

**CITY OF ONTARIO  
CITY COUNCIL AND HOUSING AUTHORITY  
AGENDA  
OCTOBER 7, 2014**

**Paul S. Leon**  
Mayor

**Alan D. Wapner**  
Mayor pro Tem

**Jim W. Bowman**  
Council Member

**Debra Dorst-Porada**  
Council Member

**Paul Vincent Avila**  
Council Member



**Al C. Boling**  
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***

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

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

***CLOSED SESSION***

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Property: APN: 1049-382-05 and 1049-172-01; 1140 and 1173 East California Street;  
City/Authority Negotiator: Al C. Boling or his designee; Negotiating parties: Fullmer/JP, LLC, a California Limited Liability Company; Under negotiation: Price and terms of payment.
- GC 54956.9 (d)(4), CONFERENCE WITH LEGAL COUNSEL, INITIATING LITIGATION:  
*One (1) case*
- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *City of Ontario v. City of Los Angeles, Los Angeles World Airports, and Los Angeles Board of Airport Commissioners, RIC 1306498.*

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

***PLEDGE OF ALLEGIANCE***

Mayor pro Tem Wapner

**INVOCATION**

Pastor Steve Marquedant, Sovereign Grace Baptist Church

**REPORT ON CLOSED SESSION**

City Attorney

**PUBLIC COMMENTS**

**6:30 p.m.**

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

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

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

**CONSENT CALENDAR**

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

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

**1. APPROVAL OF MINUTES**

Minutes for the regular meeting of the City Council and Housing Authority of September 2, 2014, and approving same as on file in the Records Management Department.

**2. BILLS/PAYROLL**

**Bills** August 10, 2014 through September 6, 2014 and **Payroll** August 10, 2014 through September 6, 2014, when audited by the Finance Committee.

**3. A RESOLUTION OPPOSING PROPOSITION 47, A CALIFORNIA CONSTITUTIONAL AMENDMENT BALLOT INITIATIVE TITLED "SAFE NEIGHBORHOODS AND SCHOOLS ACT"**

That the City Council adopt a resolution opposing the Safe Neighborhoods and Schools Act ("Proposition 47") as a measure that will reduce penalties for offenders who commit certain crimes and make certain inmates eligible for release back into the community.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OPPOSING THE PROPOSED CALIFORNIA CONSTITUTIONAL AMENDMENT BALLOT INITIATIVE TITLED "SAFE NEIGHBORHOODS AND SCHOOLS ACT" ON THE NOVEMBER 4, 2014 STATEWIDE GENERAL ELECTION BALLOT.

**4. A JOINT USE AGREEMENT FOR THE RIGHT-OF-WAY ON EDISON AVENUE FROM CUCAMONGA CREEK CHANNEL TO TURNER AVENUE/SOUTHERN CALIFORNIA EDISON**

That the City Council approve and authorize the City Manager to execute a Joint Use Agreement (on file with the Records Management Department) with Southern California Edison (SCE) for the right-of-way on Edison Avenue from Cucamonga Creek Channel to Turner Avenue.

**5. A RESOLUTION APPROVING THE MEASURE I 2015-16 THROUGH 2019-20 FIVE-YEAR CAPITAL PROJECTS NEEDS ANALYSIS**

That the City Council adopt a resolution approving the 2015-16 through 2019-20 Measure I Five-Year Capital Projects Needs Analysis (CPNA) and authorize the City Manager to approve minor changes to the plan as may be required by the City and/or San Bernardino Associated Governments (SANBAG).

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING THE MEASURE I, 2015-16 THROUGH 2019-20, FIVE-YEAR CAPITAL PROJECTS NEEDS ANALYSIS.

**6. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NOS. 18852, 18868, 18874 AND 18898 LOCATED ON THE NORTH SIDE OF INLAND EMPIRE BOULEVARD BETWEEN ARCHIBALD AVENUE AND TURNER AVENUE**

That the City Council adopt a resolution approving an improvement agreement, improvement security and Final Tract Map Nos. 18852, 18868, 18874 and 18898, for properties located on the north side of Inland Empire Boulevard between Archibald Avenue and Turner Avenue within the Ontario Festival Specific Plan area.



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NOS. 18852, 18868, 18874 AND 18898 LOCATED ON THE NORTH SIDE OF INLAND EMPIRE BOULEVARD BETWEEN ARCHIBALD AVENUE AND TURNER AVENUE.

**7. A MAINTENANCE SERVICES AGREEMENT FOR LANDSCAPE MAINTENANCE SERVICES AT ONTARIO TOWN SQUARE/MERCHANTS LANDSCAPE SERVICES, INC.**

That the City Council approve and authorize the City Manager to execute a three-year Maintenance Services Agreement (on file with the Records Management Department) for Contract No. PM 1415-01 with Merchants Landscape Services, Inc., of Rancho Cucamonga, California for an annual cost of \$75,600 plus a 10% contingency of \$7,560 and \$26,840 for monitoring services (includes weekday and weekend special event coverage); and authorize the addition of future service areas and the option to extend the agreement for up to two additional years consistent with City Council approved budgets.

**PUBLIC HEARINGS**

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

**8. A PUBLIC HEARING TO CONSIDER ADOPTION OF A RESOLUTION TO VACATE KERN STREET BETWEEN GROVE AVENUE AND MILDRED AVENUE AND THAT PORTION OF PEACH AVENUE FROM KERN STREET TO APPROXIMATELY 350 FEET NORTH OF BELMONT STREET AND A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND PARCEL MAP NO. 19515 LOCATED AT THE SOUTHEAST CORNER OF MISSION BOULEVARD AND GROVE AVENUE**

That the City Council:

- (A) Conduct a public hearing to consider adoption of a resolution to vacate Kern Street between Grove Avenue and Mildred Avenue and that portion of Peach Avenue from Kern Street to approximately 350 feet north of Belmont Street;
- (B) Determine that the above-referenced street vacation is exempt from further environmental review, pursuant to the California Environmental Quality Act, California Public Resources Code, Section 21166 and California Code of Regulations, Title 14, Section 15162, and direct staff to file a Notice of Determination; and

- (C) Adopt a resolution approving an improvement agreement, improvement security and Parcel Map No. 19515, located at the southeast corner of Mission Boulevard and Grove Avenue.

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

Written communication.

Oral presentation.

Public hearing closed.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE VACATION OF KERN STREET BETWEEN GROVE AVENUE AND MILDRED AVENUE AND THAT PORTION OF PEACH AVENUE FROM KERN STREET TO APPROXIMATELY 350 FEET NORTH OF BELMONT STREET.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND PARCEL MAP NO. 19515, GENERALLY LOCATED AT THE SOUTHEAST CORNER OF MISSION BOULEVARD AND GROVE AVENUE.

**9. A RESOLUTION REGARDING THE FORMATION OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 24 (PARK PLACE FACILITIES - PHASE 1); AND INTRODUCTION OF AN ORDINANCE LEVYING SPECIAL TAXES AND ADOPTION OF A RESOLUTION TO INCUR BONDED INDEBTEDNESS**

Item continued to the October 21, 2014 City Council meeting beginning at 6:30 p.m.

**STAFF MATTERS**

City Manager Boling

## **COUNCIL MATTERS**

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

## **ADJOURNMENT**

**CITY OF ONTARIO**  
**CLOSED SESSION REPORT**  
City Council // Housing Authority // Other // (GC 54957.1)  
**October 7, 2014**

**ROLL CALL:** Wapner \_\_, Bowman \_\_, Dorst-Porada \_\_, Avila \_\_ Mayor / Chairman Leon \_\_.

**STAFF:** City Manager / Executive Director \_\_, City Attorney \_\_

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

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Property: APN: 1049-382-05 and 1049-172-01; 1140 and 1173 East California Street;  
City/Authority Negotiator: Al C. Boling or his designee; Negotiating parties: Fuller/JP, LLC, a  
California Limited Liability Company; Under negotiation: price and terms of payment.

**No Reportable Action      Continue      Approved**

/ /                      / /                      / /

Disposition: \_\_\_\_\_

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

- GC 54956.9 (d)(4), CONFERENCE WITH LEGAL COUNSEL, INITIATING LITIGATION:  
*One (1) case*

**No Reportable Action      Continue      Approved**

/ /                      / /                      / /

Disposition: \_\_\_\_\_

**CITY OF ONTARIO  
CLOSED SESSION REPORT**

City Council // Housing Authority // Other // (GC 54957.1)

**October 7, 2014**

(Continued)

In attendance: Wapner \_\_, Bowman \_\_, 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**

/ /

/ /

/ /

Disposition: \_\_\_\_\_

Reported by: \_\_\_\_\_  
City Attorney / City Manager / Executive Director

# CITY OF ONTARIO

*Agenda Report*  
October 7, 2014

**SECTION:**  
**CONSENT CALENDAR**

**SUBJECT: A RESOLUTION OPPOSING PROPOSITION 47, A CALIFORNIA CONSTITUTIONAL AMENDMENT BALLOT INITIATIVE TITLED "SAFE NEIGHBORHOODS AND SCHOOLS ACT"**

**RECOMMENDATION:** That the City Council adopt a resolution opposing the Safe Neighborhoods and Schools Act ("Proposition 47") as a measure that will reduce penalties for offenders who commit certain crimes and make certain inmates eligible for release back into the community.

**COUNCIL GOALS:** Regain Local Control of the Ontario International Airport  
Maintain the Current High Level of Public Safety  
Pursue City's Goals and Objectives by Working with Other Governmental Agencies

**FISCAL IMPACT:** There is no immediate, direct cost impact to local government in opposing this ballot initiative.

**BACKGROUND:** Proposition 47 seeks to enact significant changes in sentencing policy and direct any resulting state savings to support mental health and substance abuse treatment, truancy and drop-out prevention, and victim services. Specifically, the measure would reduce sentencing penalties for so-called "non-serious" and "non-violent" drug and property crimes and allow certain offenders who have been previously convicted of such crimes to apply for reduced sentences. The following are examples of the crimes that would be eligible for reduced sentencing (irrespective of the circumstances): grand theft, shoplifting, receiving stolen property, writing bad checks, check forgery, and drug possession.

Approximately 40,000 criminals are convicted of the above crimes each year and an estimated 10,000 inmates may be released if Proposition 47 passes. Furthermore, newly sentenced offenders in the affected categories would be sentenced to county jails, many of which are already at capacity or overcrowded due to the implementation of Assembly Bill 109, Public Safety Realignment.

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

Prepared by: Darryl Polk  
Department: Police

City Manager  
Approval: 

Submitted to Council/O.H.A. 10/7/2014

Approved: \_\_\_\_\_

Continued to: \_\_\_\_\_

Denied: \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OPPOSING THE PROPOSED CALIFORNIA CONSTITUTIONAL AMENDMENT BALLOT INITIATIVE TITLED "SAFE NEIGHBORHOODS AND SCHOOLS ACT" ON THE NOVEMBER 4, 2014 STATEWIDE GENERAL ELECTION BALLOT.

WHEREAS, the Safe Neighborhoods and Schools Act ("Proposition 47") has qualified for the November 4, 2014 Statewide General Election; and

WHEREAS, the proponents of this measure concede that Proposition 47 will make up to ten thousand (10,000) felons eligible for early release; and

WHEREAS, with the implementation of Public Safety Realignment in 2011, which altered sentencing policy by shifting all newly convicted non-violent, non-serious, non-sex offenders to county supervision, there is currently a significantly diminished population of non-violent offenders in California's prisons, and there is a legitimate question as to how many of the ten thousand (10,000) inmates eligible for early release could be classified as high-risk for committing subsequent violent offenses; and

WHEREAS, Proposition 47 contains provisions re-classifying a host of felony offenses or felony/misdemeanor offenses as simple misdemeanors, representing sweeping sentencing reform that would be better accomplished through the State legislative process; and

WHEREAS, Proposition 47 would redefine grand theft in such a way that theft of a firearm would be considered a misdemeanor unless the value of the gun was greater than nine hundred and fifty dollars (\$950), and the overwhelming majority of new handguns sold in California retail for significantly less than that amount; and

WHEREAS, Proposition 47 would reduce the penalty for possession of illicit drugs, including drugs used to facilitate date-rape, to a simple misdemeanor; and

WHEREAS, Proposition 47 may further burden our local criminal justice systems by shifting responsibility for additional categories of offenders to already overcrowded county jails.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Ontario hereby opposes Proposition 47 on the November 4, 2014 Statewide General Election ballot.

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



PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of October 2014.

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PAUL S. LEON, MAYOR

ATTEST:

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MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO LEGAL FORM:

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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. 2014-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 7, 2014 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. 2014-       duly passed and adopted by the Ontario City Council at their regular meeting held October 7, 2014.

\_\_\_\_\_  
MARY E. WIRTES, MMC, CITY CLERK

# CITY OF ONTARIO

*Agenda Report*  
October 7, 2014

**SECTION:**  
**CONSENT CALENDAR**

**SUBJECT: A JOINT USE AGREEMENT FOR THE RIGHT-OF-WAY ON EDISON AVENUE FROM CUCAMONGA CREEK CHANNEL TO TURNER AVENUE**

**RECOMMENDATION:** That the City Council approve and authorize the City Manager to execute a Joint Use Agreement (on file with the Records Management Department) with Southern California Edison (SCE) for the right-of-way on Edison Avenue from Cucamonga Creek Channel to Turner Avenue.

**COUNCIL GOALS:** Regain Local Control of the Ontario International Airport  
Pursue City's Goals and Objectives by Working with Other Governmental Agencies  
Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony

**FISCAL IMPACT:** None.

**BACKGROUND:** As part of the Archibald and Edison Avenues street improvement project in the New Model Colony, the City has requested that SCE relocate the portion of their existing electrical transmission facilities that interfere with this project, as shown on the attached exhibit. Currently SCE's power poles are in conflict with the construction of the street widening and will have to be relocated from the north side of Edison Avenue to the south side behind the ultimate curb and gutter. The current power poles are located within an exclusive SCE easement acquired on December 6, 1910, prior to the street being dedicated as a public right-of-way. As part of the power lines relocation to the south side of Edison Avenue, SCE is requiring the City to reserve their prior rights by entering into a Joint Use Agreement to guarantee those rights.

The agreement has been reviewed and approved as to form by the City Attorney.

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

Prepared by: Khoi Do  
Department: Engineering

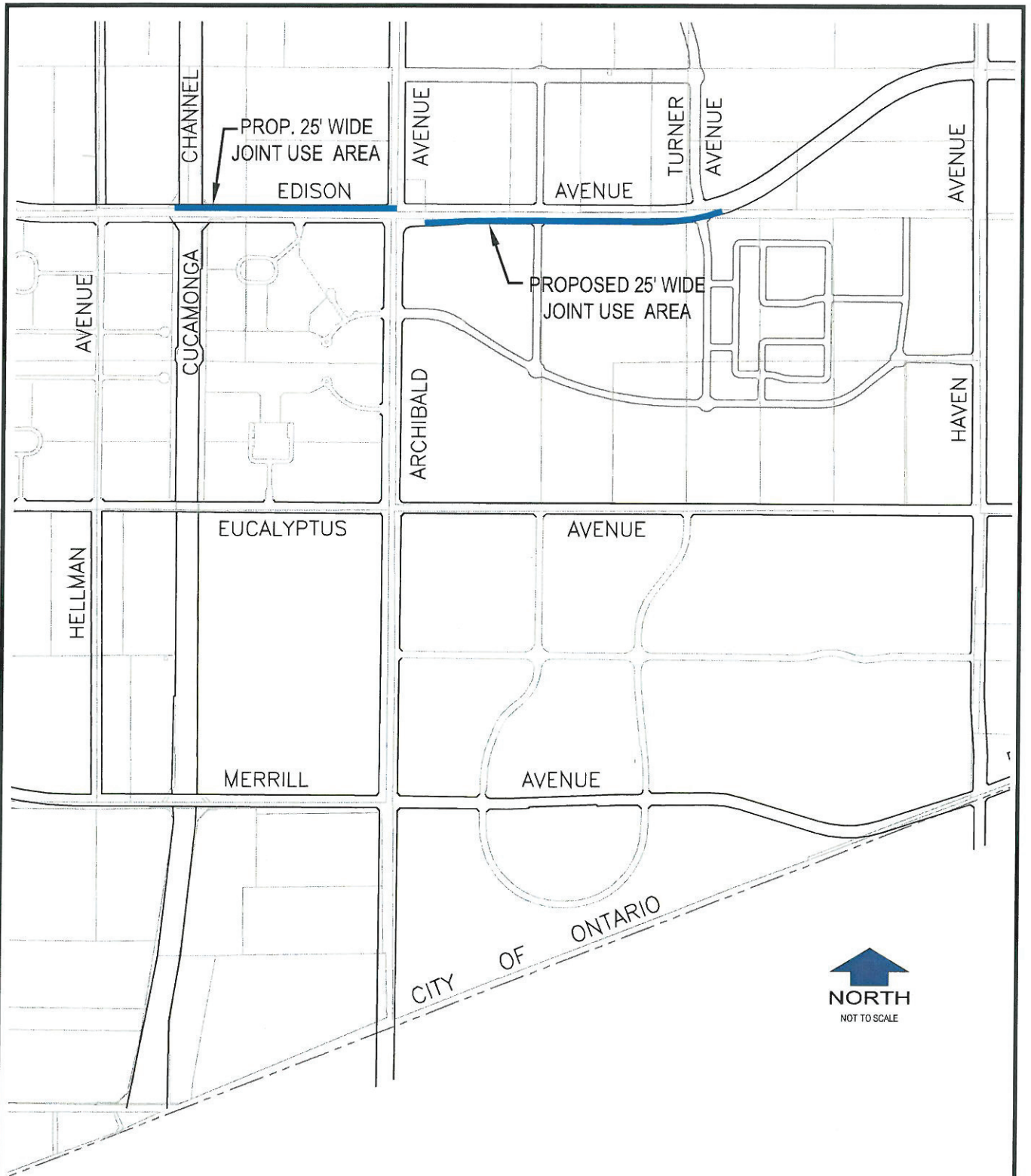
City Manager  
Approval: 

Submitted to Council/O.H.A. 10/7/2014

Approved: \_\_\_\_\_

Continued to: \_\_\_\_\_

Denied: \_\_\_\_\_



**LDKING**  
Engineers / Planners / Surveyors

10390 Commerce Center Drive  
Suite C-250  
Rancho Cucamonga, CA 91730  
Phone: (909) 945-0526

VICINITY MAP  
FOR  
AREA OF JOINT USE  
A PORTION OF SEC. 14, T2S, R7W, S.B.B.M.

# CITY OF ONTARIO

*Agenda Report*  
October 7, 2014

**SECTION:**  
**CONSENT CALENDAR**

**SUBJECT: A RESOLUTION APPROVING THE MEASURE I 2015-16 THROUGH 2019-20 FIVE-YEAR CAPITAL PROJECTS NEEDS ANALYSIS**

**RECOMMENDATION:** That the City Council adopt a resolution approving the 2015-16 through 2019-20 Measure I Five-Year Capital Projects Needs Analysis (CPNA) and authorize the City Manager to approve minor changes to the plan as may be required by the City and/or San Bernardino Associated Governments (SANBAG).

**COUNCIL GOALS:** Regain Local Control of the Ontario International Airport  
Pursue City's Goals and Objectives by Working with Other Governmental Agencies  
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

**FISCAL IMPACT:** The Measure I Five-Year CPNA is a tool to assist the SANBAG Board of Directors and SANBAG staff in programming available and projected Measure I fund revenues. The CPNA is not a budget commitment. The individual projects listed in the CPNA are either currently identified or will be identified in the City of Ontario Capital Improvement Program Budget at the time that the local fund share is needed and approved by the City Council.

**BACKGROUND:** The Five-Year CPNA covers projects in the Measure I Major Street Arterial Sub-Program. This year's Five-Year CPNA includes the Grove Avenue widening project from Fourth Street to Airport Drive, which is currently in the project approval and environmental document phase. Freeway interchange and grade separation projects are not included in the CPNA as they are accounted for in separate agreements.

San Bernardino County voters approved passage of the 2010 through 2040, thirty-year Measure I program in November 2004 authorizing San Bernardino Associated Governments, acting as the San Bernardino County Transportation Authority, to impose a one-half percent retail transactions and use tax in the incorporated and unincorporated territory of the County of San Bernardino. Revenue from the tax can only be used for transportation improvements and traffic management programs authorized in the 2010-2040 Measure I Expenditure Plan set forth in Ordinance No. 04-1 of the Authority. The

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

Prepared by: Jay Bautista  
Department: Engineering

City Manager  
Approval: 

Submitted to Council/O.H.A. 10/7/2014

Approved: \_\_\_\_\_

Continued to: \_\_\_\_\_

Denied: \_\_\_\_\_

5

Expenditure Plan for the San Bernardino Valley Subarea requires that Measure I revenue be applied to the following programs.

Freeways	29%
Freeway Interchanges	11%
Major Streets (including Railroad Grade Separations)	20%
Local Streets (per capita pass through)	20%
Metrolink/Passenger Rail	8%
Senior/Disabled Transit Service	8%
Express Bus/Bus Rapid Transit Service	2%
Traffic Management Systems	2%

The 2010-2040 Measure I Strategic Plan requires each local jurisdiction applying for revenue from the Valley Major Street and Freeway Interchange Programs to annually adopt and update a Five-Year CPNA. The Five-Year CPNA is not a funding commitment by either SANBAG or the City, but a tool to assist SANBAG staff and their Board of Directors in programming available Measure I fund revenues. The CPNA is not a wish list but a financially constrained, realistic schedule of the projects for which the agency intends to use Measure I dollars. Financially constrained means that the required local development impact fee (DIF) match contribution will be available before the project begins or the DIF match requirement has been met by an internal Measure I loan arranged with SANBAG in accordance with the Measure I Strategic Plan. Historically, CPNA's for the Valley jurisdictions have included projects for both the Valley Freeway Interchange and Major Streets Programs. However, for FY 2015-16, the CPNA will only apply to the Major Streets Program.

The CPNA process requires that the City Council approve the CPNA by resolution. City staff anticipates that there may need to be minor changes to the CPNA during the fiscal year. Therefore, staff is recommending that the City Manager be given the authority to approve minor changes to the CPNA as requested by SANBAG and/or City staff.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING THE MEASURE I, 2015-16 THROUGH 2019-20, FIVE-YEAR CAPITAL PROJECTS NEEDS ANALYSIS.

WHEREAS, San Bernardino County voters approved passage of Measure I in November 2004, authorizing San Bernardino Associated Governments, acting as the San Bernardino County Transportation Authority ("Authority"), to impose a one-half of one percent retail transactions and use tax applicable in the incorporated and unincorporated territory of the County of San Bernardino; and

WHEREAS, revenue from the tax can only be used for transportation improvements and traffic management programs authorized in the Expenditure Plan set forth in Ordinance No. 04-1 of the Authority; and

WHEREAS, the Strategic Plan requires each local jurisdiction applying for revenue from the Valley Major Street and Freeway Interchange Programs to annually adopt and update a Five-Year Capital Projects Needs Analysis (CPNA); and

WHEREAS, Ontario has prepared the necessary CPNA projects form as provided by SANBAG and a location map attached hereto which includes the Valley Major Street that is eligible for Measure I Program funding.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Ontario, California hereby adopts the Measure I 2015-16 through 2019-20 Capital Projects Needs Analysis, and authorizes the City Manager to approve minor changes to the plan as may be required by the City and/or SANBAG.

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

PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of October 2014.

\_\_\_\_\_  
PAUL S. LEON, MAYOR

ATTEST:

\_\_\_\_\_  
MARY E. WIRTES, MMC, CITY CLERK



APPROVED AS TO LEGAL FORM:

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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. 2014-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 7, 2014 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. 2014-        duly passed and adopted by the Ontario City Council at their regular meeting held October 7, 2014.

\_\_\_\_\_  
MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

**Capital Project Needs Analysis**  
**City of Ontario**  
**Valley Arterial Sub-Program**

(Actual Fiscal Year 2014-15 dollars (in \$1,000s) - SANBAG will apply escalation factors, by year)

Public Share: 55.6%

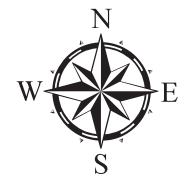
Dev. Share: 44.40%

Project Information	Phase	Funding	PRIOR*	FY 15-16	FY 16-17	FY 17-18	FY 18-19	FY 19-20	FUTURE
<b>Grove Avenue from Fourth Street to Airport Drive - Widen from 4 to 6 lanes</b>	<b>PA&amp;ED</b>								
	<b>Total Cost:</b>	<b>\$2,293.00</b>							
	<b>Fund Type:</b>	MI MAJ ST	\$ 255.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
		DEMO	\$ 1,834.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
		DEV FEE	\$ 204.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
		- Select Fund -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
		Other: _____	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total Project Cost (FY 15-16 - 19-20): \$2,293.00</b>	<b>PS&amp;E</b>								
	<b>Total Cost:</b>	<b>\$0.00</b>							
	<b>Fund Type:</b>	MI MAJ ST	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
		- Select Fund -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
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		- Select Fund -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
		Other: _____	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total Measure I Request (FY 15-16 - 19-20): \$255.00</b> (Summation of MI MAJ ST)	<b>ROW</b>								
	<b>Total Cost:</b>	<b>\$0.00</b>							
	<b>Fund Type:</b>	MI MAJ ST	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
		- Select Fund -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
		- Select Fund -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
		- Select Fund -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
		- Select Fund -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
		Other: _____	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total Project Cost (All phases): \$0.00</b>	<b>CONST</b>								
	<b>Total Cost:</b>	<b>\$0.00</b>							
	<b>Fund Type:</b>	MI MAJ ST	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
		- Select Fund -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
		- Select Fund -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
		- Select Fund -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
		- Select Fund -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
		- Select Fund -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
		- Select Fund -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
		Other: _____	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Comments:</b>									

\*Prior should identify any expenses incurred in prior years that have not yet been reimbursed by SANBAG including FY 2014-15 expenses.

# Five-Year Capital Projects Needs Analysis

2015/2016 - 2019/2020



0 2,500 5,000 10,000  
Feet

## Project Information

Grove Avenue from Fourth Street to Airport Drive-Widen from 4 to 6 lanes

September 10, 2014  
By: Johnson Hua  
S:\Engineering\TRAFFIC & TRANSPORTATION\TRAFFIC OPERATIONS\  
Maps\Five-Year Capital Project Needs Analysis Grove 2015-2016-2019-2020.pdf

# CITY OF ONTARIO

## Agenda Report

October 7, 2014

## SECTION: CONSENT CALENDAR

**SUBJECT: A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NOS. 18852, 18868, 18874 AND 18898 LOCATED ON THE NORTH SIDE OF INLAND EMPIRE BOULEVARD BETWEEN ARCHIBALD AVENUE AND TURNER AVENUE**

**RECOMMENDATION:** That the City Council adopt a resolution approving an improvement agreement, improvement security and Final Tract Map Nos. 18852, 18868, 18874 and 18898, for properties located on the north side of Inland Empire Boulevard between Archibald Avenue and Turner Avenue within the Ontario Festival Specific Plan area.

**COUNCIL GOALS:** Regain Local Control of the Ontario International Airport  
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

**FISCAL IMPACT:** None. All public infrastructure improvements required for these subdivisions will be constructed by the developer at its sole cost.

**BACKGROUND:** Final Tract Map No. 18852, consisting of ten numbered lots and three lettered lots on 3.68 acres; Final Tract Map No. 18868, consisting of four numbered lots and one letter lot on 1.05 acres; Final Tract Map No. 18874, consisting of nine numbered lots and three lettered lots on 3.60 acres; and Final Tract Map No. 18898, consisting of three numbered lots and four lettered lots on 1.73 acres, as shown on the attached exhibit; have been submitted by the developer, Tri-Pointe Homes, Inc. of Irvine, California (Thomas J. Mitchell, President & COO). These four tracts are located within the Ontario Festival Specific Plan area and have planned developments of 60 condominium units, 20 units, 52 units and 20 units, respectively.

Improvements will include roadway improvements, sidewalk, street lights, parkway landscaping and irrigation, sewer and water lines, fire hydrants and storm drains within the tract boundaries. All off-site improvements along Inland Empire Boulevard and Turner Avenue are complete. The developer has entered into an improvement agreement with the City and has posted adequate security to ensure construction of the required public improvements.

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

Prepared by: Dean A. Williams  
Department: Engineering

City Manager  
Approval: 

Submitted to Council/O.H.A. 10/7/2014

Approved: \_\_\_\_\_

Continued to: \_\_\_\_\_

Denied: \_\_\_\_\_

6

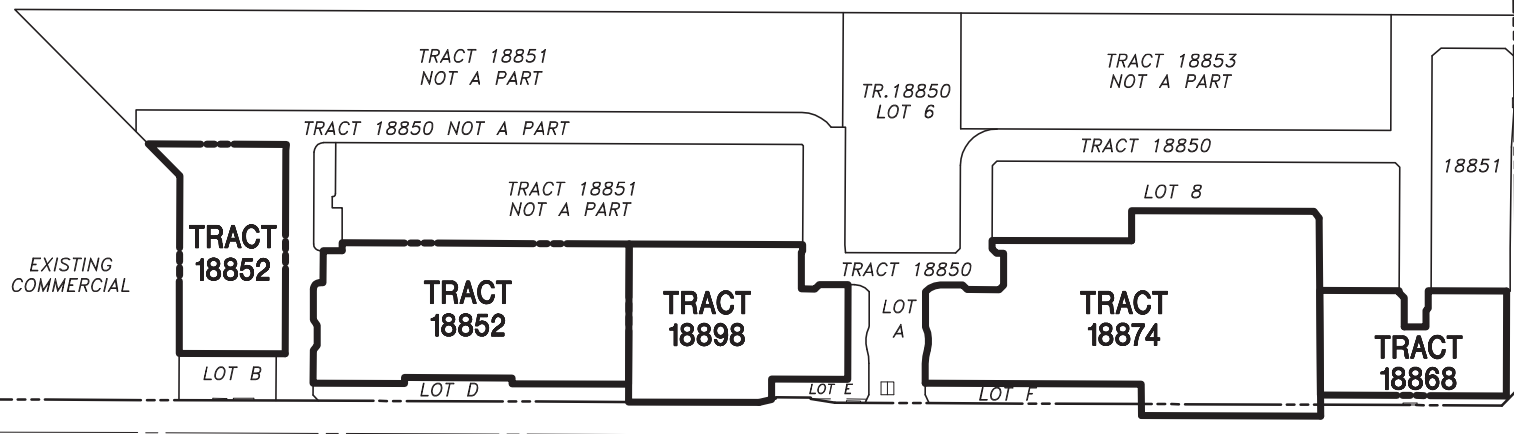
Tentative Tract Map Nos. 18852, 18868, 18874 and 18898 were approved by the Planning Commission on October 30, 2012, October 30, 2012, April 23, 2013 and July 23, 2014, respectively. All tracts are consistent with the adopted Ontario Festival Specific Plan.

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

# EXHIBIT

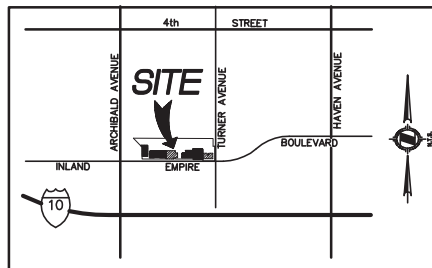


ARCHIBALD AVENUE



TURNER AVENUE

INLAND EMPIRE BOULEVARD



**VICINITY MAP:**  
NOT TO SCALE

**CITY OF ONTARIO  
ENGINEERING DEPARTMENT**

**FILE NO. TM 18852, 18868, 18874 & 18898**

**APPLICANT:  
TRI POINTE HOMES**

**PROJECT: SEDONA • PARKSIDE**



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NOS. 18852, 18868, 18874 AND 18898 LOCATED ON THE NORTH SIDE OF INLAND EMPIRE BOULEVARD BETWEEN ARCHIBALD AVENUE AND TURNER AVENUE.

WHEREAS, Tentative Tract Map Nos. 18852, 18868, 18874 and 18898, submitted for approval by the developer, Tri-Pointe Homes, Inc. of Irvine, California (Mr. Thomas J. Mitchell, President & COO) were approved by the Planning Commission of the City of Ontario on October 30, 2012, October 30, 2012, April 23, 2013 and July 23, 2014, respectively; and

WHEREAS, Tentative Tract Map No. 18852, being a subdivision of Lot 4 and a portion of Lot 2 of Tract No. 18850 as shown on a map filed in Book 337, pages 16 through 20 inclusive, of Maps in the Office of the San Bernardino County Recorder; Tentative Tract Map No. 18868, being a subdivision of Lot 10 of Tract No. 18850 as shown on a map filed in Book 337, pages 16 through 20 inclusive, of Maps in the Office of the San Bernardino County Recorder; Tentative Tract Map No. 18874, being a subdivision of Lot 11 of Tract No. 18850, as shown on a map filed in Book 337, pages 16 through 20, inclusive, of Maps, together with Lot K of Tract No. 18853, as shown on a map filed in Book 337, pages 76 through 81, inclusive, of Maps, also together with a portion of Lot 14 of Section 23, Township 1 South, Range 7 West, San Bernardino Meridian, according to the Map of Cucamonga Lands as per plat recorded in Book 4, page 9, of Maps in the Office of the San Bernardino County Recorder; and Tentative Tract Map No. 18898, being a subdivision of Lot 1 and a portion of Lot 2 of Tract No. 18850, as shown on a map filed in Book 337, pages 16 through 20, inclusive, of Maps, together with Parcels 1 and 2 of Parcel Map No. 16979 as shown on a parcel map filed in Book 234, pages 51 through 54, inclusive, of Parcel Maps, in the Office of the San Bernardino County Recorder; and

WHEREAS, to meet the requirements established as prerequisite to final approval of Final Tract Map Nos. 18852, 18868, 18874 and 18898, the subdivider has offered an Improvement Agreement together with good and sufficient security, in conformance with the City Attorney's format, for approval and execution by the City; and

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

WHEREAS, the requirement for the preparation of Covenants, Conditions and restrictions (CC&Rs), approved by the City Attorney's office, to ensure the right to mutual ingress and egress and continued maintenance of common facilities by the commonly affected property owners has been deferred to a date that coincides with the recordation of the subject Tract Maps.

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

1. That said improvement agreement be, and the same is, approved and the City Manager is authorized to execute same on behalf of said City, and the City Clerk is authorized to attest thereto; and
2. That said improvement securities are accepted as good and sufficient, subject to approval as to form and content thereof by the City Attorney; and
3. That Final Tract Map Nos. 18852, 18868, 18874 and 18898 be approved and that the City Clerk be authorized to execute the statements thereon on behalf of said City.

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

PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of October 2014.

---

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. 2014-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 7, 2014 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. 2014-        duly passed and adopted by the Ontario City Council at their regular meeting held October 7, 2014.

\_\_\_\_\_  
MARY E. WIRTES, MMC, CITY CLERK

# CITY OF ONTARIO

*Agenda Report*  
October 7, 2014

**SECTION:**  
**CONSENT CALENDAR**

**SUBJECT: A MAINTENANCE SERVICES AGREEMENT FOR LANDSCAPE MAINTENANCE SERVICES AT ONTARIO TOWN SQUARE**

**RECOMMENDATION:** That the City Council approve and authorize the City Manager to execute a three-year Maintenance Services Agreement (on file with the Records Management Department) for Contract No. PM 1415-01 with Merchants Landscape Services, Inc., of Rancho Cucamonga, California for an annual cost of \$75,600 plus a 10% contingency of \$7,560 and \$26,840 for monitoring services (includes weekday and weekend special event coverage); and authorize the addition of future service areas and the option to extend the agreement for up to two additional years consistent with City Council approved budgets.

**COUNCIL GOALS:** Regain Local Control of the Ontario International Airport  
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

**FISCAL IMPACT:** The annual cost of the proposed Maintenance Services Agreement is \$75,600 plus a 10% contingency of \$7,560 for urgency services and \$26,840 for monitoring services, which includes weekday and weekend special event coverage for a total contract amount of \$110,000 for each of the first three years. If approved, General Fund appropriations are included in the Fiscal Year 2014-15 adopted budget.

At the City's discretion, two additional one-year extensions may be exercised with an increase of 4.5% in the option years. Future contracting actions will be commensurate with City Council authorized work programs and budgets. Contracting for the multi-year period will allow the City to limit the potential for yearly increase to the bid amounts, avoid the costs of re-bidding the contract annually, provide service continuity, and project future costs.

**BACKGROUND:** In August 2014, the City solicited proposals for landscape maintenance services for Ontario Town Square. Three proposals were received that met bid criteria and standards necessary to perform this work. For comparative purposes, the proposed amount annual base cost ranged from \$75,600 to \$113,172. The three vendors are shown below.

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

Prepared by: Roberto Perez  
Department: Parks and Maintenance

City Manager  
Approval: 

Submitted to Council/O.H.A. 10/7/2014

Approved: \_\_\_\_\_

Continued to: \_\_\_\_\_

Denied: \_\_\_\_\_

7

<u>Vendor</u>	<u>Location</u>	<u>Amount</u>
Mariposa Landscape	Irwindale, CA	\$113,172
<b>Merchants Landscape</b>	<b>Rancho Cucamonga, CA</b>	<b>\$ 75,600</b>
ValleyCrest landscape	Fontana, CA	\$ 89,306

Merchants Landscape Services, Inc., located in Rancho Cucamonga, California submitted a proposal that met all the required specifications with a base cost, three-year total of \$307,320 for maintenance and monitoring services. Based on the proposal, credentials, and pricing, staff recommends award of a Maintenance Services Agreement to Merchants Landscape Services, Inc.

# CITY OF ONTARIO

*Agenda Report*  
October 7, 2014

SECTION:  
PUBLIC HEARINGS

**SUBJECT:** A PUBLIC HEARING TO CONSIDER ADOPTION OF A RESOLUTION TO VACATE KERN STREET BETWEEN GROVE AVENUE AND MILDRED AVENUE AND THAT PORTION OF PEACH AVENUE FROM KERN STREET TO APPROXIMATELY 350 FEET NORTH OF BELMONT STREET AND A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND PARCEL MAP NO. 19515 LOCATED AT THE SOUTHEAST CORNER OF MISSION BOULEVARD AND GROVE AVENUE

**RECOMMENDATION:** That the City Council:

- (A) Conduct a public hearing to consider adoption of a resolution to vacate Kern Street between Grove Avenue and Mildred Avenue and that portion of Peach Avenue from Kern Street to approximately 350 feet north of Belmont Street;
- (B) Determine that the above-referenced street vacation is exempt from further environmental review, pursuant to the California Environmental Quality Act, California Public Resources Code, Section 21166 and California Code of Regulations, Title 14, Section 15162, and direct staff to file a Notice of Determination; and
- (C) Adopt a resolution approving an improvement agreement, improvement security and Parcel Map No. 19515, located at the southeast corner of Mission Boulevard and Grove Avenue.

**COUNCIL GOALS:** Regain Local Control of the Ontario International Airport  
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

**FISCAL IMPACT:** None. The City did not pay for acquiring the subject right-of-way and will not incur any cost for vacating this right-of-way. The developer has paid the applicable processing fees to defray the City's cost to process the vacation and will construct all public infrastructure improvements required for the subject subdivision at its sole cost.

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

Prepared by: Dean A. Williams  
Department: Engineering

City Manager  
Approval: 

Submitted to Council/O.H.A. 10/7/2014

Approved: \_\_\_\_\_

Continued to: \_\_\_\_\_

Denied: \_\_\_\_\_

8

**BACKGROUND:** The applicant, Mission Grove Partners, L. P. (Brad and Richard Boatman, of Costa Mesa, California, Managing Members) has submitted a development proposal consisting of a seven lot subdivision on 15.5 acres (as shown on Exhibit A) and has requested that the City vacate Kern Street between Grove Avenue and Mildred Avenue and a portion of Peach Avenue, from Kern Street to a proposed cul-de-sac, approximately 350 feet north of Belmont Street (as shown on Exhibit B).

The development consists of five industrial buildings and one storage yard, with the remaining parcel to be developed at a later date. In order to optimize the development of this site, the applicant has requested that the City vacate the subject portion of Kern Street and Peach Avenue. The right-of-way, neither now nor in the future will be needed for traffic circulation or public necessity. The existing public utilities within Kern Street and Peach Avenue will no longer be necessary upon vacation of the streets and will be abandoned.

On September 16, 2014, the City Council, at its regular meeting, adopted a resolution declaring the City's intent to vacate the subject right-of-way as shown on the attached exhibits and setting the date and time for this Public Hearing. Appropriate notice of intention to vacate, as required by law, has been posted as prescribed. An announcement of this October 7, 2014 Public Hearing was published in the Inland Valley Daily Bulletin prior to this meeting and the full text of the said adopted resolution has been made available to the Records Management Department.

Improvements required of the project include roadway construction, curb and gutter, sidewalk, street lights, parkway landscaping, water main improvements, a raised landscaped median in Mission Boulevard and the undergrounding of existing overhead utilities.

Tentative Tract Map No. 19515 was approved by the Planning Commission on August 26, 2014.

This map meets all conditions of the Subdivision Map Act and the Ontario Municipal Code and has been reviewed by the City Engineer.

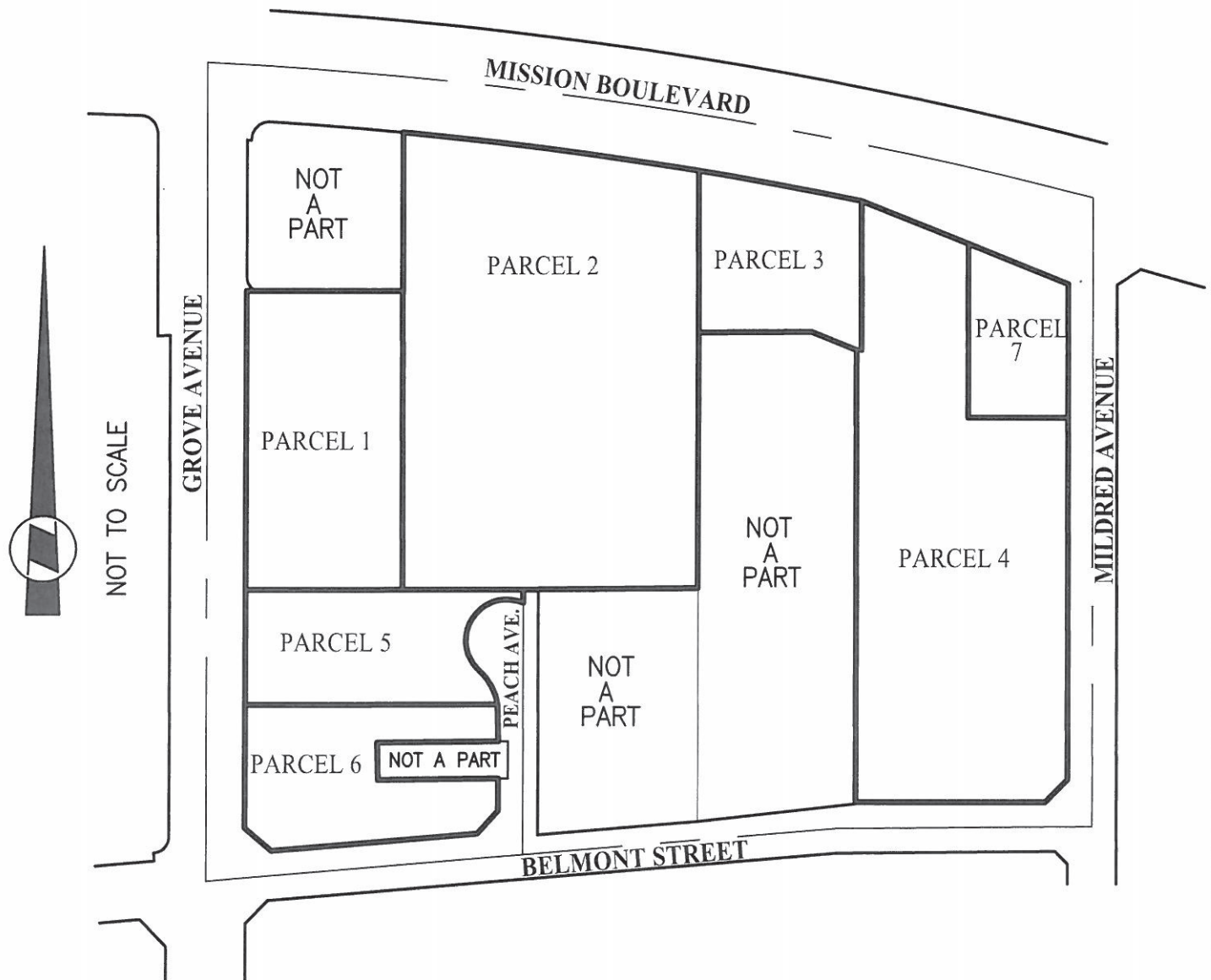
**ENVIRONMENTAL REVIEW:** The environmental impacts of this project (including the parcel map and the street vacation) were previously reviewed in conjunction with the adopted Mitigated Negative Declaration (MND) prepared for the Acquisition, Disposition and Development Agreement between the City of Ontario and Mission Grove Partners, L.P. (No. 2013-128). Based upon the facts and information contained in the MND prepared for the Acquisition, Disposition and Development Agreement between the City of Ontario and Mission Grove Partners, L.P., adopted by City Council on December 3, 2013, the proposed development introduces no new significant environmental impacts. All previously adopted mitigation measures are a condition of project approval and are incorporated herein by reference.

Therefore, it would be appropriate for the City Council to determine that the above-referenced street vacation is exempt from further environmental review, pursuant to the California Environmental Quality Act, California Public Resources Code Section 21166 and California Code of Regulations Title 14, Section 15162, and direct staff to file a Notice of Determination.



# EXHIBIT "A"

PM 19515



VICINITY MAP  
NOT TO SCALE

**CITY OF ONTARIO**  
ENGINEERING DEPARTMENT

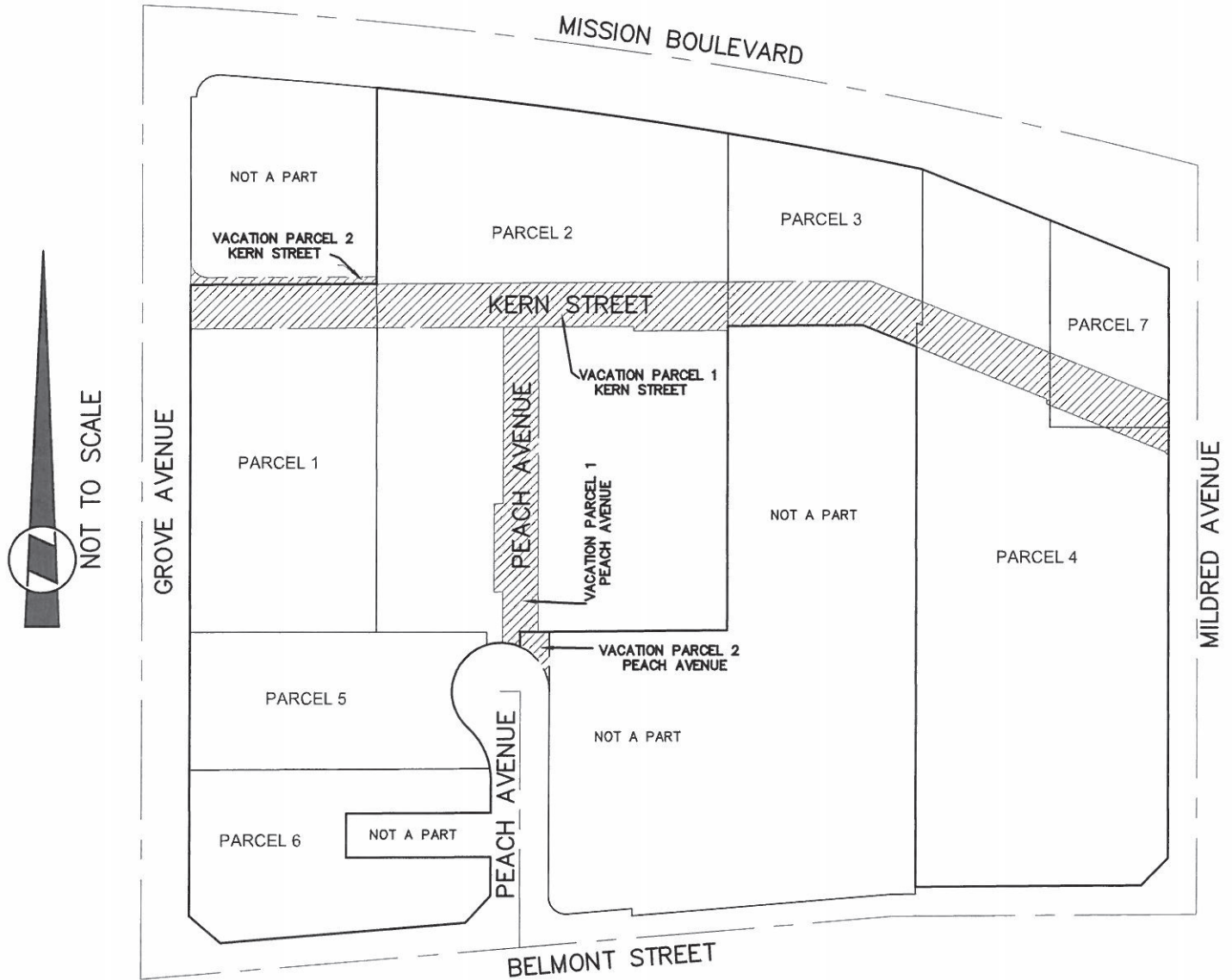
**FILE NO. PM 19515**

APPLICANT:  
MISSION GROVE PARTNERS

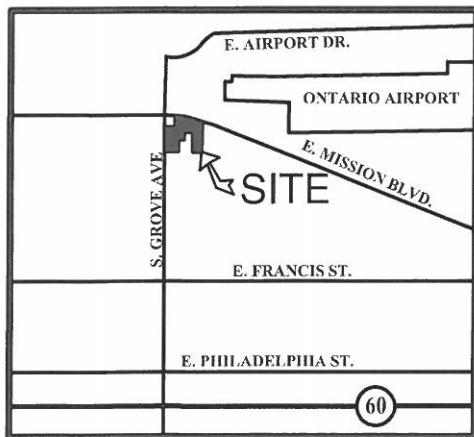
PROJECT:  
MISSION & GROVE BUSINESS PARK

# EXHIBIT "B"

## VACATION V-262



 STREETS TO BE VACATED



VICINITY MAP  
NOT TO SCALE

**CITY OF ONTARIO**  
ENGINEERING DEPARTMENT

**FILE NO. PM 19515**

APPLICANT:  
MISSION GROVE PARTNERS

PROJECT:  
MISSION & GROVE BUSINESS PARK

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE VACATION OF KERN STREET BETWEEN GROVE AVENUE AND MILDRED AVENUE AND THAT PORTION OF PEACH AVENUE FROM KERN STREET TO APPROXIMATELY 350 FEET NORTH OF BELMONT STREET.

WHEREAS, the City Council of the City of Ontario, California, did on the 16<sup>th</sup> day of September, 2014 adopt a Resolution of Intent, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, PERTAINING TO THE VACATION OF KERN STREET BETWEEN GROVE AVENUE AND MILDRED AVENUE AND THAT PORTION OF PEACH AVENUE FROM KERN STREET TO APPROXIMATELY 350 FEET NORTH OF BELMONT STREET AND SET THE TIME AND PLACE FOR A PUBLIC HEARING; and

WHEREAS, notice of the date, time and place of hearing any and all persons interested in, or objecting to, the proposed vacation has been published and posted in the manner prescribed by law; and

WHEREAS, a hearing on the proposed vacation was duly and regularly held by the City Council at the time and place specified in said Resolution of Intention, and the City Council has determined that said streets, as described in said Resolution of Intention, are no longer necessary for present or prospective public street and utility purposes; and

WHEREAS, on December 3, 2013, the City Council of the City of Ontario adopted a Mitigated Negative Declaration prepared for the Acquisition, Disposition and Development Agreement between the City and the developer of the property in which said streets proposed to be vacated are located; and

WHEREAS, based upon the facts and information contained in the said adopted Mitigated Negative Declaration, the proposed vacation introduces no new significant environmental impacts, making it appropriate for the City Council to make a determination that the proposed vacation be exempt from further environmental review, pursuant to the California Environmental Quality Act.

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

SECTION 1. That pursuant to the provisions of Division 9, Part 3, Chapter 3, Section 8320-8325 of the Streets and Highways Code of the State of California, the following described Public Street and Utility Easement is vacated and abandoned: (see Exhibit).

SECTION 2. That pursuant to the provisions of the California Environmental Quality Act, California Public Resources Code, Section 21166 and California Code of Regulations, Title 14, Section 15162, the above described street vacation is exempt from further environmental review.

SECTION 3. That title to the above described easement and portion thereof shall revert to the owners of the underlying fee title thereof, free from use as a Public Street and Utility Easement.

SECTION 4. That the City Clerk of the City of Ontario, California, shall cause a copy of this Resolution to be recorded in the office of the County Recorder of San Bernardino County, California.

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

PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of October 2014.

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PAUL S. LEON, MAYOR

ATTEST:

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MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO LEGAL FORM:

---

BEST BEST & KRIEGER LLP  
CITY ATTORNEY

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

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2014-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 7, 2014 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. 2014-       duly passed and adopted by the Ontario City Council at their regular meeting held October 7, 2014.

\_\_\_\_\_  
MARY E. WIRTES, MMC, CITY CLERK

(SEAL)



PARCEL 1:

THAT PORTION OF KERN STREET, AS SHOWN ON TRACT NO. 2238 IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA RECORDED IN BOOK 32, PAGE 23 OF MAPS TOGETHER WITH THAT PORTION OF LOT 21 DESCRIBED IN THAT CERTAIN DOCUMENT RECORDED FEBRUARY 23, 1993 AS DOCUMENT NO. 93-086530 AND THAT PORTION OF LOTS 30 AND 31 DESCRIBED IN THAT CERTAIN DOCUMENT RECORDED FEBRUARY 11, 2005 AS DOCUMENT NO. 2005-0104321 AND ALL OF THAT CERTAIN LAND DEDICATED TO THE CITY OF ONTARIO, DESCRIBED IN BOOK 4679, PAGE 33 RECORDED DECEMBER 15, 1959, BOOK 5214, PAGE 350 RECORDED AUGUST 16, 1960, BOOK 8294, PAGES 691 AND 692 RECORDED OCTOBER 25, 1973, ALL OF OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF LOT 11 OF SAID TRACT; THENCE ALONG THE SOUTHWESTERLY LINE OF SAID LOT NORTH 68°14'43" WEST 8.62 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 00°09'27" EAST 66.04 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 10.00 FEET, A RADIAL LINE PASSING THROUGH SAID POINT BEARS NORTH 89°50'33" EAST; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 68°05'16" AN ARC DISTANCE OF 11.88 FEET TO A POINT IN THE SOUTHERLY LINE OF SAID KERN STREET; THENCE ALONG SAID SOUTHERLY LINE NORTH 68°14'43" WEST 143.44 FEET TO A POINT IN THE WESTERLY LINE OF LOT 33 OF SAID TRACT; THENCE ALONG SAID WESTERLY LINE NORTH 00°08'14" WEST 5.39 FEET TO A POINT IN THE SOUTH LINE OF SAID KERN STREET; THENCE ALONG SAID SOUTHERLY LINE NORTH 68°14'43" WEST 158.82' FEET TO A POINT IN THE EASTERLY LINE OF LOT 31 OF SAID TRACT; THENCE SOUTH 00°07'15" EAST 5.39 FEET; THENCE NORTH 68°14'43" WEST 67.41 FEET; THENCE SOUTH 89°40'33" WEST 259.97 FEET TO A POINT ON THE EASTERLY LINE OF LOT 28 OF SAID TRACT; THENCE ALONG SAID EASTERLY LINE NORTH 00°04'27" WEST 5.00 FEET TO A POINT IN THE SOUTHERLY LINE OF SAID KERN STREET; THENCE ALONG SAID SOUTHERLY LINE SOUTH 89°40'33" WEST 478.66 FEET; THENCE SOUTH 00°19'27" EAST 8.00 FEET; THENCE SOUTH 89°40'33" WEST 3.05 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 20.00 FEET, THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89°44'40" AN ARC DISTANCE OF 31.33 FEET; THENCE NORTH 00°04'06" WEST 77.91 FEET TO A POINT IN THE NORTHERLY LINE OF SAID KERN STREET; THENCE ALONG SAID NORTHERLY LINE NORTH 89°40'33" EAST 772.04 FEET; THENCE SOUTH 68°14'43" EAST 365.03 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 59,538 S.F. MORE OR LESS

PARCEL 2:

THAT REAL PROPERTY IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, BEING A PORTION OF EASEMENT DESCRIBED IN PARCEL 1 OF INSTRUMENT NO. 94-315346 RECORDED JULY 22, 1994 TOGETHER WITH ALL OF EASEMENT DESCRIBED IN INSTRUMENT NO. 99-249119 RECORDED JUNE 10, 1999 BOTH IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY TERMINUS OF THAT CERTAIN CURVE IN THE EASTERLY LINE OF THE LAND DESCRIBED IN PARCEL 1 OF SAID INSTRUMENT NO. 94-315346 BEING IN A LINE THAT IS PARALLEL WITH AND DISTANT NORTHERLY 33.00 FEET, MEASURED AT RIGHT ANGLES, FROM THE CENTERLINE OF KERN STREET AS SHOWN ON RECORD OF SURVEY RECORDED IN BOOK 10, PAGE 89 OF RECORDS OF SURVEY; THENCE NORTH 89°40'33" EAST ALONG SAID PARALLEL LINE 190.86 FEET; THENCE SOUTH 00°04'17" EAST 8.00 FEET TO A POINT IN THE NORTHERLY LINE OF KERN STREET; THENCE SOUTH 89°40'33" WEST ALONG SAID NORTHERLY LINE 210.95 FEET; THENCE NORTH 00°04'06" WEST 28.09 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 20.00 FEET, A RADIAL LINE PASSING THROUGH SAID POINT BEARS NORTH 89°55'54" EAST; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°15'20" AN ARC DISTANCE OF 31.51 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,774 S.F. MORE OR LESS



**Plotnik &  
Associates**

18710 S. Wilmington Ave., Suite 203  
Rancho Dominguez, California 90220  
Tel: (310) 605-6657  
Fax: (310) 605-6658  
www.plotnik.com

• CIVIL ENGINEERING • LAND SURVEYING

VACATION V-262

EXHIBIT "A"

KERN STREET VACATION

BETWEEN GROVE AVE. & MILDRED AVE.

SCALE: NONE DATE: 10/01/14

BY: DH/PC JOB NO.: 455.00 PAGE: 1 OF 4



PARCEL 3:

THAT PORTION OF PEACH AVENUE, AS SHOWN ON TRACT NO. 2238 IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA RECORDED IN BOOK 32, PAGE 23 OF MAPS TOGETHER WITH ALL OF THAT CERTAIN LAND DEDICATED TO THE CITY OF ONTARIO AND DESCRIBED IN BOOK 4094, PAGE 440 RECORDED NOVEMBER 26, 1956 OF OFFICIAL RECORDS, BOTH IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 28 OF SAID TRACT; THENCE SOUTH 89°31'06" WEST 20.00 FEET TO A POINT IN THE CENTERLINE OF SAID PEACH AVENUE; THENCE ALONG SAID CENTERLINE SOUTH 00°03'45" EAST 16.70 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE SOUTHERLY AND HAVING A RADIUS OF 55.00 FEET, A RADIAL LINE PASSING THROUGH SAID POINT BEARS NORTH 23°30'57" EAST; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 21°29'39" AN ARC DISTANCE OF 20.63 FEET TO A POINT IN THE WESTERLY LINE OF SAID PEACH AVENUE; THENCE ALONG SAID WESTERLY LINE NORTH 00°03'45" WEST 57.74 FEET TO THE SOUTHEAST CORNER OF LOT 23 OF SAID TRACT; THENCE ALONG THE SOUTHERLY LINE OF SAID LOT 23 SOUTH 89°42'45" WEST 10.00 FEET; THENCE NORTH 00°03'45" WEST 99.92 FEET TO A POINT IN THE NORTHERLY LINE OF SAID LOT 23; THENCE ALONG SAID NORTHERLY LINE NORTH 89°42'01" EAST 10.00 FEET TO A POINT IN THE WESTERLY LINE OF SAID PEACH AVENUE, SAID POINT BEING ALSO THE NORTHEAST CORNER OF SAID LOT 23; THENCE ALONG SAID WESTERLY LINE NORTH 00°03'45" WEST 199.84 FEET TO THE NORTHEAST CORNER OF LOT 21 OF SAID TRACT; THENCE NORTH 89°40'33" EAST 40.00 FEET TO THE NORTHWEST CORNER OF LOT 28 OF SAID TRACT, SAID POINT BEING ALSO A POINT IN THE EASTERLY LINE OF SAID PEACH AVENUE; THENCE ALONG SAID EASTERLY LINE SOUTH 00°03'45" EAST 345.38 FEET TO THE POINT OF BEGINNING.

CONTAINING 15,090 S.F. MORE OR LESS

PARCEL 4:

THAT PORTION OF PEACH AVENUE, AS SHOWN ON TRACT NO. 2238 IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA RECORDED IN BOOK 32, PAGE 23 OF MAPS TOGETHER WITH THAT PORTION OF LOT 39 OF SAID TRACT DESCRIBED IN PARCEL A OF INSTRUMENT NO. 88-268849 RECORDED AUGUST 16, 1988, BOTH IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 28 OF SAID TRACT; THENCE NORTH 89°31'06" EAST 13.00 FEET TO A POINT ON THE EASTERLY LINE OF PEACH AVENUE; THENCE ALONG SAID EASTERLY LINE SOUTH 00°03'45" EAST 67.35 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 55.00 FEET, A RADIAL LINE PASSING THROUGH SAID POINT BEARS SOUTH 89°56'15" WEST; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 66°25'18" AN ARC DISTANCE OF 63.76 FEET TO A POINT IN THE CENTERLINE OF SAID PEACH AVENUE; THENCE ALONG SAID CENTERLINE NORTH 00°03'45" WEST 16.70 FEET; THENCE NORTH 89°31'06" EAST 20 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,019 S.F. MORE OR LESS

AS SHOWN ON EXHIBIT "B", ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

PREPARED BY ME OR UNDER MY SUPERVISION:

*Zvi Plotnik*

ZVI PLOTNIK  
RCE 29604

*10/01/14*  
DATE



VACATION V-262

EXHIBIT "A"

PEACH AVENUE VACATION

BETWEEN KERN ST. & APPROX. 345' S'LY

SCALE: NONE DATE: 10/01/14

BY: DH/PC JOB NO.: 455.00 PAGE: 2 OF 4



**Plotnik &  
Associates**

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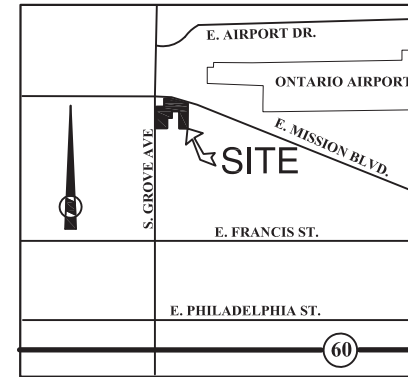


## CURVE DATA

NO.	RADIUS	DELTA	ARC
C1	10.00'	68°05'16"	11.88'
C2	20.00'	90°15'20"	31.51'
C3	20.00'	89°44'40"	31.33'

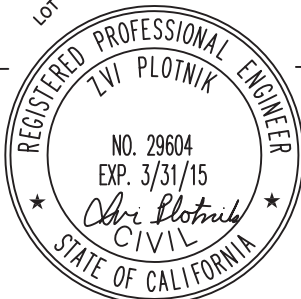
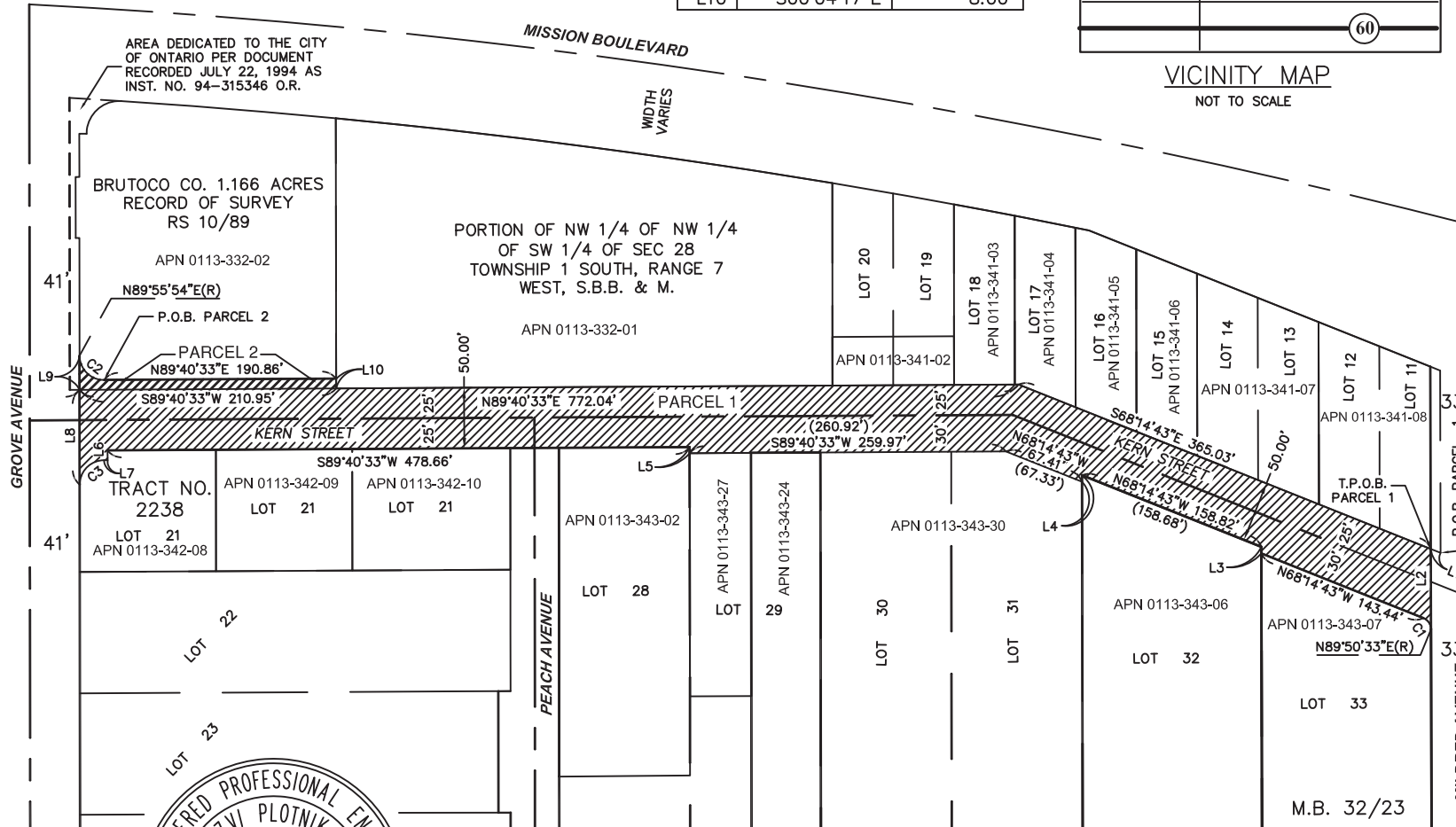
## LINE DATA

NO.	BEARING	DISTANCE
L1	N68°14'43"W	8.62'
L2	S00°09'27"E	66.04'
L3	N00°08'14"W	5.39'
L4	S00°07'15"E	5.39'
L5	N00°04'27"W	5.00'
L6	S00°19'27"E	8.00'
L7	S89°40'33"W	3.05'
L8	N00°04'06"W	77.91'
L9	N00°04'06"W	28.09'
L10	S00°04'17"E	8.00'

VICINITY MAP  
NOT TO SCALE

STREET TO BE VACATED

APPROXIMATE AREA = 61,312 S.F.

( ) INDICATES RECORD INFORMATION PER  
TRACT MAP NO. 2238, MB 32/23.

NOTE: NOT ALL RECORD DATA SHOWN HEREON FOR CLARITY

VACATION V-262

EXHIBIT "B"

KERN STREET VACATION

BETWEEN GROVE AVE. &amp; MILDRED AVE.

SCALE: 1"=140' DATE: 10/01/14

BY: DH/PC JOB NO.: 455.00 PAGE: 3 OF 4

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BRUTOCO CO. 1.166 ACRES  
RECORD OF SURVEY  
RS 10/89

PORTION OF NW 1/4 OF NW 1/4  
OF SW 1/4 OF SEC 28  
TOWNSHIP 1 SOUTH, RANGE 7  
WEST, S.B.B. & M.

LOT 20 LOT 19 LOT 18

KERN STREET

TRACT NO.  
2238



LOT 21  
LOT 22  
LOT 23  
LOT 24  
LOT 25

LOT 21  
APN 0113-342-10

LOT 22  
APN 0113-342-11

LOT 22  
APN 0113-342-12

LOT 23  
APN 0113-342-21

LOT 23  
APN 0113-342-22

LOT 24  
APN 0113-342-14

LOT 28  
APN 0113-343-02

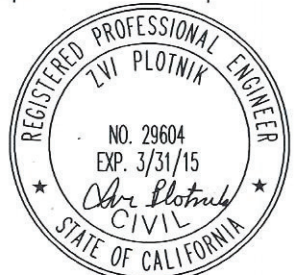
P.O.B.  
PARCEL 3 &  
PARCEL 4

LOT 28  
APN 0113-343-01

APN 0113-343-29

PARCEL 4

LOT 39



VICINITY MAP  
NOT TO SCALE

M.B. 32/23

E'LY. LINE OF  
STREET EASEMENT  
PER 88-268849, 8-16-1988.

LINE DATA

NO.	BEARING	DISTANCE
L1	S89°42'45"W	10.00'
L2	N89°42'01"E	10.00'
L3	N89°40'33"E	40.00'
L4	S89°31'06"W	20.00'
L5	S00°03'45"E	16.70'
L6	N89°31'06"E	13.00'
L7	S00°03'45"E	67.35'
L8	N00°03'45"W	57.74'

CURVE DATA

NO.	RADIUS	DELTA	ARC
C1	55.00'	21°29'39"	20.63'
C2	55.00'	66°25'18"	63.76'

STREET TO  
BE VACATED

APPROXIMATE AREA = 16,109 S.F.

( ) INDICATES RECORD  
INFORMATION PER  
TRACT MAP NO. 2238,  
MB 32/23.



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VACATION V-262

EXHIBIT "B"

PEACH AVENUE VACATION  
BETWEEN KERN ST. & APPROX. 345' S'LY

SCALE: 1"=100' DATE: 10/01/14

BY: DH/PC JOB NO.: 455.00 PAGE: 4 OF 4

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND PARCEL MAP NO. 19515, GENERALLY LOCATED AT THE SOUTHEAST CORNER OF MISSION BOULEVARD AND GROVE AVENUE.

WHEREAS, Tentative Parcel Map No.19515, submitted for approval by the developer, Mission Grove Partners, L.P., of Costa Mesa, California, was approved by the Planning Commission of the City of Ontario on August 26, 2014; and

WHEREAS, Tentative Parcel Map No. 19515, consisting of seven parcels, being a subdivision of Lots 11 through 29, inclusive, together with Lots 32 through 35, inclusive of Tract No. 2238, Braundale Acres, in the City of Ontario, County of San Bernardino, State of California, as per plat recorded in Book 32 of Maps, page 23, records of said county; and

WHEREAS, to meet the requirements established as prerequisite to final approval of Parcel Map No. 19515, said developer has offered an improvement agreement, together with good and sufficient security, in conformance with the City attorney's format, for approval and execution by the City; and

WHEREAS, the requirement for the preparation of Covenants, Conditions and Restrictions (CC&Rs), reviewed and approved by the City Attorney's office and the City Engineer, to ensure the right to mutual ingress and egress and continued maintenance of common facilities by the commonly affected property owners, has been deferred to coincide with the timing of the recordation of Parcel Map No. 19515.

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

1. That said improvement agreement be, and the same is, approved and the City Manager is authorized to execute same on behalf of said City, and the City Clerk is authorized to attest thereto; and
2. That said improvement security is accepted as good and sufficient, subject to approval as to form and content thereof by the City Attorney; and
3. That Parcel Map No. 19515 be approved and that the City Clerk be authorized to execute the statement thereon on behalf of said City.

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

PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of October 2014.

---

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. 2014-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 7, 2014 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. 2014-       duly passed and adopted by the Ontario City Council at their regular meeting held October 7, 2014.

\_\_\_\_\_  
MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

# ***CITY OF ONTARIO***

*Agenda Report*

**October 7, 2014**

**SECTION:  
PUBLIC HEARINGS**

**SUBJECT: A RESOLUTION REGARDING THE FORMATION OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 24 (PARK PLACE FACILITIES - PHASE 1); AND INTRODUCTION OF AN ORDINANCE LEVYING SPECIAL TAXES AND ADOPTION OF A RESOLUTION TO INCUR BONDED INDEBTEDNESS**

**RECOMMENDATION:** Item continued to the October 21, 2014 City Council meeting beginning at 6:30 p.m.

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

Prepared by: Bob Chandler  
Department: Management Services

Submitted to Council/O.H.A. 10/7/2014

Approved: \_\_\_\_\_

Continued to: \_\_\_\_\_

Denied: \_\_\_\_\_

City Manager  
Approval: 