

**CITY OF ONTARIO**  
**CITY COUNCIL/HOUSING AUTHORITY/SUCCESSOR**  
**AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY**  
**AGENDA**  
**NOVEMBER 3, 2015**

**Paul S. Leon**  
Mayor

**Debra Dorst-Porada**  
Mayor pro Tem

**Alan D. Wapner**  
Council Member

**Jim W. Bowman**  
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/Housing Authority/Successor Agency to the Ontario Redevelopment Agency 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***

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

**CLOSED SESSION PUBLIC COMMENT** The Closed Session Public Comment portion of the Council/Housing Authority/Successor Agency to the Ontario Redevelopment Agency 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 et al. v. Cohen, California Court of Appeal Third Appellate District, Case No. C077238.*
- 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: Dorst-Porada, Wapner, Bowman, Avila, Mayor/Chairman Leon

***PLEDGE OF ALLEGIANCE***

Council Member Avila

***INVOCATION***

Pastor Ezekiel Salazar, Montecito Baptist Church

**REPORT ON CLOSED SESSION**

City Attorney

**PUBLIC COMMENTS**

**6:30 p.m.**

The Public Comment portion of the Council/Housing Authority/Successor Agency to the Ontario Redevelopment Agency 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/Housing Authority/Successor Agency to the Ontario Redevelopment Agency of October 6, 2015, approving same as on file in the Records Management Department.

**2. BILLS/PAYROLL**

**Bills** September 6, 2015 through September 19, 2015 and **Payroll** September 6, 2015 through September 19, 2015, when audited by the Finance Committee.

**3. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL PARCEL MAP NO. 19360 LOCATED ON MILLIKEN AVENUE APPROXIMATELY 630 FEET SOUTH OF JURUPA STREET**

That the City Council adopt a resolution approving an improvement agreement, improvement security and Final Parcel Map No. 19360 for condominium purposes located on Milliken Avenue approximately 630 feet south of Jurupa Street.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL PARCEL MAP NO. 19360 FOR CONDOMINIUM PURPOSES LOCATED ON MILLIKEN AVENUE APPROXIMATELY 630 FEET SOUTH OF JURUPA STREET.

**4. A PURCHASE AGREEMENT FOR LIBRARY MATERIALS INCLUDING CATALOGING AND PROCESSING SERVICES/BAKER AND TAYLOR**

That the City Council approve and authorize the City Manager to execute a one year Purchase Agreement with Baker and Taylor of Charlotte, North Carolina, for the purchase of library materials including cataloging and processing services; and authorize the extension of the Agreement for up to four additional one year periods consistent with City Council approved budgets.

**5. AN ORDINANCE LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 28 (NEW HAVEN FACILITIES – AREA A)**

That the City Council consider and adopt an ordinance authorizing the levy of special taxes within City of Ontario Community Facilities District No. 28 (New Haven Facilities – Area A).

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 28 (NEW HAVEN FACILITIES - AREA A).

**6. AN ORDINANCE LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 29 (NEW HAVEN FACILITIES – AREA B)**

That the City Council consider and adopt an ordinance authorizing the levy of special taxes within City of Ontario Community Facilities District No. 29 (New Haven Facilities – Area B).

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 29 (NEW HAVEN FACILITIES - AREA B).

**7. ACCEPTANCE OF GRANT AWARD FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY AND THE CALIFORNIA OFFICE OF EMERGENCY SERVICES PROVIDED THROUGH THE FY 2015 URBAN AREA SECURITY INITIATIVE (UASI) GRANT PROGRAM**

That the City Council authorize the City Manager to execute all documents necessary to accept a three-year sub-grant award in the amount of \$440,000 from the U.S. Department of Homeland Security and the California Office of Emergency Services provided through the FY 2015 UASI Grant Program.

**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 THE SALE OF CITY-OWNED PROPERTY IN ACCORDANCE WITH GOVERNMENT CODE SECTION 37420 ET. SEQ., MAKING CERTAIN FINDINGS; AND ADOPTION OF A RESOLUTION APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND FULLMER/MG, LLC**

That the City Council conduct a public hearing to consider the sale of City-owned property; and adopt a resolution approving a Disposition and Development Agreement (on file with the Records Management Department) between the City of Ontario ("City") and Fullmer/MG, LLC ("Developer") of Tustin, California, and authorize the City Manager to execute the Agreement and all other documents required for implementation of the Agreement, including the filing of the Certificate of Completion upon completion of the project for the development of the northwest 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, APPROVING THE SALE OF PROPERTY PURSUANT TO A DISPOSITION AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF ONTARIO AND FULLMER/MG, LLC, FOR PROPERTY GENERALLY LOCATED AT 1173-1176 EAST CALIFORNIA STREET (APN: 1049-382-05 AND 1049-172-01).

## **STAFF MATTERS**

City Manager Boling

## **COUNCIL MATTERS**

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

## **ADJOURNMENT**

**CITY OF ONTARIO  
CLOSED SESSION REPORT**

City Council // Housing Authority // Successor Agency to the Ontario Redevelopment Agency /  
Other // (GC 54957.1)  
**November 3, 2015**

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

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

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

- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: City of Ontario et al. v. Cohen, California Court of Appeal Third Appellate District, Case No. C077238.

No Reportable Action	Continue	Approved
/ /	/ /	/ /

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

In attendance: Dorst-Porada \_\_, Wapner \_\_, Bowman \_\_, 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*  
November 3, 2015

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

**SUBJECT: A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL PARCEL MAP NO. 19360 LOCATED ON MILLIKEN AVENUE APPROXIMATELY 630 FEET SOUTH OF JURUPA STREET**

**RECOMMENDATION:** That the City Council adopt a resolution approving an improvement agreement, improvement security and Final Parcel Map No. 19360 for condominium purposes located on Milliken Avenue approximately 630 feet south of Jurupa Street.

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

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

**BACKGROUND:** Final Parcel Map No. 19360 for condominium purposes, consisting of three industrial lots on 9.99 acres, as shown on the attached Exhibit, has been submitted by the developer, RREF II OADC, LLC, Delaware (Mr. Anthony Seijas, Vice President).

Improvements will include sidewalk, parkway landscaping, street lights LED upgrade and wheelchair ramps. Improvements in parkway landscaping will be consistent with current City approved drought measures. The developer has entered into an improvement agreement with the City for Final Parcel Map No. 19360 and has posted adequate security to ensure construction of the required improvements.

Tentative Parcel Map No. 19360 was approved by the Planning Commission on September 25, 2012.

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

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

Prepared by: Miguel Sotomayor  
Department: Engineering

City Manager  
Approval:



Submitted to Council/O.H.A. 11/03/2015

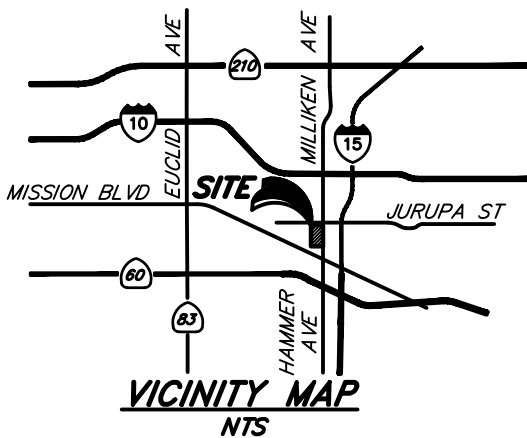
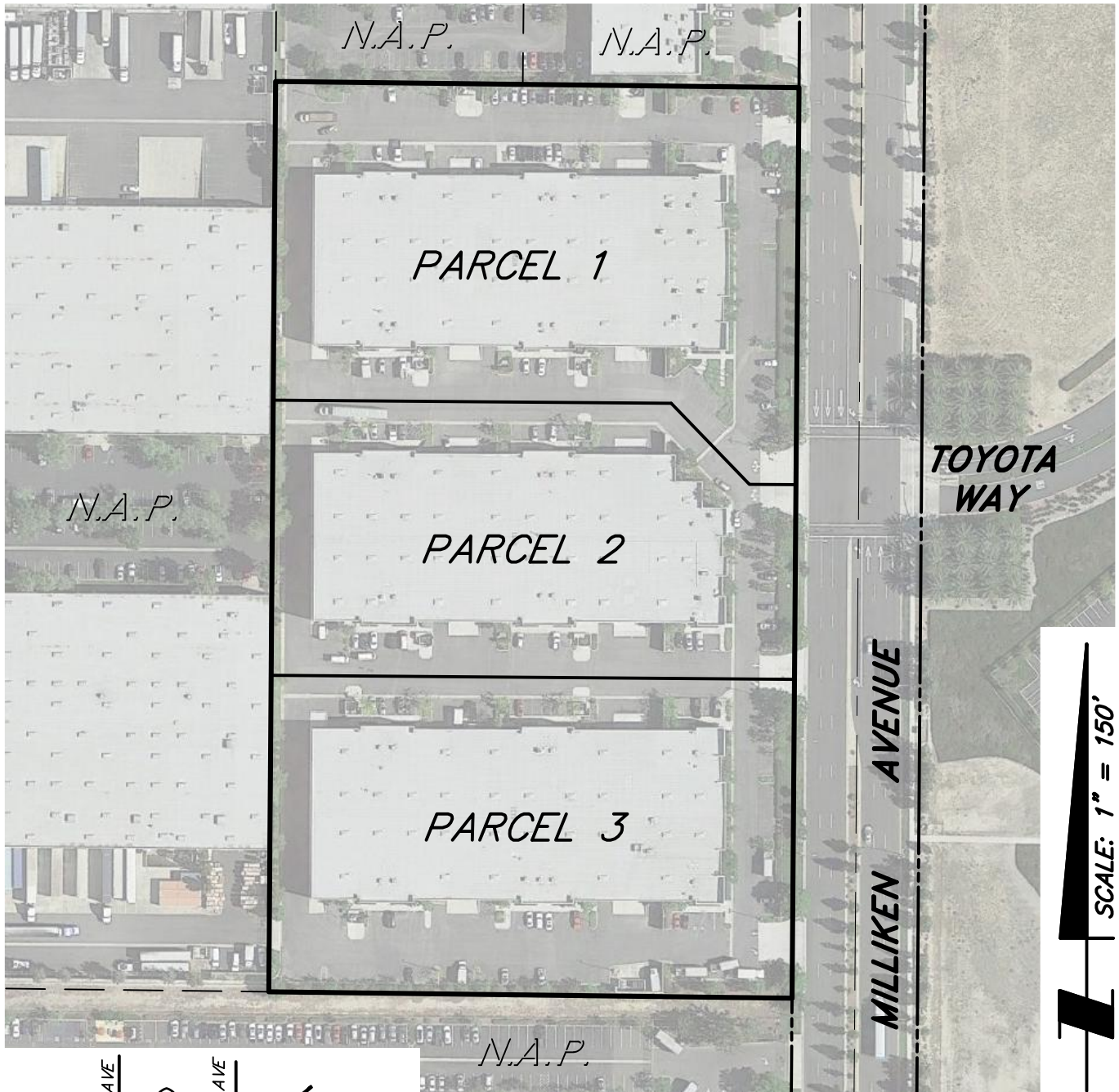
Approved: \_\_\_\_\_

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

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



# EXHIBIT



## LEGEND

- BOUNDARY LINE
- LOT LINE
- - - - - STREET CENTERLINE

CITY OF ONTARIO  
ENGINEERING DEPARTMENT

FILE NO. PM 19360

APPLICANT: GUTHRIE DEVELOPMENT  
COMPANY

PROJECT: AIRPORT DISTRIBUTION  
CENTER

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL PARCEL MAP NO. 19360 FOR CONDOMINIUM PURPOSES LOCATED ON MILLIKEN AVENUE APPROXIMATELY 630 FEET SOUTH OF JURUPA STREET.

WHEREAS, Tentative Parcel Map No. 19360 submitted for approval by the developer, RREF II OADC, LLC, Delaware (Mr. Anthony Seijas, Vice President) was approved by the Planning Commission of the City of Ontario on September 25, 2012; and

WHEREAS, Tentative Parcel Map No. 19360 consisting of three industrial lots, being a subdivision of Parcel 2, Parcel Map No. 10903, as per map recorded in Book 131 of Parcel Maps, pages 98 through 100, inclusive, Records of San Bernardino County, California; and

WHEREAS, to meet the requirements established as prerequisite to final approval of Final Parcel Map No. 19360, said developer has offered an improvement agreement, together with good and sufficient security, in conformance with the City Attorney's approved format, for approval and execution by the City; and

WHEREAS, said developer has prepared Covenants, Conditions and Restrictions (CC&R's), approved by the City Attorney's Office, to ensure the right to mutual ingress and egress and continued maintenance of common facilities by commonly affected property owners.

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 Final Parcel Map No. 19360 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 3<sup>rd</sup> day of November 2015.

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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. 2015-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held November 3, 2015 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. 2015-       duly passed and adopted by the Ontario City Council at their regular meeting held November 3, 2015.

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

(SEAL)

# CITY OF ONTARIO

*Agenda Report*  
November 3, 2015

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

**SUBJECT: A PURCHASE AGREEMENT FOR LIBRARY MATERIALS INCLUDING CATALOGING AND PROCESSING SERVICES**

**RECOMMENDATION:** That the City Council approve and authorize the City Manager to execute a one year Purchase Agreement with Baker and Taylor of Charlotte, North Carolina, for the purchase of library materials including cataloging and processing services; and authorize the extension of the Agreement for up to four additional one year periods consistent with City Council approved budgets.

**COUNCIL GOALS:** Regain Local Control of the Ontario International Airport  
Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities

**FISCAL IMPACT:** The Fiscal Year 2015-16 Adopted Budget includes \$296,000 for library materials such as books, magazines and videos, and \$50,000 for cataloging and processing services. Expenditures in any year of the proposed agreement will be based on the actual purchases and services rendered at the fixed discounted and contract services rates. Funding for all future years of the agreement will be consistent with the respective years adopted budgets.

**BACKGROUND:** The Library purchases of approximately 11,400 books, videos, and audio recordings for community use each year. Staff recommends the continued consolidation of library material purchases through a primary vendor and augmented by a limited number of secondary vendors.


Large library material vendors order and warehouse materials from multiple publishers and are able to negotiate reduced costs because of their volume purchases. Those vendors then provide books at scheduled discounts below most publishers' retail prices. In addition, cataloging and processing services will be provided by Baker and Taylor, which include but are not limited to cataloging to international standards, applying labels and finding aids, adding the library's property stamp, and providing a mylar cover to protect our books and other materials.

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

Prepared by: Helen McAlary

Department: Library

City Manager

Approval: 

Submitted to Council/O.H.A. 11/03/2015

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

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

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

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In August 2015, the City solicited proposals for the provision of library materials with cataloging and processing services. Three proposals were received that met bid criteria and standards necessary to perform this work. For reference purposes, the proposed processing costs are listed below and show a 33% differential between the high and low bidders.

<u>Vendor</u>	<u>Location</u>	<u>Processing Cost Per Book</u>
<b>Baker &amp; Taylor</b>	<b>Charlotte, NC</b>	<b>\$3.95</b>
Midwest Tape	Holland, OH	\$4.65
Ingram Library Services, Inc.	LaVergne, TN	\$5.25

Baker and Taylor, located in Charlotte, North Carolina submitted a proposal that met all the required specifications with a base processing cost per book of \$3.95. Based on the proposal, credentials, pricing and favorable references, staff recommends award of a Purchasing Agreement to Baker and Taylor.

# CITY OF ONTARIO

*Agenda Report*  
November 3, 2015

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

**SUBJECT: AN ORDINANCE LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 28 (NEW HAVEN FACILITIES – AREA A)**

**RECOMMENDATION:** That the City Council consider and adopt an ordinance authorizing the levy of special taxes within City of Ontario Community Facilities District No. 28 (New Haven Facilities – Area A).

**COUNCIL GOALS:** Regain Local Control of the Ontario International Airport  
Focus Resources in Ontario's Commercial and Residential Neighborhoods  
Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony

**FISCAL IMPACT:** The use of Mello-Roos financing for facilities in the residential development of the New Haven Facilities – Area A project is estimated to generate approximately \$8 million, which will be used to help fund a portion of the public improvements that will serve the project. Since Mello-Roos bonds are not a direct obligation of the City, and are paid from special taxes levied on each taxable parcel in the district, there is no general fund impact from the issuance of Mello-Roos bonds.

**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 government services. On September 15, 2015, the City Council, in accordance with the Act, took the initial steps in the formation of Community Facilities District No. 28 with the adoption of Resolution No. 2015-098, declaring the City's intention to establish the district and to authorize the levying of special taxes to pay for public infrastructure facilities in the district. The Resolution of Intention set the public hearing on the establishment of the District for the regularly scheduled City Council meeting of October 20, 2015 to consider formation matters. On October 20, 2015, the City Council conducted the public hearing, adopted the resolution of formation for the District, and

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

Prepared by: Bob L. Chandler  
Department: Management Services

City Manager  
Approval: 

Submitted to Council/O.H.A. 11/03/2015

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

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

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

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introduced and waived further reading of the ordinance authorizing the levy of special taxes within City of Ontario Community Facilities District No. 28 (New Haven Facilities – Area A). Adoption of the ordinance will conclude the formation process for the District.

The New Haven Facilities – Area A project addresses the residential development of approximately 53 acres located generally east of Turner Avenue, west of Haven Avenue, south of Schaefer Avenue and north of Ontario Ranch Road. At build out, the development is projected to include 240 detached units and 92 attached units.

Included, as part of the resolution of intention and formation, is the proposed Rate and Method of Apportionment of Special Tax for City of Ontario Community Facilities District No. 28 (New Haven Facilities – Area A). 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 in all aspects, except that the percentage of assessed value of the total annual tax obligation plus the Homeowners Association (HOA) fee exceeds the adopted policy threshold by an aggregate .19% for detached units, and by .45% for attached units. However, as was previously authorized for another developer in the Ontario Ranch, and as is consistent with the "enhanced level of amenities" provisions of the Memorandum of Agreement executed between the City and NMC Builders on July 21, 2015, it is recommended that the policy threshold limitations be waived in this instance in recognition of the enhanced level of amenities and services to be provided by the project's HOA(s), which are of the type contemplated by the Memorandum of Agreement. Staff has discussed the proposed Rate and Method of Apportionment of Special Tax with the landowner, and the District is being formed pursuant to the provisions of the Brookcal Development Agreement, and the First Amended and Restated Construction Agreement between the City and NMC Builders.



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING  
SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY  
FACILITIES DISTRICT NO. 28 (NEW HAVEN FACILITIES - AREA A).

WHEREAS, on September 15, 2015, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Intention to Establish a Community Facilities District, Proposed to be Named City of Ontario Community Facilities District No. 28 (New Haven Facilities - Area A), and to Authorize the Levy of Special Taxes" stating its intention to establish City of Ontario Community Facilities District No. 28 (New Haven Facilities - Area A) (the "Community Facilities District") and to finance certain public facilities (the "Facilities") and services (the "Services"); and

WHEREAS, on October 20, 2015, the City Council held said hearing on the establishment of the Community Facilities District, as required by the Act; and

WHEREAS, subsequent to the close of said hearing, the City Council adopted resolutions entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 28 (New Haven Facilities - Area A), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" (the "Resolution of Formation"), "A Resolution of the City Council of the City of Ontario, California, Deeming it Necessary to Incur Bonded Indebtedness within City of Ontario Community Facilities District No. 28 (New Haven Facilities - Area A)" and "A Resolution of the City Council of the City of Ontario, California, Calling Special Election for City of Ontario Community Facilities District No. 28 (New Haven Facilities - Area A)", which resolutions established the Community Facilities District, authorized the levy of a special tax within the Community Facilities District and called an election within the Community Facilities District on the proposition of incurring indebtedness, levying a special tax within the Community Facilities District and establishing an appropriations limit for the Community Facilities District, respectively; and

WHEREAS, on October 20, 2015, an election was held in which the qualified electors of the Community Facilities District approved said proposition by more than the two-thirds vote required by the Act.

THE CITY COUNCIL OF THE CITY OF ONTARIO DOES ORDAIN AS  
FOLLOWS:

SECTION 1. The City Council hereby authorizes and levies special taxes within the Community Facilities District pursuant to Sections 53328 and 53340 of the Act, at the rate and in accordance with the method of apportionment set forth in Exhibit B to the Resolution of Formation (the "Rate and Method of Apportionment"). The

special taxes are hereby levied commencing in fiscal year 2015-16 and in each fiscal year thereafter until the last fiscal year in which such special taxes are authorized to be levied pursuant to the Rate and Method of Apportionment.

SECTION 2. The City Council may, in accordance with subdivision (b) of Section 53340 of the Act, provide, by resolution, for the levy of the special tax in future tax years at the same rate or at a lower rate than the rate provided by this Ordinance. In no event shall the special tax be levied on any parcel within the Community Facilities District in excess of the maximum tax specified therefor in the Rate and Method of Apportionment.

SECTION 3. The special tax shall be levied on all of the parcels in the Community Facilities District, unless exempted by law or by the Rate and Method of Apportionment.

SECTION 4. The proceeds of the special tax shall only be used to pay, in whole or in part, the cost of providing the Facilities and Services and incidental expenses pursuant to the Act.

SECTION 5. The special tax shall be collected in the same manner as ordinary *ad valorem* property taxes are collected and shall be subject to the same penalties and the same procedure, sale and lien priority in the case of delinquency as is provided for *ad valorem* taxes, unless another procedure is adopted by the City Council.

SECTION 6. If for any reason any portion of this Ordinance is found to be invalid, or if the special tax is found inapplicable to any particular parcel within the Community Facilities District, by a court of competent jurisdiction, the balance of this Ordinance and the application of the special tax to the remaining parcels within the Community Facilities District shall not be affected.

SECTION 7. This Ordinance shall take effect and shall be in force 30 days after the date of its adoption and prior to the expiration of 15 days from the passage thereof shall be published at least once in the *Inland Valley Daily Bulletin*, a newspaper of general circulation, printed and published in the City of Ontario, State of California, together with the names of the City Council members voting for and against the same. 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.

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

PASSED, APPROVED, AND ADOPTED this 3<sup>rd</sup> day of November 2015.

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PAUL S. LEON, MAYOR

ATTEST:

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MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO 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 Ordinance No. 3031 was duly introduced at a regular meeting of the City Council of the City of Ontario held October 20, 2015 and adopted at the regular meeting held November 3, 2015 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. 3031 duly passed and adopted by the Ontario City Council at their regular meeting held November 3, 2015 and that Summaries of the Ordinance were published on October 27, 2015 and November 10, 2015, in the Inland Valley Daily Bulletin newspaper.

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

(SEAL)

# CITY OF ONTARIO

*Agenda Report*  
November 3, 2015

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

**SUBJECT: AN ORDINANCE LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 29 (NEW HAVEN FACILITIES – AREA B)**

**RECOMMENDATION:** That the City Council consider and adopt an ordinance authorizing the levy of special taxes within City of Ontario Community Facilities District No. 29 (New Haven Facilities – Area B).

**COUNCIL GOALS:** Regain Local Control of the Ontario International Airport  
Focus Resources in Ontario's Commercial and Residential Neighborhoods  
Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony

**FISCAL IMPACT:** The use of Mello-Roos financing for facilities in the residential development of the New Haven Facilities – Area B project is estimated to generate approximately \$7 million, which will be used to help fund a portion of the public improvements that will serve the project. Since Mello-Roos bonds are not a direct obligation of the City, and are paid from special taxes levied on each taxable parcel in the district, there is no general fund impact from the issuance of Mello-Roos bonds.

**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 government services. On September 15, 2015, the City Council, in accordance with the Act, took the initial steps in the formation of Community Facilities District No. 29 with the adoption of Resolution No. 2015-100, declaring the City's intention to establish the district and to authorize the levying of special taxes to pay for public infrastructure facilities in the district. The Resolution of Intention set the public hearing on the establishment of the District for the regularly scheduled City Council meeting of October 20, 2015 to consider formation matters. On October 20, 2015, the City Council conducted the public hearing, adopted the resolution of formation for the District, and

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

Prepared by: Bob L. Chandler  
Department: Management Services

City Manager  
Approval: 

Submitted to Council/O.H.A. 11/03/2015

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

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

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

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introduced and waived further reading of the ordinance authorizing the levy of special taxes within City of Ontario Community Facilities District No. 29 (New Haven Facilities – Area B). Adoption of the ordinance will conclude the formation process for the District.

The New Haven Facilities – Area B project addresses the residential development of approximately 37 acres located generally east of Turner Avenue, west of Haven Avenue, south of Schaefer Avenue and north of Ontario Ranch Road. At build out, the development is projected to include 246 detached units and 42 attached units.

Included, as part of the resolutions of intention and formation, is the proposed Rate and Method of Apportionment of Special Tax for City of Ontario Community Facilities District No. 29 (New Haven Facilities – Area B). 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 in all aspects, except that the percentage of assessed value of the total annual tax obligation plus the Homeowners Association (HOA) fee exceeds the adopted policy threshold by an aggregate .19% for detached units, and by .45% for attached units. However, as was previously authorized for another developer in the Ontario Ranch, and as is consistent with the "enhanced level of amenities" provisions of the Memorandum of Agreement executed between the City and NMC Builders on July 21, 2015, it is recommended that the policy threshold limitations be waived in this instance in recognition of the enhanced level of amenities and services to be provided by the project's HOA(s), which are of the type contemplated by the Memorandum of Agreement. Staff has discussed the proposed Rate and Method of Apportionment of Special Tax with the landowner, and the District is being formed pursuant to the provisions of the Brookcal Development Agreement and the First Amended and Restated Construction Agreement between the City and NMC Builders.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING  
SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY  
FACILITIES DISTRICT NO. 29 (NEW HAVEN FACILITIES - AREA B).

WHEREAS, on September 15, 2015, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Intention to Establish a Community Facilities District, Proposed to be Named City of Ontario Community Facilities District No. 29 (New Haven Facilities - Area B), and to Authorize the Levy of Special Taxes" stating its intention to establish City of Ontario Community Facilities District No. 29 (New Haven Facilities - Area B) (the "Community Facilities District") and to finance certain public facilities (the "Facilities") and services (the "Services"); and

WHEREAS, on October 20, 2015, the City Council held said hearing on the establishment of the Community Facilities District, as required by the Act; and

WHEREAS, subsequent to the close of said hearing, the City Council adopted resolutions entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 29 (New Haven Facilities - Area B), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" (the "Resolution of Formation"), "A Resolution of the City Council of the City of Ontario, California, Deeming it Necessary to Incur Bonded Indebtedness within City of Ontario Community Facilities District No. 29 (New Haven Facilities - Area B)" and "A Resolution of the City Council of the City of Ontario, California, Calling Special Election for City of Ontario Community Facilities District No. 29 (New Haven Facilities - Area B)", which resolutions established the Community Facilities District, authorized the levy of a special tax within the Community Facilities District and called an election within the Community Facilities District on the proposition of incurring indebtedness, levying a special tax within the Community Facilities District and establishing an appropriations limit for the Community Facilities District, respectively; and

WHEREAS, on October 20, 2015, an election was held in which the qualified electors of the Community Facilities District approved said proposition by more than the two-thirds vote required by the Act.

THE CITY COUNCIL OF THE CITY OF ONTARIO DOES ORDAIN AS  
FOLLOWS:

SECTION 1. The City Council hereby authorizes and levies special taxes within the Community Facilities District pursuant to Sections 53328 and 53340 of the Act, at the rate and in accordance with the method of apportionment set forth in Exhibit B to the Resolution of Formation (the "Rate and Method of Apportionment"). The special

taxes are hereby levied commencing in fiscal year 2015-16 and in each fiscal year thereafter until the last fiscal year in which such special taxes are authorized to be levied pursuant to the Rate and Method of Apportionment.

SECTION 2. The City Council may, in accordance with subdivision (b) of Section 53340 of the Act, provide, by resolution, for the levy of the special tax in future tax years at the same rate or at a lower rate than the rate provided by this Ordinance. In no event shall the special tax be levied on any parcel within the Community Facilities District in excess of the maximum tax specified therefor in the Rate and Method of Apportionment.

SECTION 3. The special tax shall be levied on all of the parcels in the Community Facilities District, unless exempted by law or by the Rate and Method of Apportionment.

SECTION 4. The proceeds of the special tax shall only be used to pay, in whole or in part, the cost of providing the Facilities and Services and incidental expenses pursuant to the Act.

SECTION 5. The special tax shall be collected in the same manner as ordinary *ad valorem* property taxes are collected and shall be subject to the same penalties and the same procedure, sale and lien priority in the case of delinquency as is provided for *ad valorem* taxes, unless another procedure is adopted by the City Council.

SECTION 6. If for any reason any portion of this Ordinance is found to be invalid, or if the special tax is found inapplicable to any particular parcel within the Community Facilities District, by a court of competent jurisdiction, the balance of this Ordinance and the application of the special tax to the remaining parcels within the Community Facilities District shall not be affected.

SECTION 7. This Ordinance shall take effect and shall be in force 30 days after the date of its adoption and prior to the expiration of 15 days from the passage thereof shall be published at least once in the *Inland Valley Daily Bulletin*, a newspaper of general circulation, printed and published in the City of Ontario, State of California, together with the names of the City Council members voting for and against the same. 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.

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

PASSED, APPROVED, AND ADOPTED this 3<sup>rd</sup> day of November 2015.

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PAUL S. LEON, MAYOR



ATTEST:

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MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO 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 Ordinance No. 3032 was duly introduced at a regular meeting of the City Council of the City of Ontario held October 20, 2015 and adopted at the regular meeting held November 3, 2015 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. 3032 duly passed and adopted by the Ontario City Council at their regular meeting held November 3, 2015 and that Summaries of the Ordinance were published on October 27, 2015 and November 10, 2015, in the Inland Valley Daily Bulletin newspaper.

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

(SEAL)

# CITY OF ONTARIO

*Agenda Report*  
November 3, 2015

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

**SUBJECT: ACCEPTANCE OF GRANT AWARD FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY AND THE CALIFORNIA OFFICE OF EMERGENCY SERVICES PROVIDED THROUGH THE FY 2015 URBAN AREA SECURITY INITIATIVE (UASI) GRANT PROGRAM**

**RECOMMENDATION:** That the City Council authorize the City Manager to execute all documents necessary to accept a three-year sub-grant award in the amount of \$440,000 from the U.S. Department of Homeland Security and the California Office of Emergency Services provided through the FY 2015 UASI Grant Program.

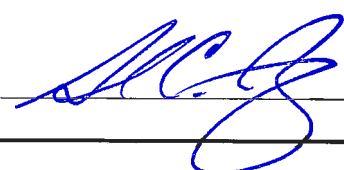
**COUNCIL GOALS:** Regain Local Control of the Ontario International Airport  
Maintain the Current High Level of Public Safety  
Pursue City's Goals and Objectives by Working with Other Governmental Agencies

**FISCAL IMPACT:** The City, through the Riverside Urban Area Security Initiative (RUASI) grant, has been awarded \$440,000 in support of the Regional Aviation Downlink project to enhance the City of Ontario's regional emergency response capabilities through the procurement of mapping software and installation. The associated grant revenue and expenditure adjustments will be presented in the next Quarterly Budget Report to the City Council. The City is not required to provide matching funds for this reimbursable grant.

**BACKGROUND:** The UASI program provides financial assistance to address multi-discipline planning, operations, equipment, training, and exercise needs unique to high-threat, high density urban areas, and to assist them in building and sustaining capabilities to prevent, protect against, respond to, and recover from threats or acts of terrorism and weapons of mass destruction. The intent of the UASI program is to enhance regional preparedness and expand collaboration efforts.

The RUASI includes the cities of Riverside, San Bernardino and Ontario, and the counties of Riverside and San Bernardino. Projects are recommended for consideration by the RUASI Steering Group and local Approval Authority which are comprised of staff from the three cities and two counties.

**STAFF MEMBER PRESENTING:** Brad Kaylor, Chief of Police

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

Submitted to Council/O.H.A. 11/03/2015  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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Recommendations are made based upon the ability to match project benefits to the UASI program guidelines, which include a focus on regional coordination and collaboration. The Riverside Regional UASI's recommended projects are then subject to review and approval at the State and Federal levels.

The City of Ontario, as a sub-recipient of the FY 2015 RUASI Grant, has been approved to receive \$440,000 to provide continued investment in the Regional Aviation Downlink program. Equipment enhancement is based upon the following recommended spending plan:

• (4) Mapping System and Installation	<u>\$ 440,000</u>
<b>TOTAL</b>	<b>\$ 440,000</b>

The Regional Aviation Video Downlink is an extension of the FY 2009 RUASI Regional Aviation Downlink System to provide real-time aerial imagery from law enforcement aviation assets. The investments made under the FY 2015 project will continue to expand accessibility to the downlink system for first responders throughout the Riverside Urban Area, enhancing inter-agency coordination efforts during critical incidents.

The City is not obligated to continue with these grant programs beyond the equipment's operational life. Upon termination of the programs, staff will work with the City of Riverside Office of Emergency Services (the designated Riverside Regional UASI Administrative Entity) and the Department of Homeland Security to properly demobilize and surplus the equipment.

# CITY OF ONTARIO

*Agenda Report*  
November 3, 2015

SECTION:  
PUBLIC HEARINGS

**SUBJECT: A PUBLIC HEARING TO CONSIDER THE SALE OF CITY-OWNED PROPERTY IN ACCORDANCE WITH GOVERNMENT CODE SECTION 37420 ET. SEQ., MAKING CERTAIN FINDINGS; AND ADOPTION OF A RESOLUTION APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND FULLMER/MG, LLC**

**RECOMMENDATION:** That the City Council conduct a public hearing to consider the sale of City-owned property; and adopt a resolution approving a Disposition and Development Agreement (on file with the Records Management Department) between the City of Ontario ("City") and Fullmer/MG, LLC ("Developer") of Tustin, California, and authorize the City Manager to execute the Agreement and all other documents required for implementation of the Agreement, including the filing of the Certificate of Completion upon completion of the project for the development of the northwest corner of Mission Boulevard and Grove Avenue.

**COUNCIL GOALS:** Regain Local Control of the Ontario International Airport  
Focus Resources in Ontario's Commercial and Residential Neighborhoods

**FISCAL IMPACT:** The City will convey approximately 2 acres of real property located at 1173-1176 East California Street for a purchase price of approximately \$489,615, subject to the terms and conditions precedent to the close of escrow as contained in the Agreement.

**BACKGROUND:** In the late 1990's the property located on the northwest corner of Mission Boulevard and Grove Avenue was acquired by the City of Ontario in connection with the implementation of the Grove Avenue Grade Separation Project. The property is located along the East Mission Boulevard Corridor, and is designated for general industrial development. City staff has worked with Fullmer/MG, LLC, over the last several years to develop a site plan that offers land development flexibility, due to numerous site restrictions, while supporting the surrounding land use patterns. The project will bring a contemporary business park development on a highly visible corner that is sure to be successful considering the high demand for industrial and business park building space in the real estate market place.

**STAFF MEMBER PRESENTING:** John Andrews, Economic Development Director

Prepared by: Charity Hernandez  
Department: Economic Development

City Manager  
Approval: 

Submitted to Council/O.H.A. 11/03/2015

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

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

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

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The Developer is proposing to construct a 51,550 square foot industrial building. The Developer will also be required to build all associated on-site improvements, including but not limited to all hardscape and landscaping. The developer will also be responsible for the vacation of a portion California Street, potential relocation of numerous on-site utilities, and develop within the restrictions governed by the Airport Land Use Compatibility Plan which limits the floor area ratio on the site.

The proposed project will provide for the development of a long-time remnant public site to a higher and better use, generate property tax revenue, produce new jobs (both permanent and temporary), and stimulate additional development within the area.

On October 20, 2015, the City Council adopted Resolution 2015-106 declaring the City's intent to dispose of and convey the property pursuant to the terms of the DDA to be considered at a public hearing, for final action on the disposition of the property, the hearing of any protests to the disposition, and provide for publication of the notice of the said hearing in a newspaper of general circulation no less than ten days prior to the public hearing date.

The project is categorically exempt from the requirement of the California Environmental Quality Act ("CEQA") pursuant to Section 15332 (Class 23 – In-Fill Development) of the CEQA Guidelines.



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE SALE OF PROPERTY PURSUANT TO A DISPOSITION AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF ONTARIO AND FULLMER/MG, LLC, FOR PROPERTY GENERALLY LOCATED AT 1173-1176 EAST CALIFORNIA STREET (APN: 1049-382-05 AND 1049-172-01).

WHEREAS, the City of Ontario ("City") is the owner of certain real property generally located at 1173-1176 East California Street (APN's 1049-382-05 and 1049 172-01) in the City of Ontario, County of San Bernardino, State of California ("Property"); and

WHEREAS, the Property consists of approximately 123,780 square feet of industrially zoned land, including, all minerals, oil and gas located on or beneath such land, and all other rights, privileges, entitlements, governmental permits, approvals and licenses, and other intangible property relating to or running with such land (the "Development Property"), specifically described in Exhibit "A" to the Disposition and Development Agreement ("Agreement"); and

WHEREAS, the City wishes to sell the Development Property to Fullmer/MG, LLC, a California limited liability company ("Developer"), and Developer wishes to purchase the Development Property; and

WHEREAS, Developer desires to develop the Development Property as an approximately 51,550 square foot industrial building more particularly described in the Agreement ("Project"); and

WHEREAS, the construction of the Project will allow the Property to be utilized in a manner that benefits and serves the needs of the community; and

WHEREAS, for the purpose of transferring the Property to Developer and setting forth the terms and conditions by which Developer will construction the Project on the Development Property, Developer and City have negotiated the Agreement (Fullmer/MG, LLC); and

WHEREAS, the City previously adopted Resolution No. 2015-106, pursuant to California Government Code Sections 37420 through 37430, which authorizes alternative methods for the City to sell the Property, in which the City Council, among other things, set forth its findings and intention to sell the Property and set November 3, 2015 at 6:30 pm, or as soon thereafter as the matter can be hear, as the date and time for holding a public hearing to hear protests to the sale; and

WHEREAS, having complied with the procedures set forth in California Government Code sections 37420 et. seq. by noticing and holding the public hearing to hear any protests, the City now desires to proceed with the sale of the Property to Developer.

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

SECTION 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

SECTION 2. CEQA Compliance. The City has determined that the project is an In-Fill Development and categorically exempt under Class 32, Section 15332 of the California Environmental Quality Act. The City Council of the City hereby directs City staff to file a Notice of Exemption with the San Bernardino County Clerk's Office within five (5) working days of the adoption of this Resolution.

SECTION 3. Protests to the Sale. Having heard any and all protests received in writing or orally at the public hearing, the City Council overrules any protests received and finds that public convenience and necessity require the sale of the Property pursuant to the Agreement. The sale of the Property is in the best interest of the City and the community as the development of the Property will provide for the redevelopment of a public site to a higher and better use, will generate economic growth through new jobs, both permanent and temporary, and stimulate additional development and job growth in the area.

SECTION 4. Approval of the Agreement. The City Council approves the disposition of the Property, including the Development Property, pursuant to the Agreement and directs and authorizes the City Manager to execute all documents and take all actions necessary to effectuate the intent of this Resolution.

SECTION 5. Severability. If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council declares that the Council would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.

SECTION 6. Certification. The City Clerk of the City of Ontario shall certify to the adoption of this Resolution.

SECTION 7. Effective Date. This Resolution shall take effect immediately

PASSED, APPROVED, AND ADOPTED this 3<sup>rd</sup> day of November 2015.

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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. 2015-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held November 3, 2015 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. 2015-        duly passed and adopted by the Ontario City Council at their regular meeting held November 3, 2015.

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

(SEAL)