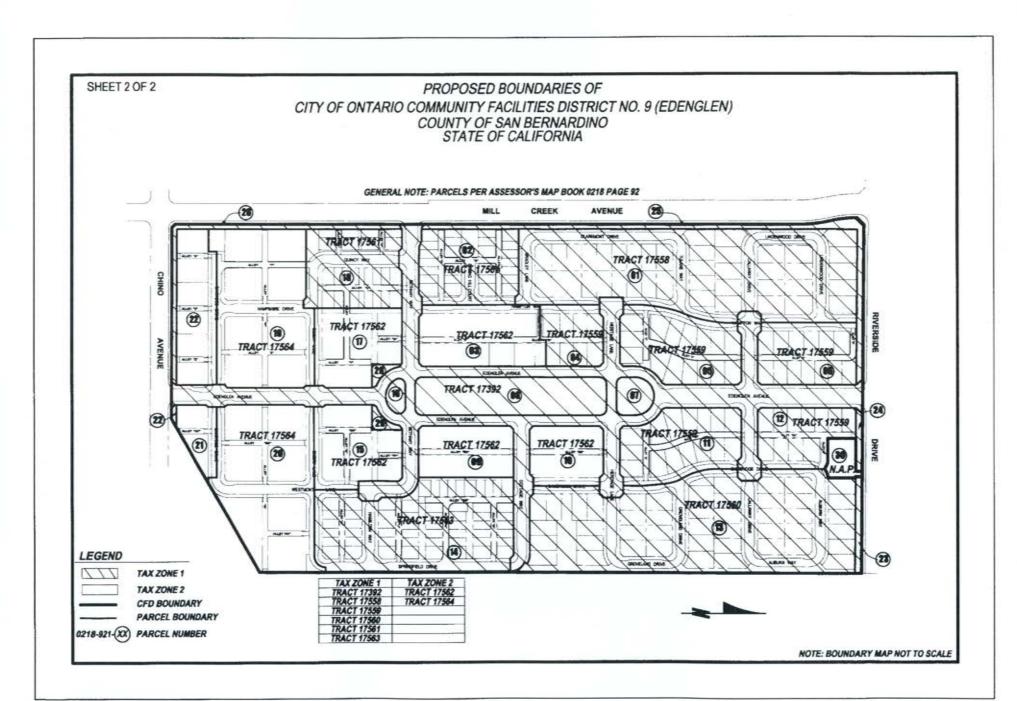
EXHIBIT "A"

CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 9 (EDENGLEN)

SPECIAL TAX RATES FOR FISCAL YEAR 2013-14

Land Use Class	Land Use	Tax Zone	Annual Ta	x Rates
1-11	Residential	1	\$1,342.22	per Unit
13-21	Residential	2	\$1,051.04	per Unit
12 or 22	Non-Residential	N/A	\$0.2598	per SF

^{&#}x27;N/A' means not applicable. 'SF' means Square Footage and 'Unit' means residential dwelling unit, as defined in the Rate and Method of Apportionment of Special Tax for the District.



CITY OF ONTARIO

Agenda Report June 18, 2013

SECTION: CONSENT CALENDAR

SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT NO. 10 FOR FISCAL YEAR 2013-14

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within Community Facilities District No. 10 for Fiscal Year 2013-14.

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

<u>Operate in a Businesslike Manner</u>

FISCAL IMPACT: Special tax revenue will be generated in the amount of \$10,369 to fund City services, administration and incidental expenses.

BACKGROUND: On June 5, 2007, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of Community Facilities District No. 10 with the adoption of Resolution No. 2007-066, declaring the City's intention to establish the District and to authorize the levy of a special tax, and Resolution No. 2007-067, to issue bonds for the District. On July 17, 2007, the City Council adopted Resolution No. 2007-093 establishing formation of the District. Upon a successful property owner election, on August 21, 2007, the City Council adopted Ordinance No. 2871, authorizing the levy of a special tax for the District to finance facilities, City services, administration and incidental expenses related to the Ontario Airport Towers project. The District boundaries are shown on the attached boundary map.

Subsequent to the initial proceedings forming the District, authorizing the issuance of bonds and the levy of the special tax, the City Council conducted several additional proceedings relating to amending the rate and method of apportionment of the special tax, reauthorizing the issuance of bonds, and reauthorizing the levy of the special tax. On March 17, 2009, the City Council adopted Ordinance No. 2902 which authorized the levy of a special tax pursuant to the last amended rate and method of

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

Prepared by:	Bob Chandler	Submitted to Council/O.H.A. 06/18/2013
Department:	Management Services	Approved: Continued to:
City Manager	(1//	Denied:
Approval:	LAK.	9

apportionment of the special tax. Ordinance No. 2902 also rescinded the previously adopted special tax ordinances.

The public infrastructure facilities required for the development of the Ontario Airport Towers project were originally planned to be financed with the issuance of bonds by the District. However, due to the economic downturn, the planned issuance of bonds was abandoned. However, the special tax for City services remains in full force and effect.

The Ontario Airport Towers project addresses the development of approximately 25 acres and is generally located on the south side of Interstate 10, north of Guasti Road, east of Archibald Avenue and west of Turner Avenue. The project is planned for development in 5 phases: 850,000 square feet of Class A office space (five buildings), 10,000 square feet of retail space, and a 175 room hotel.

The special tax for City services is levied each fiscal year to fund services and administrative expenses as follows: police protection services, fire protection and rescue services and parkway and open space maintenance services; and all costs related to financing and administering the services, the determination of the amount of special taxes to be levied and costs otherwise incurred in order to carry out the authorized purposes of the District and administering the District. Special tax collections and expenses for the District were \$9,956.55 and \$9,956.55 respectively, during Fiscal Year 2011-12, which is the most recent fiscal year ended.

The adoption of a resolution by the City Council is required annually to establish the special tax rate to be levied. Fiscal Year 2008-09 was the first year that the special tax for City Services was levied. Pursuant to the Rate and Method of Apportionment of Special Tax that was approved by the property owners, beginning on July 1, 2008, and annually thereafter, the maximum annual Services Special tax rate shall be increased by an amount equal to the greater of (i) the increase, if any, in the Consumer Price Index for the Los Angeles-Riverside-Orange County Area for All Urban Consumers, or (ii) 2% of the amount in effect the previous Fiscal Year. The special tax rate for Fiscal Year 2012-13 was \$535.85 per acre. The proposed tax rate for Fiscal Year 2013-14 is \$546.57 per acre, which represents a 2.0% increase over the previous Fiscal Year.

RESOL	UTION	NO.	

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 10 (ONTARIO AIRPORT TOWERS), ESTABLISHING THE ANNUAL SERVICES SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT NO. 10 FOR FISCAL YEAR 2013-14.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982," being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as "COMMUNITY FACILITIES DISTRICT NO. 10 OF THE CITY OF ONTARIO (ONTARIO AIRPORT TOWERS)" (hereinafter referred to as "District" or "Community Facilities District No. 10"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 2902 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a services special tax (the "Services Special Tax") and a facilities special tax (the "Facilities Special Tax") to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rate of the Services Special Tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rate and amount of the Services Special Tax to be collected to pay for the Services (as defined in Section 5 below) and Services Incidental Expenses (as defined in Section 5 below) for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A."

<u>SECTION 3.</u> That the rate as set forth above does not exceed the amount as previously authorized by Ordinance of this legislative body, and is not in excess of that as previously approved by the qualified electors of the District.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution together with a list of all parcels subject to the Services Special Tax for the above specified Fiscal Year and the amount of the special tax to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10th; provided, however, that such may be filed after August 10th, but not later than August 21st, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

<u>SECTION 5.</u> That the proceeds of the special tax shall be used only to pay the following costs and expenses:

- (a) police protection services, fire protection and rescue services and parkway and open space maintenance services (the "Services"); and
- (b) all costs related to financing and administering the Services, the determination of the amount of special taxes to be levied and costs otherwise incurred in order to carry out the authorized purposes of the District and administering the District (the "Services Incidental Expenses").

SECTION 6. The Services Special Tax shall be collected in the same manner as ordinary ad valorem property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for ad valorem taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any said Services Special Tax.

<u>SECTION 7.</u> The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "Ontario C.F.D. No. 10 Special Tax," or by any other suitable designation, the installment of the Services Special Tax.

SECTION 8. The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such Services Special Tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

<u>SECTION 9.</u> This legislative body hereby certifies that the levy of the Services Special Tax was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIIIA and XIIIC of the Constitution of the State of California.

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 2013.

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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 18, 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 18, 2013.
MARY E. WIRTES, MMC, CITY CLERK
(SEAL)

EXHIBIT "A"

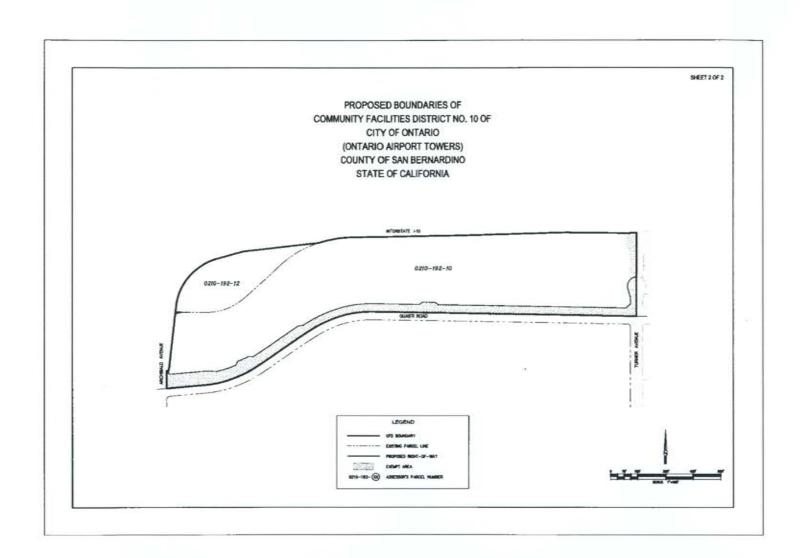
CITY OF ONTARIO **COMMUNITY FACILITIES DISTRICT NO. 10** (ONTARIO AIRPORT TOWERS)

SERVICES SPECIAL TAX RATE FOR FISCAL YEAR 2013-14

All Assessor's Parcels of Taxable Property within Community Facilities District No. 10 shall be taxed at the following special tax rate pursuant to the Rate and Method of Apportionment of Special tax, as amended:

FY 2013-14 Special Tax Rate: \$546.57 per Acre

Assessor's Parcel, Acre and Taxable Property shall all have the meanings as defined in the Rate and Method of Apportionment of Special tax, as amended.



CITY OF ONTARIO

Agenda Report June 18, 2013

SECTION: CONSENT CALENDAR

SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT NO. 13 FOR FISCAL YEAR 2013-14

RECOMMENDATION: That the City Council adopt a resolution establishing the annual special tax within Community Facilities District No. 13 for Fiscal Year 2013-14.

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

Invest in the Growth and Evolution of the City's Economy

Operate in a Businesslike Manner

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

FISCAL IMPACT: Special tax revenue, required to pay the debt service on the District's outstanding bonds, administration and incidental expenses, will be generated in the amount of \$381,578.

BACKGROUND: On April 1, 2008, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of Community Facilities District No. 13 with the adoption of Resolution No. 2008-018, declaring the City's intention to establish the District and to authorize the levy of special taxes, and Resolution No. 2008-019, to issue bonds for the District. On May 6, 2008, the City Council adopted Resolution No. 2008-032 establishing the formation of the District. The District is located along the south side of Francis Street, between Haven and Milliken Avenues, as shown on the attached boundary map.

Upon a successful property owner election, the City Council adopted Ordinance No. 2893 on June 3, 2008, authorizing the levy of special taxes for the District to finance facilities, administration and incidental expenses. The facilities are public infrastructure facilities required for the development of the California Commerce Center – Phase IV, which was developed by SR Acquisition Corporation, LLC and Ontario Industrial, LLC (affiliates of the SARES REGIS Group and J.P. Morgan). The

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

Prepared by:	Bob Chandler	Submitted to Council/O.H.A. 06/18	3/2013
Department:	Management Services	Approved:	
City Manager	0//	Continued to: Denied:	
Approval:	- Chif		10

facilities include street improvements and utility connections on Francis Street between Haven Avenue and Dupont Street, and the installation of new storm drain facilities to tie into the existing Lower Deer Creek storm drain system.

The California Commerce Center - Phase IV project addresses the development of approximately 100 acres and is generally located on the south side of Francis Street, east of Haven Avenue and west of Milliken Avenue. SR Acquisition Corporation, LLC and Ontario Industrial, LLC developed 6 parcels of warehouse industrial buildings comprising approximately 1.94 million square feet of floor space, and one parcel of commercial retail building(s) totaling approximately 20,000 square feet of floor space.

The public infrastructure facilities authorized to be funded by the special tax were fully completed by the developer and accepted by the City in January 2009. Bond proceeds have been fully expended and the District has no further obligation for funding of the facilities. Special tax collections and expenses for the District were \$384,181 and \$382,583, respectively, during Fiscal Year 2011-12, which is the most recent fiscal year ended.

The adoption of a resolution by the City Council is required annually to establish the special tax rates to be levied, until the bonds mature in 2038. Fiscal Year 2008-09 was the first year that the special tax was levied. The proposed annual tax rates for Fiscal Year 2013-14 are as follows:

Annual Tax Rates

Land Use Class		escription	170775	ximum Tax Rates		posed Tax Rates	Totals
1	Industrial	1,936,142 Bldg SF	\$	0.2111	\$ 0.1918	Per SF	\$371,352.04
2	Commercial	2.05 Acres	\$	11,275	\$10,226.30	Per Parcel	\$ 10,226.30
					Total A	nnual Tax	\$381,578,34

RESOLUTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 13 (CALIFORNIA COMMERCE CENTER – PHASE IV), ESTABLISHING THE ANNUAL SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT NO. 13 FOR FISCAL YEAR 2013-14.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as "COMMUNITY FACILITIES DISTRICT NO. 13 OF THE CITY OF ONTARIO (CALIFORNIA COMMERCE CENTER – PHASE IV)" (hereinafter referred to as "District" or "Community Facilities District No. 13"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 2893 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a special tax to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rates of the special tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates and amount of the special tax to be collected to pay for the costs and expenses for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A."

SECTION 3. That the rates as set forth above does not exceed the amount as previously authorized by Ordinance of this legislative body, and is not in excess of that as previously approved by the qualified electors of the District.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution together with a list of all parcels subject to the special tax for the above specified Fiscal Year and the amount of the special tax to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10th; provided, however, that such may be filed after August 10th, but not later than August 21st, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

<u>SECTION 5.</u> That the proceeds of the special tax shall be used only to pay the following costs and expenses:

- (a) Debt service on all bonds or other indebtedness issued to finance those facilities and incidental expenses authorized to be financed by the District (including the costs of any credit enhancement);
- (b) Costs of those facilities authorized to be financed by the District;
- (c) Costs incurred by the District and the City in the annual levy and collection of the special taxes;
- (d) Administrative costs of the District; and
- (e) Any amounts required to replenish any reserve funds established in association with bonds issued to finance those facilities and incidental expenses authorized to be financed by the District.

SECTION 6. The special tax shall be collected in the same manner as ordinary ad valorem property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for ad valorem taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any said special tax.

<u>SECTION 7.</u> All monies above collected shall be paid into a Special Tax Fund created and established in connection with the issuance of bonds by the District.

SECTION 8. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "Ontario C.F.D. No. 13 Special Tax," or by any other suitable designation, the installment of the special tax.

SECTION 9. The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

SECTION 10. This legislative body hereby certifies that the levy of the special tax was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIIIA and XIIIC of the Constitution of the State of California.

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 2013.

	PAUL S. LEON, MAYOR	
ATTEST:		
MARY E. WIRTES, MMC, CITY CLERK	<u> </u>	
APPROVED AS TO LEGAL FORM:		
BEST BEST & KRIEGER LLP		

	CALIFORNIA F SAN BERNARDINO ITARIO))
foregoing Re	esolution No. 2013- was	e City of Ontario, DO HEREBY CERTIFY that duly passed and adopted by the City Council of ting held June 18, 2013 by the following roll call
AYES:	COUNCIL MEMBERS:	
NOES:	COUNCIL MEMBERS:	
ABSENT:	COUNCIL MEMBERS:	
		MARY E. WIRTES, MMC, CITY CLERK
(SEAL)		
	g is the original of Resolution Council at their regular mee	on No. 2013- duly passed and adopted by the eting held June 18, 2013.
		MADVE WIDTES MMC CITY OF EDV
(SEAL)		MARY E. WIRTES, MMC, CITY CLERK
(SEAL)		

EXHIBIT "A"

CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 13 (CALIFORNIA COMMERCE CENTER – PHASE IV)

SPECIAL TAX RATES FOR FISCAL YEAR 2013-14

Land use Class	Description	Annual Tax Rates
1	Industrial	\$0.1918 per SF
2	Commercial	\$10,226.30 per Parcel

[&]quot;SF" means Square Footage as defined in the Rate and Method of Apportionment of Special Tax for the District.

(1) Filed in the office of the Clark of (2) I hereby certify that the within map showing the the City of Ontario this and day of April , 2008. Traci R. Mruinley , Assistant Clark of the City of Ontario, California Assessor Parcel Numbers within the Boundaries of Community Facilities District No. 13 of the City of Ontario (California Commerce Center Phase IV): 0211-281-04 0211-281-21 0211-281-23 FRANCIS STREET HAVEN dimensions of each lot and 2 parcel. PARCEL 3 PARCEL 4 PARCEL 6 PARCEL 5 PARCEL 2 (N) PARCEL7 Prepared by David Tauesig & Associates, Inc.

CITY OF ONTARIO

Agenda Report June 18, 2013

SECTION: CONSENT CALENDAR

SUBJECT: A RESOLUTION OF INTENT TO ESTABLISH COMMUNITY FACILITIES DISTRICT NO. 21 OF THE CITY OF ONTARIO (PARKSIDE) AND AUTHORIZE THE LEVY OF SPECIAL TAXES

RECOMMENDATION: That the City Council:

- (A) Accept the written petition (on file with the Records Management Department) from OF2010 LLC, a Delaware Limited Liability Company ("OF2010"), KB HOME COASTAL INC., a California Corporation ("KB") and Don R. Green and Donna J. Green, Trustees of the Don R. and Donna J. Green Trust ("Green"), (collectively, the "landowners") 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. 21 of the City of Ontario (Parkside); 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 scheduled for Tuesday, August 20, 2013.

COUNCIL GOALS: <u>Develop Strategies and Take Actions, Including Regaining Local Control of</u> the Ontario International Airport, to <u>Minimize the Negative Impacts of the Global Financial Downtown on Ontario's Economy and the City's Fiscal Health</u>

Operate in a Businesslike Manner

Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: The use of Mello-Roos financing for the residential development of Parkside is projected to generate approximately \$50,000 a year for funding City services. The proposed maximum annual tax rates to be assessed on the residences are \$210 for each detached unit and \$164 for each attached unit. The use of Mello-Roos financing for the Parkside Development will not generate funds for facilities, and bonds will not be issued as part of this formation. The CFD is being formed pursuant to the provisions of the Parkside Development's Conditions of Approval.

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

Prepared by:	Bob Chandler	Submitted to Council/O.H.A.	6/18/2013
Department:	Management Services	Approved:	
City Manager Approval:		Continued to: Denied:	
Appiovai.	W		11

BACKGROUND: The Mello-Roos Community Facilities Act of 1982 provides local government, 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, maintenance and lighting of parks, parkways, streets, roads, open space and flood and storm drain protection services, recreation programs and library services.

The Parkside project addresses the residential development of approximately 19.6 acres located north of Inland Empire Boulevard, south of 4th Street, east of Archibald Avenue and west of Turner Avenue. At build-out, the development will include 150 detached units and 152 attached units.

The services authorized to be financed, in whole or in part, by Community Facilities District No. 21 of the City of Ontario (Parkside) 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 in the Parkside Development's Conditions of Approval; (2) the maintenance and servicing of the landscaping and appurtenant improvements of the raised, landscaped median to be constructed by the landowners on Inland Empire Boulevard pursuant to the Parkside Development's Conditions of Approval; and (3) the maintenance and servicing of the landscaping and appurtenant improvements for the City right-of-way parkways bordering the project on the north side of Inland Empire Boulevard and the west side of Tuner Avenue.

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 on August 20, 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. 21 of the City of Ontario (Parkside). 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 landowners.

RESOL	UTION	NO.	

A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, TO ESTABLISH COMMUNITY FACILITIES DISTRICT NO. 21 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 Parkside (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:

<u>SECTION 1.</u> 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 the 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.

<u>SECTION 3.</u> The name proposed for the Community Facilities District is "Community Facilities District No. 21 of the City of Ontario (Parkside)."

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.

<u>SECTION 5.</u> 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, August 20, 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.

<u>SECTION 9.</u> 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.

<u>SECTION 11.</u> 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 18th day of June 2013.

	PAUL S. LEON, MAYOR
ATTEST:	
MARY E. WIRTES, MMC, CITY CLERK	7. E
APPROVED AS TO LEGAL FORM:	

BEST BEST & KRIEGER LLP

CITY ATTORNEY

STATE OF C COUNTY OF CITY OF ON	SAN BERNARDINO))
foregoing Re	esolution No. 2013- was	e City of Ontario, DO HEREBY CERTIFY that duly passed and adopted by the City Council of ting held June 18, 2013 by the following roll call
AYES:	COUNCIL MEMBERS:	
NOES:	COUNCIL MEMBERS:	
ABSENT:	COUNCIL MEMBERS:	
		MARY E. WIRTES, MMC, CITY CLERK
(SEAL)		MARTIE VIII (120, MIMO, OTT OLEM)
	g is the original of Resolution	on No. 2013- duly passed and adopted by the eting held June 18, 2013.
		MARY E. WIRTES, MMC, CITY CLERK
(SEAL)		

EXHIBIT A

SERVICES AND INCIDENTAL EXPENSES

Services

The services authorized to be financed, in whole or in part, by the Community Facilities District No. 21 (Parkside) 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 in the Parkside Development's Conditions of Approval; (2) the maintenance and servicing of the landscaping and appurtenant improvements of the raised, landscaped median to be constructed by the landowner on Inland Empire Boulevard pursuant to the Parkside Development's Conditions of Approval; and (3) the maintenance and servicing of the landscaping and appurtenant improvements for the City right-of-way parkways bordering the project on the north side of Inland Empire Boulevard and the west side of Tuner Avenue.

Incidental Expenses

The incidental expenses to be financed by Community Facilities District of the City of Ontario No. 21 (Parkside) include all costs related to financing and administering the Services, including the determination of the amount of special taxes to be levied and all costs otherwise incurred in order to carry out the authorized purposes of the District and administering the District.

EXHIBIT B

PROPOSED RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

CITY OF ONTARIO

COMMUNITY FACILITIES DISTRICT No. 21
OF THE CITY OF ONTARIO
(PARKSIDE)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax as hereinafter defined shall be levied on all Assessor's Parcels in the City of Ontario Community Facilities District No. 21 of the City of Ontario (Parkside) ("CFD No. 21" or CFD) and collected each Fiscal Year commencing in Fiscal Year 2014-2015, in an amount determined by the City Council of the City of Ontario through the application of this Rate and Method of Apportionment, as described below. All of the real property in CFD No. 21, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent, and in the manner herein provided.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Division 2 of Title 5 of the California Government Code.

"Administrative Expenses" means the following actual or reasonably estimated costs directly related to the administration of CFD No. 21 including, but not limited to: the costs of computing the Special Taxes and preparing the annual Special Tax collection schedules (whether by the City or CFD No. 21 or both); the costs of collecting the Special Taxes (whether by the County or otherwise); the costs associated with preparing Special tax disclosure statements and responding to public inquires regarding the Special Taxes; the costs to the City or the CFD related to an appeal of the Special Tax; the City's administration fees and third party expenses related to the CFD; the costs of City staff time and reasonable overhead related to the CFD; and amounts estimated or advanced by the City or the CFD for any other administrative purposes of the CFD, including attorney's fees and other costs related to commencing and pursuing to completion any foreclosure of delinquent Special Taxes.

"Assessor's Parcel" or "Parcel" means a lot or parcel shown in an Assessor's Parcel Map with an assigned Assessor's Parcel Number.

"Assessor's Parcel Map" means an official map of the Assessor of the County designating parcels by Assessor's Parcel Number.

"Assessor's Parcel Number" means that number assigned to an Assessor's Parcel by the County for purposes of identification.

"Attached Property" shall mean any dwelling Unit that shares, or will share, an inside wall with another dwelling Unit, usually corresponding to an allowable land use designation of Low Medium Density Residential (LMDR), Medium Density Residential (MDR), or Mixed Use (MU).

"CFD Administrator" means an official of the City responsible for determining the Special Tax Requirement, providing for the levy and collection of the Special Tax, and performing the other duties provided for herein.

"CFD No. 21" or "CFD" means Community Facilities District No. 21 of the City of Ontario (Parkside).

"City" means the City of Ontario, California.

"City Council" means the City Council of the City, acting as the legislative body of CFD No. 21.

"Conditions of Approval" means the conditions of approval stated in Tract Map 18850.

"County" means the County of San Bernardino.

"Detached Property" shall mean any residential building containing one dwelling Unit on one Parcel, including a single family residence, single family residential condominium, detached townhome, or manufactured unit on an individual lot.

"Fiscal Year" means the period starting July 1 and ending on the following June 30.

"Land Use Class" means any of the classes listed in Table 1 below.

"Maximum Special Tax" means the maximum Special Tax determined in accordance with Section C below that can be levied in any Fiscal Year on any Assessor's Parcel of Taxable Property.

"Proportionately" means the ratio of the actual Special Tax levied on Taxable Property to the Maximum Special Tax for Taxable Property is equal for all Assessor's Parcels of Taxable Property.

"Residential Property" means, for each Fiscal Year, all Assessor's Parcels for which a building permit for new construction was issued after January 1, 2013, and before May 1 of the prior Fiscal Year for the purpose of constructing one or more Units.

"Services" means the services authorized to be financed, in whole or in part, by CFD No. 21: (1) the operation and maintenance of the public street lighting facilities and appurtenances that serve the property and whose installation is identified in the Conditions of Approval; (2) the maintenance and servicing of the landscaping and appurtenant improvements of the raised, landscaped median to be constructed by the landowner on Inland Empire Boulevard pursuant to the Conditions of Approval; and (3) the maintenance and servicing of the landscaping and appurtenant improvements for the City right-of-way parkways bordering the project on the north side of Inland Empire Boulevard and the west side of Tuner Avenue.

"Special Tax" means the special tax so designated authorized by the qualified electors of CFD No. 21 pursuant to the Act to be levied within the boundaries of CFD No. 21 to fund the Special Tax Requirement.

"Special Tax Requirement" means the amount necessary in any Fiscal Year to pay the cost of the Services, Administrative Expenses, and Special Tax delinquencies based on the historical delinquency rate for Special Taxes as determined by the CFD Administrator.

"Square Footage" or "Sq. Ft." means the gross floor area square footage reflected on the original construction building permit, plus any square footage subsequently added to a building after issuance of a building permit for expansion or renovation of such building.

"State" means the State of California.

"Taxable Property" means, for each Fiscal Year, all Parcels of Residential Property within the boundaries of the CFD not exempt from the Special Tax pursuant to law.

"Unit" means an individual residential unit of any configuration, including, but not limited to, a single family attached or detached dwelling, condominium, apartment, mobile home, or otherwise.

B. ASSIGNMENT TO LAND USE CATEGORIES

Each Fiscal Year all Taxable Property within the CFD shall be classified as Detached Property or Attached Property and shall be subject to Special Taxes in accordance with the Rate Method of Appointment as determined pursuant to Sections C and D below.

C. MAXIMUM SPECIAL TAX

The Maximum Special Tax for each Assessor's Parcel classified as Taxable Property shall be determined by reference to Table 1 below.

Table 1
MAXIMUM SPECIAL TAX

Land Use Class	Maximum Special Tax
Detached Property	\$209.79 per Unit
Attached Property	\$164.29 per Unit

*On July 1, 2014, and each July 1 thereafter, all figures shown in Table 1 above shall be increased by the higher of 2.0% of the amount in effect for the prior Fiscal Year or the percentage change for the preceding twelve months in the Consumer Price Index for All Urban Consumers in the Los Angeles-Riverside-Orange County area. In the event that the Consumer Price Index ceases to be published, the Consumer Price Index shall be another index determined by the CFD Administrator that is reasonably comparable to the Consumer Price Index for the Los Angeles-Riverside-Orange County area.

D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX

Special Tax

Commencing with Fiscal Year 2014-2015 and for each following Fiscal Year, the CFD Administrator shall determine the Special Tax Requirement. The Special Tax shall then be levied Proportionately on each Assessor's Parcel of Taxable Property up to 100% of the applicable Maximum Special Tax for Taxable Property.

2. Total Special Tax

Notwithstanding D.1 above, in no event shall the total of the Special Tax levied on a Unit of Taxable Property exceed the Maximum Special Tax for that Unit in each Fiscal Year.

E. <u>APPEALS</u>

Any property owner may file a written appeal of the Special Tax with the CFD claiming that the amount or application of the Special Tax is not correct. The appeal must be filed not later than one (1) calendar year after having paid the Special Tax that is disputed, and the appellant must be current in all payments of Special Taxes. In addition, during the term of the appeal process, all Special Taxes levied must be paid on or before the payment date established when the levy is made.

The appeal must specify the reasons why the appellant claims the Special Tax is in error. The CFD Administrator shall review the appeal, meet with the appellant if the CFD Administrator deems necessary, and advise the appellant of its determination.

If the property owner disagrees with the CFD Administrator's decision relative to the appeal, the owner may then file a written appeal with the City Council whose subsequent decision shall be final and binding on all interested parties. If the decision of the CFD Administrator or subsequent decision by the City Council requires the Special Tax to be modified or changed in favor of the property owner, then the CFD Administrator shall determine if sufficient Special Tax revenue is available to make a cash refund. If a cash refund cannot be made, then an adjustment shall be made to credit future Special Tax levy(ies).

This procedure shall be exclusive and its exhaustion by any property owner shall be a condition precedent to filing any legal action by such owner.

F. MANNER OF COLLECTION

The Special Taxes shall be collected in the same manner and at the same time as ordinary ad valorem property taxes; provided, however, that CFD No. 21 may directly bill the Special Tax and may collect Special Taxes at a different time or in a different manner if necessary to meet its financial obligations.

G. TERM OF SPECIAL TAX

The Special Tax shall continue to be levied indefinitely on an annual basis on all Taxable Property within the CFD.

CITY OF ONTARIO

Agenda Report June 18, 2013

SECTION: CONSENT CALENDAR

SUBJECT: ANNUAL LEVY OF ASSESSMENTS WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2, 3 AND 4 FOR FISCAL YEAR 2013-14

RECOMMENDATION: That the City Council adopt resolutions pertaining to the levy of assessments within Ontario Parkway Maintenance Assessment Districts (OPMAD) No. 1, 2, 3 and 4:

- (A) A resolution initiating proceedings and ordering the preparation of an Engineer's Report for each district relating to the annual levy of assessments, and
- (B) A resolution giving preliminary approval of the Engineer's Reports, and
- (C) Resolutions declaring the City's intention to levy the special assessments for Fiscal Year 2013-14 and setting the date of July 16, 2013 for a Public Hearing on each district in accordance with the Landscaping and Lighting Act of 1972.

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

FISCAL IMPACT: As proposed, special assessment revenue will be generated in the amount of \$282,795 from OPMAD No's. 1, 2 and 3, and \$291,613 from OPMAD No. 4 during Fiscal Year 2013-14. The operation and maintenance costs of \$565,176 within OPMAD No's. 1, 2 and 3 will exceed the assessment revenues by \$282,381. The differential will be funded with \$27,419 from available fund balance in the Parkway Maintenance District Fund; and with \$254,962 from the General Fund. If approved, the General Fund portion will be included in the City's proposed budget for Fiscal Year 2013-14. The total proposed special assessment for OPMAD No. 4 is sufficient to pay all expenses within this service area. The special assessments for OPMAD No's. 1, 2, and 3 Zone 2000-1 are capped, so there are no changes from the FY2012-13 special assessments. The recommended

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

Prepared by:	Bob Chandler	Submitted to Council/O.H.A.	06/1	8/	2013
Department:	Management Services	Approved: Continued to:			
City Manager Approval:	(h/L	Denied:			10
					12

special assessment for OMPAD No. 3 Zone 2000-2 represents an increase of 2%. The average increase of the recommended special assessments for the 6 maintenance areas in OPMAD No. 4 is 1.3%.

BACKGROUND: The first of these districts was formed in 1976 pursuant to the Landscaping and Lighting Act of 1972 (the "1972 Act"). Additional territories are annexed to the districts from time to time as development proceeds. The districts were formed to help minimize the continually increasing cost of maintaining and operating the landscaping along public streets where the property owners do not have direct access to the landscaping. A special assessment is levied annually on benefiting properties for the cost of operation and maintenance of certain parkway landscaping facilities within the districts. The City's Community and Public Services Agency establishes the annual operation and maintenance costs and administers the maintenance of the landscaping. Annually, an Engineer's Report for each district must be prepared which apportions these costs to each parcel within the districts. The locations of the districts are shown on the attached maps.

<u>OPMAD No's. 1, 2, and 3</u> are comprised of single-family residential developments. Due to varying characteristics, the districts are organized into benefit zones and/or maintenance areas. Each zone/maintenance area is assessed for only the operation and maintenance of the facilities from which it receives special direct benefit. The total assessment for each maintenance area is then apportioned to its constituent parcels.

Special assessment revenue will be generated in the combined amount of \$282,795 from OPMAD No's. 1, 2 and 3. The maximum and proposed Fiscal Year 2013-14 special assessment rates for OPMAD No.'s 1, 2 and 3 along with last year's special assessment rates are as follows:

	ior Year 012-13			Maximum 2013-14	
OPMAD No. 1	\$ 66.32	Per Lot	\$	66.32	\$ 66.32
OPMAD No. 2	\$ 34.04	Per Lot	\$	34.04	\$ 34.04
OPMAD No. 3, Zone 2000-1	\$ 41.29	Per Lot	\$	41.29	\$ 41.29
OPMAD No. 3, Zone 2000-2	\$ 158.25	Per Lot	\$	161.42	\$ 206.23

<u>OPMAD No. 4</u> is comprised of single-family residential tracts and the Ontario Mills development area. The district is organized into 6 Maintenance Areas (MAs). Each maintenance area is assessed for only the operation and maintenance of the facilities from which it receives direct special benefit. The total assessment for each maintenance area is then apportioned to its constituent parcels.

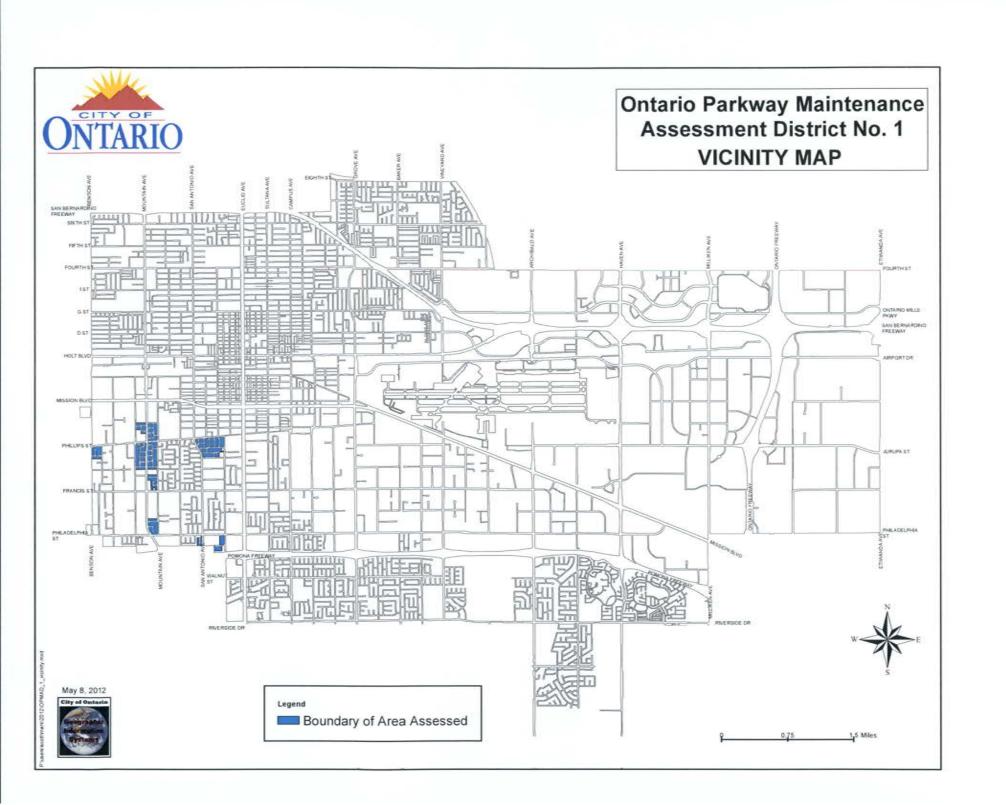
The assessments for OPMAD No. 4 will generate a total of \$291,613. OPMAD No. 4 will generate sufficient revenue to pay all expenses within this service area. The maximum and proposed Fiscal Year 2013-14 special assessment rates for OPMAD No. 4 along with last year's special assessment rates are as follows:

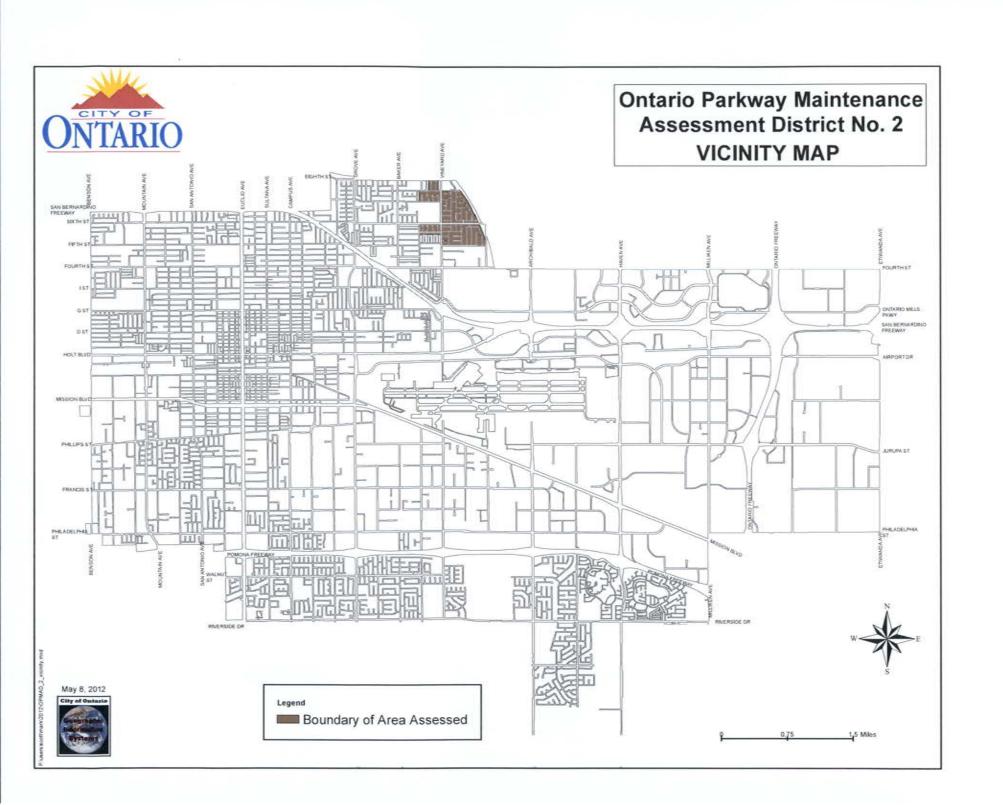
	Prior `2012		roposed 013-14	aximum 013-14
MA# 99-1	\$ 49.19	Per Lot	\$ 50.18	\$ 50.18
MA# 99-2	\$ 310.29	Per Lot	\$ 316.53	\$ 316.53
MA# 99-3	\$ 949.06	Per Acre	\$ 960.07	\$ 1,136.58
MA# 00-1	\$ 234.45	Per Lot	\$ 235.85	\$ 311.74

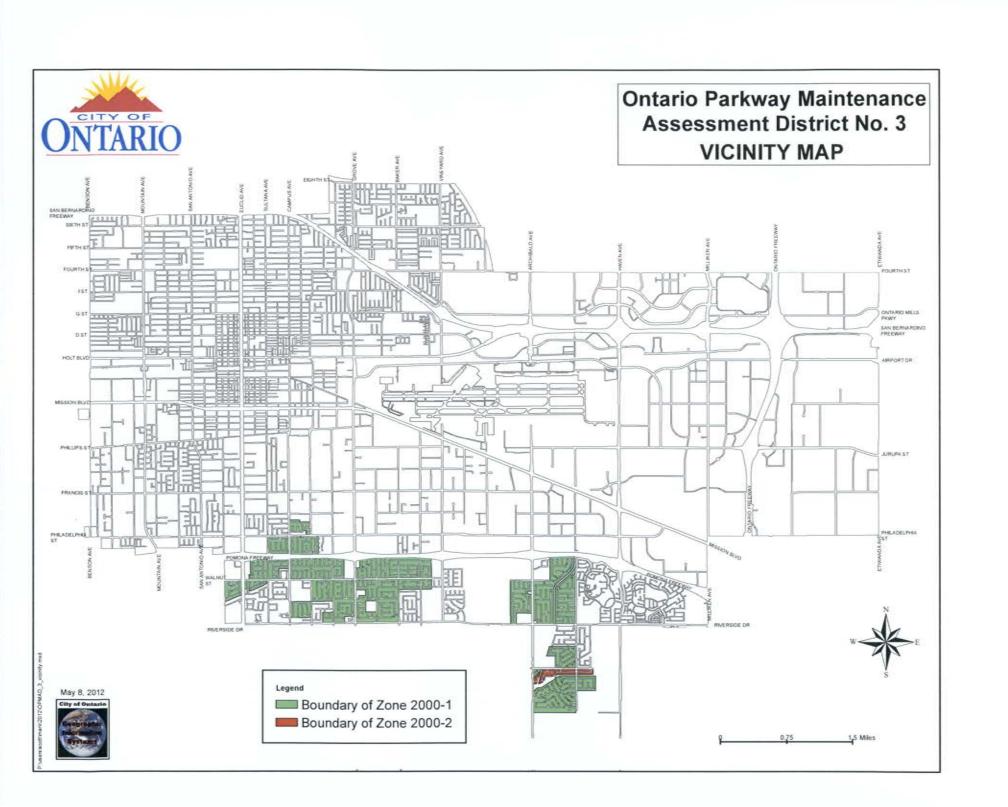
MA# 04-1	\$	945.54	Per Lot	\$	954.68	\$ 1,985.69
MA# 05-1	\$ 1.	287.54	Per Lot	\$ 1	.300.25	\$ 2,461.37

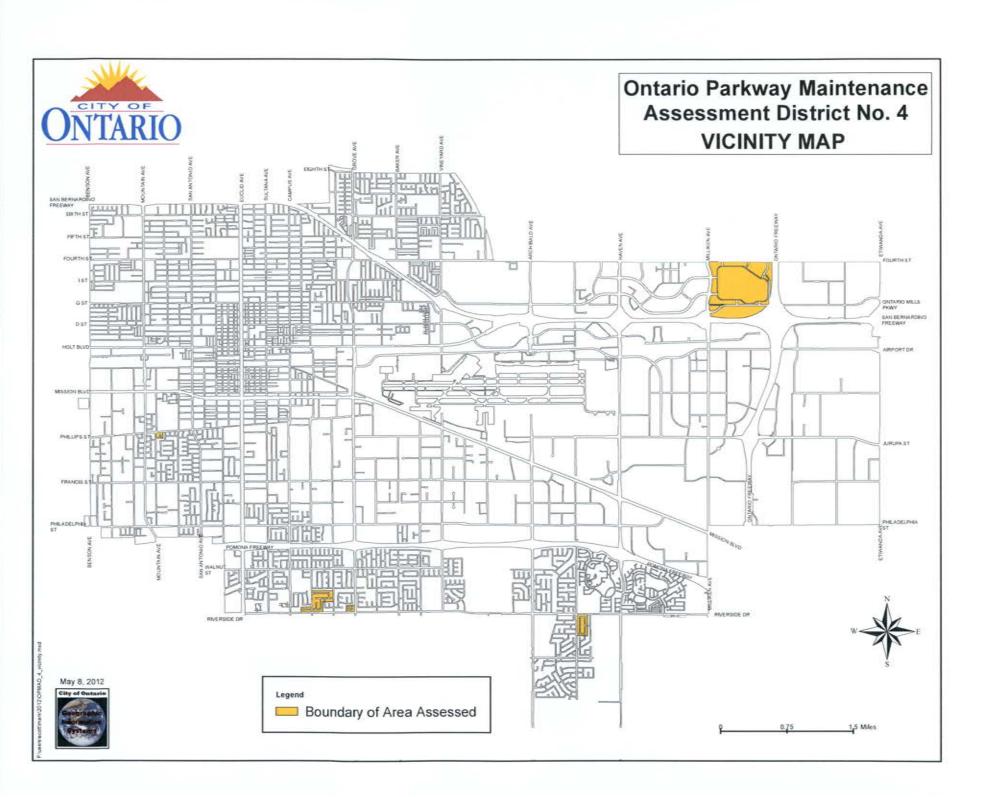
Pursuant to the "1972 Act," Engineer's Reports have been prepared for each district, and are on file with the Records Management Department. Each report includes plans and specifications for the improvements and the maintenance, an estimate of costs, a diagram of the area proposed to be assessed, and an assessment of the costs to the various parcels within each district.

A public hearing is required for each district prior to adoption of the proposed assessments. A combined public hearing will be held on July 16, 2013 for the purpose of accepting comments and written protests. At the conclusion of the public hearing, the City Council will consider adoption of resolutions confirming the assessments and ordering the levy of the assessments for tax year 2013-14. Notice of the public hearing for the levy of assessments will be published in the local newspaper, in accordance with the applicable statutes.









RESOLUTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE PREPARATION OF THE ASSESSMENT ENGINEER'S REPORTS PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, FOR PROCEEDINGS FOR THE ANNUAL ASSESSMENT LEVY WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2, 3 AND 4 FOR FISCAL YEAR 2013-2014.

WHEREAS, the City Council of the City of Ontario, California, previously formed maintenance districts pursuant to the terms and provisions of the "Landscaping and Lighting Act of 1972," being Division 15, Part 2, of the Streets and Highways Code of the State of California (the "1972 Act"), known and designated as

CITY OF ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2, 3 AND 4

(the "Districts"); and

WHEREAS, at this time the City Council desires to initiate proceedings to provide for the annual levy of assessments for the ensuing fiscal year to provide for the annual costs for maintenance of improvements within the Districts; and

WHEREAS, the proceedings for the annual levy of assessments shall relate to the fiscal year commencing July 1, 2013, and ending June 30, 2014; and

WHEREAS, there has been submitted to this City Council for its consideration at this time, maps showing the boundaries of the area affected by the levy of the assessment for the above-referenced fiscal year, and inventory maps showing and describing in general the works of improvement proposed to be maintained in said Districts, said description being sufficient to identify the works of improvement and the areas proposed to be assessed for said maintenance thereof.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

SECTION 1. That the above recitals are all true and correct.

SECTION 2. That the maps entitled

CITY OF ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2, 3 AND 4 BOUNDARY AND INVENTORY MAPS

attached hereto, as submitted to this City Council, showing the boundaries of the proposed areas to be assessed and showing the works of improvement to be maintained, are hereby approved, and a copy thereof shall be on file in the Records

Management Department and open to public inspection. The parcels and properties within said area are those proposed to be assessed to pay the costs and expenses for said maintenance work.

SECTION 3. That the proposed maintenance work within the area proposed to be assessed shall be for certain landscaping and appurtenant improvements, as said maintenance work is set forth in the Reports to be presented to this City Council for consideration.

SECTION 4. That the Assessment Engineer, Harris & Associates, is hereby ordered to prepare and file with this City Council the Assessment Engineer's Reports relating to said annual assessment and levy in accordance with the provisions of 1972 Act, Article XIIID of the Constitution of the State of California ("Article XIIID"), and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following) (the "Implementation Act") (the 1972 Act, Article XIIID and the Implementation Act are referred to collectively as the "Assessment Law").

<u>SECTION 5</u>. That upon completion, said Assessment Engineer's Reports shall be filed with the City Clerk, who shall then submit the same to this City Council for its consideration pursuant to the Assessment Law.

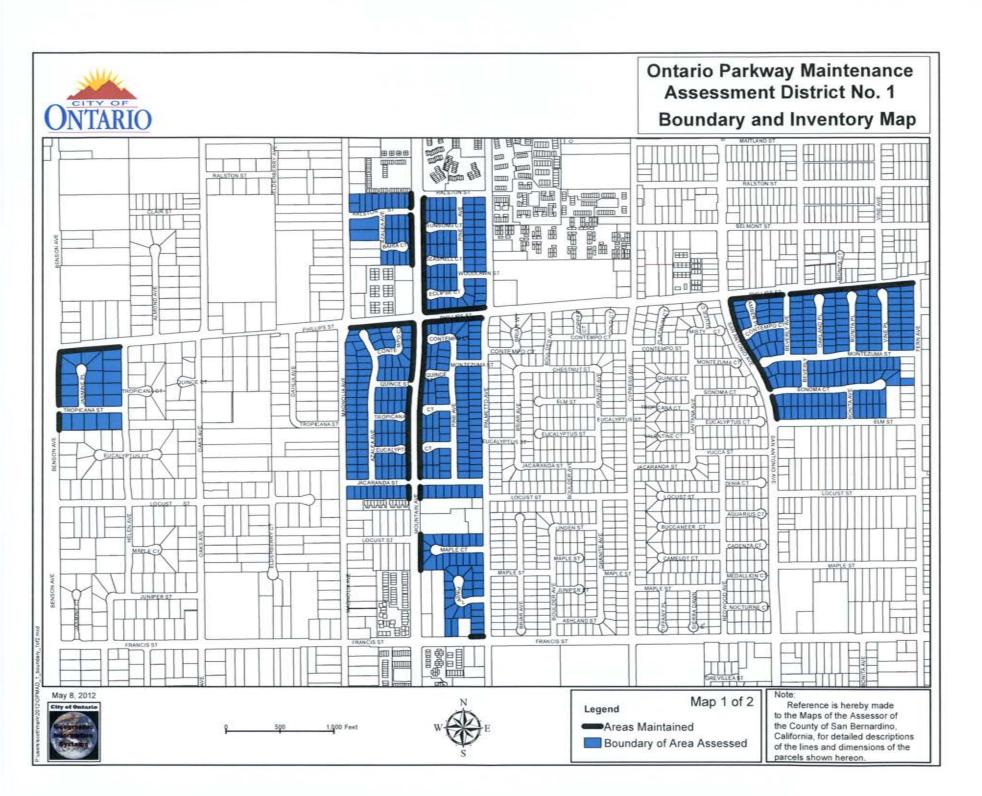
The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

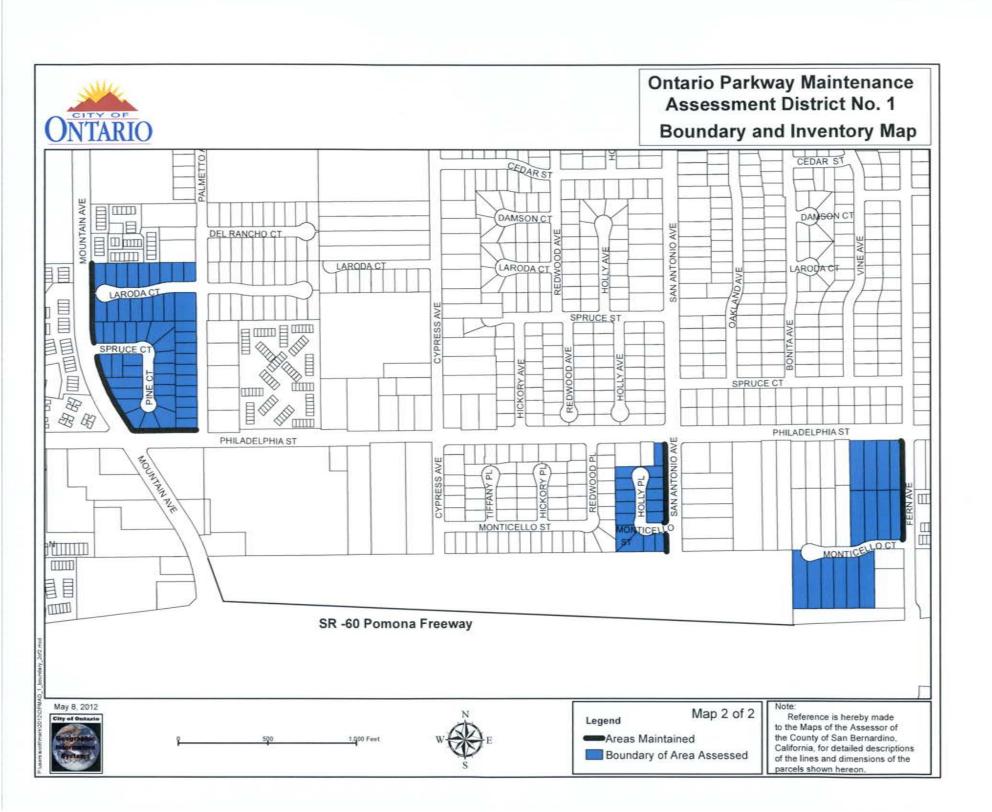
PASSED, APPROVED, AND ADOPTED this 18th day of June 2013.

	PAUL S. LEON, MAYOR	
ATTEST:		
MARY E. WIRTES, MMC, CITY CLERK		
APPROVED AS TO LEGAL FORM:		
BEST BEST & KRIEGER LLP		

CITY ATTORNEY

	CALIFORNIA F SAN BERNARDINO ITARIO))
foregoing Re	esolution No. 2013- was	e City of Ontario, DO HEREBY CERTIFY that duly passed and adopted by the City Council of ting held June 18, 2013 by the following roll call
AYES:	COUNCIL MEMBERS:	
NOES:	COUNCIL MEMBERS:	
ABSENT:	COUNCIL MEMBERS:	
(SEAL)		MARY E. WIRTES, MMC, CITY CLERK
	g is the original of Resolution Council at their regular mee	on No. 2013- duly passed and adopted by the eting held June 18, 2013.
(SEAL)		MARY E. WIRTES, MMC, CITY CLERK
(OL/IL)		













May 8, 2012 City of Ontario

0 245 490 Feet



Legend Map 1 of 5

Areas Maintained
Boundary of Zone 2000-1

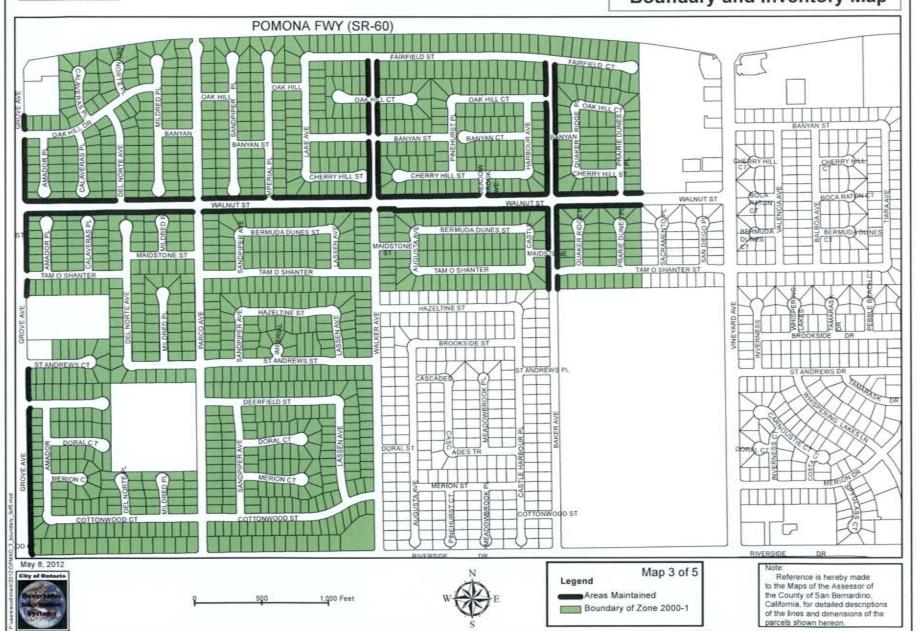
Reference is hereby made to the Maps of the Assessor of the County of San Bernardino, California, for detailed descriptions of the lines and dimensions of the parcels shown hereon.



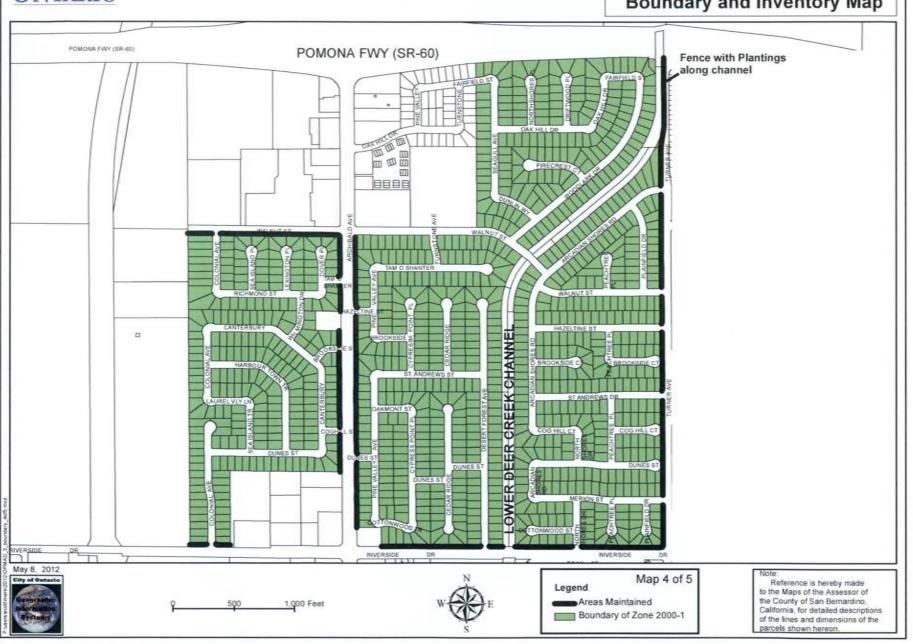
of the lines and dimensions of the parcels shown hereon.



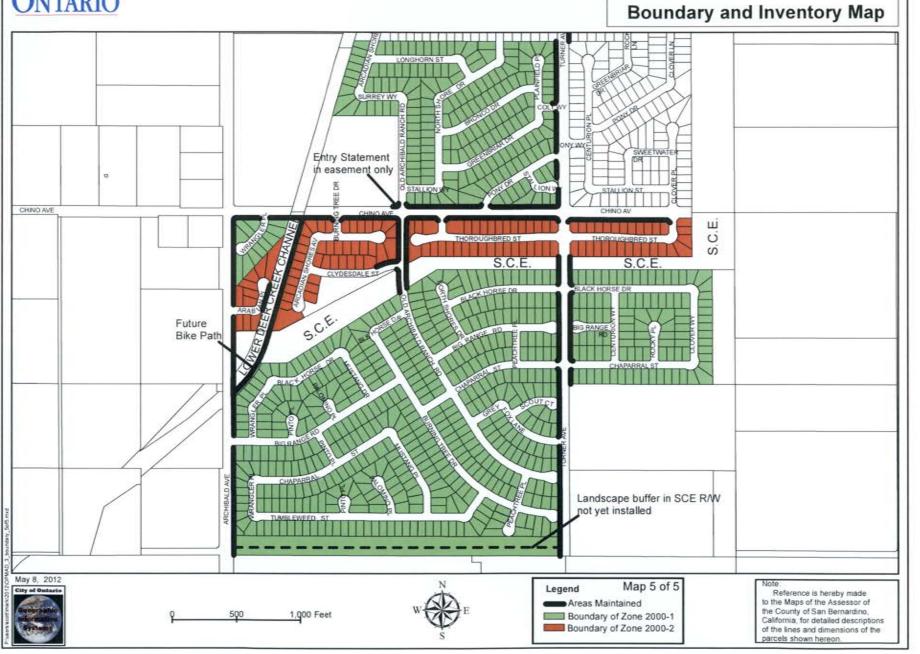


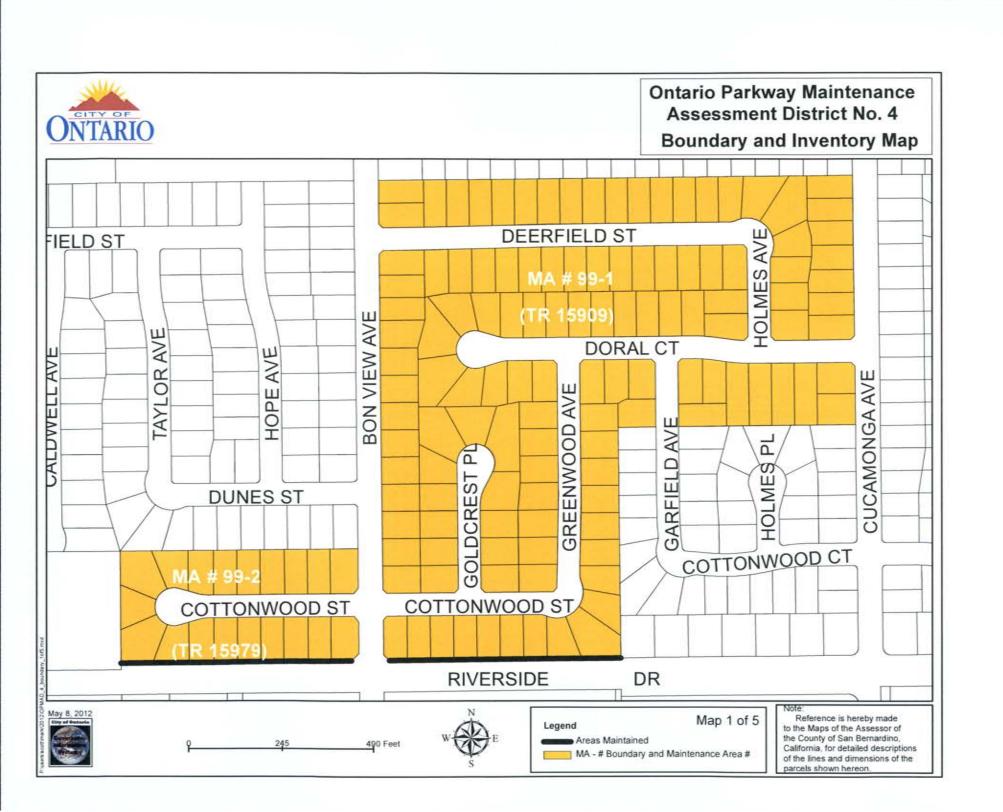




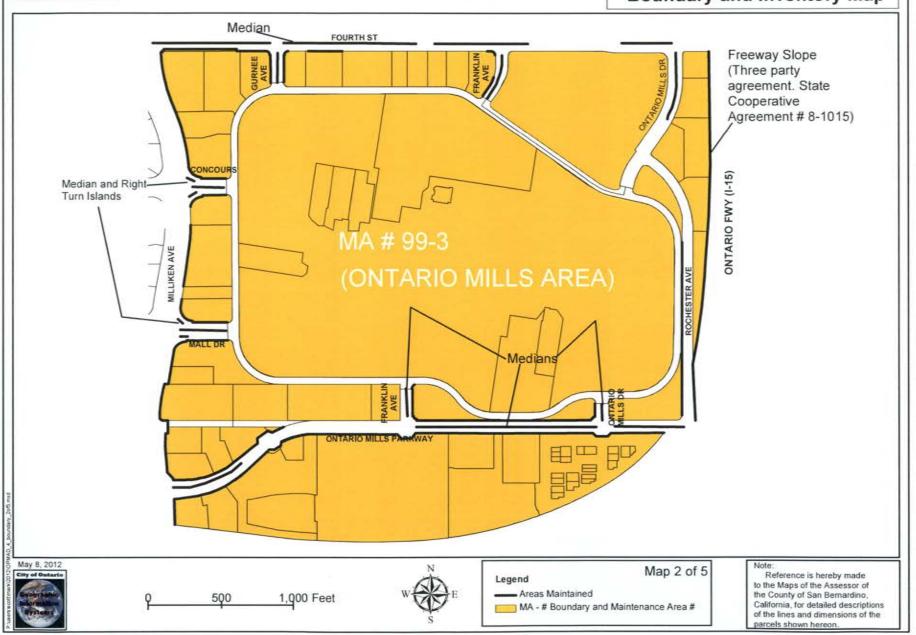








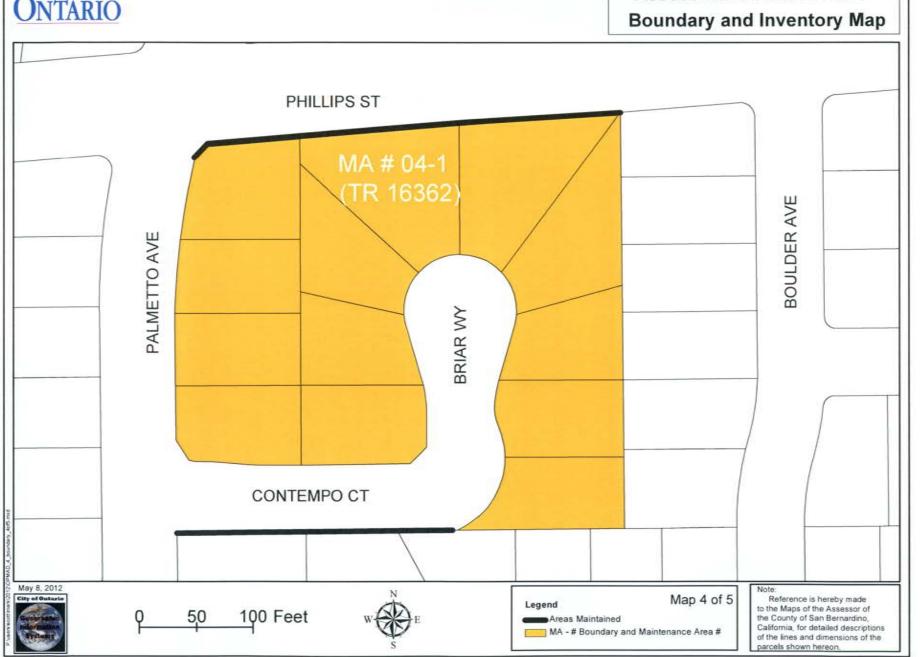


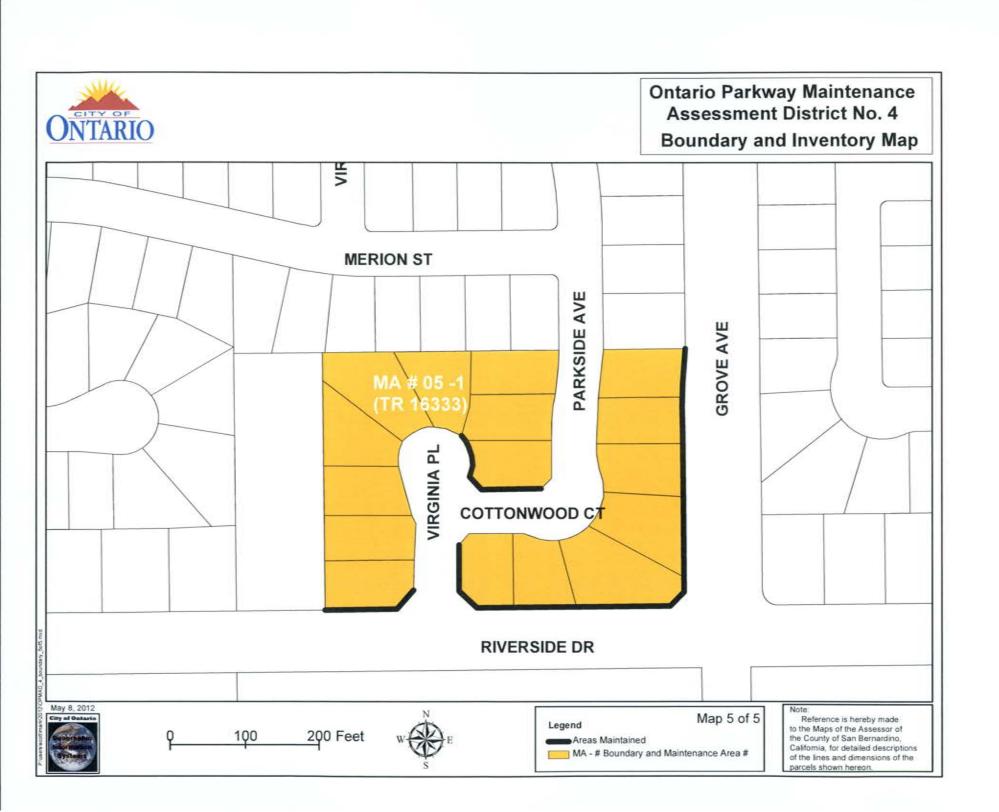












RESOL	UTION	NO.	

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE ASSESSMENT ENGINEER'S REPORTS FOR THE ANNUAL LEVY OF ASSESSMENTS WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2, 3 AND 4 FOR FISCAL YEAR 2013-2014.

WHEREAS, the City Council of the City of Ontario, California, pursuant to the provisions of Division 15, Part 2, of the Streets and Highways Code of the State of California (the "1972 Act"), Article XIIID of the Constitution of the State of California ("Article XIIID"), and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following) (the "Implementation Act") (the 1972 Act, Article XIIID and the Implementation Act are referred to collectively as the "Assessment Law"), did, by previous Resolution, order the preparation of the Assessment Engineer's Reports for the annual levy of assessments for the referenced Fiscal Year in the maintenance assessment districts known and designated as

CITY OF ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2, 3 AND 4

(the "Districts"); and

WHEREAS, there has now been presented to this City Council the Assessment Engineer's Reports as required by the Assessment Law and as previously directed by Resolution; and

WHEREAS, this City Council has now examined and reviewed the Assessment Engineer's Reports as presented, and is satisfied with each and all of the items and documents as set forth therein, and is satisfied that the assessments on a preliminary basis, have been spread in accordance with the special benefits received from the improvements to be maintained, as set forth in said Assessment Engineer's Reports.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

SECTION 1. That the above recitals are all true and correct.

<u>SECTION 2</u>. That the Assessment Engineer's Reports as presented, consisting of the following:

- Plans and specifications describing the general nature, location, and extent of the improvements to be maintained and the extent of such maintenance;
- An estimate of the cost of the maintenance of the improvements for the Districts for the referenced fiscal year;

- A diagram for each District, showing the area and properties proposed to be assessed; and
- D. An annual assessment for the referenced Fiscal Year of the estimated costs of the maintenance of those improvements to be maintained during such Fiscal Year, assessing the net amount upon all assessable lots and/or parcels within the Districts in proportion to the special benefits received;

are hereby approved on a preliminary basis and are ordered to be filed in the Records Management Department as a permanent record and to remain open to public inspection.

SECTION 3. That the City Clerk shall certify to the passage and adoption of this Resolution, and the minutes of this meeting shall so reflect the presentation of the Assessment Engineer's Reports.

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 2013.

	PAUL S. LEON, MAYOR	
ATTEST:		
MARY E. WIRTES, MMC, CITY CLERK		
APPROVED AS TO LEGAL FORM:		
BEST BEST & KRIEGER LLP		

	CALIFORNIA F SAN BERNARDINO ITARIO))
foregoing Re	esolution No. 2013- was	e City of Ontario, DO HEREBY CERTIFY that duly passed and adopted by the City Council of ting held June 18, 2013 by the following roll call
AYES:	COUNCIL MEMBERS:	
NOES:	COUNCIL MEMBERS:	
ABSENT:	COUNCIL MEMBERS:	
(SEAL)		MARY E. WIRTES, MMC, CITY CLERK
	ng is the original of Resoluti Council at their regular mee	on No. 2013- duly passed and adopted by the eting held June 18, 2013.
		MARY E. WIRTES, MMC, CITY CLERK
(SEAL)		

RESOLUTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2013-2014 IN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2 AND 3, PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON.

WHEREAS, the City Council of the City of Ontario, California, has previously formed landscaping maintenance assessment districts pursuant to the terms and provisions of the "Landscaping and Lighting Act of 1972," being Division 15, Part 2, of the Streets and Highways Code of the State of California, in what is known and designated as

CITY OF ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2 AND 3

(hereinafter referred to as the Districts); and

WHEREAS, at this time, this City Council desires to conduct proceedings to provide for the annual levy of assessments for the ensuing fiscal year, to provide for the costs and expenses necessary for continual maintenance of improvements within said Districts; and

WHEREAS, at this time, there has been presented and approved by this City Council, the Engineer's Reports as required by law, and this City Council desires to conduct the proceedings for said annual levy.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

SECTION 1. That the above recitals are all true and correct.

SECTION 2. That the public interest and convenience requires, and it is the intention of this City Council, to undertake proceedings for the annual levy and collection of special assessments for the continual maintenance of certain improvements, all to service and benefit said Districts as said area is shown and delineated on the maps as previously approved by this City Council and on file in the Records Management Department, open to public inspection, and herein so referenced and made a part hereof, and proposed changes thereto are set forth in the Engineer's Reports, incorporated herein as a part hereof.

REPORT

<u>SECTION 3</u>. That the Engineer's Reports regarding the annual levy for said Districts, which Reports are for maintenance for said fiscal year, are hereby approved and are directed to be filed in the Records Management Department.

ASSESSMENT

SECTION 4. That the public interest and convenience requires, and it is the intention of this City Council to order the annual assessment levy for the Districts as set forth and described in said Engineer's Reports, and further it is determined to be in the best public interest and convenience to levy and collect annual assessments to pay the costs and expenses of said maintenance and improvement as estimated in said Reports.

DESCRIPTION OF MAINTENANCE

<u>SECTION 5</u>. The assessments levied and collected shall be for the maintenance of certain parkway landscaping and appurtenant improvements, as set forth in the Engineer's Reports, referenced and so incorporated herein.

COUNTY AUDITOR

SECTION 6. The County Auditor shall enter on the County Assessment Roll the amount of the assessments, and the County Tax Collector shall collect said assessments at the time and in the same manner as County taxes are collected. After collection by the County, the net amount of the assessments, after the deduction of any compensation due to the County for collection, shall be paid to the Treasurer for purposes of paying for the costs and expenses of said Districts.

SPECIAL FUND

SECTION 7. That all monies collected shall be deposited in a special fund. Payment shall be made out of said fund only for the purpose provided for in this Resolution, and in order to expedite the making of this maintenance and improvement, the City Council may transfer into said fund as it may deem necessary to expedite the proceedings. Any such transfer shall be repaid out of the proceeds of the assessments provided for in this Resolution.

BOUNDARIES OF DISTRICTS

SECTION 8. Said contemplated maintenance work is in the opinion of this City Council, of direct benefit to the properties within the boundaries of the Districts, and this City Council makes the costs and expenses of said maintenance chargeable upon the Districts, which Districts said City Council hereby declares to be the Districts benefited by said improvement and maintenance, and to be further assessed to pay the costs and expenses thereof. Said Districts shall include each and every parcel of land within the boundaries of said Districts, as said Districts are shown on the maps as approved by this City Council and on file in the Records Management Department.

PUBLIC PROPERTY

SECTION 9. Any lots or parcels of land known as public property, as the same are defined in Section 22663 of Division 15, Part 2, of the Streets and Highways Code of the State of California, which are included within the boundaries of the Districts, shall be omitted and exempt from any assessment to be made under these proceedings to cover any of the costs and expenses of said improvement and maintenance work.

PUBLIC HEARING

SECTION 10. NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD THE 16TH DAY OF JULY, 2013, AT THE HOUR OF 6:30 O'CLOCK P.M., IN THE REGULAR MEETING OF THE CITY COUNCIL, BEING IN THE COUNCIL CHAMBERS, WHICH IS THE TIME AND PLACE FIXED BY THIS CITY COUNCIL FOR THE HEARING OF PROTESTS OR OBJECTIONS IN REFERENCE TO THE ANNUAL LEVY OF ASSESSMENTS, TO THE EXTENT OF THE MAINTENANCE, BY PROPERTY OWNERS AFFECTED HEREBY AND ANY OTHER MATTERS CONTAINED IN THIS RESOLUTION. ANY PERSONS WHO WISH TO OBJECT TO THE PROCEEDINGS FOR THE ANNUAL LEVY SHOULD FILE A WRITTEN PROTEST WITH THE CITY CLERK PRIOR TO THE TIME SET AND SCHEDULED FOR SAID PUBLIC HEARING.

NOTICE

SECTION 11. That the City Clerk is hereby authorized and directed to publish, pursuant to Government Code Section 6061, a copy of this Resolution in the INLAND VALLEY DAILY BULLETIN, a newspaper of general circulation within said City, said publication shall be made one time and not less than ten (10) days before the date set for the Public Hearing.

SECTION 12. That this Resolution shall take effect immediately upon its adoption.

SECTION 13. For any and all information relating to the proceedings, protest procedure, any documentation and/or information of a procedural or technical nature, your attention is directed to the below listed person at the local agency or department so designated:

Bob Chandler City of Ontario 415 East "B" Street Ontario, California 91764 (909) 395-2353

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

PASSED, APPROVED, AND ADOPTED this 18th 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	

	CALIFORNIA F SAN BERNARDINO ITARIO))
foregoing Re	esolution No. 2013- was	e City of Ontario, DO HEREBY CERTIFY that duly passed and adopted by the City Council of ting held June 18, 2013 by the following roll call
AYES:	COUNCIL MEMBERS:	
NOES:	COUNCIL MEMBERS:	
ABSENT:	COUNCIL MEMBERS:	
		MARY E. WIRTES, MMC, CITY CLERK
(SEAL)		
	ng is the original of Resoluti Council at their regular mee	
(OEAL)		MARY E. WIRTES, MMC, CITY CLERK
(SEAL)		

RESOLUTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2013-2014 IN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICT NO. 4, PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON.

WHEREAS, the City Council of the City of Ontario, California, has previously formed a landscaping maintenance assessment district, and authorized the levy of assessments therein pursuant to the terms and provisions of the "Landscaping and Lighting Act of 1972," being Division 15, Part 2, of the Streets and Highways Code of the State of California (the "1972 Act"), Article XIIID of the Constitution of the State of California ("Article XIIID"), and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following) (the "Implementation Act") (the 1972 Act, Article XIIID and the Implementation Act are referred to collectively as the "Assessment Law") in what is known and designated as

CITY OF ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICT NO. 4

(the "District"); and

WHEREAS, the City Council previously undertook proceedings as required by the Assessment Law to consider the approval of the levy of (a) maximum annual assessments to finance the estimated costs of the maintenance of all of the improvements to ultimately be maintained upon the completion and acceptance thereof for maintenance, assessing the net amount upon all assessable lots and/or parcels within the District in proportion to the special benefits received; together with a formula pursuant to which such maximum assessment may be adjusted annually for inflation, and (b) an initial annual assessment of the estimated costs of the maintenance of those improvements to be maintained during such Fiscal Year, assessing the net amount upon all assessable lots and/or parcels within the District in proportion to the special benefits received; and

WHEREAS, upon the conclusion of the public hearing related to the proposed levy of the maximum annual assessments referred to in the preceding recital, the assessment ballots submitted in favor of the maximum annual assessments and the assessment ballots received in opposition to the levy of the maximum annual assessments were tabulated with assessment ballots weighted according to the proportional financial obligation of the affected properties; and

WHEREAS, as a result of the tabulation of the assessment ballots submitted, it was determined that the assessment ballots submitted, and not withdrawn, in favor of the proposed maximum annual assessment exceeded the assessment ballots submitted, and not withdrawn, in opposition to the levy of the maximum annual assessment; and

WHEREAS, this City Council has initiated proceedings to provide for the annual levy of assessments for the referenced Fiscal Year, to finance the costs and expenses necessary for continual maintenance of improvements within said Districts; and

WHEREAS, at this time, there has been presented and approved by this City Council, the Assessment Engineer's Report as required by the Assessment Law, and this City Council desires to conduct the proceedings to authorize said annual levy; and

WHEREAS, the proposed annual assessments for the referenced Fiscal Year as set forth in the Assessment Engineer's Report do not exceed the maximum annual assessments as previously authorized to be levied and, therefore, the proposed levy of assessments for the referenced Fiscal Year are not deemed to be "increased" over the maximum annual assessments.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

RECITALS

SECTION 1. That the above recitals are all true and correct.

IMPROVEMENTS AND MAINTENANCE

SECTION 2. That the public interest and convenience requires, and it is the intention of this City Council, to undertake proceedings for the annual levy and collection of special assessments for the continual maintenance of the improvements described below, all to service and specially benefit the properties within said District as said area is shown and delineated on a map as previously approved by this City Council and on file in the Records Management Department, open to public inspection, and herein so referenced and made a part hereof.

The improvements to be maintained include the landscaping, planting, shrubbery, trees, irrigation systems, hardscapes, fixtures, sidewalks within designated medians, parkways, other public rights-of-way and dedicated easements specially benefiting the properties within the District.

The maintenance of such landscaping shall include the furnishing of services and materials for the ordinary and usual maintenance and servicing of the improvements, including:

- (a) Repair, removal, or replacement of all or any part of any improvement;
- (b) Providing for the life, growth, health, and beauty of the improvements, including cultivation, irrigation, trimming, spraying, fertilizing, and/or treating for disease and injury; and
- (c) The removal of trimmings, rubbish, and debris.

The annual assessment for the referenced Fiscal Year shall be levied only for those improvements completed or projected to be completed and accepted by this City Council for maintenance prior to or during said Fiscal Year.

ASSESSMENT ENGINEER'S REPORT

SECTION 3. That the Assessment Engineer's Report regarding the annual levy for said District, which Report is for maintenance for the said Fiscal Year, is hereby approved and is directed to be filed in the Records Management Department. Reference is made to such Report for a full and detailed description of the improvements to be maintained, the boundaries of the District and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the District.

ASSESSMENT

SECTION 4. That the public interest and convenience requires, and it is the intention of this City Council to order the annual assessment levy for the District as set forth and described in said Assessment Engineer's Report, and further it is determined to be in the best public interest and convenience to levy and collect annual assessments to pay the costs and expenses of said maintenance and improvement as estimated in the Assessment Engineer's Report.

BOUNDARIES OF DISTRICT

SECTION 5. Said contemplated maintenance work is in the opinion of this City Council, of direct benefit to the properties within the boundaries of the District, and this City Council makes the costs and expenses of said maintenance chargeable upon a District, which District said City Council hereby declares to be the District benefited by said improvement and maintenance, and to be further assessed to pay the costs and expenses thereof. Said District shall include each and every parcel of land within the boundaries of said District, as said District is shown on a map as approved by this City Council and on file in the Records Management Department, and so designated by the name of the District.

PUBLIC HEARING

SECTION 6. NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD THE 16TH DAY OF JULY, 2013, AT THE HOUR OF 6:30 O'CLOCK P.M., IN THE REGULAR MEETING OF THE CITY COUNCIL, BEING IN THE COUNCIL CHAMBERS, WHICH IS THE TIME AND PLACE FIXED BY THIS CITY COUNCIL FOR THE HEARING OF PROTESTS OR OBJECTIONS IN REFERENCE TO THE ANNUAL LEVY OF ASSESSMENTS, TO THE EXTENT OF THE MAINTENANCE, BY ANY INTERESTED PERSON AND ANY OTHER MATTERS CONTAINED IN THIS RESOLUTION. ANY PERSONS WHO WISH TO OBJECT TO THE PROCEEDINGS FOR THE ANNUAL LEVY SHOULD FILE A WRITTEN PROTEST WITH THE CITY CLERK PRIOR TO THE TIME SET AND SCHEDULED FOR SAID PUBLIC HEARING.

NOTICE

SECTION 7. That the City Clerk is hereby authorized and directed to publish, pursuant to Government Code Section 6061, a copy of this Resolution in the INLAND VALLEY DAILY BULLETIN, a newspaper of general circulation within said City, said publication shall be made one time and not less than ten (10) days before the date set for the Public Hearing.

EFFECTIVE DATE OF RESOLUTION

SECTION 8. That this Resolution shall take effect immediately upon its adoption.

PROCEEDING INQUIRIES

SECTION 9. For any and all information relating to the proceedings, protest procedure, any documentation and/or information of a procedural or technical nature, your attention is directed to the below listed person at the local agency or department so designated:

Bob Chandler City of Ontario 415 East "B" Street Ontario, California 91764 (909) 395-2353

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

PASSED, APPROVED, AND ADOPTED this 18th 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	

	CALIFORNIA F SAN BERNARDINO ITARIO)))
foregoing Re	esolution No. 2013- was d	e City of Ontario, DO HEREBY CERTIFY that duly passed and adopted by the City Council of ng held June 18, 2013 by the following roll call
AYES:	COUNCIL MEMBERS:	
NOES:	COUNCIL MEMBERS:	
ABSENT:	COUNCIL MEMBERS:	
		MARY E. WIRTES, MMC, CITY CLERK
(SEAL)		
	ng is the original of Resolutio Council at their regular meet	on No. 2013- duly passed and adopted by the ting held June 18, 2013.
		MARY E. WIRTES, MMC, CITY CLERK
(SEAL)		

CITY OF ONTARIO

Agenda Report June 18, 2013

SECTION: CONSENT CALENDAR

SUBJECT: ANNUAL LEVY OF ASSESSMENTS WITHIN STREET LIGHTING MAINTENANCE DISTRICTS NO. 1 AND 2 FOR FISCAL YEAR 2013-14

RECOMMENDATION: That the City Council adopt resolutions pertaining to the levy of assessments within Street Lighting Maintenance Districts (SLMD) No. 1 and 2:

- (A) A resolution initiating proceedings and ordering the preparation of an Engineer's Report for each district relating to the annual levy of assessments, and
- (B) A resolution giving preliminary approval of the Engineer's Reports, and
- (C) Resolutions declaring the City's intention to levy the special assessments for Fiscal Year 2013-14 and setting the date of July 16, 2013 for a Public Hearing on each district in accordance with the Landscaping and Lighting Act of 1972.

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

FISCAL IMPACT: As proposed, special assessment revenue will be generated in the amount of \$373,986 from SLMD No. 1 and \$89,203 from SLMD No. 2 during Fiscal Year 2013-14. A portion of the facilities within SLMD No. 1 provide general benefit to the public at large and cannot be funded with the assessment. The amount of general benefit is \$19,150. The total of the recommended assessments is increasing by an average of 2.5% for the two Benefit Zones within SLMD No. 1, and increasing by an average of 3.0% for the twelve Maintenance Areas in SLMD No. 2.

BACKGROUND: Street Lighting Maintenance District No. 1 was formed in 1984, and Street Lighting Maintenance District No. 2 was formed in 1999, pursuant to the Landscaping and Lighting Act of 1972

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

Prepared by: Department:	Bob Chandler Management Services	Submitted to Council/O.H.A. 06/18/2013 Approved:
City Manager	111	Continued to: Denied:
Approval:	Ch/L	13

(the "1972 Act"), to help minimize the continually increasing cost for maintaining and operating the City's street lighting system. A special assessment is levied annually on benefiting properties for the cost of maintenance and operation of certain street lighting facilities within the districts. The locations of the districts are shown on the attached maps.

The City's Municipal Services Department establishes the annual maintenance costs and maintains the street lighting system. An Engineer's Report for each district must be prepared annually, apportioning the costs to each parcel within the districts. The districts are comprised of commercial, industrial and some multi-family residential properties. Due to varying characteristics, the districts are organized into Benefit Zones and/or Maintenance Areas. Each zone/maintenance area is assessed for only the operation and maintenance of the facilities from which it receives direct special benefit. The total assessment for each zone/maintenance area is then apportioned to its constituent parcels. Therefore, the assessments are unique and specific to each individual parcel of property.

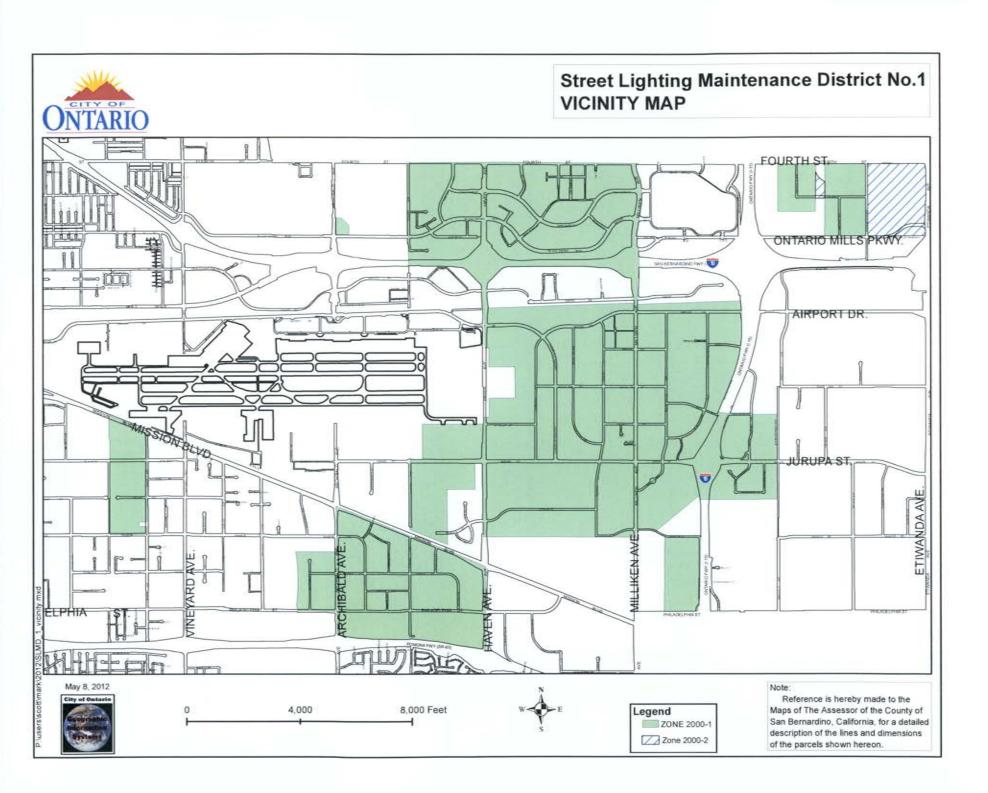
The total assessment during tax year 2012-13 was \$366,522 in SLMD No. 1, and \$86,605 in SLMD No. 2. The proposed total assessment levy for tax year 2013-14 is \$373,986 in SLMD No. 1, and \$89,203 in SLMD No. 2. A portion of the facilities within SLMD No. 1 provide general benefit to the public at large and cannot be funded with the assessment. The amount of general benefit is \$19,150. The total of the recommended assessments is increasing by an average of 2.5% for the two Benefit Zones within SLMD No. 1, and increasing by an average of 3.0% for the 12 Maintenance Areas in SLMD No. 2.

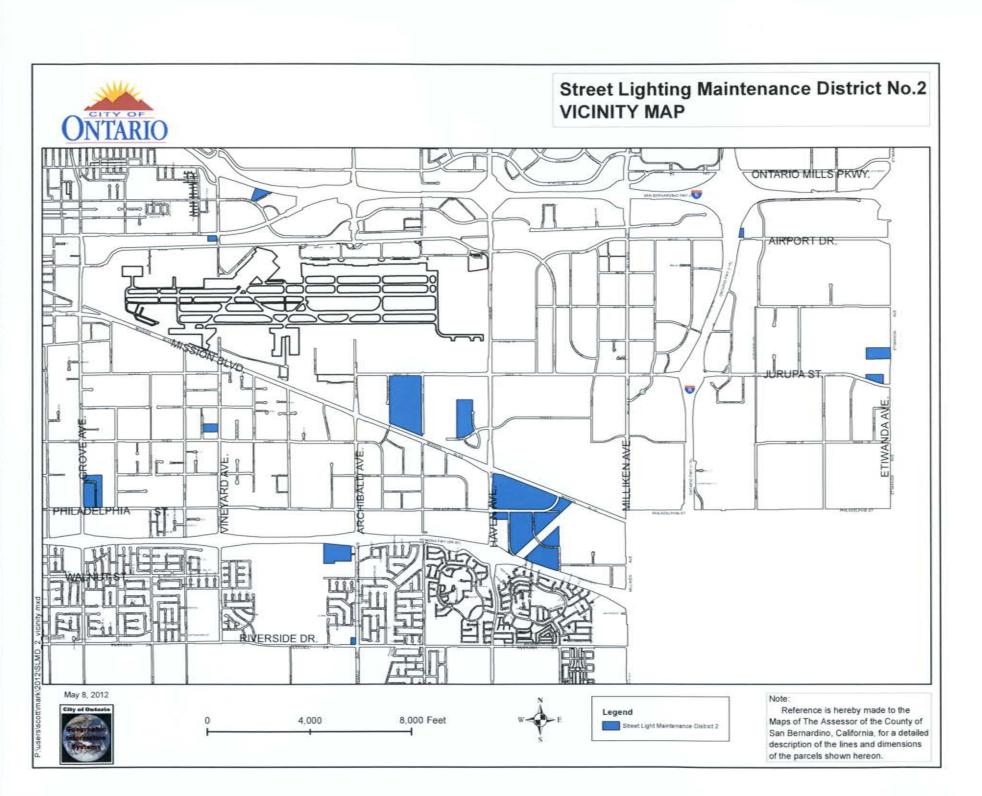
		ior Year 012-13	Proposed 2013-14	I	Maximum 2013-14
SLMD No. 1, Zone 2000-1	Per AU	\$ 130.62	\$ 133.19	\$	133.31
SLMD No. 1, Zone 2000-2	Per AU	\$ 67.14	\$ 65.86	\$	109.27
SLMD No. 2, MA# 99-1		\$ 3,837	\$ 3,952	\$	9,507
SLMD No. 2, MA# 99-2		\$ 1,999	\$ 2,058	\$	4,727
SLMD No. 2, MA# 99-3		\$ 3,997	\$ 4,117	\$	7,877
SLMD No. 2, MA# 99-4		\$ 1,332	\$ 1,373	\$	3,155
SLMD No. 2, MA# 99-5		\$ 1,206	\$ 1,244	\$	2,958
SLMD No. 2, MA# 99-6		\$ 11,850	\$ 12,209	\$	27,607
SLMD No. 2, MA# 99-7		\$ 361	\$ 372	\$	853
SLMD No. 2, MA# 99-8		\$ 2,665	\$ 2,744	\$	6,302
SLMD No. 2, MA# 00-1		\$ 2,540	\$ 2,614	\$	2,900
SLMD No. 2, MA# 00-2		\$ 1,332	\$ 1,373	\$	1,935
SLMD No. 2, MA# 00-3		\$ 7,329	\$ 7,546	\$	10,635
SLMD No. 2, MA# 00-4		\$ 48,157	\$ 49,603	\$	60,897

AU-Assessment Unit (e.g. – Zone 2000-1: 1 vacant acre = 0.25 AU; Zone 2000-2: 1 vacant acre = 1 AU)

Pursuant to the "1972 Act," Engineer's Reports have been prepared for each district, and are on file with the Records Management Department. Each report includes plans and specifications for the improvements being operated and maintained, an estimate of costs, a diagram of the area proposed to be assessed, and an assessment of the costs to the various parcels within the districts.

A public hearing is required for each district prior to adoption of the proposed assessments. A combined public hearing will be held on July 16, 2013 for the purpose of accepting comments and written protests. At the conclusion of the public hearing, the City Council will consider adoption of resolutions confirming the assessments and ordering the levy of the assessments for tax year 2013-14. Notice of the public hearing for the levy of assessments will be published in the local newspaper, in accordance with the applicable statutes.





RESOLUTION	NO.
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE PREPARATION OF THE ASSESSMENT ENGINEER'S REPORTS PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, FOR PROCEEDINGS FOR THE ANNUAL ASSESSMENT LEVY WITHIN ONTARIO STREET LIGHTING MAINTENANCE DISTRICTS NO. 1 AND NO. 2 FOR FISCAL YEAR 2013-2014.

WHEREAS, the City Council of the City of Ontario, California, previously formed maintenance districts pursuant to the terms and provisions of the "Landscaping and Lighting Act of 1972," being Division 15, Part 2, of the Streets and Highways Code of the State of California (the "1972 Act"), known and designated as

CITY OF ONTARIO STREET LIGHTING MAINTENANCE DISTRICTS NO. 1 AND 2

(the "Districts"); and

WHEREAS, at this time the City Council desires to initiate proceedings to provide for the annual levy of assessments for the referenced Fiscal Year to provide for the annual costs for maintenance of improvements within the Districts; and

WHEREAS, the proceedings for the annual levy of assessments shall relate to the Fiscal Year commencing July 1, 2013, and ending June 30, 2014; and

WHEREAS, there has been submitted to this City Council for its consideration at this time, maps showing the boundaries of the areas affected by the levy of the assessments for the above-referenced Fiscal Year, and inventory maps showing and describing in general the works of improvement proposed to be maintained in said Districts, said description being sufficient to identify the works of improvement and the areas proposed to be assessed for said maintenance thereof.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

SECTION 1. That the above recitals are all true and correct.

SECTION 2. That the maps entitled

CITY OF ONTARIO STREET LIGHTING MAINTENANCE DISTRICTS NO. 1 AND 2 BOUNDARY MAP AND INVENTORY MAPS

attached hereto, as submitted to this City Council, showing the boundaries of the proposed areas to be assessed and showing the works of improvement to be

maintained, are hereby approved, and a copy thereof shall be on file in the Records Management Department and open to public inspection. The proposed parcels and properties within said areas are those to be assessed to pay the costs and expenses for said maintenance work.

SECTION 3. That the proposed maintenance work within the areas proposed to be assessed shall be for street lighting and signal and appurtenant improvements, as said maintenance work is set forth in the Reports to be presented to this City Council for consideration.

SECTION 4. That the Assessment Engineer, Harris & Associates, is hereby ordered to prepare and file with this City Council the Assessment Engineer's Reports relating to said annual assessment and levy in accordance with the provisions of 1972 Act, Article XIIID of the Constitution of the State of California ("Article XIIID"), and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following) (the "Implementation Act") (the 1972 Act, Article XIIID and the Implementation Act are referred to collectively as the "Assessment Law").

<u>SECTION 5</u>. That upon completion, said Assessment Engineer's Reports shall be filed with the City Clerk, who shall then submit the same to this City Council for its consideration pursuant to the Assessment Law.

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

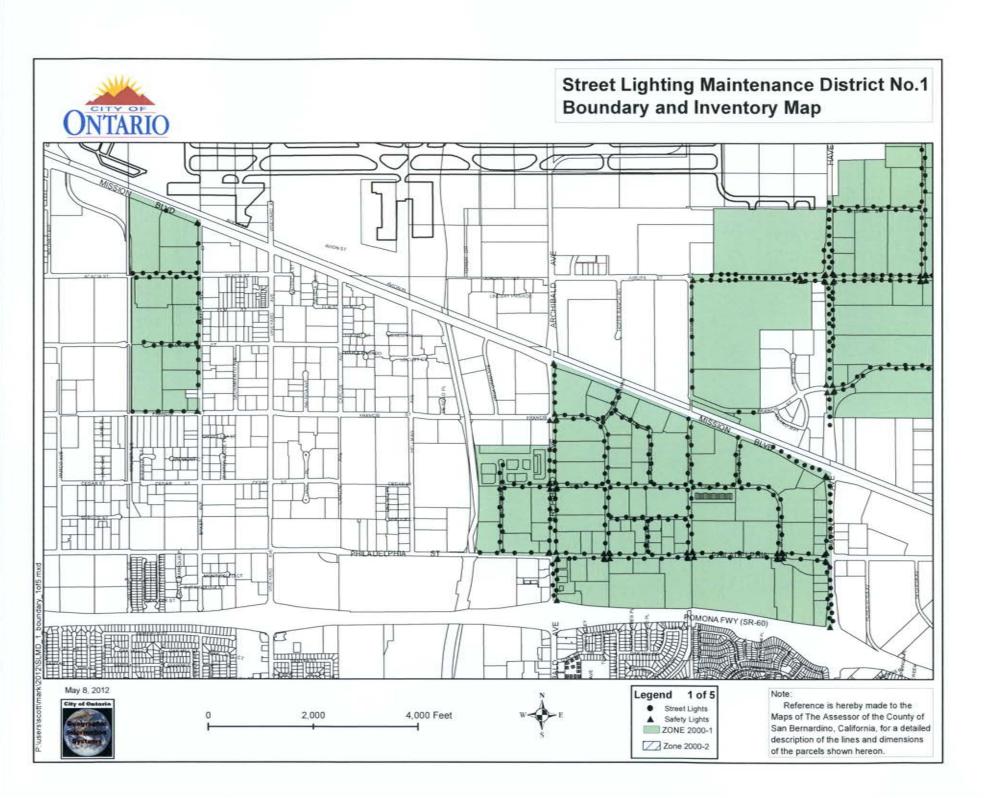
PASSED, APPROVED, AND ADOPTED this 18st day of June 2013.

	PAUL S. LEON, MAYOR
ATTEST:	
MARY E. WIRTES, MMC, CITY CLERK	
APPROVED AS TO LEGAL FORM:	

BEST BEST & KRIEGER LLP

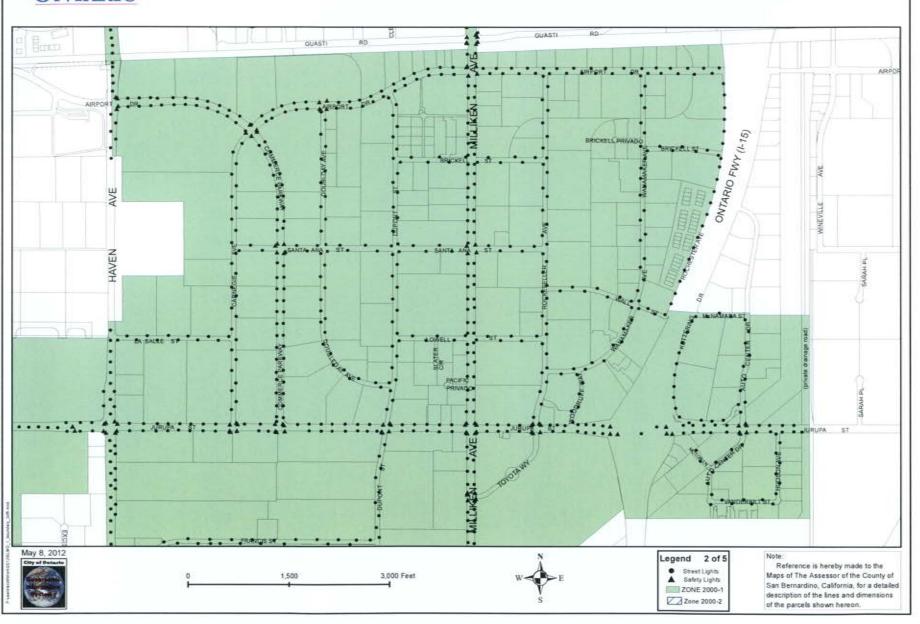
CITY ATTORNEY

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 18, 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 18, 2013.
MARY E. WIRTES, MMC, CITY CLERK
(SEAL)



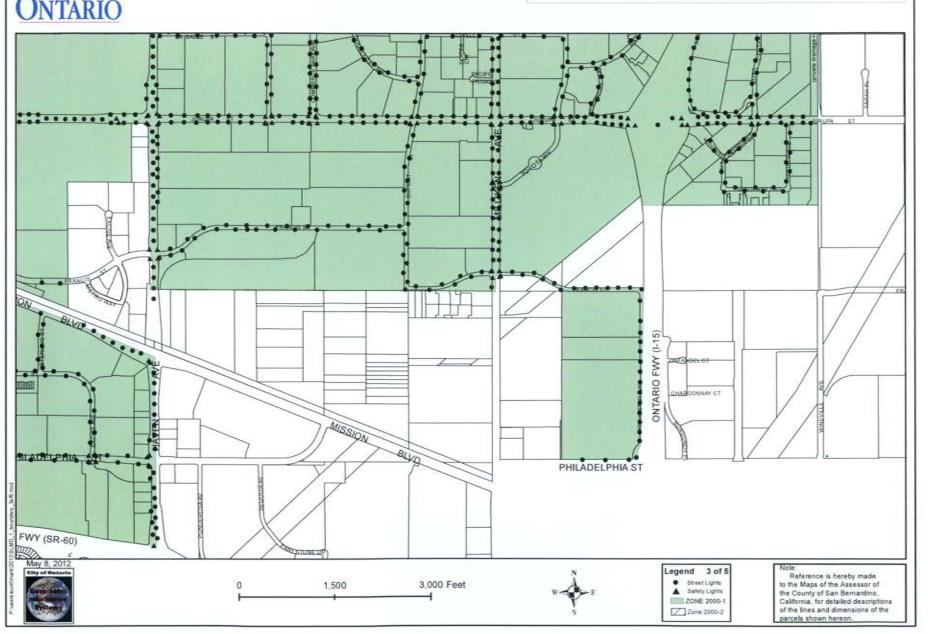


Street Lighting Maintenance District No.1 Boundary and Inventory Map



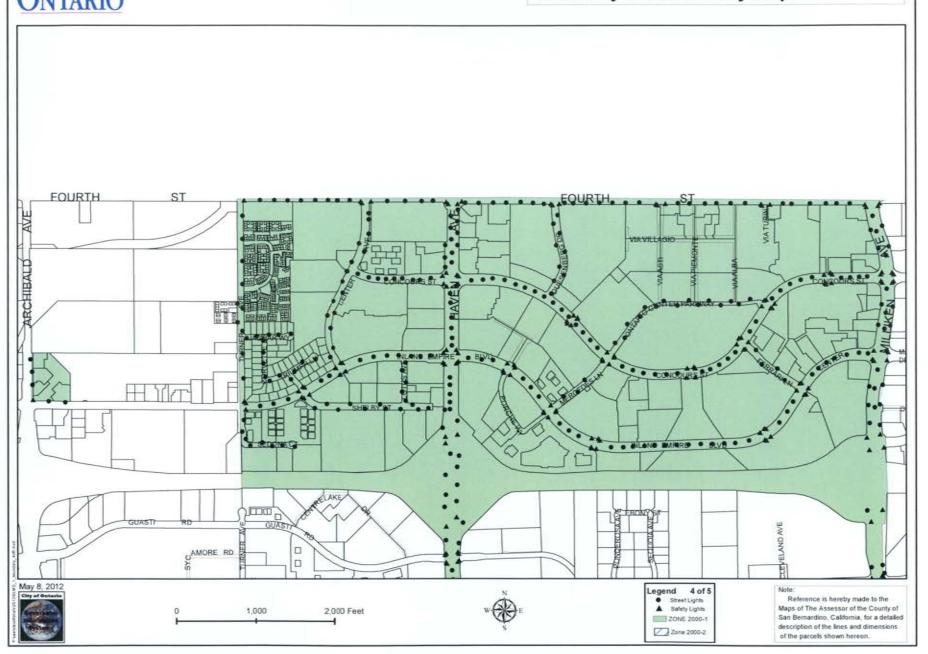


Street Lighting Maintenance District No.1 Boundary and Inventory Map





Street Lighting Maintenance District No.1 Boundary and Inventory Map



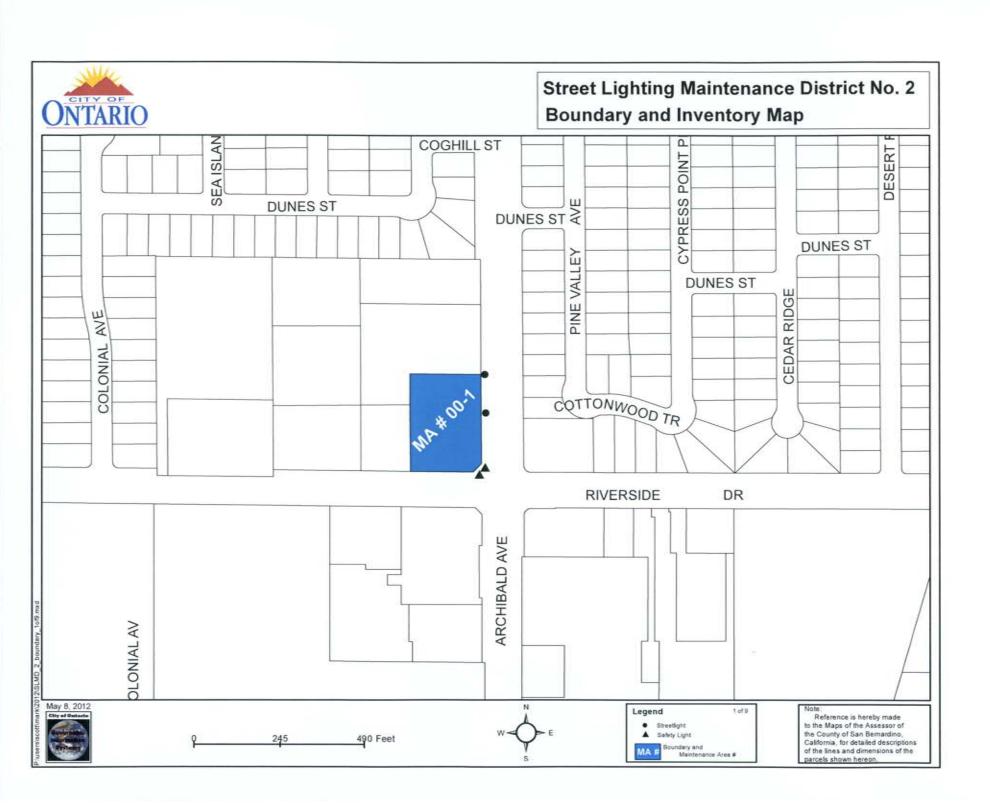


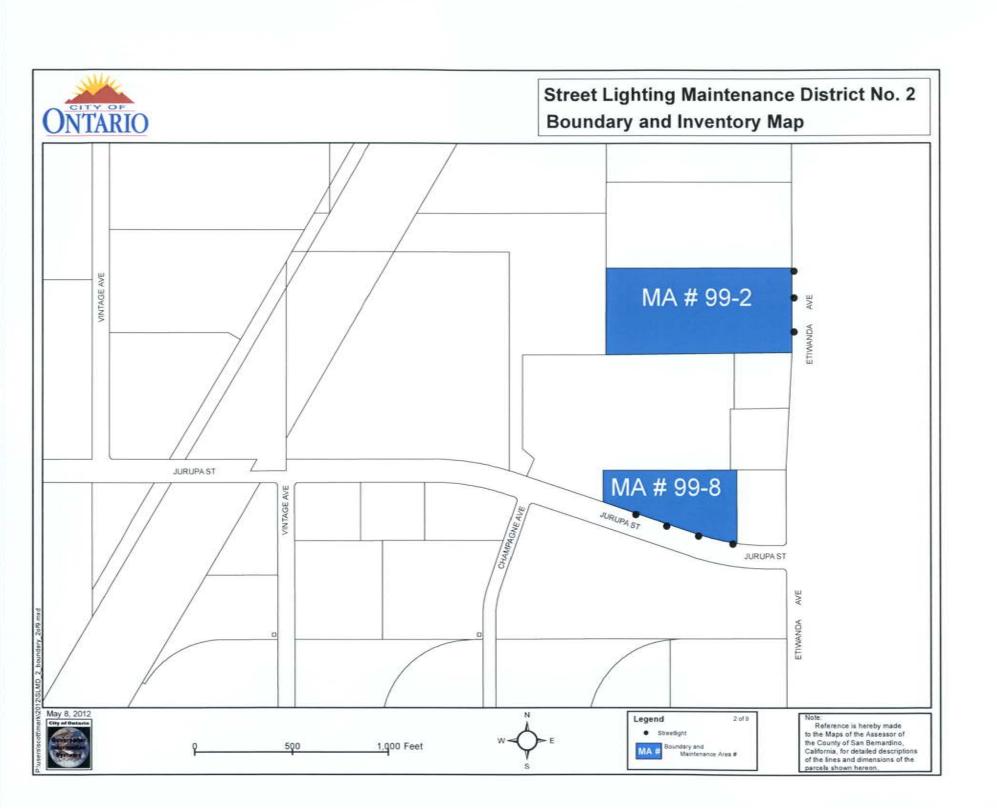
Street Lighting Maintenance District No. 1 **Boundary and Inventory Map**

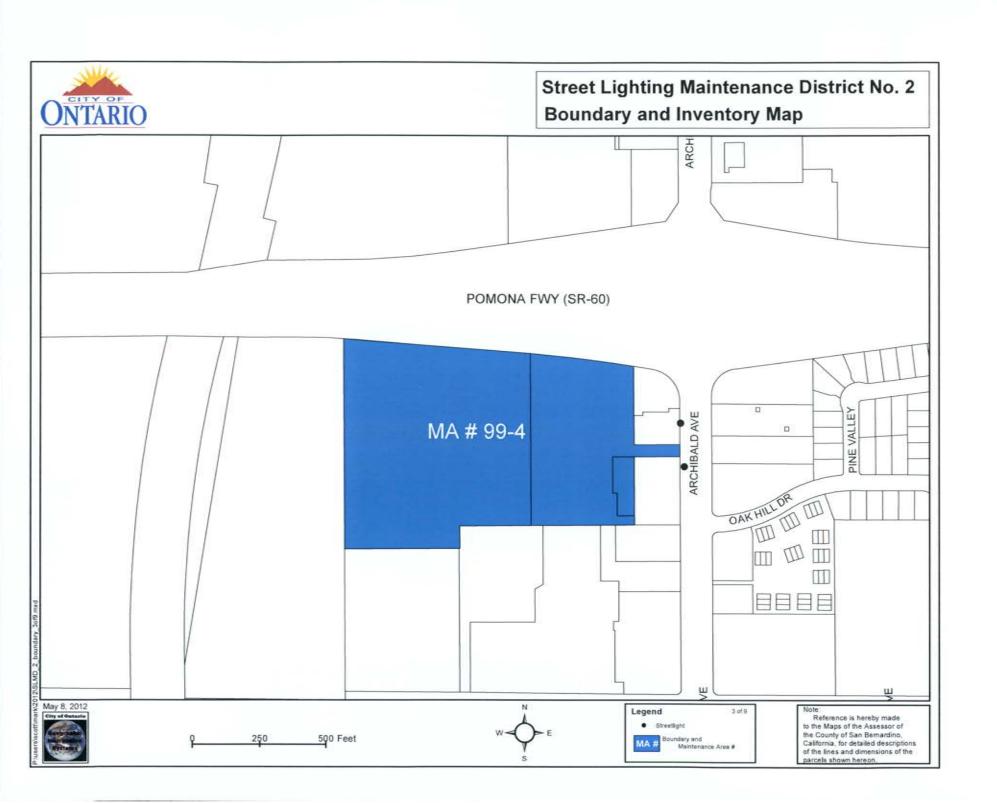
Zone 2000-2

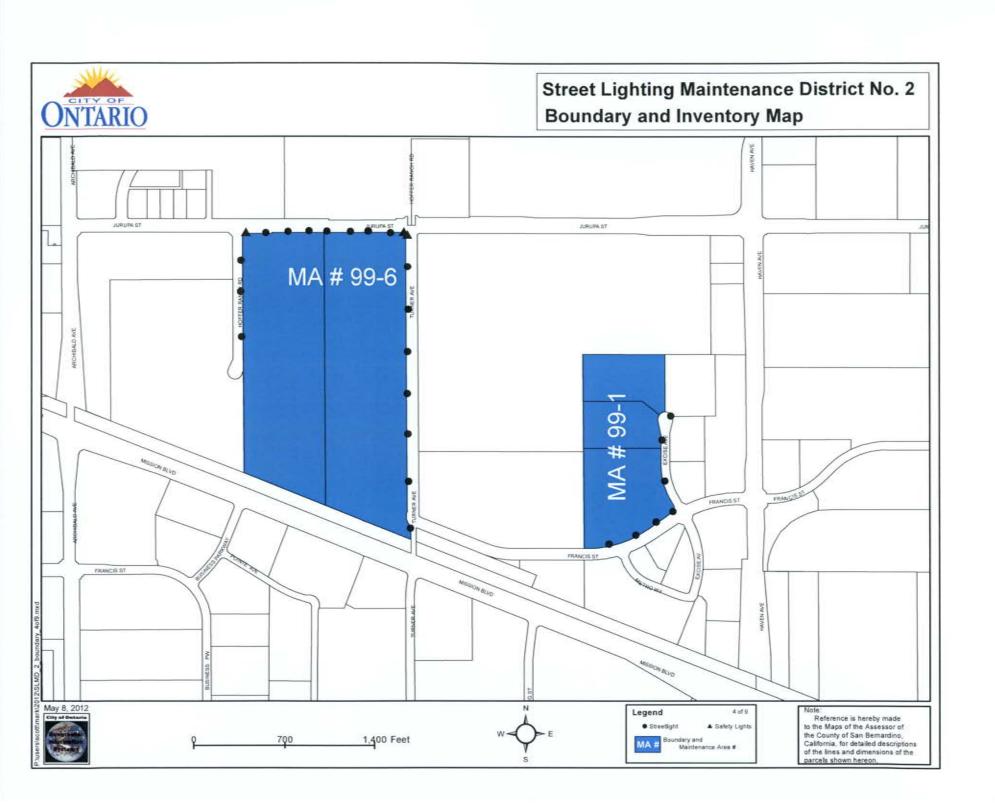
parcels shown hereon.

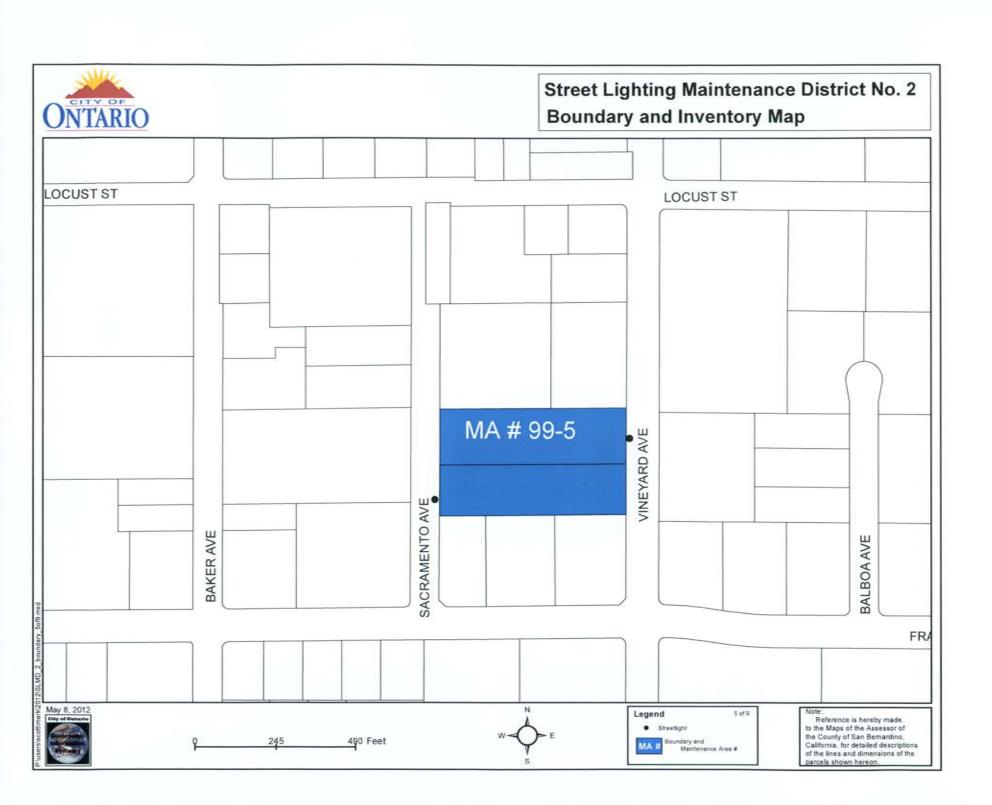


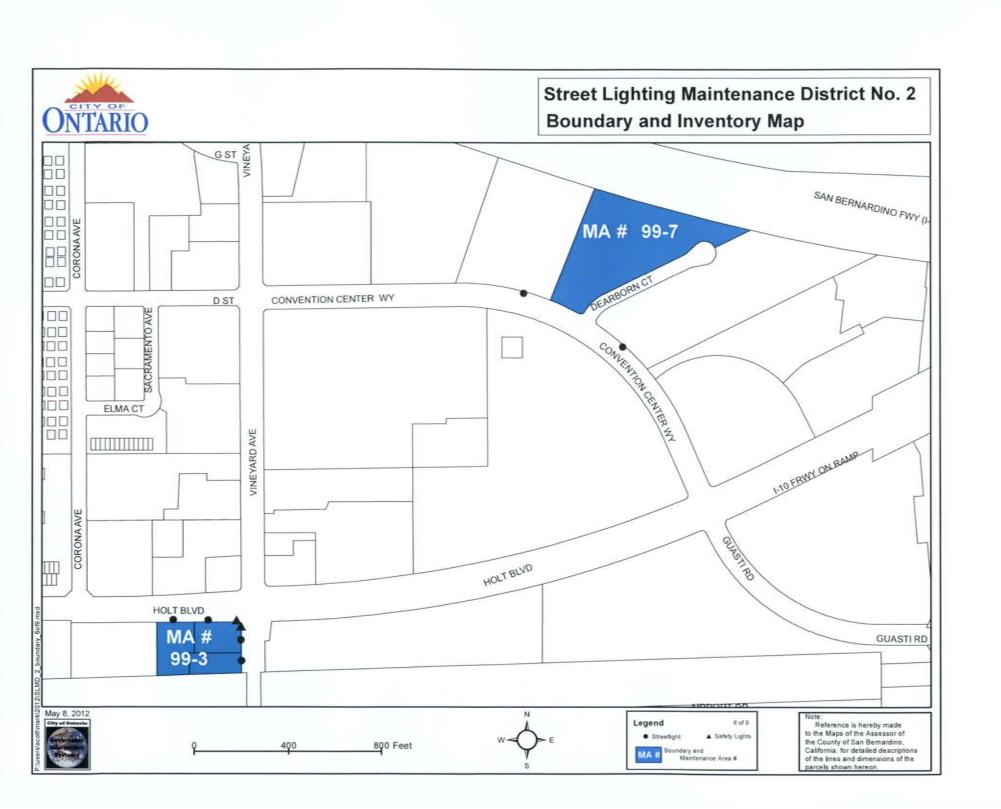


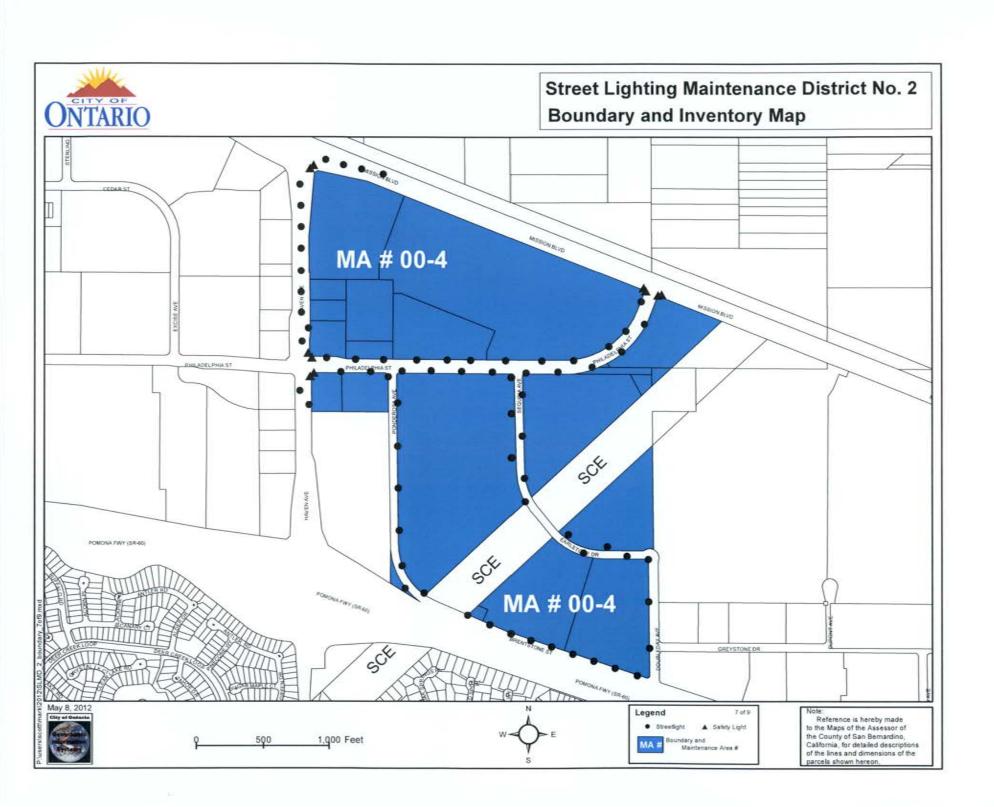


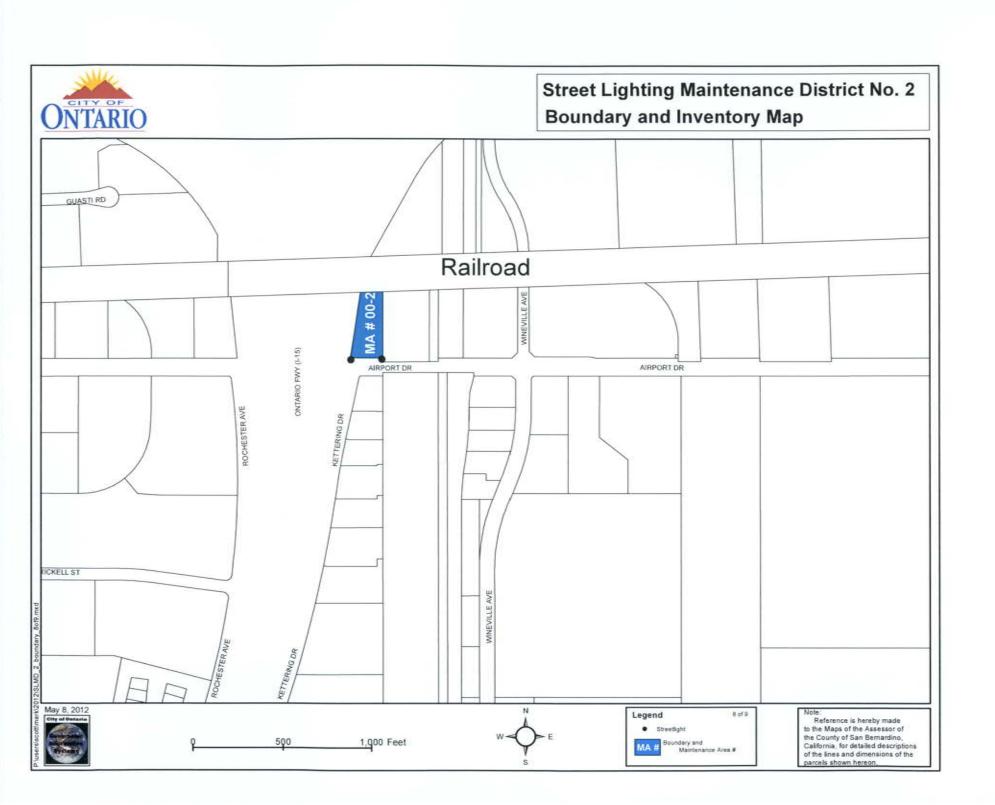


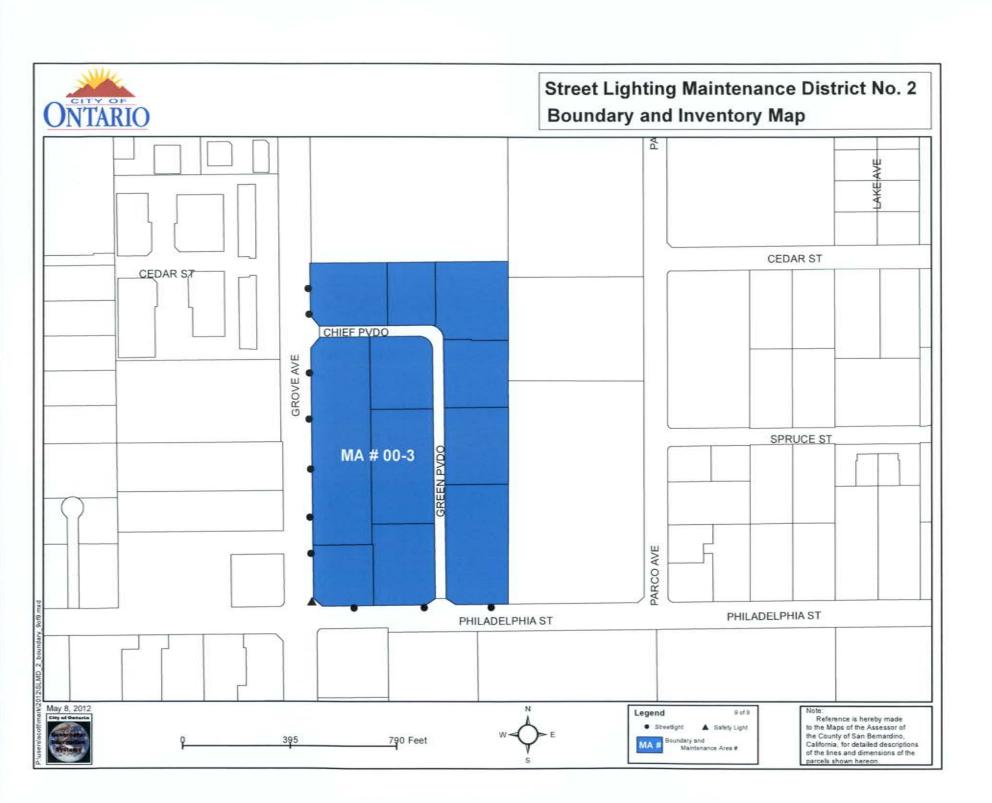












RE	SOL	UTION	NO.	

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE ASSESSMENT ENGINEER'S REPORTS FOR THE ANNUAL LEVY OF ASSESSMENTS WITHIN ONTARIO STREET LIGHTING MAINTENANCE DISTRICTS NO. 1 AND NO. 2 FOR FISCAL YEAR 2013-2014.

WHEREAS, the City Council of the City of Ontario, California, pursuant to the provisions of Division 15, Part 2, of the Streets and Highways Code of the State of California (the "1972 Act"), Article XIIID of the Constitution of the State of California ("Article XIIID"), and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following) (the "Implementation Act") (the 1972 Act, Article XIIID and the Implementation Act are referred to collectively as the "Assessment Law"), did, by previous Resolution, order the preparation of the Assessment Engineer's Reports for the annual levy of assessments for the referenced Fiscal Year in the maintenance assessment districts known and designated as

CITY OF ONTARIO STREET LIGHTING MAINTENANCE DISTRICTS NO. 1 AND 2

(the "Districts"); and

WHEREAS, there has now been presented to this City Council the Assessment Engineer's Reports as required by the Assessment Law and as previously directed by Resolution; and

WHEREAS, this City Council has now examined and reviewed the Assessment Engineer's Reports as presented, and is satisfied with each and all of the items and documents as set forth therein, and is satisfied that the assessments on a preliminary basis, have been assessed in accordance with the special benefits received from the improvements to be maintained, as set forth in said Assessment Engineer's Reports.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

SECTION 1. That the above recitals are all true and correct.

<u>SECTION 2</u>. That the Assessment Engineer's Reports as presented, consisting of the following:

- A. Plans and specifications describing the general nature, location, and extent of the improvements to be maintained and the extent of such maintenance for each District;
- B. An estimate of the cost of the maintenance of the improvements for each District for the referenced Fiscal Year:

- A diagram for each District, showing the area and properties proposed to be assessed; and
- D. An annual assessment within each District for the referenced Fiscal Year of the estimated costs of the maintenance of those improvements to be maintained during such Fiscal Year, assessing the net amount upon all assessable lots and/or parcels within each District in proportion to the special benefits received;

are hereby approved on a preliminary basis and are ordered to be filed in the Records Management Department as a permanent record and to remain open to public inspection.

SECTION 3. That the City Clerk shall certify to the passage and adoption of this Resolution, and the minutes of this meeting shall so reflect the presentation of the Assessment Engineer's Reports.

PASSED, APPROVED, AND ADOPTED this 18th 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

	CALIFORNIA F SAN BERNARDINO ITARIO)))
foregoing Re	esolution No. 2013- was	e City of Ontario, DO HEREBY CERTIFY that duly passed and adopted by the City Council of ting held June 18, 2013 by the following roll call
AYES:	COUNCIL MEMBERS:	
NOES:	COUNCIL MEMBERS:	
ABSENT:	COUNCIL MEMBERS:	
		MARY E. WIRTES, MMC, CITY CLERK
(SEAL)		
	g is the original of Resoluti Council at their regular mee	on No. 2013- duly passed and adopted by the
Ontario Oity	oourion at their regular med	Stilling field duffer 10, 2010.
		MARY E. WIRTES, MMC, CITY CLERK
(SEAL)		

RESOL	UTION	NO.	

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2013-2014 IN ONTARIO STREET LIGHTING MAINTENANCE DISTRICT NO. 1 PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON.

WHEREAS, the City Council of the City of Ontario, California, has previously formed a street lighting maintenance assessment district pursuant to the terms and provisions of the "Landscaping and Lighting Act of 1972," being Division 15, Part 2, of the Streets and Highways Code of the State of California (the "1972 Act"), in what is known and designated as

CITY OF ONTARIO STREET LIGHTING MAINTENANCE DISTRICT NO. 1

(hereinafter referred to as the District); and

WHEREAS, the City Council has previously undertaken proceedings as required by the 1972 Act, Article XIIID of the Constitution of the State of California ("Article XIIID"), and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following) (the "Implementation Act and, together with the 1972 Act and Article XIIID, the "Assessment Law") to approve and has approved the levy of maximum annual assessments to finance the estimated costs of the maintenance of all of the improvements to be maintained, assessing the net amount upon all assessable lots and/or parcels within the District in proportion to the special benefits received; together with a formula pursuant to which such maximum assessments may be adjusted annually for inflation; and

WHEREAS, at this time, this City Council desires to conduct proceedings to provide for the annual levy of assessments for the referenced Fiscal Year, to provide for the costs and expenses necessary for continual maintenance of improvements within said District; and

WHEREAS, at this time, there has been presented and approved by this City Council, the Engineer's Report as required by law, and this City Council desires to conduct the proceedings for said annual levy; and

WHEREAS, the proposed annual assessments for the referenced Fiscal Year as set forth in the Assessment Engineer's Report do not exceed the maximum annual assessments as previously authorized to be levied and, therefore, the proposed levy of assessments for the referenced Fiscal Year are not deemed to be "increased" over the maximum annual assessments.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

SECTION 1. That the above recitals are all true and correct.

SECTION 2. That the public interest and convenience requires, and it is the intention of this City Council, to undertake proceedings for the annual levy and collection of special assessments for the continual maintenance of certain improvements, all to service and specially benefit said District as said area is shown and delineated on the maps as previously approved by this City Council and on file in the Records Management Department, open to public inspection, and herein so referenced and made a part hereof, and proposed changes thereto are set forth in the Engineer's Report, incorporated herein as a part hereof.

REPORT

SECTION 3. That the Engineer's Report regarding the annual levy for said District, which Report is for maintenance for said Fiscal Year, is hereby approved and is directed to be filed in the Records Management Department. Reference is made to such Report for a full and detailed description of the improvements to be maintained, the boundaries of the District and the zones therein, and the proposed assessments on assessable lots and parcels of land within the District.

ASSESSMENT

SECTION 4. That the public interest and convenience requires, and it is the intention of this City Council to order the annual assessment levy for the District as set forth and described in said Engineer's Report, and further it is determined to be in the best public interest and convenience to levy and collect annual assessments to pay the costs and expenses of said maintenance and improvement as estimated in said Report.

DESCRIPTION OF MAINTENANCE

<u>SECTION 5</u>. The assessments levied and collected shall be for the maintenance of certain street lighting and appurtenant improvements, as set forth in the Engineer's Report, referenced and so incorporated herein.

COUNTY AUDITOR

SECTION 6. The County Auditor shall enter on the County Assessment Roll the amount of the assessments, and the County Tax Collector shall collect said assessments at the time and in the same manner as County taxes are collected. After collection by the County, the net amount of the assessments, after the deduction of any compensation due to the County for collection, shall be paid to the Treasurer for purposes of paying for the costs and expenses of said District.

SPECIAL FUND

SECTION 7. That all monies collected shall be deposited in a special fund. Payment shall be made out of said fund only for the purpose provided for in this Resolution, and in order to expedite the making of this maintenance and improvement, the City Council may transfer into said fund as it may deem necessary to expedite the proceedings. Any such transfer shall be repaid out of the proceeds of the assessments provided for in this Resolution.

BOUNDARIES OF DISTRICT

SECTION 8. Said contemplated maintenance work is in the opinion of this City Council, of special benefit to the properties within the boundaries of the District, and this City Council makes the costs and expenses of said maintenance chargeable upon the District, which District said City Council hereby declares to be the District specially benefited by said improvement and maintenance, and to be further assessed to pay the costs and expenses thereof. Said District shall include each and every parcel of land within the boundaries of said District, as said District is shown on the maps as approved by this City Council and on file in the Records Management Department.

PUBLIC HEARING

SECTION 9. NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD THE 16TH DAY OF JULY, 2013, AT THE HOUR OF 6:30 O'CLOCK P.M., IN THE REGULAR MEETING OF THE CITY COUNCIL, BEING IN THE COUNCIL CHAMBERS, WHICH IS THE TIME AND PLACE FIXED BY THIS CITY COUNCIL FOR THE HEARING OF PROTESTS OR OBJECTIONS IN REFERENCE TO THE ANNUAL LEVY OF ASSESSMENTS, TO THE EXTENT OF THE MAINTENANCE, BY PROPERTY OWNERS AFFECTED HEREBY AND ANY OTHER MATTERS CONTAINED IN THIS RESOLUTION. ANY PERSONS WHO WISH TO OBJECT TO THE PROCEEDINGS FOR THE ANNUAL LEVY SHOULD FILE A WRITTEN PROTEST WITH THE CITY CLERK PRIOR TO THE TIME SET AND SCHEDULED FOR SAID PUBLIC HEARING.

NOTICE

SECTION 10. That the City Clerk is hereby authorized and directed to publish, pursuant to Government Code Section 6061, a copy of this Resolution in the INLAND VALLEY DAILY BULLETIN, a newspaper of general circulation within said City, said publication shall be made one time and not less than ten (10) days before the date set for the Public Hearing.

SECTION 11. That this Resolution shall take effect immediately upon its adoption.

SECTION 12. For any and all information relating to the proceedings, protest procedure, any documentation and/or information of a procedural or technical nature, your attention is directed to the below listed person at the local agency or department so designated:

Bob Chandler City of Ontario 415 East "B" Street Ontario, California 91764 (909) 395-2353

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 2013.

	PAUL S. LEON, MAYOR	
	PAGE S. ELON, MATOR	
ATTEST:		
MARY E. WIRTES, MMC, CITY CLERK		
APPROVED AS TO LEGAL FORM:		
BEST BEST & KRIEGER LLP		

		CALIFORNIA F SAN BERNARDINO ITARIO))
	foregoing Re	esolution No. 2013- was	ne City of Ontario, DO HEREBY CERTIFY that duly passed and adopted by the City Council of eting held June 18, 2013 by the following roll call
	AYES:	COUNCIL MEMBERS:	
	NOES:	COUNCIL MEMBERS:	
	ABSENT:	COUNCIL MEMBERS:	
	(SEAL)		MARY E. WIRTES, MMC, CITY CLERK
The foregoing is the original of Resolution No. 2013- duly passed and add Ontario City Council at their regular meeting held June 18, 2013.			
			MARY E. WIRTES, MMC, CITY CLERK
	(SEAL)		

RESOLUTION NO).
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2013-2014 IN ONTARIO STREET LIGHTING MAINTENANCE DISTRICT NO. 2, PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON.

WHEREAS, the City Council of the City of Ontario, California, has previously formed a street lighting maintenance assessment district, and authorized the levy of assessments therein pursuant to the terms and provisions of the "Landscaping and Lighting Act of 1972," being Division 15, Part 2, of the Streets and Highways Code of the State of California (the "1972 Act"), Article XIIID of the Constitution of the State of California ("Article XIIID"), and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following) (the "Implementation Act") (the 1972 Act, Article XIIID and the Implementation Act are referred to collectively as the "Assessment Law") in what is known and designated as

CITY OF ONTARIO STREET LIGHTING MAINTENANCE DISTRICT NO. 2

(the "District"); and

WHEREAS, the City Council previously undertook proceedings as required by the Assessment Law to consider the approval of the levy of (a) maximum annual assessments to finance the estimated costs of the maintenance of all of the improvements to ultimately be maintained upon the completion and acceptance thereof for maintenance, assessing the net amount upon all assessable lots and/or parcels within the District in proportion to the special benefits received; together with a formula pursuant to which such maximum assessment may be adjusted annually for inflation, and (b) an initial annual assessment of the estimated costs of the maintenance of those improvements to be maintained during such Fiscal Year, assessing the net amount upon all assessable lots and/or parcels within the District in proportion to the special benefits received; and

WHEREAS, upon the conclusion of the public hearing related to the proposed levy of the maximum annual assessments referred to in the preceding recital, the assessment ballots submitted in favor of the maximum annual assessments and the assessment ballots received in opposition to the levy of the maximum annual assessments were tabulated with assessment ballots weighted according to the proportional financial obligation of the affected properties; and

WHEREAS, as a result of the tabulation of the assessment ballots submitted, it was determined that the assessment ballots submitted, and not withdrawn, in favor of the proposed maximum annual assessment exceeded the assessment ballots submitted, and not withdrawn, in opposition to the levy of the maximum annual assessment; and

WHEREAS, this City Council has initiated proceedings to provide for the annual levy of assessments for the referenced Fiscal Year, to finance the costs and expenses necessary for continual maintenance of improvements within said District; and

WHEREAS, at this time, there has been presented and approved by this City Council, the Assessment Engineer's Report as required by the Assessment Law, and this City Council desires to conduct the proceedings to authorize said annual levy; and

WHEREAS, the proposed annual assessments for the referenced Fiscal Year as set forth in the Assessment Engineer's Report do not exceed the maximum annual assessments as previously authorized to be levied and, therefore, the proposed levy of assessments for the referenced Fiscal Year are not deemed to be "increased" over the maximum annual assessments.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

RECITALS

SECTION 1. That the above recitals are all true and correct.

IMPROVEMENTS AND MAINTENANCE

SECTION 2. That the public interest and convenience requires, and it is the intention of this City Council, to undertake proceedings for the annual levy and collection of special assessments for the continual maintenance of the improvements described below, all to service and specially benefit the properties within said District as said area is shown and delineated on a map as previously approved by this City Council and on file in the Records Management Department, open to public inspection, and herein so referenced and made a part hereof:

The improvements to be maintained include street lighting facilities specially benefiting the properties within the District. Such street lighting facilities include all works or improvements used or useful for street lighting, including luminaires, poles, supports, tunnels, manholes, vaults, conduits, pipes, wires, conductors, guys, stubs, platforms, braces, transformers, insulators, contacts, switches, capacitors, meters, communications circuits, appliances, attachments and appurtenances.

The maintenance of such street lighting facilities shall include the furnishing of services and materials for the ordinary and usual maintenance and servicing of the street lighting facilities, including:

- (a) Repair, removal, or replacement of all or any part of any street lighting facility; and
- (b) The provision of electric current for the operation of such street lighting facilities.

Reference is made to the Assessment Engineer's Report for further information regarding the improvements to be maintained and the scope of such maintenance.

The annual assessment for the referenced Fiscal Year shall be levied only for those improvements completed or projected to be completed and accepted by this City Council for maintenance prior to or during said Fiscal Year.

ASSESSMENT ENGINEER'S REPORT

SECTION 3. That the Assessment Engineer's Report regarding the annual levy for said District, which Report is for maintenance for the said Fiscal Year, is hereby approved and is directed to be filed in the Records Management Department. Reference is made to such Report for a full and detailed description of the improvements to be maintained, the boundaries of the District and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the District.

ASSESSMENT

SECTION 4. That the public interest and convenience requires, and it is the intention of this City Council to order the annual assessment levy for the District as set forth and described in said Assessment Engineer's Report, and further it is determined to be in the best public interest and convenience to levy and collect annual assessments to pay the costs and expenses of said maintenance and improvement as estimated in the Assessment Engineer's Report.

BOUNDARIES OF DISTRICT

SECTION 5. Said contemplated maintenance work is in the opinion of this City Council, of direct benefit to the properties within the boundaries of the District, and this City Council makes the costs and expenses of said maintenance chargeable upon a District, which District said City Council hereby declares to be the District benefited by said improvement and maintenance, and to be further assessed to pay the costs and expenses thereof. Said District shall include each and every parcel of land within the boundaries of said District, as said District is shown on a map as approved by this City Council and on file in the Records Management Department, and so designated by the name of the District.

PUBLIC HEARING

SECTION 6. NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD THE 16TH DAY OF JULY, 2013, AT THE HOUR OF 6:30 O'CLOCK P.M., IN THE REGULAR MEETING OF THE CITY COUNCIL, BEING IN THE COUNCIL CHAMBERS, WHICH IS THE TIME AND PLACE FIXED BY THIS CITY COUNCIL FOR THE HEARING OF PROTESTS OR OBJECTIONS IN REFERENCE TO THE ANNUAL LEVY OF ASSESSMENTS, TO THE EXTENT OF THE MAINTENANCE, BY ANY INTERESTED PERSON AND ANY OTHER MATTERS CONTAINED IN THIS RESOLUTION. ANY PERSONS WHO WISH TO OBJECT TO THE PROCEEDINGS FOR THE ANNUAL LEVY SHOULD FILE A WRITTEN PROTEST WITH THE CITY CLERK PRIOR TO THE TIME SET AND SCHEDULED FOR SAID PUBLIC HEARING.

NOTICE

SECTION 7. That the City Clerk is hereby authorized and directed to publish, pursuant to Government Code Section 6061, a copy of this Resolution in the INLAND VALLEY DAILY BULLETIN, a newspaper of general circulation within said City, said publication shall be made one time and not less than ten (10) days before the date set for the Public Hearing.

EFFECTIVE DATE OF RESOLUTION

SECTION 8. That this Resolution shall take effect immediately upon its adoption.

PROCEEDING INQUIRIES

SECTION 9. For any and all information relating to the proceedings, protest procedure, any documentation and/or information of a procedural or technical nature, your attention is directed to the below listed person at the local agency or department so designated:

Bob Chandler City of Ontario 415 East "B" Street Ontario, California 91764 (909) 395-2353

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 2013.

	PAUL S. LEON, MAYOR
ATTEST:	
MARY E. WIRTES, MMC, CITY CLERK	
APPROVED AS TO LEGAL FORM:	
BEST BEST & KRIEGER LLP	

	F SAN BERNARDINO) NTARIO)	
foregoing Re	esolution No. 2013- was di	City of Ontario, DO HEREBY CERTIFY that uly passed and adopted by the City Council of ng held June 18, 2013 by the following roll call
AYES:	COUNCIL MEMBERS:	
NOES:	COUNCIL MEMBERS:	
ABSENT:	COUNCIL MEMBERS:	
	Ī	MARY E. WIRTES, MMC, CITY CLERK
(SEAL)		
	ng is the original of Resolution Council at their regular meeti	n No. 2013- duly passed and adopted by the ing held June 18, 2013.
	ī	MARY E. WIRTES, MMC, CITY CLERK
(SEAL)		

Agenda Report June 18, 2013

SECTION: CONSENT CALENDAR

SUBJECT: AMENDMENT TO THE AGREEMENT WITH ALL CITY MANAGEMENT SERVICES, INC. FOR CROSSING GUARD SERVICES

RECOMMENDATION: That the City Council authorize the City Manager to execute an amendment to the existing Professional Services Agreement (on file with Records Management Department) with All City Management Services, Inc., of Santa Fe Springs, California, extending the agreement for three years at an estimated annual cost of \$261,599; authorize future extensions based upon mutual consent and agreement on terms; and authorize the City Manager to modify service locations on an as-needed basis consistent with City Council approved budgets.

COUNCIL GOALS: <u>Develop Strategies</u> and <u>Take Actions</u>, <u>Including Regaining Local Control of the Ontario International Airport</u>, to <u>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</u>

FISCAL IMPACT: The projected annual cost for crossing guard services at the existing locations is \$261,599. This is a 2.5% increase to the current hourly billing rates which have been fixed for the last three years; however, the new rates will not change for the duration of the three-year extension period. The Police Department's recurring baseline Operating Budget includes appropriations for these services. Under a cooperative agreement between Ontario, the City of Montclair, and the Ontario-Montclair School District, the cost for crossing guard services is shared equally among the three entities for one intersection bordering the city limits of Ontario and Montclair.

BACKGROUND: In January 1999, as a result of a competitive proposal process, the City Council approved an agreement with All City Management Services for crossing guard services. Since that time, successor agreements have been executed; and the current agreement expires June 30, 2013. Staff recommends extending the term of the current agreement for three years based on All City Management Services' continued satisfactory performance. The specific locations and times for crossing guard services are evaluated annually based on current and projected considerations for the academic year and are agreed upon between the participating school districts and the Ontario Police Department.

STAFF MEMBER PRESENTING: Eric V. Hopley, Chief of Police

Prepared by:	Darryl Polk	Submitted to Council/O.H.A. 06 18 2013
Department:	Police	Approved: Continued to:
City Manager Approval:	- le/L	Denied:

Agenda Report June 18, 2013

SECTION: CONSENT CALENDAR

SUBJECT: STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY AND DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL GRANT PROGRAMS

RECOMMENDATION: That City Council authorize the City Manager to accept and execute grant documents to accept two 12-month grants totaling \$142,500 to assist in funding multi-agency task force operations and overtime enforcement operations for the California Office of Traffic Safety (OTS) and the Alcoholic Beverage Control (ABC) to address alcohol-related problems in the community.

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

Maintain the Current High Level of Public Safety

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

FISCAL IMPACT: The Ontario Police Department has been awarded \$117,500 and \$25,000 from both OTS and ABC Grant Programs, respectively. The grants will reimburse the City for up to \$142,500 of overtime costs incurred while conducting field enforcements. Ontario will act as host agency for the OTS funding and will be responsible for working with allied agencies in dispersing overtime, collecting statistics and reimbursing personnel costs. The OTS grant period is from October 1, 2013 to September 30, 2014. The ABC grant period is from July 1, 2013 to June 30, 2014. Both grants require funds to be expended prior to receiving quarterly and monthly reimbursement. The revenue and associated expenditure adjustments will be included in the Fiscal Year 2013-14 First Quarter Budget Report. The City is not required to provide matching funds for either grant.

BACKGROUND: The OTS Multi-Agency Task Force Operations Grant is awarded to network law enforcement agencies regionally to conduct multiple joint operations. The goal of these operations is to decrease the number of alcohol-related issues such as DUIs, alcohol fatalities, and underage drinking. Joint operations will include alcohol licensee inspections, over-intoxication holiday drinking deterrents and minor decoys.

The proposed spending plan for the OTS grant is as follows:

STAFF MEMBER PRESENTING: Eric Hopley, Chief of Police

Prepared by: Department:	Donna Bailey Police	Submitted to Council/O.H.A. Approved:	06/18/2013
City Manager		Continued to: Denied:	
Approval:		established Outstands CS	15

	Contractual Services	
	- Allied Agencies	\$100,000
•	Personnel Overtime	15,000
•	Operating Expenses - Training meetings	2,500
	TOTAL	\$117,500

Funding from the ABC grant program is awarded to local law enforcement agencies through the California State Budget Act 2011. These grant funds are distributed by ABC to help address and mitigate "disruptive and disorderly" alcoholic beverage retail outlets. The grant requires a sworn officer to be appointed to the program, work directly with an ABC Investigator, and receive training in ABC alcohol enforcement strategies. This award is the sixth year (previously awarded in FY06-07, FY07-08, FY10-11, FY11-12 and FY12-13) that the Ontario Police Department has participated in the ABC enforcement program. Previous years have resulted in higher rates of business compliance, the closure of habitual non-compliant business offenders, and recognition of the Ontario Police Department as a resource for law enforcement agencies throughout California.

The proposed spending plan for the ABC grant is as follows:

 Personnel Overtime 	\$23,000
 Travel/training 2013 GAP Conference 	1,700
 Operating Expenses Buy money 	300
TOTAL	\$25,000

Agenda Report June 18, 2013

SECTION: CONSENT CALENDAR

SUBJECT: CONSTRUCTION CONTRACT FOR WATER MAIN IMPROVEMENTS AT EUCLID AVENUE, DEODAR STREET AND VARIOUS LOCATIONS

RECOMMENDATION: That the City Council approve the plans and specifications and authorize the City Manager to execute for the Water Main Improvements at Euclid Avenue, Deodar Street and Various Locations Project; award Contract No. UT1112-07 (on file with Records Management Department) to TK Construction of San Bernardino, California, in the amount \$1,407,486 plus a 15% contingency (\$211,123) for a total of \$1,618,609; and authorize the filing of a notice of completion at the construction activities related to the project.

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

FISCAL IMPACT: The Fiscal Year 2012-2013 Capital Improvement Program includes appropriations from the Water Capital Fund for this project. The recommended contract award to TK Construction will total \$1,407,486 plus a 15% contingency of \$211,123 for a total of \$1,618,609. There is no impact to the General Fund.

BACKGROUND: The City's Water Master Plan has identified the need to replace undersized and aging pipelines to maintain the reliability of water service to the community and to improve service pressure and fire flow availability. The Water Main Improvements at Euclid Avenue, Deodar Street and Various Locations Project consists of the installation of 1,811 linear feet of 12-inch of water pipeline and 6,510 linear feet of 8-inch water pipeline.

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

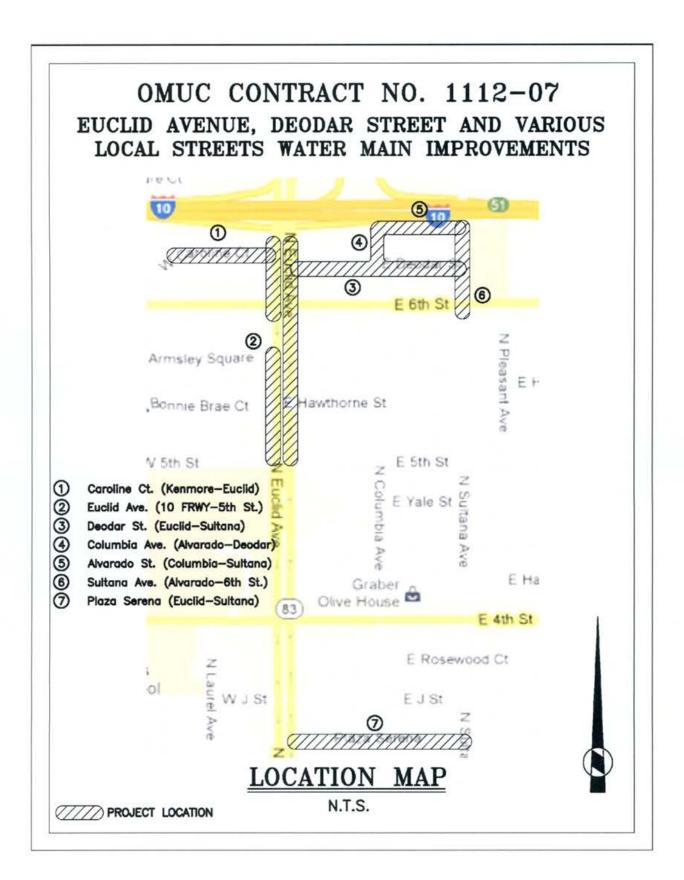
Prepared by:	Peter Tran	Submitted to Council/O.H.A.	118/2013
Department:	MU/Engineering	Approved:	1
		Continued to:	
City Manager		Denied:	
Approval:	Chil		16

On April 25, 2013, fourteen (14) bids were received for the Water Main Improvements at Euclid Avenue, Deodar Street and Various Locations Project. The bids ranged from a low bid amount of \$1,407,485 to a high bid amount of \$2,213,669. The lowest five (5) bids are summarized below:

Bidder	Location	Amount
TK Construction, Inc.	San Bernardino, CA	\$1,407,485
MCC Equipment Rentals, Inc.	Yucaipa, CA	\$1,587,421
Christensen Brothers General	Apple Valley, CA	\$1,599,340
John T. Malloy, Inc.	Los Angeles, CA	\$1,625,012
Environmental Assessment/Remediation Management Inc.	Riverside, CA	\$1,740,423

Staff recommends the award to TK Construction, Inc. of San Bernardino, California, based on their expertise, ability to perform the work in a timely manner and successful completion of this type of work in the past.

The project is a component of the 2012 Infrastructure Master Plans that was 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.



Agenda Report June 18, 2013

SECTION: CONSENT CALENDAR

SUBJECT: A RESOLUTION APPROVING AN APPLICATION FOR THE USED OIL PAYMENT PROGRAM CYCLE 4 (FISCAL YEAR 2013-14) FROM THE DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

(CALRECYCLE)

RECOMMENDATION: That the City Council adopt a resolution approving an application for the Used Oil Payment Program Cycle 4 (Fiscal Year 2013-14) from the State of California Department of Resources Recycling and Recovery (CalRecycle), and authorize the City Manager or his designee to execute all necessary documents to participate in the program.

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

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

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

FISCAL IMPACT: The City is eligible to receive approximately \$46,000 in per capita funding through the Used Oil Payment Program. The City will receive funding for qualifying expenses made between July 1, 2013 through June 30, 2015 up to the per capita payment amount. There are no additional costs and no matching requirements for the City to participate in this grant program. There is no impact to the General Fund.

BACKGROUND: The California Oil Recycling Enhancement Act provides annual payments to local governments for the implementation of used oil and filter collection programs. The costs covered by this program include publicity, educational materials, and collection facility operations that support used oil and filter recycling, including some of the costs associated with operation of the City's Household Hazardous Waste (HHW) Collection Facility at 1430 South Cucamonga Avenue. The payment program is intended to assist the City in achieving the goals set by the State of California to reduce the amount of Waste sent to the landfills by 50%. Used oil recycling and household hazardous waste collection are integral programs for attaining this goal.

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

Prepared by: Department:	Bob Figoni MU/Solid Waste	Submitted to Council/O.H.A. Approved:	06/18/2013
City Manager	1/1/	Continued to: Denied:	
Approval:	- Ch/L		17

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE SUBMITTAL OF AN ANNUAL APPLICATION TO PARTICIPATE IN THE USED OIL PAYMENT PROGRAM CYCLE 4 (FISCAL YEAR 2013-14) FROM THE STATE OF CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CalRecycle).

WHEREAS, pursuant to Public Resources Code §48690 the Department of Resources Recycling and Recovery (CalRecycle), formerly known as the California Integrated Waste Management Board, has established the Used Oil Payment Program (OPP) to make payments to qualifying jurisdiction for implementation of their used oil programs; and

WHEREAS, in furtherance of this authority CalRecycle is required to establish procedures governing the administration of the Used Oil Payment Program; and

WHEREAS, CalRecycle's procedures for administering the Used Oil Payment Program require, among other things, an applicant's governing body to declare by resolution certain authorizations related to the administration of the Used Oil Payment Program.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Ontario authorizes the submittal of a Used Oil Payment Program application to CalRecycle.

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized and empowered to execute in the name of the City of Ontario all documents, including but not limited to applications, agreements annual reports including expenditure reports and amendments necessary to secure said payments to support our Used Oil Payment Program.

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 2013.

ATTEST:
MARY E. WIRTES, MMC, CITY CLERK
APPROVED AS TO LEGAL FORM:
BEST BEST & KRIEGER LLP

CITY ATTORNEY

STATE OF C COUNTY OF CITY OF ON	SAN BERNARDINO))
foregoing Re	esolution No. 2013- was	e City of Ontario, DO HEREBY CERTIFY that duly passed and adopted by the City Council of ting held June 18, 2013 by the following roll call
AYES:	COUNCIL MEMBERS:	
NOES:	COUNCIL MEMBERS:	
ABSENT:	COUNCIL MEMBERS:	
(SEAL)		MARY E. WIRTES, MMC, CITY CLERK
	g is the original of Resoluti Council at their regular med	ion No. 2013- duly passed and adopted by the eting held June 18, 2013.
		MARY E. WIRTES, MMC, CITY CLERK
(SEAL)		

Agenda Report June 18, 2013

SECTION: CONSENT CALENDAR

CONSTRUCTION CONTRACT FOR THE REPLACEMENT OF CONCRETE SUBJECT: PARKING LOT LIGHT POLE FOUNDATIONS AND FIXTURES AT THE

POLICE DEPARTMENT

RECOMMENDATION: That the City Council award Contract No. MS 1213-6 (on file in the Records Management Department) to Rymax Electric, Inc., of Upland, California, in the amount of \$134,765 plus a 15% contingency of \$20,215 for a total of \$154,980 for the replacement of concrete parking lot light pole foundations and fixtures at the Police Department; authorize the City Manager to execute said contract and authorize the filing of the notice of completion at the conclusion of all 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)

The Fiscal Year 2012-13 Capital Improvement Project budget includes FISCAL IMPACT: appropriations in the amount of \$180,000 for the replacement of concrete parking lot light pole foundations and fixtures at the Police Department. The recommended contract is \$134,765 plus a fifteen percent (15%) contingency of \$20,215 for a total authorization of \$154,980.

BACKGROUND: The City's Building Department has determined that thirty existing concrete parking lot light pole foundations at the Police Department are losing their structural integrity due to the deteriorating concrete and present a potential safety hazard. In order to replace the foundations, the light poles and fixtures will be removed. The light fixtures are also in a state of dilapidation, and a majority of them need to be repaired or replaced. The scope of work also includes retrofitting the light fixtures using newer energy saving technology which will use half the energy and have a rated life that is three times longer than the existing lighting.

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

Prepared by:	Robert Gluck	Submitted to Council/O.H.A. 06 18 2013
Department:	MU/Building Facilities	Approved:
City Manager		Continued to: Denied:
Approval:	- Che /h	18

On May 17, 2013, nine (9) construction bids were received for the replacement of concrete parking lot light pole foundations and fixtures at the Police Department. The bids ranged from a low of \$134,765 to a high of \$263,025. The lowest five (5) bids are summarized below:

Bidder	Location	Amount
Rymax Electrical, Inc.	Upland, CA	\$134,765
Steiny & Company, Inc.	Baldwin Park, CA	\$156,606
W.E. Construction, Inc.	Santa Fe Springs, CA	\$158,700
Norman Electric & Construction, Inc.	Carlsbad, CA	\$162,949
Modern Day Construction	Rialto, CA	\$186,300

Staff recommends award to Rymax Electrical, Inc. as the lowest responsive bidder.

Agenda Report June 18, 2013

SECTION: CONSENT CALENDAR

SUBJECT: PURCHASE OF A REPLACEMENT POLICE VEHICLE

RECOMMENDATION: That the City Council authorize the purchase and delivery of one 2013 Chevrolet Tahoe Police Pursuit Vehicle from Wondries Fleet Group of Alhambra, California, in an amount not to exceed \$32,992 under the Cooperative Purchase Provision of the Los Angeles County Sheriff's Department, Purchase Order No. PO-SH-13321655-1.

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

Maintain the Current High Level of Public Safety

Operate in a Businesslike Manner

FISCAL IMPACT: The Fiscal Year 2012-13 Equipment Services budget includes adequate savings to cover the cost of the recommended replacement police vehicle in the amount of \$32,992.

BACKGROUND: The Chevrolet Tahoe is utilized in the Police fleet by the patrol supervisors. These vehicles are equipped to function as mobile incident command posts and have become an important part of managing critical incidents.

The vehicle recommended for replacement was recently involved in a traffic collision. Due to extensive body and frame damage, the vehicle is beyond economical repair and will be salvaged.

This cooperative purchasing opportunity will allow the City to pool its procurement power with another public agency to obtain prices lower than would otherwise be possible. Ontario Municipal Code Section 2-6.11(b)(3) allows for the purchase of supplies and equipment through cooperative purchasing when another governmental agency generally follows the provisions of Government Code Section 54201 through 54204.

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

Prepared by:	Michael Johnson	Submitted to Council/O.R.A./O.H.A. 06/18/20/3
Department:	MU/Fleet Services	Approved:
City Manager	0/1/	Continued to: Denied:
Approval:	Ch/L	

Agenda Report June 18, 2013

SECTION: PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO RECEIVE AND RESPOND TO PUBLIC COMMENTS ON THE REPORT ON THE CITY'S WATER QUALITY RELATIVE TO PUBLIC HEALTH GOALS

RECOMMENDATION: That the City Council hold a public hearing to receive and respond to public comments on the Report on the City's Water Quality Relative to Public Health Goals in accordance with the Calderon-Sher Safe Drinking Water Act of 1996 and California Health and Safety Code Section 116470.

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

Operate in a Business like Manner

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

FISCAL IMPACT: This is an informational item, and there is no requirement to take any further action. In the event a Maximum Contaminant Level (MCL) were to be exceeded in the future, treatment may be required. Costs associated with water treatment or unanticipated regulatory changes would be made part of future water budget and rate proposals. There is no impact to the General Fund.

BACKGROUND: The Public Health Goals Report is a requirement of the Calderon-Sher Safe Drinking Water Act of 1996 and California Health and Safety Code Section 116470. Each public water system serving more than 10,000 service connections and detecting one or more contaminants above an applicable Public Health Goal (PHG) is required to prepare a PHG Report every three years. The information in the current PHG Report covers 2010 – 2012, and the City's last report was prepared in 2010, covering 2007 – 2009.

Ontario's water meets all federal and state drinking water standards. This report assesses the quality of the City's drinking water by comparing detectable levels of constituents against either PHGs adopted by the California Environmental Protection Agency (Cal/EPA), Office of Environmental Health

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

Prepared by:	Alisa Hasbrouck	Submitted to Council/O.H.A. 06/18/2013
Department:	MU/Environmental	Approved:
City Manager	11/1	Continued to: Denied:
Approval:	Ch/L	20

Hazard Assessment (OEHHA), or Maximum Contaminant Level Goals (MCLGs) adopted by the U.S. Environmental Protection Agency (USEPA). A comparison of detectable levels of constituents against State and Federally adopted MCLs is also included in this report. The report contains information for all water sources within the water distribution system for any event when contaminants exceeded PHGs.

Only water that is in compliance with MCLs adopted by California Department of Public Health (CDPH) and USEPA is delivered to customers. The USEPA and CDPH set standards for approximately 109 contaminants in drinking water. For each of those contaminants, CDPH sets a legal limit (the MCL). The report contains specific information regarding the potential health risks associated with each contaminant. The City and all water suppliers must strictly comply with MCLs because they are health protective standards. Water suppliers may not provide water that does not meet the standards.

This report contains information regarding arsenic, coliform, dibromochloropropane, gross alpha particle activity, radium 228, and hexavalent chromium. The State requires reporting in this manner of all exceedances of a PHG, even if no maximum contaminant level standard was exceeded. The following summarizes the information provided in the report:

Coliform Bacteria: Coliform bacteria are an indicator organism that are apparent everywhere in nature and are not generally considered harmful. They are used as an indicator organism because of the ease in monitoring and analysis. If a positive sample is found, it indicates a potential problem that needs to be investigated, and follow-up sampling is done. It is not unusual for a system to have an occasional positive sample.

During 2010, 2011 and 2012, City staff collected as many as 175 samples each month for coliform analysis. Occasionally, a sample was found to be positive for coliform bacteria. A maximum of 1.37% of these samples were positive for coliform bacteria in any one month during the reporting period. In each case, follow-up samples were taken, and all samples were negative for E. coli.

The MCLG for coliform is zero positive samples, which is difficult if not impossible to achieve; and the MCL for coliform is 5% positive samples of all samples collected during a one month period. Because coliform is only a surrogate indicator of the potential presence of pathogens, it is not possible to state a specific numerical health risk. While the USEPA normally sets MCLGs "at a level where no known or anticipated adverse effects on persons would occur", they indicate that they cannot do so with coliforms.

Chlorine is added at well sources to assure that the water served is microbiologically safe. The chlorine residual levels are carefully controlled to provide the best health protection without causing the water to have undesirable taste and odor or increasing the levels of undesirable disinfection byproducts. This careful balance of treatment processes is essential in supplying customers with safe drinking water.

Other equally important measures that have been implemented include an effective cross-connection control program; maintenance of a disinfectant residual throughout the system; an effective monitoring and surveillance program; and maintaining positive pressures in the City's distribution system. The City has already taken all of the steps described by CDPH as "best available technology" (BAT) for coliform bacteria in Title 22, Section 64447 of the California Code of Regulations.

Dibromochloropropane: The PHG for dibromochloropropane (DBCP) is 0.0017 parts per billion (ppb), and the Detection Limit for Reporting (DLR) is 0.01 ppb. The MCL, or drinking water standard for DBCP is 0.2 ppb. DBCP has been detected at levels ranging up to 0.2 ppb at Well No. 44, and at levels ranging up to 0.14 ppb at Well No. 52. Under the Domestic Water Supply Permit issued to the

City by CDPH, water from Well No. 44 cannot be placed into distribution unless it is first blended with water from Well No. 52. By blending water from both wells, DBCP is diluted to levels below the MCL. The levels detected in the final blend have been below the MCL at all times.

The BAT options to lower DBCP levels to below the MCL are granular activated carbon (GAC) or packed tower aeration (PTA). It is unknown whether these technologies can reduce DBCP levels to the PHG level, and if so, what the cost may be. Cost estimates including annualized capital, operation and maintenance to operate a GAC treatment system range from \$0.24 to \$2.08 per 1,000 gallons treated, or an increased cost per person of up to \$23.03 per year. Cost estimates to operate a PTA treatment system range from \$0.26 to \$0.98 per 1,000 gallons treated, or an increased cost per person of up to \$10.85 per year.

Estimating the cost of BAT to treat the water to below the PHG level is highly speculative and theoretical. The City will continue to monitor and operate these wells at levels below the regulatory MCL, as allowed under the Domestic Water Supply Permit issued by CDPH.

Gross Alpha Particle Activity: There is no PHG for gross alpha particle activity; however, USEPA has established an MCLG level at 0 pico-Curies per Liter (pCi/L), and the DLR is 3 pCi/L. The MCL, or drinking water standard for gross alpha is 15 pCi/L, based on an annual average of four quarterly samples. Gross alpha particle activity has been detected in City wells at a levels ranging up to 3.04 pCi/L.

The BAT to lower gross alpha particle activity to below the MCL is reverse osmosis. It is unknown whether this technology can reduce gross alpha particle activity to the PHG level, and if so, what the cost may be. Cost estimates including annualized capital, operation and maintenance to operate a reverse osmosis treatment system range from \$0.72 to \$6.17 per 1,000 gallons treated, or an increased cost per person of up to \$246.60 per year. Additionally, land acquisition to accommodate the installation of treatment systems may be needed at several well sites, which would increase the cost considerably.

Estimating the cost of BAT to treat the water to below the MCLG level is highly speculative and theoretical. The City will continue to monitor and operate these wells at levels below the regulatory MCL.

Radium 228: The PHG for Radium 228 (RA-228) is 0.019 pCi/L, and the DLR is 1 pCi/L. The MCL, or drinking water standard for RA-228 is 5 pCi/L based on RA-228 and RA-226 combined. Ra-228 has been detected in City wells at levels ranging up to 3.04 pCi/L.

The BAT options for which treatment cost estimates are available to lower RA-228 levels to below the MCL are ion exchange and reverse osmosis. It is unknown whether these technologies can reduce RA-228 to the PHG level, and if so, what the cost may be. Cost estimates including annualized capital, operation and maintenance to operate an ion exchange treatment system range from \$0.46 to \$6.57 per thousand gallons treated, or an increased cost per person of up to \$307.72 per year. Cost estimates to operate a reverse osmosis treatment system range from \$0.72 to \$6.17 per thousand gallons treated, or an increased cost per person of up to \$288.98 per year. Additionally, land acquisition to accommodate the installation of treatment systems may be needed, which would increase the cost considerably.

Estimating the cost of BAT to treat the water to below the PHG level is highly speculative and theoretical. The City will continue to monitor and operate the well at levels below the regulatory MCL, as allowed under the Domestic Water Supply Permit issued by CDPH.

Hexavalent Chromium: The PHG for hexavalent chromium was established in 2011 and is 0.02 parts per billion (ppb). Because there is no MCL set for hexavalent chromium, CDPH has not specified a DLR level, or BAT options for its removal. Hexavalent chromium has been detected in City wells at levels ranging up to 5.6 ppb. The City will continue to monitor the development of regulations with respect to the establishment of drinking water standards.

The drinking water provided by Ontario Municipal Utilities meets all CDPH and USEPA drinking water standards set to protect public health. To further reduce the levels of the constituents identified in this report that are already significantly below the health-based Maximum Contaminant Levels established to provide "safe drinking water", additional costly treatment processes would be required. The effectiveness of the treatment processes to provide any significant reduction in constituent levels at these already low values is uncertain. The health protection benefits of these further hypothetical reductions are not at all clear and may not be quantifiable. No action is proposed at this time.



June 2013



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Introduction

The Public Health Goal Report is a requirement of the Calderon-Sher Safe Drinking Water Act of 1996 and California Health and Safety Code Section 116470. Public water systems serving more than 10,000 service connections are required to prepare a written report every three years providing information on each contaminant detected in drinking water that exceeds the applicable Public Health Goal (PHG). PHGs are non-enforceable goals published by the California Environmental Protection Agency (CalEPA), Office of Environmental Health Hazard Assessment (OEHHA). The law also requires that where OEHHA has not adopted a PHG for a constituent, water suppliers are to use the Maximum Contaminant Level Goals (MCLGs) adopted by the United States Environmental Protection Agency (USEPA). If a constituent was detected in the City's drinking water supply during the reporting period January 1, 2010 through December 31, 2012 at a level exceeding an applicable PHG or MCLG, this report provides information required by the law.

Determination of PHGs

PHGs are set by OEHHA, and are based solely on public health risk considerations. The practical risk-management factors that are considered by the USEPA or the California Department of Public Health (CDPH) when setting final drinking water standards (MCLs) are not considered when setting PHGs. These factors include analytical detection capabilities, treatment technologies available, benefits, and costs. The PHGs are not enforceable and are not required to be met by any public water system. MCLGs are the federal equivalent to PHGs.

Water Quality Data Considered

Water quality data obtained through monitoring conducted at City wells and throughout the distribution system between January 1, 2010 and December 31, 2012 was used for preparation of this report. Ontario Municipal Utilities also obtains water from the Water Facilities Authority, and from the Chino Basin Desalter Authority via the Jurupa Community Services District water system. Data from monitoring conducted by those agencies is not included in this report.

Analytical Detection Levels

For each constituent, CDPH has a standardized quantification level called the "detection level for purposes of reporting" (DLR). The DLR represents the level at which CDPH is confident about the accuracy of the quantity of contaminant being reported. Although any findings below DLRs are considered "non-detects" and are not technically required to be reported, some laboratories may on occasion report results at lower levels.

Best Available Treatment Technology and Cost Estimates

Both the USEPA and CDPH adopt what are known as Best Available Technologies (BATs), which are the best-known methods of reducing constituent levels to the MCL level, and costs can be estimated for those technologies. Because many PHGs and all MCLGs are set at levels much lower than the MCLs, it is not always possible to determine what treatment technologies can be used to reduce constituents down to the PHG or MCLG level. This is because, in some cases, the analytical means to detect the presence of a constituent at levels as low as the PHG have not yet been developed. In cases where the analytical means to detect the presence of a constituent at levels as low as the PHG have not yet been developed, it is impossible to determine whether an applied treatment technique has achieved its goal. Additionally, installing treatment to try to reduce levels of one constituent may have adverse effects on other aspects of water quality.

Constituents Detected that Exceed a PHG or MCLG

The following is a discussion of constituents that were detected in one or more of the City's drinking water sources at levels above the PHG, or if no PHG has been set, above the MCLG.

Arsenic

The PHG for arsenic is 0.004 parts per billion (ppb), and the DLR is 2 ppb. The MCL, or drinking water standard for arsenic is 10 ppb. Arsenic has been detected in City wells at levels ranging up to 3.5 ppb. The category of health risk associated with arsenic is an increased risk of getting cancer. The numerical health risk at the PHG level is one excess cancer case per million people. The numerical health risk at the MCL level is 2.5 excess cancer cases per thousand people.

The BAT options for which treatment cost estimates are available to reduce arsenic levels to below the MCL are coagulation filtration, ion exchange, and reverse osmosis. It is unknown whether these technologies can reduce arsenic levels to the PHG level, and if so, what the cost may be. Additionally, land acquisition to accommodate the installation of treatment systems may be needed at several well sites, which would increase the cost considerably.

Best Available Technologies (BAT) - Arsenic Reduction

BAT	Cost to Treat to MCL Level*	Increase in Cost per Person to Treat Affected Wells
Coagulation/Filtration	\$0.34 to \$0.77/1,000 gallons	Up to 15.30/Year
Ion Exchange	\$0.46 to \$6.57/1,000 gallons	Up to \$130.51/Year
Reverse Osmosis	\$0.72 to \$6.17/1,000 gallons	Up to \$122.57/Year

Note* - Source: Association of Clean Water Agencies Suggested Guidelines for Preparation of Required Reports on Public Health Goals to Satisfy Requirements of California Health and Safety Code Section 116470(b), February 2013. Cost estimates include annualized capital and O&M to treat to the MCL level. Actual cost may be considerably higher due to site-specific engineering considerations.

Estimating the cost of BAT to treat the water to below the PHG level is highly speculative and theoretical. Ontario Municipal Utilities will continue to monitor and operate these wells at levels below the regulatory MCL, as allowed under the Domestic Water Supply Permit issued by CDPH.

Coliform Bacteria

During 2010, 2011, and 2012 City staff collected between 135 and 175 samples each month for coliform analysis. Occasionally a sample was found to be positive for coliform bacteria. Follow up actions were taken and check samples were analyzed and determined to be negative for E. coli. A maximum of 1.37% of these samples were positive for coliform bacteria in any one month during the reporting period.

The MCL for coliform is 5% positive samples of all samples per month, and the MCLG is zero. The reason for the coliform drinking water standard is to minimize the possibility of the water containing pathogens, which are organisms that cause waterborne disease. Because coliform is only a surrogate indicator of the potential presence of pathogens, it is not possible to state a specific numerical health risk. While USEPA normally sets MCLGs "at a level where no known or anticipated adverse effects on persons would occur", they indicate that they cannot do so with coliforms.

Coliform bacteria are an indicator organism that are ubiquitous in nature and are not generally considered harmful. They are used because of the ease in monitoring and analysis. Their presence in drinking water indicates that disease-causing organisms (pathogens) could be in the water system, which requires additional investigation and follow up sampling. Confirmation of fecal coliform bacteria or E. coli in a water system indicates recent fecal contamination, which may pose an immediate health risk to anyone consuming the water.

Chlorine is added at well sources to assure that the water served is microbiologically safe. The chlorine residual levels are carefully controlled to provide the best health protection without causing the water to have undesirable taste and odor or increasing the levels of undesirable disinfection byproducts. This careful balance of treatment processes is essential to continue supplying customers with safe drinking water.

Other equally important measures that have been implemented include an effective cross-connection control program, maintenance of a disinfectant residual throughout the system, an effective monitoring and surveillance program, and maintaining positive pressures in the City's distribution system. Ontario Municipal Utilities has already taken all of the steps described by CDPH as "best available technology" for coliform bacteria in Title 22, Section 64447 of the California Code of Regulations.

Dibromochloropropane

The PHG for dibromochloropropane (DBCP) is 0.0017 parts per billion (ppb), and the DLR is 0.01 ppb. The MCL, or drinking water standard for DBCP is 0.2 ppb. DBCP has been detected

at levels ranging up to 0.2 ppb at Well 44, and at levels ranging up to 0.14 ppb at Well 52. Under the Domestic Water Supply Permit issued to the City of Ontario by CDPH, water from Well 44 cannot be placed into distribution unless it is first blended with water from Well 52. By blending water from both wells, DBCP is diluted to levels below the MCL. The levels detected in the final blend have been below the MCL at all times. The category of health risk associated with DBCP is an increased risk of getting cancer. The numerical health risk at the PHG level is one excess cancer case per million people. The numerical health risk at the MCL level is one excess cancer case per ten-thousand people.

The BAT options to lower DBCP levels to below the MCL are granular activated carbon or packed tower aeration. It is unknown whether these technologies can reduce DBCP levels to the PHG level, and if so, what the cost may be.

Best Available Technologies (BAT) - DBCP Reduction

BAT	Cost to Treat to MCL Level*	Increase in Cost per Person to Treat Affected Wells
Granular Activated Carbon	\$0.24 to \$2.08/1,000 gallons	Up to \$23.03/Year
Packed Tower Aeration	\$0.26 to \$0.98/1,000 gallons	Up to \$10.85/Year

Note* - Source: Association of Clean Water Agencies Suggested Guidelines for Preparation of Required Reports on Public Health Goals to Satisfy Requirements of California Health and Safety Code Section 116470(b), February 2013. Cost estimates include annualized capital and O&M to treat to the MCL level. Actual cost may be considerably higher due to site-specific engineering considerations.

Estimating the cost of BAT to treat the water to below the PHG level is highly speculative and theoretical. Ontario Municipal Utilities will continue to monitor and operate these wells at levels below the regulatory MCL, as allowed under the Domestic Water Supply Permit issued by CDPH.

Gross Alpha Particle Activity

There is no PHG for gross alpha particle activity; however, USEPA has established an MCLG level at 0 pico-Curies per Liter (pCi/L), and the DLR is 3 pCi/L. The MCL, or drinking water standard for gross alpha is 15 pCi/L, based on an annual average of four quarterly samples. Gross alpha particle activity has been detected in City wells at a levels ranging up to 3.04 pCi/L. The category of health risk associated with gross alpha particle activity is an increased risk of getting cancer. The numerical health risk at the MCLG level is zero.

The BAT to lower gross alpha particle activity to below the MCL is reverse osmosis. It is unknown whether this technology can reduce gross alpha particle activity to the PHG level, and if so, what the cost may be. Additionally, land acquisition to accommodate the installation of treatment systems may be needed at several well sites, which would increase the cost considerably.

Best Available Technologies (BAT) - Gross Alpha Reduction

BAT	Cost to Treat to MCL Level*	Increase in Cost per Person To Treat Affected Wells
Reverse Osmosis	\$0.72 to \$6.17/1,000 gallons	Up to \$246.60/Year

Note* - Source: Association of Clean Water Agencies Suggested Guidelines for Preparation of Required Reports on Public Health Goals to Satisfy Requirements of California Health and Safety Code Section 116470(b), February 2013. Cost estimates include annualized capital and O&M to treat to the MCL level. Actual cost may be considerably higher due to site-specific engineering considerations.

Estimating the cost of BAT to treat the water to below the PHG level is highly speculative and theoretical. Ontario Municipal Utilities will continue to monitor and operate these wells at levels below the regulatory MCL.

Radium 228

The PHG for Radium 228 (RA-228) is 0.019 pCi/L, and the DLR is 1 pCi/L. The MCL, or drinking water standard for RA-228 is 5 pCi/L based on RA-228 and RA-226 combined. RA-228 has been detected in City wells at a levels ranging up to 1.38 pCi/L. The category of health risk associated with RA-228 is an increased risk of getting cancer. The numerical health risk at the PHG level is one excess cancer case per million people. The numerical health risk at the MCL level is three excess cancer cases per ten-thousand people.

The BAT options for which treatment cost estimates are available to lower RA-228 levels to below the MCL are ion exchange and reverse osmosis. It is unknown whether these technologies can reduce RA-228 to the PHG level, and if so, what the cost may be. Additionally, land acquisition to accommodate the installation of treatment systems may be needed, which would increase the cost considerably.

Best Available Technologies (BAT) - Radium 228 Reduction

BAT	Cost to Treat to MCL Level*	Increase in Cost per Person to Treat Affected Wells
Ion Exchange	\$0.46 to \$6.57/1,000 gallons	Up to \$307.72/Year
Reverse Osmosis	\$0.72 to \$6.17/1,000 gallons	Up to \$288.98/Year

Note* - Source: Association of Clean Water Agencies Suggested Guidelines for Preparation of Required Reports on Public Health Goals to Satisfy Requirements of California Health and Safety Code Section 116470(b), February 2013. Cost estimates include annualized capital and O&M to treat to the MCL level. Actual cost may be considerably higher due to site-specific engineering considerations.

Estimating the cost of BAT to treat the water to below the PHG level is highly speculative and theoretical. Ontario Municipal Utilities will continue to monitor and operate the well at levels below the regulatory MCL, as allowed under the Domestic Water Supply Permit issued by CDPH.

Hexavalent Chromium

The PHG for hexavalent chromium is 0.02 parts per billion (ppb). Because there is no MCL set for hexavalent chromium, CDPH has not specified a DLR level, or BAT options for its removal. Hexavalent chromium has been detected in City wells at levels ranging up to 5.6 ppb. The category of health risk associated with hexavalent chromium is an increased risk of getting cancer. The numerical health risk at the PHG level is one excess cancer case per million people. CDPH expects to have a proposed MCL level for hexavalent chromium available for public review in July of 2013.

Recommendations

The drinking water provided by Ontario Municipal Utilities meets all CDPH and USEPA drinking water standards set to protect public health. To further reduce the levels of the constituents identified in this report that are already significantly below the health-based Maximum Contaminant Levels established to provide "safe drinking water", additional costly treatment processes would be required. The effectiveness of the treatment processes to provide any significant reduction in constituent levels at these already low values is uncertain. The health protection benefits of these further hypothetical reductions are not at all clear and may not be quantifiable. No action is proposed at this time.

Agenda Report June 18, 2013

SECTION: PUBLIC HEARINGS

SUBJECT: A GENERAL PLAN AMENDMENT (FILE NO. PGPA 11-002) TO CHANGE THE LAND USE DESIGNATIONS ON CERTAIN PROPERTIES LOCATED THROUGHOUT THE CITY AND MODIFY THE FUTURE BUILDOUT TABLE TO BE CONSISTENT WITH THE LAND USE DESIGNATION CHANGES

RECOMMENDATION: That the City Council hold a public hearing to consider adoption of a resolution approving an addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) adopted by City Council on January 27, 2010; and adopt a resolution approving General Plan Amendment File No. PGPA11-002 changing the land use designations of certain properties on the Official Land Use Plan (Policy Plan Exhibit LU-01) and modifying the Buildout table (Policy Plan Exhibit and LU-03) to be consistent with the land use designation changes.

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

FISCAL IMPACT: None.

BACKGROUND: In 2010, The Ontario Plan was adopted which establishes the land use pattern for the City. Since then, staff has been working to ensure that the zoning is consistent with the land use designations established in The Ontario Plan. Through this process, staff found properties where the land use designation should be modified in an effort to ensure appropriate alignment between The Ontario Plan land use designations and zoning. The majority of the proposed land use designation changes create consistency with the current type and intensity of existing development or consistency with the recently adopted Ontario International Airport Land Use Compatibility Plan.

The Planning Commission reviewed the proposed General Plan Amendment on January 22, 2013 and unanimously recommended approval of the application.

STAFF MEMBER PRESENTING: Jerry L. Blum, Planning Director

Prepared by:	Melanie Mullis	Submitted to Council/O.H.A. 06/18/2013
Department:	Planning	Approved:
City Manager	11/1	Continued to: Denied:
Approval:	Chl .	A1

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

ENVIRONMENTAL REVIEW: The application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") and an initial study has been prepared to determine possible environmental impacts. The environmental impacts of this project were reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) adopted by City Council on January 27, 2010 in conjunction with File No. PGPA06-001. The Addendum was prepared pursuant to CEQA, the State CEQA Guidelines and the City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" which provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. This application introduces no new significant environmental impacts not previously analyzed in the Environmental Impact Report. All previously adopted mitigation measures are a condition of project approval and are incorporated herein by reference. The environmental documentation for this project is available for review at the Planning Department public counter.

RESOLUTION	NO.	

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING AN ADDENDUM TO THE ONTARIO PLAN ENVIRONMENTAL IMPACT REPORT FOR FILE NO. PGPA11-002, FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, prior to the adoption of this Resolution, the Planning Director of the City of Ontario prepared an Initial Study and approved for circulation an Addendum for Planning File No. PGPA11-002 (the "Addendum"), all in accordance with the requirements of the California Environmental Quality Act of 1970, together with state and local guidelines implementing said Act, all as amended to date (collectively "CEQA"); and

WHEREAS, Planning File No. PGPA11-002 (the "Project") analyzed under the Addendum consists of a General Plan Amendment to change the land use designations on certain properties (as shown in Exhibit 1 in the Addendum) within the City and modify the Future Buildout Table to reflect the amendment and be consistent with the land use designation changes (amending Exhibits LU-01 and LU-03) in order to reflect policies and implementation measures specified in the TOP; and

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

WHEREAS, in January 2010, the City Council certified the Ontario Plan ("TOP") Final Environmental Impact Report ("EIR") (SCH # 2008101140), adopted an update on the Ontario General Plan and the Preferred Land Use Plan, made Mitigation Findings and adopted a Statement of Overriding Considerations pursuant to CEQA; and

WHEREAS, the TOP EIR contains an analysis of the environmental setting of the City at the time of its certification and also analyzes the environmental impact of build-out of the land use and associated zone changes to achieve the TOP Vision and evaluates and analyses the principles, goals and polities enumerated in the Addendum that are furthered and carried out by the Project; and

WHEREAS, pursuant to CEQA Section 21166 and sections 15162 and 15163 of the CEQA Guidelines, an Addendum to the TOP EIR was prepared by the City with regard to the Project ("Addendum"). The Addendum incorporates, by reference, the analysis contained in the TOP EIR, and addresses only those issues specific to the Project. The Addendum concludes that the project will not result in impacts beyond what was previously analyzed in the TOP EIR, because the Project does not have new environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly; and

WHEREAS, the City of Ontario is the lead agency on the Project, and the Planning Commission is the recommending body for the proposed approval to construct and otherwise undertake the Project; and

WHEREAS, the City Council has reviewed and considered the Addendum for the Project, and intends to take actions on the Project in compliance with CEQA, and state and local guidelines implementing CEQA; and

WHEREAS, the Addendum for the Project and the TOP EIR is on file in the Planning Department, located at 303 East B Street, Ontario, CA 91764, is available for inspection by any interested person at that location and is, by this reference, incorporated into this Resolution as if fully set forth herein;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ONTARIO AS FOLLOWS:

SECTION 1. THAT THE CITY COUNCIL does hereby make the following findings: (1) it has independently reviewed and analyzed the Addendum/Initial Study and other information in the record and has considered the information contained therein, prior to acting upon or approving the Project, (2) the Addendum prepared for the Project has been completed in compliance with CEQA and is consistent with state and local guidelines implementing CEQA, and (3) the Addendum represents the independent judgment and analysis of the City of Ontario, as lead agency for the Project.

SECTION 2. THAT THE CITY COUNCIL does hereby find that based upon the entire record of proceedings before it and all information received that there is no substantial evidence that the Project will have a significant effect on the environment and does hereby approve the Addendum prepared for the Project and find, pursuant to CEQA Guideline sections 15162 and 15164, that the Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the TOP EIR and that no changes or additions to the TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures (Planning File No. PSPA12-003).

SECTION 3. The documents and materials that constitute the record of proceedings on which these findings have been based upon 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.

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 2013.

	PAUL S. LEON, MAYOR	
ATTEST:		
MARY E. WIRTES, MMC, CITY CLERK	<u> </u>	
APPROVED AS TO LEGAL FORM:		
BEST BEST & KRIEGER LLP CITY ATTORNEY		

	CALIFORNIA) F SAN BERNARDINO) ITARIO)	
foregoing Re	esolution No. 2013- was d	City of Ontario, DO HEREBY CERTIFY that uly passed and adopted by the City Council of ng held June 18, 2013 by the following roll call
AYES:	COUNCIL MEMBERS:	
NOES:	COUNCIL MEMBERS:	
ABSENT:	COUNCIL MEMBERS:	
	Ī	MARY E. WIRTES, MMC, CITY CLERK
(SEAL)		
The state of the s	ng is the original of Resolution Council at their regular meeti	n No. 2013- duly passed and adopted by the ing held June 18, 2013.
	Ī	MARY E. WIRTES, MMC, CITY CLERK
(SEAL)		

RESOLUTION NO.	RESOL	LUTION	NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PGPA11-002, A GENERAL PLAN AMENDMENT TO REVISE THE LAND USE ELEMENT OF THE POLICY PLAN, FIGURE LU-01 OFFICIAL LAND USE PLAN AND FIGURE LU-03: FUTURE BUILDOUT, AND MAKING FINDINGS IN SUPPORT THEREOF – APNS: VARIOUS (SEE EXHIBIT A).

WHEREAS, City of Ontario ("Applicant") has filed an Application for the approval of a General Plan Amendment, File No. PGPA11-002, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); 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 Figures LU-01: Official Land Use Plan and LU-03: Future Buildout further and is proposing modifications; and

WHEREAS, the proposed changes to Figure LU-01 Official Land Use Plan include changes to land use designations of certain properties shown on Exhibit A to make the land use designations of these properties either consistent with the existing use of the property, adjacent properties or make the property easier to develop; and

WHEREAS, Figure LU-03 Future Buildout specifies the likely buildout for Ontario with the adopted land use designations. The proposed changes to Figure LU-01 Official Land Use Plan will require Figure LU-03 Future Buildout be modified to be consistent with LU-01 Official Land Use Plan; and

WHEREAS, the City of Ontario held two (2) Community Open House Workshops on June 20, 2012 and July 10, 2012 to gain input from impacted property owners; and

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

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

WHEREAS, as the first action on the Project, on January 22, 2013, the Planning Commission recommended approval of a Resolution recommending City Council adopt an Addendum to the Environmental Impact Report (State Clearinghouse No. 2008101140) adopted by City Council on January 27, 2010 for File No. PGPA06-001. The Addendum finds that the proposed project introduces no new significant environmental impacts, and all previously adopted mitigation measures are incorporated into the Project by reference; and

WHEREAS, on January 22, 2013, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and issued Resolution No. PC No. PC13-012, recommending the City Council approve the project; and

WHEREAS, as the first action on the Project, on June 18, 2013, the City Council adopted an Addendum to the Environmental Impact Report (State Clearinghouse No. 2008101140) adopted by City Council on January 27, 2010 for File No. PGPA06-001. The Addendum finds that the proposed project introduces no new significant environmental impacts, and all previously adopted mitigation measures are incorporated into the Project by reference; and

WHEREAS, on June 18, 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 Planning Commission of the City of Ontario, as follows:

- SECTION 1. As the decision-making body for the project, the City Council has reviewed and considered the information contained in the Addendum to the Environmental Impact Report prepared for the project and supporting documentation. Based upon the facts and information contained in the Addendum and supporting documentation, the Planning Commission finds as follows:
- a. The Addendum contains a complete and accurate reporting of the environmental impacts associated with the Project; and
- b. The Addendum was completed in compliance with CEQA and the Guidelines promulgated thereunder; and.
- c. The Addendum reflects the independent judgment of the Planning Commission; and
- d. The proposed project introduces no new significant environmental impacts beyond what was analyzed in the Environmental Impact Report (State Clearinghouse No. 2008101140) adopted for PGPA06-001 (The Ontario Plan), and all previously adopted mitigation measures are incorporated into the Project by reference.
- <u>SECTION 2</u>. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the City Council and 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;
- 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 Land Use Element is a mandatory element allowed four general plan amendments per calendar year and this general plan amendment is the first amendment to the Land Use Element of the 2013 calendar year consistent with California Government Code Section §65358;

During the 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. Based upon the findings and conclusions set forth in Sections 1 SECTION 3. 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. The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution. PASSED, APPROVED, AND ADOPTED this 18th 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

	CALIFORNIA F SAN BERNARDINO ITARIO))
foregoing Re	esolution No. 2013- was	e City of Ontario, DO HEREBY CERTIFY that duly passed and adopted by the City Council of ting held June 18, 2013 by the following roll call
AYES:	COUNCIL MEMBERS:	
NOES:	COUNCIL MEMBERS:	
ABSENT:	COUNCIL MEMBERS:	
		MARY E. WIRTES, MMC, CITY CLERK
(SEAL)		
	g is the original of Resolution Council at their regular mee	on No. 2013- duly passed and adopted by the eting held June 18, 2013.
		MARY E. WIRTES, MMC, CITY CLERK
(SEAL)		

Existing TOP	Assessor Parcel Numbers Involved	Proposed TOP Changes
Residential		计算数据数据数据数据数据
10 10 10 10 10 10 10 10 10 10 10 10 10 1	11002104 - 11002129 11002131 - 11002154 11024160 - 11024171 11024174 11024201 - 11024220 11026118 - 11026139 11026141 - 11026158 11026160 - 11026180	S S S S S S S S S S S S S S S S S S S
Low Density Residential (2.1 – 5 dwellings/acre)	1. Corona and G St.	Low-Medium Density Residential (5.1 – 11 dwellings/acre)
C ST.	Portion of 104845151 (1 property)	G ST FLORA
Low-Medium Density Residential	2. Virginia south of G St. Related File PZC 12-003	Medium Density Residential
Low-Medium Density Residential (5.1 – 11 dwellings/acre)	Subarea 40 105038104 – 105038106 (3 properties) 3. Eastern Terminus of Manzanita Related File PZC 12-003	Medium Density Residential (11.1 – 25 dwellings/acre)
PHILADELPHIA ST	Subarea 41 105113123 – 105113128 (6 properties)	PHILADELPHIA ST. AMAGINI, Mr.

Existing TOP	Assessor Parcel Numbers Involved	Proposed TOP Changes
Medium Density Residential (11.1 – 25 dwellings/acre)	SEC Philadelphia and Bon View	Low Density Residential (2.1 – 5 dwellings/acre)
LIO FRANCY.	100828301 – 100828343 (43 properties)	I-10 FRMY
Medium Density Residential (11.1 – 25 dwellings/acre)	5. Mountain Village	Low-Medium Density Residential (5.1 – 11 dwellings/acre)
SR-60 FRWY	105110104 - 105110130 105120130 - 105120142 105120163 - 105120174	SR-60 FRWY.
	(52 properties)	
Medium Density Residential (11.1 – 25 dwellings/acre)	6. Skylark and Fairfield Related File PZC 12-003 Subarea 42	Low-Medium Density Residential (5.1 – 11 dwellings/acre)
EUCLID ARE CHIRACTED ARE	105060105	PHILADELPHIA ST
	(1 property)	
Medium Density Residential (11.1 – 25 dwellings/acre)	7. NWC Philadelphia and Euclid	General Commercial
SOCIETA STOCKES	104743313 104743314 (2 properties)	No Contract of Con
High Density Residential (25.1 – 45 dwellings/acre)	8. Grove Ave. and Sixth St.	Neighborhood Commercial

Existing TOP	Assessor Parcel Numbers Involved	Proposed TOP Changes
EUCLID AVE.	104836102 – 104836108 104836202 – 104836206 104836302 – 104836303 (15 properties)	EUCLID AVE.
D ST.	9. Westside of Lemon D to	THE COST.
High Density Residential (25.1 – 45 dwellings/acre)	G Related File PZC 12-003 Subareas 43, 44,& 57	Downtown Mixed Use
Commercial		A STATE OF THE PARTY OF THE PAR
SR-80 FRWY. Encripe Walnut St. Noise house of Commoraid	105122120 105127106 105127166 105127167 (4 properties)	SR-60 FRWY. WALNUT ST. CORDERAL COMMONSTRIES
Neighborhood Commercial	Related File PZC 12-003 Subarea 45	General Commercial
EIGHTH ST. GROVE WE GROWN AND RAYMOND ST.	104651101 104651102 104651117 104651118 104713202 104714301 (6 properties)	EIGHTH ST VONCOND ST RAYMOND ST
Neighborhood Commercial	12. Eighth St. west of Grove Ave.	Business Park

EXHIBIT A TOP Land Use Changes

Existing TOP	Assessor Parcel Numbers Involved	Proposed TOP Changes
General Commercial	10862248 (1 property) 13. SWC Eighth and Vineyard	Neighborhood Commercial
B ST. NOCTA ST.	104852112 (1 property)	C ST. NOCTA ST. B ST. HOLT BLVO.
General Commercial	14. Sultana north of Sierra Related File PZC 12-003 Subarea 47	Neighborhood Commercial
C ST. ST. NOCTAST. B ST. NOCTAST. B ST. NOCTAST. B ST. NOCTAST.	104852113 – 104852114 (2 properties)	C ST. NOCTAST. B ST. NOCTAST. HOLI BLVO
General Commercial	15. SEC Nocta and Sultana Related File PZC 12-003 Subarea 48	Public Facility
PHA ACILIPAN ST	108315108 108315109 108315111 108315112 108315113	100 A ST 100
SR-60 FRWY	(5 properties)	SR-60 FRWY

Existing TOP	Assessor Parcel Numbers Involved	Proposed TOP Changes
Office Commercial	16. SWC Haven and Philadelphia	General Commercial
Guasti Mixed Use	21055102 21055103 (2 properties) 17. On Turner south of Guasti Rd	Office Commercial
Industrial	Guasti Nu	TOTAL CONTRACTOR
NOCTA ST. NOCTA ST. HOLT BLVD.	11007212 – 11007215 11007217 – 11007224 (12 properties)	NOCTA ST.
Business Park	18. Nocta and Lassen	Medium Density Residential (11.1 – 25 dwellings/acre)
HOLT BLVD	11006123 (1 property)	HOC BLVO
Business Park	19. Apt. on Nocta by Cucamonga Ck.	East Holt Mixed Use
SADOKS ST.	Portion of 101113319 (1 property)	SROORS ST

Existing TOP	Assessor Parcel Numbers Involved	Proposed TOP Changes
Business Park	20. Near Brooks & Mountain Related File PZC 12-003 Subarea 50	Industrial
JURUPA ST	23812132 - 23812133 23812137 23812170 - 23812173 23822123 23822136 23823103 23823114 23823117 - 23823118 (11 properties)	AURUPA ST
Industrial	21. Auto Center - Commercial	General Commercial
TO NAME OF THE PARTY OF THE PAR	21128156 (1 property)	TO NISON
Industrial	22. SEC Haven and Francis	Office Commercial
AAAAPA ET	21121312 (1 property)	Andre St.
Industrial	23. Hofer Ranch	Office Commercial

Existing TOP	Assessor Parcel Numbers Involved	Proposed TOP Changes
Industrial	21006116 21006237 – 21006238 21006258 – 21006259 21031101 – 21031104 21031110 – 21031112 (12 properties)	Business Park
Acceptability of the second	The Section of the Se	
PHILADELPHIA ST	108301116 – 108301117 108301121 – 108301123 (5 properties)	PHILADELPHIA ST PHILADELPHIA ST PHILADELPHIA ST
SR-60 FRWY	25. Near Philadelphia and	SR-60 FRWY
Industrial	Archibald	Business Park
BRICKELL BRI	21122225 - 21122229 21122235 - 21122237 21123253 - 21123255 21128153 - 21128155 23819313 23819322 - 23819323 23820128 (18 properties)	BRICKELL BRI
Industrial	26. Milliken from Airport to Jurupa	Business Park

EXHIBIT A TOP Land Use Changes

Existing TOP	Assessor Parcel Numbers Involved	Proposed TOP Changes
	23821148 – 23821175 23822137 – 23822144 (36 properties)	AND
Industrial	 Ontario Gateway Business Center 	Business Park
JURUPA ST	23812115 23812119 23812126 23812128 – 23812131 23812139 23812147 – 23812154 23812156 – 23812157 23812162 – 23812163 23812168 – 23812169	JURUPA ST.
Industrial	(22 properties) 28. Auto Center – Business Park	Business Park
AND CANADA	23808112 23808121 23808123 (3 properties)	AMPORT ON THE PROPERTY OF
Industrial	29. On Etiwanda north of Santa Ana	Open Space – Non- Recreation

EXHIBIT A TOP Land Use Changes

Existing TOP	Assessor Parcel Numbers Involved	Proposed TOP Changes
TASSUS A LID	11327112 (1 property) 30. Cucamonga Ck. n/o	Open Space – Non
Industrial	Mission	Recreation
I-10 FRWY.	23804414 23804416 (2 property) 31. SCE Easement at SEC	Open Space – Non
Industrial	I-10 and I-15	Recreation
MAIN ST.	104908305 104908312 104908314 (3 properties)	MAIN ST. CAMPUS AVE.
STATEST	(5 properties)	STATEST
Industrial	32. SWC Main and Campus Related File PZC 12-003 Subarea 54	Public Facility
Rail	A STORY MANTEN SERVICE SERVICE	
CALFORNIASY.	Portion of 104923113	CALECISNIA ST.
MISSION BLVD.	(1 property)	MISSION BLVO 8
Rail	33. Spur line Calif. to Mission	Business Park

Existing TOP	Assessor Parcel Numbers Involved	Proposed TOP Changes
MONTEREY AVE. WONTEREY AVE. Rail	104908112 (1 property) 34. Spur line n/o Main St. Related File PZC 12-003 Subarea 51	MAIN ST. WONTERY AVE WONTERY AVE TO THE ST.
SUNDSTATE OF THE PROPERTY OF T	Portion of 104923113 (1 property) 35. Spur line State to Calif. Related File PZC 12-003 Subarea 52	SUMUST ST. SUMUST
MISSION BLVD MATLAND ST BELLIONT ST PHILLES	Portion of 104923113 (1 property) 36. Spur line Mission to Phillips Related File PZC 12-003 Subarea 49	Industrial

Existing TOP	Assessor Parcel Numbers Involved	Proposed TOP Changes
Open Space - Recreation	Portion of 101445101 (1 property) 37. Homer Briggs Park	Rural Residential (0 – 2 dwellings/acre)
LID FRAY	23805112 23805131 – 23805133 (4 properties)	F 10 F ROWY
Open Space – Non Recreation	38. NEC I-10 and I-15 Frwys Related File PZC 12-003 Subarea 55	Industrial
EIGHTH ST BUNGHO ST BUNGHO ST	104651104 104651105 (2 properties)	EIGHTH ST BONGWIND ST BONG WANTER BONG WANTER BONG BONG BONG BONG BONG BONG BONG BONG
Open Space – Non Recreation	39. Rail line north of Eighth	Rail
FOURTH ST.	104745104 104746209 (2 properties)	FIFTH 57 FIFTH 57 FOLKITH 57
Open Space – Recreation	40. Flood Control Basin s/o I-10 Frwy.	Open Space – Non- Recreation
Public Facility		EASTERN HUMBER

Existing TOP	Assessor Parcel Numbers Involved	Proposed TOP Changes
Public Facility	104854115 (1 property) 41. SWC Sultana and D St. Related File PZC 12-003 Subarea 56	Office Commercial
INLAND EMPIRE BLVD. SHELBY ST L-10 FRWY.	21018267 (1 property)	INLAND EMPIRE BLVD SHELBY ST 1-10 FRWY.
Public Facility	42. w/s Haven north of Shelby	Office Commercial
SPRICE ST.	Portion of 21127551 (1 property)	SPALADELPHA ST
Public Facility	43. Westside of Turner south of Spruce	Industrial
Airport	11321138 (1 property) 44. Industrial site on Airport	HOLT BLVD AIRPORT OR
Airport	Related File PZC 12-003 Subarea 53	Industrial

CITY OF ONTARIO

Agenda Report June 18, 2013

SECTION: PUBLIC HEARINGS

SUBJECT: AN ORDINANCE FOR A ZONE CHANGE (FILE NO. PZC12-003) TO CHANGE

THE ZONING DESIGNATIONS ON CERTAIN PROPERTIES LOCATED THROUGHOUT THE CITY IN ORDER TO MAKE THE ZONING OF THE PROPERTIES CONSISTENT WITH THE LAND USE DESIGNATIONS OF THE

POLICY PLAN (GENERAL PLAN) OF THE ONTARIO PLAN

RECOMMENDATION: That the City Council hold a public hearing to consider adoption of a resolution approving an addendum to The Ontario Plan Environmental Impact Report analyzing the environmental effects of the Project, pursuant to State CEQA Guidelines section 15164; and introduce and waive further reading of an ordinance approving Zone Change File No. PZC12-003 to change the zoning designations on certain properties located throughout the City making the zoning of the properties consistent with the Policy Plan (General Plan) of The Ontario Plan land use designations of the properties.

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

Operate in a Businesslike Manner

FISCAL IMPACT: None.

BACKGROUND: The City has initiated the zone change in order to make the zoning of certain properties, as indicated in the recommended ordinance, consistent with the land use designations of the Policy Plan (General Plan) of The Ontario Plan (TOP). The proposed zone changes included in this application are predominantly residential in nature or are associated with a TOP land use designation change. This application represents the first of many phases in a citywide effort to achieve consistency between the zoning and General Plan land use designations for properties throughout the City. In total, more than 5,000 properties will require zone changes in order to achieve overall alignment.

STAFF MEMBER PRESENTING: Jerry L. Blum, Planning Director

Prepared by:	Clarice Burden	Submitted to Council/O.H.A. 06 18 2013
Department:	Planning	Approved: Continued to:
City Manager	(b)//	Denied:
Approval:		

The Planning Commission reviewed the proposed Zone Change on January 22, 2013, and found that the proposed changes were consistent with TOP land use designations. As a result, the Commission unanimously recommended approval of the application.

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

ENVIRONMENTAL REVIEW: The application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") and an initial study has been prepared to determine possible environmental impacts. The environmental impacts of this project were reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) adopted by City Council on January 27, 2010 in conjunction with File No. PGPA06-001. The Addendum was prepared pursuant to CEQA, the State CEQA Guidelines and the City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" which provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. This Application introduces no new significant environmental impacts not previously analyzed in the Environmental Impact Report. All previously adopted mitigation measures are a condition of project approval and are incorporated herein by reference. The environmental documentation for this project is available for review at the Planning Department public counter.

INECOECTION NO.	RESOLUTION	NO.
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING AN ADDENDUM TO THE ONTARIO PLAN ENVIRONMENTAL IMPACT REPORT FOR FILE NO. PZC12-003, FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, prior to the adoption of this Resolution, the Planning Director of the City of Ontario prepared an Initial Study and approved for circulation an Addendum for Planning File No. PZC12-003 (the "Addendum"), all in accordance with the requirements of the California Environmental Quality Act of 1970, together with state and local guidelines implementing said Act, all as amended to date (collectively "CEQA"); and

WHEREAS, Planning File No. PZC12-003 (the "Project") analyzed under the Addendum consists of Zone Changes throughout the City (as shown in Exhibit 1 in the Addendum) in order to be consistent with the TOP. In addition, the proposed Zone Changes will amend the City's Zoning Map in order to reflect policies and implementation measures specified in the TOP and, pursuant to Section 65860 of the Government Code, provide consistency between zoning ordinances and general plans; and

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

WHEREAS, in January 2010, the City Council certified the Ontario Plan ("TOP") Final Environmental Impact Report ("EIR") (SCH # 2008101140), adopted an update on the Ontario General Plan and the Preferred Land Use Plan, made Mitigation Findings and adopted a Statement of Overriding Considerations pursuant to CEQA; and

WHEREAS, the TOP EIR contains an analysis of the environmental setting of the City at the time of its certification and also analyzes the environmental impact of build out of the land use and associated zone changes to achieve the TOP Vision and evaluates and analyses the principles, goals and polities enumerated in the Addendum that are furthered and carried out by the Project; and

WHEREAS, pursuant to CEQA section 21166 and sections 15162 and 15163 of the CEQA Guidelines, an Addendum to the TOP EIR was prepared by the City with regard to the Project ("Addendum"). The Addendum incorporates, by reference, the analysis contained in the TOP EIR, and addresses only those issues specific to the Project. The Addendum concludes that the project will not result in impacts beyond what was previously analyzed in the TOP EIR, because the Project does not have new environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly; and

WHEREAS, the City of Ontario is the lead agency on the Project, and the City Council is the approval body for the proposed approval to construct and otherwise undertake the Project; and

WHEREAS, the City Council has reviewed and considered the Addendum for the Project, and intends to take actions on the Project in compliance with CEQA, and state and local guidelines implementing CEQA; and

WHEREAS, the Addendum for the Project and the TOP EIR is on file in the Planning Department, located at 303 East B Street, Ontario, CA 91764, is available for inspection by any interested person at that location and is, by this reference, incorporated into this Resolution as if fully set forth herein;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ONTARIO AS FOLLOWS:

SECTION 1. That the City Council does hereby make the following findings: (1) it has independently reviewed and analyzed the Addendum/Initial Study and other information in the record and has considered the information contained therein, prior to acting upon or approving the Project, (2) the Addendum prepared for the Project has been completed in compliance with CEQA and is consistent with state and local guidelines implementing CEQA, and (3) the Addendum represents the independent judgment and analysis of the City of Ontario, as lead agency for the Project.

SECTION 2. That the City Council does hereby find that based upon the entire record of proceedings before it and all information received that there is no substantial evidence that the Project will have a significant effect on the environment and does hereby approve the Addendum prepared for the Project and find, pursuant to CEQA Guideline sections 15162 and 15164, that the Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the TOP EIR and that no changes or additions to the TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures (Planning File No. PSPA12-003).

SECTION 3. The documents and materials that constitute the record of proceedings on which these findings have been based upon 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.

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

PASSED, APPROVED, AND ADOPTED this 18th day of June 2013.

ATTEST:

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP CITY ATTORNEY

	CALIFORNIA F SAN BERNARDINO ITARIO))
foregoing Re	esolution No. 2013- was	e City of Ontario, DO HEREBY CERTIFY that duly passed and adopted by the City Council of ting held June 18, 2013 by the following roll call
AYES:	COUNCIL MEMBERS:	
NOES:	COUNCIL MEMBERS:	
ABSENT:	COUNCIL MEMBERS:	
(SEAL)		MARY E. WIRTES, MMC, CITY CLERK
	g is the original of Resoluti Council at their regular mee	on No. 2013- duly passed and adopted by the eting held June 18, 2013.
		MARY E. WIRTES, MMC, CITY CLERK
(SEAL)		

ORDINANCE N	NO.
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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC12-003, A CHANGE IN THE ZONING DESIGNATIONS FOR CERTAIN PROPERTIES IN THE CITY OF ONTARIO TO MAKE THE ZONING CONSISTENT WITH THE ONTARIO PLAN LAND USE DESIGNATIONS OF THE PROPERTIES, AND MAKING FINDINGS IN SUPPORT THEREOF – APNS: VARIOUS (SEE EXHIBIT A).

WHEREAS, the City of Ontario ("Applicant") has filed an Application for the approval of a Zone Change, File No. PZC12-003, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the zoning of the properties is inconsistent with The Ontario Plan ("TOP") land use designations of the properties and the proposed zone changes will make the zoning consistent with TOP land use designations as shown in Exhibit A; and

WHEREAS, the Application was initiated in conjunction with a comprehensive effort to make the zoning of properties in the City of Ontario consistent with their TOP land use designations; 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 City of Ontario held three (3) Community Open House Workshops on June 20, 2012, July 10, 2012 and November 27, 2012 to gain input from impacted property owners; and

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

WHEREAS, on January 22, 2013, the Planning Commission of the City of Ontario approved a Resolution recommending City Council approve the project; and

WHEREAS, as the first action on the Project, on June 18, 2013, the City Council approved a Resolution adopting an Addendum to TOP Environmental Impact Report (State Clearinghouse No. 2008101140) adopted by City Council on January 27, 2010 for File No. PGPA06-001 (The Ontario Plan). The Addendum finds that the proposed project introduces no new, significant environmental impacts, and all previously adopted mitigation measures are incorporated into the Project by reference; and

WHEREAS, on June 18, 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 Ordinance have occurred.

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

- SECTION 1. As the approving for the project, the City Council has reviewed and considered the information contained in the Addendum to the Environmental Impact Report prepared for the project and supporting documentation. Based upon the facts and information contained in the Addendum and supporting documentation, the City Council finds as follows:
- a. The Addendum contains a complete and accurate reporting of the environmental impacts associated with the Project; and
- b. The Addendum was completed in compliance with CEQA and the Guidelines promulgated thereunder; and.
- c. The Addendum reflects the independent judgment of the City Council; and
- d. The proposed project introduces no new significant environmental impacts beyond what was analyzed in TOP Environmental Impact Report (State Clearinghouse No. 2008101140) adopted for PGPA06-001 (The Ontario Plan), and all previously adopted mitigation measures are incorporated into the Project by reference.
- SECTION 2. Based upon the substantial evidence presented to the City Council during the above-referenced hearing and upon the specific findings set forth in Section 1 above, the City Council hereby concludes as follows:
- a. The proposed zone change is consistent with the goals and policies of the general plan.
- b. The proposed zone change is reasonable and beneficial, and in the interest of good zoning practice.
- c. The project sites are physically suitable, including, but not limited to parcel size, shape, access, availability of utilities and compatibility with adjoining land uses, for the requested zoning designations and anticipated developments.
- d. The proposed zone change will not adversely affect the harmonious relationship with adjacent parcels and land uses.
- e. The proposed zone change will not have a significant adverse impact on the environment.
- SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council hereby approves the requested Zone Change as shown on the attached Exhibit "A".

SECTION 4. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is for any reason held to be invalid, unconstitutional or otherwise struck-down by a court of competent jobs, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more portions of this ordinance might be declared invalid.

SECTION 5. The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

<u>SECTION 6</u>. 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.

<u>SECTION 7</u>. The City Clerk shall certify to the adoption of this ordinance.

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

PASSED, APPROVED, AN	ND ADOPTED this	day of	2013
	PAUL S. LEON,	MAYOR	
ATTEST:			
MARY E. WIRTES, MMC, CITY O	I ERK		

APPROVED AS	10	FO	RM:
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BEST BEST & KRIEGER LLP CITY ATTORNEY

STATE OF CAL COUNTY OF S CITY OF ONTA	SAN BERNARDINO)))	
foregoing Ordin Council of the	nance No was o	e City of Ontario, DO HEREBY Control of Cont	ng of the City
AYES: C	COUNCIL MEMBERS:		
NOES: C	COUNCIL MEMBERS:		
ABSENT: C	COUNCIL MEMBERS:		
		MARY E. WIRTES, MMC, CITY C	LERK
(SEAL)			
	d - 1 (1 - 7 1 - 7 - 0 - 1		7.1
and adopted b	by the Ontario City Councillation	original of Ordinance No cil at their regular meeting held _ nce were published on	_ duly passed
	_, in the Inland Valley Da		and
		MARY E. WIRTES, MMC, CITY C	LERK
(SEAL)			

EXHIBIT A
Zone Changes to Make Zoning Consistent with TOP Land Use Designation

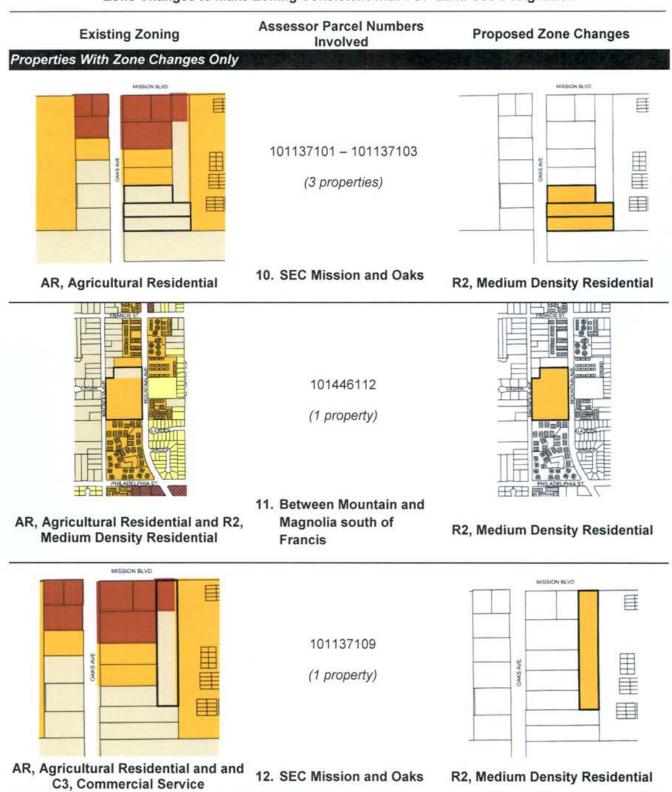


EXHIBIT A
Zone Changes to Make Zoning Consistent with TOP Land Use Designation

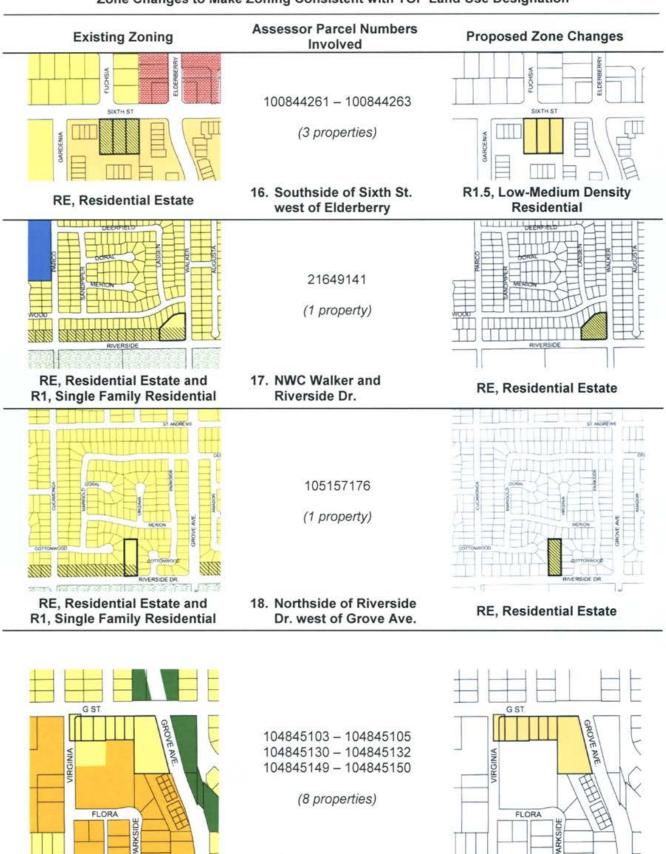


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Zone Changes to Make Zoning Consistent with TOP Land Use Designation

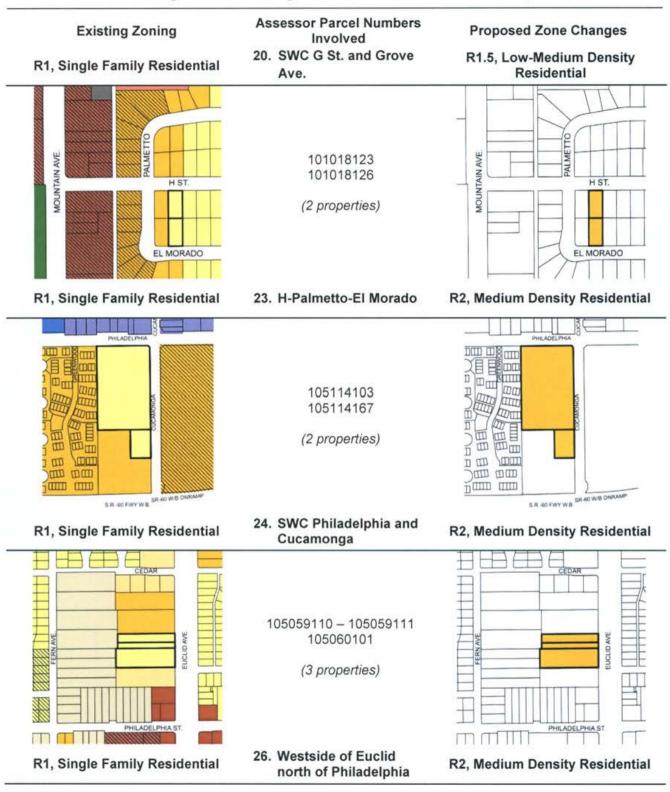


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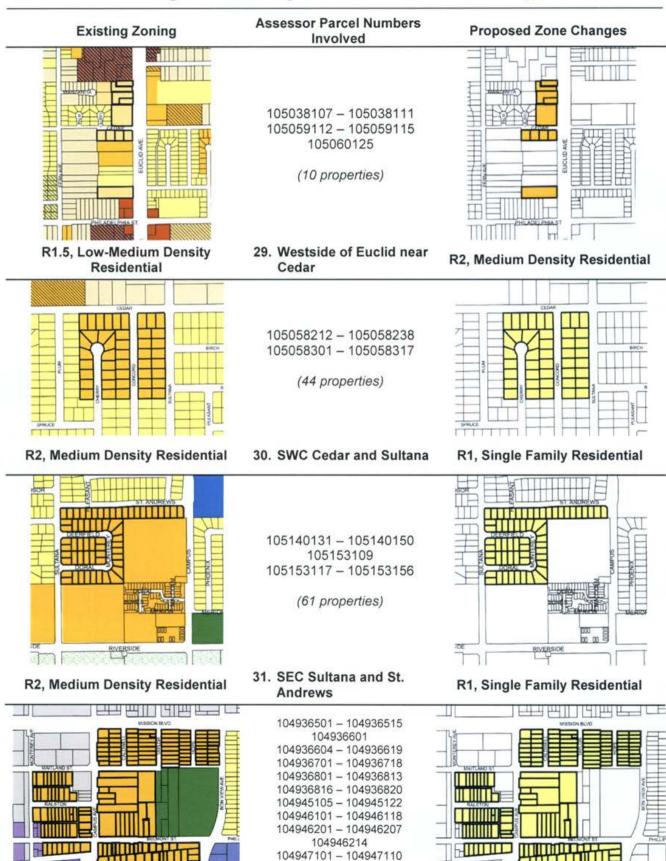


EXHIBIT A
Zone Changes to Make Zoning Consistent with TOP Land Use Designation

Existing Zoning	Assessor Parcel Numbers Involved 104947112 - 104947119 104948104 - 104948107 104948110 - 104948113 104950201 - 104950209 104950219 - 104950227 104950301 104950304 - 104950327 104950330	Proposed Zone Changes
	(193 properties)	
R2, Medium Density Residential	32. Bon View Park Area	R1, Single Family Residential
EL MORADO VA MORADO	104828107 (1 property)	EL MORADO EL MORADO EL MORADO EL MORADO EL MORADO
R2, Medium Density Residential	34. Westside of Vine north of G St.	R1.5, Low-Medium Density Residential
EL MORADO	104828119 (1 property)	EL MORADO WI MORADO WI MORADO O M
R2, Medium Density Residential	35. Vine and G St.	R3, High Density Residential
	101156107 (1 property)	
R2, Medium Density Residential	36. Northside of Phillips btwn Palmetto & Cypress	R3, High Density Residential

EXHIBIT A
Zone Changes to Make Zoning Consistent with TOP Land Use Designation

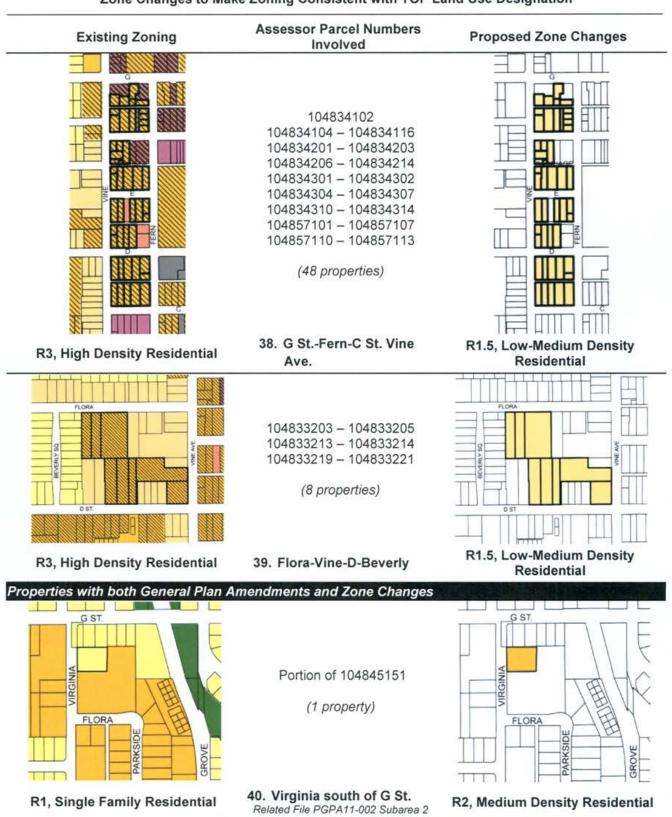


EXHIBIT A
Zone Changes to Make Zoning Consistent with TOP Land Use Designation

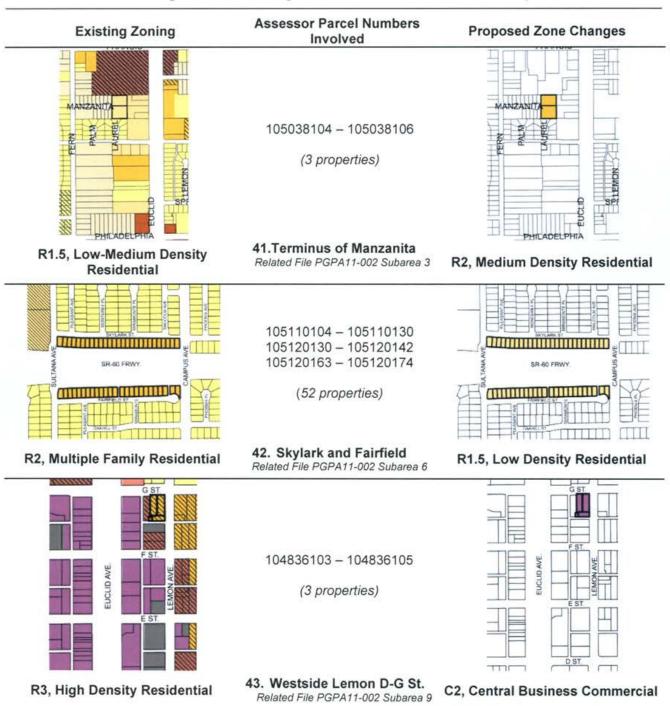


EXHIBIT A

Zone Changes to Make Zoning Consistent with TOP Land Use Designation



EXHIBIT A
Zone Changes to Make Zoning Consistent with TOP Land Use Designation

Existing Zoning

Assessor Parcel Numbers Involved

Proposed Zone Changes

C3, Commercial Service

48. SEC Nocta and Sultana Related File PGPA11-002 Subarea 15

PF, Public Facility

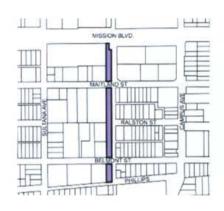


M3, General Industrial

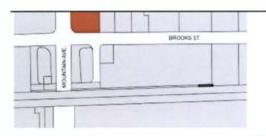
Portion of 104923113
(1 property)

49. Spur line Mission to Phillips

Related File PGPA11-002 Subarea 36

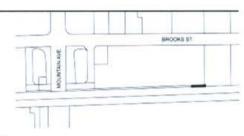


M1, Limited Industrial



Portion of 101113319

(1 property)

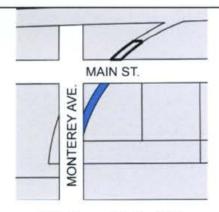


M3, General Industrial

50. Near Brooks & Mountain Related File PGPA11-002 subarea 20

M2, General Industrial

MAIN ST.



M3, General Industrial

104908112

(1 property)

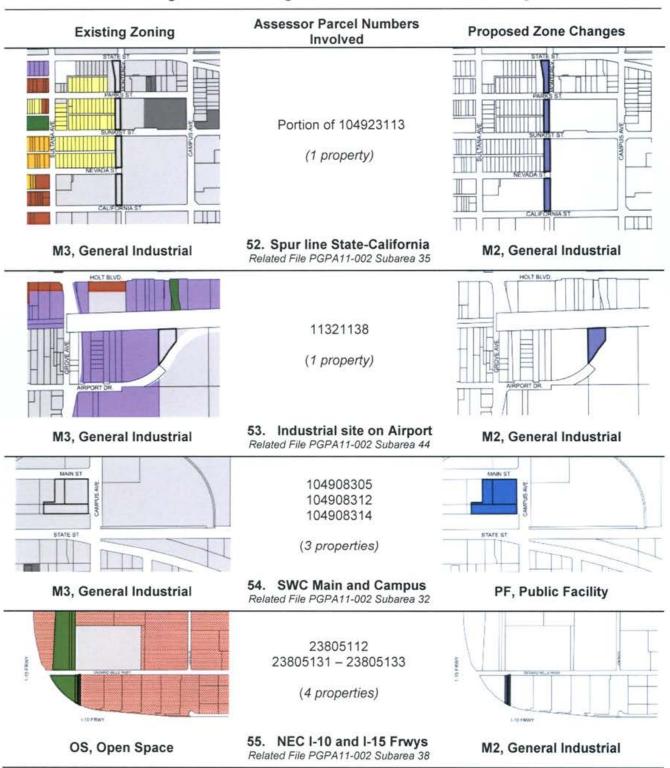


51. Spur line s/o Main St. Related File PGPA11-002 Subarea 34

M2, General Industrial

EXHIBIT A

Zone Changes to Make Zoning Consistent with TOP Land Use Designation



City Council Ordinance File No. PZC12-003 June 18, 2013

EXHIBIT A
Zone Changes to Make Zoning Consistent with TOP Land Use Designation

