

**CITY OF ONTARIO
CITY COUNCIL AND HOUSING AUTHORITY
AGENDA
APRIL 16, 2019**

Paul S. Leon
Mayor

Ruben Valencia
Mayor pro Tem

Alan D. Wapner
Council Member

Jim W. Bowman
Council Member

Debra Dorst-Porada
Council Member



Scott Ochoa
City Manager

John E. Brown
City Attorney

Sheila Mautz
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

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

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

CLOSED SESSION

- GC 54956.9 (d)(2), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION:
Two cases.

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

PLEDGE OF ALLEGIANCE

Council Member Dorst-Porada

INVOCATION

Pastor Mike Urciuoli, Calvary Chapel Ontario

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.

SPECIAL CEREMONIES

RECOGNITION OF APRIL 2019 AS ARTS, CULTURE AND CREATIVITY MONTH

CONSENT CALENDAR

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

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

1. APPROVAL OF MINUTES

Minutes for the regular meeting of the City Council and Housing Authority of March 19, 2019, approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

Bills February 24, 2019 through March 9, 2019 and **Payroll** February 24, 2019 through March 9, 2019, when audited by the Finance Committee.

3. VOTING DELEGATE FOR THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) GENERAL ASSEMBLY

That the City Council designate Council Member Debra Dorst-Porada the City's voting delegate for the Southern California Association of Governments (SCAG) General Assembly scheduled for May 3, 2019.

4. DESIGNATION OF THE DIRECTOR AND ALTERNATE DIRECTOR FOR THE CHINO BASIN WATER BANK BOARD

That the City Council reaffirm Council Member Jim W. Bowman as the City's Primary Director and designate Mayor pro Tem Ruben Valencia as the City's Alternate Director to represent the City on the Chino Basin Water Bank (CBWB) Board.

5. A RESOLUTION FOR PLACEMENT OF SPECIAL ASSESSMENTS ON THE SAN BERNARDINO COUNTY TAX ROLLS

That the City Council adopt a resolution for recovery of fees and costs incurred in abating property and dangerous building violations, as well as administrative citations and civil penalties associated with property maintenance violations, and placing assessments on the San Bernardino County Tax Rolls.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING A REPORT REQUESTING THE PLACEMENT OF SPECIAL ASSESSMENTS ON PROPERTY TAX BILLS FOR CIVIL PENALTIES OR RECOVERY OF COSTS INCURRED FOR ABATEMENT OF VIOLATIONS OF CITY CODES AND ORDINANCES.

6. A CONSTRUCTION CONTRACT FOR THE 2019 SPRING PAVEMENT REHABILITATION PROJECT/HARDY & HARPER INC.

That the City Council approve the plans and specifications and award a construction contract (on file in the Records Management Department) to Hardy & Harper Inc. of Santa Ana, California, for the 2019 Spring Pavement Rehabilitation Project for the bid amount of \$2,022,443 plus a 15% contingency of \$303,367 for a total authorized amount of \$2,325,810; and authorize the City Manager to execute related documents necessary and file a notice of completion at the conclusion of all construction activities.

7. A WRITTEN PETITION TO CREATE A COMMUNITY FACILITIES DISTRICT; AND A RESOLUTION OF INTENTION TO ESTABLISH CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 51 (ONTARIO RANCH LOGISTICS CENTER SERVICES) AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES

That the City Council consider and:

- (A) Accept a written petition (on file with the Records Management Department) from Ontario Land Ventures, LLC ("Landowner"), to create a community facilities district ("CFD"), and to waive certain procedural matters, under the Mello-Roos Community Facilities Act of 1982; and

- (B) Adopt a Resolution of Intention to establish City of Ontario Community Facilities District No. 51 (Ontario Ranch Logistics Center Services), authorize the associated levy of special taxes therein; and set a public hearing for the formation of the CFD as part of the regularly scheduled City Council meeting on Tuesday, June 4, 2019.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF INTENTION TO ESTABLISH A COMMUNITY FACILITIES DISTRICT PROPOSED TO BE NAMED CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 51 (ONTARIO RANCH LOGISTICS CENTER SERVICES) AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES.

8. MAINTENANCE SERVICES AGREEMENT FOR LANDSCAPE MAINTENANCE AT ONTARIO TOWN SQUARE/MERCHANTS LANDSCAPE INC.

That the City Council authorize the City Manager to execute a three-year Maintenance Services Agreement (on file with Records Management) for Contract No. PM1819-8 with Merchants Landscape Inc., located in Rancho Cucamonga, California, for an annual estimated cost of \$87,000 plus a contingency of \$13,000; and authorize the addition of future service areas; and the option to extend the agreement for up to two additional years consistent with City Council approved budgets.

9. AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH HAZEN AND SAWYER FOR ADDITIONAL SITE LOCATION DESIGN SERVICES FOR THE ADVANCED METERING INFRASTRUCTURE TECHNOLOGY PROJECT/HAZEN AND SAWYER CORPORATION

That the City Council authorize the City Manager to execute Amendment No. 1 to the professional services agreement (on file in the Records Management Department) with Hazen and Sawyer Corporation, of Irvine, California, to provide additional site location design services related to the Advanced Metering Infrastructure Technology (“AMI Technology”) project in the amount of \$24,585 for a new not-to-exceed amount of \$114,195, and to extend the agreement for an additional 15 months to conclude December 2019.

10. MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ONTARIO AND VARIOUS CHINO BASIN PARTIES FOR THE EVALUATION AND DEVELOPMENT OF THE CHINO BASIN PROGRAM

That the City Council approve and authorize the City Manager to execute a Memorandum of Understanding (on file with the Records Management Department), subject to non-substantive changes, by and between the City of Ontario and various Chino Basin parties.

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.

II. A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT AMENDMENT (FIRST AMENDMENT – FILE NO. PDA07-005) BETWEEN THE CITY OF ONTARIO AND STG COMMUNITIES II, LLC TO MODIFY CERTAIN INFRASTRUCTURE REQUIREMENTS ASSOCIATED WITH THE DEVELOPMENT OF TENTATIVE TRACT MAP NOS. 18026 (PMTT11-003) AND 18027 (PMTT11-002), LOCATED AT THE NORTHWEST CORNER OF HAVEN AVENUE AND CHINO AVENUE, AND THE NORTHWEST CORNER OF HAVEN AVENUE AND SCHAEFER AVENUE, WITHIN PLANNING AREAS 4 AND 8 OF THE WEST HAVEN SPECIFIC PLAN (APNS: 0218-151-11 AND 0218-151-38)

That the City Council introduce and waive further reading of an ordinance approving the First Amendment (File No. PDA07-005, on file with Records Management Department) to the Development Agreement between the City of Ontario and STG Communities II, LLC to modify certain infrastructure requirements associated with the development of Tentative Tract Map Nos. 18026 (PMTT11-003) and 18027 (PMTT11-002).

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.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT AMENDMENT (FIRST AMENDMENT - FILE NO. PDA07-005) BETWEEN THE CITY OF ONTARIO AND STG COMMUNITIES II, LLC TO MODIFY CERTAIN INFRASTRUCTURE REQUIREMENTS ASSOCIATED WITH THE DEVELOPMENT OF TENTATIVE TRACT MAP NOS. 18026 (PMTT11-003) AND 18027 (PMTT11-002), LOCATED AT THE NORTHWEST CORNER OF HAVEN AVENUE AND CHINO AVENUE, AND THE NORTHWEST CORNER OF HAVEN AVENUE AND SCHAEFER AVENUE, WITHIN PLANNING AREAS 4 AND 8 OF THE WEST HAVEN SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 0218-151-11 AND 0218-151-38.

STAFF MATTERS

City Manager Ochoa

COUNCIL MATTERS

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

ADJOURNMENT

**CITY OF ONTARIO
CLOSED SESSION REPORT**
City Council // Housing Authority // Other // (GC 54957.1)
April 16, 2019

ROLL CALL: Valencia __, Wapner __, Bowman __, Dorst-Porada__, Mayor / Chairman Leon __.

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

In attendance: Valencia __, Wapner __, Bowman __, Dorst-Porada__, Mayor / Chairman Leon __.

- GC 54956.9 (d)(2), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION: *Two cases.*

No Reportable Action	Continue	Approved
/ /	/ /	/ /

Disposition: _____

Reported by:

City Attorney / City Manager / Executive Director

CITY OF ONTARIO

Agenda Report
April 16, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: VOTING DELEGATE FOR THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) GENERAL ASSEMBLY

RECOMMENDATION: That the City Council designate Council Member Debra Dorst-Porada the City's voting delegate for the Southern California Association of Governments (SCAG) General Assembly scheduled for May 3, 2019.

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

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

BACKGROUND: SCAG has scheduled their General Assembly for May 3, 2019, during the 2019 Regional Conference in Palm Desert, California. At the General Assembly, members consider and take actions on resolutions that determine policy matters for SCAG.

Consistent with the SCAG bylaws, a City's voting delegate must be designated by the City Council.

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

Prepared by: Al Boling
Department: Citywide Administration

City Manager Approval: 

Submitted to Council/O.H.A. 04/16/2019
Approved: _____
Continued to: _____
Denied: _____

CITY OF ONTARIO

Agenda Report
April 16, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: DESIGNATION OF THE DIRECTOR AND ALTERNATE DIRECTOR FOR THE CHINO BASIN WATER BANK BOARD

RECOMMENDATION: That the City Council reaffirm Council Member Jim W. Bowman as the City's Primary Director and designate Mayor pro Tem Ruben Valencia as the City's Alternate Director to represent the City on the Chino Basin Water Bank (CBWB) Board.

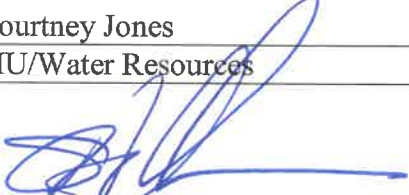
COUNCIL GOALS: Pursue City's Goals and Objectives by Working with Other Governmental Agencies

FISCAL IMPACT: There is no direct fiscal impact by taking this action; however, representation and participation in the CBWB will help establish policy on matters which may affect the City's finances. The current fiscal year budget for the CBWB is \$600,000. The City's share is \$150,000 and is funded through Water Operating.

BACKGROUND: The City of Ontario is currently participating in the Chino Basin Water Bank Planning Authority (Authority), a Joint Powers Authority between several of the major Chino Basin water rights holders (the City of Ontario, Cucamonga Valley Water District, and Monte Vista Water District) and the Inland Empire Utilities Agency, a wholesale water agency.

Each Authority member designates and appoints a representative to serve as a Director on the Board as well as an Alternate Director. Alternate Directors serve in the absence of the Primary Director and assume all rights and duties of the absent Director. The City of Ontario previously designated Council Member Jim W. Bowman to serve as the Primary Director on the Board upon formation of the Joint Powers Authority. This action reaffirms Council Member Bowman's designation as Primary Director and adds Mayor pro Tem Valencia as the Alternate Director.

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

Prepared by: Courtney Jones
Department: MU/Water Resources
City Manager Approval: 

Submitted to Council/O.H.A. 04/16/2019
Approved: _____
Continued to: _____
Denied: _____

CITY OF ONTARIO

Agenda Report
April 16, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION FOR PLACEMENT OF SPECIAL ASSESSMENTS ON THE SAN BERNARDINO COUNTY TAX ROLLS

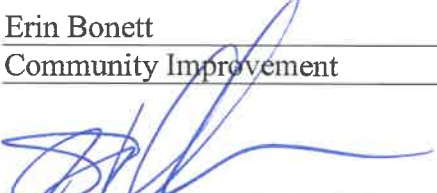
RECOMMENDATION: That the City Council adopt a resolution for recovery of fees and costs incurred in abating property and dangerous building violations, as well as administrative citations and civil penalties associated with property maintenance violations, and placing assessments on the San Bernardino County Tax Rolls.

COUNCIL GOALS: Operate in a Businesslike Manner
Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: The levy of special assessments will result in the recovery of \$56,751 in costs that the City has expended for inspection or abatement of property violations, as well as the collection of \$19,560 associated with civil penalties and/or fines for continued violations, for a total of \$76,311 related to 107 parcels. When received, reimbursement of \$69,271 will be made to the General Fund and \$7,040 to the Dangerous Building Fund.

BACKGROUND: The City has established revolving funds to cover City costs for abatement of property and dangerous building violations, as a result of community improvement activities as well as the generation of fines associated with administrative citations for property maintenance violations and fees and penalties associated with the Systematic Health and Safety Inspection Program, Abandoned and Distressed Property Program, and Weed and Refuse Abatement Program. These costs, fines, fees and penalties are recovered through placement of special tax assessments upon the properties. The placement of special assessments and collection of revenue is done under Ordinance 3046, Property Appearance (Title 5, Chapter 22 of the Ontario Municipal Code); Chapter 9 of the Uniform Code for the Abatement of Dangerous Buildings; and Ordinance 2920 for civil penalties for continued violations of the Ontario Municipal Code and fines associated with administrative citations (Title 1, Chapters 2 and 5 of the Ontario Municipal Code). The City and County currently have a contractual agreement regarding

STAFF MEMBER PRESENTING: Julie Bjork, Executive Director Housing & Neighborhood Preservation

Prepared by: Erin Bonett
Department: Community Improvement
City Manager Approval: 

Submitted to Council/O.H.A. 04/16/2019
Approved: _____
Continued to: _____
Denied: _____

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implementation of special assessments; however, a resolution authorizing the placement of the specific assessments is required.

This assessment cycle, the Community Improvement Department has billed property owners for the abatement of violations, the issuance of fines associated with administrative citations, the issuance of fees and penalties associated with the Systematic Health and Safety Inspection Program, the issuance of registration fees and civil penalties associated with the Abandoned and Distressed Property Program, and the issuance of notice and re-inspection fees as well as civil penalties for the Weed and Refuse Abatement Programs on 190 parcels. Of this, there are remaining amounts due on 107 parcels. Attached are itemized accounts of: (1) costs associated with inspection or abatement as shown in Exhibit A of the resolution; (2) civil penalties and/or fines for continued violations as shown in Exhibit B of the resolution; and (3) total amounts per parcel as shown in Exhibit C of the resolution. The expenditure list, with any necessary corrections and adjustments, will be submitted to the County prior to August 2019 for its 2019-2020 tax rolls.

All affected property owners were given notice of the imposition of special assessments via certified mail as provided in Ontario Municipal Code Section 1-4.05(a), and either have not requested an appeal or have exhausted the appellate procedure in Ontario Municipal Code Section 1-4.05(b).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING A REPORT REQUESTING THE PLACEMENT OF SPECIAL ASSESSMENTS ON PROPERTY TAX BILLS FOR CIVIL PENALTIES OR RECOVERY OF COSTS INCURRED FOR ABATEMENT OF VIOLATIONS OF CITY CODES AND ORDINANCES.

WHEREAS, Ordinance No. 3046, Property Appearance (Title 5, Chapter 22, of the Ontario Municipal Code) and Chapter 9 of the Uniform Code for the Abatement of Dangerous Buildings provide for the abatement of property nuisances by repair, rehabilitation, demolition or removal; and

WHEREAS, under Resolution 94-112, Resolution ORA-499, and the Cooperation and Reimbursement Agreement entered into on the 15th day of November, 1994, by the City of Ontario and the Ontario Redevelopment Agency, the Ontario Redevelopment Agency made a one-time advance to the City of One Hundred Fifty Thousand Dollars (\$150,000) to repair or abate dangerous buildings and properties throughout the City; and

WHEREAS, under a first amendment to the Cooperation and Reimbursement Agreement entered into on the 16th day of July 1996, by the City of Ontario and the Ontario Redevelopment Agency, the Ontario Redevelopment Agency made an additional advance to the City of One Hundred Thousand Dollars (\$100,000) to continue to repair or abate dangerous buildings and properties throughout the City; and

WHEREAS, under Resolution 94-113, Resolution ORA-500, and the Cooperation and Reimbursement Agreement entered into on the 15th day of November 1994, by the City of Ontario and the Ontario Redevelopment Agency, the Ontario Redevelopment Agency made a one-time advance to the City of Thirty Thousand Dollars (\$30,000) to repair or abate dangerous buildings and properties in the 6th and Grove area; and

WHEREAS, under Resolution 94-12, Resolution ORA-464, and the Cooperation and Reimbursement Agreement entered into on the 22nd day of February 1994, by the City of Ontario and the Ontario Redevelopment Agency, the Ontario Redevelopment Agency made a one-time advance to the City of One Hundred Fifty Thousand Dollars (\$150,000) to repair or demolish dangerous buildings throughout the City; and

WHEREAS, Ordinance No. 2894, Systematic Health and Safety Inspection Program (Title 8, Chapter 17, of the Ontario Municipal Code), provides for the collection of unpaid service fees, plus any penalties and accrued interest by Special Assessment; and

WHEREAS, Ordinance No. 2920, provides for the assessment of civil penalties for continued violations of the Ontario Municipal Code (Title 1, Chapter 2 of the Ontario Municipal Code), and for fines associated with administrative citations to be collected by Special Assessment (Title 1, Chapter 5 of the Ontario Municipal Code), and establishes a uniform procedure before imposing such Special Assessments (Title 1, Chapter 4 of the Ontario Municipal Code); and

WHEREAS, the above said ordinances, resolutions and agreements provide for recovery of costs incurred in the abatement of violations by means of a Special Assessment placed on the tax rolls; and

WHEREAS, the City has incurred costs involved in the abatement of violations under the Ontario Municipal Code and Uniform Code for the Abatement of Dangerous Buildings, issuing Notices of Violation, and administering the Systematic Health and Safety Program and wishes to recover said costs; and

WHEREAS, the owners of all parcels listed in Exhibit A, B, and C were given notice of imposition of such Special Assessment as provided in Ontario Municipal Code Section 1-4.05(a), and either have not requested an appeal, or have exhausted the appellate procedure provided in Ontario Municipal Code Section 1-4.05(b); and

WHEREAS, the City has an executed contract with the San Bernardino County Board of Supervisors for collection of said assessments;

NOW, THEREFORE, BE IT RESOLVED that the City Council:

1. Confirmed the costs associated with inspection or abatement on the properties as set forth in the report in Exhibit A; and
2. Confirmed the civil penalties and/or fines for continued violations on the properties as set forth in the report in Exhibit B; and
3. Confirmed that Exhibit C contains the total amount assessed for both confirmed costs and confirmed civil penalties and/or fines for each of the properties; and
4. Found and determined that the report, and Exhibits contained therein are true and accurate; and
5. Adopts the above said report and finds that the costs of inspection or abatement on the properties listed are the costs set forth in Exhibit A, the civil penalties and/or fines for continued violations are the penalties and/or fines as set forth in Exhibit B, and the same are hereby charged and placed as special assessments upon the respective properties; and
6. Directs Exhibit C shall be sent to the Auditor-Controller of San Bernardino County and shall be collected on the County tax roll.

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

PASSED, APPROVED, AND ADOPTED this 16th day of April 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held April 16, 2019 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2019- duly passed and adopted by the Ontario City Council at their regular meeting held April 16, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

City of Ontario
Community Improvement Department
2019/2020 Tax Roll Year Special Assessments
Exhibit A - Costs Associated with Inspection or Abatement

Parcel Number	Address	Amount Due
0108-304-24	1364 E BONNIE BRAE ST, Ontario, CA 91764	194.05
0108-412-07	1747 N EL DORADO AV, Ontario, CA 91764	360.55
0108-493-13	1504 N MADERA AV, Ontario, CA 91764	101.55
0108-493-37	1521 N MARIPOSA AV, Ontario, CA 91764	435.11
0108-532-04	1664 E FIFTH ST, Ontario, CA 91764	3,356.61
0108-541-18	1647 E PRINCETON ST, Ontario, CA 91764	101.55
0110-061-01	1375 E HOLT BL, Ontario, CA 91761	856.05
0110-151-03	851 N AMADOR AV, Ontario, CA 91764	149.00
0110-202-22	1311 E FRESNO ST, Ontario, CA 91764	408.45
0110-281-04	622 N CALAVERAS AV, Ontario, CA 91764	249.55
0110-374-12	864 N SAN DIEGO AV, Ontario, CA 91764	149.00
0110-411-31	626 N MADERA AV, Ontario, CA 91764	175.55
0110-412-12	1642 E FLORA ST, Ontario, CA 91764	1,312.62
0110-424-08	927 N LASSEN AV, Ontario, CA 91764	101.55
0110-481-46	1345 N ORANGE AV, Ontario, CA 91764	149.00
0110-514-01	702 N BAKER AV, Ontario, CA 91764	1,040.98
0113-502-06	2840 S DIVERSA DR, Ontario, CA 91761	101.55
0211-275-35	2041 S TURNER AV, Ontario, CA 91761	2,930.26
0216-281-02	2845 S WALKER AV, Ontario, CA 91761	149.00
0218-751-54	2909 E BLACK HORSE DR, Ontario, CA 91761	55.00
1008-291-09	1560 N HELEN CT, Ontario, CA 91762	259.00
1008-471-35	923 W SIXTH ST, Ontario, CA 91762	149.00
1008-572-14	1415 W HARVARD PL, Ontario, CA 91762	1,038.15
1010-093-09	1521 W J ST, Ontario, CA 91762	862.03
1010-101-20	1412 W ROSEWOOD CT, Ontario, CA 91762	149.00
1010-154-14	916 W I ST, Ontario, CA 91762	446.05
1010-163-18	830 W BERKELEY CT, Ontario, CA 91762	55.00
1010-482-09	817 W F ST, Ontario, CA 91762	149.00
1010-543-24	1265 W STONERIDGE CT, Unit:5, Ontario, CA 91762	149.00
1011-421-11	0 S ELDERBERRY AV, Ontario, CA 91762	149.00
1011-421-17	1317 W RALSTON ST, Ontario, CA 91762	230.81
1011-521-09	1112 S OAKS AV, Ontario, CA 91762	149.00
1011-572-21	1240 S PALMETTO AV, Ontario, CA 91762	712.06
1014-101-22	1442 W EUCALYPTUS CT, Ontario, CA 91762	149.00
1014-141-05	1422 S PALMETTO AV, Ontario, CA 91762	149.00
1014-182-15	844 W JUNIPER ST, Ontario, CA 91762	138.55
1014-421-08	1853 S BENSON AV, Ontario, CA 91762	1,738.21
1014-422-04	1927 S HELEN AV, Ontario, CA 91762	149.00
1014-571-14	2031 S BENSON AV, Ontario, CA 91762	138.55
1014-571-27	2039 S HELEN AV, Ontario, CA 91762	175.55
1047-151-11	1133 E SYCAMORE CT, Ontario, CA 91764	1,207.58

City of Ontario
Community Improvement Department
2019/2020 Tax Roll Year Special Assessments
Exhibit A - Costs Associated with Inspection or Abatement

1047-411-16	1329 N HOLMES CT, Ontario, CA 91764	149.00
1047-433-16	1411 N GROVE AV, Ontario, CA 91764	149.00
1047-441-14	1322 N PARKSIDE AV, Ontario, CA 91764	226.44
1047-511-09	564 E PRINCETON ST, Ontario, CA 91764	3,986.05
1047-531-08	1244 N EUCLID AV, Ontario, CA 91764	1,240.10
1048-064-18	329 E J ST, Ontario, CA 91764	212.55
1048-081-24	650 E J ST, Ontario, CA 91764	287.65
1048-101-12	1049 N BERLYN AV, Ontario, CA 91764	175.55
1048-181-09	952 E GRANADA CT, Ontario, CA 91764	149.00
1048-202-06	712 E H ST, Ontario, CA 91764	149.00
1048-391-12	513 E E ST, Ontario, CA 91764	2,894.93
1048-431-42	505 N CUCAMONGA AV, Ontario, CA 91764	149.00
1048-432-36	525 N HOLMES AV, Ontario, CA 91764	149.00
1048-442-30	620 N CUCAMONGA AV, Ontario, CA 91764	149.00
1048-451-09	519 N GROVE AV, Ontario, CA 91764	110.00
1048-462-15	1081 E NOCTA ST, Ontario, CA 91761	305.05
1048-501-05	306 N CAMPUS AV, Ontario, CA 91761	149.00
1048-512-22	717 E HOLT BL, Ontario, CA 91761	261.05
1048-604-01	763 W B ST, Ontario, CA 91762	149.00
1049-011-03	753 W HOLT BL, Ontario, CA 91762	432.00
1049-059-03	413 W EMPORIA ST, Ontario, CA 91762	2,595.37
1049-193-01	509 S BON VIEW AV, Ontario, CA 91761	110.00
1049-221-27	532 E SUNKIST ST, Ontario, CA 91761	3,153.45
1049-256-08	315 E CALIFORNIA ST, Ontario, CA 91761	149.00
1049-273-07	309 W STATE ST, Ontario, CA 91762	596.00
1049-284-16	514 W SUNKIST ST, Ontario, CA 91762	164.49
1049-294-07	537 W NEVADA ST, Ontario, CA 91762	149.00
1049-353-10	507 E MAITLAND ST, Ontario, CA 91761	2,209.70
1049-384-09	930 S GROVE AV, Ontario, CA 91761	149.00
1049-392-04	1030 S GROVE AV, Ontario, CA 91761	110.00
1049-571-16	1028 S OAKLAND AV, Ontario, CA 91762	138.55
1049-591-27	612 W PHILLIPS ST, Ontario, CA 91762	286.05
1049-591-28	618 W PHILLIPS ST, Ontario, CA 91762	1,475.93
1050-024-07	612 W ZENIA CT, Ontario, CA 91762	562.94
1050-051-35	230 W ELM ST, Ontario, CA 91762	1,341.97
1050-092-24	1426 S MONTEREY AV, Ontario, CA 91761	25.00
1050-121-08	1510 S BON VIEW AV, Building:1, Ontario, CA 91761	446.05
1050-234-44	1604 S CAMPUS AV, Unit:A, Ontario, CA 91761	576.00
1050-291-03	459 W MAPLE ST, Ontario, CA 91762	3,064.30
1050-301-12	453 W LOCUST ST, Ontario, CA 91762	3,671.73
1050-411-32	1920 S MONTEREY AV, Ontario, CA 91761	149.00
1051-011-19	727 W MONTICELLO ST, Ontario, CA 91762	929.22
1051-421-50	308 E BLUE JAY WY, Ontario, CA 91761	895.89

City of Ontario
Community Improvement Department
2019/2020 Tax Roll Year Special Assessments
Exhibit A - Costs Associated with Inspection or Abatement

1083-111-65	2502 S WOODLARK DR, Ontario, CA 91761	757.22
1083-291-41	3416 E CEDARGLEN RD, Ontario, CA 91761	144.00
1083-442-80	2902 S MILL CREEK RD, Ontario, CA 91761	55.00
1083-461-04	3881 E ANTELOPE CREEK DR, Ontario, CA 91761	654.63
		56,751.38

City of Ontario
Community Improvement Department
2019/2020 Tax Roll Year Special Assessments
Exhibit B - Civil Penalties and/or Fines for Continued Violations

Parcel Number	Address	Amount Due
0108-532-08	1688 E FIFTH ST, Ontario, CA 91764	320.00
0108-611-26	1417 E ALVARADO ST, Ontario, CA 91764	120.00
0110-061-01	1375 E HOLT BL, Ontario, CA 91761	500.00
0110-121-03	1512 E HOLT BL, Building:1, Ontario, CA 91761	170.00
0110-213-27	819 N CALAVERAS AV, Ontario, CA 91764	120.00
0110-281-04	622 N CALAVERAS AV, Ontario, CA 91764	520.00
0110-412-12	1642 E FLORA ST, Ontario, CA 91764	520.00
0209-351-11	1668 N LA PAZ AV, Ontario, CA 91764	220.00
0210-191-29	2800 E INLAND EMPIRE BL, Ontario, CA 91764	120.00
0210-301-29	1421 N BALBOA AV, Ontario, CA 91764	120.00
0210-331-35	1331 N HACIENDA DR, Ontario, CA 91764	220.00
0218-751-54	2909 E BLACK HORSE DR, Ontario, CA 91761	9,750.00
0238-014-36	1 E MILLS CI, Building:1, Ontario, CA 91764	220.00
1008-291-09	1560 N HELEN CT, Ontario, CA 91762	600.00
1011-411-63	1064 S MOUNTAIN AV, Ontario, CA 91762	170.00
1011-572-21	1240 S PALMETTO AV, Ontario, CA 91762	420.00
1014-121-27	1315 S DAHLIA AV, Ontario, CA 91762	170.00
1047-433-16	1411 N GROVE AV, Ontario, CA 91764	120.00
1047-491-08	740 E FIFTH ST, Ontario, CA 91764	470.00
1048-181-09	952 E GRANADA CT, Ontario, CA 91764	220.00
1048-213-23	713 E H ST, Ontario, CA 91764	490.00
1048-391-12	513 E E ST, Ontario, CA 91764	840.00
1048-431-42	505 N CUCAMONGA AV, Ontario, CA 91764	120.00
1048-592-25	109 N VINE AV, Ontario, CA 91762	220.00
1048-592-26	504 W HOLT BL, Ontario, CA 91762	220.00
1050-024-07	612 W ZENIA CT, Ontario, CA 91762	640.00
1050-371-01	1845 S FERN AV, Ontario, CA 91762	170.00
1051-171-40	2456 S GROVE AV, Ontario, CA 91761	220.00
1051-321-56	2500 S GROVE AV, Ontario, CA 91761	220.00
1051-421-50	308 E BLUE JAY WY, Ontario, CA 91761	640.00
1083-402-31	3651 E COUNTRY OAKS LP, Unit:E, Ontario, CA 91761	350.00
1083-461-04	3881 E ANTELOPE CREEK DR, Ontario, CA 91761	340.00
		19,560.00

City of Ontario
Community Improvement Department
2019/2020 Tax Roll Year Special Assessments
Exhibit C - Total Amounts per Parcel

Parcel Number	Address	Amount Due
0108-304-24	1364 E BONNIE BRAE ST, Ontario, CA 91764	194.05
0108-412-07	1747 N EL DORADO AV, Ontario, CA 91764	360.55
0108-493-13	1504 N MADERA AV, Ontario, CA 91764	101.55
0108-493-37	1521 N MARIPOSA AV, Ontario, CA 91764	435.11
0108-532-04	1664 E FIFTH ST, Ontario, CA 91764	3,356.61
0108-532-08	1688 E FIFTH ST, Ontario, CA 91764	320.00
0108-541-18	1647 E PRINCETON ST, Ontario, CA 91764	101.55
0108-611-26	1417 E ALVARADO ST, Ontario, CA 91764	120.00
0110-061-01	1375 E HOLT BL, Ontario, CA 91761	1,356.05
0110-121-03	1512 E HOLT BL, Building:1, Ontario, CA 91761	170.00
0110-151-03	851 N AMADOR AV, Ontario, CA 91764	149.00
0110-202-22	1311 E FRESNO ST, Ontario, CA 91764	408.45
0110-213-27	819 N CALAVERAS AV, Ontario, CA 91764	120.00
0110-281-04	622 N CALAVERAS AV, Ontario, CA 91764	769.55
0110-374-12	864 N SAN DIEGO AV, Ontario, CA 91764	149.00
0110-411-31	626 N MADERA AV, Ontario, CA 91764	175.55
0110-412-12	1642 E FLORA ST, Ontario, CA 91764	1,832.62
0110-424-08	927 N LASSEN AV, Ontario, CA 91764	101.55
0110-481-46	1345 N ORANGE AV, Ontario, CA 91764	149.00
0110-514-01	702 N BAKER AV, Ontario, CA 91764	1,040.98
0113-502-06	2840 S DIVERSA DR, Ontario, CA 91761	101.55
0209-351-11	1668 N LA PAZ AV, Ontario, CA 91764	220.00
0210-191-29	2800 E INLAND EMPIRE BL, Ontario, CA 91764	120.00
0210-301-29	1421 N BALBOA AV, Ontario, CA 91764	120.00
0210-331-35	1331 N HACIENDA DR, Ontario, CA 91764	220.00
0211-275-35	2041 S TURNER AV, Ontario, CA 91761	2,930.26
0216-281-02	2845 S WALKER AV, Ontario, CA 91761	149.00
0218-751-54	2909 E BLACK HORSE DR, Ontario, CA 91761	9,805.00
0238-014-36	1 E MILLS CI, Building:1, Ontario, CA 91764	220.00
1008-291-09	1560 N HELEN CT, Ontario, CA 91762	859.00
1008-471-35	923 W SIXTH ST, Ontario, CA 91762	149.00
1008-572-14	1415 W HARVARD PL, Ontario, CA 91762	1,038.15
1010-093-09	1521 W J ST, Ontario, CA 91762	862.03
1010-101-20	1412 W ROSEWOOD CT, Ontario, CA 91762	149.00
1010-154-14	916 W I ST, Ontario, CA 91762	446.05
1010-163-18	830 W BERKELEY CT, Ontario, CA 91762	55.00
1010-482-09	817 W F ST, Ontario, CA 91762	149.00
1010-543-24	1265 W STONERIDGE CT, Unit:5, Ontario, CA 91762	149.00
1011-411-63	1064 S MOUNTAIN AV, Ontario, CA 91762	170.00
1011-421-11	0 S ELDERBERRY AV, Ontario, CA 91762	149.00
1011-421-17	1317 W RALSTON ST, Ontario, CA 91762	230.81

City of Ontario
Community Improvement Department
2019/2020 Tax Roll Year Special Assessments
Exhibit C - Total Amounts per Parcel

Parcel Number	Address	Amount Due
1011-521-09	1112 S OAKS AV, Ontario, CA 91762	149.00
1011-572-21	1240 S PALMETTO AV, Ontario, CA 91762	1,132.06
1014-101-22	1442 W EUCALYPTUS CT, Ontario, CA 91762	149.00
1014-121-27	1315 S DAHLIA AV, Ontario, CA 91762	170.00
1014-141-05	1422 S PALMETTO AV, Ontario, CA 91762	149.00
1014-182-15	844 W JUNIPER ST, Ontario, CA 91762	138.55
1014-421-08	1853 S BENSON AV, Ontario, CA 91762	1,738.21
1014-422-04	1927 S HELEN AV, Ontario, CA 91762	149.00
1014-571-14	2031 S BENSON AV, Ontario, CA 91762	138.55
1014-571-27	2039 S HELEN AV, Ontario, CA 91762	175.55
1047-151-11	1133 E SYCAMORE CT, Ontario, CA 91764	1,207.58
1047-411-16	1329 N HOLMES CT, Ontario, CA 91764	149.00
1047-433-16	1411 N GROVE AV, Ontario, CA 91764	269.00
1047-441-14	1322 N PARKSIDE AV, Ontario, CA 91764	226.44
1047-491-08	740 E FIFTH ST, Ontario, CA 91764	470.00
1047-511-09	564 E PRINCETON ST, Ontario, CA 91764	3,986.05
1047-531-08	1244 N EUCLID AV, Ontario, CA 91764	1,240.10
1048-064-18	329 E J ST, Ontario, CA 91764	212.55
1048-081-24	650 E J ST, Ontario, CA 91764	287.65
1048-101-12	1049 N BERLYN AV, Ontario, CA 91764	175.55
1048-181-09	952 E GRANADA CT, Ontario, CA 91764	369.00
1048-202-06	712 E H ST, Ontario, CA 91764	149.00
1048-213-23	713 E H ST, Ontario, CA 91764	490.00
1048-391-12	513 E E ST, Ontario, CA 91764	3,734.93
1048-431-42	505 N CUCAMONGA AV, Ontario, CA 91764	269.00
1048-432-36	525 N HOLMES AV, Ontario, CA 91764	149.00
1048-442-30	620 N CUCAMONGA AV, Ontario, CA 91764	149.00
1048-451-09	519 N GROVE AV, Ontario, CA 91764	110.00
1048-462-15	1081 E NOCTA ST, Ontario, CA 91761	305.05
1048-501-05	306 N CAMPUS AV, Ontario, CA 91761	149.00
1048-512-22	717 E HOLT BL, Ontario, CA 91761	261.05
1048-592-25	109 N VINE AV, Ontario, CA 91762	220.00
1048-592-26	504 W HOLT BL, Ontario, CA 91762	220.00
1048-604-01	763 W B ST, Ontario, CA 91762	149.00
1049-011-03	753 W HOLT BL, Ontario, CA 91762	432.00
1049-059-03	413 W EMPORIA ST, Ontario, CA 91762	2,595.37
1049-193-01	509 S BON VIEW AV, Ontario, CA 91761	110.00
1049-221-27	532 E SUNKIST ST, Ontario, CA 91761	3,153.45
1049-256-08	315 E CALIFORNIA ST, Ontario, CA 91761	149.00
1049-273-07	309 W STATE ST, Ontario, CA 91762	596.00
1049-284-16	514 W SUNKIST ST, Ontario, CA 91762	164.49

City of Ontario
Community Improvement Department
2019/2020 Tax Roll Year Special Assessments
Exhibit C - Total Amounts per Parcel

Parcel Number	Address	Amount Due
1049-294-07	537 W NEVADA ST, Ontario, CA 91762	149.00
1049-353-10	507 E MAITLAND ST, Ontario, CA 91761	2,209.70
1049-384-09	930 S GROVE AV, Ontario, CA 91761	149.00
1049-392-04	1030 S GROVE AV, Ontario, CA 91761	110.00
1049-571-16	1028 S OAKLAND AV, Ontario, CA 91762	138.55
1049-591-27	612 W PHILLIPS ST, Ontario, CA 91762	286.05
1049-591-28	618 W PHILLIPS ST, Ontario, CA 91762	1,475.93
1050-024-07	612 W ZENIA CT, Ontario, CA 91762	1,202.94
1050-051-35	230 W ELM ST, Ontario, CA 91762	1,341.97
1050-092-24	1426 S MONTEREY AV, Ontario, CA 91761	25.00
1050-121-08	1510 S BON VIEW AV, Building:1, Ontario, CA 91761	446.05
1050-234-44	1604 S CAMPUS AV, Unit:A, Ontario, CA 91761	576.00
1050-291-03	459 W MAPLE ST, Ontario, CA 91762	3,064.30
1050-301-12	453 W LOCUST ST, Ontario, CA 91762	3,671.73
1050-371-01	1845 S FERN AV, Ontario, CA 91762	170.00
1050-411-32	1920 S MONTEREY AV, Ontario, CA 91761	149.00
1051-011-19	727 W MONTICELLO ST, Ontario, CA 91762	929.22
1051-171-40	2456 S GROVE AV, Ontario, CA 91761	220.00
1051-321-56	2500 S GROVE AV, Ontario, CA 91761	220.00
1051-421-50	308 E BLUE JAY WY, Ontario, CA 91761	1,535.89
1083-111-65	2502 S WOODLARK DR, Ontario, CA 91761	757.22
1083-291-41	3416 E CEDARGLEN RD, Ontario, CA 91761	144.00
1083-402-31	3651 E COUNTRY OAKS LP, Unit:E, Ontario, CA 91761	350.00
1083-442-80	2902 S MILL CREEK RD, Ontario, CA 91761	55.00
1083-461-04	3881 E ANTELOPE CREEK DR, Ontario, CA 91761	994.63
107		76,311.38

CITY OF ONTARIO

Agenda Report
April 16, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A CONSTRUCTION CONTRACT FOR THE 2019 SPRING PAVEMENT REHABILITATION PROJECT

RECOMMENDATION: That the City Council approve the plans and specifications and award a construction contract (on file in the Records Management Department) to Hardy & Harper Inc. of Santa Ana, California, for the 2019 Spring Pavement Rehabilitation Project for the bid amount of \$2,022,443 plus a 15% contingency of \$303,367 for a total authorized amount of \$2,325,810; and authorize the City Manager to execute related documents necessary and file a notice of completion at the conclusion of all construction activities.

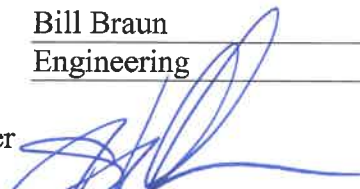
COUNCIL GOALS: Maintain the Current High Level of Public Safety
Focus Resources in Ontario's Commercial and Residential Neighborhoods
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: The Fiscal Year 2018-19 Adopted Budget includes appropriations of \$1,715,000 from Road Maintenance and Rehabilitation Account (SB1) related to construction of the 2019 Spring Pavement Rehabilitation Project. If approved, additional appropriations of \$95,810 of Gas Tax funds will be included in the next Quarterly Budget Update Report and \$515,000 of RMRA funds will come from projects cancelled or deferred to Fiscal Year 2019-20. The total recommended expenditure authorization of \$2,325,810 consists of the bid amount of \$2,022,443 plus a 15% contingency of \$303,367.

BACKGROUND: The scope of services for the 2019 Pavement Rehabilitation Project includes grinding, removal and replacement of damaged pavement, construction of asphalt rubber hot mix (ARHM) overlay, construction of ADA compliant access ramps, traffic signal upgrades, concrete pavement pads, and placement of traffic striping, pavement markings, and raised markers.

The project locations include: rehabilitation of Archibald Avenue from State Route 60 to Riverside Drive (Project No. ST1803) and Concours Street from Haven Avenue to Milliken Avenue (Project No. ST1802). Location maps are attached for reference (Exhibits 1 and 2). This project will

STAFF MEMBER PRESENTING: Scott Murphy, AICP, Executive Director Development Agency

Prepared by: Bill Braun
Department: Engineering
City Manager Approval: 

Submitted to Council/O.H.A. 04/16/2019
Approved: _____
Continued to: _____
Denied: _____

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extend the lifespan of the streets by 15 to 20 years. It is anticipated that construction will start in May 2019 and be completed by July 2019.

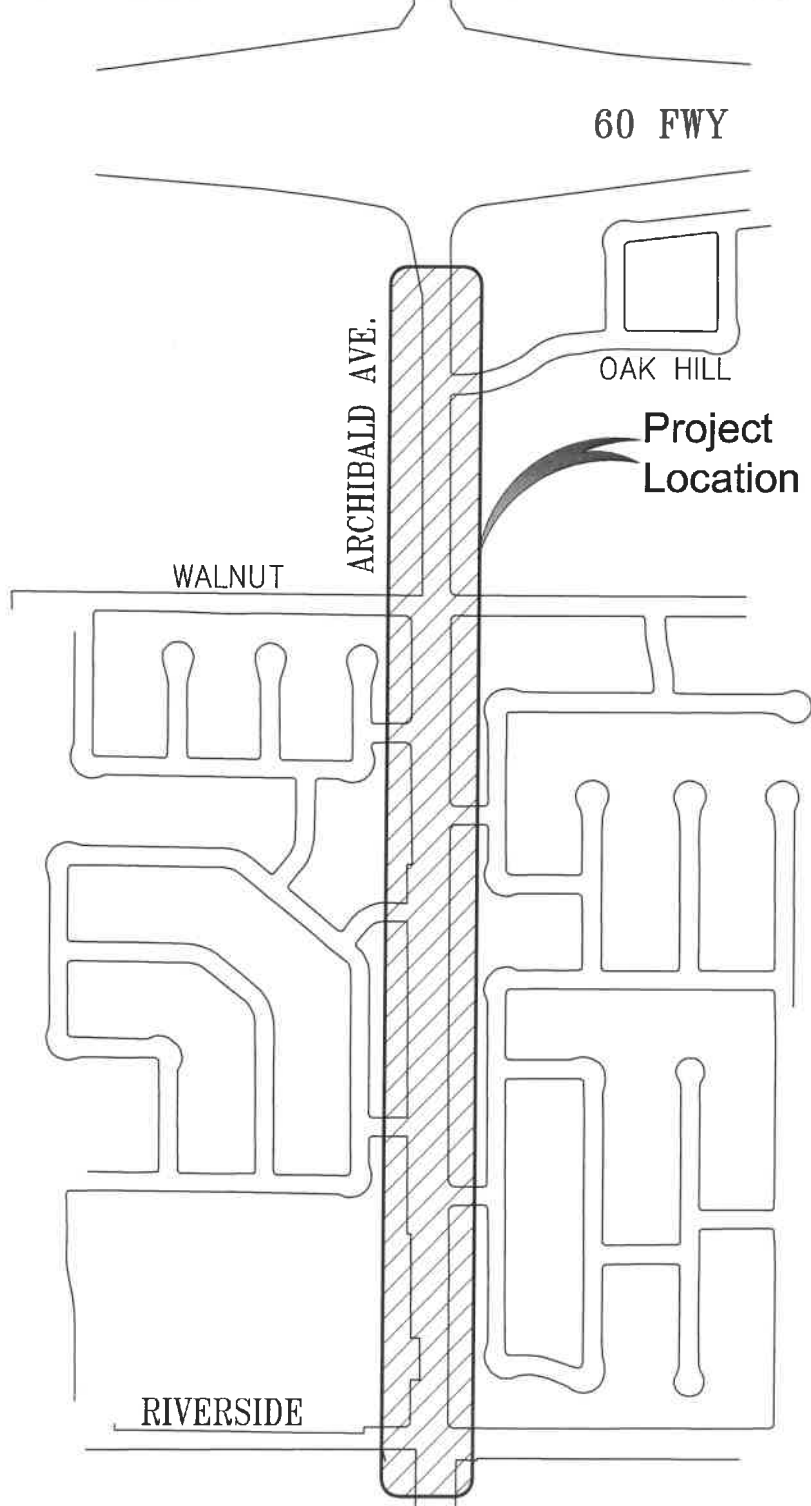
In March 2019, the City solicited bids for this project; and five bids were received. The bid results are:

COMPANY	LOCATION	AMOUNT
Hardy and Harper, Inc.	Santa Ana, CA	\$ 2,022,443
All American Asphalt	Corona, CA	\$ 2,177,770
R. J. Noble Company	Orange, CA	\$ 2,313,300
ONYX Paving Company	Anaheim, CA	\$ 2,345,000
Sequel Contractors	Santa Fe Springs, CA	\$ 2,636,200

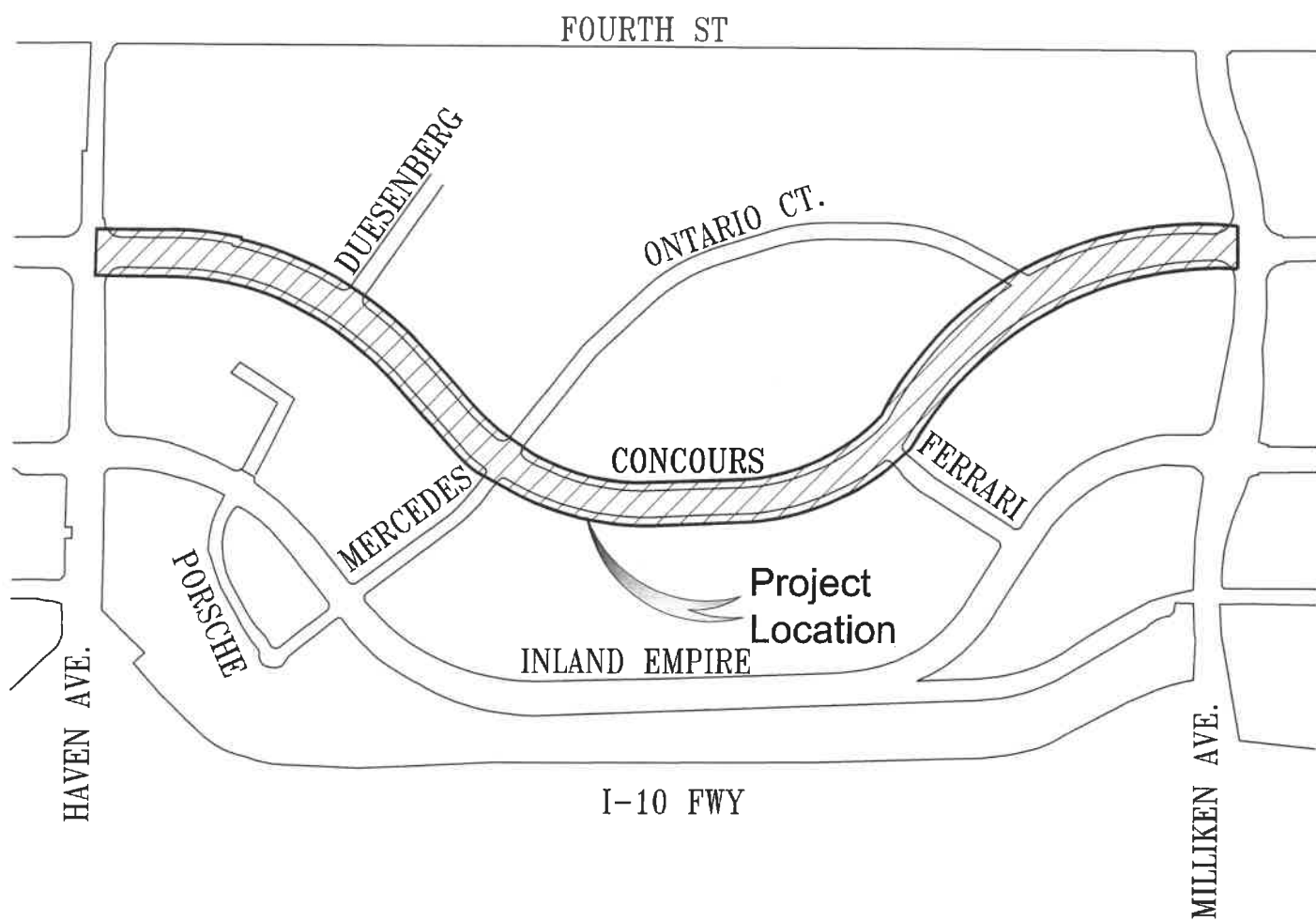
Hardy & Harper, Inc. submitted the lowest responsive bid. Hardy & Harper, Inc has previously performed similar work for the City of Ontario in a satisfactory manner.

ENVIRONMENTAL REVIEW: The environmental impacts of this project were reviewed and staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to § 1501 (Class 1, Existing Facilities) of the State CEQA Guidelines.

ARCHIBALD AVENUE PAVEMENT REHABILITATION Project No. ST1803 RIVERSIDE DR. TO 60 FREEWAY



CONCOURS STREET PAVEMENT REHABILITATION Project No. ST1802 HAVEN AVE. TO MILLIKEN AVE.



N.T.S.

CITY OF ONTARIO

Agenda Report
April 16, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A WRITTEN PETITION TO CREATE A COMMUNITY FACILITIES DISTRICT; AND A RESOLUTION OF INTENTION TO ESTABLISH CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 51 (ONTARIO RANCH LOGISTICS CENTER SERVICES) AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES

RECOMMENDATION: That the City Council consider and:

- (A) Accept a written petition (on file with the Records Management Department) from Ontario Land Ventures, LLC (“Landowner”), to create a community facilities district (“CFD”), and to waive certain procedural matters, under the Mello-Roos Community Facilities Act of 1982; and
- (B) Adopt a Resolution of Intention to establish City of Ontario Community Facilities District No. 51 (Ontario Ranch Logistics Center Services), authorize the associated levy of special taxes therein; and set a public hearing for the formation of the CFD as part of the regularly scheduled City Council meeting on Tuesday, June 4, 2019.


COUNCIL GOALS: Operate in a Businesslike Manner

Focus Resources in Ontario’s Commercial and Residential Neighborhoods

Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch

FISCAL IMPACT: In accordance with the City Council’s long standing direction that development of Ontario Ranch generate sufficient revenues to fund its required City services without reliance on the financial resources of the existing City; the use of Mello-Roos financing in the Ontario Ranch Logistics Center project is projected to generate approximately \$900,700 per year, at build-out, to fund City services. As proposed, the maximum annual special tax rate is \$.31 per square foot for the project’s anticipated 2,905,510 square feet of industrial and business park space, at build out. The use of Mello-Roos financing is critical in achieving the City Council’s goal of “Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch.” The use of Mello-Roos

STAFF MEMBER PRESENTING: Armen Harkalyan, Executive Director of Finance

Prepared by: Bob Chandler
Department: Management Services
City Manager Approval: 

Submitted to Council/O.H.A. 04/16/2019
Approved: _____
Continued to: _____
Denied: _____

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financing for the Ontario Ranch Logistics Center development will not generate funds for facilities, and bonds will not be issued as part of this formation. The CFD is being formed pursuant to the provisions of the Development Agreement between the City and Ontario Land Ventures, LLC and the First Amended and Restated Construction Agreement between the City and NMC Builders.

BACKGROUND: The Mello-Roos Community Facilities Act of 1982 provides local government, with the consent from a majority of the property owners, the authority to establish community facilities districts for the purpose of levying special taxes to finance various kinds of public infrastructure facilities and government services. Government services that may be included in a community facilities district include police protection services, fire protection and suppression services, ambulance and paramedic services, maintenance and lighting of parks, parkways, streets, roads, open space and flood and storm drain protection services, and maintenance and operation of any real property or tangible property with an estimated useful life of five or more years that is owned by the governmental entity.

Ontario Land Ventures, LLC, a member of NMC Builders, has provided a written petition to the City requesting formation of a CFD, along with a deposit pursuant to a deposit agreement, dated April 1, 2019, to fund City services for the Ontario Ranch Logistics Center project. The Ontario Ranch Logistics Center will be an industrial project that addresses the development of approximately 131.9 gross acres located south of Eucalyptus Avenue, north of Merrill Avenue, east of Carpenter Avenue and west of the Cucamonga Creek Channel.

Under the Mello-Roos Act, the initial steps in the formation of a CFD normally involve resolutions declaring the City's intention to establish a community facilities district, levy special taxes, and issue bonds. As noted, the issuance of bonds is not being contemplated for this project at this time, so there is no resolution to issue bonds associated with this action. As proposed, the resolution of intention to establish the district and to levy special taxes will set the public hearing date on the formation of the CFD for the regularly scheduled City Council meeting on Tuesday, June 4, 2019 to consider formation matters.

Included, as part of the resolution of intention, is the proposed Rate and Method of Apportionment of Special Tax for City of Ontario Community Facilities District No. 51 (Ontario Ranch Logistics Center Services). The terms of the Rate and Method of Apportionment of Special Tax are consistent with the City Council's adopted Mello-Roos local goals and policies, and City staff have presented and discussed the proposed Rate and Method of Apportionment of Special Tax with the landowner of the project.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF INTENTION TO ESTABLISH A COMMUNITY FACILITIES DISTRICT PROPOSED TO BE NAMED CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 51 (ONTARIO RANCH LOGISTICS CENTER SERVICES) AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES.

WHEREAS, Section 53318 of the Mello-Roos Community Facilities Act of 1982 (the "Act") provides that proceedings for the establishment of a Community Facilities District shall be instituted by a legislative body of a local agency when a petition requesting the institution of the proceedings signed by the owners of not less than 10% of the area of land proposed to be included in the community facilities district and not proposed to be exempt from the special tax, describing the boundaries of the territory that is proposed for inclusion in the community facilities district and specifying the types of services to be financed by the community facilities district is filed with the clerk of the legislative body; and

WHEREAS, Section 53318 of the Act further provides that such a petition is not required to be acted upon until the payment of a fee in an amount that the legislative body determines, within 45 days of receiving such petition, is sufficient to compensate the legislative body for all costs incurred in conducting proceedings to create a community facilities district pursuant to the Act; and

WHEREAS, the City Council (the "City Council") of the City of Ontario (the "City") has received a written petition (the "Petition") from Ontario Land Ventures, LLC, a Delaware limited liability company (the "Landowner"), requesting the institution of proceedings for the establishment of a community facilities district (the "Community Facilities District"), describing the boundaries of the territory that is proposed for inclusion in the Community Facilities District and specifying the types of services to be financed by the Community Facilities District; and

WHEREAS, the Landowner has represented and warranted to the City Council that the Landowner is the owner of 100% of the area of land proposed to be included within the Community Facilities District and not proposed to be exempt from the special tax; and

WHEREAS, the Landowner has previously submitted to the City the fee required by the City to be used to compensate the City Council and the City for all costs incurred in conducting proceedings to create the Community Facilities District, which the City Council has determined to be sufficient for such purpose.

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

SECTION 1. The foregoing recitals are true and correct and the City Council so finds and determines.

SECTION 2. The City Council hereby finds that the Petition is signed by the owner of the requisite amount of land proposed to be included in the Community Facilities District.

SECTION 3. The City Council proposes to establish a community facilities district under the terms of the Act. The boundaries of the territory proposed for inclusion in the Community Facilities District are described in the map showing the proposed Community Facilities District (the "Boundary Map") on file with the City Clerk of the City (the "City Clerk"), which boundaries are hereby preliminarily approved and to which map reference is hereby made for further particulars. The City Clerk is hereby directed to sign the original Boundary Map and record, or cause to be recorded, the Boundary Map with all proper endorsements thereon in the office of the San Bernardino County Recorder within 15 days of the date of adoption of this Resolution, all as required by Section 3111 of the California Streets and Highways Code.

SECTION 4. The name proposed for the Community Facilities District is "City of Ontario Community Facilities District No. 51 (Ontario Ranch Logistics Center Services)."

SECTION 5. The services (the "Services") proposed to be financed by the Community Facilities District pursuant to the Act are described under the caption "Services" on Exhibit A hereto. The incidental expenses proposed to be incurred are identified under the caption "Incidental Expenses" on Exhibit A hereto. No facilities are proposed to be financed by the Community Facilities District.

SECTION 6. Except where funds are otherwise available, a special tax sufficient to pay for all Services, secured by recordation of a continuing lien against all nonexempt real property in the Community Facilities District, will be annually levied within the Community Facilities District. The rate and method of apportionment of the special tax (the "Rate and Method"), in sufficient detail to allow each landowner within the proposed Community Facilities District to estimate the maximum amount that he or she will have to pay, is described in Exhibit B attached hereto, which is by this reference incorporated herein. The obligation to pay the special tax may not be prepaid and permanently satisfied. The special tax will be collected in the same manner as ordinary *ad valorem* property taxes or in such other manner as the City Council shall determine, including direct billing of the affected property owners.

The special tax may only finance the Services to the extent that they are in addition to those provided in the territory of the Community Facilities District before the Community Facilities District is created. The Services may not supplant services already available within that territory when the Community Facilities District is created.

SECTION 7. The City Council hereby fixes Tuesday, June 4, 2019, at 6:30 p.m., or as soon thereafter as the City Council may reach the matter, at 303 East B Street, Ontario, California, as the time and place when and where the City Council will conduct a public hearing on the establishment of the Community Facilities District.

SECTION 8. The City Clerk is hereby directed to publish, or cause to be published, a notice of said public hearing one time in a newspaper of general circulation published in the area of the proposed Community Facilities District. The publication of said notice shall be completed at least seven days prior to the date herein fixed for said hearing. Said notice shall contain the information prescribed by Section 53322 of the Act.

SECTION 9. The levy of said proposed special tax shall be subject to the approval of the qualified electors of the Community Facilities District at a special election. The proposed voting procedure shall be by mailed or hand-delivered ballot among the landowners in the Community Facilities District, with each owner having one vote for each acre or portion of an acre such owner owns in the Community Facilities District.

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

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

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

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

PASSED, APPROVED, AND ADOPTED this 16th day of April 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held April 16, 2019 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2019- duly passed and adopted by the Ontario City Council at their regular meeting held April 16, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A

SERVICES AND INCIDENTAL EXPENSES

Services

The types of services to be financed by the Community Facilities District are police protection services, fire protection and suppression services, ambulance and paramedic services, maintenance and lighting of parks, parkways, streets, roads and open space, flood and storm protection services and maintenance and operation of any real property or other tangible property with an estimated useful life of five or more years that is owned by the City.

Incidental Expenses

The incidental expenses proposed to be incurred include the costs associated with the creation of the Community Facilities District, determination of the amount of taxes, collection of taxes, payment of taxes, or costs otherwise incurred in order to carry out the authorized purposes of the Community Facilities District.

EXHIBIT B

PROPOSED RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

**CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 51
(ONTARIO RANCH LOGISTICS CENTER SERVICES)**

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax shall be levied on all Assessor's Parcels in the City of Ontario Community Facilities District No. 51 (Ontario Ranch Logistics Center Services) ("CFD No. 51") and collected each Fiscal Year commencing in Fiscal Year 2019-20, in an amount determined by the City Council of the City of Ontario through the application of the Rate and Method of Apportionment, as described below. All of the real property in CFD No. 51, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent, and in the manner herein provided.

A. DEFINITIONS

The terms as may hereinafter be set forth have the following meanings:

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

"Administrative Expenses" means the following actual or reasonably estimated costs directly related to the administration of CFD No. 51: the costs of computing the Special Taxes and preparing the annual Special Tax collection schedules (whether by the City or CFD No. 51 or both); the costs of collecting the Special Taxes (whether by the County or otherwise); the costs associated with preparing Special Tax disclosure statements and responding to public inquiries regarding the Special Taxes; the costs of the City or CFD No. 51 related to an appeal of the Special Tax; the City's administration fees and third party expenses; the costs of City staff time and reasonable overhead related to CFD No. 51; and amounts estimated or advanced by the City or CFD No. 51 for any other administrative purposes of CFD No. 51, including attorney's fees and other costs related to commencing and pursuing to completion any foreclosure of delinquent Special Taxes.

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

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

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

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

“**CFD No. 51**” means City of Ontario Community Facilities District No. 51 (Ontario Ranch Logistics Center Services).

“**City**” means the City of Ontario, California.

“**City Council**” means the City Council of the City, acting as the legislative body of CFD No. 51.

“**County**” means the County of San Bernardino.

“**Fiscal Year**” means the period starting July 1 and ending on the following June 30.

“**Gated Apartment Community Dwelling Unit**” means a Multiple Family Dwelling Unit within a gated community that, within such community, is primarily served by private interior streets.

“**Land Use Class**” means any of the classes listed in Table 1 below.

“**Maximum Special Tax**” means, with respect to an Assessor’s Parcel of Taxable Property, the maximum Special Tax determined in accordance with Section C below that can be levied in any Fiscal Year on such Assessor’s Parcel of Taxable Property.

“**Multiple Family Dwelling Unit**” means a Unit within any residential building containing two or more dwelling units, including attached condominiums, townhomes, duplexes, triplexes, and apartments, but excluding Gated Apartment Community Dwelling Units.

“**Non-Residential**” means any buildings that are for commercial lodging use, commercial retail use, institutional use (e.g., churches, private schools), commercial restaurant use, office use, or industrial use.

“**Non-Residential Property**” means, for each Fiscal Year, an Assessor’s Parcel for which a building permit for new construction was issued after January 1, 2019, and before May 1 of the prior Fiscal Year, for a Non-Residential use.

“**Property Owner Association Property**” means, for each Fiscal Year, property within the boundaries of CFD No. 51 that was owned by a property owner association, including any master or sub-association, as of January 1 of the prior Fiscal Year.

“**Proportionately**” means that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor's Parcels of Taxable Property.

“**Public Property**” means, for each Fiscal Year, property within the boundaries of CFD No. 51 that is (a) owned by, irrevocably offered to, or dedicated to the federal government, the State, the County, the City, or any local government or other public agency or (b) encumbered by an easement for purposes of public or utility right-of-way that makes impractical its use for any purpose other than that set forth in such easement, provided that

any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act shall be taxed and classified according to its use.

“Rate and Method of Apportionment” means this Rate and Method of Apportionment of Special Tax.

“Residential Property” means, for each Fiscal Year, an Assessor’s Parcel for which a building permit for new construction of one or more Units was issued after January 1, 2019, and before May 1 of the prior Fiscal Year.

“Services” means the services authorized to be financed, in whole or in part, by CFD No. 51, including: police protection services; fire protection and suppression services; ambulance and paramedic services; maintenance and lighting of parks, parkways, streets, roads, and open space; flood and storm protection services; and maintenance and operation of any real property or other tangible property with an estimated useful life of five or more years that is owned by the City.

“Special Tax” means the special tax authorized by the qualified electors of CFD No. 51 to be levied within the boundaries of CFD No. 51.

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

“Single Family Detached Dwelling Unit” means any residential building containing only one Unit on one legal lot, including single family residences and single family detached residential condominium units.

“Square Footage” or **“Sq. Ft.”** means, with respect to a building of Non-Residential Property, the gross floor area square footage reflected on the original construction building permit, or as set forth in other official records maintained by the City’s Building Department or other appropriate means selected by CFD No. 51, for such building, plus any square footage subsequently added to a building of Non-Residential Property after issuance of a building permit for expansion or renovation of such building.

“State” means the State of California.

“Taxable Property” means, for each Fiscal Year, all Assessor’s Parcels of Residential Property and Non-Residential Property within the boundaries of CFD No. 51 which are not exempt from the Special Tax pursuant to law or Section E below.

“Unit” means an individual single-family detached or attached home, townhome, condominium, apartment unit, or other residential dwelling unit, including each separate living area within a half-plex, duplex, triplex, fourplex, or other residential structure.

B. ASSIGNMENT TO LAND USE CATEGORIES

Each Fiscal Year, beginning with Fiscal Year 2019-20, all Taxable Property within CFD No. 51 shall be classified as Residential Property (Single Family Detached Dwelling Unit, Multiple Family Dwelling Unit, or Gated Apartment Community Dwelling Unit) or Non-Residential Property and shall be subject to Special Taxes in accordance with the Rate and Method of Apportionment as determined pursuant to Sections C and D below.

C. MAXIMUM SPECIAL TAX

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

**TABLE 1
MAXIMUM SPECIAL TAX**

Land Use Class	Maximum Special Tax Fiscal Year 2019-20
Residential Property:	
Single Family Detached Dwelling Unit	\$1,687 per Unit
Multiple Family Dwelling Unit	\$1,462 per Unit
Gated Apartment Community Dwelling Unit	\$1,226 per Unit
Non-Residential Property	\$0.31 per Sq. Ft.

On January 1 of each Fiscal Year, commencing January 1, 2020, the Maximum Special Tax to be applied in the next Fiscal Year shall be subject to an automatic increase at a rate equal to 4.0% of the amount in effect for the prior Fiscal Year.

In some instances an Assessor's Parcel of Taxable Property may contain more than one Land Use Class. The Maximum Special Tax levied on such Assessor's Parcel shall be the sum of the Maximum Special Tax for all Units of Residential Property and Square Footage of Non-Residential Property (based on the applicable building permits, final subdivision map, parcel map, condominium plan, or other recorded County map) located on that Assessor's Parcel.

D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX

Each Fiscal Year, beginning with Fiscal Year 2019-20, the CFD Administrator shall determine the Special Tax Requirement. The Special Tax shall then be levied Proportionately on each Assessor's Parcel of Taxable Property up to 100% of the applicable Maximum Special Tax for such Assessor's Parcel, until the Special Tax Requirement is satisfied. However, the Special Tax levied in any Fiscal Year shall not increase by more than 4.0% of the amount of the Special Tax levied in the prior Fiscal Year.

E. EXEMPTIONS

Notwithstanding anything in this Rate and Method of Apportionment to the contrary, no Special Tax shall be levied on Public Property or Property Owner Association Property.

F. APPEALS

Any property owner may file a written appeal of the Special Tax with CFD No. 51 claiming that the amount or application of the Special Tax is not correct. The appeal must be filed not later than one calendar year after having paid the Special Tax that is disputed, and the appellant must be current in all payments of Special Taxes. In addition, during the term of the appeal process, all Special Taxes levied must be paid on or before the payment date established when the levy was made.

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

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

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

G. MANNER OF COLLECTION

The Special Taxes shall be collected in the same manner and at the same time as ordinary *ad valorem* property taxes; provided, however, that the Special Taxes may be collected in such other manner as the City Council shall determine, including direct billing of affected property owners.

H. TERM OF SPECIAL TAX

The Special Tax shall continue to be levied indefinitely on an annual basis on all Taxable Property in CFD No. 51.

CITY OF ONTARIO

Agenda Report
April 16, 2019

SECTION:
CONSENT CALENDAR

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

RECOMMENDATION: That the City Council authorize the City Manager to execute a three-year Maintenance Services Agreement (on file with Records Management) for Contract No. PM1819-8 with Merchants Landscape Inc., located in Rancho Cucamonga, California, for an annual estimated cost of \$87,000 plus a contingency of \$13,000; and authorize the addition of future service areas; and the option to extend the agreement for up to two additional years consistent with City Council approved budgets.

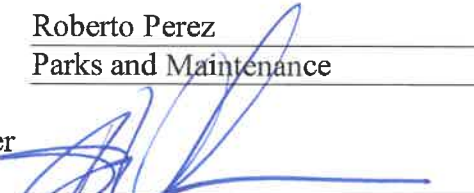
COUNCIL GOALS: Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)
Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch

FISCAL IMPACT: The estimated annual base cost of the proposed Maintenance Services Agreement is \$87,000 plus \$13,000 contingency for unforeseen maintenance that might be needed due to weather, events, or extraordinary circumstances, for a total of \$100,000 for each of the first three years, or a total of \$300,000. Appropriations for landscape maintenance services will be included in the Fiscal Year 2019-20 Proposed Operating Budget.

At the City's sole discretion, two one-year extensions may be exercised, which include base price increases of 5% for each option year. Future contracting actions will be commensurate with the City Council authorized work programs and budgets. Contracting for a multi-year period will allow the City to avoid the cost of re-bidding the contract annually, provide for service continuity, and better project future years' costs.

BACKGROUND: In March 2019, the City solicited proposals for landscape maintenance services for Ontario Town Square. Of the six proposals received, five proposals met the bid criteria and standards necessary to perform this work and one was deemed non-responsive. Following is the list of proposals:

STAFF MEMBER PRESENTING: Tito Haes, Executive Director Public Works

Prepared by: Roberto Perez
Department: Parks and Maintenance
City Manager Approval: 

Submitted to Council/O.H.A. 04/16/2019
Approved: _____
Continued to: _____
Denied: _____

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<u>Vendor</u>	<u>Location</u>	<u>Amount</u>
Merchants Landscape, Inc.	Rancho Cucamonga, CA	\$ 87,000
DW	Upland, CA	\$ 96,036
SoCal Land, Inc.	Anaheim, CA	\$ 99,720
Green Tech	Whittier, CA	\$100,800
Priority Landscape Services	Brea, CA	\$102,000
DMS *	Anaheim, CA	N/A

* *Bid Proposal was incomplete and therefore deemed non-responsive*

Merchants Landscape Inc. located in Rancho Cucamonga, California, submitted a proposal that met all the required specifications with a base cost three-year total of \$261,000. Based on their proposal, credentials, pricing and favorable reference checks, staff recommends award of the Maintenance Services Agreement to Merchants Landscape Inc.

CITY OF ONTARIO

Agenda Report
April 16, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH HAZEN AND SAWYER FOR ADDITIONAL SITE LOCATION DESIGN SERVICES FOR THE ADVANCED METERING INFRASTRUCTURE TECHNOLOGY PROJECT

RECOMMENDATION: That the City Council authorize the City Manager to execute Amendment No. 1 to the professional services agreement (on file in the Records Management Department) with Hazen and Sawyer Corporation, of Irvine, California, to provide additional site location design services related to the Advanced Metering Infrastructure Technology (“AMI Technology”) project in the amount of \$24,585 for a new not-to-exceed amount of \$114,195, and to extend the agreement for an additional 15 months to conclude December 2019.

COUNCIL GOALS: Invest in the City’s Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: The Fiscal Year 2018-2019 Water Capital Improvement Program budget includes funding for the additional cost of \$24,585 for the design services. There is no impact to the General Fund.

BACKGROUND: The City previously entered into a professional service agreement with Hazen and Sawyer in October 2017 for the design of five locations for the placement of automated water meter reading equipment with AMI Technology to provide two-way communication over a fixed network between the utility billing system and the City’s water meters. The AMI Technology will improve customer service and operational efficiency by enabling remote reading of water meters and providing instant usage data, leak detection and meter tampering detection.

This proposed Amendment is needed to redesign one of the original locations in order to accommodate changed development conditions at the southeast corner of Archibald Avenue and Ontario Ranch Road, and extend the term of the agreement for an additional 15 months through December 2019 to complete the scope of work.

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

Prepared by: Don Meyer
Department: MU/Utilities Operations

City Manager Approval: 

Submitted to Council/O.H.A. 04/16/2019

Approved: _____

Continued to: _____

Denied: _____

CITY OF ONTARIO

Agenda Report
April 16, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ONTARIO AND VARIOUS CHINO BASIN PARTIES FOR THE EVALUATION AND DEVELOPMENT OF THE CHINO BASIN PROGRAM

RECOMMENDATION: That the City Council approve and authorize the City Manager to execute a Memorandum of Understanding (on file with the Records Management Department), subject to non-substantive changes, by and between the City of Ontario and various Chino Basin parties.

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

FISCAL IMPACT: There is no direct cost to participate in the proposed Memorandum of Understanding. Any potential fiscal impact will be determined in agreements that will come before the City Council at a later date once specific projects have been planned. There is no impact to the General Fund.

BACKGROUND: The Inland Empire Utilities Agency (IEUA) applied for Proposition 1 grant funding for the Chino Basin Program (CBP). The CBP involves the construction of an advanced water treatment facility, injection wells, and a distribution system that will treat and store recycled water in the Chino Basin. The CBP will also provide infrastructure within the Chino Basin for groundwater treatment and interconnections to provide added water supply flexibility and groundwater management benefits. During dry or critically dry years, CBP's partnership with an existing State Water Project Contractor (such as the Metropolitan Water District of Southern California) will allow locally stored water to augment imported supplies and result in ecosystem benefits north of the Delta by leaving greater flows in waterways for the species that depend upon them.

The California Water Commission approved conditional funding of \$206.9 million for the CBP through the Proposition 1 Water Storage Investment Program in 2018. Proposition 1 funding will account for 54% of the expected \$385 million project cost and is the largest funding award IEUA has received.

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

Prepared by: Courtney Jones
Department: MU/Water Resources

City Manager
Approval: 

Submitted to Council/O.H.A. 04/16/2019
Approved: _____
Continued to: _____
Denied: _____

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In order for IEUA to secure the final funding award of the \$206.9 million, the Chino Basin Parties must complete technical feasibility studies, institutional agreements, and environmental permitting by 2020. The intent of the Memorandum of Understanding (MOU) is to develop the strategy for the CBP implementation, evaluate its feasibility and secure the funding award. As part of IEUA's process, the first milestone established is entering into the CBP MOU with Chino Basin Parties. Parties entering into the MOU are expected to be IEUA, Fontana Water Company, Monte Vista Water District, Cucamonga Valley Water District, Jurupa Community Services District, San Antonio Water Company, and the cities of Chino, Chino Hills, Fontana, Montclair, Ontario, Pomona, and Upland.

The City of Ontario has been actively engaged with the CBP Workgroup since December 2018 to provide input in the development of a regional program that best meets the current and future needs of Ontario and the Chino Basin as a whole. The MOU is non-binding on the Parties and thus does not commit Ontario to entering into future agreements for the CBP. Through the collaborative process established by this MOU, the City can determine the extent to which it will participate in the CBP.

CITY OF ONTARIO

Agenda Report
April 16, 2019

SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT AMENDMENT (FIRST AMENDMENT – FILE NO. PDA07-005) BETWEEN THE CITY OF ONTARIO AND STG COMMUNITIES II, LLC TO MODIFY CERTAIN INFRASTRUCTURE REQUIREMENTS ASSOCIATED WITH THE DEVELOPMENT OF TENTATIVE TRACT MAP NOS. 18026 (PMTT11-003) AND 18027 (PMTT11-002), LOCATED AT THE NORTHWEST CORNER OF HAVEN AVENUE AND CHINO AVENUE, AND THE NORTHWEST CORNER OF HAVEN AVENUE AND SCHAEFER AVENUE, WITHIN PLANNING AREAS 4 AND 8 OF THE WEST HAVEN SPECIFIC PLAN (APNS: 0218-151-11 AND 0218-151-38)

RECOMMENDATION: That the City Council introduce and waive further reading of an ordinance approving the First Amendment (File No. PDA07-005, on file with Records Management Department) to the Development Agreement between the City of Ontario and STG Communities II, LLC to modify certain infrastructure requirements associated with the development of Tentative Tract Map Nos. 18026 (PMTT11-003) and 18027 (PMTT11-002).

COUNCIL GOALS: Invest in the Growth and Evolution of the City's Economy
Operate in a Businesslike Manner
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)
Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch

FISCAL IMPACT: The proposed Development Agreement Amendment ("First Amendment") does not have an immediate impact on the City's existing budget. STG Communities II, LLC ("Applicant") has previously entered into an Acquisition and Funding Agreement to form a Community Facilities District (CFD No. 42), which will provide public services funding fees plus development impact, compliance, processing, licensing, and permitting fees to fund City facilities and services to serve Tentative Tract Map Nos. 18026 and 18027, respectively. This will address the City Council's long-standing direction that the

STAFF MEMBER PRESENTING: Scott Murphy, AICP, Executive Director Development Agency

Prepared by: Derrick Womble
Department: Development

City Manager Approval: 

Submitted to Council/O.H.A. 04/16/2019

Approved: _____

Continued to: _____

Denied: _____

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development of Ontario Ranch generate sufficient revenues to fund its required City services without reliance on the financial resources of the existing City funds.

BACKGROUND: On July 17, 2007, the City Council approved the West Haven Specific Plan (“Specific Plan”), File No. PSP03-006, and the corresponding Environmental Impact Report (EIR). The Specific Plan established the land use designations, development standards, and design guidelines for approximately 202 gross acres of land, which included the potential development of 753 single-family units and 87,000 square feet of commercial space, for property bounded by Riverside Drive to the north, Schaefer Avenue to the south, Haven Avenue to the east, and the Southern California Edison (SCE) utility corridor and Turner Avenue to the west. Subsequently, the City Council approved a Development Agreement, File No. PDA07-005 (“Original Agreement”), to develop 48.73 acres of land within Planning Areas 4 and 8 of the Specific Plan.

The main points of the Original Agreement address Development Impact Fees (DIF); public service funding; Community Facilities District (CFD) formation for maintenance of public facilities; park/open space requirements; affordable housing fees; and, school facilities requirements. State law and Section 2.5 of the Original Agreement provide that amendments may be made to the Agreement upon the mutual consent of both parties, using the same process and procedures as was used for the consideration and approval of the Original Agreement.

The proposed First Amendment continues to apply to the same area as the Original Agreement and proposes to modify certain public infrastructure requirements to serve Tentative Tract Map Nos. 18026 (PMTT11-003) and 18027 (PMTT11-002). As most of the public infrastructure previously required by the Original Agreement have been constructed and completed by other developers, their inclusion in the Development Agreement is no longer necessary. This will allow the Applicant to update their public infrastructure requirements to better reflect current development conditions in the Ontario Ranch area. Key points of the First Amendment are as follows:

- Continuing requirement for the funding of Fire Station No. 9;
- An in-lieu fee (\$342,118) for the construction of a portion of Schaefer Avenue to serve Tentative Tract No. 18027;
- Continuing requirement for public infrastructure improvements (streets, sewer, water, recycled water, storm drain, fiber) to serve Tentative Tract Map Nos. 18026 and 18027, to the extent that such public infrastructure improvements have not been constructed and completed by others; and
- Conditions of Approval for Tentative Tract Map Nos. 18026 and 18027, as previously approved by the City, shall be modified to be consistent with the provisions of the First Amendment.

In considering the application at their meeting on March 26, 2019, the Planning Commission found that the First Amendment was consistent with State law, The Ontario Plan, the City’s Development Agreement policies, and other Development Agreement amendments previously approved for Ontario Ranch developments. As a result, the Planning Commission adopted Resolution PC19-016 recommending City Council approval of the First Amendment.

HOUSING ELEMENT COMPLIANCE: The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the number of dwelling units (753) and density (4-7 DU/AC) specified in the Available Land Inventory.

AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE: The project site is located within the Airport Influence Area of the Ontario International Airport and has been found to be consistent with the policies and criteria set forth within the Ontario International Airport Land Use Compatibility Plan.

ENVIRONMENTAL REVIEW: The environmental impacts of this project were previously reviewed in conjunction with West Haven Specific Plan, for which an EIR (SCH# 2004071095) was adopted by the City Council on July 17, 2007. This Application introduces no new significant environmental impacts. All previously adopted mitigation measures are a condition of project approval and are incorporated herein by this reference.

EXHIBIT "A"

WEST HAVEN SPECIFIC PLAN LAND USE MAP

SECTION 3 - LAND USE PLAN

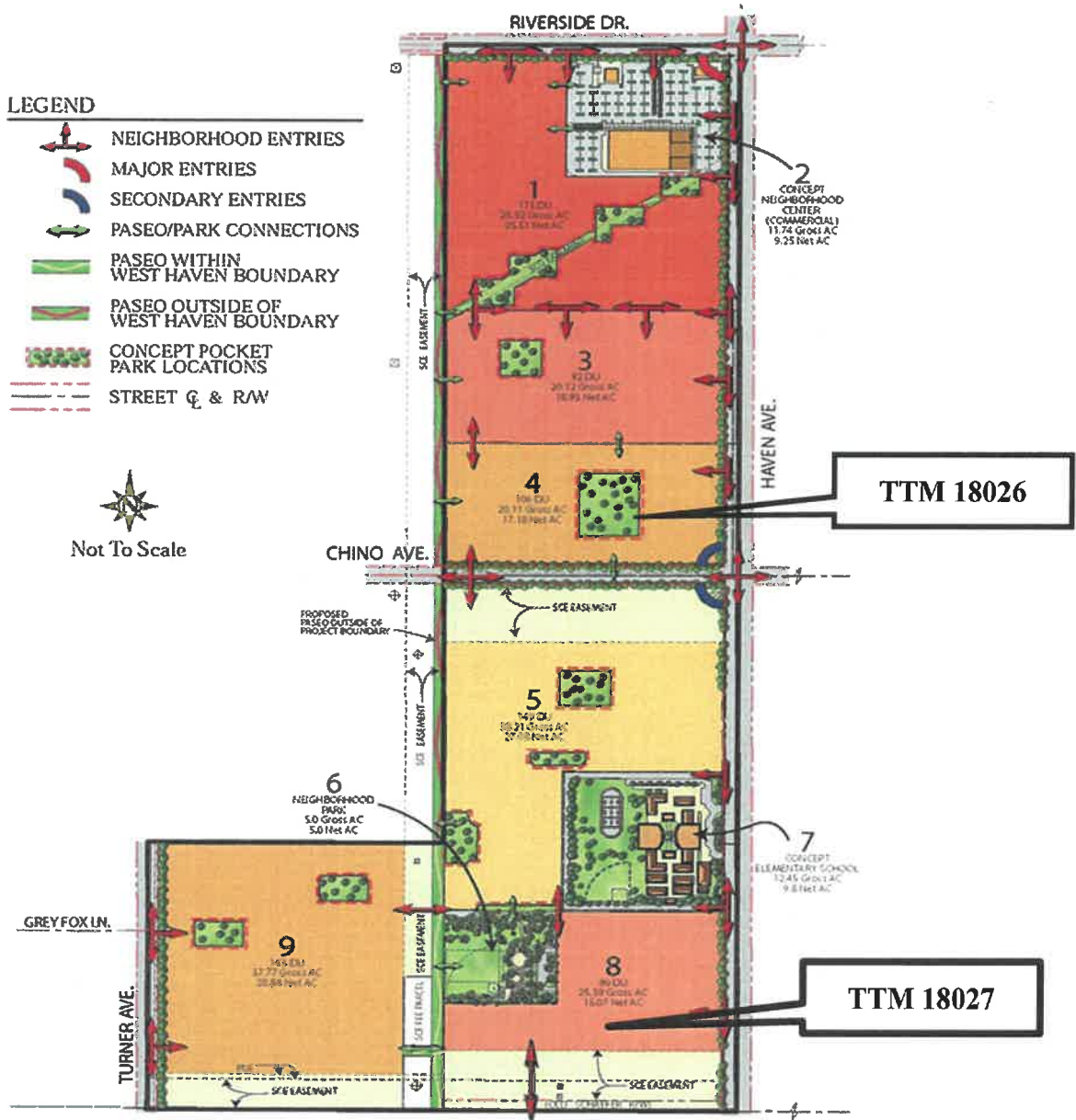


Exhibit 3-1
WEST HAVEN LAND USE PLAN



PLANNING COMMISSION STAFF REPORT

March 26, 2019

FILE NO.: PDA07-005

SUBJECT: A Development Agreement Amendment (First Amendment – File No. PDA07-005) between the City of Ontario and STG Communities II, LLC, a California limited liability company, to modify certain infrastructure requirements associated with the development of Tentative Tract Map Nos. 18026 (PMTT11-003) and 18027 (PMTT11-002), located on the northwest corner of Haven Avenue and Chino Avenue, and the northwest corner of Haven Avenue and Schaefer Avenue, within Planning Areas 4 and 8 of the West Haven Specific Plan (APNs: 0218-151-11 and 0218-151-38). **Submitted by STG Communities II, LLC. City Council action is required.**

PROPERTY OWNER: STG Communities II, LLC, a California limited liability company

RECOMMENDED ACTION: That the Planning Commission recommend City Council adoption of an ordinance approving the Development Agreement Amendment (First Amendment - File No. PDA 07-005), between the City of Ontario and STG Communities II, LLC.

PROJECT SETTING: The project site, depicted in Figure 1: Project Location, is comprised of 48.73 acres of land (TT18026 and TT18027) located at the northwest corner of Haven Avenue and Chino Avenue and the northwest corner of Haven Avenue and Schaefer Avenue, within Planning Areas 4 and 8 of the West Haven Specific Plan, respectively. The properties to the north and east, are developed with agriculture and dairy uses. The property to the west is currently developed with single family homes. The property to the south is developed with a Southern California Edison (SCE) utility corridor.



Figure 1: Project Location

Case Planner:	Derrick Womble, Administrative Officer
Planning Director Approval:	<i>Cally</i>
Submittal Date:	February 12, 2019

Hearing Body	Date	Decision	Action
DAB	N/A	N/A	N/A
PC	03/26/2019	APPROVAL	Recommend
CC	04/16/2019		Final

PROJECT ANALYSIS:

[1] Background — On July 17, 2007, the City Council approved the West Haven Specific Plan (“Specific Plan”), File No. PSP03-006, and the corresponding Environmental Impact Report (EIR). The Specific Plan established the land use designations, development standards, and design guidelines for approximately 202 gross acres of land, which included the potential development of 753 single-family units and 87,000 square feet of commercial space, bounded by Riverside Drive to the north, Schaefer Avenue to the south, Haven Avenue to the east, and the SCE utility corridor and Turner Avenue to the west. Subsequently, the City Council approved a Development Agreement, File No. PDA07-005 (“Original Agreement”), to develop 48.73 acres of land within Planning Areas 4 and 8 of the Specific Plan.

The main points of the Original Agreement address Development Impact Fees (DIF), public service funding, Community Facilities District (CFD) for maintenance of public facilities, park/open space requirements, affordable housing fees, and school facilities requirements, and remain in full force and effect.

State law and Section 2.5 of the Original Agreement provide that amendments may be made to the Agreement upon the mutual consent of both parties, using the same process and procedures as for the consideration and approval of the Original Agreement.

[2] Staff Analysis – The proposed First Amendment continues to apply to the same area as the Original Agreement and proposes to modify certain public infrastructure requirements to serve Tentative Tract Map Nos. 18026 (PMTT11-003) and 18027 (PMTT11-002). As most of the public infrastructure previously required per the Original Agreement have been completed by other developers, their inclusion in the Development Agreement is no longer necessary. This will allow STG Communities II, LLC to update their public infrastructure requirements to better reflect current development conditions in the Ontario Ranch area. Key points of the First Amendment are as follows:

- Continuing funding of Fire Station No. 9;
- Payment for the construction of a portion of Schaefer Avenue to serve Tract No. 18027;
- Continuing requirement for public infrastructure (streets, sewer, water, recycled water, storm drain, fiber) to serve Tentative Tract Map Nos. 18026 and 18027, to the extent that such public infrastructure has not been constructed and completed by others;
- City's acknowledgement that Tentative Tract Map Nos. 18026 and 18027 have an approved Water Quality Management Plan; and
- Conditions of Approval for Tentative Tract Map Nos. 18026 and 18027, as previously approved by the City, shall be modified to be consistent with the provisions of the First Amendment.

Staff finds that the First Amendment is consistent with State law, The Ontario Plan, and the City's Development Agreement policies. As a result, staff is recommending approval of the First Amendment to the Development Agreement. If the Planning Commission finds the First Amendment acceptable, a recommendation of approval to the City Council would be appropriate.

COMPLIANCE WITH THE ONTARIO PLAN: The proposed project is consistent with the principles, goals and policies contained within the Vision, Governance, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan (TOP). More specifically, the goals and policies of TOP that are furthered by the proposed project are as follows:

[1] City Council Goals.

- Invest in the Growth and Evolution of the City's Economy
- Maintain the Current High Level of Public Safety
- Operate in a Businesslike Manner
- Focus Resources in Ontario's Commercial and Residential Neighborhoods
- Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)
- Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony

[2] Vision.

Distinctive Development:

- Commercial and Residential Development
 - Development quality that is broadly recognized as distinctive and not exclusively tied to the general suburban character typical of much of Southern California.

[3] Governance.

Decision Making:

- Goal G1: Sustained decision-making that consistently moves Ontario towards its Vision by using The Ontario Plan as a framework for assessing choices.
 - G1-2 Long-term Benefit. We require decisions to demonstrate and document how they add value to the community and support the Ontario Vision

[4] Policy Plan (General Plan)

Land Use Element:

- Goal LU1: A community that has a spectrum of housing types and price ranges that match the jobs in the City and that make it possible for people to live and work in Ontario and maintain a quality of life.

- LU1-1 Strategic Growth. We concentrate growth in strategic locations that help create place and identity, maximize available and planned infrastructure, and foster the development of transit.

- LU1-6 Complete Community: We incorporate a variety of land uses and building types in our land use planning efforts that result in a complete community where residents at all stages of life, employers, workers and visitors have a wide spectrum of choices of where they can live, work, shop and recreate within Ontario. (Refer to Complete Community Section of Community Economics Element).

- Goal LU2: Compatibility between a wide range of uses.

- LU2-6: Infrastructure Compatibility: We require infrastructure to be aesthetically pleasing and in context with the community character.

Housing Element:

- Goal H2: Diversity of types of quality housing that are affordable to a range of household income levels, accommodate changing demographics, and support and reinforce the economic sustainability of Ontario.

- H2-4 New Model Colony. We support a premier lifestyle community in the New Model Colony distinguished by diverse housing, highest design quality, and cohesive and highly amenitized neighborhoods.

- H2-5 Housing Design. We require architectural excellence through adherence to City design guidelines, thoughtful site planning, environmentally sustainable practices and other best practices.

Goal H5: A full range of housing types and community services that meet the special housing needs for all individuals and families in Ontario, regardless of income level, age or other status.

Community Economics Element:

- Goal CE1: A complete community that provides for all incomes and stages of life.

- CE1-6 Diversity of Housing. We collaborate with residents, housing providers and the development community to provide housing opportunities for every stage of life; we plan for a variety of housing types and price points to support our workforce, attract business and foster a balanced community.

- Goal CE2: A City of distinctive neighborhoods, districts, and corridors, where people choose to be.

- CE2-1 Development Projects. We require new development and redevelopment to create unique, high-quality places that add value to the community.

- CE2-2 Development Review. We require those proposing new development and redevelopment to demonstrate how their projects will create appropriately unique, functional and sustainable places that will compete well with their competition within the region.

- CE2-4 Protection of Investment. We require that new development and redevelopment protect existing investment by providing architecture and urban design of equal or greater quality.

- CE2-5 Private Maintenance. We require adequate maintenance, upkeep, and investment in private property because proper maintenance on private property protects property values.

Safety Element:

- Goal S1: Minimized risk of injury, loss of life, property damage and economic and social disruption caused by earthquake-induced and other geologic hazards.

- S1-1 Implementation of Regulations and Standards. We require that all new habitable structures be designed in accordance with the most recent California Building Code adopted by the City, including provisions regarding lateral forces and grading.

Community Design Element:

- Goal CD1: A dynamic, progressive city containing distinct neighborhoods and commercial districts that foster a positive sense of identity and belonging among residents, visitors, and businesses.

- CD1-1 City Identity. We take actions that are consistent with the City being a leading urban center in Southern California while recognizing the diverse character of our existing viable neighborhoods.

➤ CD1-2 Growth Areas. We require development in growth areas to be distinctive and unique places within which there are cohesive design themes.

➤ CD1-3 Neighborhood Improvement. We require viable existing residential and non-residential neighborhoods to be preserved, protected, and enhanced in accordance with our land use policies.

▪ Goal CD2: A high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional and distinct.

➤ CD2-1 Quality Architecture. We encourage all development projects to convey visual interest and character through:

- Building volume, massing, and height to provide appropriate scale and proportion;
- A true architectural style which is carried out in plan, section and elevation through all aspects of the building and site design and appropriate for its setting; and
- Exterior building materials that are visually interesting, high quality, durable, and appropriate for the architectural style.

➤ CD2-2 Neighborhood Design. We create distinct residential neighborhoods that are functional, have a sense of community, emphasize livability and social interaction, and are uniquely identifiable places through such elements as:

- A pattern of smaller, walkable blocks that promote access, activity and safety;
- Variable setbacks and parcel sizes to accommodate a diversity of housing types;
- Traffic calming measures to slow traffic and promote walkability while maintaining acceptable fire protection and traffic flows;
- Floor plans that encourage views onto the street and de-emphasize the visual and physical dominance of garages (introducing the front porch as the “outdoor living room”), as appropriate; and
- Landscaped parkways, with sidewalks separated from the curb.

➤ CD2-7 Sustainability. We collaborate with the development community to design and build neighborhoods, streetscapes, sites, outdoor spaces, landscaping and buildings to reduce energy demand through solar orientation, maximum use of natural daylight, passive solar and natural ventilation, building form, mechanical and structural systems, building materials and construction techniques.

➤ CD2-8 Safe Design. We incorporate defensible space design into new and existing developments to ensure the maximum safe travel and visibility on pathways, corridors, and open space and at building entrances and parking areas by avoiding physically and visually isolated spaces, maintenance of visibility and accessibility, and use of lighting.

➤ CD2-9 Landscape Design. We encourage durable landscaping materials and designs that enhance the aesthetics of structures, create and define public and private spaces, and provide shade and environmental benefits.

➤ CD2-10 Surface Parking Areas. We require parking areas visible to or used by the public to be landscaped in an aesthetically pleasing, safe and environmentally sensitive manner. Examples include shade trees, pervious surfaces, urban run-off capture and infiltration, and pedestrian paths to guide users through the parking field.

➤ CD2-11 Entry Statements. We encourage the inclusion of amenities, signage and landscaping at the entry to neighborhoods, commercial centers, mixed use areas, industrial developments, and public places that reinforce them as uniquely identifiable places.

➤ CD2-12 Site and Building Signage. We encourage the use of sign programs that utilize complementary materials, colors, and themes. Project signage should be designed to effectively communicate and direct users to various aspects of the development and complement the character of the structures.

➤ CD2-13 Entitlement Process. We work collaboratively with all stakeholders to ensure a high degree of certainty in the efficient review and timely processing of all development plans and permits.

▪ Goal CD3: Vibrant urban environments that are organized around intense buildings, pedestrian and transit areas, public plazas, and linkages between and within developments that are conveniently located, visually appealing and safe during all hours.

➤ CD3-1 Design. We require that pedestrian, vehicular, bicycle and equestrian circulation on both public and private property be coordinated and designed to maximize safety, comfort and aesthetics.

➤ CD3-2 Connectivity Between Streets, Sidewalks, Walkways and Plazas. We require landscaping and paving be used to optimize visual connectivity between streets, sidewalks, walkways and plazas for pedestrians.

➤ CD3-3 Building Entrances. We require all building entrances to be accessible and visible from adjacent streets, sidewalks or public open spaces.

➤ CD3-5 Paving. We require sidewalks and road surfaces to be of a type and quality that contributes to the appearance and utility of streets and public spaces.

➤ CD3-6 Landscaping. We utilize landscaping to enhance the aesthetics, functionality and sustainability of streetscapes, outdoor spaces and buildings.

▪ Goal CD5: A sustained level of maintenance and improvement of properties, buildings and infrastructure that protects the property values and encourages additional public and private investments.

➤ CD5-1 Maintenance of Buildings and Property. We require all public and privately owned buildings and property (including trails and easements) to be properly and consistently maintained.

➤ CD5-2 Maintenance of Infrastructure. We require the continual maintenance of infrastructure.

HOUSING ELEMENT COMPLIANCE: The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the number of dwelling units (753) and density (4-7 DU/AC) specified in the Available Land Inventory.

AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE: The project site is located within the Airport Influence Area of the Ontario International Airport, and has been found to be consistent with the policies and criteria set forth within the Ontario International Airport Land Use Compatibility Plan.

ENVIRONMENTAL REVIEW: The environmental impacts of this project were previously reviewed in conjunction with West Haven Specific Plan, for which an EIR (SCH# 2004071095) was adopted by the City Council on July 17, 2007. This Application introduces no new significant environmental impacts. All previously adopted mitigation measures are a condition of project approval and are incorporated herein by this reference.

EXHIBIT "A"

West Haven Specific Plan Land Use Map

SECTION 3 • LAND USE PLAN



Exhibit 3-1
WEST HAVEN LAND USE PLAN

WEST HAVEN SPECIFIC PLAN

RESOLUTION NO. PC19-016

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE A FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT, FILE NO. PDA07-005, BETWEEN THE CITY OF ONTARIO AND STG COMMUNITIES II, LLC, TO MODIFY CERTAIN INFRASTRUCTURE REQUIREMENTS TO SERVE TENTATIVE TRACT MAP NOS. 18026 AND 18027 FOR PROJECTS LOCATED AT THE NORTHWEST CORNER OF HAVEN AVENUE AND CHINO AVENUE AND THE NORTHWEST CORNER OF HAVEN AVENUE AND SCHAEFER AVENUE, WITHIN PLANNING AREAS 4 AND 8 OF THE WEST HAVEN SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-151-11 AND 0218-151-38.

WHEREAS, CALIFORNIA GOVERNMENT CODE SECTION 65864 NOW provides, in pertinent part, as follows:

“The Legislature finds and declares that:

(a) The lack of certainty in the approval process of development projects can result in a waste of resources, escalate the cost of housing and other developments to the consumer, and discourage investment in and commitment to comprehensive planning which would make maximum efficient utilization of resources at the least economic cost to the public.

(b) Assurance to the Applicant for a development project that upon approval of the project, the Applicant may proceed with the project in accordance with existing policies, rules and regulations, and subject to conditions of approval, will strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic costs of development.”

WHEREAS, California Government Code Section 65865 provides, in pertinent part, as follows:

“Any city ... may enter into a Development Agreement with any person having a legal or equitable interest in real property for the development of such property as provided in this article ...”

WHEREAS, California Government Code Section 65865.2 provides, in part, as follows:

“A Development Agreement shall specify the duration of the Agreement, the permitted uses of the property, the density of intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes. The Development Agreement may include conditions, terms, restrictions, and requirements for subsequent

discretionary actions, provided that such conditions, terms, restrictions, and requirements for discretionary actions shall not prevent development of the land for the uses and to the density of intensity of development set forth in this Agreement ...”

WHEREAS, on April 4, 1995, the City Council of the City of Ontario adopted Resolution No. 95-22 establishing procedures and requirements whereby the City of Ontario may consider Development Agreements; and

WHEREAS, on September 10, 2002, the City Council of the City of Ontario adopted Resolution No. 2002-100 which revised the procedures and requirements whereby the City of Ontario may consider Development Agreements; and

WHEREAS, on March 3, 2015, the City Council of the City of Ontario, adopted Ordinance No. 3015, approving a Development Agreement (File No. PDA 07-005), between Stratham Properties Inc., and the City; and

WHEREAS, Stratham Properties, Inc. has assigned the Development Agreement to STG Communities II, LLC and STG Communities II, LLC has been assigned certain rights and obligations of the Development Agreement, and STG Communities II, LLC has accepted such rights and obligations under the provisions of the Assignment and Assumption Agreement between Stratham Properties Inc. and STG Communities II, LLC; and

WHEREAS, attached to this resolution, marked Exhibit “A” and incorporated herein by this reference, is the proposed First Amendment to the Development Agreement between STG Communities II, LLC and the City of Ontario, File No. PDA07-005. Hereinafter in this Resolution, the First Amendment to Development Agreement is referred to as the “Amendment”; and

WHEREAS, on March 26, 2019, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

WHEREAS, the environmental impacts of this project were reviewed with the West Haven Specific Plan Environmental Impact Report (SCH#2004071095) certified by the City Council on July 17, 2007. This project introduces no new significant environmental impacts. All previously adopted mitigation measures are be a condition of project approval and are incorporated herein by reference; and

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

NOW, THEREFORE, it is hereby found, determined, and resolved by the Planning Commission of the City of Ontario as follows:

SECTION 1. *Environmental Determination and Findings.* As the recommending body for the Project, the Planning Commission has reviewed and considered the information contained in the previously adopted West Haven Specific Plan (SCH#2004071095) that was adopted by the City Council on July 17, 2007, and supporting documentation. Based upon the facts and information contained in the addendum to the West Haven Specific Plan EIR (SCH#2004071095) and supporting documentation, the Planning Commission finds as follows:

(1) The environmental impacts of this project were previously reviewed in conjunction with the previously adopted West Haven Specific Plan EIR (SCH#2004071095) that was adopted by the City Council on July 17, 2007. This application introduces no new significant environmental impacts; and

(2) The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. This Application introduces no new significant environmental impacts.

(3) All previously adopted mitigation measures shall be a condition of project approval, as they are applicable to the Project, and are incorporated herein by this reference.

(4) There is no substantial evidence in the administrative record supporting a fair argument that the project may result in significant environmental impacts; and

SECTION 2: *Subsequent or Supplemental Environmental Review Not Required.* Based on the West Haven Specific Plan EIR, all related information presented to the Planning Commission, and the specific findings set forth in Section 1, above, the Planning Commission finds that the preparation of a subsequent or supplemental Environmental Impact Report is not required for the Project, as the Project:

(1) Does not constitute substantial changes to the Certified EIR that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

(2) Does not constitute substantial changes with respect to the circumstances under which the Certified EIR was prepared, that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and

(3) Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Certified EIR was certified/adopted, that shows any of the following:

(a) The project will have one or more significant effects not discussed in the Certified EIR; or

(b) Significant effects previously examined will be substantially more severe than shown in the Certified EIR; or

(c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the City declined to adopt such measures; or

(d) Mitigation measures or alternatives considerably different from those analyzed in the Certified EIR would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

SECTION 3. *Housing Element Consistency.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making body for the Project, the Planning Commission finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the maximum number of dwelling units (753) and density (4-7 DU/AC) specified within West Haven Specific Plan.

SECTION 4: *Ontario International Airport Land Use Compatibility Plan ("ALUCP") Compliance.* The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan ("ALUCP"), establishing the Airport Influence Area for Ontario International Airport ("ONT"), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the decision-making body for the Project, the Planning Commission has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the Planning Commission, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

SECTION 5. *Concluding Facts and Reasons.* Based upon substantial evidence presented to the Planning Commission during the above-referenced hearing on March 26, 2019, including written and oral staff reports, together with public testimony, the Planning Commission hereby specifically finds as follows:

a. The Amendment applies to approximately 48.73 acres of land generally located at the northwest corner of Haven Avenue and Chino Avenue, and the northwest corner of Haven Avenue and Schaefer Avenue within Planning Areas 4 and 8 of the West Haven Specific Plan; and

b. The properties to the north and east, are developed with agriculture and dairy uses. The property to the west is currently developed with single family homes. The property to the south is developed with a Southern California Edison (SCE) utility corridor; and

c. The Amendment continues to apply to the same area as the original Development Agreement and proposes to modify certain infrastructure requirements associated with the development of Tentative Tract Map Nos. 18026 and 18027. The main points of the original agreement addressing Development Impact Fees (DIF); public service funding; Community Facilities District (CFD) for maintenance of public facilities; park/open space requirements; affordable housing fees; and, school facilities requirements remain in force; and

d. This Amendment will not be materially injurious or detrimental to the adjacent properties and will not have a significant impact on the environment or the surrounding properties. The environmental impacts of this project were previously reviewed in conjunction with the West Haven Specific Plan EIR (SCH#2004071095) that was adopted by the City Council on July 17, 2007. This application introduces no new significant environmental impacts; and

e. All adopted mitigation measures of the related EIR shall be a condition of project approval and are incorporated herein by reference.

SECTION 6. *Planning Commission Action.* Based upon the findings and conclusions set forth in paragraphs 1, 2, 3, 4 and 5 above, the Planning Commission hereby RECOMMENDS APPROVAL of the First Amendment of the Development Agreement, File No. PDA07-005, to the City Council.

SECTION 7. *Indemnification.* 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 8. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 9. Certification to Adoption. The Secretary shall certify to the adoption of the Resolution.

The Secretary Pro Tempore for the Planning Commission of the City of Ontario shall certify as to the adoption of this Resolution.

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 26th day of March 2019, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.



Jim Willoughby
Planning Commission Vice Chairman

ATTEST:



Cathy Wahlstrom
Planning Director
Secretary of Planning Commission

Planning Commission Resolution
File No. PDA07-005
March 26, 2019
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STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC19-016, was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on March 26, 2019 by the following roll call vote, to wit:

AYES: DeDiemar, Downs, Gage, Gregorek, Reyes, Willoughby

NOES: None

ABSENT: None

ABSTAIN: None



Gwen Berendsen
Secretary Pro Tempore

Planning Commission Resolution
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Exhibit "A"

**First Amendment to the Development Agreement (File No. PDA07-005)
Between The City of Ontario, a California municipal corporation, and
STG Communities II, LLC, a California limited liability company**

(Document follows this page)

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

City of Ontario
303 East "B" Street
Ontario, California 91764
Attn: City Clerk

Exempt from Fees Per Gov. Code § 6301

Space above this line for Recorder's Use Only

**FIRST AMENDMENT TO THE
DEVELOPMENT AGREEMENT
(File No. PDA07-005)**

By and Between

City of Ontario, a California municipal corporation,

and

STG Communities II, LLC, a California limited liability company

_____, 2019

San Bernardino County, California

**FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT BY AND
BETWEEN THE CITY OF ONTARIO AND STG COMMUNITIES II, LLC
FILE NO. PDA07-005**

This First Amendment (hereinafter "First Amendment") is entered into as of the _____ day of _____ 2019, by and among the City of Ontario, a California municipal corporation (hereinafter "CITY"), and STG Communities II, LLC, a California Limited Liability Company (hereinafter "OWNER").

RECITALS

WHEREAS, the CITY and OWNER have previously entered into a Development Agreement (File No. PDA07-005) dated March 3, 2015 and recorded in San Bernardino County, California on July 13, 2015 as Instrument No. 2015-0296532 pursuant to Section 65864, et seq., of the Government Code, (hereinafter the "Original Development Agreement"); and

WHEREAS, Section 2.5 of the Development Agreement specifies that the Development Agreement may be amended in whole or in part only in the manner provided for in Government Code Section 65868.1 and the procedure for adopting and entering into an amendment to the Development Agreement shall be the same as the procedure for adopting and entering into the Development Agreement; and

WHEREAS, OWNER has requested, and CITY has agreed to modify certain provisions and the related Exhibits in the Original Development Agreement to reduce or eliminate certain requirements on OWNER to construct public improvements as such improvements have been constructed by others or are no longer determined to be necessary; and

WHEREAS, Stratham Properties Inc. has assigned the Original Development Agreement to STG Communities II, LLC and STG Communities II, LLC has been assigned certain rights and obligations of the Original Development Agreement, and STG Communities II, LLC has accepted such rights and obligations under the provisions of the Assignment and Assumption Agreement between Stratham Properties Inc. and STG Communities II, LLC dated March _____, 2019 as instrument no. 2019-_____ in the official records of the San Bernardino County Recorder; and

WHEREAS, the CITY and OWNER agree that execution of this First Amendment shall constitute Certification of Agreement Compliance under Section 6.4 of the Original Development Agreement and City shall issue "Certificate of Agreement Compliance" within 10 days following the Effective Date of this First Amendment.

AGREEMENTS

NOW, THEREFORE, in consideration of the above recitals and of the mutual agreements hereinafter contained, the parties agree as follows:

1. DEFINITIONS AND EXHIBITS.

1.1 Existing Definitions. Unless the context otherwise requires, all capitalized terms in this First Amendment not expressly defined in this First Amendment shall have the meaning given that term in the Original Agreement. All references herein to “Articles,” “Sections” and other subdivisions are to the corresponding Articles, Sections or subdivisions of this First Amendment, and the word “herein,” “hereof,” “hereunder” and other words of similar import refer to this First Amendment as a whole and not to any particular Article, Section or subdivision hereof.

1.2 Exhibits. The revised Exhibits attached to, and by this reference made a part of, this First Amendment: Exhibit “F-R” — Infrastructure Improvements Exhibits for Tract Nos. 18026 and 18027.

2. MODIFICATIONS TO DEVELOPMENT AGREEMENT TO MODIFY OR REDUCE REQUIREMENTS FOR CONSTRUCTION OF SPECIFIED PUBLIC IMPROVEMENTS

2.1 Requirements for the Construction of Public Infrastructure and Improvements. The following provisions shall replace Section 3.7 and Section 4.3.1 of the Original Development Agreement:

“3.7 Public Works; Utilities. If OWNER is required by this Agreement to construct any public works facilities which will be dedicated to CITY or any other public agency upon completion, and if required by applicable laws to do so, OWNER shall perform such work in the same manner and subject to the same requirements as would be applicable to CITY or such other public agency should it have undertaken such construction. As a condition of development approval, OWNER shall connect the Project to all utilities necessary to provide adequate water, recycled water, sewer, gas, electric, and other utility service to the Project. As a further condition of development approval, OWNER shall contract with the CITY for CITY-owned or operated utilities for this purpose, for such price and on such terms as may be available to similarly situated customers in the CITY.

3.7.1 Continuing Requirement for the Funding of Fire Station No. 9 by NMC Builders for Issuance of Building Permits. The issuance of building permits for Production Units within the Property is contingent upon, among other things, the provision of payments from NMC Builders for the completion of the construction of CITY’s Fire Station No. 9. CITY shall not issue building permits for the construction of Production Units within the Property unless and until CITY receives payments from NMC Builders in the amount estimated by CITY to be necessary and sufficient for the completion of the design and construction of Fire Station No. 9. If OWNER

requests that CITY issue building permits for any units, including Model Units, prior to CITY's receipt of payments from NMC Builders in an amount deemed by CITY to be necessary and sufficient for the design and construction of Fire Station No. 9, then prior to and as a condition precedent to CITY's issuance of any such building permits for the construction of any units, OWNER shall deposit, or shall have deposited, with NMC Builders an amount equal to the OWNER's Fire Station No. 9 Capital Contribution allocable to such unit(s).

3.7.2 Continuing Requirement for the Funding of Regional Water and Storm Water Treatment Improvements. Prior to, and as a condition precedent to, CITY's approval of any final Tract Maps for the Property, CITY shall require OWNER to provide evidence of sufficient Water Availability Equivalents for the number of units included in the respective Tract Map. Prior to, and as a condition precedent to, CITY's issuance of grading permits for any grading of the Property or prior to, and as a condition precedent to, CITY's approval of any final Tract Maps for the Property, OWNER shall provide evidence of sufficient Storm Water Treatment Capacity Availability for the Project. CITY and OWNER agree that the evidence of Storm Water Treatment Capacity Availability for the Project shall be based on the net acreage of OWNER's Project for Tract Map Nos. 18026 and 18027, as defined in the Construction Agreement Amendment. CITY hereby acknowledges that Tract Nos. 18026 and 18027 have an approved preliminary Water Quality Management Plan and are grandfathered into the Mill Creek Wetlands solution.

3.7.3 Requirement for Construction of "Phillips Zone" Water Improvements to Serve Tract No 18026. OWNER shall be responsible for the construction of the necessary extension of permanent master planned potable water infrastructure and improvements within the CITY'S Phillips Zone Pressure Zone to the Property in Tract No. 18026 including the construction of master planned potable water infrastructure and improvements as shown on Exhibit "F-R" hereto, to the extent that such potable water utility infrastructure has not been constructed by others. OWNER shall only initiate grading after recordation of the Final Tract Map for Tract No. 18026. OWNER also acknowledges and agrees that no Building Permits shall be issued by CITY for Production Units prior to the completion of the extension of permanent master planned potable water utility infrastructure and Improvements within the Phillips Pressure Zone to serve the portion of the Project in Tract No. 18026.

3.7.4 Requirement for Construction of "Francis Zone" Water Improvements to Serve Tract No. 18027. OWNER shall be responsible for the design and construction of the necessary extension of permanent master planned potable water infrastructure and improvements within the CITY's Francis Pressure Zone to the Property in Tract No. 18027 including the construction of master planned potable water infrastructure and

improvements as shown on Exhibit "F-R" hereto, to the extent that such potable water utility infrastructure has not been constructed and completed by others. OWNER shall only initiate grading after recordation of the Final Tract Map for Tract No. 18027. OWNER also acknowledges and agrees that no Building Permits shall be issued by CITY for Production Units prior to the completion of the extension of permanent master planned potable water utility infrastructure and improvements within the Francis Pressure Zone to serve the portion of the Project in Tract No. 18027.

3.7.5 Requirement for Construction of Recycled Water Improvements. OWNER shall design and construct permanent master planned recycled water utility infrastructure as described in Exhibit "F-R" as the "Phase 1 Recycled Water Improvements," consisting of the construction of permanent master planned recycled water for Tract Numbers 18026 and 18027, to the extent that such master planned recycled water utility infrastructure has not been constructed and completed by others. OWNER agrees that no building permits shall be issued by CITY for Production Units for the portion of the Project in Tract No. 18027 prior to completion of the Phase 1 Recycled Water Improvements as described in Exhibit "F-R" for Tract 18027. OWNER also agrees that no building permits shall be issued by CITY for Production Units for the portion of the Project in Tract 18026 prior to completion of the Phase 1 Recycled Water Improvements as described in the Exhibit "F-R" for Tract 18026. CITY agrees that OWNER may, at OWNER's option, complete the construction of improvements that provide for connection of the portion of the Project in Tract 18026 to either the 930 recycled water pressure zone on an interim basis or the 1050 recycled water pressure zone to the extent that such alternatives are identified and shown in Exhibit "F-R" for Tract No 18026. If OWNER elects to connect the portion of the Project in Tract 18026 to the 930 recycled water pressure zone, on an interim basis, OWNER shall be responsible for the construction of a permanent connection of the portion of the Project in Tract 18026 to the 1050 recycle water pressure zone when the Phase 2 Recycled Water Improvements are constructed to extend the recycled water improvements in Riverside Drive and Haven Drive by OWNER, NMC Builders or others. Additionally, OWNER or NMC Builders shall be responsible for the design and construction of an additional extension of master planned recycled water infrastructure in Riverside Drive and Haven Avenue (the "Phase 2 Recycled Water Improvements") to serve the entire Project as described in the attached Exhibit "F-R".

3.7.6 Requirement for Construction of Sewer System Improvements. OWNER shall design and construct permanent master planned sewer system improvements to serve the portions of the Project in Tract Nos. 18026 and 18027 and as shown in the attached Exhibit "F-R", to the extent that such sewer system improvements have not been constructed and completed by others. OWNER agrees that no building permits shall be issued by CITY for Production Units unless and until the

respective sewer system improvements to serve for Tract Nos. 18026 and 18027 are completed.

3.7.7 Requirement for Construction of Storm Drain Improvements. OWNER agrees that development of the Project shall require the construction of a significant portion of Storm Drain facilities known as the "Turner Avenue Storm Drain" from the northern boundary of the Property to the connection with the County Line Channel. OWNER shall be responsible for the construction of the necessary extension of master planned Storm Drain facilities to serve Tracts Nos. 18026 and 18027 respectively, to the extent that such Storm Drain Improvements have not been constructed and completed by NMC Builders or others. OWNER also acknowledges and agrees that no Building Permits shall be issued by CITY for Production Units prior to the completion of the connections to the permanent master planned Storm Drain facilities in Turner Avenue to the County line Channel as described in Exhibit "F-R".

3.7.8 Requirement for Construction of Street Improvements. OWNER shall construct a portion of Chino Avenue and Haven Avenue and OWNER shall be required to design the signalized intersection on Haven Avenue north of Schaefer Avenue and design other signalized intersections to serve Tracts Nos. 18026 and 18027 respectively, as shown in the attached Exhibit "F-R", to the extent that such improvements have not been constructed and completed by others. OWNER agrees that no Building Permits shall be issued by CITY for Production Units prior to the completion of the master planned street improvements as described in Exhibit "F-R".

3.7.9 Requirement for Construction of Fiber Optic Improvements. OWNER agrees that development of the Property shall require the extension of permanent master planned fiber optic communications infrastructure, at OWNER's sole cost and expense, to serve Tracts Nos. 18026 and 18027 respectively, as described in the attached Exhibit "F-R" consisting generally of the construction of the extension of fiber optic communications infrastructure to serve the Property, to the extent such master planned fiber optic communications have not been constructed and completed by others. OWNER agrees that no Building Permits shall be issued by CITY for Production Units prior to the completion of the master planned fiber optic improvements as described in Exhibit "F-R".

4.3.1 Responsibility for Construction of Improvements. The phasing of the area wide infrastructure construction within the New Model Colony will be as approved by the City Manager. OWNER shall be responsible for the timely construction and completion of all public infrastructure required for the Project to serve Tracts Nos. 18026 and 18027 respectively, as shown on the attached Exhibit "F-R" and any and all tentative tract map conditions. CITY agrees that OWNER may initiate grading after recordation

of the Final Tract Map; however, OWNER acknowledges and agrees that no building permits for any Model Units or Production Units shall be issued by City for the Project prior to the completion of the permanent master planned water and recycled water utility infrastructure to serve the project as shown on the attached Exhibit "F-R".

4.3.1.1 Responsibility for In-Lieu Payments. OWNER shall also be required to pay the amount of three hundred forty-two thousand and one hundred eighteen dollars (\$342,118) to CITY in-lieu of the OWNER's construction of a portion of Schaefer Avenue. Such payment shall be made by OWNER prior to and as a condition precedent to, CITY's issuance of the first building permit for any units for Tract No. 18027.

3. OTHER MODIFICATIONS.

3.1 Revisions to Conditions of Approval for the Respective Tentative Tract Maps for Tract Nos. 18026 and 18027. CITY and OWNER agree that the Conditions of Approval for Tentative Tract Nos. 18026 and 18027 as previously approved by CITY shall be modified to be consistent with the provisions of this First Amendment.

4. INTEGRATION.

4.1 Integration of Previous Understandings and Clarifications. This First Amendment reflects the complete understanding of the parties with respect to the subject matter hereof. To the extent this First Amendment conflicts with the Development Agreement, this First Amendment supersedes such previous document(s). In all other respects, the parties hereto re-affirm and ratify all other provisions of the Development Agreement and First Amendment. The Property covered by this First Amendment is as described in the legal description of the Property attached hereto as Exhibit "A" of the Original Development Agreement. This First Amendment shall be recorded against the Property.

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment as of the date the ordinance adopting this First Amendment becomes effective ("Effective Date").

{Signature Page to Follow}

**SIGNATURE PAGE
TO FIRST AMENDMENT TO DEVELOPMENT AGREEMENT BY AND BETWEEN
THE CITY OF ONTARIO AND STG COMMUNITIES II, LLC**

"OWNER"

STG COMMUNITIES II, LLC a California Limited Liability Company

By: _____
Name: _____
Its: _____

Date: _____

"CITY"

CITY OF ONTARIO

By: _____
Scott Ochoa, City Manager

Date: _____

ATTEST:

City Clerk, Ontario

APPROVED AS TO FORM:
BEST, BEST & KRIEGER LLP

City Attorney

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF _____)

On _____, 20____, before me, _____,
Date *Insert Name and Title of the Officer*

personally appeared _____
Name(s) of Signer(s)

_____ who proved to me on the basis of satisfactory evidence to be the person whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____
Signature of Notary Public

Place Notary Seal Above

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF _____)

On _____, 20____, before me, _____,
Date *Insert Name and Title of the Officer*

personally appeared _____
Name(s) of Signer(s)

_____,
who proved to me on the basis of satisfactory evidence to be the person whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____
Signature of Notary Public

Place Notary Seal Above

EXHIBIT "A"

Legal Description of Property

Tentative Tract Map 18026

IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA BEING A SUBDIVISION OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO BASE AND MERIDIAN.

APN: 0218-151-11

Tentative Tract Map 18027

IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA BEING A SUBDIVISION OF PARCEL 2 OF PARCEL MAP NO. 4117 FILED IN BOOK 38, PAGES 37 AND 38 OF PARCEL MAPS, SAN BERNARDINO COUNTY RECORDS.

APN: 0218-151-38

EXHIBIT "B"

West Haven Specific Plan Land Use Map

SECTION 3 • LAND USE PLAN



Exhibit 3-1
WEST HAVEN LAND USE PLAN

EXHIBIT "F-R"

Required Street Infrastructure Improvements

Tentative Tract Map No. 18026

EXHIBIT F-R

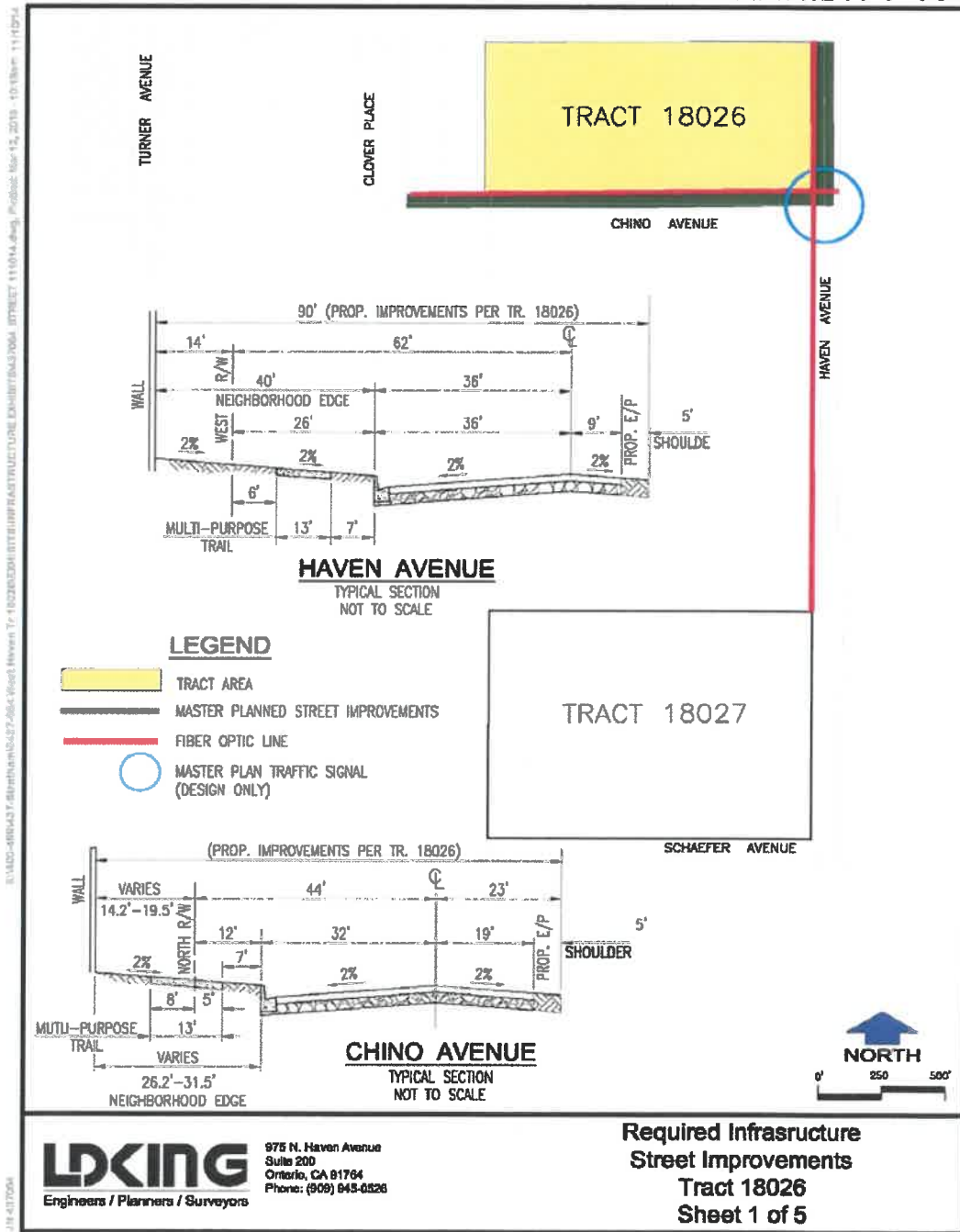


EXHIBIT "F-R"

Required Sewer Infrastructure Improvements

Tentative Tract Map No. 18026

EXHIBIT F-R



EXHIBIT "F-R"

Required Storm Drain Infrastructure Improvements

Tentative Tract Map No. 18026

EXHIBIT F-R

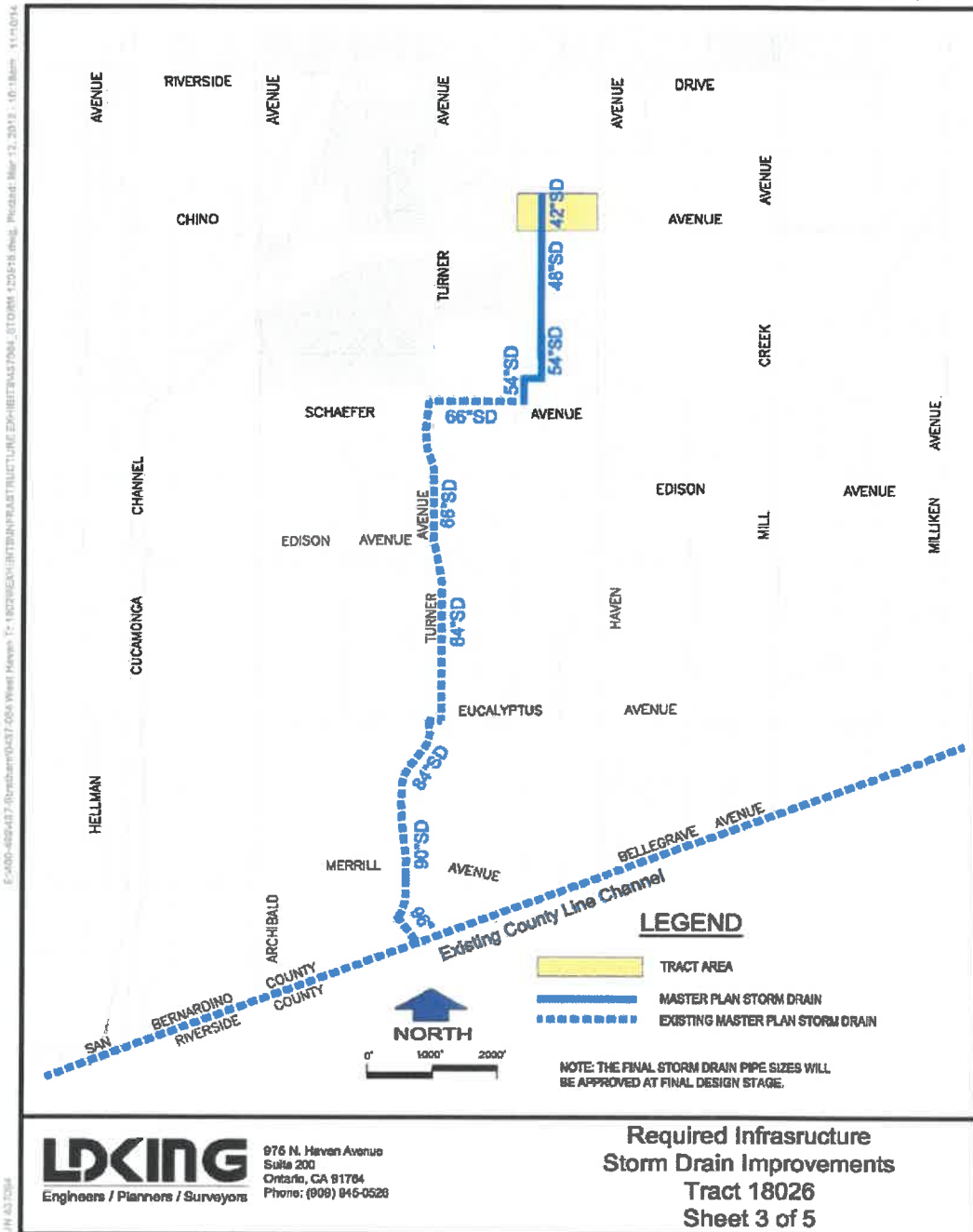


EXHIBIT "F-R"

Required Domestic Water Infrastructure Improvements

Tentative Tract Map No. 18026

EXHIBIT F-R

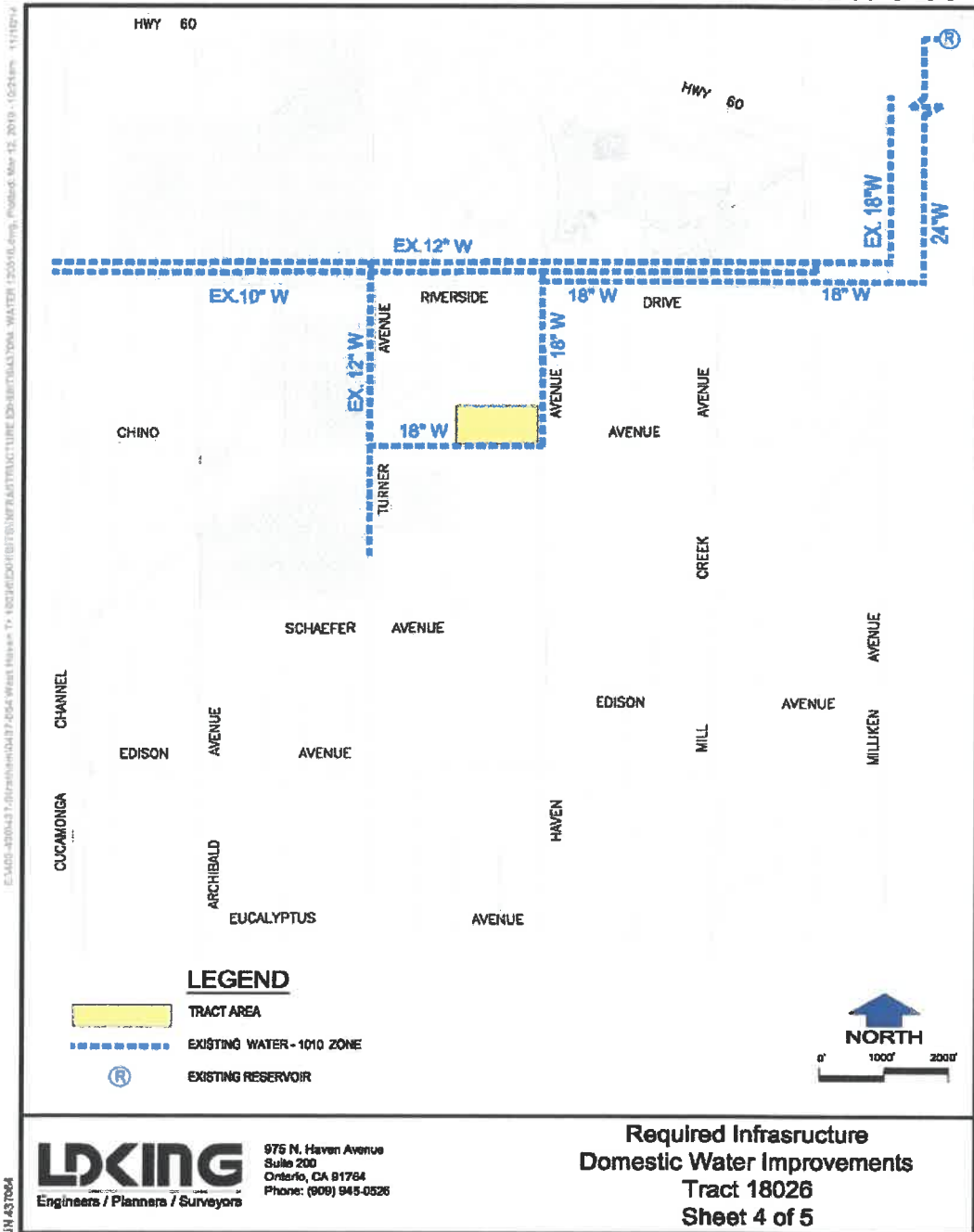
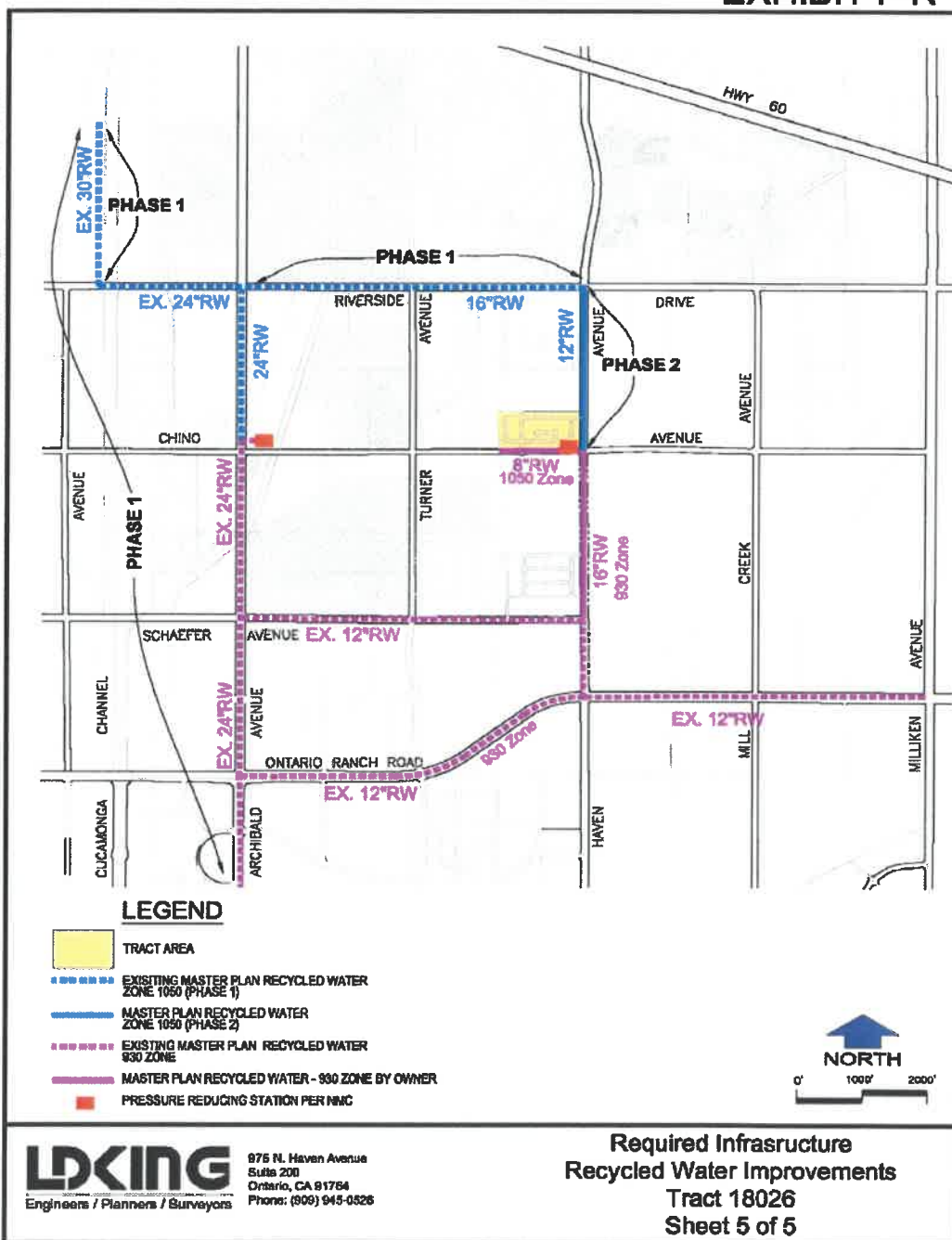


EXHIBIT "F-R"

Required Recycled Water Infrastructure Improvements

Tentative Tract Map No. 18026

EXHIBIT F-R



E:\MS-DRAWING\2019\18026\18026-RW-IMP-01.dwg Plot Date: 03/12/2019 10:52:00 AM

JIN 03/12/19

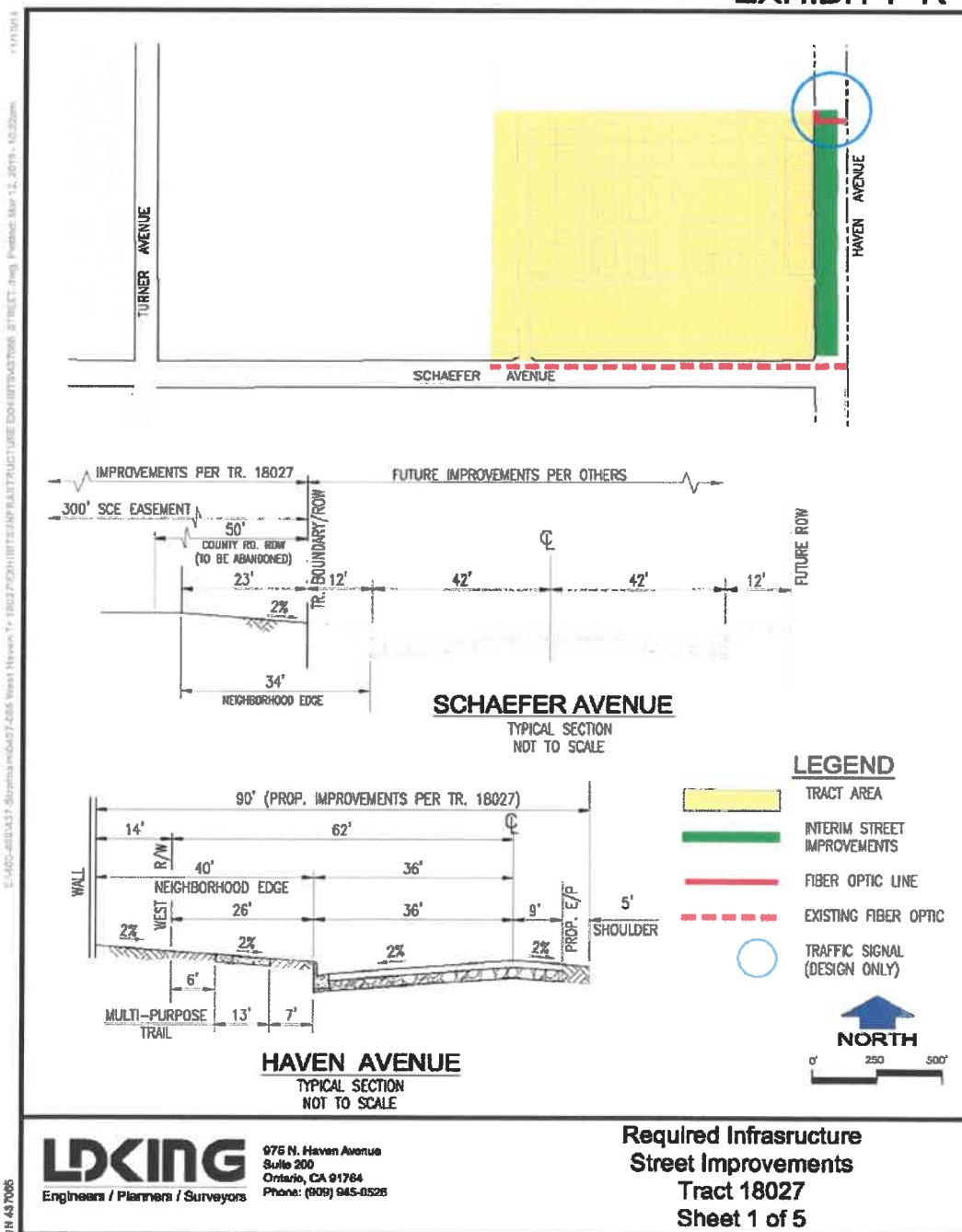
LDKING
 Engineers / Planners / Surveyors
 975 N. Haven Avenue
 Suite 200
 Ontario, CA 91764
 Phone: (909) 945-0326

EXHIBIT "F-R"

Required Street Infrastructure Improvements

Tentative Tract Map No. 18027

EXHIBIT F-R



E:\400-488\4337-38\p\m\m\407265 West Haven Tr 18027\DH\INFRASTRUCTURE\DO\B\T\W\A\T\W\6 STREET.dwg, PUBLISH: Mar 12, 2019, 10:32am
 11/17/2018
 J.R. 43 7085

EXHIBIT "F-R"

Required Sewer Infrastructure Improvements

Tentative Tract Map No. 18027

EXHIBIT F-R

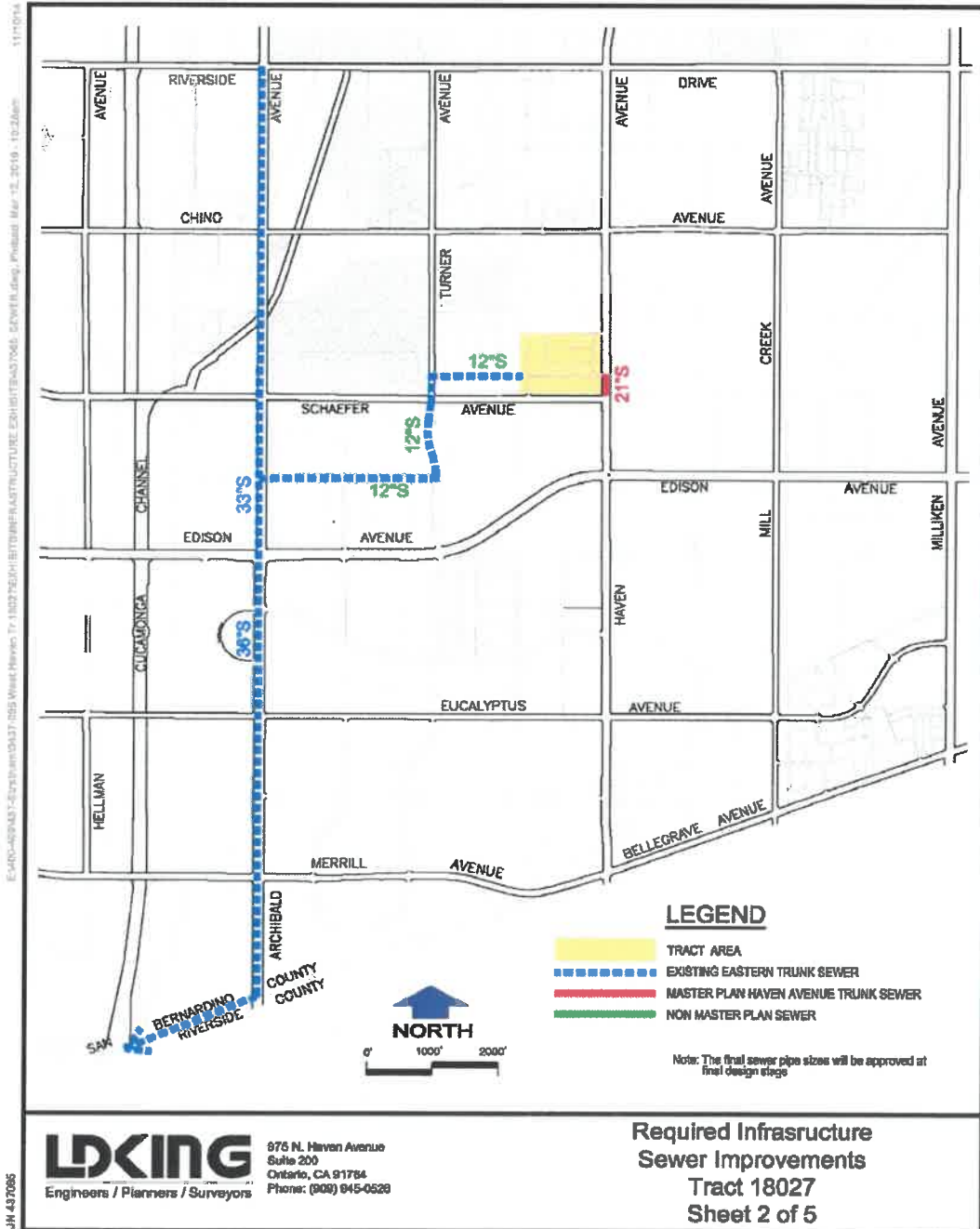


EXHIBIT "F-R"

Required Storm Drain Infrastructure Improvements

Tentative Tract Map No. 18027

EXHIBIT F-R

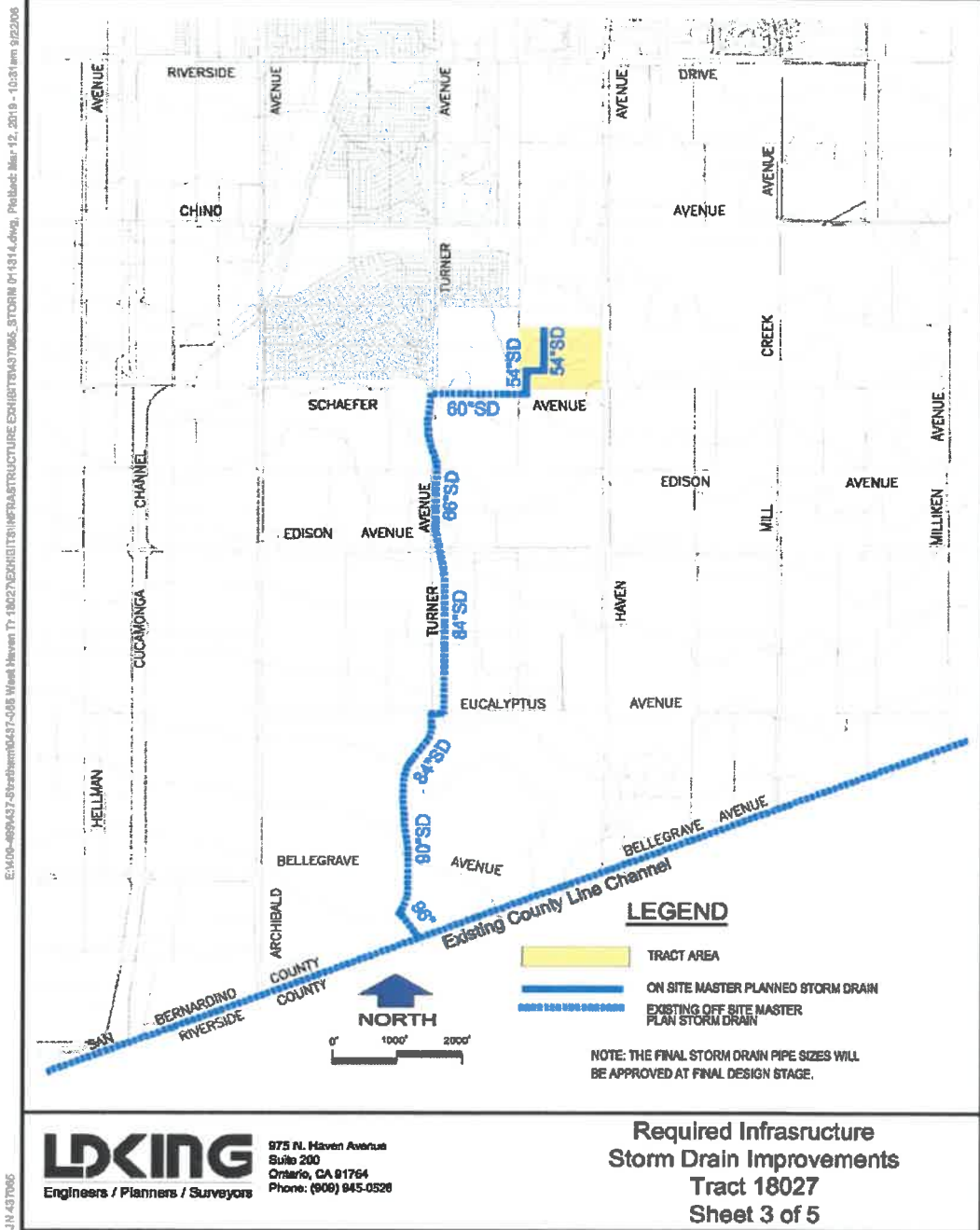


EXHIBIT "F-R"

Required Domestic Water Infrastructure Improvements

Tentative Tract Map No. 18027

EXHIBIT F-R

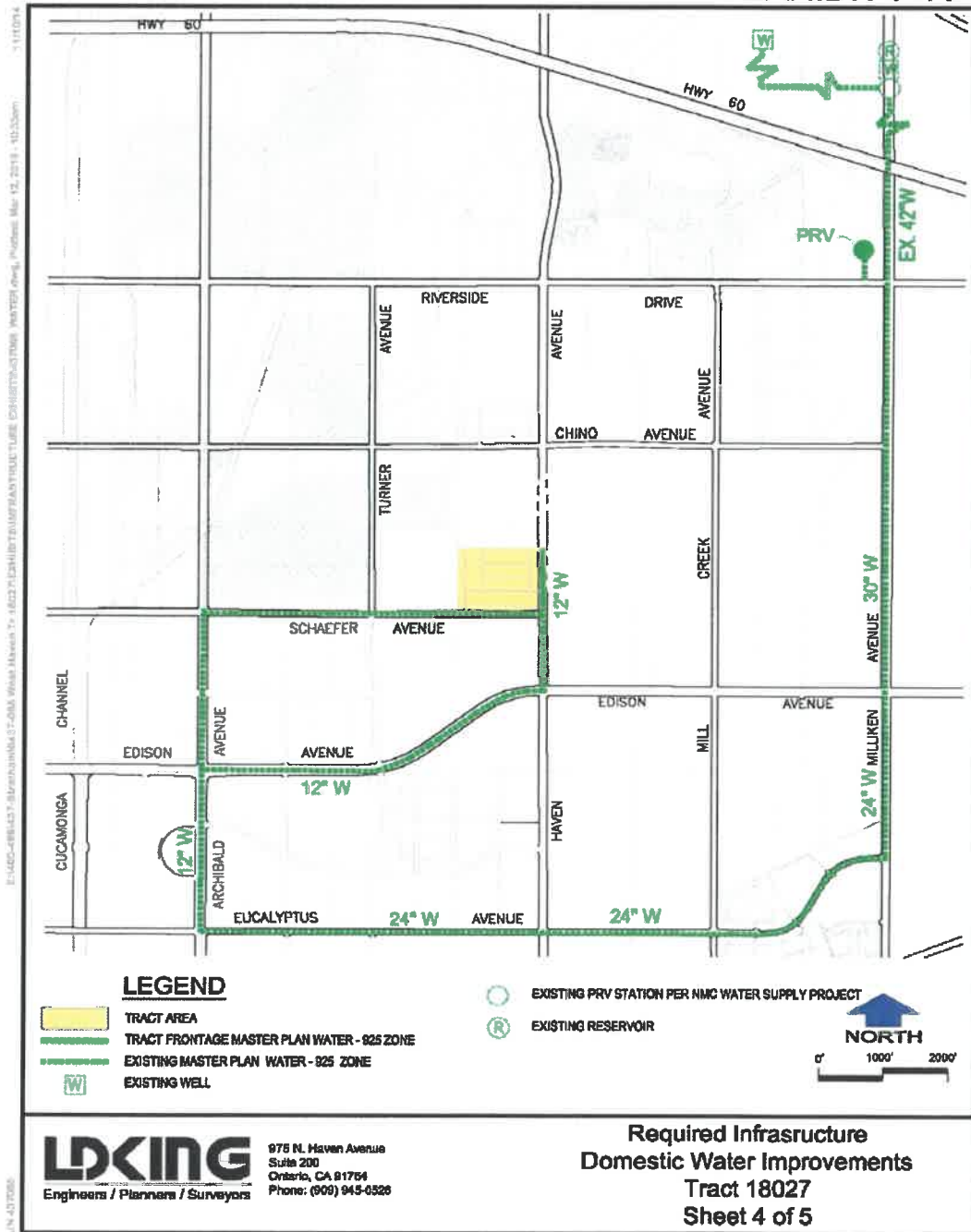
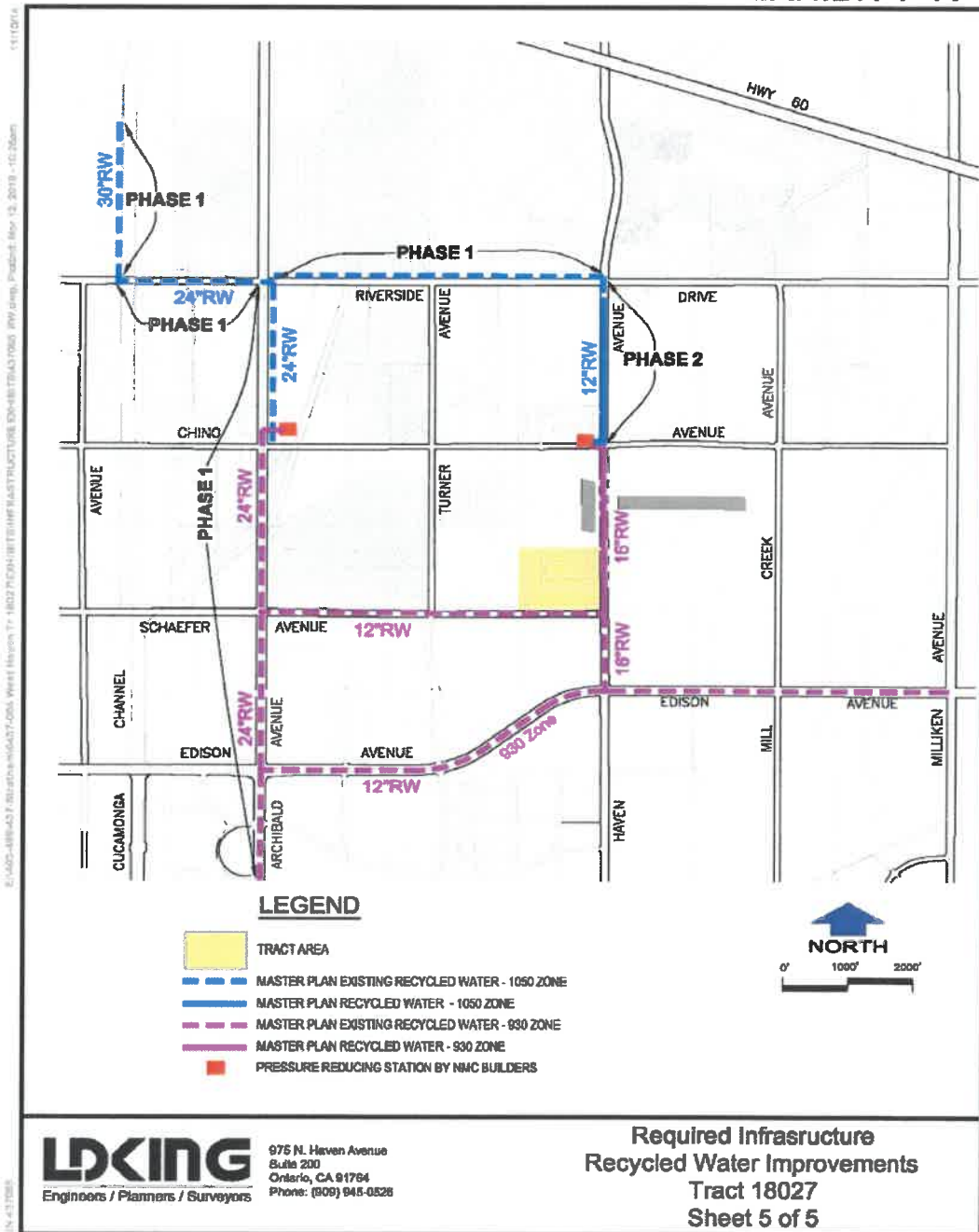


EXHIBIT "F-R"

Required Recycled Water Infrastructure Improvements

Tentative Tract Map No. 18027

EXHIBIT F-R



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT AMENDMENT (FIRST AMENDMENT - FILE NO. PDA07-005) BETWEEN THE CITY OF ONTARIO AND STG COMMUNITIES II, LLC TO MODIFY CERTAIN INFRASTRUCTURE REQUIREMENTS ASSOCIATED WITH THE DEVELOPMENT OF TENTATIVE TRACT MAP NOS. 18026 (PMTT11-003) AND 18027 (PMTT11-002), LOCATED AT THE NORTHWEST CORNER OF HAVEN AVENUE AND CHINO AVENUE, AND THE NORTHWEST CORNER OF HAVEN AVENUE AND SCHAEFER AVENUE, WITHIN PLANNING AREAS 4 AND 8 OF THE WEST HAVEN SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 0218-151-11 AND 0218-151-38.

WHEREAS, STG Communities II, LLC ("Applicant") has filed an Application for the approval of a Development Agreement Amendment (First Amendment), File No. PDA07-005, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 48.73 acres of land generally located at the northwest corner of Haven Avenue and Chino Avenue, and the northwest corner of Haven Avenue and Schaefer Avenue, within Planning Areas 4 and 8 of the West Haven Specific Plan, respectively, and is presently vacant; and

WHEREAS, the properties to the north and east of the Project site are developed with agriculture and dairy uses. The property to the west is currently developed with single family homes. The property to the south is developed with a Southern California Edison (SCE) utility corridor; and

WHEREAS, Stratham Properties Inc. has assigned the Development Agreement to STG Communities II, LLC and STG Communities II, LLC has been assigned certain rights and obligations of the Development Agreement, and STG Communities II, LLC has accepted such rights and obligations under the provisions of the Assignment and Assumption Agreement between Stratham Properties Inc. and STG Communities II, LLC; 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 environmental impacts of this project were previously reviewed in conjunction with the West Haven Specific Plan (File No. PSP03-006), for which an Environmental Impact Report (SCH#2004071095) ("Certified EIR") was adopted by the City Council on July 17, 2007, and this Application introduces no new significant environmental impacts; and

WHEREAS, the City's "Local Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed; and

WHEREAS, the Application is a project pursuant to CEQA (Public Resources Code Section 21000 et seq.), and an initial study has been prepared to determine possible environmental impacts; and

WHEREAS, Ontario Development Code Table 2.02-1 (Review Matrix) grants the City Council the responsibility and authority to review and act on the subject Application; and

WHEREAS, the Project is located within the Airport Influence Area of Ontario International Airport (ONT), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and is subject to, and must be consistent with, the policies and criteria set forth in the ONT Airport Land Use Compatibility Plan (ALUCP), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

WHEREAS, City of Ontario Development Code Division 2.03 (Public Hearings) prescribes the manner in which public notification shall be provided and hearing procedures to be followed, and all such notifications and procedures have been completed;

WHEREAS, on March 26, 2019, the Planning Commission of the City of Ontario conducted a hearing to consider the Project and concluded said hearing on that date, voting to issue Resolution No. PC19-016 recommending the City Council approve the Application; and

WHEREAS, on April 16, 2019, the City Council of the City of Ontario conducted a hearing to consider the Project and concluded said hearing on that date; and

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

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

SECTION 1. Environmental Determination and Findings. As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the previous Certified EIR and supporting documentation. Based upon the facts and information contained in the previous Certified EIR and supporting documentation, the City Council finds as follows:

(1) The environmental impacts of this project were previously reviewed in conjunction with the West Haven Specific Plan (File No. PSP03-006), for which a Certified EIR (SCH#2004071095) was adopted by the City Council on July 17, 2007.

(2) The previous Certified EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and

(3) The previous Certified EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

(4) The previous Certified EIR reflects the independent judgment of the City Council; and

(5) The proposed project will introduce no new significant environmental impacts beyond those previously analyzed in the previous Certified EIR, and all mitigation measures previously adopted with the Certified EIR, are incorporated herein by this reference.

SECTION 2. Subsequent or Supplemental Environmental Review Not Required. Based on the information presented to the City Council, and the specific findings set forth in Section 1, above, the City Council finds that the preparation of a subsequent or supplemental Certified EIR is not required for the Project, as the Project:

(1) Does not constitute substantial changes to the Certified EIR that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

(2) Does not constitute substantial changes with respect to the circumstances under which the Certified EIR was prepared, that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and

(3) Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Certified EIR was certified/adopted, that shows any of the following:

(a) The project will have one or more significant effects not discussed in the Certified EIR; or

(b) Significant effects previously examined will be substantially more severe than shown in the Certified EIR; or

(c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the City declined to adopt such measures; or

(d) Mitigation measures or alternatives considerably different from those analyzed in the Certified EIR would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

SECTION 3. Ontario International Airport Land Use Compatibility Plan (“ALUCP”) Compliance. The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan (“ALUCP”), establishing the Airport Influence Area for Ontario International Airport (“ONT”), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the decision-making body for the Project, the City Council has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the City Council, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

SECTION 4. Concluding Facts and Reasons. 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 through 3, above, the City Council hereby concludes as follows:

(1) The Application applies to approximately 48.73 acres of land generally and located at the northwest corner of Haven Avenue and Chino Avenue, and the northwest corner of Haven Avenue and Schaefer Avenue, within Planning Areas 4 and 8 of the West Haven Specific Plan; and

(2) The properties to the north and east, are developed with agriculture and dairy uses. The property to the west is currently developed with single family homes. The property to the south is developed with a Southern California Edison (SCE) utility corridor; and

(3) The Application continues to apply to the same area as the original existing Development Agreement and proposes to modify certain infrastructure requirements associated with the development of Tentative Tract Map Nos. 18026 and 18027, respectively. The main points of the original agreement addressing Development Impact Fees (DIF); public service funding; Community Facilities District (CFD) for maintenance of public facilities; park/open space requirements; affordable housing fees; and, school facilities requirements remain in force; and

(4) This Application will not be materially injurious or detrimental to the adjacent properties and will not have a significant impact on the environment or the surrounding properties. The environmental impacts of this project were previously

reviewed in conjunction with the West Haven Specific Plan EIR (SCH#2004071095) that was adopted by the City Council on July 17, 2007. This application introduces no new significant environmental impacts.

(5) All adopted mitigation measures of the related EIR shall be a condition of project approval and are incorporated herein by reference.

SECTION 5. City Council Action. Based upon the findings and conclusions set forth in Sections 1 through 5, above, the City Council hereby APPROVES the herein described Application, attached hereto as "Attachment A," and incorporated herein by this reference.

SECTION 6. Indemnification. 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 7. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 8. Severability. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The People of the City of Ontario hereby declare that they would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 9. Effective Date. This Ordinance shall become effective 30 days following its adoption.

SECTION 10. Publication and Posting. 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 15 days following 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 ____ day of _____ 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. _____ was duly introduced at a regular meeting of the City Council of the City of Ontario held _____, 2019 and adopted at the regular meeting held _____, 2019 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

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

SHEILA MAUTZ, CITY CLERK

(SEAL)

ATTACHMENT A:

File No. PDA07-005

First Amendment to the Development Agreement

By and Between the

City of Ontario, a California municipal corporation

and

STG Communities II, LLC, a California limited liability company

(Document follows this page)

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

City of Ontario
303 East "B" Street
Ontario, California 91764
Attn: City Clerk

Exempt from Fees Per Gov. Code § 6301

Space above this line for Recorder's Use Only

**FIRST AMENDMENT TO THE
DEVELOPMENT AGREEMENT
(File No. PDA07-005)**

By and Between

City of Ontario, a California municipal corporation,

and

STG Communities II, LLC, a California limited liability company

_____, 2019

San Bernardino County, California

**FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT BY AND
BETWEEN THE CITY OF ONTARIO AND STG COMMUNITIES II, LLC
FILE NO. PDA07-005**

This First Amendment (hereinafter "First Amendment") is entered into as of the _____ day of _____ 2019, by and among the City of Ontario, a California municipal corporation (hereinafter "CITY"), and STG Communities II, LLC, a California Limited Liability Company (hereinafter "OWNER").

RECITALS

WHEREAS, the CITY and OWNER have previously entered into a Development Agreement (File No. PDA07-005) dated March 3, 2015 and recorded in San Bernardino County, California on July 13, 2015 as Instrument No. 2015-0296532 pursuant to Section 65864, et seq., of the Government Code, (hereinafter the "Original Development Agreement"); and

WHEREAS, Section 2.5 of the Development Agreement specifies that the Development Agreement may be amended in whole or in part only in the manner provided for in Government Code Section 65868.1 and the procedure for adopting and entering into an amendment to the Development Agreement shall be the same as the procedure for adopting and entering into the Development Agreement; and

WHEREAS, OWNER has requested, and CITY has agreed to modify certain provisions and the related Exhibits in the Original Development Agreement to reduce or eliminate certain requirements on OWNER to construct public improvements as such improvements have been constructed by others or are no longer determined to be necessary; and

WHEREAS, Stratham Properties Inc. has assigned the Original Development Agreement to STG Communities II, LLC and STG Communities II, LLC has been assigned certain rights and obligations of the Original Development Agreement, and STG Communities II, LLC has accepted such rights and obligations under the provisions of the Assignment and Assumption Agreement between Stratham Properties Inc. and STG Communities II, LLC dated March 25, 2019 as instrument no. 2019-0091513 in the official records of the San Bernardino County Recorder; and

WHEREAS, the CITY and OWNER agree that execution of this First Amendment shall constitute Certification of Agreement Compliance under Section 6.4 of the Original Development Agreement and City shall issue "Certificate of Agreement Compliance" within 10 days following the Effective Date of this First Amendment.

AGREEMENTS

NOW, THEREFORE, in consideration of the above recitals and of the mutual agreements hereinafter contained, the parties agree as follows:

1. DEFINITIONS AND EXHIBITS.

1.1 Existing Definitions. Unless the context otherwise requires, all capitalized terms in this First Amendment not expressly defined in this First Amendment shall have the meaning given that term in the Original Agreement. All references herein to “Articles,” “Sections” and other subdivisions are to the corresponding Articles, Sections or subdivisions of this First Amendment, and the word “herein,” “hereof,” “hereunder” and other words of similar import refer to this First Amendment as a whole and not to any particular Article, Section or subdivision hereof.

1.2 Exhibits. The revised Exhibits attached to, and by this reference made a part of, this First Amendment: Exhibit “F-R” — Infrastructure Improvements Exhibits for Tract Nos. 18026 and 18027.

2. MODIFICATIONS TO DEVELOPMENT AGREEMENT TO MODIFY OR REDUCE REQUIREMENTS FOR CONSTRUCTION OF SPECIFIED PUBLIC IMPROVEMENTS

2.1 Requirements for the Construction of Public Infrastructure and Improvements. The following provisions shall replace Section 3.7 and Section 4.3.1 of the Original Development Agreement:

3.7 Public Works; Utilities. If OWNER is required by this Agreement to construct any public works facilities which will be dedicated to CITY or any other public agency upon completion, and if required by applicable laws to do so, OWNER shall perform such work in the same manner and subject to the same requirements as would be applicable to CITY or such other public agency should it have undertaken such construction. As a condition of development approval, OWNER shall connect the Project to all utilities necessary to provide adequate water, recycled water, sewer, gas, electric, and other utility service to the Project. As a further condition of development approval, OWNER shall contract with the CITY for CITY-owned or operated utilities for this purpose, for such price and on such terms as may be available to similarly situated customers in the CITY.

3.7.1 Continuing Requirement for the Funding of Fire Station No. 9 by NMC Builders for Issuance of Building Permits. The issuance of building permits for Production Units within the Property is contingent upon, among other things, the provision of payments from NMC Builders for the completion of the construction of CITY’s Fire Station No. 9. CITY shall not issue building permits for the construction of Production Units within the Property unless and until CITY receives payments from NMC Builders in the amount estimated by CITY to be necessary and sufficient for the completion of the design and construction of Fire Station No. 9. If OWNER requests that CITY issue building permits for any units, including Model Units, prior to CITY’s receipt of payments from NMC Builders in an amount deemed by CITY to be necessary and sufficient for the design and

construction of Fire Station No. 9, then prior to and as a condition precedent to CITY's issuance of any such building permits for the construction of any units, OWNER shall deposit, or shall have deposited, with NMC Builders an amount equal to the OWNER's Fire Station No. 9 Capital Contribution allocable to such unit(s).

3.7.2 Continuing Requirement for the Funding of Regional Water and Storm Water Treatment Improvements. Prior to, and as a condition precedent to, CITY's approval of any final Tract Maps for the Property, CITY shall require OWNER to provide evidence of sufficient Water Availability Equivalents for the number of units included in the respective Tract Map. Prior to, and as a condition precedent to, CITY's issuance of grading permits for any grading of the Property or prior to, and as a condition precedent to, CITY's approval of any final Tract Maps for the Property, OWNER shall provide evidence of sufficient Storm Water Treatment Capacity Availability for the Project. CITY and OWNER agree that the evidence of Storm Water Treatment Capacity Availability for the Project shall be based on the net acreage of OWNER's Project for Tract Map Nos. 18026 and 18027, as defined in the Construction Agreement Amendment. CITY hereby acknowledges that Tract Nos. 18026 and 18027 have an approved preliminary Water Quality Management Plan and are grandfathered into the Mill Creek Wetlands solution.

3.7.3 Requirement for Construction of "Phillips Zone" Water Improvements to Serve Tract No 18026. OWNER shall be responsible for the construction of the necessary extension of permanent master planned potable water infrastructure and improvements within the CITY'S Phillips Zone Pressure Zone to the Property in Tract No. 18026 including the construction of master planned potable water infrastructure and improvements as shown on Exhibit "F-R" hereto, to the extent that such potable water utility infrastructure has not been constructed by others. OWNER shall only initiate grading after recordation of the Final Tract Map for Tract No. 18026. OWNER also acknowledges and agrees that no Building Permits shall be issued by CITY for Production Units prior to the completion of the extension of permanent master planned potable water utility infrastructure and Improvements within the Phillips Pressure Zone to serve the portion of the Project in Tract No. 18026.

3.7.4 Requirement for Construction of "Francis Zone" Water Improvements to Serve Tract No. 18027. OWNER shall be responsible for the design and construction of the necessary extension of permanent master planned potable water infrastructure and improvements within the CITY's Francis Pressure Zone to the Property in Tract No. 18027 including the construction of master planned potable water infrastructure and improvements as shown on Exhibit "F-R" hereto, to the extent that such potable water utility infrastructure has not been constructed and completed by others. OWNER shall only initiate grading after recordation of the Final

Tract Map for Tract No. 18027. OWNER also acknowledges and agrees that no Building Permits shall be issued by CITY for Production Units prior to the completion of the extension of permanent master planned potable water utility infrastructure and improvements within the Francis Pressure Zone to serve the portion of the Project in Tract No. 18027.

3.7.5 Requirement for Construction of Recycled Water Improvements. OWNER shall design and construct permanent master planned recycled water utility infrastructure as described in Exhibit "F-R" as the "Phase 1 Recycled Water Improvements," consisting of the construction of permanent master planned recycled water for Tract Numbers 18026 and 18027, to the extent that such master planned recycled water utility infrastructure has not been constructed and completed by others. OWNER agrees that no building permits shall be issued by CITY for Production Units for the portion of the Project in Tract No. 18027 prior to completion of the Phase 1 Recycled Water Improvements as described in Exhibit "F-R" for Tract 18027. OWNER also agrees that no building permits shall be issued by CITY for Production Units for the portion of the Project in Tract 18026 prior to completion of the Phase 1 Recycled Water Improvements as described in the Exhibit "F-R" for Tract 18026. CITY agrees that OWNER may, at OWNER's option, complete the construction of improvements that provide for connection of the portion of the Project in Tract 18026 to either the 930 recycled water pressure zone on an interim basis or the 1050 recycled water pressure zone to the extent that such alternatives are identified and shown in Exhibit "F-R" for Tract No 18026. If OWNER elects to connect the portion of the Project in Tract 18026 to the 930 recycled water pressure zone, on an interim basis, OWNER shall be responsible for the construction of a permanent connection of the portion of the Project in Tract 18026 to the 1050 recycle water pressure zone when the Phase 2 Recycled Water Improvements are constructed to extend the recycled water improvements in Riverside Drive and Haven Drive by OWNER, NMC Builders or others. Additionally, OWNER or NMC Builders shall be responsible for the design and construction of an additional extension of master planned recycled water infrastructure in Riverside Drive and Haven Avenue (the "Phase 2 Recycled Water Improvements") to serve the entire Project as described in the attached Exhibit "F-R".

3.7.6 Requirement for Construction of Sewer System Improvements. OWNER shall design and construct permanent master planned sewer system improvements to serve the portions of the Project in Tract Nos. 18026 and 18027 and as shown in the attached Exhibit "F-R", to the extent that such sewer system improvements have not been constructed and completed by others. OWNER agrees that no building permits shall be issued by CITY for Production Units unless and until the respective sewer system improvements to serve for Tract Nos. 18026 and 18027 are completed.

3.7.7 Requirement for Construction of Storm Drain Improvements. OWNER agrees that development of the Project shall require the construction of a significant portion of Storm Drain facilities known as the "Turner Avenue Storm Drain" from the northern boundary of the Property to the connection with the County Line Channel. OWNER shall be responsible for the construction of the necessary extension of master planned Storm Drain facilities to serve Tracts Nos. 18026 and 18027 respectively, to the extent that such Storm Drain Improvements have not been constructed and completed by NMC Builders or others. OWNER also acknowledges and agrees that no Building Permits shall be issued by CITY for Production Units prior to the completion of the connections to the permanent master planned Storm Drain facilities in Turner Avenue to the County line Channel as described in Exhibit "F-R".

3.7.8 Requirement for Construction of Street Improvements. OWNER shall construct a portion of Chino Avenue and Haven Avenue and OWNER shall be required to design the signalized intersection on Haven Avenue north of Schaefer Avenue and design other signalized intersections to serve Tracts Nos. 18026 and 18027 respectively, as shown in the attached Exhibit "F-R", to the extent that such improvements have not been constructed and completed by others. OWNER agrees that no Building Permits shall be issued by CITY for Production Units prior to the completion of the master planned street improvements as described in Exhibit "F-R".

3.7.9 Requirement for Construction of Fiber Optic Improvements. OWNER agrees that development of the Property shall require the extension of permanent master planned fiber optic communications infrastructure, at OWNER's sole cost and expense, to serve Tracts Nos. 18026 and 18027 respectively, as described in the attached Exhibit "F-R" consisting generally of the construction of the extension of fiber optic communications infrastructure to serve the Property, to the extent such master planned fiber optic communications have not been constructed and completed by others. OWNER agrees that no Building Permits shall be issued by CITY for Production Units prior to the completion of the master planned fiber optic improvements as described in Exhibit "F-R".

4.3.1 Responsibility for Construction of Improvements. The phasing of the area wide infrastructure construction within the New Model Colony will be as approved by the City Manager. OWNER shall be responsible for the timely construction and completion of all public infrastructure required for the Project to serve Tracts Nos. 18026 and 18027 respectively, as shown on the attached Exhibit "F-R" and any and all tentative tract map conditions. CITY agrees that OWNER may initiate grading after recordation of the Final Tract Map; however, OWNER acknowledges and agrees that no building permits for any Model Units or Production Units shall be issued by City for the Project prior to the

completion of the permanent master planned water and recycled water utility infrastructure to serve the project as shown on the attached Exhibit "F-R".

4.3.1.1 Responsibility for In-Lieu Payments. OWNER shall also be required to pay the amount of three hundred forty-two thousand and one hundred eighteen dollars (\$342,118) to CITY in-lieu of the OWNER's construction of a portion of Schaefer Avenue. Such payment shall be made by OWNER prior to and as a condition precedent to, CITY's issuance of the first building permit for any units for Tract No. 18027.

3. OTHER MODIFICATIONS.

3.1 Revisions to Conditions of Approval for the Respective Tentative Tract Maps for Tract Nos. 18026 and 18027. CITY and OWNER agree that the Conditions of Approval for Tentative Tract Nos. 18026 and 18027 as previously approved by CITY shall be modified to be consistent with the provisions of this First Amendment.

4. INTEGRATION.

4.1 Integration of Previous Understandings and Clarifications. This First Amendment reflects the complete understanding of the parties with respect to the subject matter hereof. To the extent this First Amendment conflicts with the Development Agreement, this First Amendment supersedes such previous document(s). In all other respects, the parties hereto re-affirm and ratify all other provisions of the Development Agreement and First Amendment. The Property covered by this First Amendment is as described in the legal description of the Property attached hereto as Exhibit "A" of the Original Development Agreement. This First Amendment shall be recorded against the Property.

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment as of the date the ordinance adopting this First Amendment becomes effective ("Effective Date").

{Signature Page to Follow}

**SIGNATURE PAGE
TO FIRST AMENDMENT TO DEVELOPMENT AGREEMENT BY AND BETWEEN
THE CITY OF ONTARIO AND STG COMMUNITIES II, LLC**

"OWNER"

STG COMMUNITIES II, LLC a California Limited
Liability Company

By: _____
Name: _____
Its: _____
Date: _____

"CITY"

CITY OF ONTARIO

By: _____
Scott Ochoa, City Manager
Date: _____

ATTEST:

City Clerk, Ontario

APPROVED AS TO FORM:
BEST, BEST & KRIEGER LLP

City Attorney

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF _____)

On _____, 20____, before me, _____,
Date *Insert Name and Title of the Officer*

personally appeared _____
Name(s) of Signer(s)

_____ who proved to me on the basis of satisfactory evidence to be the person whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____
Signature of Notary Public

Place Notary Seal Above

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF _____)

On _____, 20____, before me, _____,
Date *Insert Name and Title of the Officer*

personally appeared _____
Name(s) of Signer(s)

_____ who proved to me on the basis of satisfactory evidence to be the person whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____
Signature of Notary Public

Place Notary Seal Above

EXHIBIT "A"

Legal Description of Property

Tentative Tract Map 18026

IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA BEING A SUBDIVISION OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO BASE AND MERIDIAN.

APN: 0218-151-11

Tentative Tract Map 18027

IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA BEING A SUBDIVISION OF PARCEL 2 OF PARCEL MAP NO. 4117 FILED IN BOOK 38, PAGES 37 AND 38 OF PARCEL MAPS, SAN BERNARDINO COUNTY RECORDS.

APN: 0218-151-38

EXHIBIT "B"

West Haven Specific Plan Land Use Map

SECTION 3 • LAND USE PLAN



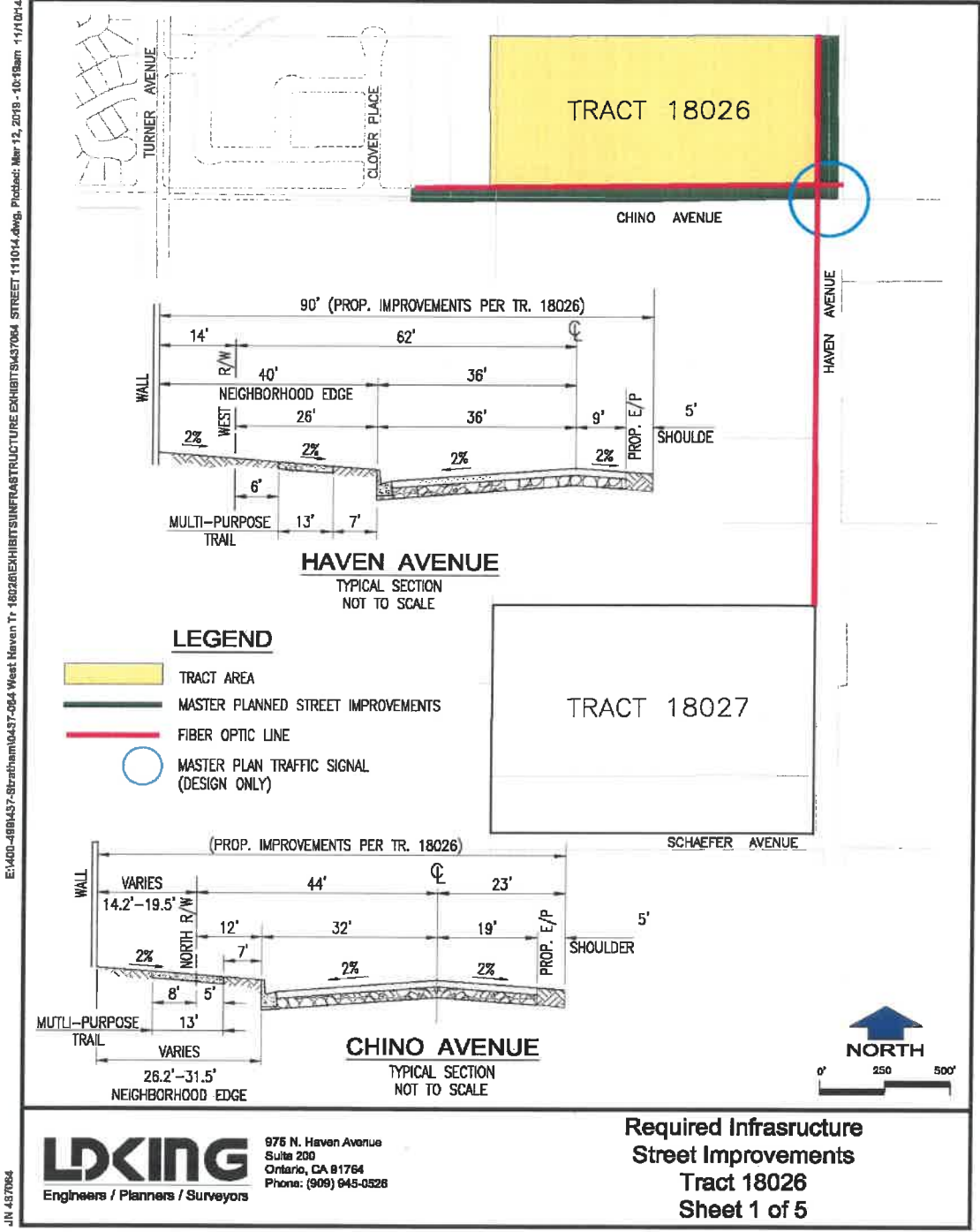
Exhibit 3-1
WEST HAVEN LAND USE PLAN

EXHIBIT "F-R"

Required Street Infrastructure Improvements

Tentative Tract Map No. 18026

EXHIBIT F-R



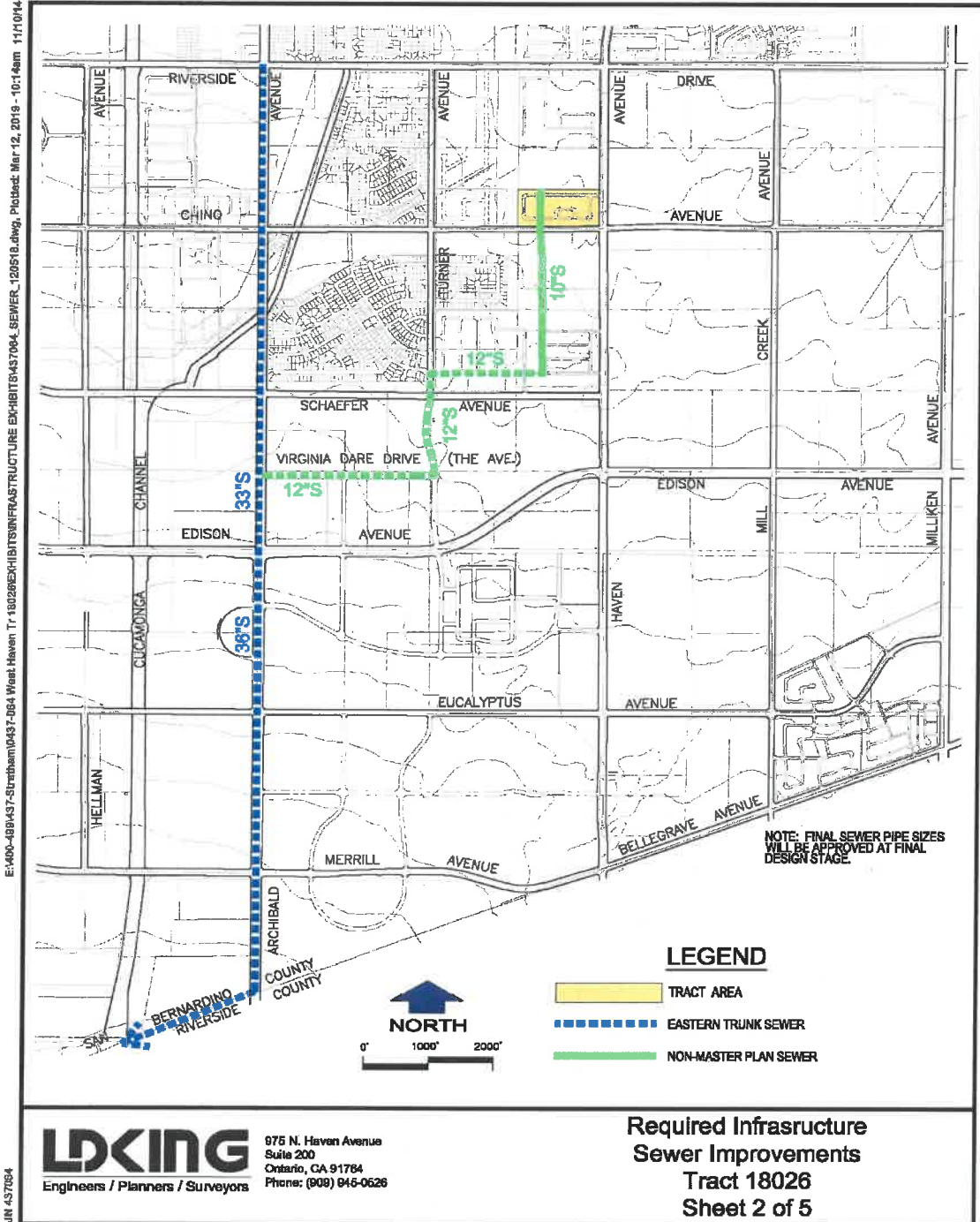
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EXHIBIT "F-R"

Required Sewer Infrastructure Improvements

Tentative Tract Map No. 18026

EXHIBIT F-R



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JN 437064

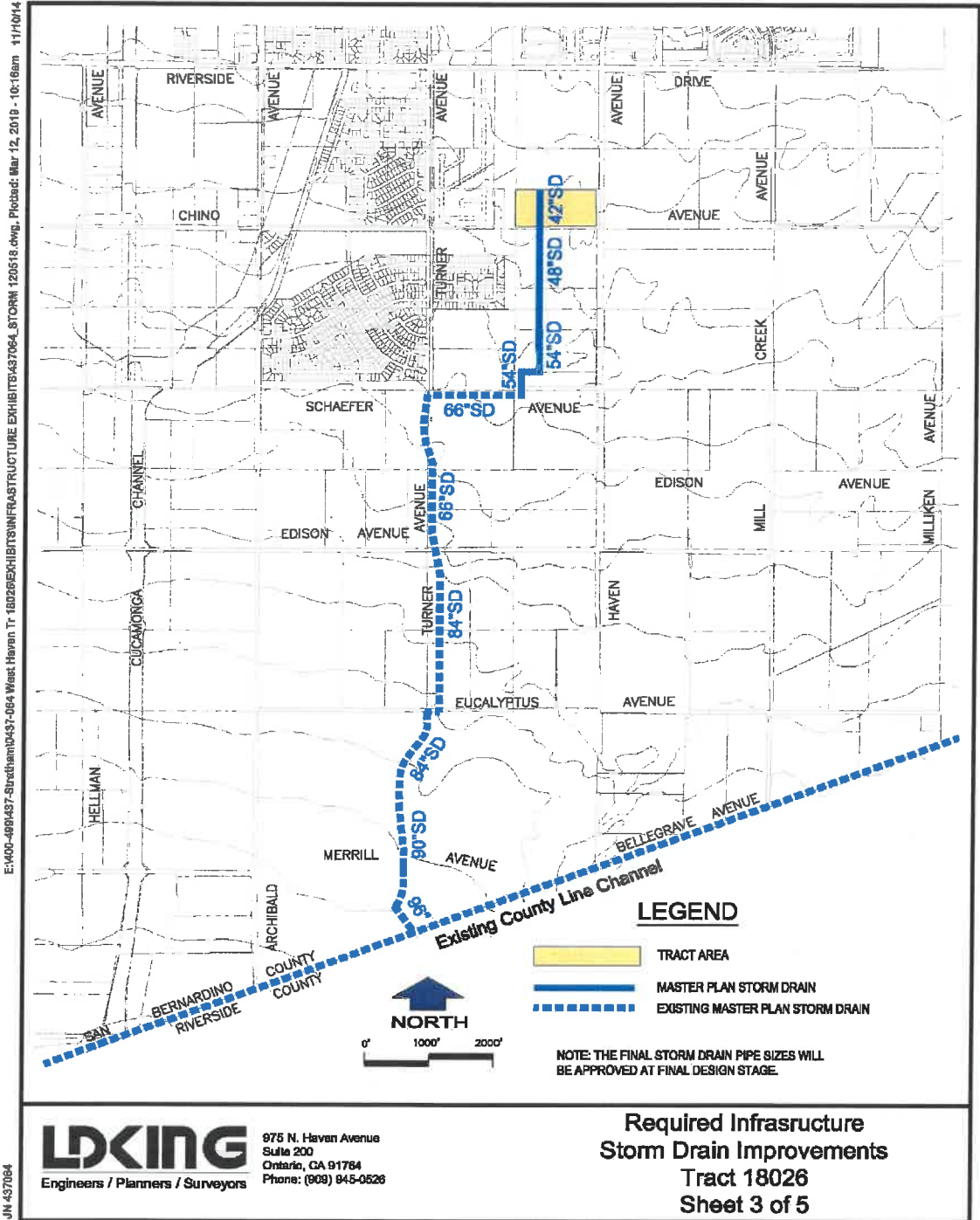
LDKING
 Engineers / Planners / Surveyors
 975 N. Haven Avenue
 Suite 200
 Ontario, CA 91764
 Phone: (909) 946-0626

EXHIBIT "F-R"

Required Storm Drain Infrastructure Improvements

Tentative Tract Map No. 18026

EXHIBIT F-R



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JN 437064

EXHIBIT "F-R"

Required Domestic Water Infrastructure Improvements

Tentative Tract Map No. 18026

EXHIBIT F-R

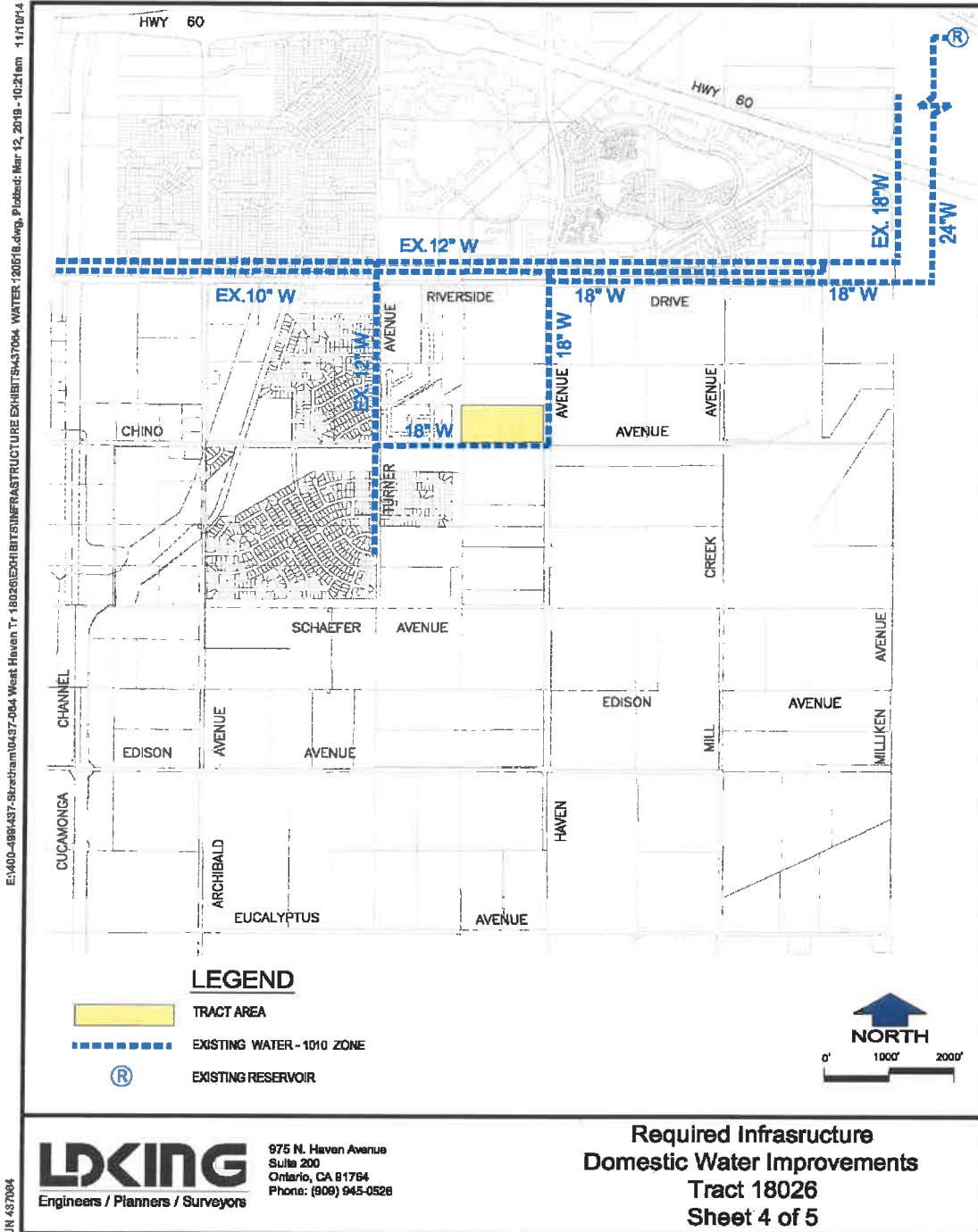


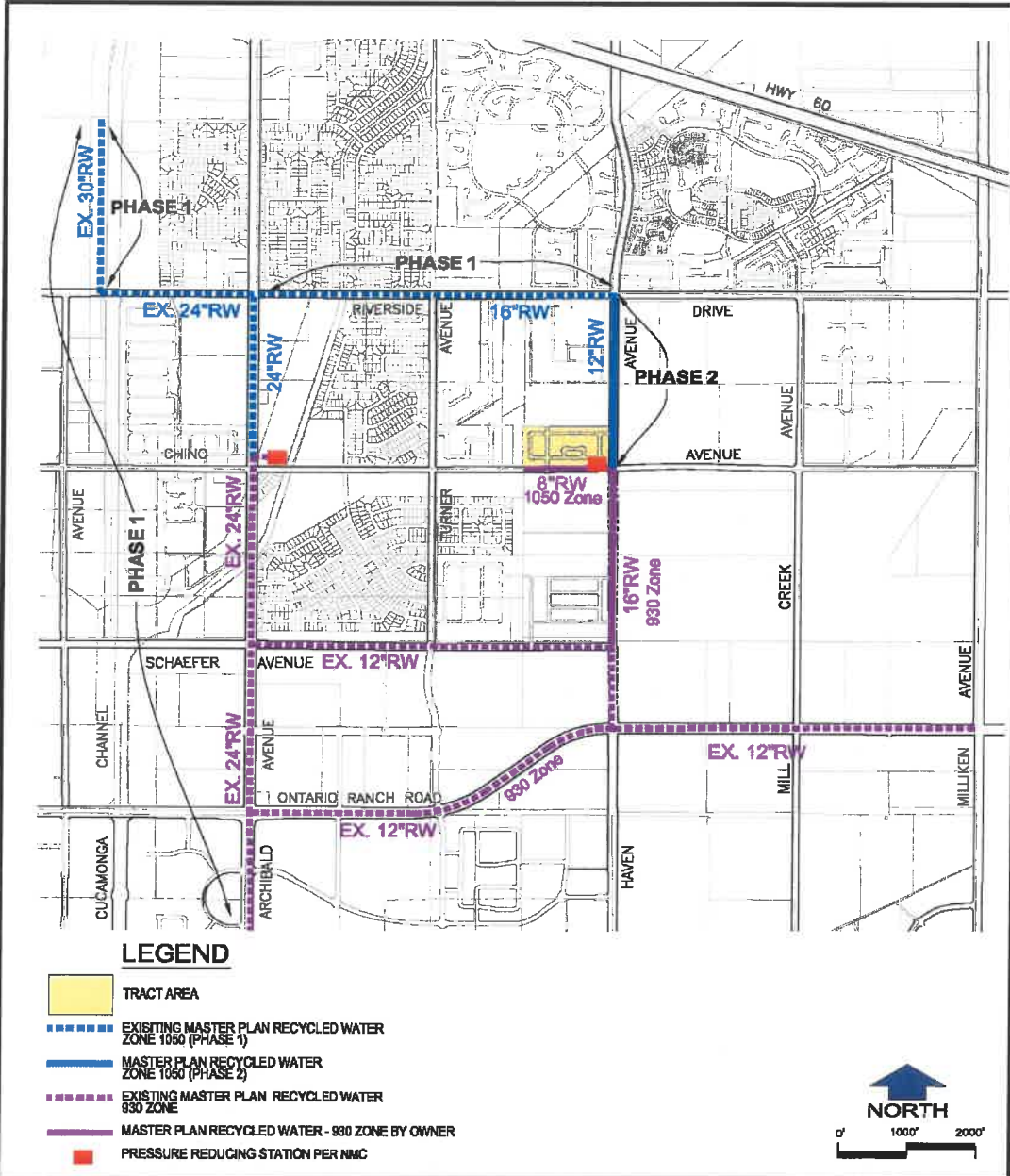
EXHIBIT "F-R"

Required Recycled Water Infrastructure Improvements

Tentative Tract Map No. 18026

EXHIBIT F-R

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LDKING
 Engineers / Planners / Surveyors

975 N. Haven Avenue
 Suite 200
 Ontario, CA 91764
 Phone: (909) 945-0528

Required Infrastructure
 Recycled Water Improvements
 Tract 18026
 Sheet 5 of 5

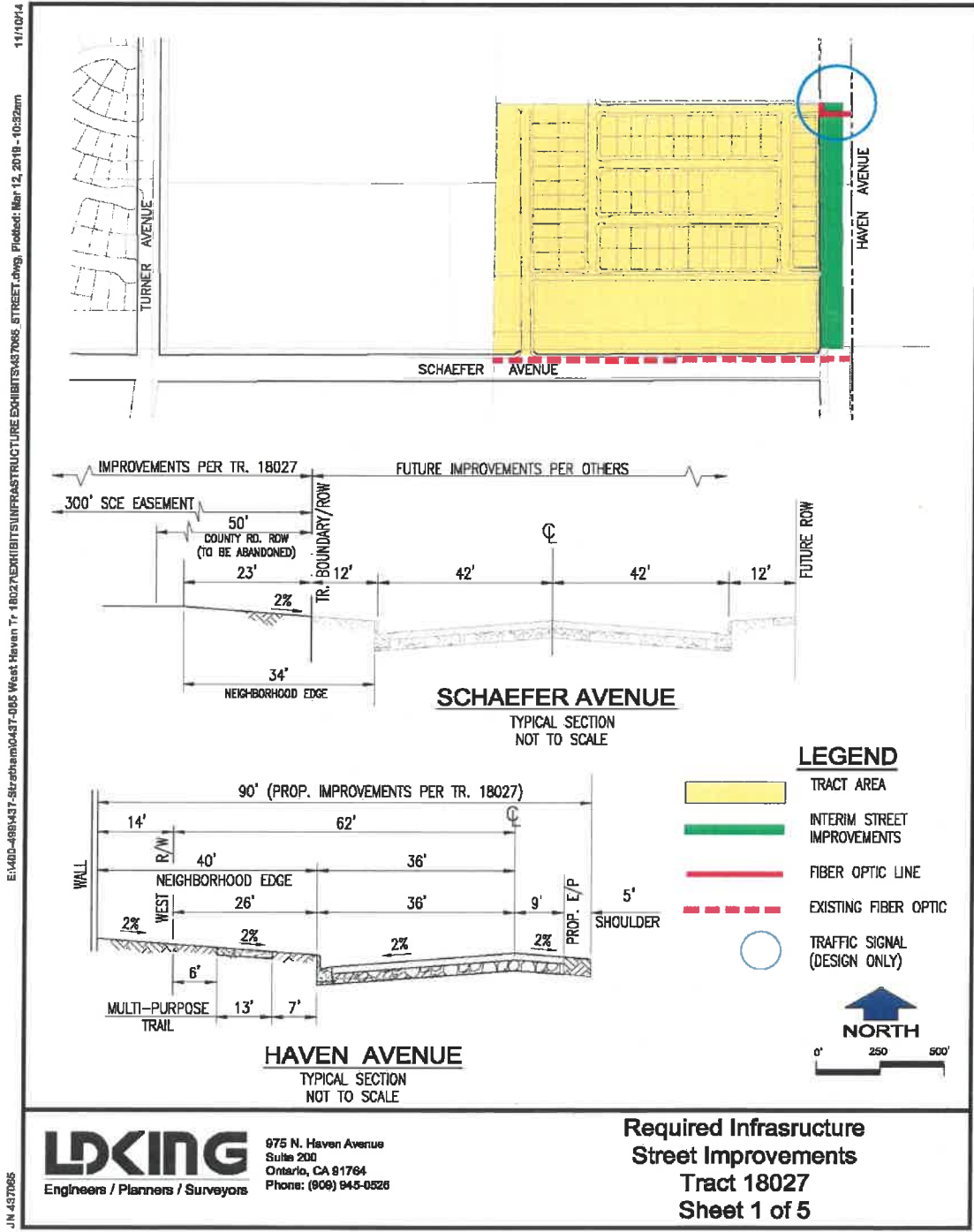
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EXHIBIT "F-R"

Required Street Infrastructure Improvements

Tentative Tract Map No. 18027

EXHIBIT F-R



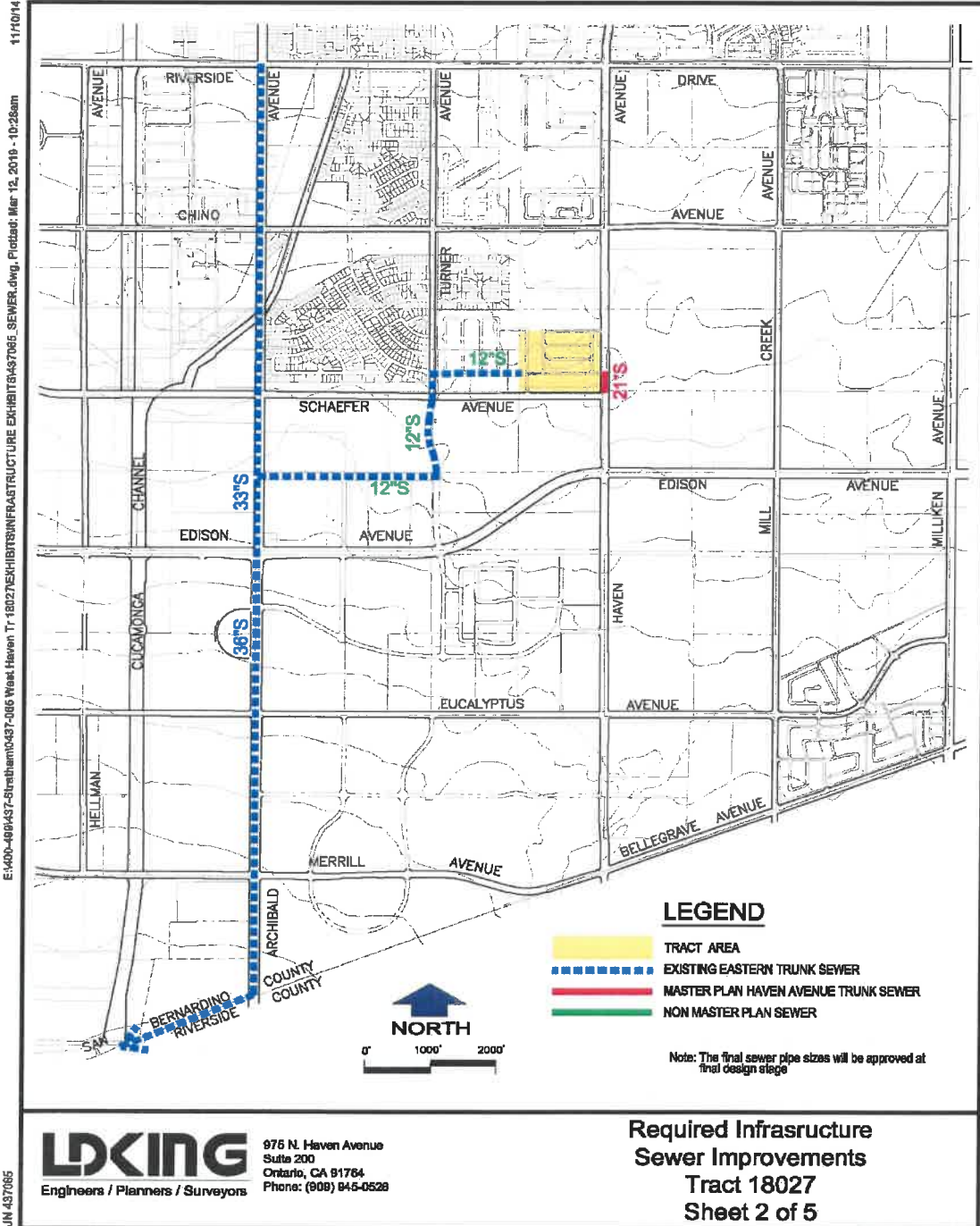
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EXHIBIT "F-R"

Required Sewer Infrastructure Improvements

Tentative Tract Map No. 18027

EXHIBIT F-R



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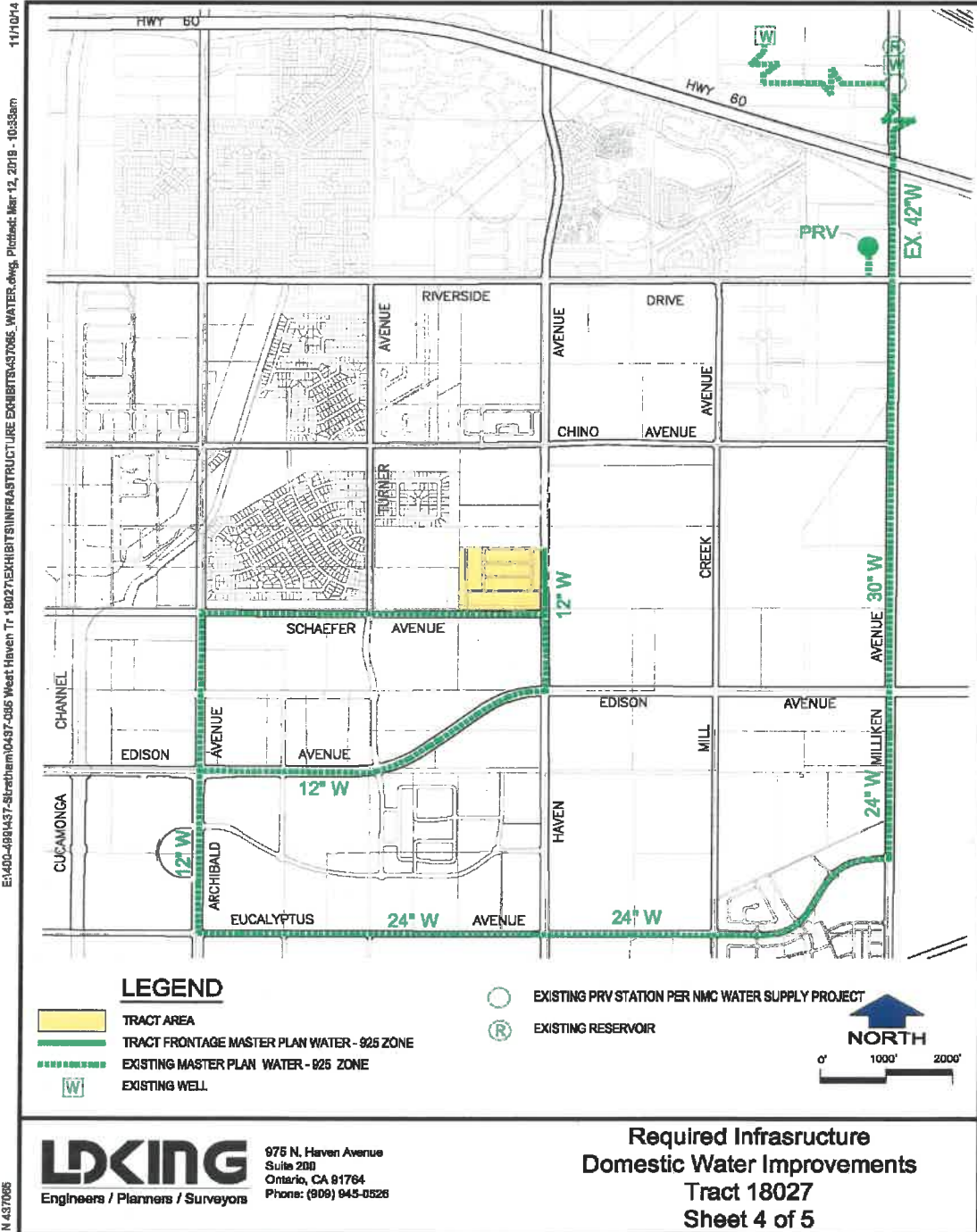
LDKING
 Engineers / Planners / Surveyors
 975 N. Haven Avenue
 Suite 200
 Ontario, CA 91764
 Phone: (909) 845-0529

EXHIBIT "F-R"

Required Domestic Water Infrastructure Improvements

Tentative Tract Map No. 18027

EXHIBIT F-R



11/10/14

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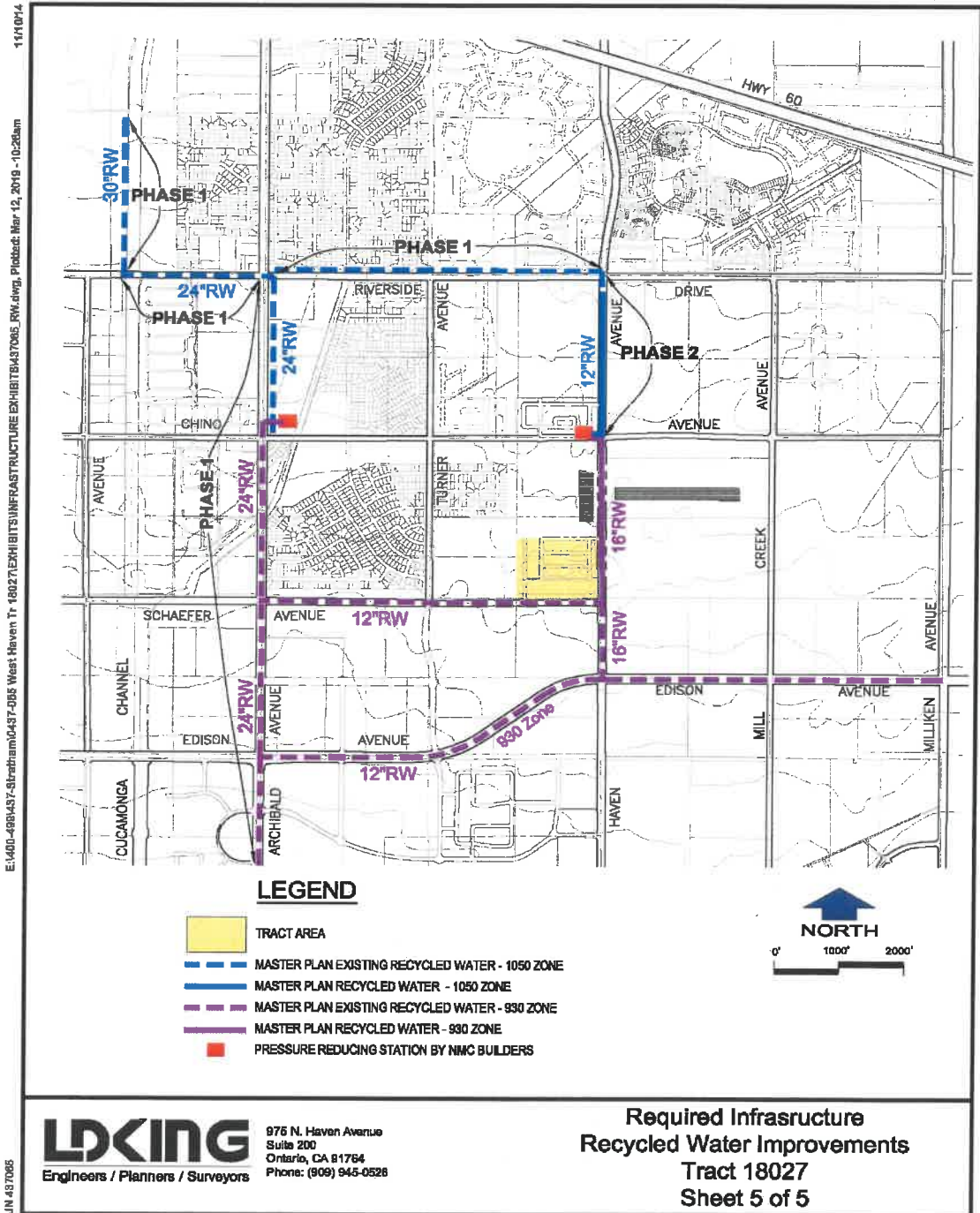
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EXHIBIT "F-R"

Required Recycled Water Infrastructure Improvements

Tentative Tract Map No. 18027

EXHIBIT F-R



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