

CITY OF ONTARIO
CITY COUNCIL AND HOUSING AUTHORITY
AGENDA
DECEMBER 18, 2012

Paul S. Leon
Mayor

Jim W. Bowman
Mayor pro Tem

Alan D. Wapner
Council Member

Debra Dorst-Porada
Council Member

Paul Vincent Avila
Council Member



Chris Hughes
City Manager

John E. Brown
City Attorney

Mary E. Wirtes, MMC
City Clerk

James R. Milhiser
Treasurer

WELCOME to a meeting of the Ontario City Council.

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

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

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

CALL TO ORDER (*OPEN SESSION*)

6:00 p.m.

ROLL CALL

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

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

CLOSED SESSION

- GC 54956.9 (a), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *Inland Oversight Committee vs. City of Ontario, Case No. EDCV 12-00178-PA(OPx).*
- GC 54956.9 (a), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *Inland Oversight Committee vs. City of Ontario, Case No. CIVRS 1208559.*
- GC 54956.9 (a), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *Inland Oversight Committee, et al vs. City of Ontario; Palm Springs Oil Co. as Real Party in Interest, Case No. CIVRS 120789.*
- GC 54956.9 (a), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *Ontario Mountain Village Association v. City of Ontario, Case No. CIVRS 1110506.*
- GC 54956.9 (a), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *Philip J. Meza vs. City of Ontario; Wal-Mart Stores, Inc., and Wal-Mart Real Estate Business Trust as Real Parties in Interest, Case No. CIVRS 1108028.*

- GC 54956.9 (a), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *Ontario Mountain Village Association, et al vs. City of Ontario, Case No. CIVRS 1200998.*
- GC 54956.9 (a), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *Ontario Mountain Village Association vs. City of Ontario, et al.; EN Engineering and Wal-Mart Real Estate Business trust as Real Parties in Interest, Case No. CIVRS 707723.*
- GC 54956.9 (b), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION: *One (1) or more cases: City of Los Angeles/Los Angeles World Airports (LAWA).*

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

PLEDGE OF ALLEGIANCE

Council Member 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. *BILLS/PAYROLL*

Bills November 4, 2012 through December 1, 2012 and **Payroll** November 4, 2012 through December 1, 2012, when audited by the Finance Committee.

2. *MAINTENANCE SERVICE AGREEMENT FOR EMERGENCY RESTORATION SERVICES AT THE ONTARIO CONVENTION CENTER/AMERICAN TECHNOLOGIES, INC.*

That the City Council approve a maintenance service agreement (on file with the Records Management Department) with American Technologies, Inc. (ATI), of Orange, California, for emergency restoration services and surface water remediation; and authorize the City Manager to execute the agreement and any amendments necessary to complete the facility restoration.

3. *A RESOLUTION ESTABLISHING AD HOC PROCEDURES FOR APPOINTING MEMBERS TO THE BUILDING APPEALS BOARD*

That the City Council adopt a resolution establishing ad hoc procedures for appointing members to the City's Building Appeals Board; and that the City Council approve the City Manager's recommendations for the appointment of five members to serve on the Building Appeals Board.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ONTARIO, CALIFORNIA, RESCINDING RESOLUTION NO. 98-015
AND ADOPTING AD HOC PROCEDURES FOR APPOINTING
MEMBERS TO THE BUILDING APPEALS BOARD.

4. *A RESOLUTION ADOPTING A MEMORANDUM OF UNDERSTANDING TO PARTICIPATE IN SAN BERNARDINO ASSOCIATED GOVERNMENTS' PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM*

That the City Council adopt a resolution authorizing the City Manager or his designee to enter into Contract No. C13066, a Memorandum of Understanding (on file in the Records Management Department) with San Bernardino Associated Governments (SANBAG) to allow Ontario residents to participate in the Property Assessed Clean Energy (PACE) Program.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE MEMORANDUM OF UNDERSTANDING (CONTRACT NO. C13066) TO PARTICIPATE IN SAN BERNARDINO ASSOCIATED GOVERNMENTS' PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM TO FINANCE DISTRIBUTED GENERATION RENEWABLE ENERGY, ENERGY EFFICIENCY, AND WATER EFFICIENCY IMPROVEMENTS.

5. PROFESSIONAL SERVICES AGREEMENT FOR ENGINEERING AND ENVIRONMENTAL SERVICES FOR THE I-10 FREEWAY AT GROVE AVENUE AND FOURTH STREET INTERCHANGE AND GROVE AVENUE CORRIDOR PROJECT - PHASE 2/PARSONS CORPORATION

That the City Council approve a professional services agreement (on file in the Records Management Department) with Parsons Corporation of Ontario, California, to provide engineering and environmental services for the Project Approval and Environmental Documentation (PA&ED), Phase 2 of the I-10 Freeway at Grove Avenue and Fourth Street Interchange and Grove Avenue Corridor Project; and authorize the City Manager to execute said agreement and future extensions or amendments to the Agreement up to a total authorized amount of \$3,450,601.

6. AN ORDINANCE AMENDING CHAPTER 6 OF TITLE 4 OF THE ONTARIO MUNICIPAL CODE PERTAINING TO THE PLACEMENT OF OFFICIAL TRAFFIC CONTROL DEVICES

That the City Council adopt an ordinance amending Chapter 6 of Title 4 of the Ontario Municipal Code (OMC) related to the placement of official traffic control devices.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTER 6, OF TITLE 4 OF THE ONTARIO MUNICIPAL CODE RELATED TO TRAFFIC.

7. FIRST SUBSTANTIAL AMENDMENT TO THE ONE-YEAR ANNUAL ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT ("CDBG"), HOME INVESTMENT PARTNERSHIP ("HOME"), AND EMERGENCY SOLUTIONS GRANT ("ESG") PROGRAM FOR FY 2012-2013

That the City Council:

- (A) Approve the proposed First Substantial Amendment to the One-Year Action Plan for FY 2012-2013 (on file in the Records Management Department);
- (B) Direct staff to prepare and transmit the final documents to the U.S. Department of Housing and Urban Development ("HUD"); and
- (C) Authorize the City Manager, or his designee, to take all actions necessary or desirable to implement the First Substantial Amendment to the One-Year Action Plan for FY 2012-2013.

8. APPLICATIONS FOR GRANTS FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) FY2014 SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP), “AVOID THE 25” DUI CAMPAIGN AND AWARENESS, AND THE SOBRIETY CHECKPOINT PROGRAM

That City Council authorize the City Manager to execute all documents necessary to apply for and accept 12-month grants in the amount of \$950,000 from the California Office of Traffic Safety (OTS) for participation in the FY2014 Selective Traffic Enforcement Program (STEP), “Avoid the 25” DUI Campaign and Awareness, and Sobriety Checkpoint Grant Program.

9. AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH SECURITAS SECURITY SERVICES USA, INC., FOR UNARMED SECURITY GUARD SERVICES/SECURITAS SECURITY SERVICES USA INC.

That the City Council authorize the City Manager to execute an amendment (on file with the Records Management Department) to the existing Professional Services Agreement with Securitas Security Services USA, Inc., of Ontario, California, extending the agreement for three years, with the option to extend for an additional two years, at an estimated annual cost of \$133,463; and authorize the City Manager to execute future amendments to modify service locations on an as-needed basis up to the budgeted amount.

10. A PURCHASE AGREEMENT FOR THE ACQUISITION AND INSTALLATION OF A CITYWIDE FUEL MANAGEMENT SYSTEM/R.Y. RODRIGUEZ, INC.

That the City Council authorize the City Manager, or designee, to execute a purchase agreement with R.Y. Rodriguez, Inc., of Ontario, California, in the amount of \$336,362 plus a 15% contingency (\$50,455), for a total of \$386,817, for the acquisition and installation of a FuelMaster fuel management system.

11. AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT FOR TITLE 22 RECYCLED WATER CROSS CONNECTION/ OVERSPRAY TESTING/LEE & RO, INC.

That the City Council approve and authorize the City Manager to execute Amendment No. 1 to the Professional Services Agreement (on file in the Records Management Department) for a not to exceed amount of \$90,000 and a revised total of \$180,000 for Fiscal Year 2012-13 with Lee & Ro, Inc., of City of Industry, California, for the Title 22 Recycled Water Cross Connection/ Overspray Testing; and authorize the option to extend the agreement for up to two additional years consistent with City Council approved budgets.

12. CONSTRUCTION CONTRACT FOR THE CNG FUELING FACILITIES UPGRADES PHASE II PROJECT/MANSFIELD GAS EQUIPMENT SYSTEMS CORPORATION

That the City Council approve the plans and specifications and award the CNG Fueling Facilities Upgrades, Phase II Project, to Mansfield Gas Equipment Systems Corporation of Ontario, California, for a bid amount of \$359,323 plus a 15% contingency of \$53,899, for a total amount of \$413,222; authorize the City Manager to execute said Contract (on file with Records Management Department); and file a notice of completion at the conclusion of all construction activities related to the project.

13. MEMORANDUM OF UNDERSTANDING WITH WESTERN MUNICIPAL WATER DISTRICT, JURUPA COMMUNITY SERVICES DISTRICT AND CHINO BASIN DESALTER AUTHORITY

That the City Council approve a Memorandum of Understanding (on file in the Records Management Department) with Western Municipal Water District (WMWD), Jurupa Community Services District (JCSD) and Chino Basin Desalter Authority (CDA) to provide for the allocation of Capital Facilities Grant Funding for the Chino Desalter Phase 3 Expansion Project subject to non-substantive changes; and, authorize the City Manager to execute the MOU.

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.

14. AN AMENDMENT TO THE LAND USE ELEMENT OF THE POLICY PLAN (GENERAL PLAN) COMPONENT OF THE ONTARIO PLAN (FILE NO. PGPA12-001) TO CHANGE APPROXIMATELY 18,000 SQUARE FEET OF LAND FROM OPEN SPACE (PARKLAND) TO INDUSTRIAL, A ZONE CHANGE (FILE NO. PZC12-002) TO REZONE APPROXIMATELY 18,000 SQUARE FEET OF LAND FROM OPEN SPACE (OS) TO INDUSTRIAL PARK (M2), AND A GROUND LEASE AGREEMENT BETWEEN THE CITY AND SAN DIEGO OUTDOOR ADVERTISING, INC. TO ERECT A 64 FOOT-HIGH PYLON BILLBOARD SIGN WITH AN ELECTRONIC LED MESSAGE DISPLAY TO BE PLACED ON APPROXIMATELY 18,000 SQUARE FEET OF LAND LOCATED AT THE SOUTHEAST CORNER OF THE ONTARIO SOCCER COMPLEX, LOCATED NORTH OF SR 60, BETWEEN VINEYARD AVENUE AND ARCHIBALD AVENUE, SOUTH OF PHILADELPHIA STREET

That the City Council:

- (A) Adopt a Mitigated Negative Declaration for the project, pursuant to State CEQA Guidelines;
- (B) Adopt a resolution approving File No. PGPA12-001 to change approximately 18,000 square feet of land from Open Space (Parkland) to Industrial;
- (C) Adopt a resolution approving File No. PZC12-002 to rezone approximately 18,000 square feet of land from Open Space (OS) to Industrial Park (M2); and
- (D) Approve a ground lease agreement to allow a 64 foot-high pylon billboard sign with an electronic LED message display; and authorize the City Manager to execute said agreement with San Diego Outdoor Advertising, Inc. a California Corporation doing business as General Outdoor Advertising.

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, ADOPTING A MITIGATED NEGATIVE DECLARATION, FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND ADOPTING A RELATED MITIGATION MONITORING AND REPORTING PROGRAM FOR FILE NOS. PGPA12-001 AND PZC12-002.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PGPA12-001, A GENERAL PLAN AMENDMENT CHANGING THE LAND USE DESIGNATION FROM OPEN SPACE (PARKLAND) TO INDUSTRIAL ON APPROXIMATELY 18,000 SQUARE FEET OF LAND AT THE SOUTHEAST CORNER OF THE ONTARIO SOCCER COMPLEX LOCATED NORTH OF STATE ROUTE 60 BETWEEN VINEYARD AVENUE AND ARCHIBALD AVENUE, SOUTH OF PHILADELPHIA STREET, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0113-281-13 (2200 EAST PHILADELPHIA STREET).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC12-002, A CHANGE IN THE ZONING DESIGNATION FROM OPEN SPACE (OS) TO INDUSTRIAL PARK (M2) ON APPROXIMATELY 18,000 SQUARE FEET OF LAND LOCATED WITHIN THE SOUTHEAST CORNER OF THE ONTARIO SOCCER COMPLEX LOCATED JUST NORTH OF STATE ROUTE 60 BETWEEN VINEYARD AVENUE AND ARCHIBALD AVENUE ON PHILADELPHIA STREET, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 113-281-13 (2200 EAST PHILADELPHIA STREET).

15. A SPECIFIC PLAN AMENDMENT (FILE NO. PSPA12-003) TO THE WAGNER PROPERTIES SPECIFIC PLAN TO 1) INCREASE THE MAXIMUM DENSITY WITHIN THE URBAN RESIDENTIAL LAND USE DESIGNATION FROM 25 DWELLING UNITS PER ACRE TO 45 DWELLING UNITS PER ACRE; 2) REDUCE THE BUILDING SETBACK ALONG FOURTH STREET FROM 40' AVERAGE TO 30' MINIMUM; 3) REDUCE THE PARKING SETBACK ALONG FOURTH STREET FROM 40' AVERAGE TO 15' MINIMUM; AND 4) REDUCE THE BUILDING AND PARKING SETBACK ALONG CENTER AVENUE FROM 30' TO 20'; FOR PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF HAVEN AVENUE AND FOURTH STREET

That the City Council:

- (A) Adopt an Addendum to the Certified Environmental Impact Report for The Ontario Plan, pursuant to State CEQA Guidelines; and
- (B) Adopt a resolution approving File No. PSPA12-003, a Specific Plan Amendment to the Wagner Properties Specific Plan, pursuant to the facts and reasons contained in this report and the attached resolution, and subject to the conditions of approval contained in the attached department reports.

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, ADOPTING AN ADDENDUM TO THE ONTARIO PLAN ENVIRONMENTAL IMPACT REPORT FOR FILE NO. PSPA12-003, FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND MAKING FINDINGS IN SUPPORT THEREOF (APN: 210-182-09).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PSPA12-003, AN AMENDMENT TO THE WAGNER PROPERTIES SPECIFIC PLAN TO 1) INCREASE THE MAXIMUM DENSITY WITHIN THE URBAN RESIDENTIAL LAND USE DESIGNATION FROM 25 DWELLING UNITS PER ACRE TO 45 DWELLING UNITS PER ACRE; 2) REDUCE THE BUILDING SETBACK ALONG FOURTH STREET FROM 40' AVERAGE TO 30' MINIMUM; 3) REDUCE THE PARKING SETBACK ALONG FOURTH STREET FROM 40' AVERAGE TO 15' MINIMUM; AND 4) REDUCE THE BUILDING AND PARKING SETBACK ALONG CENTER AVENUE FROM 30' TO 20' FOR PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF HAVEN AVENUE AND FOURTH STREET AND MAKING FINDINGS IN SUPPORT THEREOF - APN: 210-182-09.

COUNCIL MATTERS

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

STAFF MATTERS

City Manager Hughes

ADJOURNMENT

**CITY OF ONTARIO
CLOSED SESSION REPORT**

City Council / / Housing Authority / / Other / / (GC 54957.1)
December 18, 2012

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

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

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

- GC 54956.9 (a), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION:
Inland Oversight Committee vs. City of Ontario, Case No. EDCV 12-00178-PA(OPx).

No Reportable Action Continue Approved

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Disposition: _____

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

- GC 54956.9 (a), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION:
Inland Oversight Committee vs. City of Ontario, Case No. CIVRS 1208559.

No Reportable Action Continue Approved

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Disposition: _____

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

- GC 54956.9 (a), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION:
Inland Oversight Committee, et al vs. City of Ontario; Palm Springs Oil Co. as Real Party in Interest, Case No. CIVRS 120789.

No Reportable Action Continue Approved

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Disposition: _____

**CITY OF ONTARIO
CLOSED SESSION REPORT**

City Council / / Housing Authority / / Other / / (GC 54957.1)
December 18, 2012

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

- GC 54956.9 (a), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION:
Ontario Mountain Village Association v. City of Ontario, Case No. CIVRS 1110506.

| No Reportable Action | Continue | Approved |
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Disposition: _____

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

- GC 54956.9 (a), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION:
Philip J. Meza vs. City of Ontario; Wal-Mart Stores, Inc., and Wal-Mart Real Estate Business Trust as Real Parties in Interest, Case No. CIVRS 1108028.

| No Reportable Action | Continue | Approved |
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Disposition: _____

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

- GC 54956.9 (a), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION:
Ontario Mountain Village Association, et al vs. City of Ontario, Case No. CIVRS 1200998.

| No Reportable Action | Continue | Approved |
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Disposition: _____

**CITY OF ONTARIO
CLOSED SESSION REPORT**

City Council / / Housing Authority / / Other / / (GC 54957.1)
December 18, 2012

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

- GC 54956.9 (a), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION:
Ontario Mountain Village Association vs. City of Ontario, et al.; EN Engineering and Wal-Mart Real Estate Business trust as Real Parties in Interest, Case No. CIVRS 707723.

| No Reportable Action | Continue | Approved |
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Disposition: _____

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

- GC 54956.9 (b), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION:
One (1) or more cases: City of Los Angeles/Los Angeles World Airports (LAWA).

| No Reportable Action | Continue | Approved |
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Disposition: _____

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

CITY OF ONTARIO

Agenda Report
December 18, 2012

SECTION: CONSENT CALENDAR

SUBJECT: MAINTENANCE SERVICE AGREEMENT FOR EMERGENCY RESTORATION SERVICES AT THE ONTARIO CONVENTION CENTER

RECOMMENDATION: That the City Council approve a maintenance service agreement (on file with the Records Management Department) with American Technologies, Inc. (ATI), of Orange, California, for emergency restoration services and surface water remediation; and authorize the City Manager to execute the agreement and any amendments necessary to complete the facility restoration.

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

FISCAL IMPACT: The remediation work is covered under the City's property insurance policy which includes a \$10,000 deductible; and any costs over the deductible will be reimbursed to the City. The current estimate of \$316,000 is based upon identified conditions and expected maintenance. The actual repair and maintenance cost is unknown at this time and will be contingent upon the nature and extent of any unanticipated maintenance work as the project proceeds. In any case, the City's ultimate cost for this effort is limited to the \$10,000 deductible for insurance-covered work plus any additional work the City directs to be completed concurrent with the maintenance and repairs resulting from the fire.

BACKGROUND: On October 15, 2012, the Convention Center experienced a small fire in the north ballroom as a result of a vendor exhibit. Although City emergency response was immediate and thorough, the resulting smoke and sprinkler deluge caused damage to the ceiling tiles, duct work, carpeting and walls surrounding the ballroom. ATI was called out immediately to address environmental mitigation as well as health and safety issues pertaining to the damage. ATI has performed remediation and restoration for the City in the past in a competent, professional manner at reasonable prices. Work has begun to address the urgency concerns, with the majority of the work to be performed during the Convention Center's "dark" period during the last two weeks of December so as to not interfere with Center operations and planned events.

STAFF MEMBER PRESENTING: Al Boling, Deputy City Manager

Prepared by: Ann Richey, ARM-P
Department: Citywide Administration

City Manager
Approval: _____



Submitted to Council/O.H.A. _____

Approved: _____

Continued to: _____

Denied: _____

12/18/2012

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CITY OF ONTARIO

Agenda Report
December 18, 2012

**SECTION:
CONSENT CALENDAR**

SUBJECT: A RESOLUTION ESTABLISHING AD HOC PROCEDURES FOR APPOINTING MEMBERS TO THE BUILDING APPEALS BOARD

RECOMMENDATION: That the City Council adopt a resolution establishing ad hoc procedures for appointing members to the City's Building Appeals Board; and that the City Council approve the City Manager's recommendations for the appointment of five members to serve on the Building Appeals Board.

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

FISCAL IMPACT: Members of the Building Appeals Board serve without compensation. Accordingly, there is no fiscal impact.

BACKGROUND: The California Building Code requires the creation of a board of appeals in order to hear and decide appeals of orders, decisions, or determinations made by the Building Official relative to the application and interpretation of the California Building Codes.

The current five-member board was appointed in 1998. Three of the members are no longer able to serve at this time due to retirement and having moved out of the area. The two remaining board members, Rick Byrd, a structural engineer and Max Williams, an architect, have stated their intent to continue serving on the board. The three recommended new members are: Jim Fullmer of Fullmer Companies; Mike Pennington, a framing contractor; and Lee Ann Sission, an interior designer. Each of the recommended board members are qualified by experience and training to consider and hear matters pertaining to building construction.

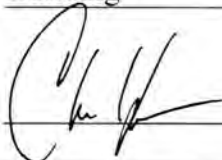
STAFF MEMBER PRESENTING: Kevin Shear, Building Official

Prepared by: Kevin Shear

Department: Building

City Manager

Approval:



Submitted to Council/O.H.A. 12/18/2012

Approved: _____

Continued to: _____

Denied: _____

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The Building Appeals Board does not have regular, scheduled meetings and only meets when an appeal has been filed with the City. In the past 13 years, the board has met only three times to hear cases involving code enforcement.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, RESCINDING RESOLUTION NO. 98-015 AND ADOPTING AD HOC PROCEDURES FOR APPOINTING MEMBERS TO THE BUILDING APPEALS BOARD.

WHEREAS, on January 7, 2011, the 2010 Edition of the California Building Code of the State of California ("California Building Code"), based on the International Building Code, 2009 Edition as published by the International Code Council, went into effect in the City of Ontario ("City"); and

WHEREAS, Section 113 of the California Building Code creates a board of appeals in order to hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application and interpretation of the California Building Code; and

WHEREAS, Section 113 of the 2010 Edition of the Building Code states the board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure; and

WHEREAS, on February 3, 1998, the City Council of the City of Ontario adopted Resolution No. 98-015, which named five individuals (Milt Brace, Rick Byrd, William Makshanoff, Gary Turner, and Max Williams) to serve indefinite terms as board members on the City's Housing Advisory and Appeals Board, which was later renamed the "Building Appeals Board"; and

WHEREAS, the City desires to clarify the process, pursuant to the California Building Code, for appointing members to the City's Building Appeals Board.

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

SECTION 1. Resolution No. 98-015, as adopted on February 3, 1998, is hereby rescinded.

SECTION 2. The City Council does hereby adopt the following ad hoc procedures for appointing members to the City's Building Appeals Board, as provided for in the California Building Code:

The City Manager shall recommend to the City Council five (5) individuals desirous to serve on the Building Appeals Board who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

Each Board Member's term on the Building Appeals Board shall remain indefinite unless the Board Member resigns, or the City Council wishes to designate a new Board

Member. Should any Board Member be unable to continue serving on the Building Appeals Board, he or she shall submit a written resignation to the City Manager as soon as possible. The City Manager shall in turn present a recommended replacement to the City Council for appointment.

PASSED, APPROVED, AND ADOPTED this 18th day of December 2012.

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. 2012- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held December 18, 2012 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. 2012- duly passed and adopted by the Ontario City Council at their regular meeting held December 18, 2012.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
December 18, 2012

SECTION: CONSENT CALENDAR

SUBJECT: A RESOLUTION ADOPTING A MEMORANDUM OF UNDERSTANDING TO PARTICIPATE IN SAN BERNARDINO ASSOCIATED GOVERNMENTS' PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM

RECOMMENDATION: That the City Council adopt a resolution authorizing the City Manager or his designee to enter into Contract No. C13066, a Memorandum of Understanding (on file in the Records Management Department) with San Bernardino Associated Governments (SANBAG) to allow Ontario residents to participate in the Property Assessed Clean Energy (PACE) Program.

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

FISCAL IMPACT: There is no fiscal impact. SANBAG has secured initial funding of \$200 million for the PACE Program's ongoing administration and funding.

BACKGROUND: California Assembly Bill 811 (AB 811) provides for the increased energy and water efficiency of existing homes and business by providing loans to property owners that would be paid back over time. Pursuant to AB 811, SANBAG Board of Directors approved the creation of the Property Assessed Clean Energy (PACE) Program for all SANBAG member agencies, including the City of Ontario and County and 24 other public agencies. The PACE Program allows property owners to make certain improvements to their homes and businesses and repay the loans through assessments on their property tax bills. Loan amounts start at \$5,000 and are paid back between 5 to 20 years. Eligible improvements include items such as solar photovoltaic, weatherization, and heating and air conditioning systems.

Approval of the MOU, by and among the member agencies, will allow SANBAG to complete the legal structuring required to offer the PACE Program to Ontario residents. SANBAG will be responsible for the PACE Program's administration and applicant and contractor approvals. The PACE Program is expected to be ready for public use in spring of 2013. At that time, PACE representatives will contact

STAFF MEMBER PRESENTING: Otto Kroutil, Development Director

Prepared by: David Simpson
Department: Development Agency

City Manager
Approval: 

Submitted to Council/O.H.A. 12/18/2012

Approved: _____

Continued to: _____

Denied: _____

4

the City with details on the public outreach program and PACE Program guidelines. Administration of the PACE Program will be through SANBAG, allowing City of Ontario residents to benefit from both the PACE Program itself as well as the efficiencies and economies of scale afforded by working through one program administrator, SANBAG.

Environmental Review

The Project has been reviewed pursuant to the California Environmental Quality Act (CEQA) and has been determined not to be a Project per Section 15378(b)(4) Definition of Project under CEQA which states that a project does not include "The creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment".

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE MEMORANDUM OF UNDERSTANDING (CONTRACT NO. C13066) TO PARTICIPATE IN SAN BERNARDINO ASSOCIATED GOVERNMENTS' PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM TO FINANCE DISTRIBUTED GENERATION RENEWABLE ENERGY, ENERGY EFFICIENCY, AND WATER EFFICIENCY IMPROVEMENTS.

WHEREAS, the City of Ontario (City) is committed to the development of renewable energy sources, energy efficiency improvements, water conservation, reduction of greenhouse gases, and protection of our environment; and

WHEREAS, on July 21, 2008, Assembly Bill 811 (AB 811) was signed into law to amend Chapter 29 of the Improvement Bond Act of 1911, being Division 7 of the California Streets and Highways Code (Chapter 29) to authorize cities, counties, and cities and counties to establish voluntary contractual assessment programs to fund various renewable energy sources and energy efficiency improvements to property, commonly referred to as a Property Assessed Clean Energy (PACE) program; and

WHEREAS, Chapter 29 was subsequently amended by the enactment of AB 474 effective January 1, 2010, to enable a PACE program established pursuant to Chapter 29 to finance the installation of water efficiency improvements in addition to the improvements authorized to be financed pursuant to AB 811; and

WHEREAS, in Chapter 29, the Legislature has authorized cities and counties to assist property owners in financing the cost of installing distributed generation renewable energy sources or making energy or water efficient improvements that are permanently fixed to their property (Improvements) through a contractual assessment program; and

WHEREAS, installation of such Improvements by property owners within the jurisdictional boundaries of the member agencies of the San Bernardino Associated Governments (SANBAG) would promote the purposes cited above and assist the member agencies of SANBAG (each, a Member Agency or, together, Member Agencies), including the City in reducing its greenhouse gas emissions; and

WHEREAS, the City wishes to provide innovative solutions and cost-effective methods for its property owners to achieve greater energy efficiency and independence, and in doing so cooperate with SANBAG in order to efficiently and economically assist property owners in financing such Improvements; and

WHEREAS, SANBAG has the authority to establish a contractual assessment program (Program) as permitted by the "Amended Memorandum of Understanding for the Joint Exercise of Powers Relative to the San Bernardino Associated Governments" last amended on October 17, 1975; and

WHEREAS, the City wishes to participate with SANBAG in the Program, under terms and conditions to be agreed to by the City and SANBAG in the proposed MOU, attached hereto as Exhibit A; and

WHEREAS, pursuant to Title 14, California Code of Regulations, section 15367, the City is the lead agency for purposes of compliance with the California Environmental Quality Act (Pub. Res. Code § 21000 et seq.) (CEQA) and the corresponding State Guidelines for Implementation of CEQA (14 C.C.R. § 15000 et seq.) (State CEQA Guidelines); and

WHEREAS, the City has reviewed its proposed Actions and has determined that they are exempt from CEQA and all CEQA requirements because the City's Actions create a government funding mechanism, which Actions are not a "project" as the term is defined in the State CEQA Guidelines (14 C.C.R. § 15378(b)(4)); and

WHEREAS, in the event the City's Actions do constitute a "project" under CEQA, those Actions are exempt pursuant to a class 1 exemption for existing facilities (14 C.C.R. § 15301.); and

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

1. This City Council finds and declares that property in the City's incorporated area will be benefited by the Improvements proposed.
2. This City Council hereby supports SANBAG's development of the Program.
3. This City Council hereby approves the proposed MOU, substantially in the form attached hereto as Exhibit A, and authorizes the City Manager or his designee to sign the MOU on behalf of the City.
4. This City Council hereby finds and determines that in the event it is necessary for the Executive Committee of SANBAG to make minor, nonsubstantive changes to the MOU; such minor, nonsubstantive changes do not require the approval of this City Council.
5. Staff is authorized and directed to coordinate with SANBAG staff to facilitate operation of the Program, and report back periodically to this City Council on the success of the Program.
6. The City Council hereby finds that its approval of the MOU and this Resolution (collectively, the "Actions") are not subject to the California Environmental Quality Act (Pub. Res. Code § 21000 et seq.) or the State CEQA Guidelines (14 C.C.R. § 15000 et seq.) because the Agency's proposed Actions are not a "project" as the term is defined by the State CEQA Guidelines. State CEQA Guidelines section 15378 carves out five types of actions from the definition of a project. The City Council finds that its

Actions are "not a project" in accordance with State CEQA Guidelines section 15378(b)(4), which says that "government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment" are not a project subject to CEQA. The City's Actions create a government funding mechanism. Specifically, the City's Actions result in the City opting in to the SANBAG PACE loan/financing program. The PACE Program will provide funding for renewable energy, energy efficiency, and/or water efficiency upgrades at qualifying properties within the City. Property owners would have to apply to SANBAG for a loan for the qualifying improvements. SANBAG would secure the loan through a property tax assessment in the amount of the loan plus simple interest. According to the PACE Program documents, the MOU and the Resolution, the City has to develop a list of qualifying improvements and properties to participate in the Program. At this time, the City does not have a list of qualifying improvements or properties. Therefore, the City is not committing itself to any specific project which may result in a potentially significant physical impact on the environment. Consequently, the City's Actions are exempt from CEQA because they are not a project pursuant to State CEQA Guidelines section 15378(b)(4).

7. Moreover, the City Council hereby finds and determines that even if its Actions do constitute a "project" that is subject to CEQA, those Actions are categorically exempt from CEQA pursuant to a Class 1 exemption for existing facilities. Specifically, the City Council finds that State CEQA Guidelines section 15301 applies to the City's Actions because they involve the "operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination". The purpose of the PACE Program is to encourage certain specified property owners to upgrade the energy/water efficiency of existing structures on their properties. For example, the PACE Program documents suggest that loans obtained through the PACE Program could be used for upgrades like: installing new weather stripping, installing drought tolerant landscaping, installing timers on pool heaters, installing solar panels etc. These types of upgrades to existing single family homes and commercial businesses would not increase or expand energy use or land use that exists at this time. In fact, the Program would have quite the opposite effect; it is designed to reduce energy use and dependency. Thus, the City Council finds that its Actions are exempt from CEQA on the basis that the PACE Program would result in improvements to existing facilities.

8. Finally, the City Council hereby finds that none of the exceptions to the categorical exemptions applies. (State CEQA Guidelines § 15300.2.) Specifically, the City Council finds that the location of the properties is yet to be determined. However, all participating properties will be located within the City's corporate boundaries and will occur on developed properties. Moreover, the City Council finds that the cumulative impact of successive projects of the same type in the same place over time is unlikely. It is highly unlikely that the same property owner would apply multiple times to the PACE Program for the same type of improvement on his/her property over time. Furthermore, the City Council finds that the PACE Program funds are limited and therefore cannot be used to fund unlimited and repetitive energy efficiency improvements on the same property multiple times. Additionally, the City Council finds

that any improvements installed on existing structures will likely not create an unusual circumstance or be located within a scenic highway or on a hazardous materials site. Finally, because the improvements under the PACE Program have to be installed on existing buildings/structures/developed sites, the City Council finds that the Actions will not impact historical resources. Therefore, the City Council concludes and determines that none of the exceptions to the categorical exemptions applies.

9. Staff is hereby directed to prepare, execute and file with the San Bernardino County Clerk a Notice of Exemption within five (5) working days of the adoption of this Resolution.

10. The administrative record for the Agreement discussed herein shall be maintained at the City's offices located at 303 East "B" Street, Ontario, California 91764. The custodian of records is Mary E. Wirtes, MMC, City Clerk.

11. This Resolution shall take effect upon adoption.

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

PASSED, APPROVED AND ADOPTED this 18th day of December, 2012.

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. 2012- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held December 18, 2012 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. 2012- duly passed and adopted by the Ontario City Council at their regular meeting held December 18, 2012.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
December 18, 2012

SECTION:
CONSENT CALENDAR

SUBJECT: PROFESSIONAL SERVICES AGREEMENT FOR ENGINEERING AND ENVIRONMENTAL SERVICES FOR THE I-10 FREEWAY AT GROVE AVENUE AND FOURTH STREET INTERCHANGE AND GROVE AVENUE CORRIDOR PROJECT – PHASE 2

RECOMMENDATION: That the City Council approve a professional services agreement (on file in the Records Management Department) with Parsons Corporation of Ontario, California, to provide engineering and environmental services for the Project Approval and Environmental Documentation (PA&ED), Phase 2 of the I-10 Freeway at Grove Avenue and Fourth Street Interchange and Grove Avenue Corridor Project; and authorize the City Manager to execute said agreement and future extensions or amendments to the Agreement up to a total authorized amount of \$3,450,601.

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

FISCAL IMPACT: This project is consistent with the adopted FY 2012-13 Five-Year Capital Improvement Program (CIP) Budget, as approved by City Council. The total cost for the professional services agreement is \$3,000,000 plus an approximate 15% contingency for a total of \$3,450,601. The Federal Highway Administration (FHWA) has authorized \$1,335,481 in SAFETEA-LU funds and \$1,425,000 in Interstate Maintenance Discretionary (IMD) funds on an 80% cost reimbursement basis for this project. SANBAG will reimburse the City \$148,238 through the Measure I Valley Arterial program. The City's share is \$541,882, which is provided by Old Model Colony (OMC) Development Impact Fee (DIF).

BACKGROUND: This project will study the environmental impacts and recommend the configuration of a new interchange at Grove Avenue and the I-10 Freeway including the widening of Grove Avenue from four to six lanes between I-10 and Airport Drive, and reconfigure the existing interchange at I-10

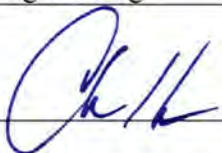
STAFF MEMBER PRESENTING: Louis Abi-younes, P.E., City Engineer

Prepared by: Steven Latino, P.E.

Department: Engineering

City Manager

Approval:



Submitted to Council/O.H.A.

Approved:

Continued to:

Denied:

12/18/2012

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and Fourth Street. The subject agreement is for Phase 2 of the project, which is the Project Approval and Environmental Document (PA&ED).

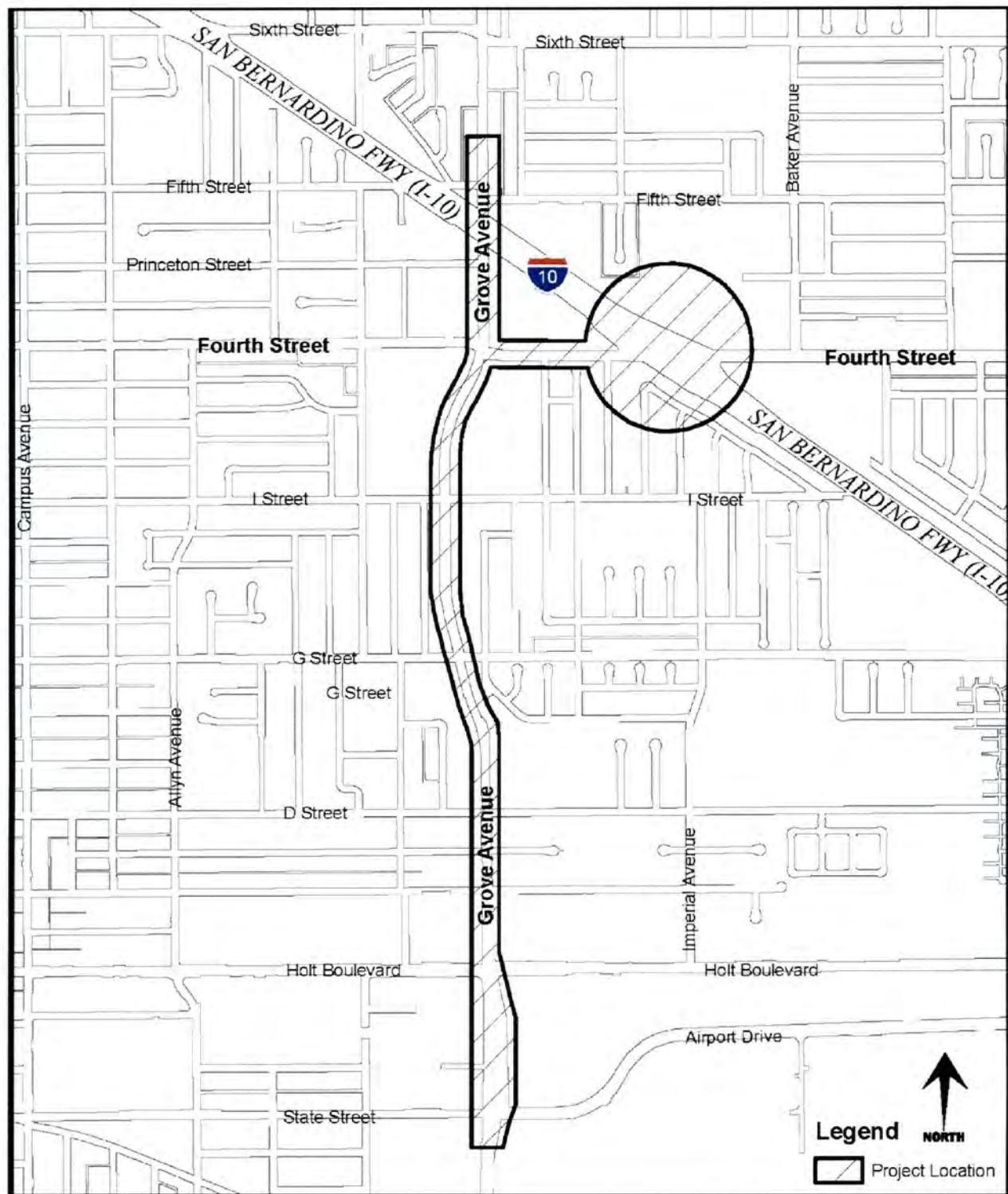
In October of 2010, the California Department of Transportation (Caltrans), on behalf of FHWA approved the Project Study Report (PSR) for the I-10 Freeway at Grove Avenue and Fourth Street Interchange and Grove Avenue Corridor Project, completing Phase 1 of the project.

The City issued a request for proposals (RFP) to solicit consulting firms to perform engineering and environmental services for Phase 2 of the project. Nine (9) proposals were received on March 16, 2012.

A selection team consisting of four City staff members and one Caltrans representative evaluated the firms based on their qualifications and experience, personnel, project understanding, and familiarity with State and Federal procedures. Parsons Corporation was selected as the most qualified to perform the scope of services.

Parsons Corporation submitted an initial fee proposal of \$2,999,978 based on a preliminary scope of services. Staff finalized the scope of services, which expanded the required environmental document from an Initial Study (IS) to an Environmental Impact Report (EIR) and negotiated with Parsons the associated fee at \$3,000,000. Parsons' hourly compensation rates were found to be reasonable and consistent with industry standards, and their proposed number of hours adequate to provide the required scope of services. Therefore, staff recommends that the City award an engineering and environmental services contract to Parsons Corporation.

I-10 AT GROVE AVENUE AND FOURTH STREET INTERCHANGE AND GROVE AVENUE CORRIDOR PROJECT (ST0302) Vicinity Map



CITY OF ONTARIO

Agenda Report
December 18, 2012

SECTION:
CONSENT CALENDAR

SUBJECT: AN ORDINANCE AMENDING CHAPTER 6 OF TITLE 4 OF THE ONTARIO MUNICIPAL CODE PERTAINING TO THE PLACEMENT OF OFFICIAL TRAFFIC CONTROL DEVICES

RECOMMENDATION: That the City Council adopt an ordinance amending Chapter 6 of Title 4 of the Ontario Municipal Code (OMC) related to the placement of official traffic control devices.

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

FISCAL IMPACT: Adoption of this ordinance has no fiscal impact.

BACKGROUND: At the City Council meeting of December 4, 2012, the City Council introduced this ordinance amending Chapter 6 of Title 4 of the Ontario Municipal Code (OMC) related to the placement of official traffic control devices. Staff recommends taking final action on this item.

The placement of official traffic control devices is regulated by the California Manual on Uniform Traffic Control Devices, the California Vehicle Code and the Ontario Municipal Code. The purpose of this Ordinance is to further define and clarify the powers and duties of the City Traffic Engineer with regards to the determination of the placement of certain traffic control devices.

Currently, the City Municipal Code identifies the City Traffic Engineer as being appointed by the Director of Public Works. In actuality, the City's Traffic and Transportation Manager functions as the City Traffic Engineer and is assigned to the Development Agency. The Municipal Code also directs the City Traffic Engineer to erect and maintain stop signs at locations pursuant to adoption of a City Council ordinance or resolution.


The proposed ordinance will clarify the organizational inconsistency between the City Traffic Engineer and City Traffic and Transportation Manager; will establish provisions that will allow the City Traffic

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

Prepared by: Mauricio Diaz

Department: Engineering

City Manager

Approval: 

Submitted to Council/O.H.A. 12/18/2012

Approved: _____

Continued to: _____

Denied: _____

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Engineer to conduct engineering analyses by means of modern traffic engineering methods to evaluate and determine the need and placement of stop signs on city roadways; and will allow the City Traffic Engineer to ascertain and designate the location where stop signs are required.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO,
CALIFORNIA, AMENDING CHAPTER 6, OF TITLE 4 OF THE ONTARIO
MUNICIPAL CODE RELATED TO TRAFFIC.

WHEREAS, Article 2. Administration, states that the City Traffic Engineer may conduct engineering analyses to ascertain the locations to install stop signs, and

WHEREAS, California Vehicle Code Section 21101 allows local authorities to adopt rules and regulations pertaining to the installation of stop signs which includes designating stop sign locations, and

WHEREAS, it is in the City's best interest to establish rules and regulations so designating the City Traffic Engineer to install and maintain stop signs, and

WHEREAS, Article 2, Administration, of the Ontario Municipal Code has outdated references to the City Traffic Engineer being appointed by the Director of Public Works which is no longer valid under the City's current organizational structure.

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

SECTION 1. Sections 4-6.206 and 4-6.207 are hereby amended to read as follows:

Article 2. Administration

Section 4-6-206. City Traffic Engineer: Office Established.

The office of City Traffic Engineer is hereby established. The City Traffic Engineer shall exercise the powers and duties as provided in this chapter and other traffic laws of the City. The City's Traffic and Transportation Manager shall assume the duties of the City Traffic Engineer.

Section 4-6.207. City Traffic Engineer: Powers and Duties.

- (a) Traffic control devices. Whenever the City Traffic Engineer is required or authorized to place or maintain official traffic control devices, he may cause such devices to be placed or maintained.
- (b) General duties. The City Traffic Engineer shall have the following general duties:
 - (1) To use modern traffic engineering methods to determine and plan the location and application of traffic control devices;
 - (2) To conduct engineering analyses of traffic accidents and to devise remedial measures;

- (3) To conduct engineering and traffic investigations of traffic conditions;
 - (4) To cooperate with other City officers in the development of ways and means to improve traffic conditions; and
 - (5) To carry out the additional powers and duties imposed by the laws of the City.
- (c) Delegation of powers and duties. Whenever, by the provisions of this chapter, a power is granted to the City Traffic Engineer or a duty is imposed upon him, the power may be exercised or the duty performed by the City Engineer.

SECTION 2. Sections 4-6.701 and 4-6.702 are hereby amended to read as follows:

Article 7. Stops Required

Section 4-6.701. Authority to Place Stop Signs.

- (a) The City Traffic Engineer is hereby directed to install and maintain stop signs on every street intersecting a through street, as described and designated as such by an ordinance or resolution of the City, at any other intersection at which vehicles are required to stop at one or more entrances thereto, and at any railroad grade crossing at which vehicles are required to stop. Every such sign shall conform with, and be placed as provided in, the California Vehicle Code.
- (b) The City Traffic Engineer shall ascertain and determine the locations where such stop signs are required by field investigations, traffic counts, and other traffic information as may be pertinent, and his determinations there from shall be made in accordance with the California Vehicle Code and accepted traffic engineering standards.
- (c) Whenever the City Traffic Engineer installs and maintains a stop sign at any intersection, he shall likewise erect and maintain at such intersections street name signs clearly visible to traffic approaching from all directions unless such street name signs have previously been placed and are maintained at such intersection.

Section 4-6.702. Reserved

SECTION 3. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 18th day of December 2012.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 2957 was duly introduced at a regular meeting of the City Council of the City of Ontario held December 4, 2012 and adopted at the regular meeting held December 18, 2012 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. 2957 duly passed and adopted by the Ontario City Council at their regular meeting held December 18, 2012 and that Summaries of the Ordinance were published on December 11, 2012 and _____, in the Inland Valley Daily Bulletin newspaper.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
December 18, 2012

SECTION: CONSENT CALENDAR

SUBJECT: FIRST SUBSTANTIAL AMENDMENT TO THE ONE-YEAR ANNUAL ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT ("CDBG"), HOME INVESTMENT PARTNERSHIP ("HOME"), AND EMERGENCY SOLUTIONS GRANT ("ESG") PROGRAM FOR FY 2012-2013

RECOMMENDATION: That the City Council:

- (A) Approve the proposed First Substantial Amendment to the One-Year Action Plan for FY 2012-2013 (on file in the Records Management Department);
- (B) Direct staff to prepare and transmit the final documents to the U.S. Department of Housing and Urban Development ("HUD"); and
- (C) Authorize the City Manager, or his designee, to take all actions necessary or desirable to implement the First Substantial Amendment to the One-Year Action Plan for FY 2012-2013.

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

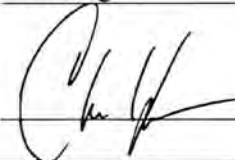
FISCAL IMPACT: The proposed Substantial Amendment adds \$557,642.47 of available CDBG funds to the Mercy House Homeless Outreach Service Center project to align the amount allocated with the current budget and construction estimates. In addition, available CDBG funds are also allocated to two new programs in the Substantial Amendment. The CalHome Owner-Occupied Rehabilitation Loan Program and the CalHome Mortgage Assistance Program will each be funded in the amount of \$55,051.

BACKGROUND: A Substantial Amendment is required to amend the One-Year Action Plan for FY 2012-2013 for the following proposed changes:

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

Prepared by: Katryna Gonzalez
Department: Housing

City Manager
Approval: _____



Submitted to Council/O.H.A. 12/18/2012

Approved: _____

Continued to: _____

Denied: _____

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Mercy House Homeless Outreach Service Center

This project will be amended to increase the CDBG funding allocation to match the City's budget and construction estimates for the completion of the Homeless Outreach Services Center located at 435 South Bon View Avenue.

CalHome Owner-Occupied Rehabilitation Loan Program

This new project will leverage the \$1 million in CalHome funds received from the State of California and funds received from the FAA and LAWA for the Quiet Home Program for an owner-occupied rehabilitation loan program targeting properties within the residential sound insulation program area.

CalHome Mortgage Assistance Program

This new project will leverage the \$1 million in CalHome funds received from the State of California for a mortgage assistance program for first-time homebuyers within eligible census tracts.

These proposed changes qualify as a substantial amendment and require that the City of Ontario formally amend the FY 2012-2013 One-Year Action Plan.

The draft Substantial Amendment was available for public review from November 16, 2012 through December 17, 2012. No public comments were received during the public review period. Subsequent to City Council approval, the plan will be submitted to the U.S. Department of Housing and Urban Development.

CITY OF ONTARIO

Agenda Report
December 18, 2012

SECTION:
CONSENT CALENDAR

SUBJECT: APPLICATIONS FOR GRANTS FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) FY2014 SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP), "AVOID THE 25" DUI CAMPAIGN AND AWARENESS, AND THE SOBRIETY CHECKPOINT PROGRAM

RECOMMENDATION: That City Council authorize the City Manager to execute all documents necessary to apply for and accept 12-month grants in the amount of \$950,000 from the California Office of Traffic Safety (OTS) for participation in the FY2014 Selective Traffic Enforcement Program (STEP), "Avoid the 25" DUI Campaign and Awareness, and Sobriety Checkpoint Grant Program.

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

FISCAL IMPACT: Grant awards will be announced in July 2013 and each grant period is October 1, 2013 – September 30, 2014. These grants are reimbursable on a quarterly basis, each funding police overtime, equipment, supplies, and training to conduct DUI saturation patrols, special traffic enforcements and/or sobriety checkpoints. The approximate grant funding reimbursement is \$950,000. The STEP grant, Avoid the 25, and Sobriety Checkpoint grant may be comprised of, but not limited to, overtime enforcements, allied agency overtime enforcements, equipment, materials, and travel expenses. The City is not required to provide matching funds for the grants. If awarded, the revenue and associated expenditure adjustments corresponding to the individual grant award amounts will be included in the Fiscal Year 2013-14 First Quarter Budget Report.

BACKGROUND: The California Office of Traffic Safety (OTS), through the National Highway Traffic Safety Administration (NHTSA), offers local law enforcement agencies overtime grants to migrate traffic safety program deficiencies, expand ongoing activities, develop new programs, and conduct sobriety checkpoints. The grant period includes two "National Impaired Driving Campaign"

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

Prepared by: Donna Bailey
Department: Police

Submitted to Council/O.H.A. 12/18/2012
Approved: _____

City Manager
Approval: _____

Continued to: _____
Denied: _____

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mobilization periods: Winter holiday period is from December 13, 2013 through January 1, 2014; and Labor Day period is from August 15, 2013 through September 1, 2014. Sobriety checkpoints, DUI saturation patrols and special traffic enforcements will be scheduled during each of the highly publicized mobilization periods, and additional operations will continue to be conducted outside the mobilization periods. Each overtime enforcement and checkpoint will be conducted accordingly to each operation which may include supervisors, officers, technicians, and/or clerical/other staff members.

The goals of the grant program include reducing the number of people killed in alcohol-involved crashes through combined efforts of local law enforcement agencies, California Highway Patrol, and OTS; reducing the total number of traffic collisions that occur in the city; and informing drivers about increased enforcement periods and warn drivers that the only way to "Avoid" arrest and/or injury or death is to drive sober.

CITY OF ONTARIO

Agenda Report
December 18, 2012

SECTION:
CONSENT CALENDAR

SUBJECT: AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH SECURITAS SECURITY SERVICES USA, INC., FOR UNARMED SECURITY GUARD SERVICES

RECOMMENDATION: That the City Council authorize the City Manager to execute an amendment (on file with the Records Management Department) to the existing Professional Services Agreement with Securitas Security Services USA, Inc., of Ontario, California, extending the agreement for three years, with the option to extend for an additional two years, at an estimated annual cost of \$133,463; and authorize the City Manager to execute future amendments to modify service locations on an as-needed basis up to the budgeted amount.

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

FISCAL IMPACT: In an effort to contain costs for necessary outside professional services, staff has negotiated billing rates for the first year which reflect a .75% increase to the hourly billable rate for services, which is well within the annual change in the Consumer Price Index (CPI) for the greater Los Angeles area. The annual cost for these services is estimated at \$133,463. During the second year of the agreement, provisions are in place to allow for negotiation of a mutually-agreeable increase in billing rates limited to the potential impact of company's mandatory implementation of the federal Affordable Healthcare Act. The third year of the contract term will maintain the established rate from year two without any increase. Appropriations are included in the Police Department's FY 2012-13 operating budget to cover services for the remainder of this fiscal year. Funding for subsequent years will be included in the proposed operating budgets of the respective fiscal years subject to City Council approval.

BACKGROUND: In December 2006, the City Council approved a Professional Services Agreement with Securitas Security Services for unarmed security guard services as a result of a competitive

STAFF MEMBER PRESENTING: Eric Hopley, Chief of Police

Prepared by: Darryl Polk
Department: Police

City Manager
Approval:



Submitted to Council/O.H.A. 12/18/2012
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Denied: _____

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proposal process. The general locations patrolled by Securitas include the Civic Center area (City Hall, Senior Center and the Library interior and exterior), the Museum and surrounding grounds, and the East Ontario Metrolink Station.

The current agreement expires in January 2013. Staff recommends extending the current agreement for an additional three years, with the option to renew for up to an additional two years based on Securitas Security Services' satisfactory performance.

CITY OF ONTARIO

Agenda Report
December 18, 2012

SECTION:
CONSENT CALENDAR

SUBJECT: A PURCHASE AGREEMENT FOR THE ACQUISITION AND INSTALLATION OF A CITYWIDE FUEL MANAGEMENT SYSTEM

RECOMMENDATION: That the City Council authorize the City Manager, or designee, to execute a purchase agreement with R.Y. Rodriguez, Inc., of Ontario, California, in the amount of \$336,362 plus a 15% contingency (\$50,455), for a total of \$386,817, for the acquisition and installation of a FuelMaster fuel management system.

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

FISCAL IMPACT: The Fiscal Year 2012-13 Adopted Budget for Equipment Services includes appropriations for the purchase and installation of equipment and software to monitor, control and provide regulatory reports for all unleaded and diesel fueling sites. The anticipated cost for the purchase and installation is \$336,362 plus a fifteen percent (15%) contingency of \$50,455 for a total of \$386,817. Actual expenditures will be based on fixed unit pricing for the software and equipment, and established labor rates for the installation, as required to complete the scope of work.

BACKGROUND: The City's current fuel management system is approximately 15 years old and is no longer reliable for controlling and monitoring fuel dispensing sites at the Police Department, Municipal Services Center, City Hall Annex and the City's eight Fire Stations. Fleet Services and IT Department staff have evaluated the current system in an effort to repair and/or upgrade it to meet the City's operational needs. Staff has determined that the existing fuel management system no longer meets and cannot be upgraded to address the City's requirements.

Staff researched and evaluated a variety of systems and solicited input and recommendations from other local agencies regarding fuel management systems. The following criteria were established for system selection:

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

Prepared by: Robert Gluck
Department: MU/ Fleet Services

City Manager
Approval: 

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- The ability to control and monitor product being dispensed at the fuel sites;
- Reconciliation of fuel delivery invoices;
- Interface with fuel site tank monitoring units;
- Interface with current fleet management software;
- Provide timely, reliable and effective reports;
- Ability to expand the system in the future;
- Improve system reliability; and
- Local service and maintenance.

Staff selected FuelMaster by Syn-Tech as the system that would best meet the City's needs. A Request for Proposal (RFP) was prepared to supply and install a FuelMaster or equivalent fuel management system.

In June 2012, the City solicited proposals from vendors for the fuel management system replacement. One proposal was received.

| | |
|----------------------------|------------------------|
| <u>Vendor</u> | <u>Location</u> |
| R.Y. Rodriguez, Inc | Ontario, CA |

Staff recommends awarding the purchase agreement to R.Y. Rodriguez, Inc. to supply and install a FuelMaster fuel management system based on their ability to meet the requirements of the RFP, pricing, references, and their ability to provide the FuelMaster system and perform the necessary installation work.

CITY OF ONTARIO

Agenda Report
December 18, 2012

**SECTION:
CONSENT CALENDAR**

**SUBJECT: AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT FOR
TITLE 22 RECYCLED WATER CROSS CONNECTION/ OVERSPRAY
TESTING**

RECOMMENDATION: That the City Council approve and authorize the City Manager to execute Amendment No. 1 to the Professional Services Agreement (on file in the Records Management Department) for a not to exceed amount of \$90,000 and a revised total of \$180,000 for Fiscal Year 2012-13 with Lee & Ro, Inc., of City of Industry, California, for the Title 22 Recycled Water Cross Connection/ Overspray Testing; and authorize the option to extend the agreement for up to two additional years consistent with City Council approved budgets.

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

FISCAL IMPACT: The proposed amendment increases the contract value by \$90,000 for a revised total amount of \$180,000 for Fiscal Year 2012-13. Appropriations are included in the Adopted Fiscal Year 2012-13 Water Operations Budget for this effort. There is no impact to the General Fund.

At the City's discretion, two additional one-year extensions may be executed. Pricing for these years will be negotiated, but any increase will be limited to less than 3% per year. Future contracting actions will be commensurate with City Council authorized work programs and approved budgets.

BACKGROUND: The City's 2005 Urban Water Management Plan (UWMP) identifies the use of recycled water as a critical element of the City's supply to meet its growing demand for water. Expanding the use of recycled water provides a long-term sustainable water source that is not subject to the same limitations under drought conditions as other potable water supplies. Recycled water is used for irrigation and industrial applications, as approved by the California Department of Public Health and

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

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

City Manager
Approval: 

Submitted to Council/O.H.A. 12/18/2012
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Continued to: _____
Denied: _____

will result in significant reductions in the City's UWMP long-term reliance on more expensive and increasingly less reliable imported water supplies.

The State of California Department of Public Health (DPH) requires a separation between the on-site domestic water and recycled water plumbing systems (dual plumbed systems). In order to ensure that the installation and operation of dual plumbed systems will not result in cross connection between the recycled water and the potable water piping systems, each connection must be inspected once a year and tested once every four years. The City uses a combination of in-house staff along with outside contractors to perform this required work.

A Request for Proposals (RFP) for on-call recycled water cross connection testing services was issued in April 2012 through the City's online bid management system. The scope of work for the contract services includes preparation of engineering reports, cross connection testing, and overspray inspection. Ten firms inquired into the RFP, and one proposal was received from Lee & Ro, Inc. in May 2012.

Based on their expertise and prior experience successfully performing recycled water cross connection services for public agencies including the City of Ontario, staff negotiated billing rates for the scope of services and entered into a Professional Services Agreement with Lee & Ro, Inc. in September 2012 to supplement City forces. Staff recommends the proposed amendment with Lee & Ro, Inc. to complete the required inspections and testing for the remainder of Fiscal Year 2012-13.

CITY OF ONTARIO

Agenda Report
December 18, 2012

SECTION:
CONSENT CALENDAR

SUBJECT: CONSTRUCTION CONTRACT FOR THE CNG FUELING FACILITIES UPGRADES PHASE II PROJECT

RECOMMENDATION: That the City Council approve the plans and specifications and award the CNG Fueling Facilities Upgrades, Phase II Project, to Mansfield Gas Equipment Systems Corporation of Ontario, California, for a bid amount of \$359,323 plus a 15% contingency of \$53,899, for a total amount of \$413,222; authorize the City Manager to execute said Contract (on file with Records Management Department); and file a notice of completion at the conclusion of all construction activities related to the project.

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

FISCAL IMPACT: The Fiscal Year 2012-13 Capital Improvement Program includes adequate appropriations for construction of the CNG Fueling Facilities Upgrade Project from the Motor Vehicle Registration Fee Subvention Funds (AB2766 Subvention Funds) and a competitive grant from the Mobile Source Air Pollution Reduction Review Committee Local Government Match Program. The total recommended contract authorization of \$413,222 includes a 15% contingency (\$53,899). There is no impact to the General Fund.

BACKGROUND: The City is a leader in the clean air effort with more than seventy (70) CNG alternate fuel vehicles currently in operation and an additional six (6) vehicles on order. In order to fuel these vehicles, the City operates a CNG (compressed natural gas) fueling facility at the Ontario Municipal Services Center which was originally installed nearly twenty years ago. The CNG station also provides fuel for numerous outside customers like the Ontario-Montclair School District and the general public.

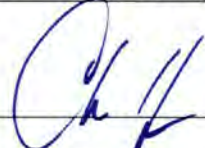
As a result of aging infrastructure, the availability of new technology and ever increasing clean air rules,

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

Prepared by: Dennis Mejia, P.E.

Department: MU – Engineering

City Manager

Approval: 

Submitted to Council/O.H.A. 12/18/2012

Approved: _____

Continued to: _____

Denied: _____

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the City has been working on the maintenance and expansion of the existing CNG Fueling System and Station to meet current and future operational demands. As a result, the recommended upgrades are necessary for the City to meet its fueling needs.

On June 5, 2012, Council authorized Phase I upgrades, which have been completed, consisting of:

- The addition of 24 new slow-fill dispensers
- Removal and upgrades to the slow-fill dispenser hoses, and
- Installation of an air purge system

Phase II fueling system upgrades consist of the following:

- Addition of six (6) new 5500 psi CNG vessels to increase storage capacity
- Addition of two (2) new fast-fill dispensers to support ongoing transition of the City's fleet to CNG
- Removal and upgrades of CNG piping and tubing
- Miscellaneous system upgrades to increase the reliability of the station and to meet the latest safety requirements

On October 25, 2012, five (5) bids were received for the CNG Fueling Facilities Upgrades, Phase II project. The five bids are summarized below:

| <u>Bidder</u> | <u>Location</u> | <u>Amount</u> |
|---|------------------------|----------------------|
| Mansfield Gas Equipment Systems Corporation | Ontario, CA | \$359,322 |
| Allsup Corporation | Upland, CA | \$379,800 |
| GP Strategies, Inc. | Escondido, CA | \$415,497 |
| Amtek Construction | Whittier, CA | \$422,862 |
| Broughton Construction | Rancho Cucamonga, CA | \$449,762 |

Mansfield Gas Equipment Systems Corporation located in Ontario, California, submitted the lowest responsive bid that met all the plans and specifications required of the construction contract and has successfully performed this type of work in the past. Staff recommends award to Mansfield Gas Equipment Systems Corporation based on their expertise and ability to perform the work in a timely manner.

This project has been reviewed pursuant to the California Environmental Quality Act (CEQA) and have been determined to be categorically exempt pursuant to Section 15301 (Class 1, Existing Facilities) and Section 15302 (Class 2, Replacement or Reconstruction) and Section 15303 (Class 3, New Construction or Conversion of Small Structures) of CEQA.

CITY OF ONTARIO

Agenda Report
December 18, 2012

SECTION: CONSENT CALENDAR

SUBJECT: MEMORANDUM OF UNDERSTANDING WITH WESTERN MUNICIPAL WATER DISTRICT, JURUPA COMMUNITY SERVICES DISTRICT AND CHINO BASIN DESALTER AUTHORITY

RECOMMENDATION: That the City Council approve a Memorandum of Understanding (on file in the Records Management Department) with Western Municipal Water District (WMWD), Jurupa Community Services District (JCSD) and Chino Basin Desalter Authority (CDA) to provide for the allocation of Capital Facilities Grant Funding for the Chino Desalter Phase 3 Expansion Project subject to non-substantive changes; and, authorize the City Manager to execute the MOU.

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

FISCAL IMPACT: The City of Ontario, WMWD, and JCSD (the expansion group) are partners in the Phase 3 Expansion Project, which will be completed in multiple phases over the next few years. To date, the expansion group has secured grants with State and Federal agencies for funding in the amount of approximately \$70.6 million. The largest grant is in the amount of \$51.3 million from Proposition 50 funding which is administered by the California Department of Public Health. Ontario qualified for \$20 million of the Proposition 50 grant funding under the disadvantaged community provision, which also has the additional benefit of not requiring matching funds.

The City's share of the Phase 3 Expansion Project is included in the Water Capital Improvement Program budget. There is no impact to the General Fund.

BACKGROUND: The recommended MOU establishes the allocation methodology that will be used to disburse the grant funds as they are received throughout the duration of the project. Based upon the grant funding allocation methodology, Ontario's portion is 26.17%.

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

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

City Manager
Approval:



Submitted to Council/O.H.A. 12/18/2012

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The City is a member of the CDA, which jointly exercises powers to own, operate and maintain water desalting facilities (Chino I and II Desalters). Other current members of the CDA include the JCSD, Inland Empire Utilities Agency (IEUA), WMWD, Santa Ana River Water Company (SARWC), and the cities of Chino, Chino Hills, and Norco. The CDA facilities include two treatment plants, twenty-one groundwater wells, over thirty miles of pipeline and various product water distribution facilities (pump stations, reservoirs and interconnections). The Chino II Desalter is being expanded by 10,600 acre-feet per year and as a result, Ontario's existing CDA water supply of 5,000 acre-feet per year will increase to 8,533 acre-feet per year with completion of the Phase 3 Expansion Project. The expansion will provide the City with more of this local, reliable water source and further lessen our dependence on expensive imported water supplies.

CITY OF ONTARIO

Agenda Report
December 18, 2012

SECTION:
PUBLIC HEARINGS

SUBJECT: AN AMENDMENT TO THE LAND USE ELEMENT OF THE POLICY PLAN (GENERAL PLAN) COMPONENT OF THE ONTARIO PLAN (FILE NO. PGPA12-001) TO CHANGE APPROXIMATELY 18,000 SQUARE FEET OF LAND FROM OPEN SPACE (PARKLAND) TO INDUSTRIAL, A ZONE CHANGE (FILE NO. PZC12-002) TO REZONE APPROXIMATELY 18,000 SQUARE FEET OF LAND FROM OPEN SPACE (OS) TO INDUSTRIAL PARK (M2), AND A GROUND LEASE AGREEMENT BETWEEN THE CITY AND SAN DIEGO OUTDOOR ADVERTISING, INC. TO ERECT A 64 FOOT-HIGH PYLON BILLBOARD SIGN WITH AN ELECTRONIC LED MESSAGE DISPLAY TO BE PLACED ON APPROXIMATELY 18,000 SQUARE FEET OF LAND LOCATED AT THE SOUTHEAST CORNER OF THE ONTARIO SOCCER COMPLEX, LOCATED NORTH OF SR 60, BETWEEN VINEYARD AVENUE AND ARCHIBALD AVENUE, SOUTH OF PHILADELPHIA STREET

RECOMMENDATION: That the City Council:

- (A) Adopt a Mitigated Negative Declaration for the project, pursuant to State CEQA Guidelines;
- (B) Adopt a resolution approving File No. PGPA12-001 to change approximately 18,000 square feet of land from Open Space (Parkland) to Industrial;
- (C) Adopt a resolution approving File No. PZC12-002 to rezone approximately 18,000 square feet of land from Open Space (OS) to Industrial Park (M2); and
- (D) Approve a ground lease agreement to allow a 64 foot-high pylon billboard sign with an electronic LED message display; and authorize the City Manager to execute said agreement with San Diego Outdoor Advertising, Inc. a California Corporation doing business as General Outdoor Advertising.

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

STAFF MEMBER PRESENTING: Jerry L. Blum, Planning Director

Prepared by: Richard Ayala

Department: Planning

City Manager

Approval:



Submitted to Council/O.H.A. 12/18/2012

Approved:

Continued to:

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FISCAL IMPACT: Based on a pro forma prepared for the project, the estimated annual net revenues (after anticipated costs) to the City will range from \$100,000 to \$200,000 in the first five years of operation and range from \$230,000 to \$312,000 thereafter. Based on these projections, the estimated thirty-year revenue stream to the City would be approximately \$6.3 million to \$8.7 million.

BACKGROUND: The City is requesting approval of the following items in order to provide for an electronic message display sign (Sign) for the Ontario Soccer Complex. The sign would be located in the southeast corner of the existing soccer complex, along the SR-60 freeway. The SR-60 freeway is designated as a scenic landscaped highway and does not allow the placement of billboards along its right of way. There is an exception to that rule which allows billboard placement in "gaps" in the landscaping of 200 feet or more. Staff has determined and confirmed with the State of California that the proposed location next to the storm drain channel is the only location on SR-60 within the City that provides an opportunity to place a billboard. State law also requires billboards to be placed on commercial or industrial zoned properties, thus requiring a change in the land use designation and zoning of the proposed site. Additionally, State law requires the replacement of any parkland converted to other land uses. As a result, the City will be required to replace the approximate 18,000 square feet of lost open space/parkland at a 1:1 ratio elsewhere within the City prior to the construction of the sign.

GENERAL PLAN AMENDMENT: The City of Ontario is initiating a General Plan Amendment to change the land use designation on approximately 18,000 square feet of land from Open Space (Parkland) to Industrial, as shown in **Exhibit 1: General Plan Designations: General Plan**. The proposed Amendment to the Land Use Element of the Policy Plan (General Plan) includes revisions to **Exhibit LU-01: Official Land Use Plan**, to include an industrial designation on the 18,000 square foot site.

The designation of the proposed site as Industrial is consistent with other uses in the general area. Specifically, across the drainage channel to the east is property designated Industrial and developed with various light industrial uses. To the north, across Philadelphia Street, is land designated Industrial and developed with a variety of industrial users.

The designation change to Industrial will not materially be detrimental to the soccer complex or the surrounding properties as the existing site is not used for active play or parking and serves only as landscaping. Under the proposed use, the area will remain landscaped except for the area devoted to the placement of the sign and any appurtenant structures. Any future use of the property as industrial development would require the approval of necessary land use entitlements by the City. All required landscaping, parking, driveways, etc. would be required at the time of entitlements. The area's infrastructure, including streets and utilities, are sufficient to meet the demands of an industrial use of the property.

The Ontario Plan requires a fiscal impact analysis as part of any proposed land use change to disclose reasonably foreseeable impacts. In addition, the Governance Component requires decisions to demonstrate and document how they add value to the community and support the Ontario Vision.

First, the economic impact of the proposed change is positive in terms of economic impact, or a cost/benefit analysis to the City. Costs of the project include those associated with the land use changes proposed and secondly costs associated with the ultimate use of the property. As the property is and will

continue to be owned by the City, costs associated with the entitlements required for the general plan amendment and rezoning of the property are borne by the City. The cost of replacing the parkland and improvements of that property will be paid for by the City and reimbursed in full by the third party tenant. Cost of the construction of the sign will be paid back to the third party tenant through revenues from the lease of space on the sign and maintenance costs of the sign and property will be divided evenly (50-50%) by the City and the tenant.

The construction and operation of the sign by a third party tenant will result in the City equally sharing in the revenues generated by advertising on the sign and in any future location of communication cell sites within the property. A pro forma done for the project indicates that projected annual net revenues (after anticipated costs) to the City will range from \$100,000 to \$200,000 in the first five years of operation and range from \$230,000 to \$312,000 in future years. Based on these projections, the estimated thirty-year revenue stream to the City would be approximately \$6.3 million to \$8.7 million. Revenues will be accrued to the City's General Fund and the City Council will determine their ultimate use. Other future lease or sale of the property would also be a positive revenue enhancement to the City.

The benefit of this project is that the Ontario community will receive a significant, on-going revenue source that will help to offset costs and/or enhance the opportunity to provide service to the community. Other benefits include the identification of the Ontario Soccer Complex on the sign (creating greater awareness and use/rental of the facility), the use of community messages on the sign, and the addition of park acreage (albeit replacement) to another City park while not losing aesthetic landscape value of the property at the proposed site at the Soccer Complex.

The area proposed for the change would remain landscaped and maintained by the City. The cost of purchasing replaced open space area would be borne by the future billboard operator. The revenue received by the City from the billboard operation would more than cover the additional maintenance cost of the additional 18,000 square feet of open space. All tolled, the amendment would result in a net increase in revenue and services to the City.

As the proposed site for the sign is the only one along the SR-60 freeway that would possibly allow such a billboard sign, under current state law, this will not set a precedent for future additional billboards along the freeway. In addition, as this is a public-private venture on City owned property it is not subject to the same restrictions of the Development Code and, again, is not precedent setting on the rest of the community. The Development Code does not allow new billboards in the City without a billboard relocation agreement. This action would not change this provision.

ZONE CHANGE: The project site is zoned Open Space (OS) and proposed to be rezoned to Industrial Park (M2), in line with the surrounding zoning to the north and east of the project site **Exhibit 2: Zoning**. The proposed Zone Change will provide a zoning designation consistent with the proposed Industrial general plan designation and consistent with the zoning to the east and north. The change in zoning will require the replacement of 18,000 square feet of parkland contiguous to another park in the City prior to issuance of any entitlements or permits for the sign.

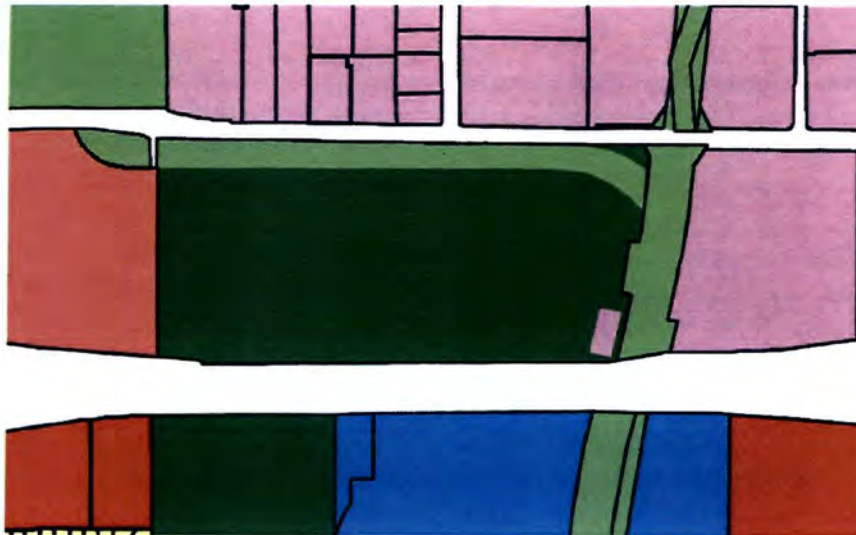
GROUND LEASE AGREEMENT: The proposed ground lease agreement is with San Diego Outdoor Advertising, Inc. a California Corporation doing business as General Outdoor Advertising. The agreement will set forth the stipulations for the design (see **Exhibit 3: Project Sign Plan**), construction, operation and maintenance of the proposed 64 foot-high pylon billboard sign with an electronic LED

outdoor advertising display measuring approximately 14 feet-high by 48 feet in width (672 square feet) on the each side. The agreement also sets forth the cost/revenue sharing of the project. The electronic sign area will be devoted to general commercial advertisement and community events. The sign is proposed to be located at the southeast corner of the Ontario Soccer Complex (2200 East Philadelphia Street). Implementation of the ground lease agreement is contingent upon the approval by City Council of the related general plan amendment (PGPA12-001) and zone change (PZC12-002).

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

ENVIRONMENTAL REVIEW: The application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") and an initial study has been prepared to determine possible environmental impacts. On the basis of the initial study, which indicated that all potential environmental impacts from the Project were less than significant or could be mitigated to a level of insignificance, a Mitigated Negative Declaration was prepared pursuant to CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines. Furthermore, to ensure that the mitigation measures are implemented, a Mitigation Monitoring Plan has been prepared for the Project pursuant to CEQA Guidelines Section 15097, which specifies responsible agencies/departments, monitoring frequency, timing and method of verification and possible sanctions for non-compliance with mitigation measures. The environmental documentation for this project is available for review at the Planning Department public counter.

Proposed General Plan Designation



LEGEND

Residential

- Rural (0 - 2 du/ac)
- Low Density (2.1 - 5 du / ac)
- Low-Medium Density (5.1 - 11 du / ac)
- Medium Density (11.1 - 25 du / ac)
- High Density (25.1 - 45 du / ac)

Mixed Use

- Mixed Use
- 1. Downtown
- 2. East Hill
- 3. Meridian
- 4. Multimodal Mixed Use
- 5. Inland Empire Corridor
- 6. Quail
- 7. Ontario Center
- 8. Ontario Mills
- 9. NMC East
- 10. NMC West
- 11. Buena Vista
- 12. GS Hammer

Retail/Service

- Neighborhood Commercial (0.4 FAR)
- General Commercial (0.4 FAR)
- Office Commercial (0.75 FAR)
- Hospitality (1.0 FAR)

Employment

- Business Park (0.6 FAR)
- Industrial (0.55 FAR)

Other

- Open Space - Non Recreation
- Open Space - Parkland
- Open Space - Water
- Public Facility
- Public School
- Airport
- Rail
- Landfill

Overlays

- Business Park
- Industrial
- Commercial
- I-10/Grove Interchange Area
- So Cal Preserve
- Landfill Impact Area
- Chino Airport Overlay

Exhibit 1: Project General Plan Amendment

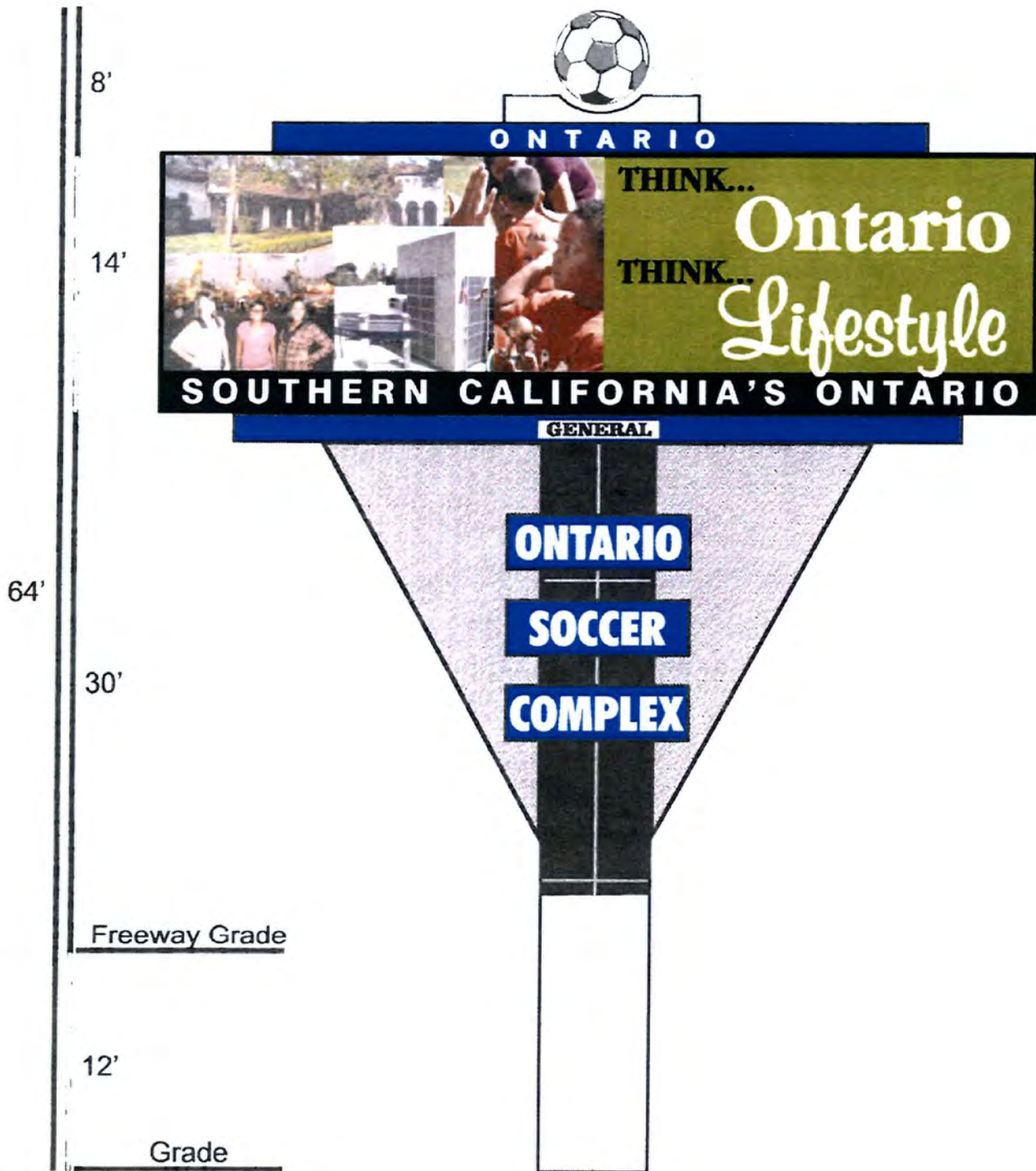
Proposed Zoning Classification



LEGEND

- FIRE STATION
- AIRPORT NOISE CONTOURS (65, 70, AND 75 dB LEVELS)
- AIRPORT CLEAR ZONE
- SPECIFIC PLANS
- EUCALYPTUS OVERLAY DISTRICT
- ZONING
- AR Agricultural Residential
- RE Residential Estate
- R1 One-Family Residential (1 to 5 d.u./acre)
- R1.5 Low Density Residential (5.1 to 11 d.u./acre)
- R2 Multiple Family Residential (11.1 to 16 d.u./acre)
- R3 High Density Residential District (16.1 to 25 d.u./acre)
- MH Mobile Home Park
- PUD Planned Unit Development
- NCC Neighborhood Convenience Commercial
- C1 Shopping Center Commercial
- C2 Central Business Commercial
- C3 Commercial Service
- C4 Airport Related Services (ARS)
- AP Administrative Professional
- M1 Limited Industrial
- M2 Industrial Park
- M3 General Industrial
- VI Viaggio Industrial Overlay (M3/VI)
- OS Open Space
- PF Public Facility
- P1 Off-Screen Parking
- SP Specific Plan
- (AG) Specific Plan (Ag Preserve)

Exhibit 2: Zoning



14X48 LED Faces
 Center mount V type design
 Internally Illuminated White Lettering on "ONTARIO"
 and "ONTARIO SOCCER COMPLEX"
 "O" Emblem Metallic Color With Spot Lighting
 General Imprint Internally Illuminated

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION, FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND ADOPTING A RELATED MITIGATION MONITORING AND REPORTING PROGRAM FOR FILE NOS. PGPA12-001 AND PZC12-002.

WHEREAS, prior to the adoption of this Resolution, the Planning Director of the City of Ontario prepared an Initial Study and approved for circulation a Mitigated Negative Declaration for Planning File Nos. PGPA12-001 and PZC12-002 (the "Initial Study/Mitigated Negative Declaration"), all in accordance with the requirements of the California Environmental Quality Act of 1970, together with state and local guidelines implementing said Act, all as amended to date (collectively "CEQA"); and

WHEREAS, Planning File Nos. PGPA12-001 and PZC12-002 analyzed under the Initial Study/Mitigated Negative Declaration consists of a General Plan Amendment and Zone Change to amend the General Plan designation from Open Space (Parkland) to Industrial (0.55 FAR) and to change the zoning classification from Open Space (OS) to Industrial Park (M2) of an approximately 18,000 square foot portion of a City-owned lot, located at the southeast corner of the Ontario Soccer Complex 2200 East Philadelphia Street (APN:113-281-13) , Ontario, CA 91764 (the "Project"); and

WHEREAS, the Initial Study/Mitigated Negative Declaration concluded that implementation of the Project could result in a number of significant effects on the environment and identified mitigation measures that would reduce each of those significant effects to a less-than-significant level; and

WHEREAS, in connection with the approval of a project involving the preparation of an initial study/mitigated negative declaration that identifies one or more significant environmental effects, CEQA requires the decision-making body of the lead agency to incorporate feasible mitigation measures that would reduce those significant environment effects to a less-than-significant level; and

WHEREAS, whenever a lead agency approves a project requiring the implementation of measures to mitigate or avoid significant effects on the environment, CEQA also requires a lead agency to adopt a mitigation monitoring and reporting program to ensure compliance with the mitigation measures during project implementation, and such a mitigation monitoring and reporting program has been prepared for the Project for consideration by the decision-maker of the City of Ontario as lead agency for the Project ("MMRP"); and

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

WHEREAS, the City Council has reviewed and considered the Initial Study/Mitigated Negative Declaration and related MMRP for the Project and intends to take actions on the Project in compliance with CEQA and state and local guidelines implementing CEQA; and

WHEREAS, the Initial Study/Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program for the Project are on file in the Planning Department, located at 303 East B Street, Ontario, CA 91764, are available for inspection by any interested person at that location and are, by this reference, incorporated into this Resolution as if fully set forth herein;

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

SECTION 1. The City Council hereby concludes as follows:

a. The recommending body has independently reviewed and analyzed the Initial Study/Mitigated Negative Declaration and other information in the record and has considered the information contained therein, prior to acting upon or approving the Project; and

b. The Initial Study/Mitigated Negative Declaration prepared for the Project has been completed in compliance with CEQA and is consistent with state and local guidelines implementing CEQA; and

c. The Initial Study/Mitigated Negative Declaration represents the independent judgment and analysis of the City of Ontario, as lead agency for the Project. The City Council designates the Planning Department, located at 303 East B Street, Ontario, CA 91764, as the custodian of documents and records of proceedings on which this decision is based.

SECTION 2. The City Council does hereby find that, based upon the entire record of proceedings before it and all information received, there is no substantial evidence that the Project will have a significant effect on the environment and does hereby recommend adoption of the Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program. The Environmental Review and MMRP are (1) on file in the Planning Department at 303 East "B" Street, Ontario, CA 91764 and (2) available for inspection by any interested person.

SECTION 3. The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 18th day of December 2012.

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. 2012- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held December 18, 2012 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. 2012- duly passed and adopted by the Ontario City Council at their regular meeting held December 18, 2012.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PGPA12-001, A GENERAL PLAN AMENDMENT CHANGING THE LAND USE DESIGNATION FROM OPEN SPACE (PARKLAND) TO INDUSTRIAL ON APPROXIMATELY 18,000 SQUARE FEET OF LAND AT THE SOUTHEAST CORNER OF THE ONTARIO SOCCER COMPLEX LOCATED NORTH OF STATE ROUTE 60 BETWEEN VINEYARD AVENUE AND ARCHIBALD AVENUE, SOUTH OF PHILADELPHIA STREET, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0113-281-13 (2200 EAST PHILADELPHIA STREET).

WHEREAS, the City of Ontario ("Applicant") has filed an Application for the approval of a General Plan Amendment, File No. PGPA12-001, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to property at the southeast corner of the Ontario Soccer Complex located just north of State Route 60 between Vineyard Avenue and Archibald Avenue, south of Philadelphia Street, as shown on Exhibit "A"; and

WHEREAS, the property to the north of the Project site is within the M2 (Industrial Park) zoning district and is developed with a industrial uses. The property to the south is State Route 60 (Pomona 60 Freeway). The property to the east is within the SP (Specific Plan) zoning district and is developed with industrial warehouses. The property to the west is within the SP (Specific Plan) zoning district and is largely developed with the Kaiser Hospital facility; and

WHEREAS, the Application was initiated in conjunction with a Zone Change (File No. PZC12-002), request to change the zoning from OS (Open Space) to M2 (Industrial Park); and

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

WHEREAS, as the first action on the Project, on September 25, 2012, the Planning Commission approved a Resolution recommending adoption of a Mitigated Negative Declaration ("MND") and Mitigation Monitoring and Reporting Program ("MMRP") to the City Council. The MND indicated that all potential environmental impacts from the Project were less than significant or could be mitigated to a level of less than significant; and

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

WHEREAS, on September 25, 2012, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and issued Resolution No. PC12-054, recommending the City Council approve the project; and

WHEREAS, on December 18, 2012, the City Council of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

SECTION 1. As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the Mitigated Negative Declaration (MND) prepared for the Project and supporting documentation. Based upon the facts and information contained in the MND and supporting documentation, the City Council finds as follows:

a. The MND contains a complete and accurate reporting of the environmental impacts associated with the Project; and

b. The MND was completed in compliance with CEQA and the Guidelines promulgated thereunder; and.

c. The MND reflects the independent judgment of the City Council; and

d. All environmental impacts of the Project are either less than significant or can be mitigated to a level of less than significant pursuant to the mitigation measures outlined in the MND, the Mitigation Monitoring and Reporting Program and the Initial Study.

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

a. The proposed amendment is consistent with the goals and policies of the General Plan.

b. The subject property is physically suitable, including, but not limited to parcel size, shape, access, availability of utilities and compatibility with adjoining land uses, for the requested land use designation and anticipated development.

c. The proposed amendment will not be detrimental to the public interest, health, safety, convenience or welfare.

d. The proposed amendment will maintain the appropriate balance of land uses within the City.

e. The General Plan Amendment would not have significant impacts on the environment nor the surrounding properties.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council hereby approve the General Plan Amendment.

SECTION 4. The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 5. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 E. B Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

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

PASSED, APPROVED, AND ADOPTED this 18th day of December 2012.

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. 2012- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held December 18, 2012 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

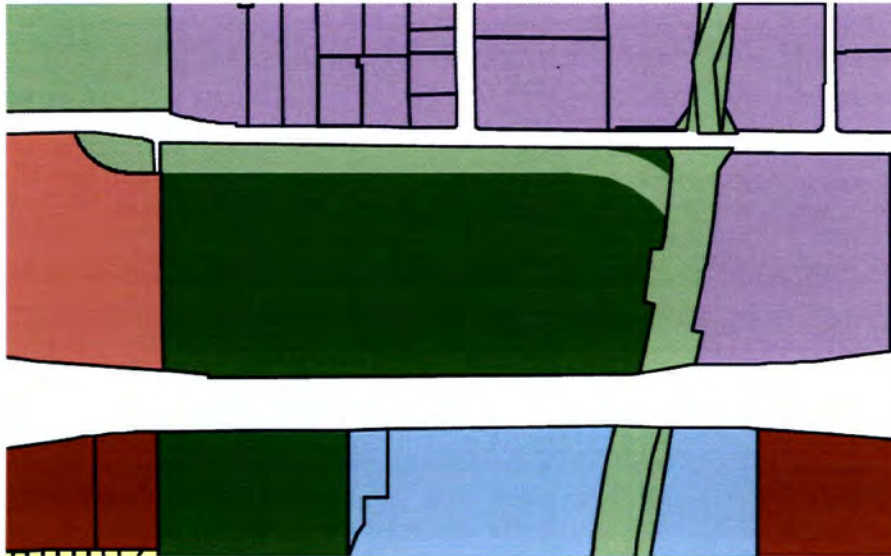
The foregoing is the original of Resolution No. 2012- duly passed and adopted by the Ontario City Council at their regular meeting held December 18, 2012.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

EXHIBIT "A"

Existing General Plan Designation



LEGEND

Residential

- Rural (0 - 2 du/ac)
- Low Density (2.1 - 5 du / ac)
- Low-Medium Density (5.1 - 11 du / ac)
- Medium Density (11.1 - 25 du / ac)
- High Density (25.1 - 45 du / ac)

Mixed Use

- Mixed Use
- 1. Downtown
- 2. East Holt
- 3. Meredith
- 4. Multimodal Mixed Use
- 5. Inland Empire Corridor
- 6. Quasi
- 7. Ontario Center
- 8. Ontario Mills
- 9. NMC East
- 10. NMC West
- 11. Euclid/Francis
- 12. 60th/Hammer

Retail/Service

- Neighborhood Commercial (0.4 FAR)
- General Commercial (0.4 FAR)
- Office Commercial (0.75 FAR)
- Hospitality (1.0 FAR)

Employment

- Business Park (0.6 FAR)
- Industrial (0.55 FAR)

Other

- Open Space - Non Recreation
- Open Space - Parkland
- Open Space - Water
- Public Facility
- Public School
- Airport
- Rail
- Landfill

Overlays

- Business Park
- Industrial
- Commercial
- I-10/Grove Interchange Area
- So Calif Preserve
- Landfill Impact Area
- Chino Airport Overlay

Proposed General Plan Designation



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC12-002, A CHANGE IN THE ZONING DESIGNATION FROM OPEN SPACE (OS) TO INDUSTRIAL PARK (M2) ON APPROXIMATELY 18,000 SQUARE FEET OF LAND LOCATED WITHIN THE SOUTHEAST CORNER OF THE ONTARIO SOCCER COMPLEX LOCATED JUST NORTH OF STATE ROUTE 60 BETWEEN VINEYARD AVENUE AND ARCHIBALD AVENUE ON PHILADELPHIA STREET, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 113-281-13 (2200 EAST PHILADELPHIA STREET).

WHEREAS, the City of Ontario ("Applicant") has filed an Application for the approval of a Zone Change, File No. PZC12-002, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to property located within the southeast corner of the Ontario Soccer Complex located just north of State Route 60 between Vineyard Avenue and Archibald Avenue on Philadelphia Street, as shown on Exhibit "A"; and

WHEREAS, the property to the north of the Project site is within the M2 (Industrial Park) zoning district and is developed with a industrial uses. The property to the south is State Route 60 (Pomona 60 Fwy). The property to the east is within the SP (Specific Plan) zoning district and is developed with industrial warehouses. The property to the west is within the SP (Specific Plan) zoning district and is largely developed with the Kaiser Hospital facility; and

WHEREAS, the Application was initiated in conjunction with a General Plan Amendment (File No. PGPA12-001), request to facilitate the construction of a 64 foot high freeway oriented pylon sign with an electronic message display on the project site; and

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

WHEREAS, as the first action on the Project, on September 25, 2012, the Planning Commission approved a Resolution recommending adoption of a Mitigated Negative Declaration ("MND") and Mitigation Monitoring and Reporting Program ("MMRP") to the City Council. The MND indicated that all potential environmental impacts from the Project were less than significant or could be mitigated to a level of less than significant; and

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

WHEREAS, on September 25, 2012, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and issued Resolution No. PC12-056, recommending the City Council approve the project; and

WHEREAS, on December 18, 2012, the City Council of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

SECTION 1. As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the Mitigated Negative Declaration (MND) prepared for the Project and supporting documentation. Based upon the facts and information contained in the MND and supporting documentation, the City Council finds as follows:

a. The MND contains a complete and accurate reporting of the environmental impacts associated with the Project; and

b. The MND was completed in compliance with CEQA and the Guidelines promulgated thereunder; and.

c. The MND reflects the independent judgment of the City Council; and

d. All environmental impacts of the Project are either less than significant or can be mitigated to a level of less than significant pursuant to the mitigation measures outlined in the MND, the Mitigation Monitoring and Reporting Program and the Initial Study.

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

a. The proposed zone change is consistent with the goals and policies of the general plan.

b. The proposed zone change is reasonable and beneficial, and in the interest of good zoning practice.

c. The project site is physically suitable, including, but not limited to parcel size, shape, access, availability of utilities and compatibility with adjoining land uses, for the requested zoning designation and anticipated development.

d. The proposed zone change will not adversely affect the harmonious relationship with adjacent parcels and land uses.

e. The proposed zone change will not have a significant adverse impact on the environment.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council hereby approve the requested Zone Change.

SECTION 4. The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 5. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 E. B Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

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

PASSED, APPROVED, AND ADOPTED this 18th day of December 2012.

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. 2012- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held December 18, 2012 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. 2012- duly passed and adopted by the Ontario City Council at their regular meeting held December 18, 2012.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

EXHIBIT "A"

Existing Zoning Classification



Proposed Zoning Classification



LEGEND

- FIRE STATION**
--- AIRPORT NOISE CONTOURS (65, 70, AND 75 db LEVELS)
--- AIRPORT CLEAR ZONE
--- SPECIFIC PLANS
▨ EUCLID AVENUE OVERLAY DISTRICT
- ZONING**
- | | |
|------|--|
| AR | Agricultural Residential |
| RE | Residential Estate |
| R1 | One-Family Residential (1 to 5 d.u./acre) |
| R1.5 | Low Density Residential (5.1 to 11 d.u./acre) |
| R2 | Multiple Family Residential (11.1 to 16 d.u./acre) |
| R3 | High Density Residential District (16.1 to 25 d.u./acre) |
| MH | Mobile Home Park |
| PUD | Planned Unit Development |
| NCC | Neighborhood Convenience Commercial |
| C1 | Shopping Center Commercial |
| C2 | Central Business Commercial |
| C3 | Commercial Service |
| C4 | Airport Related Services (ARS) |
| AP | Administrative Professional |
| M1 | Limited Industrial |
| M2 | Industrial Park |
| M3 | General Industrial |
| (VT) | Vintage Industrial Overlay (M3/VT) |
| O5 | Open Space |
| PF | Public Facility |
| P1 | Off-Street Parking |
| SP | Specific Plan |
| (AG) | Specific Plan (Ag Preserve) |

CITY OF ONTARIO

Agenda Report
December 18, 2012

**SECTION:
PUBLIC HEARINGS**

SUBJECT: A SPECIFIC PLAN AMENDMENT (FILE NO. PSPA12-003) TO THE WAGNER PROPERTIES SPECIFIC PLAN TO 1) INCREASE THE MAXIMUM DENSITY WITHIN THE URBAN RESIDENTIAL LAND USE DESIGNATION FROM 25 DWELLING UNITS PER ACRE TO 45 DWELLING UNITS PER ACRE; 2) REDUCE THE BUILDING SETBACK ALONG FOURTH STREET FROM 40' AVERAGE TO 30' MINIMUM; 3) REDUCE THE PARKING SETBACK ALONG FOURTH STREET FROM 40' AVERAGE TO 15' MINIMUM; AND 4) REDUCE THE BUILDING AND PARKING SETBACK ALONG CENTER AVENUE FROM 30' TO 20'; FOR PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF HAVEN AVENUE AND FOURTH STREET

RECOMMENDATION: That the City Council:

- (A) Adopt an Addendum to the Certified Environmental Impact Report for The Ontario Plan, pursuant to State CEQA Guidelines; and
- (B) Adopt a resolution approving File No. PSPA12-003, a Specific Plan Amendment to the Wagner Properties Specific Plan, pursuant to the facts and reasons contained in this report and the attached resolution, and subject to the conditions of approval contained in the attached department reports.

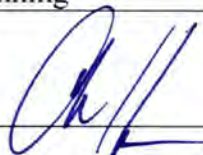
COUNCIL GOALS: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Invest in the Growth and Evolution of the City's Economy
Focus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

FISCAL IMPACT: The Amendment to the Wagner Properties Specific Plan should have an overall neutral fiscal impact on the City. The increased density may result in additional property tax revenues which would offset any anticipated increase in the demand for City services.

STAFF MEMBER PRESENTING: Jerry L. Blum, Planning Director

Prepared by: Scott Murphy
Department: Planning

City Manager
Approval: _____



Submitted to Council/O.H.A. 12/18/2012
Approved: _____
Continued to: _____
Denied: _____

15

BACKGROUND: The City has initiated a request to amend the Urban Residential land use designation of the Wagner Properties Specific Plan in several areas to make it consistent with The Ontario Plan (TOP) Policy Plan (General Plan) and with the Ontario Center Specific Plan.

The TOP, adopted by the City Council in January 2010, added a new residential land use classification – High Density Residential (HDR). The High Density Residential land use category provides a density range of 25.1 to 45 dwelling units per acre. The Urban Residential land use designation of the Wagner Properties Specific Plan, however, only allows up to 25 dwelling units per acre. In order to provide consistency with TOP, City staff prepared the Amendment to the Specific Plan which would allow a maximum density of 45 dwelling units per acre.

The subject property is located at the intersection of two divided arterial streets, in an area designated to accommodate a more urban form. The residential properties to the west are designated Medium Density Residential (MDR), allowing up to 25 dwelling units per acres. The Office designation to the south allows for a floor area ratio up to 0.75. The Mixed Use area to the east allows residential development at 20-125 dwelling units per acre, office development at a 2.0 FAR, and retail development at a 1.0 FAR. Providing the HDR designation at this location provides consistency along the Haven Avenue corridor.

In addition, the Amendment will modify several development standards for the Urban Residential land use of the Wagner Properties Specific Plan as follows:

1. Reduce the building setback along Fourth Street from a 40-foot average to 30-foot minimum.
2. Reduce the parking setback along Fourth Street from a 40-foot average to 15-foot minimum.
3. Reduce the building and parking setback along Center Avenue from 30 feet to 20 feet.

When comparing the setbacks for the Urban Residential land use of the Wagner Properties Specific Plan with that of The Ontario Center Specific Plan, staff found that setbacks in the Wagner Properties Specific Plan are more restrictive than The Ontario Center Specific Plan. The properties immediately to the west and south are within The Ontario Center Specific Plan and were developed at the lesser setbacks. Additionally, residential development to the east of Haven Avenue was also developed at the lesser setbacks. The result is that the Wagner Specific Plan property is at a competitive disadvantage. Staff proposes to modify the Wagner Properties Specific Plan setbacks along Fourth Street and Center Avenue to provide consistency with The Ontario Center Specific Plan, create a uniform streetscape along Fourth Street and Center Avenue, and be consistent with recognized urban design principals.

At their meeting of November 27, 2012, the Planning Commission conducted a public hearing on the proposed Specific Plan Amendment. After receiving all public testimony on the application, the Planning Commission voted unanimously to recommend City Council approval of the Specific Plan Amendment.

ENVIRONMENTAL REVIEW: Pursuant to CEQA sections 21166, 15162 and 15163 of the CEQA Guidelines, an addendum to the Certified Environmental Impact Report for The Ontario Plan (TOP) was prepared by the City with regard to the Project (“Addendum”). The Addendum incorporates, by reference, the analysis contained in the Certified Environmental Impact Report for The Ontario Plan, and addresses only those issues specific to the Project. As described in the Addendum and the Initial

Study, the Certified Environmental Impact Report for The Ontario Plan adequately describes the activity proposed under the Resolution for the purposes of CEQA. The Addendum concludes that the Project will not result in new, or substantially more adverse, significant environmental impacts than those disclosed in the Certified Environmental Impact Report for The Ontario Plan.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING AN ADDENDUM TO THE ONTARIO PLAN ENVIRONMENTAL IMPACT REPORT FOR FILE NO. PSPA12-003, FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND MAKING FINDINGS IN SUPPORT THEREOF (APN: 210-182-09).

WHEREAS, prior to the adoption of this Resolution, the Planning Director of the City of Ontario prepared an Initial Study and approved for circulation an Addendum for Planning File No. PSPA12-003 (the "Addendum"), all in accordance with the requirements of the California Environmental Quality Act of 1970, together with state and local guidelines implementing said Act, all as amended to date (collectively "CEQA"); and

WHEREAS, Planning File No. PSPA12-003 (the "Project") analyzed under the Addendum consists of a Specific Plan Amendment to the Wagner Properties Specific Plan, increasing the maximum density within the Urban Residential Land Use Designation (Planning Area No. 1) from 0-25 dwelling units per acre to 25.1-45 dwelling units per acre; reducing the building setback along Fourth Street from 40' average to 30' minimum; reducing the parking setback along Fourth Street from 40' average to 15' minimum; and reducing the building and parking setback along Center Avenue from 30' to 20' on 10.99± acres of land located south of Fourth Street, between Haven Avenue and Center Avenue. This increase in density will bring the Urban Residential Designation into consistency with the City's General Plan; and

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

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

WHEREAS, the TOP EIR contains an analysis of the environmental setting of the City at the time of its certification, including the 10.99± acres of land identified as "Planning Area 1" within the Wagner Properties Specific Plan. The TOP EIR analyzed the environmental impacts of the project development of the site and analyzed the principles and goals in the Addendum that are furthered and carried out by the Project; and

WHEREAS, pursuant to CEQA section 21166 and sections 15162 and 15163 of the CEQA Guidelines, an Addendum to the TOP EIR was prepared by the City with regard to the Project ("Addendum"). The Addendum incorporates, by reference, the analysis contained in the TOP EIR, and addresses only those issues specific to the

Project. The Addendum concludes that the project will not result in impacts beyond what was previously analyzed in the TOP EIR, because the Project does not have new environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly; and

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

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

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

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

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

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

SECTION 3. The documents and materials that constitute the record of proceedings on which these findings have been based upon are located at the City of Ontario City Hall, 303 East B Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

PASSED, APPROVED, AND ADOPTED this 18th day of December 2012.

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. 2012- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held December 18, 2012 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. 2012- duly passed and adopted by the Ontario City Council at their regular meeting held December 18, 2012.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PSPA12-003, AN AMENDMENT TO THE WAGNER PROPERTIES SPECIFIC PLAN TO 1) INCREASE THE MAXIMUM DENSITY WITHIN THE URBAN RESIDENTIAL LAND USE DESIGNATION FROM 25 DWELLING UNITS PER ACRE TO 45 DWELLING UNITS PER ACRE; 2) REDUCE THE BUILDING SETBACK ALONG FOURTH STREET FROM 40' AVERAGE TO 30' MINIMUM; 3) REDUCE THE PARKING SETBACK ALONG FOURTH STREET FROM 40' AVERAGE TO 15' MINIMUM; AND 4) REDUCE THE BUILDING AND PARKING SETBACK ALONG CENTER AVENUE FROM 30' TO 20' FOR PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF HAVEN AVENUE AND FOURTH STREET AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 210-182-09.

WHEREAS, City of Ontario ("Applicant"), has filed an Application for the approval of a Specific Plan Amendment, File No. PSPA12-003, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to property generally located along the southwest corner of Haven Avenue and Fourth Street, for property located on approximately ± 10.99 acres; and

WHEREAS, the project site is currently a vacant; and

WHEREAS, the project site is situated within an urbanized area, which is characterized by a mixture of land uses. To the north of the project, the site is developed with office and a hotel, to the west, the site is developed with high density residential development, to the south, the site is developed with retail and office and to the east, the site is vacant; and

WHEREAS, the Applicant is requesting approval of an amendment to the Wagner Properties Specific Plan to 1) increase the maximum density within the Urban Residential land use designation from 25 dwelling units per acre to 45 dwelling units per acre; 2) reduce the building setback along Fourth Street from 40' average to 30' minimum; 3) reduce the parking setback along Fourth Street from 40' average to 15' minimum; and 4) reduce the building and parking setback along Center Avenue from 30' to 20'; and

WHEREAS, the purpose of the amendment is to provide consistency with The Ontario Plan (TOP) Policy Plan (General Plan). The TOP which was adopted by the City in 2010, allows up to 45 units per acre for high density residential development. However, the Urban Residential land use designation of the Wagner Properties Specific Plan, also designated for high density residential, only allows up to 25 dwelling units per acre. The request will make the specific plan consistent with the TOP.

WHEREAS, the application will modify the setback requirements along Fourth Street and Center Avenue. By approving the modification of the development standards, the subject property will also be consistent with the development standards for the adjacent properties, some of which are developed, which are located within The Ontario Center Specific Plan; and

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

WHEREAS, the proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT; and

WHEREAS, as the first action on the Project, the City Council adopted a Resolution approving Addendum to TOP Environmental Impact Report, previously certified by the Ontario City Council, with a Statement of Overriding Considerations, on January 27, 2010. The Addendum finds that the proposed Specific Plan Amendment introduces no new significant environmental impacts, and all previously adopted mitigation measures are to be a condition of project approval, and are incorporated into the Project by reference; and

WHEREAS, on November 27, 2012, the Planning Commission of the City of Ontario conducted a hearing to consider the Project and, after receiving all public testimony and concluding said hearing, recommended approval of the Project to the City Council; and

WHEREAS, on December 18, 2012, the City Council of the City of Ontario conducted a hearing to consider the Project and concluded said hearing on that date; and

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

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

SECTION 1. As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the Addendum to TOP Environmental Impact Report, previously certified by the Ontario City Council, with a Statement of Overriding Considerations, on January 27, 2010, and the supporting documentation. Based upon the facts and information contained in the Addendum and supporting documentation, the City Council finds as follows:

a. The Addendum contains a complete and accurate reporting of the environmental impacts associated with the Project; and

b. The Addendum was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

c. The Addendum reflects the independent judgment of the City Council; and

d. All previously adopted mitigation measures, which are applicable to the Project, shall be a condition of Project approval and are incorporated herein by reference.

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

a. The proposed specific plan amendment is consistent with The Ontario Plan (TOP), Policy Plan (General Plan) and with The Ontario Center Specific Plan. The Project will provide a residential density that is consistent with the High Density Residential designation of TOP, allowing up to 45 dwelling units per acre.

b. The subject property is physically suitable, including, but not limited to parcel size, shape, access, availability of utilities and compatibility with adjoining land uses, for the requested land use designation and anticipated development. The 11.57-acre site is rectangular in shape, with access off an arterial and a collector street. The dimensions of the site provide adequate area in which to construct a project meeting the density requirements of TOP.

c. The proposed specific plan amendment will not be detrimental to the public interest, health, safety, convenience or welfare as the proposed land uses and the anticipated development thereon is consistent with the City's vision for the project site and the land uses surrounding the Project.

d. The proposed specific plan amendment will maintain the appropriate balance of land uses within the City. The Project maintains the property as residential and increases the density up to the range currently allowed by the High Density Residential designation of TOP (25.1 to 45 dwelling units per acre).

e. The Specific Plan Amendment would not have significant impacts on the environment nor the surrounding properties. An Addendum has been prepared for the project and finds that the Project introduces no new significant environmental impacts over those previously considered by TOP EIR.

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

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council hereby approves the application and adopts the environmental determination pursuant to State CEQA Guidelines.

SECTION 4. The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 5. The documents and materials that constitute the record of proceedings on which these findings have been based upon are located at the City of Ontario City Hall 303 East B Street Ontario California 91764. The custodian for these records is the City Clerk of the City of Ontario.

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

PASSED, APPROVED, AND ADOPTED this 18th day of December 2012.

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. 2012- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held December 18, 2012 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. 2012- duly passed and adopted by the Ontario City Council at their regular meeting held December 18, 2012.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)