

**CITY OF ONTARIO
CITY COUNCIL AND HOUSING AUTHORITY
AGENDA
JULY 2, 2013**

Paul S. Leon
Mayor

Jim W. Bowman
Mayor pro Tem

Alan D. Wapner
Council Member

Debra Dorst-Porada
Council Member

Paul Vincent Avila
Council Member



Chris Hughes
City Manager

John E. Brown
City Attorney

Mary E. Wirtes, MMC
City Clerk

James R. Milhiser
Treasurer

WELCOME to a meeting of the Ontario City Council.

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

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

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

CALL TO ORDER (*OPEN SESSION*)

6:00 p.m.

ROLL CALL

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

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

CLOSED SESSION

- GC 54956.9 (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*

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

PLEDGE OF ALLEGIANCE

Council Member Dorst-Porada

INVOCATION

Brother Donald Sanders, Calvary Apostolic Tabernacle

REPORT ON CLOSED SESSION

City Attorney

PUBLIC COMMENTS

6:30 p.m.

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

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

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

CONSENT CALENDAR

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

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

1. APPROVAL OF MINUTES

Minutes for the regular meeting of the City Council and Housing Authority of June 4, 2013, and approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

Bills May 19, 2013 through June 1, 2013 and **Payroll** May 19, 2013 through June 1, 2013, when audited by the Finance Committee.

3. DESIGNATION OF VOTING DELEGATES FOR THE LEAGUE OF CALIFORNIA CITIES ANNUAL BUSINESS MEETING

That the City Council designate Debra Dorst-Porada as the City's voting delegate and Alan Wapner as an alternate for the League of California Cities Annual Business Meeting scheduled for September 20, 2013.

4. MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ONTARIO AND THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES

That the City Council approve and authorize the City Manager to execute a three-year Memorandum of Understanding (on file with the Records Management Department) regarding wages, hours, and other terms and conditions of employment between the City of Ontario and the employees represented by the American Federation of State, County and Municipal Employees (AFSCME); and authorize any non-substantive changes which may be necessary to implement the agreement.

5. MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ONTARIO AND THE SAN BERNARDINO PUBLIC EMPLOYEES ASSOCIATION

That the City Council approve and authorize the City Manager to execute a three-year Memorandum of Understanding (on file with the Records Management Department) regarding wages, hours, and other terms and conditions of employment between the City of Ontario and the employees represented by the San Bernardino Public Employees Association (SBPEA); and authorize any non-substantive changes which may be necessary to implement the agreement.

6. MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ONTARIO AND THE ASSOCIATION OF ONTARIO MANAGEMENT EMPLOYEES

That the City Council approve and authorize the City Manager to execute a three-year Memorandum of Understanding (on file with the Records Management Department) regarding wages, hours, and other terms and conditions of employment between the City of Ontario and the employees represented by the Association of Ontario Management Employees (AOME); and authorize any non-substantive changes which may be necessary to implement the agreement.

7. COMPENSATION AND BENEFIT PROFILES FOR UNREPRESENTED EMPLOYEES GROUPS INCLUDING PART-TIME, CONFIDENTIAL, DEPARTMENT HEAD AND EXECUTIVE MANAGEMENT EMPLOYEES AND A RESOLUTION REGARDING SALARIES

That the City Council approve and authorize the City Manager to execute three-year Compensation and Benefit Profiles (on file with the Records Management Department) regarding wages, hours and other terms and conditions of employment for unrepresented employees of the Part-Time, Confidential, Department Head and Executive Management groups; authorize any non-substantive changes which may be necessary to implement the profiles; and adopt a resolution setting salaries for appointive executive positions.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING SALARY RANGES FOR APPOINTIVE POSITIONS OF FIRE CHIEF AND POLICE CHIEF AS SET FORTH IN EXECUTIVE MANAGEMENT COMPENSATION AND BENEFITS PROFILE.

8. AMENDMENT TO CITY MANAGER EMPLOYMENT AGREEMENT AND A RESOLUTION REGARDING SALARY COMPENSATION

That the City Council and Housing Authority Board approve an amended and restated employment agreement (on file in the Records Management Department) with Chris Hughes to serve as City Manager and Executive Director of the Housing Authority, respectively; and adopt a resolution in accordance with California Government Code section 36506 setting the salary for the City Manager.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN AMENDED AND RESTATED CITY MANAGER EMPLOYMENT AGREEMENT.

9. A RESOLUTION IN OPPOSITION TO CAPPING OR ELIMINATING THE TAX-EXEMPT STATUS OF MUNICIPAL BONDS

That the City Council adopt a resolution opposing the capping or elimination of tax-exempt municipal bonds as being against the interest of local government agencies, and a potential setback for infrastructure and facility projects.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, IN OPPOSITION OF EFFORTS BY THE FEDERAL GOVERNMENT TO CAP OR ELIMINATE THE TAX-EXEMPT STATUS OF MUNICIPAL BONDS, AND AGAINST THE SHIFTING OF THE FEDERAL GOVERNMENT'S FISCAL BURDENS TO STATES AND LOCAL GOVERNMENT AGENCIES.

10. 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. _____

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.

11. AWARD OF A CONSTRUCTION CONTRACT AND A PROFESSIONAL SERVICES AGREEMENT IN CONNECTION WITH THE ONTARIO TOWN SQUARE PROJECT LOCATED AT EUCLID AVENUE AND B STREET/W.D. GOTT CONSTRUCTION/NINYO AND MOORE

That the City Council take the following actions:

- (A) Award construction contract No. PFD11-OTSP-001 (on file in the Records Management Department) to W.D. Gott Construction of Upland, California, in the bid amount of \$4,255,813 for construction of the Ontario Town Square Project;
- (B) Award professional services contract No. PFD11-OTSP-010 (on file in the Records Management Department) to Ninyo and Moore of Irvine, California, in the amount of \$74,958 for the Deputy Inspection and Material Testing services;
- (C) Authorize a 15% project-wide contingency of \$649,616 plus a project reserve of \$1,229,000; and authorize their use for any construction contract or professional service agreement associated with this project; and
- (D) Authorize the City Manager or his designee to execute all documents required for the completion of the project including, but not limited to, contracts, agreements, easements, dedications/vacations, lot line adjustments, reduction of retention accounts, and filing a notice of completion at the conclusion of all construction related activities.

12. A RESOLUTION DESIGNATING THE ONTARIO ECONOMIC DEVELOPMENT AGENCY TO ACT AS THE OFFICIAL ECONOMIC DEVELOPMENT AGENCY OF THE CITY OF ONTARIO FOR THE PURPOSES OF INTERACTING WITH THE CALIFORNIA STATE EMPLOYMENT DEVELOPMENT DEPARTMENT

That the City Council adopt a resolution granting legal authority for the Ontario Economic Development Agency to act as the designated Economic Development Agency on behalf of the City of Ontario for the purposes of interacting with the California State Employment Development Department.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DESIGNATING THE ONTARIO ECONOMIC DEVELOPMENT AGENCY AS THE OFFICIAL ECONOMIC DEVELOPMENT AGENCY OF THE CITY OF ONTARIO FOR PURPOSES OF INTERACTION WITH THE CALIFORNIA STATE EMPLOYMENT DEVELOPMENT DEPARTMENT.

13. PROCUREMENT OF ASPHALT, CONCRETE AND AGGREGATE MATERIALS

That the City Council authorize the procurement of concrete, asphalt and aggregate materials in accordance with Bid Invitation #338 from Holliday Rock Co. of Upland, California; All American Asphalt of Corona, California; Matich Corporation of San Bernardino, California; and Vulcan of Irwindale, California, to be used for citywide maintenance programs and approved projects; and authorize extension of the procurements for up to one additional year consistent with City Council approved budgets.

14. ADOPTION OF AMENDED CITY OF ONTARIO LOCAL GUIDELINES FOR IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”)

That the City Council adopt a resolution approving the 2013 revisions to the “City of Ontario Local Guidelines for Implementing the California Environmental Quality Act” (on file in the Records Management Department).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING AND ADOPTING LOCAL GUIDELINES FOR IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (PUBLIC RESOURCES CODE §§ 21000 ET SEQ.).

15. 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 adopt 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.

ORDINANCE NO. _____

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).

16. APPROVAL OF ALLOCATION AND SPENDING PLAN FOR THE BUREAU OF JUSTICE ASSISTANCE (BJA) EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FOR FY2013

That the City Council authorize the City Manager to execute all documents necessary to participate in the BJA Edward Byrne Memorial Justice Assistance Grant (JAG) Program; and approve the proposed \$44,717 grant spending plan.

COUNCIL MATTERS

BOARDS & COMMISSION APPOINTMENTS

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

STAFF MATTERS

City Manager Hughes

ADJOURNMENT

**CITY OF ONTARIO
CLOSED SESSION REPORT**
City Council / / Housing Authority / / (GC 54957.1)
July 2, 2013

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

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

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

- GC 54956.9 (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*

No Reportable Action	Continue	Approved
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Disposition: _____

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

CITY OF ONTARIO

Agenda Report
July 2, 2013

**SECTION:
CONSENT CALENDAR**

SUBJECT: DESIGNATION OF VOTING DELEGATES FOR THE LEAGUE OF CALIFORNIA CITIES ANNUAL BUSINESS MEETING

RECOMMENDATION: That the City Council designate Debra Dorst-Porada as the City's voting delegate and Alan Wapner as an alternate for the League of California Cities Annual Business Meeting scheduled for September 20, 2013.

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

FISCAL IMPACT: There is no direct fiscal impact by taking this action; however, representation and participation in the League's upcoming business meeting will help establish League policy on matters which affect the City's finances.

BACKGROUND: The League of California Cities has scheduled their Annual Business Meeting for September 20, 2013 during the Annual League Conference in Sacramento, California. The Annual Business Meeting will include consideration of resolutions requiring approval of the membership of the League.

League bylaws require that the City's voting delegates be designated by the City Council.

STAFF MEMBER PRESENTING: Chris Hughes, City Manager

Prepared by: Al C. Boling
Department: Citywide Administration

City Manager
Approval: 

Submitted to Council/O.H.A. 07/02/2013

Approved: _____

Continued to: _____

Denied: _____

CITY OF ONTARIO

Agenda Report

July 2, 2013

SECTION: CONSENT CALENDAR

SUBJECT: MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ONTARIO AND THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES

RECOMMENDATION: That the City Council approve and authorize the City Manager to execute a three-year Memorandum of Understanding (on file with the Records Management Department) regarding wages, hours, and other terms and conditions of employment between the City of Ontario and the employees represented by the American Federation of State, County and Municipal Employees (AFSCME); and authorize any non-substantive changes which may be necessary to implement the agreement.

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

FISCAL IMPACT: The estimated annual cost of the compensation changes across all funds during the three-year period is \$550,000 for FY 2013-14, \$652,720 for FY 2014-15, and \$550,000 for FY 2015-16. The estimated General Fund portion is \$175,000 for FY 2013-14, with a similar proportionate impact projected for the subsequent fiscal years. Appropriations for the first year of the agreement have been included in the Adopted Fiscal Year 2013-14 Operating Budget.

BACKGROUND: The current Memorandum of Understanding (MOU) between the City and AFSCME expires June 30, 2013. The City recently completed negotiations with AFSCME for a proposed three-year successor MOU, the term of which is July 1, 2013 through June 30, 2016.

The willingness of this unit, in conjunction with other employee groups, to forgo increases to compensation in recent years greatly assisted in the City's efforts to maintain service levels provided to the community in spite of the significant economic downturn. Through prior agreements, employees in this unit have not received general salary increases since 2008; merit increases were frozen for two

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

Prepared by: Linda Matthews
Department: Human Resources

City Manager
Approval:

Submitted to Council/O.H.A. 07/02/2013

Approved: _____

Continued to: _____

Denied: _____

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years; and the City's contribution toward medical and dental insurance remained unchanged until an adjustment was approved by City Council in July 2012 as authorized in the current agreement's re-opener provision.

The City recognizes that it needs to continue to be fiscally conservative. Containing future retirement costs while maintaining a competitive employee benefit package was a focal point in the negotiations with AFSCME. Last year the State of California passed the Public Employees Pension Reform Act of 2013 to address pension reform on a statewide basis. In a collaborative effort to implement pension reform, the City and AFSCME agreed to begin sharing the cost of retirement contributions. Specifically, employees will contribute toward the cost of retirement a percentage of pay on a pre-tax basis as follows: 2% in January 2014, 4% in July 2014, and 6.25% in July 2015. In addition, to help ensure the City is able to recruit and retain a highly qualified workforce, employees will receive general salary increases of 3% in January 2014, 4% in July 2014, and 3.5% in July 2015.

Other key terms of the proposed MOU include: increasing the City's monthly fringe benefit contributions in January of each year of the agreement; increasing the Helicopter Mechanic and Senior Helicopter Mechanic salary ranges by 5.68% in order to remain competitive for recruitment and retention purposes; increasing the safety shoe reimbursement amount by \$50 per fiscal year; increasing the number of employees eligible to receive welder pay to address operational efficiencies; and standardizing the conditions under which employees are reimbursed for obtaining and renewing classification-required commercial driver's licenses. The parties also agreed to reopen negotiations related to salary only for FY 2015-16. Finally, the parties agreed to minor language modifications to improve consistency and reflect current practices. The specific terms of the agreement are contained in the draft MOU for reference.

CITY OF ONTARIO

Agenda Report

July 2, 2013

SECTION: CONSENT CALENDAR

SUBJECT: MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ONTARIO AND THE SAN BERNARDINO PUBLIC EMPLOYEES ASSOCIATION

RECOMMENDATION: That the City Council approve and authorize the City Manager to execute a three-year Memorandum of Understanding (on file with the Records Management Department) regarding wages, hours, and other terms and conditions of employment between the City of Ontario and the employees represented by the San Bernardino Public Employees Association (SBPEA); and authorize any non-substantive changes which may be necessary to implement the agreement.

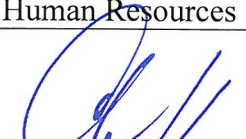
COUNCIL GOALS: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Operate in a Businesslike Manner

FISCAL IMPACT: The estimated annual cost of the compensation changes across all funds during the three-year period is \$715,000 for FY 2013-14, \$885,720 for FY 2014-15, and \$755,000 for FY 2015-16. The estimated General Fund portion is \$550,000 for FY 2013-14, with a similar proportionate impact projected for the subsequent fiscal years. Appropriations for the first year of the agreement have been included in the Adopted Fiscal Year 2013-14 Operating Budget.

BACKGROUND: The current Memorandum of Understanding (MOU) between the City and SBPEA expires June 30, 2013. The City recently completed negotiations with SBPEA for a proposed three-year successor MOU, the term of which is July 1, 2013 through June 30, 2016.

The willingness of this unit, in conjunction with other employee groups, to forgo increases to compensation in recent years greatly assisted in the City's efforts to maintain service levels provided to the community in spite of the significant economic downturn. Through prior agreements, employees in this unit have not received general salary increases since 2008; merit increases were frozen for two years; and the City's contribution toward medical and dental insurance remained unchanged until an

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

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

Submitted to Council/O.H.A. 07/02/2013
Approved: _____
Continued to: _____
Denied: _____

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adjustment was approved by City Council in July 2012 as authorized in the current agreement's re-opener provision.

The City recognizes that it needs to continue to be fiscally conservative. Containing future retirement costs while maintaining a competitive employee benefit package was a focal point in the negotiations with SBPEA. Last year the State of California passed the Public Employees Pension Reform Act of 2013 to address pension reform on a statewide basis. In a collaborative effort to implement pension reform, the City and SBPEA agreed to begin sharing the cost of retirement contributions. Specifically, employees will contribute toward the cost of retirement a percentage of pay on a pre-tax basis as follows: 2% in January 2014, 4% in July 2014, and 6.25% in July 2015. In addition, to help ensure the City is able to recruit and retain a highly qualified workforce, employees will receive general salary increases of 3% in January 2014, 4% in July 2014, and 3.5% in July 2015.

Other key terms of the proposed MOU include: increasing the City's monthly fringe benefit contributions in January of each year of the agreement; increasing shift differential by 60 cents per hour effective the first full pay period in July 2013; increasing the safety shoe reimbursement amount by \$50 per fiscal year and expanding eligibility to include all classifications required to wear safety shoes. The parties also agreed to reopen negotiations related to salary only for FY 2015-16. Finally, the parties agreed to minor language modifications to improve consistency and reflect current practices. The specific terms of the agreement are contained in the draft MOU for reference.

CITY OF ONTARIO

Agenda Report

July 2, 2013

SECTION: CONSENT CALENDAR

SUBJECT: MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ONTARIO AND THE ASSOCIATION OF ONTARIO MANAGEMENT EMPLOYEES

RECOMMENDATION: That the City Council approve and authorize the City Manager to execute a three-year Memorandum of Understanding (on file with the Records Management Department) regarding wages, hours, and other terms and conditions of employment between the City of Ontario and the employees represented by the Association of Ontario Management Employees (AOME); and authorize any non-substantive changes which may be necessary to implement the agreement.

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

FISCAL IMPACT: The estimated annual cost of the compensation changes across all funds during the three-year period is \$215,000 for FY 2013-14, \$315,000 for FY 2014-15, and \$260,000 for FY 2015-16. The estimated General Fund portion is \$140,000 for FY 2013-14, with a similar proportionate impact projected for the subsequent fiscal years. Appropriations for the first year of the agreement have been included in the Adopted Fiscal Year 2013-14 Operating Budget.

BACKGROUND: The current Memorandum of Understanding (MOU) between the City and AOME expires June 30, 2013. The City recently completed negotiations with AOME for a proposed three-year successor MOU, the term of which is July 1, 2013 through June 30, 2016.

The willingness of this unit, in conjunction with other employee groups, to forgo increases to compensation in recent years greatly assisted in the City's efforts to maintain service levels provided to the community in spite of the significant economic downturn. Through prior agreements, employees in this unit have not received general salary increases since 2008; merit increases were frozen for two years; and the City's contribution toward medical insurance remained unchanged until an adjustment

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

Prepared by: Linda Matthews
Department: Human Resources

City Manager
Approval: 

Submitted to Council/O.H.A. 07/02/2013

Approved: _____

Continued to: _____

Denied: _____

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was approved by the City Council in July 2012 as authorized in the current agreement's re-opener provision.

The City recognizes that it needs to continue to be fiscally conservative. Containing future retirement costs while maintaining a competitive employee benefit package was a focal point in the negotiations with AOME. Last year the State of California passed the Public Employees Pension Reform Act of 2013 to address pension reform on a statewide basis. In a collaborative effort to implement pension reform, the City and AOME agreed to begin sharing the cost of retirement contributions. Specifically, employees will contribute toward the cost of retirement a percentage of pay on a pre-tax basis as follows: 2% in January 2014, 4% in July 2014, and 6.25% in July 2015. In addition, to help ensure the City is able to recruit and retain a highly qualified workforce, employees will receive general salary increases of 3% in January 2014, 4% in July 2014, and 3.5% in July 2015.

Other key terms of the proposed MOU include: increasing the City's monthly fringe benefit contributions in January of each year of the agreement; adjusting the salary range for the classification of Emergency Manager; a \$400 annual uniform allowance for those employees who are required by their department to wear uniforms; increasing the annual leave accrual cap; eliminating the 20-day limitation for jury duty leave; and establishing a 401(a) money purchase plan for the City's contribution toward deferred compensation. The parties also agreed to reopen negotiations related to salary only for FY 2015-16. Finally, the parties agreed to minor language modifications to improve consistency and reflect current practices. The specific terms of the agreement are contained in the draft MOU for reference.

CITY OF ONTARIO

Agenda Report

July 2, 2013

SECTION: CONSENT CALENDAR

SUBJECT: COMPENSATION AND BENEFIT PROFILES FOR UNREPRESENTED EMPLOYEES GROUPS INCLUDING PART-TIME, CONFIDENTIAL, DEPARTMENT HEAD AND EXECUTIVE MANAGEMENT EMPLOYEES AND A RESOLUTION REGARDING SALARIES

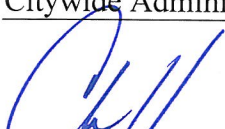
RECOMMENDATION: That the City Council approve and authorize the City Manager to execute three-year Compensation and Benefit Profiles (on file with the Records Management Department) regarding wages, hours and other terms and conditions of employment for unrepresented employees of the Part-Time, Confidential, Department Head and Executive Management groups; authorize any non-substantive changes which may be necessary to implement the profiles; and adopt a resolution setting salaries for appointive executive positions.

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

FISCAL IMPACT: The estimated annual cost of the compensation changes across all funds for a three-year period is \$405,000 for FY 2013-14, \$490,000 for FY 2014-15, and \$395,000 for FY 2015-16. The estimated General Fund portion is \$310,000 for FY 2013-14, with a similar proportionate impact projected for the subsequent fiscal years. Appropriations for the first year have been included in the Adopted Fiscal Year 2013-14 Operating Budget.

BACKGROUND: Employees in the Part-Time, Confidential, Department Head and Executive Management groups are not formally organized and, as such, are not represented by any employee group, union or association. For unrepresented groups, the profile for each group describes the compensation, benefits and other relevant employment provisions as approved by the City Council. The current profiles for unrepresented groups address terms through June 30, 2013. The proposed profiles are anticipated to address compensation needs through June 30, 2016.

STAFF MEMBER PRESENTING: Chris Hughes, City Manager

Prepared by: Al C. Boling
Department: Citywide Administration
City Manager Approval: 

Submitted to Council/O.H.A. 07/02/2013
Approved: _____
Continued to: _____
Denied: _____

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The willingness of unrepresented employees, in conjunction with other employee groups, to forgo increases to compensation in recent years greatly assisted in the City's efforts to maintain service levels provided to the community in spite of the significant economic downturn. Unrepresented Confidential and Department Heads employees have not received salary increases since 2008 and merit adjustments were frozen for two years. The City's contribution toward medical insurance for these groups has remained unchanged until an adjustment was approved by City Council in July 2012. Executive Management and Part-Time employees have not received salary increases since 2007 and merit adjustments were frozen for two years. For Executive Management employees, the City's contribution toward medical insurance has remained unchanged since 2006.

The City recognizes that it needs to continue to be fiscally conservative. Containing future retirement costs while maintaining a competitive employee benefit package is a focal point of the proposed terms for unrepresented employees. Last year the State of California passed the Public Employees Pension Reform Act of 2013 to address pension reform on a statewide basis. Consistent with the agreements made with represented miscellaneous employees, it is recommended that unrepresented employees begin sharing the cost of retirement contributions. Specifically, Confidential, Department Head and Executive Management employees will contribute toward the cost of retirement a percentage of pay on a pre-tax basis as follows: 2% in January 2014, 4% in July 2014, and 6.25% in July 2015. In addition, to help ensure the City is able to recruit and retain a highly qualified workforce, the salary ranges for classifications in these three groups will be increased by 3% in January 2014, 4% in July 2014, and 3.5% in July 2015.

The salary ranges for part-time employee classifications will be adjusted by 3% in July 2013; 3% in January 2014, 4% in July 2014, and 3.5% in July 2015. The salary range applicable to the classification of Recreation Assistant will be changed from a 4-step to a 5-step range effective July 2013, consistent with other part-time recreation classifications. These part-time employee salary adjustments are recommended to conform with proposed changes to the minimum wage law changes currently under consideration by the State of California and in order to continue to recruit and retain qualified part-time employees. Additional modifications to part-time salary ranges may be required by 2016 if the proposed State legislation is passed without modification. Furthermore, shift differential for eligible part-time employees will increase by 60 cents per hour effective July 2013.

The Confidential, Department Head and Executive Management Profiles include increases to the City's monthly fringe benefit contributions in January of 2014, 2015, and 2016. Also, the Medical Reimbursement Plan for Executive Management will be modified to allow reimbursement for health premiums not covered by the City's fringe benefit contributions. Elected officials will continue to receive the same fringe benefit contributions as well as other health and welfare benefits as those granted to Executive Management.

Other key changes to the Confidential, Department Head and Executive Management Profiles include: eliminating the 20-day limitation for jury duty leave; modifying the City's contribution toward deferred compensation for Specialized Confidential Employees who are not eligible for overtime pay; increasing the annual leave accrual cap for Department Heads; adjusting the salary range for the classification of Code Enforcement Director; and establishing a 401(a) money purchase plan for the City's contributions toward deferred compensation. Finally, the profiles include minor language modifications to improve consistency and reflect current practices. The specific terms are contained in the draft Profiles for Part-Time, Confidential, Department Head and Executive Management employee groups for reference. Finally, as required by California Government Code the City Council must set by resolution the salaries for appointive positions in the Executive Management group, and such salaries are consistent with the salary table contained in the Executive Management Profile.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING SALARY RANGES FOR APPOINTIVE POSITIONS OF FIRE CHIEF AND POLICE CHIEF AS SET FORTH IN EXECUTIVE MANAGEMENT COMPENSATION AND BENEFITS PROFILE.

WHEREAS, the Municipal Code of the City of Ontario, California (the "City") provides at Sections 2-3.204 and 2-3.305, respectively, that the positions of Fire Chief and Police Chief shall be appointed by the City Manager; and

WHEREAS California Government Code Section 36506 requires the City Council to fix the compensation of appointive officers; and

WHEREAS the City Manager has recommended that the City's base salary ranges for the positions of Fire Chief and Police Chief be increased in order to allow the City to attract and retain highly qualified individuals; and

WHEREAS the base salary range increases recommended by the City Manager for the positions of Fire Chief and Police Chief reflect the same base salary range increases afforded to all employees appointed to Executive Management positions and are contained in the Executive Management Compensation and Benefits Profile for the City which was approved on July 2, 2013, as follows:

1. Effective January 12, 2014, base salary ranges shall increase by 3%.
2. Effective July 13, 2014, base salary ranges shall increase by 4%.
3. Effective July 12, 2015, base salary ranges shall increase by 3.5%.

WHEREAS, the City Council has reviewed the three-year salary range table for the positions of Fire Chief and Police Chief reflecting the proposed base salary range increases, attached hereto as Exhibit "A."

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

SECTION 1. The City Council hereby amends the base salary range for the position of Fire Chief as reflected in Exhibit "A" attached hereto.

SECTION 2. The City Council hereby amends the base salary range for the position of Police Chief as reflected in Exhibit "A" attached hereto.

SECTION 3. This Resolution shall become effective immediately upon adoption, provided however that the salary increases will not become effective until the dates indicated in the salary range table attached as Exhibit "A."

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

PASSED, APPROVED, AND ADOPTED this 2nd day of July 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 July 2, 2013 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2013- duly passed and adopted by the Ontario City Council at their regular meeting held July 2, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

Exhibit "A" - Salary Range Table

		Approximate Salaries*			
Classification		July 14, 2013 Monthly Rate	January 12, 2014 Monthly Rate	July 13, 2014 Monthly Rate	July 12, 2015 Monthly Rate
Fire Chief	Min	\$11,460.59	\$11,804.41	\$12,276.59	\$12,706.27
	Max	\$15,357.02	\$15,817.73	\$16,450.44	\$17,026.20
Police Chief	Min	\$11,841.70	\$12,196.95	\$12,684.83	\$13,128.80
	Max	\$15,868.33	\$16,344.37	\$16,998.15	\$17,593.08

*Actual rates will be calculated by the City's payroll system to the 6th decimal place.

CITY OF ONTARIO

Agenda Report

July 2, 2013

SECTION: CONSENT CALENDAR

SUBJECT: AMENDMENT TO CITY MANAGER EMPLOYMENT AGREEMENT AND A RESOLUTION REGARDING SALARY COMPENSATION

RECOMMENDATION: That the City Council and Housing Authority Board approve an amended and restated employment agreement (on file in the Records Management Department) with Chris Hughes to serve as City Manager and Executive Director of the Housing Authority, respectively; and adopt a resolution in accordance with California Government Code section 36506 setting the salary for the City Manager.

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

FISCAL IMPACT: Appropriations for the ongoing salary and associated benefits costs have been included in the Adopted Fiscal Year 2013-14 Operating Budget.

BACKGROUND: Mr. Hughes was appointed as City Manager in February 2010. No modifications have been made to Mr. Hughes' base salary or other employment terms since his appointment. In conjunction with recently completed negotiations with the City's miscellaneous employee groups, it is recommended that Mr. Hughes' employment agreement be amended to reflect: a base salary of \$275,000, applicable terms and conditions contained in the Executive Management Compensation and Benefits Profile, inclusion of employment contract provisions required by legislation enacted since 2010, and the implementation of the Public Employees Pension Reform Act of 2013 by sharing the cost of retirement contributions on a pre-tax basis as follows: 2% in January 2014, 4% in July 2014, and 6.25% in July 2015. The recommended amended and restated employment agreement reflects those changes.

STAFF MEMBER PRESENTING: John Brown, City Attorney

Prepared by: Al C. Boling
Department: Citywide Administration

City Manager
Approval: 

Submitted to Council/O.H.A. 07/02/2013

Approved: _____

Continued to: _____

Denied: _____

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO,
CALIFORNIA, APPROVING AN AMENDED AND RESTATED CITY
MANAGER EMPLOYMENT AGREEMENT.

WHEREAS, Christopher Hughes and the City of Ontario, California (the "City") entered into an Employment Agreement on February 2, 2010 by which the City agreed to employ Mr. Hughes and Mr. Hughes agreed to accept employment with the City as its City Manager; and

WHEREAS, the City Council recently conducted an evaluation of the City Manager and concluded that Mr. Hughes' job performance exceeds all of the established measures for the job; and

WHEREAS, as a result of the City Manager's particularly high performance, the City Council desires to award a salary increase to the City Manager, such that the City Manager would receive an annual salary of \$275,000 and those salary adjustments and benefits as are set forth in the Executive Management Compensation and Benefits Profile, and provide for a continual five (5) year term of employment subject to nonrenewal or termination under specified circumstances; and

WHEREAS, the City Attorney prepared an Amended and Restated Employment Agreement, incorporating the terms of the original Employment Agreement, dated July 2, 2013; and

WHEREAS, the City Council has reviewed the Amended and Restated Employment Agreement with the City Manager, a copy of which is attached hereto as Exhibit "A."

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

SECTION 1. The Amended and Restated Employment Agreement attached hereto as Exhibit "A" is hereby approved.

SECTION 2. The salary adjustment provided for in the Amended and Restated Employment Agreement shall be effective July 14, 2013.

SECTION 3. This Resolution shall become effective immediately upon its passage.

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

PASSED, APPROVED, AND ADOPTED this 2nd day of July 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 July 2, 2013 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2013- duly passed and adopted by the Ontario City Council at their regular meeting held July 2, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report

July 2, 2013

SECTION: CONSENT CALENDAR

SUBJECT: A RESOLUTION IN OPPOSITION TO CAPPING OR ELIMINATING THE TAX-EXEMPT STATUS OF MUNICIPAL BONDS

RECOMMENDATION: That the City Council adopt a resolution opposing the capping or elimination of tax-exempt municipal bonds as being against the interest of local government agencies, and a potential setback for infrastructure and facility projects.

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

FISCAL IMPACT: The federal government's proposal to cap or eliminate the tax-exempt status of municipal bonds will negatively impact the cost of infrastructure and public facilities for local government agencies. It is estimated that the cost of borrowing funds for municipal projects would increase by approximately 30%, resulting in potential millions of dollars in higher interest costs to be borne for future projects.

BACKGROUND: Local government agencies are permitted to issue municipal bonds to finance certain public infrastructure improvements and facilities such as roads, utilities systems, parks, public safety facilities, and libraries. Currently, investors purchase municipal bonds on a tax-exempt basis for federal income tax purposes. The tax-exempt benefit of municipal bond helps stimulate market demand and lowers the interest cost to local government and its ratepayers.

As part of the budget process to reduce its deficit and raise additional taxes, the Federal Government has proposed to cap or eliminate the tax-exempt status of municipal bonds. The elimination of the tax-exempt status for municipal bonds would shift the Federal Government's fiscal burden to states and local governments. Moreover, the proposal would jeopardize the ability of local agencies to invest in essential services and infrastructure projects. For these reasons, it is recommended that the City Council establish its position opposing the proposed Federal Government actions on capping or eliminating the tax-exempt status of municipal bonds.

STAFF MEMBER PRESENTING: Grant Yee, Administrative Service Finance Director

Prepared by: Grant Yee
Department: Administrative Services

City Manager
Approval: 

Submitted to Council/O.H.A. 07/02/2013

Approved: _____

Continued to: _____

Denied: _____

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, IN OPPOSITION OF EFFORTS BY THE FEDERAL GOVERNMENT TO CAP OR ELIMINATE THE TAX-EXEMPT STATUS OF MUNICIPAL BONDS, AND AGAINST THE SHIFTING OF THE FEDERAL GOVERNMENT'S FISCAL BURDENS TO STATES AND LOCAL GOVERNMENT AGENCIES.

WHEREAS, an essential component of state and local government finance is the marketability and issuance of tax-exempt municipal bonds; and

WHEREAS, states and cities provide necessary public services in the form of public infrastructure improvements and facilities finance from tax-exempt municipal bonds; and

WHEREAS, it has been reported that infrastructure systems and public facilities in the states and cities are one of the most underfunded liabilities and is substantially underfunded; and

WHEREAS, the downturn in the economy and reduction in tax revenues have exacerbated the states and cities ability to replace and repair aging infrastructure improvements and facilities; and

WHEREAS, the states and cities investment in infrastructure improvements and public facilities are essential in the growth of the economy and creating more jobs; and

WHEREAS, capping or eliminating the tax-exempt status for municipal bonds would result in substantial higher financing costs to states and cities; and

WHEREAS, higher financing costs for utility infrastructure improvements such as water and sewer will result in increased utility rates for taxpayers.

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

Oppose efforts by the Federal Government to cap or eliminate the tax-exempt status of municipal bonds as a method to raise taxes and reduce its budget deficit, and against efforts in shifting the Federal Government's fiscal burdens to states and cities.

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

PASSED, APPROVED, AND ADOPTED this 2nd day of July 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 July 2, 2013 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2013- duly passed and adopted by the Ontario City Council at their regular meeting held July 2, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report

July 2, 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: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, to Minimize the Negative Impacts of the Global Financial Downtown on Ontario's Economy and the City's Fiscal Health

Operate in a Businesslike Manner

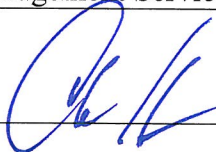
Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: The use of Mello-Roos financing for the 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
Department: Management Services

City Manager
Approval: _____



Submitted to Council/O.H.A. 07/02/2013

Approved: _____

Continued to: _____

Denied: _____

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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 Turner 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.

RESOLUTION 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:

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

SECTION 2. The City Council proposes to establish 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.

SECTION 3. 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.

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

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

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

SECTION 7. The City Council hereby fixes Tuesday, 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.

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

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

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

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

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

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

PASSED, APPROVED, AND ADOPTED this 2th day of July 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 July 2, 2013 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2013- duly passed and adopted by the Ontario City Council at their regular meeting held July 2, 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

1. 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. APPEALS

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

July 2, 2013

SECTION: CONSENT CALENDAR

SUBJECT: AWARD OF A CONSTRUCTION CONTRACT AND A PROFESSIONAL SERVICES AGREEMENT IN CONNECTION WITH THE ONTARIO TOWN SQUARE PROJECT LOCATED AT EUCLID AVENUE AND B STREET

RECOMMENDATION: That the City Council take the following actions:

- (A) Award construction contract No. PFD11-OTSP-001 (on file in the Records Management Department) to W.D. Gott Construction of Upland, California, in the bid amount of \$4,255,813 for construction of the Ontario Town Square Project;
- (B) Award professional services contract No. PFD11-OTSP-010 (on file in the Records Management Department) to Ninyo and Moore of Irvine, California, in the amount of \$74,958 for the Deputy Inspection and Material Testing services;
- (C) Authorize a 15% project-wide contingency of \$649,616 plus a project reserve of \$1,229,000; and authorize their use for any construction contract or professional service agreement associated with this project; and
- (D) Authorize the City Manager or his designee to execute all documents required for the completion of the project including, but not limited to, contracts, agreements, easements, dedications/vacations, lot line adjustments, reduction of retention accounts, and filing a notice of completion at the conclusion of all construction related 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)

STAFF MEMBER PRESENTING: Otto Kroutil, Development Director

Prepared by: David Simpson
Department: Development Administration

City Manager
Approval: 

Submitted to Council/O.H.A. 07/02/2013

Approved: _____

Continued to: _____

Denied: _____

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FISCAL IMPACT: The Adopted Budget for Fiscal Year 2013-14 includes appropriations totaling \$6,993,694 for the project (\$993,694 in Proposition 84 Urban Greening Grant funds and \$6,000,000 in City Park Impact Funds). The approved project budget will cover the cost of design, plans and specifications (\$784,307), the recommended construction contract and inspection/materials testing agreement (\$4,330,771), plus a proposed 15% project-wide contingency (\$649,616). A project reserve of \$1,229,000 is also recommended to allow for additional contracts and work to accommodate full build-out of the project without undue schedule delays. If approved, all project contracts and agreements will have access to, and be constrained by, the Fiscal Year 2013-14 appropriations limit approved by the City Council.

BACKGROUND: In April 2011, the City Council approved an agreement with RJM Design Group, Inc. (RJM) of San Juan Capistrano, California, to prepare specifications, construction plans and provide limited project management. The project would develop 1.77 acres of vacant land located on the block bounded by Euclid Avenue, C Street, Lemon Avenue and B Street as an urban park to serve the residents of downtown and surrounding neighborhoods.

RJM completed the construction documents, and bids were solicited in September 2012. Unfortunately, all five bids received exceeded professional cost estimates by at least 14%, or \$650,000. Therefore, on October 2, 2012 the City Council rejected all bids received for the construction of the proposed project and directed staff to reevaluate the project's scope and rebid the revised scope at a future date.

For the past several months, the design team focused on clarifying the plans and simplifying the construction methods while preserving the project's design intent and main components. The modified designs also had to be reapproved by the State of California Natural Resources Agency who is providing the Urban Greening Grant funds. The project remains a lush green space accented by a 54 ft. clock tower surrounded by a band shell and amphitheater, pedestrian promenade, the courtyard and children's play area. Connectivity and security are provided through the use of Wi-Fi and security cameras.

The scope modifications were completed and new bids were solicited from the prequalified bidders for PFD11-OTSP-001 General Contractor. Five bids were received on May 21, 2013. No protests were filed, and a summary of the bid responses follows:

Vendor Name	City/State	<i>Bid Amount</i>
W.D Gott Construction	Upland, CA	\$4,255,813
KPRS Construction	Brea, CA	\$4,596,000
TB Pennick	San Diego, CA	\$4,600,000
CS Legacy	Chino, CA	\$4,655,222
Los Angeles Engineering	Covina, CA	\$4,950,000

W. D. Gott Construction is the lowest responsive bidder. They are an established local contractor whose recent projects include the amphitheater, lighting and surrounding landscape for the Antelope Valley Joint Union High School District; and the steel framing required for the Lancaster Performing Arts Center. Based on the strength of W.D. Gott's bid and related experience, it is recommended that contract PFD11-OTSP-001, General Contractor, be awarded to W.D. Gott Construction.

Construction of the project requires specialized services and inspectors. On December 15, 2009 the City Council approved an on-call geotechnical consulting, material testing and compaction testing services

agreement that allows Ninyo and Moore to provide those services to the City through December 2013. In accordance with the terms set forth in that authorization, Ninyo and Moore has agreed to perform Deputy Inspection and Materials Testing services on the Town Square Project for \$74,958. Staff recommends awarding professional services agreement No. PFD11-OTSP-010 to Ninyo and Moore for the duration of the Town Square Project.

In order to quickly address unforeseen conditions as a project progresses, it is the City's normal practice to establish a 15% contingency. It is recommended a contingency of \$649,616 be established for this project, authorizing the City Manager or his designee to redirect funds between this contingency and any associated project contracts or professional service agreements.

Project Reserve

These two contracts are the first of several to be awarded for this project. Additional contracts will be required for such items as outdoor furniture, information technology and security provisions, and public art. It is recommended that the remaining appropriations be set aside as the project reserve.

Pursuant to the City Council's direction, the design team greatly reduced the cost of the project. The W.D. Gott bid is approximately \$1.1 million lower than the initial low bid. To achieve this reduction, several design changes were made and various items removed from the base bid. These included items such as public art, the holiday tree, and portable restrooms. It is recommended that these items be reinstated utilizing the project reserve. The project reserve may also supplement the project-wide contingency funds, if necessary. This approach was successfully used on the construction of the Citizens Business Bank Arena and the City Hall Renovation project, and it provides a practical and cost effective way to manage construction projects.

CITY OF ONTARIO

Agenda Report
July 2, 2013

SECTION: CONSENT CALENDAR

SUBJECT: A RESOLUTION DESIGNATING THE ONTARIO ECONOMIC DEVELOPMENT AGENCY TO ACT AS THE OFFICIAL ECONOMIC DEVELOPMENT AGENCY OF THE CITY OF ONTARIO FOR THE PURPOSES OF INTERACTING WITH THE CALIFORNIA STATE EMPLOYMENT DEVELOPMENT DEPARTMENT

RECOMMENDATION: That the City Council adopt a resolution granting legal authority for the Ontario Economic Development Agency to act as the designated Economic Development Agency on behalf of the City of Ontario for the purposes of interacting with the California State Employment Development Department.

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

FISCAL IMPACT: None.

BACKGROUND: Pursuant to the terms of a consultant services agreement with Beacon Economics, staff will engage in a more thorough employment analysis of the various industries within the City. Beacon Economics will require access to and use more detailed and accurate information than typically available to the general public. The information and data includes employment trends, industry cluster analyses, and sub-regional data which is only available from the California State Employment Development Department (EDD). EDD requires that the Ontario Economic Development Agency be designated, by resolution, as the official Economic Development Agency of the City of Ontario. By granting this designation, the Economic Development Agency and Beacon Economics will have access to the EDD data and information necessary for Beacon to create reports for City staff use and for future analyses.

STAFF MEMBER PRESENTING: John Andrews, Economic Development Director

Prepared by: Megan Hebdon
Department: Economic Development Agency

City Manager
Approval: _____



Submitted to Council/O.H.A. 07/02/2013

Approved: _____

Continued to: _____

Denied: _____

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RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DESIGNATING THE ONTARIO ECONOMIC DEVELOPMENT AGENCY AS THE OFFICIAL ECONOMIC DEVELOPMENT AGENCY OF THE CITY OF ONTARIO FOR PURPOSES OF INTERACTION WITH THE CALIFORNIA STATE EMPLOYMENT DEVELOPMENT DEPARTMENT.

WHEREAS, the City of Ontario ("City") is committed to the economic development of the City on behalf of its residents and businesses; and

WHEREAS, the Ontario Economic Development Agency is a department of the City of Ontario, a municipal corporation; and

WHEREAS, City relies on the Ontario Economic Development Agency to conduct studies and interact with other organizations and agencies on behalf of the City in order to address economic development matters.

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

SECTION 1. Recitals. The above recitals are true and correct, and are incorporated into this Resolution by reference as though fully set forth herein.

SECTION 2. Designation. The City Council hereby designates the Ontario Economic Development Agency as the City's official Economic Development Agency, and as the City's designee for the economic development of the City of Ontario.

SECTION 3. Authorization. The City Council hereby authorizes the Ontario Economic Development Agency to act on behalf of the City of Ontario regarding the economic development of the City, including, but not limited to, gathering and analyzing economic data and conducting studies of all matters pertaining to economic development in and around the City of Ontario, and interacting with the California State Employment Development Department.

SECTION 4. Effective Date. This Resolution shall take effect upon adoption.

SECTION 5. Certification. The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

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

PASSED, APPROVED, AND ADOPTED this 2nd day of July 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 July 2, 2013 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2013- duly passed and adopted by the Ontario City Council at their regular meeting held July 2, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report

July 2, 2013

SECTION: CONSENT CALENDAR

SUBJECT: PROCUREMENT OF ASPHALT, CONCRETE AND AGGREGATE MATERIALS

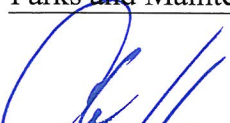
RECOMMENDATION: That the City Council authorize the procurement of concrete, asphalt and aggregate materials in accordance with Bid Invitation #338 from Holliday Rock Co. of Upland, California; All American Asphalt of Corona, California; Match Corporation of San Bernardino, California; and Vulcan of Irwindale, California, to be used for citywide maintenance programs and approved projects; and authorize extension of the procurements for up to one additional year consistent with City Council approved budgets.

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

FISCAL IMPACT: The suppliers will be compensated for actual materials ordered for the City's projects and programs, on an as-needed basis, based upon the fee structures and material billing rates set forth in the respective one-year purchase agreements. At the sole discretion of the City, the purchase agreements may be extended for up to one additional year ending June 30, 2014. Any potential increases to the fee structures for the option year will not exceed the change in the Consumer Price Index (CPI). Total compensation paid to the supplies shall not exceed the appropriations levels for maintenance, repairs and projects as contained in the approved budgets for each respective fiscal year.

BACKGROUND: The City routinely purchases concrete, asphalt and aggregate materials from suppliers on an as needed basis for on-going maintenance and repairs, as well as capital projects. Generally, these materials are used for the annual street overly program, daily pot hole repairs, sidewalk and utility trench repairs, and miscellaneous projects and requests on public streets and right of ways throughout the City.

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

Prepared by: Stacy Orton
Department: Parks and Maintenance
City Manager Approval: 

Submitted to Council/O.H.A. 07/02/2013
Approved: _____
Continued to: _____
Denied: _____

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In May 2013, the City solicited bids for concrete, asphalt and aggregate materials. Staff received four (4) responses which met all the required specifications: Holliday Rock Co., Matich Corporation, Vulcan Materials Co., and All American Asphalt. Based on the bid responses, credentials, pricing, favorable product availability, and service, staff recommends award of purchase agreements to each of the suppliers. Purchase agreements with multiple suppliers are recommended in order to give the City flexibility in ensuring that the quality and timeliness of materials delivery meet with the specific project needs at the time of order. The agreements are structured so that other City departments can also purchase these types of materials on an as needed basis for their projects. The selected suppliers possess the knowledge, qualifications and experience needed to address federal and state requirements, such as Caltrans and Greenbook standards, for materials supplied for City projects.

CITY OF ONTARIO

Agenda Report

July 2, 2013

SECTION: CONSENT CALENDAR

SUBJECT: ADOPTION OF AMENDED CITY OF ONTARIO LOCAL GUIDELINES FOR IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA")

RECOMMENDATION: That the City Council adopt a resolution approving the 2013 revisions to the "City of Ontario Local Guidelines for Implementing the California Environmental Quality Act" (on file in the Records Management Department).

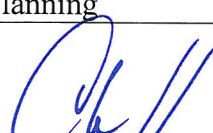
COUNCIL GOALS: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Invest in the Growth and Evolution of the City's Economy

FISCAL IMPACT: None.

BACKGROUND: The California Environmental Quality Act (CEQA) requires that environmental concerns be considered as a part of all public and private projects. In order to implement the provisions of the Act, all public agencies are required to adopt objectives, criteria and specific procedures consistent with CEQA and the State CEQA Guidelines for evaluating the potential environmental issues that may arise in relation to all projects. Local procedures should be revised periodically to conform to any statutory changes in CEQA, any revisions made to the State Guidelines, and to address environmental concerns that exist at the local level.

The City of Ontario last updated its local guidelines in March of 2012. Since that time, the California Legislature has passed bills requiring changes in local procedures for implementing CEQA. In addition to the new legislation, several court cases resulted in procedural changes that need to be included in the updated City local guidelines. The City Attorney's Office prepared the changes to the City of Ontario's Local Guidelines for Implementing CEQA that are necessary in order for the City to comply with the new laws and procedural requirements. A summary of the proposed amendments is provided as Exhibit "A."

STAFF MEMBER PRESENTING: Jerry L. Blum, Planning Director

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

Submitted to Council/O.H.A. 07/02/2013
Approved: _____
Continued to: _____
Denied: _____

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The 2013 update to the City of Ontario Local Guidelines for Implementing CEQA shall be distributed to all applicable City departments. The Local Guidelines shall be reviewed periodically for conformance with future State Legislation and changes to the State CEQA Guidelines.

Memorandum

TO: City of Ontario
FROM: Best Best & Krieger LLP
DATE: March 14, 2013
RE: 2013 Summary of Changes to Local CEQA Guidelines

Important changes in the law have been incorporated into the 2013 Update to your Local Guidelines for Implementing the California Environmental Quality Act (“Local Guidelines”). For easy reproduction and access to these Local Guidelines, as well as the California Environmental Quality Act (“CEQA”) forms your city will need, and other important legal alerts, please access BBK’s CEQA client portal at www.bbklaw.net/CEQA. For technical support please contact Gar House at Gar.House@bbklaw.com.

Public agencies are required to adopt implementing procedures for administering their responsibilities under CEQA. These procedures include provisions governing how the city will process environmental documents and provide for adequate comment, time periods for review, and lists of permits that are ministerial actions and projects that are considered categorically exempt. City procedures should be updated within 120 days after the State CEQA Guidelines are revised.

This memorandum summarizes the substantive amendments to your Local Guidelines made in response to regulations, legislation and legal cases that changed or impacted certain aspects of CEQA between January 2012 and February 2013. Your Local Guidelines and this memorandum are designed to assist in assessing the environmental implications of a project prior to its approval, as mandated by CEQA. We still recommend, however, that you consult with an attorney when you have specific questions on major, controversial or unusual projects or activities.

Revisions to Local CEQA Guidelines.

1. SECTION 3.11 PIPELINES WITHIN A PUBLIC RIGHT-OF-WAY

Pursuant to AB 2564, Public Resources Code section 21080.21, which exempts certain pipeline projects from the requirements of CEQA, is amended to exempt both subsurface and surface facilities, accessories, or appurtenances to a pipeline. Previously, the exemption applied only to subsurface pipeline facilities and subsurface pipelines. Therefore, this section of the Local Guidelines has been amended to reflect that surface facilities, accessories, and appurtenances to a pipeline are now also exempt. Please note that surface pipelines, themselves, are not included in the exemption.

2. SECTION 3.16 ROADWAY IMPROVEMENTS

This section was added in response to AB 890, which adds section 21080.37 to the Public Resources Code. The newly added Public Resources Code section 21080.37 exempts certain

roadway improvement projects involving the repair, maintenance, or minor alteration of an existing roadway from the requirements of the California Environmental Quality Act (“CEQA”) until January 1, 2016. “Roadway” is defined in Section 10.61 of the Local Guidelines.

These projects must meet certain requirements for the exemption to apply, as set forth in this section of the Local Guidelines, including: the project must be carried out by a city or county for the purpose of improving public safety; the city or county must have a population of 100,000 persons or less; the roadway must not be a state roadway; the project must not cross a waterway or involve riparian or wetland habitat; and the project also must not impact cultural or scenic resources.

Further, in order for the exemption in Public Resources Code, section 21080.37 to apply, the public agency approving or carrying out the project must hold a noticed public hearing to receive comments on the project, and must file notice of the exemption with the Office of Planning and Research and the county clerk. This public hearing requirement is unique to this new exemption.

3. SECTION 3.17 CERTAIN INFILL PROJECTS

This new section is in response to SB 226, which adds section 15183.3 to the State CEQA Guidelines and is intended to expedite the environmental review process for infill projects that provide environmental benefits. The environmental effects of such projects will not require additional review if (1) the effects were addressed as significant in a prior environmental impact report for a planning level decision, unless a listed exception applies, or (2) even if the effects were not analyzed in the prior environmental impact report or are more significant than previously analyzed, further analysis will not be required if uniformly applicable development policies or standards apply to the infill project and would substantially mitigate the effects. Depending on the extent to which the effects are covered by a prior environmental impact report and the availability of applicable policies or standards, streamlining for eligible infill projects will range from complete exemption to more narrow, project-specific environmental review.

To be eligible, an infill project must be located on an urban site that has been developed or is surrounded at least seventy-five percent by immediately adjacent urban uses, or is separated from such urban uses by a public right-of-way. The project must also satisfy certain statewide performance standards and must be consistent with the policies of an applicable sustainable communities strategy or alternative planning strategy. In addition, the project must meet the development standards set forth in new State CEQA Guidelines Appendix M (Local CEQA Guidelines Form R). To determine whether the project meets the requirements for this streamlined review, the lead agency must utilize yet another checklist, which is found in new State CEQA Guidelines Appendix N (Local CEQA Guidelines Form S).

Where the lead agency determines the infill project will not cause any new specific effects or more significant effects, or uniformly applicable policies or standards will mitigate such effects, the project is exempt from CEQA review and a Notice of Exemption should be filed.

4. SECTION 3.18 OTHER SPECIFIC CEQA EXEMPTIONS

This section has been amended to reflect the addition of an exemption for street restriping projects for the purpose of adding bicycle lanes. AB 2245 adds section 21080.20.5 of the Public Resources Code to exempt from CEQA the restriping of streets in urbanized areas for bicycle lanes. To qualify for this exemption, the project must be consistent with a bicycle transportation plan prepared pursuant to section 891.2 of the Streets and Highways Code. Additionally, lead agencies must prepare an assessment of traffic and safety impacts, and include as part of the project measures to mitigate potential vehicular, bicycle and pedestrian impacts.

5. SECTION 10 DEFINITIONS

A. Section 10.52. "Pipeline"

The definition of "Pipeline" is changed pursuant to AB 2564 to include subsurface pipelines and subsurface and surface accessories or appurtenances to the pipeline. Previously, surface accessories and appurtenances were not included in the definition. Surface pipelines are still not included.

B. Section 10.60. "Riparian Areas"

Projects that fall within the Roadway Improvements exemption of Section 3.16 of the Local Guidelines are not exempt if they contain "Riparian Areas" as defined by this new definition. These areas include, among other things, those areas transitional between terrestrial and aquatic ecosystems and that are distinguished by gradients in biophysical conditions, ecological processes, and biota.

C. Section 10.61. "Roadway"

The definition of a "Roadway" has been added due to AB 890 regarding the exemption from CEQA of certain roadway improvements. For purposes of this exemption, expressed Section 3.16 of the Local Guidelines, "Roadway" means a roadway as defined by the Vehicle Code and the previously graded and maintained shoulder within the roadway right-of-way. The repair, maintenance, or minor alteration of a "roadway," as so defined, is exempt.

D. Section 10.63. "Significant value as wildlife habitat"

Projects that fall within the Roadway Improvements exemption of new Section 3.16 of the Local Guidelines are not exempt if the project site has "significant value as wildlife habitat" as defined by this new definition. This includes wildlife habitat of national, statewide, regional, or local importance; habitat for species protected by the federal Endangered Species Act, the California Endangered Species Act, or the Native Plant Protection Act; habitat identified as candidate, fully protected, sensitive, or species of special status by local, state, or federal agencies; or habitat essential to the movement of resident or migratory wildlife.

E. Section 10.79. "Waterway"

Roadway Improvement Projects that would otherwise be covered by the exemption found

in Section 3.16 of the Local Guidelines are not exempt if the project site crosses a “waterway” as defined by this new definition. A waterway is a bay, estuary, lake, pond, river, slough, or a perennial, intermittent, or ephemeral stream, lake, or estuarine-marine shoreline.

Other Changes.

Department of Fish and Wildlife. Effective January 1, 2013, the Department of Fish and Game has changed its name to the Department of Fish and Wildlife. Therefore, all references in the Local Guidelines have been changed to “Department of Fish and Wildlife” or “DFW.”

Conclusion.

As always, CEQA remains complicated and, at times, challenging to apply. The only constant in this area of law is how quickly the rules change. Should you have any questions about any of the provisions discussed above, or about the environmental review of any of your city’s projects, please contact a BB&K attorney for assistance.

BEST BEST & KRIEGER LLP

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO,
CALIFORNIA, AMENDING AND ADOPTING LOCAL GUIDELINES FOR
IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
(PUBLIC RESOURCES CODE §§ 21000 ET SEQ.).

WHEREAS, the California Legislature has amended the California Environmental Quality Act ("CEQA") (Pub. Resources Code §§ 21000 et seq.) and the State CEQA Guidelines (Cal. Code Regs, tit. 14, §§ 15000 et seq.); and the California courts have interpreted specific provisions of CEQA; and

WHEREAS, Section 21082 of CEQA requires all public agencies to adopt objectives, criteria and procedures for the evaluation of public and private projects undertaken or approved by such public agencies, and the preparation, if required, of environmental impact reports and negative declarations in connection with that evaluation; and

WHEREAS, the City of Ontario ("City") must revise its local guidelines for implementing CEQA to make them consistent with the current provisions and interpretations of CEQA.

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

SECTION 1. The City adopts "Local Guidelines for Implementing the California Environmental Quality Act (2013 Revision)," a copy of which is on file in the Records Management/City Clerk's Office and is available for inspection by the public.

SECTION 2. All prior actions of the City enacting earlier guidelines are hereby repealed.

NOW, THEREFORE, BE IT RESOLVED that the City Council adopts the amended Local Guidelines for Implementing California Environmental Quality Act.

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

PASSED, APPROVED, AND ADOPTED this 2nd day of July 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 July 2, 2013 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2013- duly passed and adopted by the Ontario City Council at their regular meeting held July 2, 2013.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report

July 2, 2013

SECTION: CONSENT CALENDAR

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

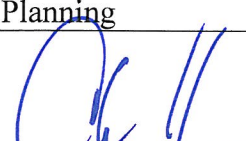
RECOMMENDATION: That the City Council adopt an ordinance approving Zone Change File No. PZC12-003 to change the zoning designations on certain properties located throughout the City making the zoning of the properties consistent with the Policy Plan (General Plan) of The Ontario Plan land use designations 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: On June 18, 2013, the City Council held a public hearing at which a resolution was adopted to approve an addendum to The Ontario Plan Environmental Impact Report. The City Council also introduced and waived further reading of an ordinance approving zone change File No. PZC12-003 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
Department: Planning
City Manager Approval: 

Submitted to Council/O.H.A. 07/02/2013
Approved: _____
Continued to: _____
Denied: _____

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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.

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

ENVIRONMENTAL REVIEW: The application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") and an initial study has been prepared to determine possible environmental impacts. 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.

ORDINANCE NO. _____

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, on July 2, 2013, the City Council of the City of Ontario conducted a hearing to approve 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.

SECTION 6. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 7. 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, AND ADOPTED this 2nd day of July 2013.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. _____ was duly introduced at a regular meeting of the City Council of the City of Ontario held June 18, 2013 and adopted at the regular meeting held July 2, 2013 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. _____ duly passed and adopted by the Ontario City Council at their regular meeting held July 2, 2013 and that Summaries of the Ordinance were published on _____ and _____, in the Inland Valley Daily Bulletin newspaper.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

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

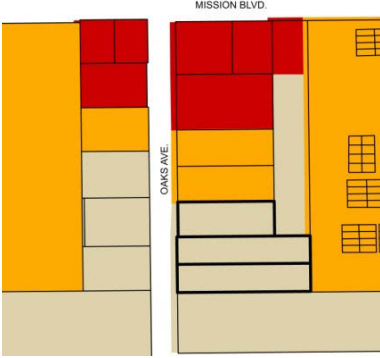

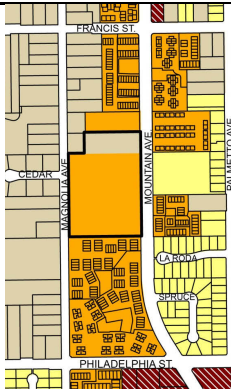
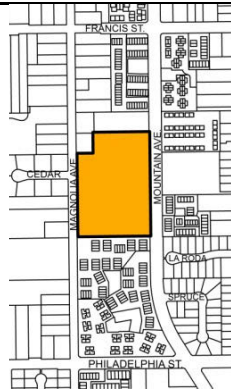
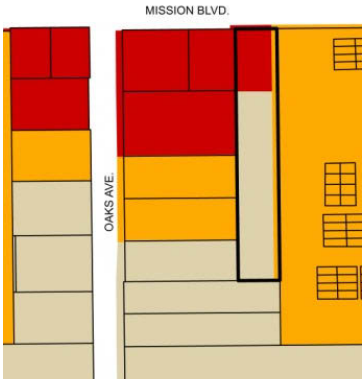
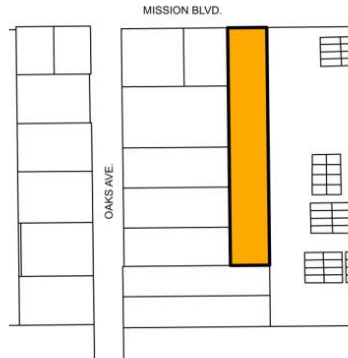
Existing Zoning	Assessor Parcel Numbers Involved	Proposed Zone Changes
Properties With Zone Changes Only		
 <p>MISSION BLVD. OAKS AVE.</p>	<p>101137101 – 101137103 <i>(3 properties)</i></p>	 <p>MISSION BLVD. OAKS AVE.</p>
AR, Agricultural Residential	10. SEC Mission and Oaks	R2, Medium Density Residential
 <p>FRANCIS ST. MOUNTAIN AVE. PHILADELPHIA ST. CEDAR AVE.</p>	<p>101446112 <i>(1 property)</i></p>	 <p>FRANCIS ST. MOUNTAIN AVE. PHILADELPHIA ST. CEDAR AVE.</p>
AR, Agricultural Residential and R2, Medium Density Residential	11. Between Mountain and Magnolia south of Francis	R2, Medium Density Residential
 <p>MISSION BLVD. OAKS AVE.</p>	<p>101137109 <i>(1 property)</i></p>	 <p>MISSION BLVD. OAKS AVE.</p>
AR, Agricultural Residential and C3, Commercial Service	12. SEC Mission and Oaks	R2, Medium Density Residential

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

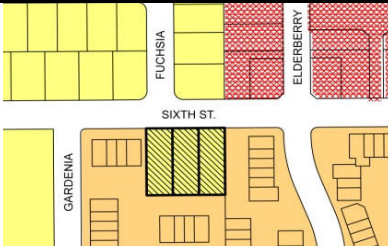







Existing Zoning	Assessor Parcel Numbers Involved	Proposed Zone Changes
 <p>RE, Residential Estate</p>	<p>100844261 – 100844263</p> <p><i>(3 properties)</i></p> <p>16. Southside of Sixth St. west of Elderberry</p>	 <p>R1.5, Low-Medium Density Residential</p>
 <p>RE, Residential Estate and R1, Single Family Residential</p>	<p>21649141</p> <p><i>(1 property)</i></p> <p>17. NWC Walker and Riverside Dr.</p>	 <p>RE, Residential Estate</p>
 <p>RE, Residential Estate and R1, Single Family Residential</p>	<p>105157176</p> <p><i>(1 property)</i></p> <p>18. Northside of Riverside Dr. west of Grove Ave.</p>	 <p>RE, Residential Estate</p>
 <p>R1, Single Family Residential</p>	<p>104845103 – 104845105 104845130 – 104845132 104845149 – 104845150</p> <p><i>(8 properties)</i></p> <p>20. SWC G St. and Grove Ave.</p>	 <p>R1.5, Low-Medium Density Residential</p>

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

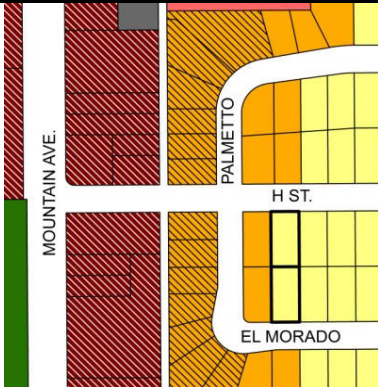
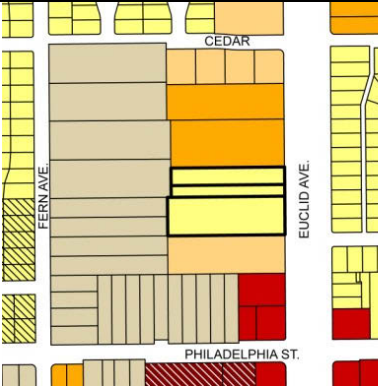
Existing Zoning	Assessor Parcel Numbers Involved	Proposed Zone Changes
	<p>101018123 101018126</p> <p><i>(2 properties)</i></p>	
R1, Single Family Residential	23. H-Palmetto-El Morado	R2, Medium Density Residential
	<p>105114103 105114167</p> <p><i>(2 properties)</i></p>	
R1, Single Family Residential	24. SWC Philadelphia and Cucamonga	R2, Medium Density Residential
	<p>105059110 – 105059111 105060101</p> <p><i>(3 properties)</i></p>	
R1, Single Family Residential	26. Westside of Euclid north of Philadelphia	R2, Medium Density Residential

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

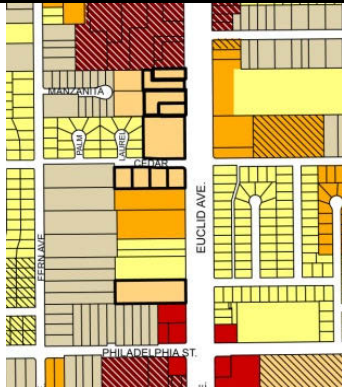
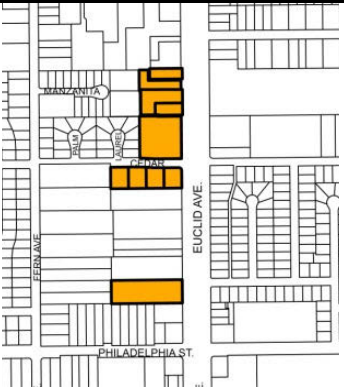
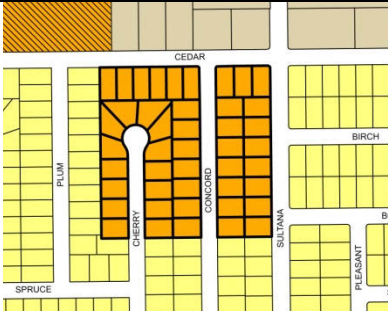
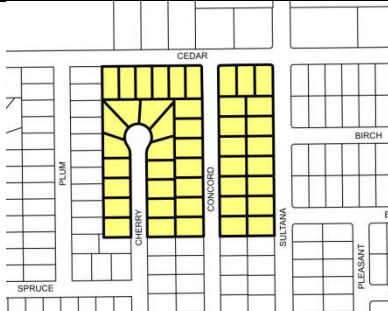
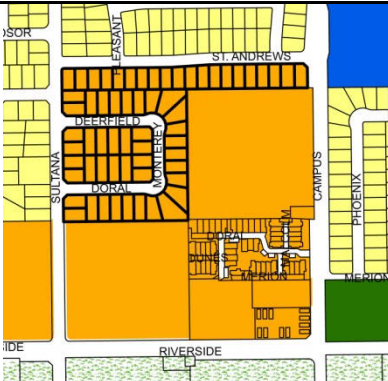
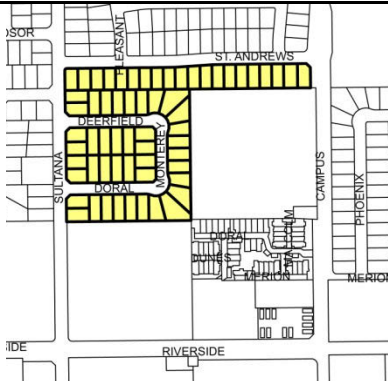


Existing Zoning	Assessor Parcel Numbers Involved	Proposed Zone Changes
 <p>R1.5, Low-Medium Density Residential</p>	<p>105038107 – 105038111 105059112 – 105059115 105060125</p> <p><i>(10 properties)</i></p>	 <p>R2, Medium Density Residential</p>
 <p>R2, Medium Density Residential</p>	<p>105058212 – 105058238 105058301 – 105058317</p> <p><i>(44 properties)</i></p>	 <p>R1, Single Family Residential</p>
 <p>R2, Medium Density Residential</p>	<p>105140131 – 105140150 105153109 105153117 – 105153156</p> <p><i>(61 properties)</i></p>	 <p>R1, Single Family Residential</p>
	<p>104936501 – 104936515 104936601 104936604 – 104936619 104936701 – 104936718 104936801 – 104936813 104936816 – 104936820 104945105 – 104945122 104946101 – 104946118 104946201 – 104946207 104946214 104947101 – 104947110</p>	

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

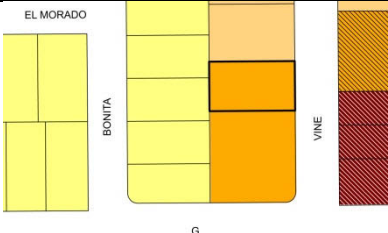
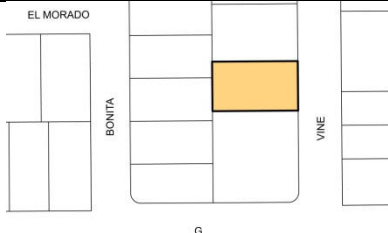
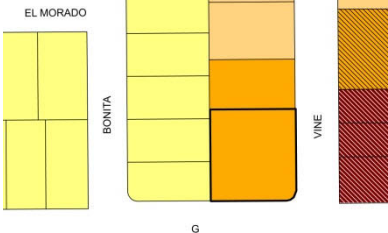
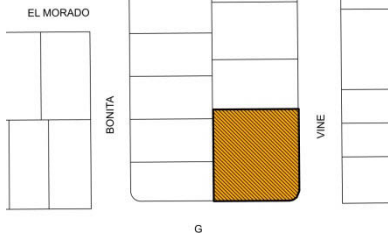
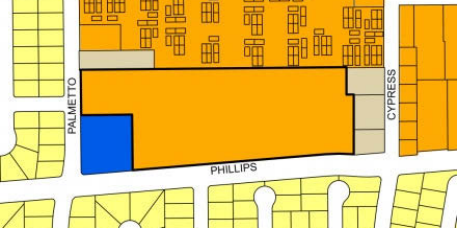
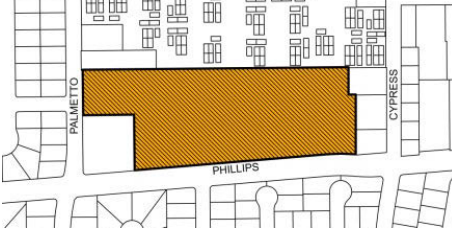
Existing Zoning	Assessor Parcel Numbers Involved	Proposed Zone Changes
	104947112 – 104947119 104948104 – 104948107 104948110 – 104948113 104950201 – 104950209 104950219 – 104950227 104950301 104950304 – 104950327 104950330	
	<i>(193 properties)</i>	
R2, Medium Density Residential	32. Bon View Park Area	R1, Single Family Residential
	104828107 <i>(1 property)</i>	
R2, Medium Density Residential	34. Westside of Vine north of G St.	R1.5, Low-Medium Density Residential
	104828119 <i>(1 property)</i>	
R2, Medium Density Residential	35. Vine and G St.	R3, High Density Residential
	101156107 <i>(1 property)</i>	
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

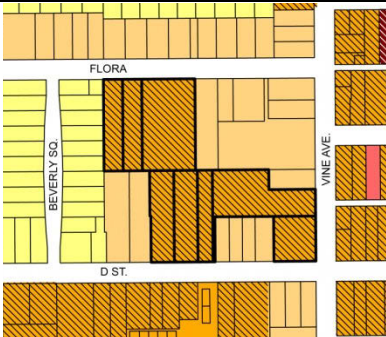



Existing Zoning	Assessor Parcel Numbers Involved	Proposed Zone Changes
 <p>R3, High Density Residential</p>	<p>104834102 104834104 – 104834116 104834201 – 104834203 104834206 – 104834214 104834301 – 104834302 104834304 – 104834307 104834310 – 104834314 104857101 – 104857107 104857110 – 104857113</p> <p><i>(48 properties)</i></p> <p>38. G St.-Fern-C St. Vine Ave.</p>	 <p>R1.5, Low-Medium Density Residential</p>
 <p>R3, High Density Residential</p>	<p>104833203 – 104833205 104833213 – 104833214 104833219 – 104833221</p> <p><i>(8 properties)</i></p> <p>39. Flora-Vine-D-Beverly</p>	 <p>R1.5, Low-Medium Density Residential</p>
Properties with both General Plan Amendments and Zone Changes		
 <p>R1, Single Family Residential</p>	<p>Portion of 104845151</p> <p><i>(1 property)</i></p> <p>40. Virginia south of G St. <i>Related File PGPA11-002 Subarea 2</i></p>	 <p>R2, Medium Density Residential</p>

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

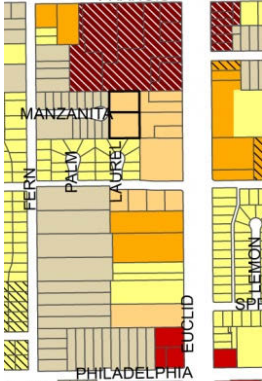
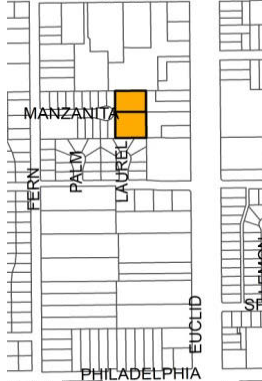
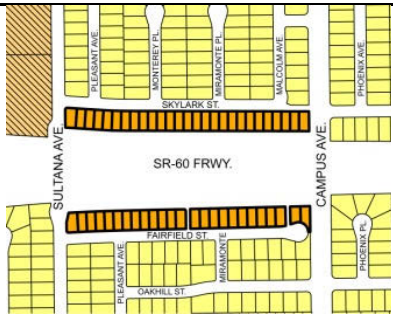
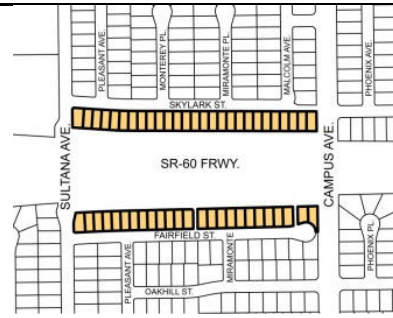
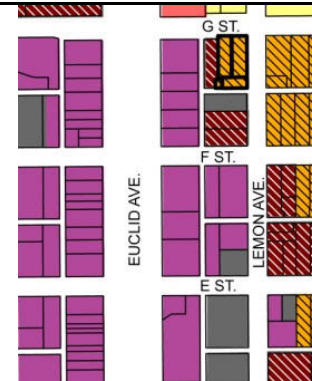
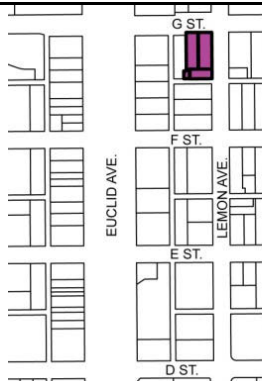
Existing Zoning	Assessor Parcel Numbers Involved	Proposed Zone Changes
 <p>R1.5, Low-Medium Density Residential</p>	<p>105038104 – 105038106</p> <p><i>(3 properties)</i></p> <p>41. Terminus of Manzanita <i>Related File PGPA11-002 Subarea 3</i></p>	 <p>R2, Medium Density Residential</p>
 <p>R2, Multiple Family Residential</p>	<p>105110104 – 105110130 105120130 – 105120142 105120163 – 105120174</p> <p><i>(52 properties)</i></p> <p>42. Skylark and Fairfield <i>Related File PGPA11-002 Subarea 6</i></p>	 <p>R1.5, Low Density Residential</p>
 <p>R3, High Density Residential</p>	<p>104836103 – 104836105</p> <p><i>(3 properties)</i></p> <p>43. Westside Lemon D-G St. <i>Related File PGPA11-002 Subarea 9</i></p>	 <p>C2, Central Business Commercial</p>

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

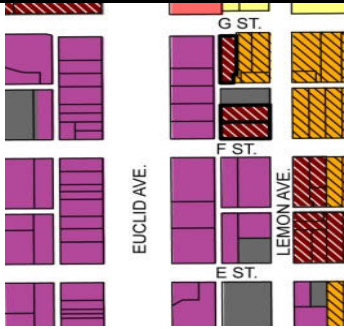

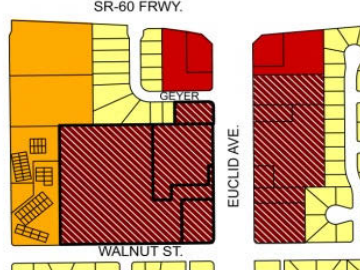

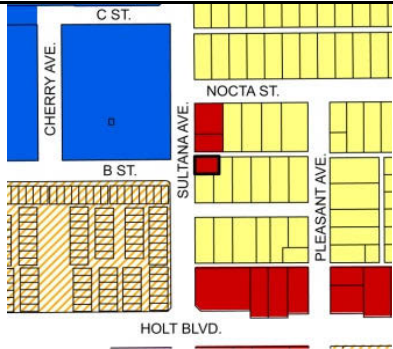
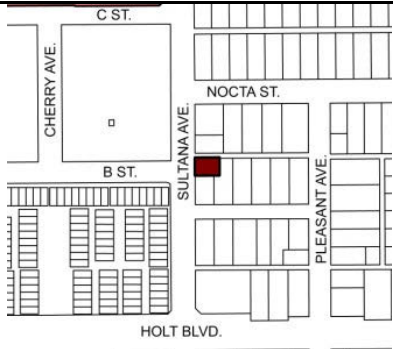
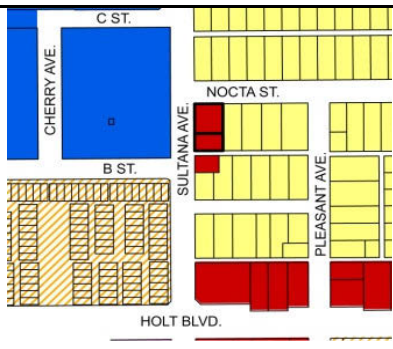
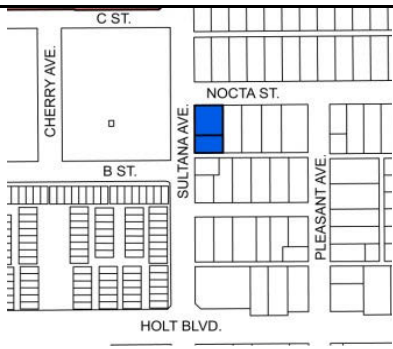
Existing Zoning	Assessor Parcel Numbers Involved	Proposed Zone Changes
	<p>104836102 104836107 104836108</p> <p>(3 properties)</p>	
C1, Shopping Center Commercial	44. Westside Lemon D-G St. <i>Related File PGPA11-002 Subarea 9</i>	C2, Central Business Commercial
	<p>105122120 105127106 105127166 105127167</p> <p>(4 properties)</p>	
C1, Shopping Center Commercial	45. NWC Walnut and Euclid <i>Related File PGPA11-002 Subarea 11</i>	C3, Commercial Service
	<p>104852112</p> <p>(1 property)</p>	
C3, Commercial Service	47. Sultana north of Sierra <i>Related File PGPA11-002 Subarea 14</i>	NC, Neighborhood Commercial
	<p>104852113 – 104852114</p> <p>(2 properties)</p>	
C3, Commercial Service	48. SEC Nocta and Sultana <i>Related File PGPA11-002 Subarea 15</i>	PF, Public Facility

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



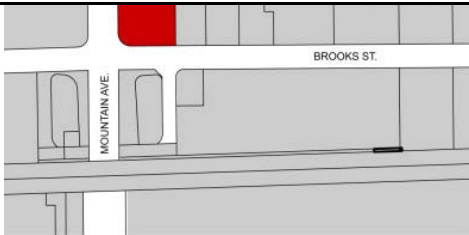
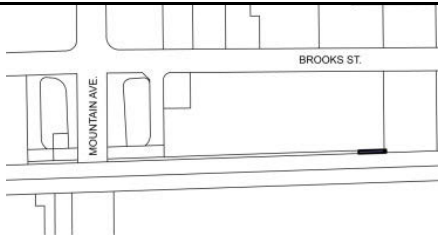
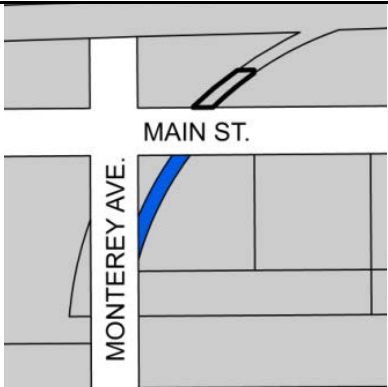
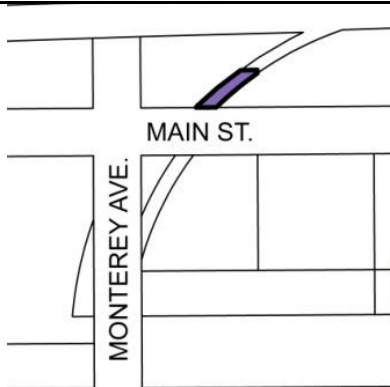
Existing Zoning	Assessor Parcel Numbers Involved	Proposed Zone Changes
 <p>M3, General Industrial</p>	<p>Portion of 104923113 (1 property)</p> <p>49. Spur line Mission to Phillips <i>Related File PGPA11-002 Subarea 36</i></p>	 <p>M1, Limited Industrial</p>
 <p>M3, General Industrial</p>	<p>Portion of 101113319 (1 property)</p> <p>50. Near Brooks & Mountain <i>Related File PGPA11-002 subarea 20</i></p>	 <p>M2, General Industrial</p>
 <p>M3, General Industrial</p>	<p>104908112 (1 property)</p> <p>51. Spur line s/o Main St. <i>Related File PGPA11-002 Subarea 34</i></p>	 <p>M2, General Industrial</p>

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




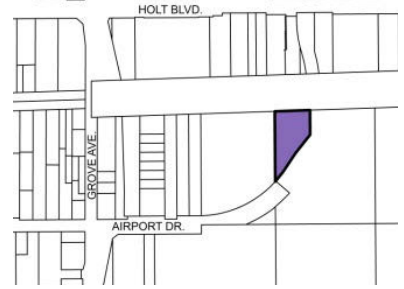


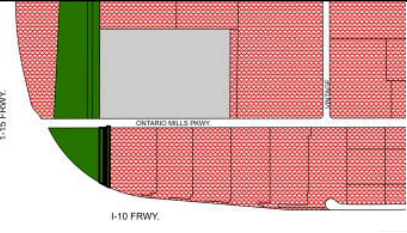
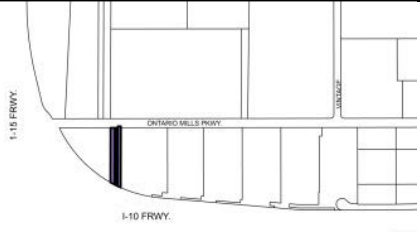
Existing Zoning	Assessor Parcel Numbers Involved	Proposed Zone Changes
 <p>M3, General Industrial</p>	<p align="center">Portion of 104923113 <i>(1 property)</i></p> <p>52. Spur line State-California <i>Related File PGPA11-002 Subarea 35</i></p>	 <p>M2, General Industrial</p>
 <p>M3, General Industrial</p>	<p align="center">11321138 <i>(1 property)</i></p> <p>53. Industrial site on Airport <i>Related File PGPA11-002 Subarea 44</i></p>	 <p>M2, General Industrial</p>
 <p>M3, General Industrial</p>	<p align="center">104908305 104908312 104908314 <i>(3 properties)</i></p> <p>54. SWC Main and Campus <i>Related File PGPA11-002 Subarea 32</i></p>	 <p>PF, Public Facility</p>
 <p>OS, Open Space</p>	<p align="center">23805112 23805131 – 23805133 <i>(4 properties)</i></p> <p>55. NEC I-10 and I-15 Frwys <i>Related File PGPA11-002 Subarea 38</i></p>	 <p>M2, General Industrial</p>

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

Existing Zoning	Assessor Parcel Numbers Involved	Proposed Zone Changes
	<p align="center">104854115 <i>(1 property)</i></p>	
PF, Public Facility	<p>56. SWC Sultana and D St. <i>Related File PGPA11-002 Subarea 41</i></p>	AP, Administrative Professional
	<p align="center">104836106 104836205 104836302 104836303 <i>(4 properties)</i></p>	
P1, Off-Street Parking	<p>57. Westside Lemon D to G <i>Related File PGPA11-002 Subarea 9</i></p>	C2, Central Business Commercial

CITY OF ONTARIO

Agenda Report

July 2, 2013

SECTION: CONSENT CALENDAR

SUBJECT: APPROVAL OF ALLOCATION AND SPENDING PLAN FOR THE BUREAU OF JUSTICE ASSISTANCE (BJA) EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FOR FY2013


RECOMMENDATION: That the City Council authorize the City Manager to execute all documents necessary to participate in the BJA Edward Byrne Memorial Justice Assistance Grant (JAG) Program; and approve the proposed \$44,717 grant spending plan.

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

FISCAL IMPACT: Upon approval and receipt of the grant award, a separate Grant Identification Number will be established to record, monitor and report on the financial activities of this grant award. The total grant award is \$47,071, of which 5% (\$2,354) will be assigned to the Law & Justice Group of San Bernardino County for administrative fees, resulting in a net award to the City in the amount of \$44,717. This is a one-time allocation with no local matching funds requirement, and grant expenditures must be completed within the four-year grant period. The revenue and associated expenditure adjustments will be included in the Fiscal Year 2013-14 First Quarter Budget Report.

BACKGROUND: The Bureau of Justice Assistance has announced the availability of grant funds through the Edward Byrne Memorial JAG Program. Ontario has participated in the JAG Program (formerly the Local Law Enforcement Block Grant) since 1997. Grant allocations are predetermined through a formula based on population and crime statistics. Ontario has been allocated \$47,071 for FY 2013-14. Under the JAG legislation, the County of San Bernardino will act as the fiscal agent for disbursement of the funds.

STAFF MEMBER PRESENTING: Eric Hopley, Chief of Police

Prepared by: Donna Bailey
Department: Police
City Manager Approval: 

Submitted to Council/O.H.A. 07/02/2013
Approved: _____
Continued to: _____
Denied: _____

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Based on current law enforcement operational needs, the Police Department proposes the following grant spending plan:

• License Plate Reader Intelligence System	\$44,717
TOTAL	<u>\$44,717</u>