

**CITY OF ONTARIO
CITY COUNCIL AND HOUSING AUTHORITY
AGENDA
JULY 21, 2020**

Paul S. Leon
Mayor

Debra Dorst-Porada
Mayor pro Tem

Alan D. Wapner
Council Member

Jim W. Bowman
Council Member

Ruben Valencia
Council Member



Scott Ochoa
City Manager

Scott E. Huber
City Attorney

Sheila Mautz
City Clerk

James R. Milhiser
Treasurer

SPECIAL AND URGENT NOTICE

In accordance with the Governor's Declarations of Emergency for the State of California (Executive Orders N-25-20 and N-29-20) and the Governor's Stay at Home Order (Executive Order N-33-20), the Ontario City Council Meetings are being conducted via teleconference to limit in-person attendance at the upcoming meeting of the City of Ontario City Council and Housing Authority.

Members of the public may utilize alternative measures established by the City of Ontario to view the City Council meetings and/or to address the Mayor and City Council Members.

The meeting will be live broadcast on local cable Channel 3 as well as internet live streamed: www.ontarioca.gov/Agendas/CityCouncil

We appreciate your understanding during this unprecedented time of social distancing under the Stay at Home Order. These procedures may be modified in the future as social and public gathering protocols change.

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 provide public comment or to address the City Council have been provided alternative measures including U.S. mail, email, a website comment form, and the ability to call in and speak to the City Council. All public comments received by the established deadline for this meeting will be included as part of the official meeting record.
- 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.

ORDER OF BUSINESS The regular City Council and Housing Authority meeting begins with Closed Session and Closed Session Comment at 5:30 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.

CALL TO ORDER (*OPEN SESSION*)

5:30 p.m.

ROLL CALL

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

CLOSED SESSION PUBLIC COMMENT

Members of the public who wish to address a closed session agenda item may do so by mailing comments to the City Clerk's Office, or by calling (909) 395-2900 between 5:00 - 5:15 p.m. or by emailing PublicComments@ontarioca.gov no later than 5:00 p.m. on the day of the meeting. Under provisions of the Brown Act, Council is prohibited from taking action on oral requests.

CLOSED SESSION

- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION:
Donastorg v. City of Ontario, et al., U.S. District Court, Central District of California, Case No. 5:18-cv-00992 JGB (SPx)
- GC 54956.9 (d)(2), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION: *One case.*

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

PLEDGE OF ALLEGIANCE

Council Member Bowman

INVOCATION

REPORT ON CLOSED SESSION

City Attorney

PUBLIC COMMENTS

6:30 p.m.

Members of the public who wish to provide a general comment or address a specific agenda item may do so by mailing comments to the City Clerk's Office, or by calling (909) 395-2900 between 5:00 – 6:15 p.m. or by emailing PublicComments@ontarioca.gov no later than 5:00 p.m. on the day of the meeting. Under provisions of the Brown Act, Council is prohibited from taking action on oral requests.

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

CONSENT CALENDAR

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

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

1. APPROVAL OF MINUTES

Minutes for the regular meeting of the City Council and Housing Authority of June 16, 2020, and the special meeting of the City Council and Housing Authority of June 23, 2020, approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

Bills June 19, 2020 through July 2, 2020 and **Payroll** June 7, 2020 through June 20, 2020, when audited by the Finance Committee.

3. A RESOLUTION RATIFYING THE PROCLAMATION OF A LOCAL EMERGENCY WHICH SHALL CONTINUE FOR THE 2020 CORONAVIRUS PANDEMIC WHILE INCLUDING ADDITIONAL REQUIREMENTS, GUIDELINES, AND PROCEDURES

That the City Council ratify a Proclamation of Local Emergency for the 2020 Coronavirus Pandemic.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, RATIFYING THE PROCLAMATION OF A LOCAL EMERGENCY SHALL CONTINUE FOR THE 2020 CORONAVIRUS PANDEMIC WHILE INCLUDING ADDITIONAL REQUIREMENTS, GUIDELINES, AND PROCEDURES.

4. DESIGNATION OF VOTING DELEGATE FOR THE LEAGUE OF CALIFORNIA CITIES ANNUAL BUSINESS MEETING

That the City Council designate Alan D. Wapner as the City's voting delegate and Debra Dorst-Porada as an alternate for the League of California Cities Annual Business Meeting scheduled for October 9, 2020.

5. A CONSTRUCTION CONTRACT FOR THE 2020 FALL PAVEMENT REHABILITATION PROJECT AND FOURTH STREET IMPROVEMENT REIMBURSEMENT AGREEMENT WITH THE CITY OF RANCHO CUCAMONGA/ALL AMERICAN ASPHALT

That the City Council approve the plans and specifications and award a construction contract (on file in the Records Management Department) with All American Asphalt of Corona, California, for the 2020 Fall Pavement Rehabilitation Project in the bid amount of \$2,499,333 plus a fifteen percent (15%) contingency of \$374,900, for a total authorized expenditure of \$2,874,233; and authorize the City Manager to execute said contract and all related documents, and file a notice of completion at the conclusion of all construction activities; and approve and authorize the City Manager to execute the Fourth Street Improvement Reimbursement Agreement with the City of Rancho Cucamonga (on file in the Records Management Department) estimated to be \$889,765.

6. A CONSTRUCTION CONTRACT FOR THE 2020 LOCAL STREET MAINTENANCE - SLURRY SEAL AND CDBG PAVEMENT MANAGEMENT REHABILITATION/AMERICAN ASPHALT SOUTH, INC.

That the City Council approve the plans and specifications and award a construction contract (on file in the Records Management Department) with American Asphalt South, Inc. of Fontana, California, for the 2020 Local Street Maintenance - Slurry Seal and CDBG Pavement Management Rehabilitation Project in the bid amount of \$812,908 plus a fifteen percent (15%) contingency of \$121,937, for a total authorized expenditure of \$934,845; and authorize the City Manager to execute said contract and all related documents and file a notice of completion at the conclusion of all construction activities.

7. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 19907 LOCATED AT THE SOUTHWEST CORNER OF PARKVIEW STREET AND HAVEN AVENUE

That the City Council adopt a resolution approving an improvement agreement, improvement security and Final Tract Map No. 19907 located at the southwest corner of Parkview Street and Haven Avenue within the Subarea 29 Specific Plan.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 19907 LOCATED AT THE NORTHWEST CORNER OF MERRILL AVENUE AND HAVEN AVENUE.

8. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 19909 LOCATED AT THE NORTHWEST CORNER OF MERRILL AVENUE AND HAVEN AVENUE

That the City Council adopt a resolution approving an improvement agreement, improvement security and Final Tract Map No. 19909 located at the northwest corner of Merrill Avenue and Haven Avenue within the Subarea 29 Specific Plan.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 19909 LOCATED AT THE NORTHWEST CORNER OF MERRILL AVENUE AND HAVEN AVENUE.

9. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL PARCEL MAP NO. 19978 LOCATED AT THE SOUTHWEST CORNER OF ONTARIO RANCH ROAD AND HAVEN AVENUE

That the City Council adopt a resolution approving an improvement agreement, improvement security and Final Parcel Map No. 19978 located at the southwest corner of Ontario Ranch Road and Haven Avenue within The Avenue Specific Plan area.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL PARCEL MAP NO. 19978 LOCATED AT THE SOUTHWEST CORNER OF ONTARIO RANCH ROAD AND HAVEN AVENUE.

10. RESOLUTIONS UPDATING AUTHORIZED DEPUTY CITY TREASURERS

That the City Council adopt resolutions rescinding Resolution Nos. 2019-090 and 2019-091; and amending the list of Deputy City Treasurers authorized to invest City funds in the Local Agency Investment Fund (LAIF) and other eligible investment securities.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, PROVIDING FOR THE INVESTMENT OF INACTIVE FUNDS IN THE LOCAL AGENCY INVESTMENT FUND OF THE CALIFORNIA STATE TREASURY AND HEREBY RESCINDING RESOLUTION NO. 2019-090.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE INVESTMENT OF CITY FUNDS AND HEREBY RESCINDING RESOLUTION NO. 2019-091.

11. PROFESSIONAL SERVICES AGREEMENT FOR SALES TAX CONSULTING AND REVENUE RECOVERY/HINDERLITER DE LLAMAS ASSOCIATES (HDL)

That the City Council award a professional services agreement (on file in the Records Management Department) for sales tax consulting and revenue recovery with Hinderliter de Llamas & Associates (HdL), of Brea, California, for a five-year term for an amount not to exceed \$59,326 with the option to extend the agreement for two additional one-year terms at \$25,425 and to approve the resolution designating and authorizing certain City Representatives and Sales Tax Consultant to examine sales and use tax records; and authorize the City Manager to execute the agreement.

12. AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH WESTIN TECHNOLOGY SOLUTIONS FOR PROJECT MANAGEMENT SUPPORT ON CIS INFINITY UTILITY BILLING IMPLEMENTATION

That the City Council authorize the City Manager to execute Amendment No. 4 adding \$38,500 to the existing agreement (on file in the Records Management Department) with Westin Technology Solutions, of Milwaukee, Wisconsin, for project management support on the CIS Infinity Utility Billing Implementation for a revised not-to-exceed limit of \$448,980.

13. A GOODS AND SERVICES AGREEMENT FOR LIBRARY MATERIALS INCLUDING CATALOGING AND PROCESSING SERVICES/BAKER AND TAYLOR

That the City Council approve and authorize the City Manager to execute a one year agreement (on file in the Records Management Department) with Baker and Taylor of Charlotte, North Carolina, with an estimated amount of \$367,000, for the purchase of library materials including cataloging and processing services; and authorize the extension of the agreement for up to three additional one year periods consistent with City Council approved budgets.

14. EXTENSION OF TOWING SERVICE AGREEMENTS/CERTIFIED TOWING, INC./DIETZ TOWING, INC./FOGELSONG TOWING AND STORAGE, INC./UNITED ROAD SERVICE DBA BILL AND WAGS, INC./PEPE'S TOWING

That the City Council authorize the City Manager to extend the existing towing services agreements with Certified Towing, Inc.; Dietz Towing, Inc.; Fogelsong Towing and Storage, Inc.; United Road Service, DBA Bill and Wags, Inc.; and Pepe's Towing from July 1, 2020 to the sooner of December 31, 2020 or until the City Council authorizes new towing services agreements with companies identified through the procurement process.

15. AWARD OF AN ARCHITECTURAL DESIGN SERVICES AGREEMENT FOR THE REHABILITATION OF FIRE STATION NO. 1/WLC ARCHITECTS, INC.

That the City Council take the following actions:

- (A) Authorize the City Manager to execute an Architectural Design Services Agreement with WLC Architects, Inc. of Rancho Cucamonga, California, to provide architectural design and construction administration services for the Rehabilitation of Fire Station No. 1 in the amount of \$629,000;

- (B) Authorize a project reserve in the amount of \$85,000 to cover additional project specific services, if required, to include topographical survey, as-builts drawings of original building, structural evaluation and hazardous material survey; \$20,000 for estimated reimbursable expenses; and a 15% contingency of \$110,100; and
- (C) Authorize the City Manager or his designee to execute any and all documents necessary or desirable to implement this project, including but not limited to, contracts and contract amendments within the authorization limits.

16. AUTHORIZE THE PURCHASE OF FLEET VEHICLES/NATIONAL AUTO FLEET GROUP

That the City Council authorize the cooperative purchase and delivery of eleven Ford Police Interceptor SUVs in the amount of \$409,885 for the Police Department, from National Auto Fleet Group of Watsonville, California, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 120716-NAF.

17. AWARD A CONSTRUCTION CONTRACT FOR THE GROVE TRAIL PROJECT/SENITICA CONSTRUCTION INC.

That the City Council authorize the City Manager to execute a Construction Contract No. PM 1920-8 (on file in the Records Management Department) with Senitica Construction Inc., of Mira Loma, California, for the construction of the Grove Avenue Trail in the amount of \$478,200 plus a project contingency of \$41,300 for a total authorized amount of \$519,500; and authorize the City Manager to execute said contract; and authorize the filing of a Notice of Completion at the conclusion of all construction activities related to the project.

18. AWARD OF BID FOR PROCUREMENT OF ASPHALT, CONCRETE AND AGGREGATE MATERIALS/ALL AMERICAN ASPHALT/VULCAN/CEMEX/ULTIMATE RECYCLE, LLC

That the City Council authorize the City Manager to approve the procurement of concrete, asphalt and aggregate materials for a period of one year at set pricing per Bid Invitation #1316 with All American Asphalt of Corona, California; Vulcan of Irwindale, California; CEMEX of Ontario, California; and Ultimate Recycle, LLC of Monrovia in total amounts consistent with City Council approved budgets; and authorize the option to execute any necessary agreements and related documents for delivery services.

19. AN AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT FOR AS NEEDED CONTRACT PROFESSIONAL ENGINEERING STAFFING SERVICES/PROJECT PARTNERS, INC.

That the City Council authorize the City Manager to execute Amendment No. 5 (on file in the Records Management Department) to a professional services agreement with Project Partners, Inc. of Laguna Hills, California, in the amount of \$170,000; and extend the contract term to June 30, 2021.

20. ON-CALL SERVICES FOR WATER DISTRIBUTION AND SEWAGE COLLECTIONS SYSTEM REPAIRS/T.E. ROBERTS, INC.

That the City Council award an on-call Maintenance Services Contract (on file in the Records Management Department) to T.E. Roberts, Inc. of Orange, California, for water distribution and sewage collections system repairs in the amount of \$1,200,000 for Fiscal Year 2020-21; authorize the option to extend the agreement for up to four additional one-year periods consistent with City Council approved budgets; and authorize the City Manager to execute said contract.

21. A RESOLUTION DIRECTING FURTHER CONSIDERATION OF THE PLANNING COMMISSION DECISION TO APPROVE A DEVELOPMENT PLAN (FILE NO. PDEV18-022) TO CONSTRUCT A 6,870 SQUARE-FOOT INDUSTRIAL BUILDING AND A CONDITIONAL USE PERMIT (FILE NO. PCUP18-021) TO ESTABLISH AND OPERATE A TOWING SERVICE BUSINESS ON 3.1 ACRES OF LAND LOCATED AT 580 EAST BELMONT STREET WITHIN THE IL (LIGHT INDUSTRIAL) ZONING DISTRICT (APNS: 1049-491-01, 1049-491-02, AND 1049-491-03)

That the City Council adopt a resolution directing File Nos. PDEV18-022 and PCUP18-021 to the Planning Commission for further review and consideration.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DIRECTING FURTHER CONSIDERATION OF THE PLANNING COMMISSION DECISION TO APPROVE A DEVELOPMENT PLAN (FILE NO. PDEV18-022) TO CONSTRUCT A 6,870 SQUARE-FOOT INDUSTRIAL BUILDING AND A CONDITIONAL USE PERMIT (FILE NO. PCUP18-021) TO ESTABLISH AND OPERATE A TOWING SERVICE BUSINESS ON 3.1 ACRES OF LAND LOCATED AT 580 EAST BELMONT STREET WITHIN THE IL (LIGHT INDUSTRIAL) ZONING DISTRICT (APNS: 1049-491-01, 1049-491-02, AND 1049-491-03).

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.

22. ANNUAL LEVY OF ASSESSMENTS WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NOS. 1, 2, 3 AND 4 FOR FISCAL YEAR 2020-21

That the City Council conduct a combined public hearing for the districts and take the following actions pertaining to the levy of assessments within Ontario Parkway Maintenance Assessment Districts (OPMAD) Nos. 1, 2, 3 and 4 and consider:

- (A) Adopting a resolution approving the Engineer's Reports relating to the levy of assessments for each district;
- (B) Adopting a resolution confirming the diagrams and assessments and providing for the assessment levy within Ontario Parkway Maintenance Assessment Districts Nos. 1, 2, & 3; and
- (C) Adopting a resolution confirming the diagram and assessment and providing for the assessment levy within Ontario Parkway Maintenance Assessment District No. 4.

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

Written communication.

Oral presentation.

Public hearing closed.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE ENGINEER'S REPORTS FOR THE ANNUAL LEVY OF ASSESSMENTS WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2, 3 AND 4 FOR FISCAL YEAR 2020-21.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CONFIRMING THE DIAGRAMS AND ASSESSMENTS, AND PROVIDING FOR THE ANNUAL ASSESSMENT LEVY WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2 AND 3 FOR FISCAL YEAR 2020-21.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT AND PROVIDING FOR THE ANNUAL ASSESSMENT LEVY WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICT NO. 4 FOR FISCAL YEAR 2020-21.

23. ANNUAL LEVY OF ASSESSMENTS WITHIN STREET LIGHTING MAINTENANCE DISTRICTS NO. 1 AND 2 FOR FISCAL YEAR 2020-21

That the City Council conduct a combined public hearing for the districts and take the following actions pertaining to the levy of assessments within Street Lighting Maintenance Districts (SLMD) Nos. 1 and 2 and consider:

- (A) Adopting a resolution approving the Engineer's Reports relating to the levy of assessments for each district;
- (B) Adopting a resolution confirming the diagram and assessment and providing for the assessment levy within Street Lighting Maintenance District 1; and
- (C) Adopting a resolution confirming the diagram and assessment and providing for the assessment levy within Street Lighting Maintenance District 2.

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

Written communication.

Oral presentation.

Public hearing closed.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE ENGINEER'S REPORTS FOR THE ANNUAL LEVY OF ASSESSMENTS WITHIN STREET LIGHTING MAINTENANCE DISTRICTS NO. 1 AND 2 FOR FISCAL YEAR 2020-21.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT AND PROVIDING FOR THE ANNUAL ASSESSMENT LEVY WITHIN STREET LIGHTING MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2020-2021.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT AND PROVIDING FOR THE ANNUAL ASSESSMENT LEVY WITHIN STREET LIGHTING MAINTENANCE DISTRICT NO. 2 FOR FISCAL YEAR 2020-21.

24. A PUBLIC HEARING TO CONSIDER RESOLUTIONS REGARDING THE FORMATION OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 58 (COLONY COMMERCE CENTER EAST SERVICES) AND INTRODUCTION OF AN ORDINANCE LEVYING SPECIAL TAXES

That the City Council consider:

- (A) Adopting a resolution establishing City of Ontario Community Facilities District No. 58 (Colony Commerce Center East Services), authorizing the levy of a special tax within the community facilities district, and establishing an appropriations limit for the community facilities district;
- (B) Adopting a resolution calling a special election for City of Ontario Community Facilities District No. 58 (Colony Commerce Center East Services);
- (C) Adopting a resolution declaring the results of the special election and directing the recording of the Notice of Special Tax Lien; and

- (D) Introducing and waiving further reading of an ordinance levying special taxes within City of Ontario Community Facilities District No. 58 (Colony Commerce Center East Services).

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

Written communication.

Oral presentation.

Public hearing closed.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF FORMATION OF THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 58 (COLONY COMMERCE CENTER EAST SERVICES), AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN THE COMMUNITY FACILITIES DISTRICT AND ESTABLISHING AN APPROPRIATIONS LIMIT FOR THE COMMUNITY FACILITIES DISTRICT.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CALLING SPECIAL ELECTION FOR CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 58 (COLONY COMMERCE CENTER EAST SERVICES).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING RESULTS OF SPECIAL ELECTION AND DIRECTING RECORDING OF NOTICE OF SPECIAL TAX LIEN.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 58 (COLONY COMMERCE CENTER EAST SERVICES).

25. A PUBLIC HEARING TO CONSIDER FILE NO. PCUP19-028, A CONDITIONAL USE PERMIT TO ESTABLISH A 5-STORY, 265-ROOM LIMITED SERVICE DUAL BRANDED HOTEL TOTALING 157,370 SQUARE FEET ON 4.94 ACRES OF LAND, LOCATED AT THE SOUTHEAST CORNER OF INLAND EMPIRE BOULEVARD AND ARCHIBALD AVENUE, WITHIN THE OH (HIGH INTENSITY OFFICE) ZONING DISTRICT (APNS: 1049-491-01, 1049-491-02 AND 1049-491-03)

That the City Council conduct a public hearing, consider, and adopt a resolution approving File No. PCUP19-028.

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

Written communication.

Oral presentation.

Public hearing closed.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PCUP19-028, A CONDITIONAL USE PERMIT TO ESTABLISH A 5-STORY, 265-ROOM LIMITED SERVICE DUAL BRANDED HOTEL (HYATT PLACE AND HYATT HOUSE) TOTALING 157,370 SQUARE FEET AND TO CONDUCT ALCOHOLIC BEVERAGE SALES FOR CONSUMPTION ON THE PREMISES, INCLUDING BEER, WINE, AND DISTILLED SPIRITS (TYPE 70 ABC LICENSE), ON 4.94 ACRES OF LAND, LOCATED AT THE SOUTHEAST CORNER OF INLAND EMPIRE BOULEVARD AND ARCHIBALD AVENUE, WITHIN THE OH (HIGH INTENSITY OFFICE) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF-APNS: 0210-191-29, 0210-191-30, 0210-191-31, 0210-191-32.

26. A PUBLIC HEARING TO CONSIDER APPROVAL OF AN ENERGY SERVICES CONTRACT WITH CLIMATEC, LLC FOR THE IMPLEMENTATION OF CERTAIN ENERGY RELATED IMPROVEMENTS TO CITY FACILITIES IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 4217.10 TO 4217.18

That the City Council hold a public hearing to consider adoption of a resolution approving an Energy Service Agreement (on file in the Records Management Department) with Climatec, LLC of Phoenix, AZ, for the implementation of certain energy related improvements to the City facilities in accordance with California Government Code Section 4217.10 to 4217.18; adopt findings that the cost to the City to implement the energy related improvements are less than the anticipated marginal cost to the City of thermal, electrical, or other energy that would have been consumed by the City absent of purchasing the energy improvements; and incorporate said findings in the provisions of the subject contract.

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

Written communication.

Oral presentation.

Public hearing closed.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING ENERGY SERVICES CONTRACTS WITH CLIMATEC, LLC FOR THE IMPLEMENTATION OF CERTAIN ENERGY RELATED IMPROVEMENTS TO CITY FACILITIES IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 4217.10 TO 4217.18.

ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

27. A RESOLUTION AUTHORIZING THE ISSUANCE OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 40 (EMERALD PARK FACILITIES) SPECIAL TAX BONDS, SERIES 2020, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$8,000,000 AND RELATED MATTERS

That the City Council consider and adopt a resolution authorizing the issuance of City of Ontario Community Facilities District No. 40 (Emerald Park Facilities) Special Tax Bonds, Series 2020, and:

- (A) Authorizing the issuance of special tax bonds for public improvements required to facilitate the development of the Emerald Park Facilities project and the Ontario Ranch development;
- (B) Approving the forms of the Indenture, the Bond Purchase Agreement, the Continuing Disclosure Agreement, and the Preliminary Official Statement;
- (C) Authorizing a negotiated sale of the special tax bonds to Stifel, Nicolaus & Company, Incorporated (the "Underwriter") in accordance with the terms of the Bond Purchase Agreement; and,
- (D) Authorizing the execution of the Indenture, the Bond Purchase Agreement, the Continuing Disclosure Agreement, a deemed final certification in connection with the Preliminary Official Statement, a final Official Statement and other documents in connection with the issuance of the bonds by the City Manager or the other specified authorized officers.

STAFF MATTERS

City Manager Ochoa

COUNCIL MATTERS

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

ADJOURNMENT

**CITY OF ONTARIO
CLOSED SESSION REPORT**
City Council // Housing Authority // Other // (GC 54957.1)
July 21, 2020

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

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

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

- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *Donastorg v. City of Ontario, et al., U.S. District Court, Central District of California, Case No. 5:18-cv-00992 JGB (SPx)*

No Reportable Action	Continue	Approved
/ /	/ /	/ /

Disposition: _____

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

- GC 54956.9 (d)(2), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION: *One case*

No Reportable Action	Continue	Approved
/ /	/ /	/ /

Disposition: _____

Reported by:

City Attorney / City Manager / Executive Director

CITY OF ONTARIO

Agenda Report
July 21, 2020

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION RATIFYING THE PROCLAMATION OF A LOCAL EMERGENCY WHICH SHALL CONTINUE FOR THE 2020 CORONAVIRUS PANDEMIC WHILE INCLUDING ADDITIONAL REQUIREMENTS, GUIDELINES, AND PROCEDURES

RECOMMENDATION: That the City Council ratify a Proclamation of Local Emergency for the 2020 Coronavirus Pandemic.

COUNCIL GOALS: Maintain the Current High Level of Public Safety

FISCAL IMPACT: This resolution maintains the City's compliance with State and Federal requirements for emergency response and promotes the City's eligibility to receive State and Federal emergency assistance funds.

BACKGROUND: Governments worldwide are responding to an outbreak of respiratory disease caused by a novel (new) coronavirus that was first detected in China and which has now been detected in nearly 100 countries, including in the United States. The virus has been named "SARS-CoV-2"; and the disease it causes has been named "coronavirus disease 2019" (abbreviated "COVID-19").

COVID-19 is a serious disease that has killed over 570,000 people worldwide with over 3 million confirmed cases and over 135,000 deaths in the United States, as well as infecting more than 300,000 and killing over 6,700 in California. On March 4, 2020, the Governor of the State of California declared a State of Emergency. On March 10, 2020, the San Bernardino County Health Department proclaimed a Public Health Emergency; and the Board of Supervisors issued a Proclamation of Local Emergency due to COVID-19. On March 11, 2020, the World Health Organization declared the disease a global pandemic. On March 13, 2020, the President of the United States declared a National Emergency.

On June 18, 2020, California Governor Newsom issued a statewide order mandating the wearing of face masks or coverings for the public in which the City of Ontario followed by requiring face masks or coverings for city employees. On June 28, 2020, California Governor Newsom issued an order closing

STAFF MEMBER PRESENTING: Jordan Villwock, Fire Administrative Director

Prepared by: Raymond Cheung
Department: Fire Department

City Manager Approval: 

Submitted to Council/O.H.A. 07/21/2020

Approved: _____

Continued to: _____

Denied: _____

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bars and restricting indoor restaurant operations for seven counties including the County of San Bernardino. On July 13, 2020, California Governor Newsom issued an order closing additional businesses including gyms, worship services, personal care services, hair salons, and malls.

Beginning in July 2020, the City of Ontario began issuing Temporary Use Permits allowing restaurants to use outdoor spaces for dining purposes while waiving fees and expediting the process. Also in July 2020, the City of Ontario drafted an operational transition plan for City facilities to reclose and some work functions to return to a telecommuting basis due to the increase infections in the County and the potential for employee spread.

The City of Ontario regularly participates in disaster drills to maintain its preparedness. The City's first and second response agencies are prepared for the impact of COVID-19; however, the declaration of a local emergency further unlocks resources and legal authority to quickly respond to changing conditions.

Through Ontario Ordinance No. 2990, the City Manager, as the Director of Emergency Services, proclaimed a Local Emergency on July 14, 2020 to enhance the City's ability to mobilize local resources, coordinate interagency response, accelerate procurement of vital supplies, use mutual aid, and seek potential reimbursement by the State and Federal governments. This Proclamation of a Local Emergency continues the previous proclamation while including additional requirements, guidelines, and procedures.

Per California Government Code § 8630, a proclamation of local emergency must be ratified by the governing body within 7 days of issuance and reviewed and continued every 30 days thereafter until termination of the local emergency as conditions warrant.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, RATIFYING THE PROCLAMATION OF A LOCAL EMERGENCY SHALL CONTINUE FOR THE 2020 CORONAVIRUS PANDEMIC WHILE INCLUDING ADDITIONAL REQUIREMENTS, GUIDELINES, AND PROCEDURES.

WHEREAS, City of Ontario Ordinance No. 2990 empowers the City Manager as the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when said city is affected or likely affected by a public calamity and the City Council is not in session, and:

WHEREAS, conditions of disaster or of extreme peril to the safety of persons and property have re-risen due to increased levels of positive cases of COVID-19 and accompanying higher hospitalizations and death rates; and

WHEREAS COVID-19 has spread to every country in the world, infecting more than 12 million persons and killing more than 550,000 individuals worldwide, and exists in every state in the United States, infecting more than 3 million persons and killing over 130,000 in the country, as well as infecting more than 300,000 and killing over 6,700 in California, and

WHEREAS, on June 18, 2020, California Governor Gavin Newsom issued a statewide order mandating the wearing of face masks or coverings for the public which the City of Ontario followed by requiring face masks or coverings for city employees; and

WHEREAS, on June 28, 2020, California Governor Gavin Newsom issued an order closing bars and restricting indoor restaurant operations for seven counties including the County of San Bernardino; and

WHEREAS, on July 13, 2020, California Governor Gavin Newsom issued an order closing additional businesses including gyms, worship services, personal care services, hair salons, and malls; and

WHEREAS, the City is issuing Temporary Use Permits allowing restaurants to use outdoor spaces for dining purposes to maintain a safe environment for restaurant employees and patrons while waiving fees and expediting the process; and

WHEREAS, the City has drafted an operational transition plan for City facilities to reclose and some work functions to return to a telecommuting basis due to the increased infections in the County and the potential for employee-spread; and

WHEREAS, the City's ability to mobilize local resources, coordinate interagency response, accelerate procurement of vital supplies, use mutual aid, and seek future reimbursement by the State and Federal governments will be critical to the continued battle against COVID-19; and

WHEREAS, these conditions warrant and necessitate that the City of Ontario declare the existence of a local emergency.

NOW THEREFORE, BE IT RESOLVED, by the City Council does hereby proclaim the existence of a local emergency and directs the Emergency Organization of the City of Ontario to take the necessary steps for the protection of life, health and safety in the City of Ontario.

IT IS FURTHER RESOLVED, that during the existence of said local emergency the powers, functions, and duties of the Emergency Organization of the City shall be those prescribed by state law, by ordinances, and resolutions of the City; and

THE CITY COUNCIL DIRECTS, that all City Departments shall review and revise their department emergency and contingency plans to address the risks COVID-19 poses to their critical functions in coordination with the Office of Emergency Management (OEM); and

THE CITY COUNCIL FURTHER DIRECTS, that all City Departments shall track costs for staffing, supplies, and equipment related to COVID-19 preparation and prevention and forward that information to the Financial Services Agency; and

THE CITY COUNCIL FURTHER DIRECTS, that OEM shall coordinate Citywide planning, preparedness and response efforts regarding COVID-19 with the San Bernardino County Department of Public Health and the San Bernardino County Office of Emergency Services (OES).

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the City Council, that the Resolution to Proclamation of a Local Emergency shall continue the previous proclamation while including additional requirements, guidelines, and procedures.

IT IS FURTHER RESOLVED AND ORDERED, by the City Council that a copy of this Resolution be forwarded to the San Bernardino County Office of Emergency Services to be forwarded to the Director of the California Governor's Office of Emergency Services requesting that the Director find it acceptable in accordance with State law; that the Governor of California pursuant to the Emergency Services Act, issue a proclamation declaring an emergency in San Bernardino County; that the Governor waive regulations that may hinder response and recovery efforts; that response and recovery assistance be made available under the California Disaster Assistance Act; and that the State expedite access to State and Federal resources and any other appropriate federal disaster relief programs.

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

PASSED, APPROVED, AND ADOPTED this 21st day of July 2020.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

COLE HUBER, 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. 2020- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 21, 2020 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. 2020- duly passed and adopted by the Ontario City Council at their regular meeting held July 21, 2020.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
July 21, 2020

SECTION:
CONSENT CALENDAR

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

RECOMMENDATION: That the City Council designate Alan D. Wapner as the City's voting delegate and Debra Dorst-Porada as an alternate for the League of California Cities Annual Business Meeting scheduled for October 9, 2020.

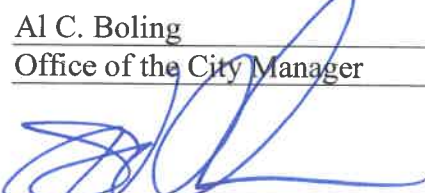
COUNCIL GOALS: Pursue City's Goals and Objectives by Working with Other Governmental Agencies

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

BACKGROUND: The League has scheduled its Annual Business meeting for October 9, 2020 during the Annual League Conference in Long Beach, California. At that meeting, the League membership will consider and take action on resolutions that establish League policy.

Consistent with League bylaws, a city's voting delegate and alternate must be designated by City Council action.

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

Prepared by: Al C. Boling
Department: Office of the City Manager
City Manager Approval: 

Submitted to Council/O.H.A. 07/21/2020
Approved: _____
Continued to: _____
Denied: _____

CITY OF ONTARIO

Agenda Report
July 21, 2020

SECTION:
CONSENT CALENDAR

SUBJECT: A CONSTRUCTION CONTRACT FOR THE 2020 FALL PAVEMENT REHABILITATION PROJECT AND FOURTH STREET IMPROVEMENT REIMBURSEMENT AGREEMENT WITH THE CITY OF RANCHO CUCAMONGA

RECOMMENDATION: That the City Council approve the plans and specifications and award a construction contract (on file in the Records Management Department) with All American Asphalt of Corona, California, for the 2020 Fall Pavement Rehabilitation Project in the bid amount of \$2,499,333 plus a fifteen percent (15%) contingency of \$374,900, for a total authorized expenditure of \$2,874,233; and authorize the City Manager to execute said contract and all related documents, and file a notice of completion at the conclusion of all construction activities; and approve and authorize the City Manager to execute the Fourth Street Improvement Reimbursement Agreement with the City of Rancho Cucamonga (on file in the Records Management Department) estimated to be \$889,765.

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

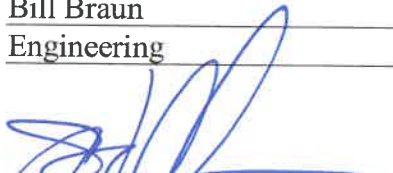
Focus Resources in Ontario's Commercial and Residential Neighborhoods

Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: The Fiscal Year 2020-21 Adopted Budget allocated funds for the 2020 Fall Pavement Rehabilitation Project in the amount of \$545,000 from RMRA (SB1), \$490,000 from Assessment District Administration, and \$1,991,000 from Measure I Funds for a total combined allocation of \$3,026,000. The total recommended expenditure authorization consists of \$2,499,333 plus a 15% contingency of \$374,900 for a total authorized expenditure of \$2,874,233, consistent with the adopted budget.

The City of Rancho Cucamonga will reimburse the City of Ontario for Rancho Cucamonga's portion of actual costs incurred for construction of the Fourth Street pavement improvements (see Exhibit A for project boundaries). The maximum reimbursement amount is \$889,765, which will be included as an appropriations adjustment in the next quarterly budget update report to the City Council.

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. 07/21/2020
Approved: _____
Continued to: _____
Denied: _____

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BACKGROUND: The scope of services for the 2020 Fall 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, and placement of traffic striping, pavement markings, and raised markers.

The project locations include rehabilitation of Fourth Street from Haven Avenue to Ontario Mills Drive (Project No. ST2009), Haven Avenue at SR 60 (Project No. ST2010), Auto Center Loop (Auto Center/Vanderbilt/Hudson) from Jurupa Avenue to Jurupa Avenue (Project No. ST2002), Mission Boulevard and Haven Avenue (Project No. ST2013). Location maps are attached for reference (Exhibits 1 through 4). This project will extend the lifespan of the streets by 15 to 20 years.

In May 2020, the City solicited bids for this project and six bids were received. The following is a summary of the bid results:

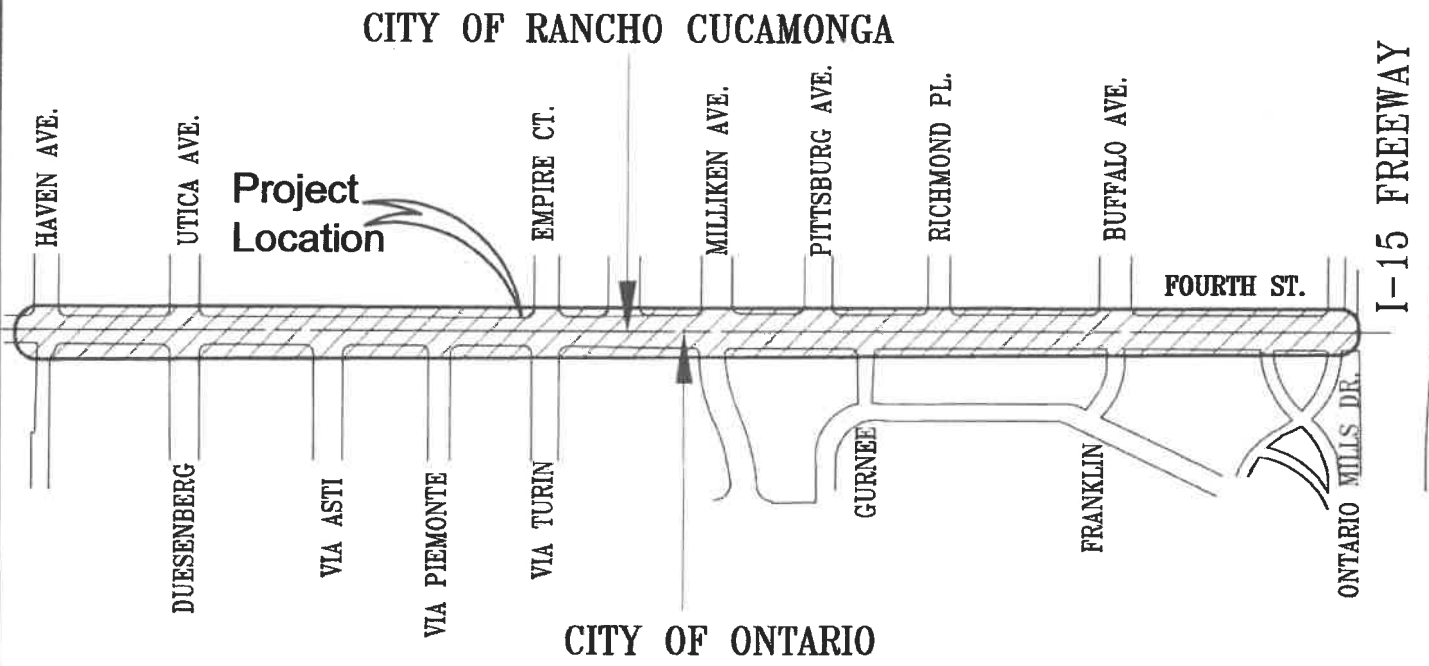
COMPANY	LOCATION	AMOUNT
All American Asphalt	Corona, CA	\$ 2,499,333
R. J. Noble Company	Orange, CA	\$ 2,525,868
Vance Corporation	Bloomington, CA	\$ 2,545,545
Hardy & Harper, Inc	Lake Forest, CA	\$ 2,635,000
ONYX Paving Company	Anaheim, CA	\$ 2,727,000
Hanson Aggregates	San Diego, CA	\$ 3,275,275

All American Asphalt submitted the lowest responsive bid and has previously performed similar work for the City of Ontario in a satisfactory manner.

A portion of the Fourth Street project lies within the City of Rancho Cucamonga (see Exhibit A). For the entire street to be rehabilitated, the City of Rancho Cucamonga agrees to reimburse the City of Ontario for the actual costs of the improvements within their City limits plus 10% for engineering, project management and inspection, not to exceed \$889,765. The reimbursement agreement has been reviewed and approved by the City Attorney.

ENVIRONMENTAL REVIEW: The environmental impacts of this project were reviewed and staff determined that the project is categorically exempt from the requirements of the California Environmental Quality Act pursuant to Section 15301 (Class 1, Existing Facilities) of the California Environmental Quality Act, whereas the project consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of lead agency's determination.

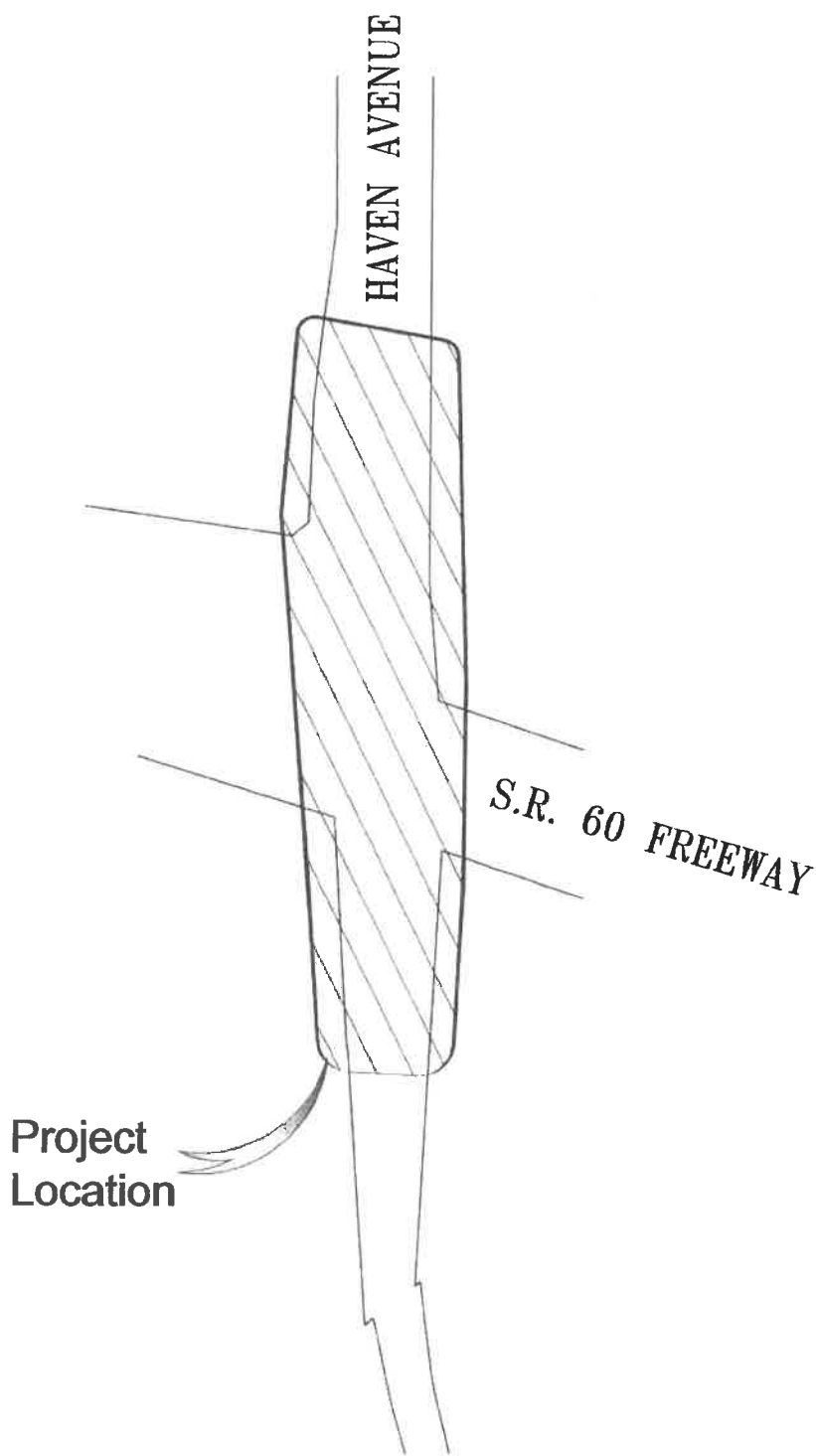
FOURTH STREET PAVEMENT REHABILITATION Project No. ST2009 HAVEN AVENUE TO ONTARIO MILLS DRIVE



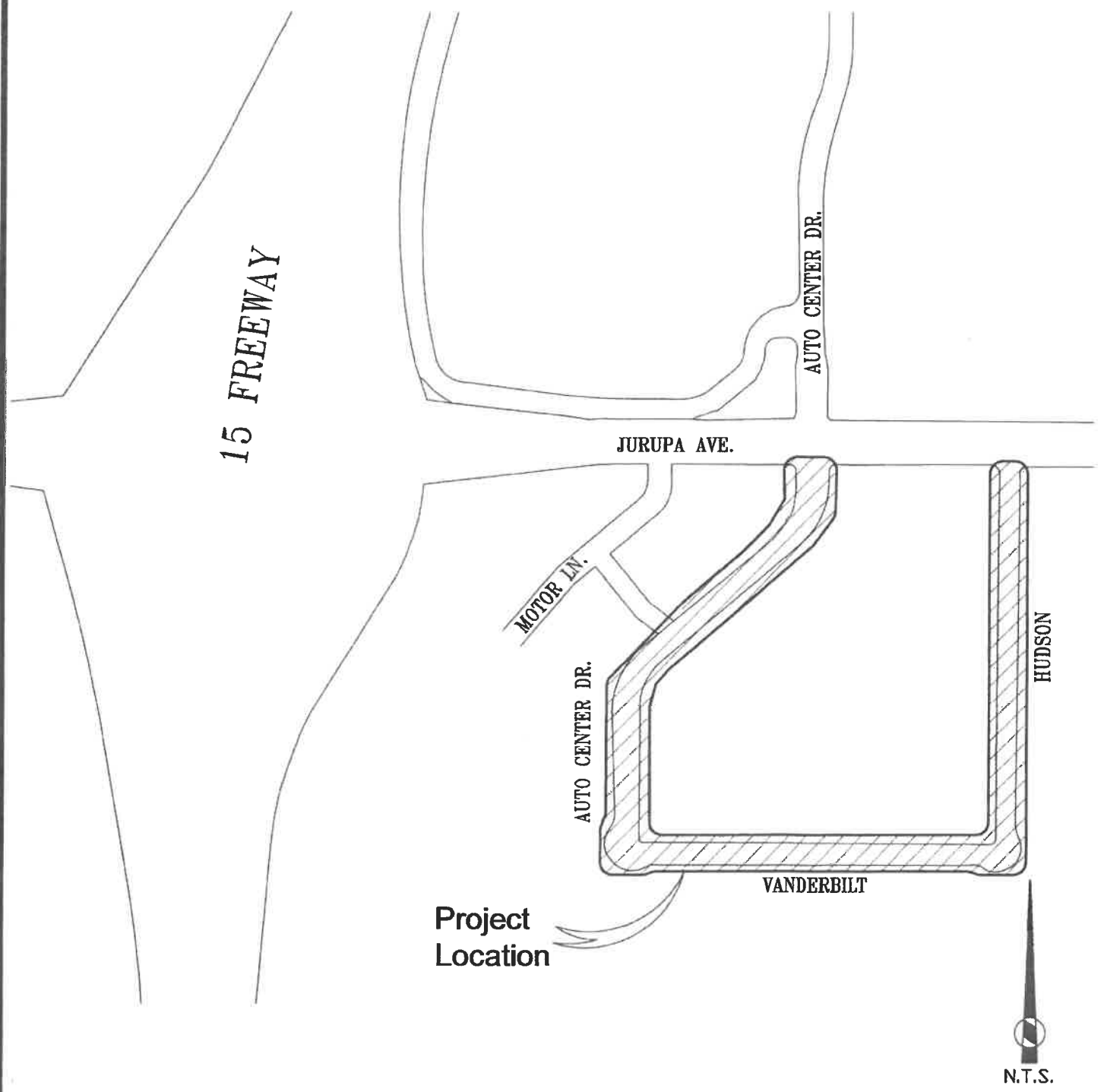
HAVEN AVENUE PAVEMENT REHABILITATION

Project No. ST2010

570' S/O S.R. 60 FWY TO 625' N/O S.R. 60 FWY

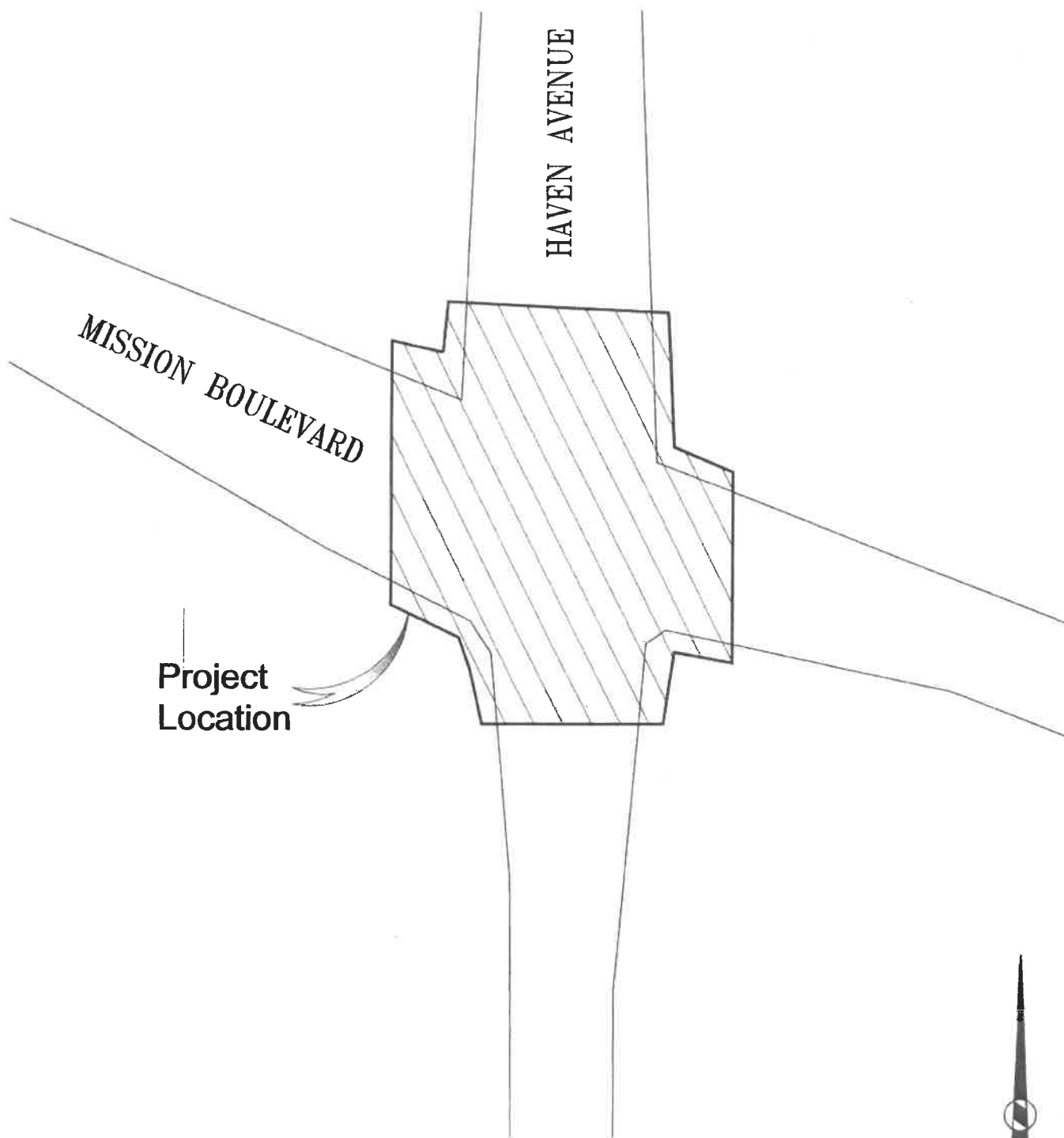


AUTO CENTER DRIVE LOOP PAVEMENT REHABILITATION Project No. ST2002 JURUPA AVENUE TO JURUPA AVENUE



MISSION BOULEVARD PAVEMENT REHABILITATION Project No. ST2013

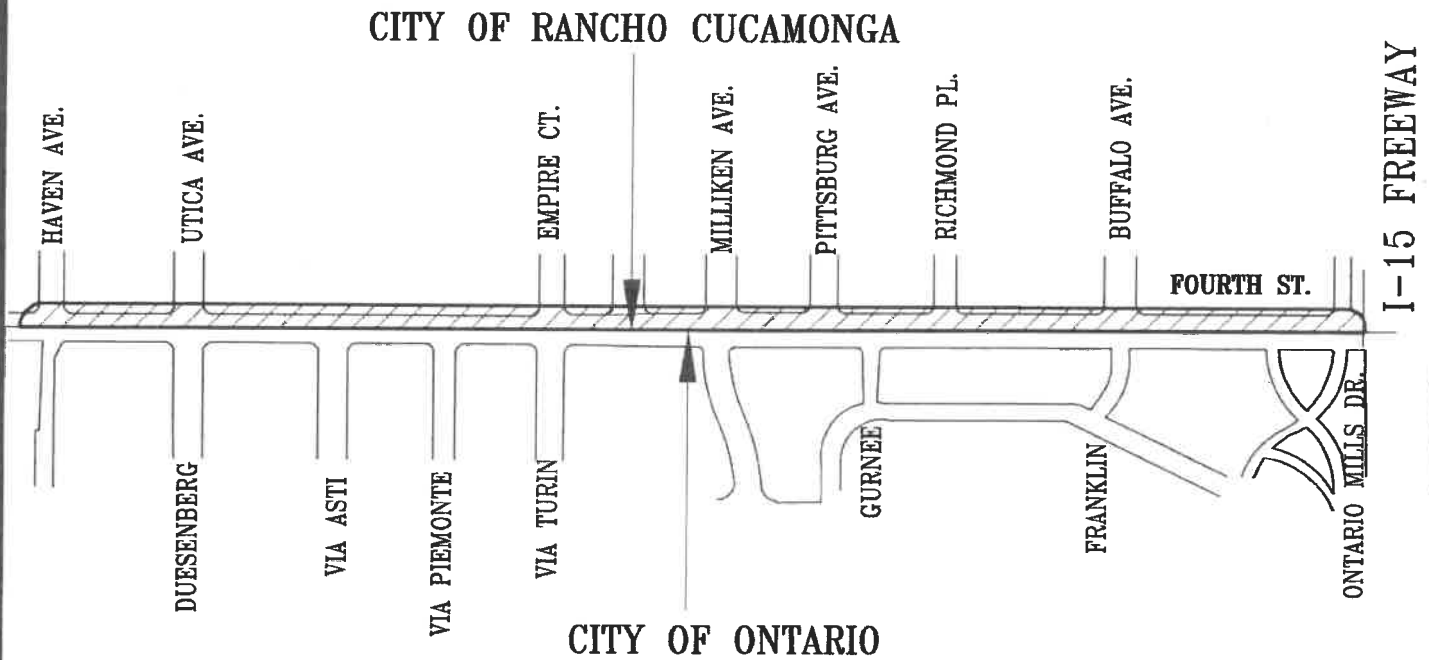
MISSION BOULEVARD AND HAVEN AVENUE



N.T.S.

EXHIBIT "A"

FOURTH STREET PAVEMENT REHABILITATION Project No. ST2009 HAVEN AVENUE TO ONTARIO MILLS DRIVE



LEGEND:

 CITY OF RANCHO CUCAMONGA



CITY OF ONTARIO

Agenda Report
July 21, 2020

SECTION:
CONSENT CALENDAR

SUBJECT: A CONSTRUCTION CONTRACT FOR THE 2020 LOCAL STREET MAINTENANCE - SLURRY SEAL AND CDBG PAVEMENT MANAGEMENT REHABILITATION

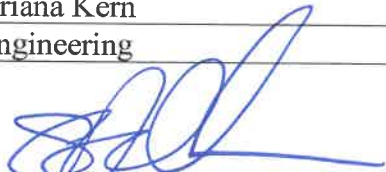
RECOMMENDATION: That the City Council approve the plans and specifications and award a construction contract (on file in the Records Management Department) with American Asphalt South, Inc. of Fontana, California, for the 2020 Local Street Maintenance - Slurry Seal and CDBG Pavement Management Rehabilitation Project in the bid amount of \$812,908 plus a fifteen percent (15%) contingency of \$121,937, for a total authorized expenditure of \$934,845; and authorize the City Manager to execute said contract and all related documents and file a notice of completion at the conclusion of all construction activities.

**COUNCIL GOALS: 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 2020-21 Adopted Budget allocated funds for the 2020 Local Street Maintenance - Slurry Seal and CDBG Pavement Management Rehabilitation Project in the amount of \$700,000 from Measure I Funds, \$300,000 from Community Development Block Grant (CDBG), and \$499,339 from Assessment District Administration, for a total combined allocation of \$1,499,339. The total recommended expenditure authorization consists of \$812,908, plus a 15% contingency of \$121,937 for a total authorized expenditure of \$934,845, consistent with the adopted budget.

BACKGROUND: The general scope of work to be performed consists of, but is not limited to, traffic control, crack-sealing, removal and replacement of existing thermoplastic traffic striping and markings, localized asphalt concrete pavement repair, major crack repair, placement of Rubber Polymer Modified Slurry Seal (RPMSS) and construction of any other appurtenances necessary to complete the project improvements. A project location map is provided for reference as Exhibit "A". This project will extend the lifespan of the streets by approximately ten (10) years and prevent more costly future repairs.

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

Prepared by: Ariana Kern
Department: Engineering
City Manager Approval: 

Submitted to Council/O.H.A. 07/21/2020
Approved: _____
Continued to: _____
Denied: _____

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In May 2020, the City solicited bids for the project and three bids were received. The following is a summary of the bid results:

COMPANY	LOCATION	AMOUNT
American Asphalt South, Inc.	Fontana, CA	\$812,908
Pavement Coatings, Inc..	Mira Loma, CA	\$873,621
Roy Allan Slurry Seal.	Satna Fe Springs, CA	\$881,239

American Asphalt South, Inc. has submitted the lowest responsive bid and has previously performed similar work for the City of Ontario in a satisfactory manner.

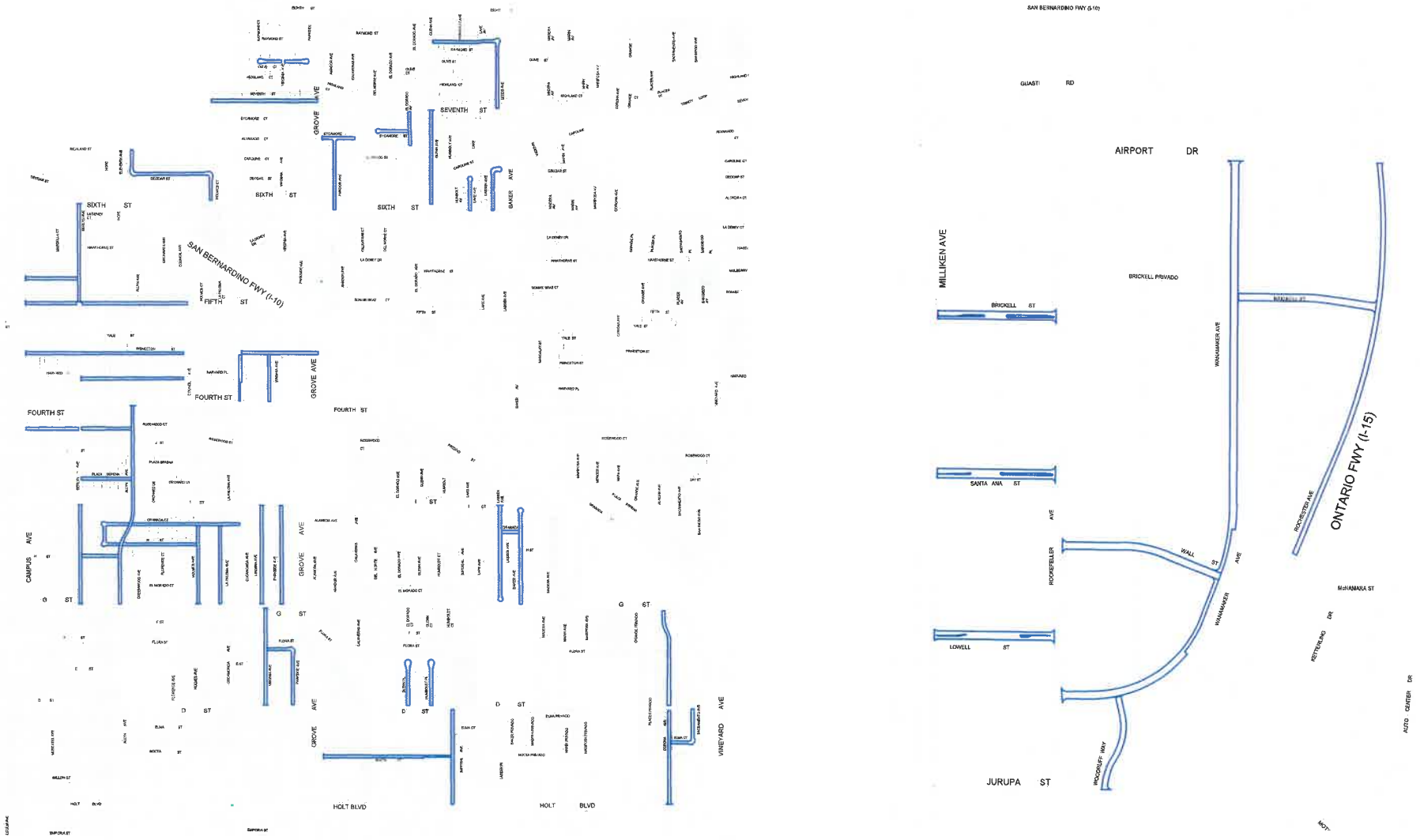
ENVIRONMENTAL REVIEW: The environmental impacts of this project were reviewed and staff determined that the project is categorically exempt from the requirements of the California Environmental Quality Act pursuant to Section 15301 (Class 1, Existing Facilities) of the California Environmental Quality Act, whereas the project consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of lead agency's determination.

LEGEND

2020 SLURRY LOCATIONS

**PROPOSED 2020
SLURRY SEAL
OVERALL PROJECT LOCATIONS**

EXHIBIT A



CITY OF ONTARIO

Agenda Report
July 21, 2020

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 19907 LOCATED AT THE SOUTHWEST CORNER OF PARKVIEW STREET AND HAVEN AVENUE

RECOMMENDATION: That the City Council adopt a resolution approving an improvement agreement, improvement security and Final Tract Map No. 19907 located at the southwest corner of Parkview Street and Haven Avenue within the Subarea 29 Specific Plan.

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

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


BACKGROUND: Final Tract Map No. 19907, consisting of one hundred eight (108) residential lots and twenty (20) lettered lots on 25.63 acres (see Exhibit A), has been submitted by Lennar Homes of California, Incorporated, a California Corporation (Mr. Geoffrey Smith, Vice President).

Tentative Tract Map No. 19907 was approved by the Planning Commission on April 26, 2016 and is consistent with the adopted Subarea 29 Specific Plan.

Improvements will include AC pavement, curb, gutter, sidewalk, landscaped parkways, fiber optic conduits, fire hydrants, sewer, water, recycled water mains, storm drain, and streetlights. The improvements in parkway landscaping will be consistent with current City approved drought measures.

The developer has entered into an improvement agreement with the City for Final Tract Map No. 19907 and has posted adequate security to ensure construction of the required public improvements.

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

Prepared by: Jesus Plasencia
Department: Engineering
City Manager Approval: 

Submitted to Council/O.H.A. 07/21/2020
Approved: _____
Continued to: _____
Denied: _____

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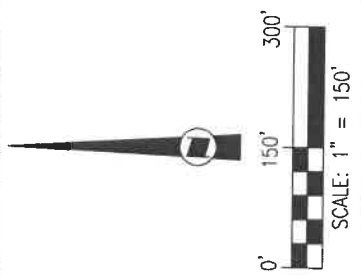
The map meets all conditions of the Subdivision Map Act and the Ontario Municipal Code and has been reviewed and approved by the City Engineer.

EXHIBIT A



EXHIBIT A
TRACT NO. 19907
108 LOT SUBDIVISION

ENGINEER: **VSL ENGINEERING**
 31805 TEMECULA PKWY., # 129, TEMECULA, CA. 92592
 TEL. (951) 296-3930



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 19907 LOCATED AT THE NORTHWEST CORNER OF MERRILL AVENUE AND HAVEN AVENUE.

WHEREAS, Tentative Tract Map No. 19907, submitted for approval by Brookcal Ontario, LLC was approved by the Planning Commission of the City of Ontario on April 26, 2016; and

WHEREAS, Tentative Tract Map No. 19907 consists of 108 residential lots and 20 lettered lots within the Subarea 29 Specific Plan being a subdivision of Parcel "B" of Certificate Approving Lot Line Adjustment No. LLA18-006 recorded August 7, 2019 as Document No. 2019-0269171, of official records of said County and lying within Section 23, Township 2 South, Range 7 West, San Bernardino Base and Meridian; and

WHEREAS, Tentative Tract Map No. 19907, was subsequently sold to Lennar Homes of California, Incorporated, a California Corporation (Mr. Geoffrey Smith, Vice President); and

WHEREAS, to meet the requirements established as prerequisite to final approval of Tract Map No. 19907, said developer has offered the improvement agreement together with good and sufficient improvement security, in conformance with the City Attorney's approved format, for approval and execution by the City; and

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

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

SECTION 1. That said Improvement Agreement be, and the same is, approved and the City Manager is authorized to execute same on behalf of said City, and the City Clerk is authorized to attest thereto; and

SECTION 2. That said Improvement Security is accepted as good and sufficient, subject to approval as to form and content thereof by the City Attorney; and

SECTION 3. That Final Tract Map No. 19907 be approved and that the City Clerk be authorized to execute the statement thereon on behalf of said City.

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

PASSED, APPROVED, AND ADOPTED this 21st day of July 2020.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

COLE HUBER, 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. 2020- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 21, 2020 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. 2020- duly passed and adopted by the Ontario City Council at their regular meeting held July 21, 2020.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
July 21, 2020

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 19909 LOCATED AT THE NORTHWEST CORNER OF MERRILL AVENUE AND HAVEN AVENUE

RECOMMENDATION: That the City Council adopt a resolution approving an improvement agreement, improvement security and Final Tract Map No. 19909 located at the northwest corner of Merrill Avenue and Haven Avenue within the Subarea 29 Specific Plan.

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

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


BACKGROUND: Final Tract Map No. 19909, consisting of one hundred eighteen (118) residential lots and eighteen (18) lettered lots on 26.59 acres (see Exhibit A), has been submitted by Lennar Homes of California, Incorporated, a California Corporation (Mr. Geoffrey Smith, Vice President).

Tentative Tract Map No. 19909 was approved by the Planning Commission on April 26, 2016 and is consistent with the adopted Subarea 29 Specific Plan.

Improvements will include AC pavement, curb, gutter, sidewalk, landscaped parkways, fiber optic conduits, fire hydrants, sewer, water, recycled water mains, storm drain, and streetlights. The improvements in parkway landscaping will be consistent with current City approved drought measures.

The developer has entered into an improvement agreement with the City for Final Tract Map No. 19909 and has posted adequate security to ensure construction of the required public improvements.

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

Prepared by: Jesus Plasencia
Department: Engineering
City Manager Approval: 

Submitted to Council/O.H.A. 07/21/2020
Approved: _____
Continued to: _____
Denied: _____

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

EXHIBIT A

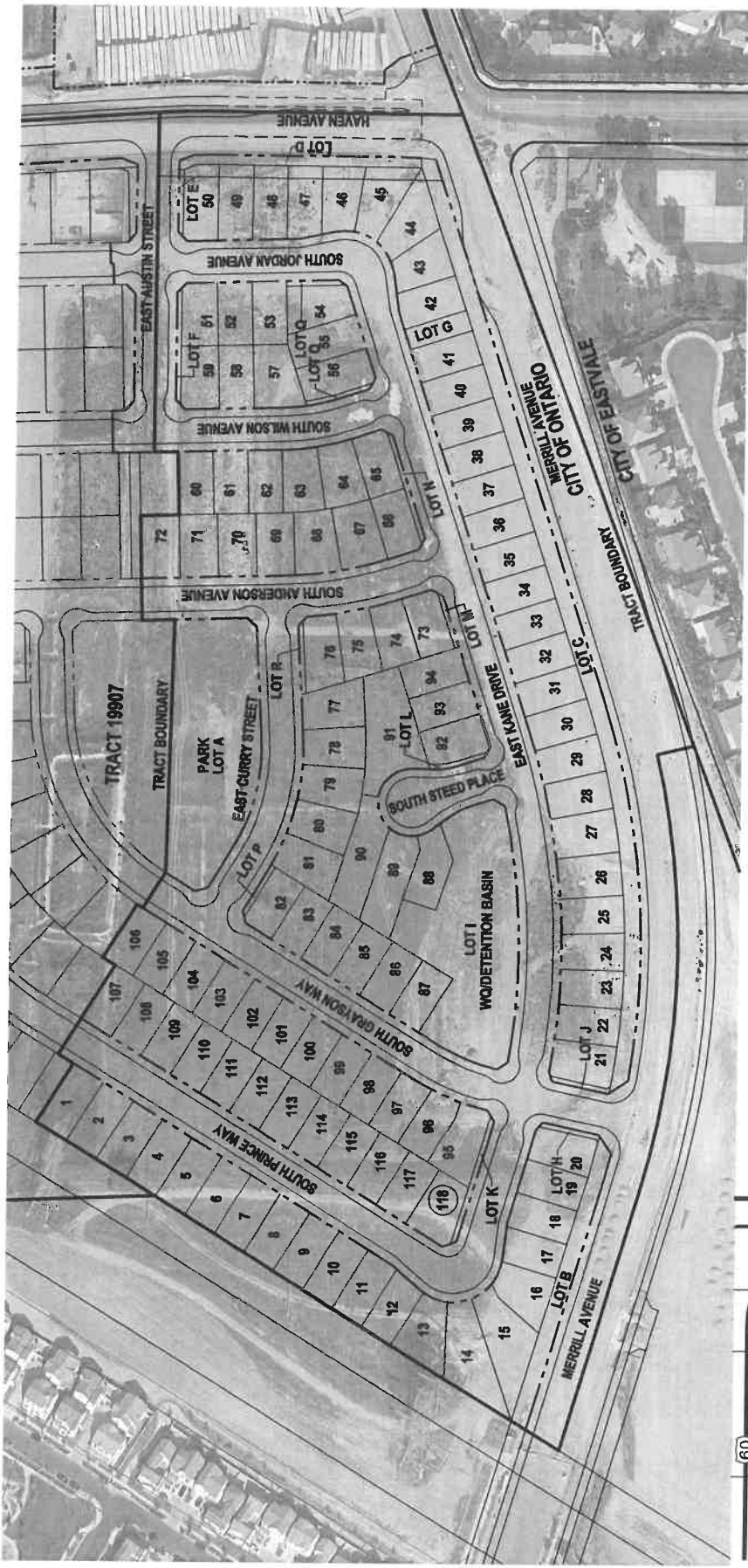
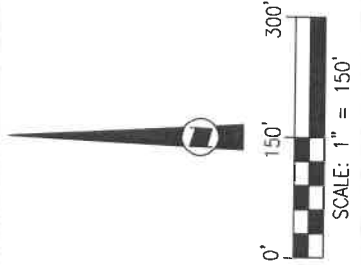


EXHIBIT A
TRACT NO. 19909
118 LOT SUBDIVISION

ENGINEER: **VSL ENGINEERING**
 31805 TEMECULA PKWY., # 129, TEMECULA, CA. 92592
 TEL. (951) 296-3930



VICINITY MAP

SECTION 23, TOWNSHIP 2 SOUTH, RANGE 7 WEST

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 19909 LOCATED AT THE NORTHWEST CORNER OF MERRILL AVENUE AND HAVEN AVENUE.

WHEREAS, Tentative Tract Map No. 19909, submitted for approval by Richland Ontario Developers, LLC, was approved by the Planning Commission of the City of Ontario on April 26, 2016; and

WHEREAS, Tentative Tract Map No. 19909 consists of 118 residential lots and 18 lettered lots within the Subarea 29 Specific Plan being a subdivision of Parcel "C" of Certificate Approving Lot Line Adjustment No. LLA18-006 recorded August 7, 2019 as Document No. 2019-0269171, of official records of said County and lying within Section 23, Township 2 South, Range 7 West, San Bernardino Base and Meridian; and

WHEREAS, Tentative Tract Map No. 19909, was subsequently sold to Lennar Homes of California, Incorporated, a California Corporation (Mr. Geoffrey Smith, Vice President); and

WHEREAS, to meet the requirements established as prerequisite to final approval of Tract Map No. 19909, said developer has offered the improvement agreement together with good and sufficient improvement security, in conformance with the City Attorney's approved format, for approval and execution by the City; and

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

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

SECTION 1. That said Improvement Agreement be, and the same is, approved and the City Manager is authorized to execute same on behalf of said City, and the City Clerk is authorized to attest thereto; and

SECTION 2. That said Improvement Security is accepted as good and sufficient, subject to approval as to form and content thereof by the City Attorney; and

SECTION 3. That Final Tract Map No. 19909 be approved and that the City Clerk be authorized to execute the statement thereon on behalf of said City.

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

PASSED, APPROVED, AND ADOPTED this 21st day of July 2020.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

COLE HUBER, 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. 2020- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 21, 2020 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. 2020- duly passed and adopted by the Ontario City Council at their regular meeting held July 21, 2020.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
July 21, 2020

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL PARCEL MAP NO. 19978 LOCATED AT THE SOUTHWEST CORNER OF ONTARIO RANCH ROAD AND HAVEN AVENUE

RECOMMENDATION: That the City Council adopt a resolution approving an improvement agreement, improvement security and Final Parcel Map No. 19978 located at the southwest corner of Ontario Ranch Road and Haven Avenue within The Avenue Specific Plan area.

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

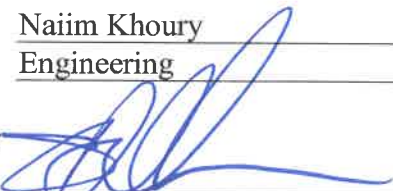
FISCAL IMPACT: None. All public infrastructure improvements required for this subdivision will be constructed by the developer at its sole cost.

BACKGROUND: Final Parcel Map No. 19978, consisting of eight (8) commercial lots on 10.06 acres to construct approximately 95,180 square feet of commercial retail buildings, as shown on Exhibit A, has been submitted by the developer, Marketplace at New Haven, LLC, a Delaware Limited Liability Company/Frontier New Haven LLC, a California Limited Liability Company (Mr. Robert M. Jonas and Mr. Dan Almquist, Managers).

Tentative Parcel Map No. 19978 was approved by the Planning Commission on August 28, 2018 and is consistent with the adopted The Avenue Specific Plan.

Improvements will include concrete pavement, curb & gutter, sidewalk, driveways, access ramps, parkway landscaping with irrigation and traffic signal. The improvements in the parkway landscaping will be consistent with current City approved drought measures.

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

Prepared by: Naiim Khoury
Department: Engineering
City Manager Approval: 

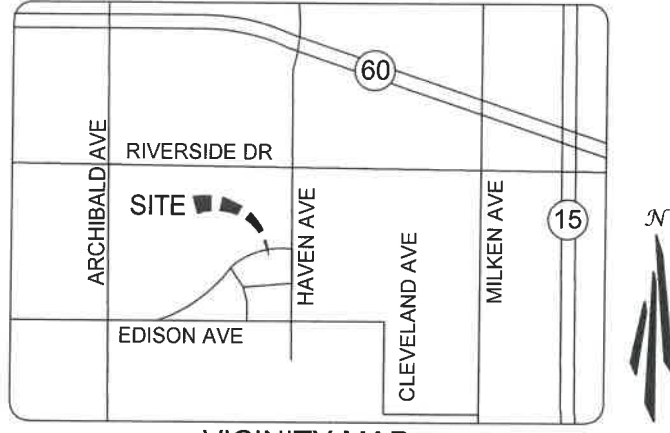
Submitted to Council/O.H.A. 07/21/2020
Approved: _____
Continued to: _____
Denied: _____

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The developer has entered into an improvement agreement with the City for Final Parcel Map No. 19978 and has posted adequate security to ensure construction of the required improvements.

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

EXHIBIT A PM - 19978



VICINITY MAP
N.T.S.



APPLICANT/OWNER:

FRONTIER REAL ESTATE INVESTMENTS
610 NEWPORT CENTER DRIVE, SUITE 1520
NEWPORT BEACH, CA 92660

COUNCIL EXHIBIT "A" FOR PM-19978

CITY OF ONTARIO
ENGINEERING DEPARTMENT

701 N. Portcenter Drive
Santa Ana, CA 92705
p: 714/560/8200 f: 714/560/8211
www.tait.com

Los Angeles Rancho Cucamonga Escondido Seattle
Boise Denver North Dakota

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL PARCEL MAP NO. 19978 LOCATED AT THE SOUTHWEST CORNER OF ONTARIO RANCH ROAD AND HAVEN AVENUE.

WHEREAS, Tentative Parcel Map No. 19978, submitted for approval by the developer, Marketplace at New Haven, LLC, a Delaware Limited Liability Company/ Frontier New Haven, LLC, a California Limited Liability Company (Mr. Robert M. Jonas and Mr. Dan Almquist, Managers) was approved by the Planning Commission of the City of Ontario on August 28, 2018; and

WHEREAS, Tentative Parcel Map No. 19978 consists of eight (8) commercial lots, being a subdivision of lot 1 of Tract No. 18922-4 recorded in book 341, pages 66 through 69, Inclusive of Maps, Official Records of San Bernardino County, California, Section 14, Township 2 South, Range 7 West, S.B.M; and

WHEREAS, to meet the requirements established as prerequisite to final approval of Final Parcel Map No. 19978, said developer has offered an improvement agreement, together with good and sufficient security, in conformance with the City Attorney's approved format, for approval and execution by the City; and

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

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

SECTION 1. That said Improvement Agreement be, and the same is, approved and the City Manager is authorized to execute same on behalf of said City, and the City Clerk is authorized to attest thereto; and

SECTION 2. That said Improvement Security is accepted as good and sufficient, subject to approval as to form and content thereof by the City Attorney; and

SECTION 3. That Final Parcel Map No. 19978 be approved and that the City Clerk be authorized to execute the statement thereon on behalf of said City.

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

PASSED, APPROVED, AND ADOPTED this 21st day of July 2020.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

COLE HUBER, 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. 2020- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 21, 2020 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. 2020- duly passed and adopted by the Ontario City Council at their regular meeting held July 21, 2020.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
July 21, 2020

SECTION:
CONSENT CALENDAR

SUBJECT: RESOLUTIONS UPDATING AUTHORIZED DEPUTY CITY TREASURERS

RECOMMENDATION: That the City Council adopt resolutions rescinding Resolution Nos. 2019-090 and 2019-091; and amending the list of Deputy City Treasurers authorized to invest City funds in the Local Agency Investment Fund (LAIF) and other eligible investment securities.

COUNCIL GOALS: Operate in a Businesslike Manner

FISCAL IMPACT: None.

BACKGROUND: The recent hiring of the Investment Officer within the Financial Services Agency has resulted in the need to update resolutions identifying those individuals authorized to invest City funds and to transact with LAIF. All other resolution provisions remain unchanged to ensure continuity in the City Treasury Management operations. The authorized individuals will be as follows: City Treasurer, Assistant City Manager, Executive Director of Finance, Departmental Administrator (Financial Services Agency), and Investment Officer.

STAFF MEMBER PRESENTING: Armen Harkalyan, Executive Director of Finance

Prepared by: Jason M. Jacobsen
Department: Investments & Revenue Resources

City Manager
Approval: 

Submitted to Council/O.H.A. 07/21/2020

Approved: _____

Continued to: _____

Denied: _____

10

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, PROVIDING FOR THE INVESTMENT OF INACTIVE FUNDS IN THE LOCAL AGENCY INVESTMENT FUND OF THE CALIFORNIA STATE TREASURY AND HEREBY RESCINDING RESOLUTION NO. 2019-090.

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

SECTION 1. The California State Legislature has, pursuant to Chapter 730 of the Statutes of 1976, Sections 16429.1 et seq., added to the Government Code and created the Local Agency Investment Fund as a special fund in the California State Treasury. The pooling of funds by many California local agencies will create a fund allowing for high rates of return due to the use of large denomination instruments.

SECTION 2. The City of Ontario has money in its treasury not required for immediate needs and it is in the best interest of the city to place said money in approved investments yielding maximum returns.

SECTION 3. The City of Ontario, 303 East "B" Street, Civic Center, Ontario, California 91764-4196, will participate in the Local Agency Investment Fund of the California State Treasury.

SECTION 4. The City of Ontario agrees to deposit or withdraw money in the Local Agency Investment Fund in the California State Treasury in accordance with the provisions of Section 16429.1 of the Government Code for the purpose of investment as stated therein.

SECTION 5. The following persons are authorized to order the deposit or withdrawal of money in the Local Agency Investment Fund or their successors.

James R. Milhiser, City Treasurer
Al C. Boling, Deputy City Treasurer
Armen Harkalyan, Deputy City Treasurer
Jason M. Jacobsen, Deputy City Treasurer
William Quan, Deputy City Treasurer

SECTION 6. Resolution No. 2019-090 is hereby rescinded.

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

PASSED, APPROVED, AND ADOPTED this 21st day of July 2020.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

COLE HUBER, 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. 2020- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 21, 2020 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. 2020- duly passed and adopted by the Ontario City Council at their regular meeting held July 21, 2020.

SHEILA MAUTZ, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE INVESTMENT OF CITY FUNDS AND HEREBY RESCINDING RESOLUTION NO. 2019-091.

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

SECTION 1. That the City Treasurer and/or any duly-appointed Deputy City Treasurers whose names appear in this resolution are hereby authorized to open investment accounts for the City of Ontario with any bank, savings and loan association, broker dealer or other financial institution, hereinafter referred to as "broker", to purchase, sell and or deal in such notes, bonds, bills, certificates of indebtedness, warrants or registered warrants and/or other investments as are authorized for general law cities in the State of California by Chapter 4 of Part 1 Division 2 of Title 5 of the Government Code (commencing with section 53600) (hereinafter "authorized investments"), and as limited by the current investment policy of the City Council of the City of Ontario, a copy of which is attached to and made a part of this resolution, and/or such other investment policy which may be adopted by said City Council, and that all orders and instructions, written or oral, which may be given by either the City Treasurer or a duly-appointed Deputy City Treasurer; and each of whom is hereby authorized and directed to purchase, sell and/or deal in authorized investment instruments through said broker on behalf of the City of Ontario, which they may deem necessary or advisable for the City of Ontario for cash and also to make payments and to sign checks or drafts drawn upon the funds of the City of Ontario and also, to withdraw from said broker from time to time, to deliver or accept delivery of, and/or to endorse, and/or to direct the transfer of record title of, all authorized investments, and/or assets or funds that may be carried by said broker for the account of the City of Ontario, and

SECTION 2. That each of the aforesaid officers of the City of Ontario be and hereby authorized and directed to execute and deliver on behalf of the City of Ontario any customer's agreement required by broker and to enter into, execute, and deliver, any and all other agreements, documents, releases, and writings that may be required by said broker for the opening and/or continuing of said account in connection with any transaction relating to said account or to any securities or moneys of the City of Ontario whether or not in said account, provided, however, that no customer's agreement shall authorize investment in other than authorized investments, and

SECTION 3. That until broker shall receive duly written notices of change or rescission of these resolutions, said broker may rely upon the authority contained in this resolution as continuing fully effective, and the said broker may rely upon any certified copy of resolutions, specimen signatures or other writings, signed on behalf of the City of Ontario by any officer thereof; the acceptance of any other form of notice shall not constitute a waiver, of this provision, nor shall the fact that any person hereby empowered ceases to be an officer or becomes an officer under some other title, in any way affect the powers hereby conferred, until broker shall receive due written notice of change or rescission, as aforesaid, and

SECTION 4. That in the event of any change in the office or powers of persons hereby empowered, the City Council shall certify those changes to broker in writing, in the manner herein above specified, which notification, when received, shall be adequate both to terminate the powers of the person theretofore authorized, and to empower the persons thereby substituted, and

SECTION 5. That any and all orders and instructions heretofore given to said broker on behalf of the City of Ontario by any officer of the City of Ontario, are hereby in all respects ratified, confirmed and approved, and

SECTION 6. That the foregoing resolutions and the certificates actually furnished to broker by any officer of the City of Ontario, be and they hereby are made irrevocable, and shall be fully effective as to any transaction for the account of the City of Ontario notwithstanding that the account may have been temporarily closed or inactive, until written notice of the revocation thereof shall have been received by broker.

SECTION 7. That Resolution No. 2019-091 is hereby rescinded.

SECTION 8. I DO FURTHER CERTIFY that the following are the signatures and titles of the persons authorized and empowered to act on behalf of the City of Ontario, pursuant to the foregoing resolutions, and this resolution is in accordance with and does not conflict with the existing ordinances and/or resolutions.

James R. Milhiser, City Treasurer

Al C. Boling, Deputy City Treasurer

Armen Harkalyan, Deputy City Treasurer

Jason M. Jacobsen, Deputy City Treasurer

William Quan, Deputy City Treasurer

SECTION 9. 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 21st day of July 2020.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

COLE HUBER, 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. 2020- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 21, 2020 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. 2020- duly passed and adopted by the Ontario City Council at their regular meeting held July 21, 2020

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
July 21, 2020

SECTION:
CONSENT CALENDAR

SUBJECT: PROFESSIONAL SERVICES AGREEMENT FOR SALES TAX CONSULTING AND REVENUE RECOVERY

RECOMMENDATION: That the City Council award a professional services agreement (on file in the Records Management Department) for sales tax consulting and revenue recovery with Hinderliter de Llamas & Associates (HdL), of Brea, California, for a five-year term for an amount not to exceed \$59,326 with the option to extend the agreement for two additional one-year terms at \$25,425 and to approve the resolution designating and authorizing certain City Representatives and Sales Tax Consultant to examine sales and use tax records; and authorize the City Manager to execute the agreement.

COUNCIL GOALS: Operate in a Businesslike Manner

FISCAL IMPACT: The recommended five-year agreement with HdL provides for sales tax analysis and revenue recovery services. The costs for sales tax analysis services is fixed at \$11,400 for the first 12-month period and will adjust each subsequent year based on CPI (Consumer Price Index), not to exceed 2% annually, for a total five-year estimate of \$59,326, with the option to extend the agreement for two additional one-year periods. Additionally, the City will pay an audit fee of 15% for revenue recovery services on any new and recovered sales, use and transaction tax revenue received through specific allocation audits and recovery services. The audit fees will vary from one year to another, averaging about \$350,000 annually. As such, the net amount paid in audit fees will be offset by the recovered revenues.

Funding was appropriated in the FY 2020-21 Adopted Operating Budget in the amount of \$11,400 for sales tax analysis services and in the amount of \$350,000 for revenue recovery services through their audits. Appropriations for subsequent fiscal years will be requested during the annual budget process. Future funding is contingent upon City Council approval and budget adoption.

BACKGROUND: The HdL company was founded in 1983 and since then has helped cities, counties, and special districts maximize revenues through allocation audits, financial and economic analysis.

STAFF MEMBER PRESENTING: Armen Harkalyan, Executive Director of Finance

Prepared by: Jason M. Jacobsen
Department: Investments & Revenue Resources

City Manager Approval:  _____

Submitted to Council/O.H.A. 07/21/2020

Approved: _____

Continued to: _____

Denied: _____

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Supported by special computer analysis, databases and field investigations, the company's positive relationship with taxpayers, understanding of complex tax laws and close coordination with the CDTFA (California Department of Tax and Fee Administration), County Auditors and Assessors, assures timely correction and recovery of misallocated revenues and has generated millions of dollars in new monies for client agencies. HdL serves over 400 agencies across the nation.

Due to the complex nature of administering local sales taxes, the misallocations of taxes among jurisdictions are common. These errors often result in cities receiving less tax revenues than they are entitled to receive. Therefore, it is for the City's best interest to contract services with HdL to insure continued sales tax revenue monitoring. It is worth noting that most of HdL's key staff members have extensive local government experience, having previously held positions in city management, finance, planning, economic development or revenue collection.

Additionally, in 1966, Resolution No.: 6134 was approved by City Council, designating and authorizing the City Manager, and his/her designee, to receive and examine the City's sales and use tax records from the State Board of Equalization (now California Department of Tax and Fee Administration).

The City entered into a contract with the CDTFA to perform all functions related to the administration and collection of local sales and use taxes. California Revenue and Taxation Code Section 7056 sets forth requirements and conditions for the disclosure of CDTFA records and establishes criminal penalties for the unlawful disclosure of information contained in, or derived from, the sales and use tax records of the CDTFA.

To ensure the continued confidentiality to sales and use tax records, the City restricts access to collections receipts to those positions requested in this resolution. Therefore, to maintain the highest level of security, staff recommends updating and expanding the list of designated City positions permitted to receive and examine sales and use tax records from the CDTFA.

The following is a list of the recommended City positions to have access to the sales, use and transaction tax records:

- City Manager
- Assistant City Manager
- Executive Director of Finance
- Executive Director of Economic Development
- Deputy City Manager
- Fiscal Services Director
- Departmental Administrator (Finance)
- Investment Officer
- Business Operations Director
- Budget Director

The City Manager may also designate in writing additional City officials or employees to examine sales and use tax records of the CDTFA pertaining to sales and use taxes collected for the City by the CDTFA pursuant to the contract between the City and the CDTFA. In addition, staff recommends authorizing HdL to access these records in order to provide the City with sales and use tax consulting services for economic analysis, web-based data, auditing and staff training.

CITY OF ONTARIO

Agenda Report
July 21, 2020

SECTION:
CONSENT CALENDAR

SUBJECT: AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH WESTIN TECHNOLOGY SOLUTIONS FOR PROJECT MANAGEMENT SUPPORT ON CIS INFINITY UTILITY BILLING IMPLEMENTATION

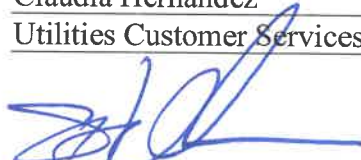
RECOMMENDATION: That the City Council authorize the City Manager to execute Amendment No. 4 adding \$38,500 to the existing agreement (on file in the Records Management Department) with Westin Technology Solutions, of Milwaukee, Wisconsin, for project management support on the CIS Infinity Utility Billing Implementation for a revised not-to-exceed limit of \$448,980.

COUNCIL GOALS: Operate in a Businesslike Manner

FISCAL IMPACT: This amendment increases the total authorized contract amount from \$410,480 to \$448,980. Appropriations in the amount of \$38,500 will be included in the FY 2020-21 First Quarter Budget Update as part of the capital improvement program carryforward in the Information Technology Fund for these services.

BACKGROUND: In February 2018, the City retained the services of Westin Technology Solutions to assist and support the City with the CIS Infinity Utility Billing Implementation, which includes the Planning, Design and Test phases. On July 2, 2019, Amendment No. 1 was approved by the City Council to increase the not-to-exceed contract amount to \$195,380. On August 20, 2019, Amendment No. 2 was approved by the City Council to increase the not-to-exceed contract amount to \$354,680. On February 18, 2020, Amendment No. 3 was approved by the City Council to increase the not-to-exceed contract amount to \$410,480. Westin's expertise in the Planning and Design phases added value and helped the project stay on track by recommending tighter milestones and deliverable dates for the vendor, Advanced Utilities Systems (AUS), and providing valuable input for mobile (paperless field orders) and customer self-service information design, along with interface development for Finance, GIS, and parts and equipment inventories. The Test Phase of the project assisted the Project Team with Implementation Management and Test Preparation Management support in evaluating current "best practices" in utilities; offer testing scenario recommendations; and provided project management support.

STAFF MEMBER PRESENTING: Armen Harkalyan, Executive Director of Finance

Prepared by: Claudia Hernandez
Department: Utilities Customer Services
City Manager Approval: 

Submitted to Council/O.H.A. 07/21/2020
Approved: _____
Continued to: _____
Denied: _____

12

Westin Technology's services for the CIS Infinity Utility Billing Implementation will provide additional support to the City team during Post Live Project Management

Westin's Project Manager will facilitate communication and project activities among the project sponsors, project management team, City project team members, third party vendors, and the CIS Vendor's project manager in performing the following tasks:

- Guide the City's project team during the stabilization period of the project,
- Assist the team in prioritizing activities in the post live phase,
- Assist the vendor in prioritizing the items they are responsible for completing for the City,
- Managing the effort to reduce the number of active open incidents being tracked in the post live, phase, and
- Communicate to the management team.

CITY OF ONTARIO

Agenda Report
July 21, 2020

SECTION:
CONSENT CALENDAR

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

RECOMMENDATION: That the City Council approve and authorize the City Manager to execute a one year agreement (on file in the Records Management Department) with Baker and Taylor of Charlotte, North Carolina, with an estimated amount of \$367,000, for the purchase of library materials including cataloging and processing services; and authorize the extension of the agreement for up to three additional one year periods consistent with City Council approved budgets.

COUNCIL GOALS: Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities

FISCAL IMPACT: The Fiscal Year 2020-21 Adopted Budget includes \$296,000 for library materials such as books, magazines and videos, and \$71,000 for cataloging and processing services, bringing the estimated amount of the agreement to \$367,000. Expenditures in any year of the proposed agreement will be based on the actual purchases and services rendered at the fixed discounted and contract service rates. Funding for all future years of the agreement will be consistent with the respective years adopted budgets.

BACKGROUND: The Library purchases approximately 32,000 books, videos, and audio recordings for community use each year. Staff recommends the continued consolidation of library material purchases through a primary vendor and augmented by a limited number of secondary vendors.

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

STAFF MEMBER PRESENTING: Shawn Thrasher, Library Director

Prepared by: Alonso Ramirez
Department: Community Life & Culture

City Manager Approval: 

Submitted to Council/O.H.A. 07/21/2020

Approved: _____

Continued to: _____

Denied: _____

13

In May 2020, the City solicited proposals for the provision of library materials with cataloging and processing services. Five proposals were received and only two met bid criteria and standards necessary to perform this work. For reference purposes, the proposed processing costs are listed below.

<u>Vendor</u>	<u>Location</u>	<u>Processing Cost Per Book</u>
Baker & Taylor	Charlotte, North Carolina	\$3.95
Ingram Library Services	La Vergne, Tennessee	\$5.00

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

CITY OF ONTARIO

Agenda Report
July 21, 2020

SECTION:
CONSENT CALENDAR

SUBJECT: EXTENSION OF TOWING SERVICE AGREEMENTS

RECOMMENDATION: That the City Council authorize the City Manager to extend the existing towing services agreements with Certified Towing, Inc.; Dietz Towing, Inc.; Fogelsong Towing and Storage, Inc.; United Road Service, DBA Bill and Wags, Inc.; and Pepe's Towing from July 1, 2020 to the sooner of December 31, 2020 or until the City Council authorizes new towing services agreements with companies identified through the procurement process.


COUNCIL GOALS: Maintain the Current High Level of Public Safety
Operate in a Businesslike Manner

FISCAL IMPACT: None.

BACKGROUND: On April 7, 2015, the City Council executed towing services agreements with Certified Towing, Inc.; Dietz Towing, Inc.; Fogelsong Towing and Storage, Inc.; United Road Service, DBA Bill and Wags, Inc.; and Pepe's Towing Services, Inc. for a period of five years. The agreements were effective April 7, 2015 and were set to expire on April 6, 2020. On March 17, 2020, the City Council approved the extension of the agreements to June 30, 2020 to allow staff to conduct a procurement process for the issuance of new towing services agreements. City Bid #1300 is being rescinded by the City Manager and a new request for proposals will be issued.

The requested extension period will allow staff to conduct a comprehensive public procurement process, including the issuance of a request for proposals, review of submittals, and the issuance of towing services agreements consistent with the Ontario Municipal Code. The requested extension would be effective from July 1, 2020 through December 31, 2020, or until the City Council authorizes new towing services agreements with companies identified through the procurement process, whichever comes first.

STAFF MEMBER PRESENTING: Derek Williams, Chief of Police

Prepared by: Douglas Sorel
Department: Police Department
City Manager Approval: 

Submitted to Council/O.H.A. 07/21/2020
Approved: _____
Continued to: _____
Denied: _____

CITY OF ONTARIO

Agenda Report
July 21, 2020

SECTION:
CONSENT CALENDAR

SUBJECT: AWARD OF AN ARCHITECTURAL DESIGN SERVICES AGREEMENT FOR THE REHABILITATION OF FIRE STATION NO. 1

RECOMMENDATION: That the City Council take the following actions:

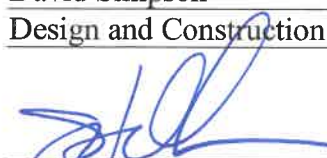
- (A) Authorize the City Manager to execute an Architectural Design Services Agreement with WLC Architects, Inc. of Rancho Cucamonga, California, to provide architectural design and construction administration services for the Rehabilitation of Fire Station No. 1 in the amount of \$629,000;
- (B) Authorize a project reserve in the amount of \$85,000 to cover additional project specific services, if required, to include topographical survey, as-builts drawings of original building, structural evaluation and hazardous material survey; \$20,000 for estimated reimbursable expenses; and a 15% contingency of \$110,100; and
- (C) Authorize the City Manager or his designee to execute any and all documents necessary or desirable to implement this project, including but not limited to, contracts and contract amendments within the authorization limits.

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

FISCAL IMPACT: The Adopted Fiscal Year 2020-21 Budget includes appropriations of \$844,100 from Capital Project Funds for design and construction administration services for the rehabilitation of Fire Station No. 1. The estimated cost for these services is \$844,100 which includes the project reserve, estimated reimbursables, and a 15% contingency to accommodate unforeseen project changes.

BACKGROUND: As part of the City Council's ongoing efforts to maintain a high level of public safety and invest in the City's infrastructure, Fire Station No. 1 was identified as facility in need of renovation. Built in 1960, its current configuration does not easily allow for gender separation, the

STAFF MEMBER PRESENTING: Tito Haes, Executive Director Public Works

Prepared by: David Simpson
Department: Design and Construction
City Manager Approval: 

Submitted to Council/O.H.A. 07/21/2020
Approved: _____
Continued to: _____
Denied: _____

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electrical and plumbing systems are a patchwork of repairs made over the years, and the Heating Ventilation and Air Conditioning (HVAC) system has passed its useful life expectancy and needs replacement.

In December 2019, the City solicited proposals for the design of Fire Station No. 1. Five proposals were received and listed below.

<u>Vendor</u>	<u>Location</u>
WLC Architects, Inc.	Rancho Cucamonga, CA
HMC Architects	Ontario, CA
Leach Mounce Architects	Ventura, CA
Matlock Design Build	Ontario, CA
STK Architecture, Inc.	Temecula, CA

A selection team of City staff reviewed and scored the proposals. Based upon the quality of their proposal, favorable references and past performance on similar projects including Fire Stations 2, 6, and Interim Station No. 9, the selection team recommends WLC Architects, Inc. WLC Architects, Inc. has agreed to a base fee of \$629,000, which is deemed a fair and reasonable fee for the specified scope of work.

WLC's proposal is broken down into phases that cover the entire renovation. City staff can activate or stop construction at any time depending on funding and timing.

As a result, staff recommends approval of an Architectural Design Services Agreement with WLC Architects, Inc.

CITY OF ONTARIO

Agenda Report
July 21, 2020

SECTION:
CONSENT CALENDAR

SUBJECT: AUTHORIZE THE PURCHASE OF FLEET VEHICLES

RECOMMENDATION: That the City Council authorize the cooperative purchase and delivery of eleven Ford Police Interceptor SUVs in the amount of \$409,885 for the Police Department, from National Auto Fleet Group of Watsonville, California, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 120716-NAF.

COUNCIL GOALS: Maintain the Current High Level of Public Safety
Operate in a Businesslike Manner

FISCAL IMPACT: The Fiscal Year 2020-21 Adopted Budget includes appropriations in the amount of \$425,000 for the purchase of the replacement vehicles listed above. The total cost of the vehicles recommended for purchase is \$409,885.

BACKGROUND: The vehicles recommended for replacement in this action have outlived their useful lives, and it is no longer cost effective to maintain them. They are scheduled for replacement pursuant to ongoing efforts to reduce expenses, maximize useful life expectancy and extend replacement cycles of fleet equipment while ensuring safe and reliable operation. This procurement action will result in the replaced vehicles being available to surplus, with any auction sale proceeds returning to the Equipment Services Fund.

In general conformance with the provisions of Government Code Section 54201 through 54204, Ontario Municipal Code Section 2-6.11(b)(3) allows for the purchase of supplies and equipment through cooperative purchasing with another governmental agency. Cooperative purchasing allows the City to pool its procurement power with other public agencies to obtain pricing lower than otherwise might be possible.

Staff recommends the cooperative purchase and delivery of eleven Ford Police Interceptor SUVs in the amount of \$409,885 for the Police Department, from National Auto Fleet Group of

STAFF MEMBER PRESENTING: Tito Haes, Executive Director Public Works

Prepared by: Michael Johnson
Department: Fleet Services

City Manager
Approval: 

Submitted to Council/O.H.A. 07/21/2020

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Continued to: _____

Denied: _____

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Watsonville, California, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 120716-NAF.

CITY OF ONTARIO

Agenda Report
July 21, 2020

SECTION:
CONSENT CALENDAR

SUBJECT: AWARD A CONSTRUCTION CONTRACT FOR THE GROVE TRAIL PROJECT

RECOMMENDATION: That the City Council authorize the City Manager to execute a Construction Contract No. PM 1920-8 (on file in the Records Management Department) with Senitica Construction Inc., of Mira Loma, California, for the construction of the Grove Avenue Trail in the amount of \$478,200 plus a project contingency of \$41,300 for a total authorized amount of \$519,500; and authorize the City Manager to execute said contract; and authorize the filing of a Notice of Completion at the conclusion of all construction activities related to the project.

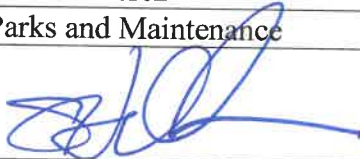
COUNCIL GOALS: Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)
Ensure the Development of a Well Planned, Balanced and Self-Sustaining Community in Ontario Ranch

FISCAL IMPACT: The estimated construction cost for The Grove Avenue Trail Project is \$519,500 (including a contingency of \$41,300 for unforeseen construction that might be needed due to extraordinary circumstances). The Fiscal Year (FY) 2019-20 Budget included appropriations of \$13,667 in the Gas Tax Fund and \$505,833 in General Fund Grants, which will be included as carryforwards in FY 2020-21 First Quarter Budget Update to the City Council.

BACKGROUND: The proposed Grove Avenue Trail Project will install a 10-foot-wide two-way bike path between Nocta Street and D Street through Galanis Park. The improvements include an asphalt two-line striped bike path, with crosswalks along D Street and Nocta Street, lighting, signage and amenities.

In May 2020, the City solicited bids for construction services for the Grove Avenue Trail Project. Ten bids were received with Senitica Construction, Inc. the apparent low bidder. The bid results are as follows.

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. 07/21/2020
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<u>Vendor</u>	<u>Location</u>	<u>Amount</u>
Senitica Construction Inc.	Mira Loma, CA	\$478,200
Gentry General Eng.	Rancho Cucamonga, CA	\$492,420
California Landscape Design	Upland, CA	\$538,000
Mariposa Landscape Inc.	Irwindale, CA	\$545,965
CS Legacy Construction	Chino, CA	\$550,049
H2M Construction Inc.	Montclair, CA	\$576,000
DD Systems Inc.	Glendora, CA	\$579,630
Horizons Construction	Anaheim, CA	\$607,000
SJD&B Inc.	Rancho Cucamonga, CA	\$713,500

Senitica Construction, Inc. located in Mira Loma, California, submitted the lowest bid that met all the required specifications with a base cost of \$478,200. Based on their bid, credentials, pricing and favorable reference checks, staff recommends award of a Construction Contract to Senitica Construction, Inc.

CITY OF ONTARIO

Agenda Report
July 21, 2020

SECTION:
CONSENT CALENDAR

SUBJECT: AWARD OF BID FOR PROCUREMENT OF ASPHALT, CONCRETE AND AGGREGATE MATERIALS

RECOMMENDATION: That the City Council authorize the City Manager to approve the procurement of concrete, asphalt and aggregate materials for a period of one year at set pricing per Bid Invitation #1316 with All American Asphalt of Corona, California; Vulcan of Irwindale, California; CEMEX of Ontario, California; and Ultimate Recycle, LLC of Monrovia in total amounts consistent with City Council approved budgets; and authorize the option to execute any necessary agreements and related documents for delivery services.

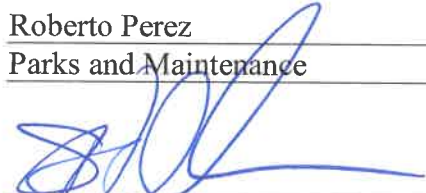
**COUNCIL GOALS: Focus Resources in Ontario's Commercial and Residential Neighborhoods
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains, and Public Facilities)**

FISCAL IMPACT: The Fiscal Year 2020-21 Adopted Operating Budget includes appropriations of \$106,687 from the General Fund, \$1,151,475 from The Gas Tax Fund, and \$290,000 from the Water Operating Fund for a total of \$1,548,162 related to the purchase of asphalt, concrete and aggregate materials for street overlay and sidewalk repairs and maintenance work. The suppliers will be compensated for materials ordered for the City's projects and programs on an as-needed basis, based upon the fee structures and material billing rates set forth in the respective one-year purchasing agreements.

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

In June 2020, the City solicited bids for concrete, asphalt and aggregate materials. The City received four responses which met all the required specifications: All American Asphalt, Vulcan Materials Co., Ultimate Recycle, LLC and CEMEX. Based on the bid responses, credentials, pricing, favorable product availability and service, staff recommends the award to each of the suppliers.

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. 07/21/2020
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Denied: _____

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Purchasing from multiple suppliers is recommended in order to give the City the flexibility required to ensure the quality and timeliness of materials. The agreements are structured so that other City departments can also purchase these types of materials on an as-needed basis for their projects. The selected suppliers possess the knowledge, qualifications and experience needed to meet all federal and state requirements.

CITY OF ONTARIO

Agenda Report
July 21, 2020

SECTION:
CONSENT CALENDAR

SUBJECT: AN AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT FOR AS NEEDED CONTRACT PROFESSIONAL ENGINEERING STAFFING SERVICES

RECOMMENDATION: That the City Council authorize the City Manager to execute Amendment No. 5 (on file in the Records Management Department) to a professional services agreement with Project Partners, Inc. of Laguna Hills, California, in the amount of \$170,000; and extend the contract term to June 30, 2021.


COUNCIL GOALS: 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 recommended amendment will add \$170,000 to the current contract amount of \$940,000, bringing the authorized total contract amount to \$1,110,000 and will extend the current term by one year through June 30, 2021 for a total term of five years.

Project Partners will be compensated for required on-call services as-needed over the next year. Based upon the fixed billing rates set forth in the revised "Standard Rate Schedule". The Adopted Fiscal Year 2020-21 Water and Sewer Capital Program Budgets include appropriations for these services. There is no impact to the General Fund.

BACKGROUND: The City's Water and Sewer Master Plans recommend numerous capital improvement projects to maintain water and sewer service reliability to the community. The City's sewer system includes approximately 407 miles of pipeline, about 35% of which is more than 50 years old. Similarly, the City's water system includes approximately 582 miles of pipeline, about 22% of which is more than 50 years old. Replacement and maintenance of these aging and undersized facilities is a part of the City's ongoing capital improvement program to maintain the reliability of water and sewer service to the residents and businesses of the City of Ontario.

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

Prepared by: Omar Gonzalez
Department: MU/Engineering
City Manager Approval: 

Submitted to Council/O.H.A. 07/21/2020
Approved: _____
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Denied: _____

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Additionally, the City participates in regional and state-wide efforts related to water resources. The City obtains the majority of its water resources from the Chino Groundwater Basin (Basin). The Basin was adjudicated in 1978 (Superior Court Case RCV 51010) which allocated shares of the Basin safe operating yield. The City's Basin rights are less than its total water demand, and the City has developed supplemental and redundant supplies through investment in local groundwater rights, imported water, Chino Basin Desalter water, recycled water purchased from the Inland Empire Utilities Agency, and recharged recycled water.

In order to facilitate the ongoing workload associated with the capital improvement program, the City has been using Project Partners to provide on-call contract professional engineering staffing services since 2016. Amendment No. 5 will extend these services and add a "Water Resources Specialist" in the revised rate schedule to support ongoing regional water and sewer related matters critical to preserving and managing Ontario's utility resources and services to the community.

CITY OF ONTARIO

Agenda Report
July 21, 2020

SECTION:
CONSENT CALENDAR

SUBJECT: ON-CALL SERVICES FOR WATER DISTRIBUTION AND SEWAGE COLLECTIONS SYSTEM REPAIRS

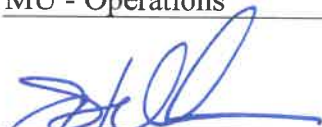
RECOMMENDATION: That the City Council award an on-call Maintenance Services Contract (on file in the Records Management Department) to T.E. Roberts, Inc. of Orange, California, for water distribution and sewage collections system repairs in the amount of \$1,200,000 for Fiscal Year 2020-21; authorize the option to extend the agreement for up to four additional one-year periods consistent with City Council approved budgets; and authorize the City Manager to execute said contract.

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

FISCAL IMPACT: The Adopted Fiscal Year 2020-21 Budget includes \$1,200,000 (\$800,000 from the Water Operating Fund and \$400,000 from the Sewer Operating Fund) for these services. The agreement includes an option to extend the agreement for up to four successive one-year periods consistent with City Council approved work programs and budgets. Actual expenditures will be based on work completed at established contract rates. Prices for the first year are fixed through the end of June 2021. Price changes after the first year will be negotiated annually and will not exceed 3%. There is no impact to the General Fund.

BACKGROUND: The City water distribution and sewer collection systems have over 950 miles of pipelines that are currently maintained by city staff. At times, the amount of work required to maintain the system exceeds staff's availability. This annual contract will assist staff with the planned maintenance and emergency repairs on an as-needed basis. The additional resources will enable the City to complete scheduled maintenance, as well as assist during emergency repairs due to sudden and unexpected system failures.

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

Prepared by: Andy Marquez
Department: MU - Operations
City Manager Approval: 

Submitted to Council/O.H.A. 07/21/2020
Approved: _____
Continued to: _____
Denied: _____

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In May of 2020, the City solicited new bids for this project. The following six (6) bids were received.

<u>COMPANY</u>	<u>LOCATION</u>	<u>AMOUNT</u>
T.E. Roberts, Inc.	Orange, CA	\$2,533,975
Ferreira Coastal Construction Company	Rancho Cucamonga, CA	\$3,870,120
TK Construction	San Bernardino, CA	\$4,289,665
Dominguez General Engineering, Inc	Pomona, CA	\$5,477,250
Paulus Engineering, Inc	Anaheim, CA	\$6,882,673
Norstar Plumbing & Engineering, Inc.	Alta Loma, CA	\$7,379,155

Staff recommends contract award to T.E. Roberts, Inc. since they have performed this type of work previously, have the ability to perform the work in a timely manner and have the necessary expertise in water distribution and sewer system repairs.

CITY OF ONTARIO

Agenda Report
July 21, 2020

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION DIRECTING FURTHER CONSIDERATION OF THE PLANNING COMMISSION DECISION TO APPROVE A DEVELOPMENT PLAN (FILE NO. PDEV18-022) TO CONSTRUCT A 6,870 SQUARE-FOOT INDUSTRIAL BUILDING AND A CONDITIONAL USE PERMIT (FILE NO. PCUP18-021) TO ESTABLISH AND OPERATE A TOWING SERVICE BUSINESS ON 3.1 ACRES OF LAND LOCATED AT 580 EAST BELMONT STREET WITHIN THE IL (LIGHT INDUSTRIAL) ZONING DISTRICT (APNS: 1049-491-01, 1049-491-02, AND 1049-491-03)

RECOMMENDATION: That the City Council adopt a resolution directing File Nos. PDEV18-022 and PCUP18-021 to the Planning Commission for further review and consideration.

COUNCIL GOALS: Invest in the Growth and Evolution of the City's Economy
Operate in a Businesslike Manner
Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: None.

BACKGROUND: On July 7, 2020, the City Council conducted a public hearing to consider an appeal of the Planning Commission's decision to approve a tow yard facility at the southeast corner of Belmont Street and Sultana Avenue. During the public hearing, new information was entered into the record not provided at and/or contradictory to information provided to the Planning Commission at their public hearing. As a result of this new information, the City Council determined the appropriate course of action is (1) for the applicant to update and refile their application with corrected information and (2) refer the item back to the Planning Commission for their review and consideration.

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

Prepared by: Scott Murphy
Department: Development
City Manager Approval: 

Submitted to Council/O.H.A. 07/21/2020
Approved: _____
Continued to: _____
Denied: _____

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DIRECTING FURTHER CONSIDERATION OF THE PLANNING COMMISSION DECISION TO APPROVE A DEVELOPMENT PLAN (FILE NO. PDEV18-022) TO CONSTRUCT A 6,870 SQUARE-FOOT INDUSTRIAL BUILDING AND A CONDITIONAL USE PERMIT (FILE NO. PCUP18-021) TO ESTABLISH AND OPERATE A TOWING SERVICE BUSINESS ON 3.1 ACRES OF LAND LOCATED AT 580 EAST BELMONT STREET WITHIN THE IL (LIGHT INDUSTRIAL) ZONING DISTRICT (APNS: 1049-491-01, 1049-491-02, AND 1049-491-03).

WHEREAS, on June 21, 2018, Four Sisters Enterprises, LLC (“Applicant”) filed an application for Development Plan (File No. PDEV18-022) approval to construct a 6,870 square-foot industrial building and Conditional Use Permit (File No. PCUP18-021), to establish and operate a towing service business on 3.1 acres of land located at 580 East Belmont Street; and

WHEREAS, on May 26, 2020, the Planning Commission conducted a public hearing to consider the application and, following receipt of a staff presentation and public correspondence and testimony, the Planning Commission approved the application adopting Resolution Nos. PC20-023 and PC20-024; and

WHEREAS, on June 5, 2020, Daniela Ortega (“Appellant”) filed an appeal of the Planning Commission’s decision to City Council, requesting that City Council overturn the decision of the Planning Commission to approve the application and thereby deny the application; and

WHEREAS, upon notice duly given, a public hearing on the appeal was held by the City Council of the City of Ontario, California, on July 7, 2020, at which time the City Council was presented with and received a report from City staff, as well as testimony and evidence from representatives of the Applicant, Appellant, and all other interested persons appearing in the matter; and

WHEREAS, the City Council has evaluated the information and finds based on statements made by the Applicant at the public hearing that the application contains erroneous statements related to the proposed business’s hours of operation and types of vehicles operated by the towing service business; and

WHEREAS, the hours of operation of the proposed towing service business and types of vehicles operated by the towing service business are necessary to determine whether the proposed project will be detrimental to the public health, safety or general welfare because of the nature of the operation and proximity to residential dwellings; and

WHEREAS, the City Council desires that the Planning Commission further consider the application in light of the new information provided by the Applicant regarding the hours of operation of the proposed towing service business and types of vehicles operated by the towing service business; and

WHEREAS, the City Council desires that interested members of the public have an opportunity to provide evidence and testimony in light of the new information provided by the Applicant regarding the hours of operation of the proposed towing service business and types of vehicles operated by the towing service business; and

WHEREAS, the City Council desires that the Applicant have a fair opportunity to make any necessary amendments or corrections to the application to ensure that the application accurately describes the proposed project, including the hours of operation of the proposed towing service business and types of vehicles operated by the towing service business; and

WHEREAS, the City Council directed the City Manager and City Attorney to prepare this Resolution to formalize City Council action taken at the conclusion of the public hearing on July 7, 2020, and this Resolution is adopted for that purpose and reflects the unanimous action of the City Council in rendering a decision on this matter following the public hearing.

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

SECTION 1. That the Applicant be given the opportunity to amend and correct the application prior to further consideration by the Planning Commission.

SECTION 2. That the City Manager or his designee provide opportunities for all persons interested in the application to review the update information prior to further consideration by the Planning Commission. The City Manager or his designee shall ensure that reasonable notice of the community meeting is provided in both English and Spanish.

SECTION 3. That the Planning Commission is directed to further consider the application for Development Plan (File No. PDEV18-022) for approval to construct a 6,870 square-foot industrial building and Conditional Use Permit (File No. PCUP18-021), to establish and operate a towing service business on 3.1 acres of land located at 580 East Belmont Street.

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

PASSED, APPROVED, AND ADOPTED this 21st day of July 2020.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

COLE HUBER, 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. 2020- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 21, 2020 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. 2020- duly passed and adopted by the Ontario City Council at their regular meeting held July 21, 2020.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
July 21, 2020

SECTION:
PUBLIC HEARINGS

SUBJECT: ANNUAL LEVY OF ASSESSMENTS WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NOS. 1, 2, 3 AND 4 FOR FISCAL YEAR 2020-21

RECOMMENDATION: That the City Council conduct a combined public hearing for the districts and take the following actions pertaining to the levy of assessments within Ontario Parkway Maintenance Assessment Districts (OPMAD) Nos. 1, 2, 3 and 4 and consider:

- (A) Adopting a resolution approving the Engineer's Reports relating to the levy of assessments for each district;
- (B) Adopting a resolution confirming the diagrams and assessments and providing for the assessment levy within Ontario Parkway Maintenance Assessment Districts Nos. 1, 2, & 3; and
- (C) Adopting a resolution confirming the diagram and assessment and providing for the assessment levy within Ontario Parkway Maintenance Assessment District No. 4.

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

FISCAL IMPACT: As proposed, special assessment revenue will be generated in the amount of \$285,616 from OPMAD Nos. 1, 2 and 3, and \$339,006 from OPMAD No. 4 during Fiscal Year 2020-21. The total cost of \$607,398 for operation and maintenance within OPMAD Nos. 1, 2 and 3 will exceed the assessment revenues by \$321,781. The differential of \$321,781 will be funded by the General Fund. The General Fund portion is included in the City's Adopted Fiscal Year 2020-21 Operating Budget. The total proposed special assessment for OPMAD No. 4 is sufficient to pay all expenses within this service area.

STAFF MEMBER PRESENTING: Armen Harkalyan, Executive Director of Finance

Prepared by: Jason M. Jacobsen
Department: Investments & Revenue Resources

City Manager Approval: 

Submitted to Council/O.H.A. 07/21/2020

Approved: _____

Continued to: _____

Denied: _____

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BACKGROUND: The first of these districts was formed in 1976 pursuant to the Landscaping and Lighting Act of 1972 (the “1972 Act”). Additional territories are annexed to the districts from time to time as development proceeds. The districts were formed to help minimize the continually increasing cost of maintaining and operating the landscaping along public streets where the property owners do not have direct access to the landscaping. A special assessment is levied annually on benefiting properties for the cost of operation and maintenance of certain parkway landscaping facilities within the districts. The City’s Public Works Agency establishes the annual operation and maintenance costs and administers the maintenance of the landscaping. Annually, an Engineer’s Report for each district must be prepared which apportions these costs to each parcel within the districts. The locations of the districts are shown on the provided maps.

OPMAD Nos. 1, 2, and 3 are comprised of single-family residential developments. Due to varying characteristics, the districts are organized into benefit zones and/or maintenance areas. Each zone/maintenance area is assessed for only the operation and maintenance of the facilities from which it receives special direct benefit. The total assessment for each maintenance area is then apportioned to its constituent parcels.

Special assessment revenue will be generated in the combined amount of \$285,616 from OPMAD Nos. 1, 2 and 3. The assessed tax rates for Fiscal Year 2019-20, and the maximum and proposed tax rates for Fiscal Year 2020-21, are as follows:

	Prior Year FY 2019-20	Maximum FY 2020-21	Proposed FY 2020-21
OPMAD No. 1	\$ 66.32 per Lot	\$ 66.32 per Lot	\$ 66.32 per Lot
OPMAD No. 2	\$ 34.04 per Lot	\$ 34.04 per Lot	\$ 34.04 per Lot
OPMAD No. 3, Zone 2000-1	\$ 41.29 per Lot	\$ 41.29 per Lot	\$ 41.29 per Lot
OPMAD No. 3, Zone 2000-2	\$ 186.38 per Lot	\$ 240.27 per Lot	\$ 186.38 per Lot

OPMAD No. 4 is comprised of single-family residential tracts and the Ontario Mills development area. The district is organized into 6 Maintenance Areas (MAs). Each maintenance area is assessed for only the operation and maintenance of the facilities from which it receives direct special benefit. The total assessment for each maintenance area is then apportioned to its constituent parcels.

The assessments for OPMAD No. 4 will generate a total of \$339,006. OPMAD No. 4 will generate sufficient revenue to pay all expenses within the service area. The assessed tax rates for Fiscal Year 2019-20, and the maximum and proposed tax rates for Fiscal Year 2020-21, are as follows:

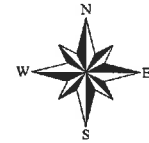
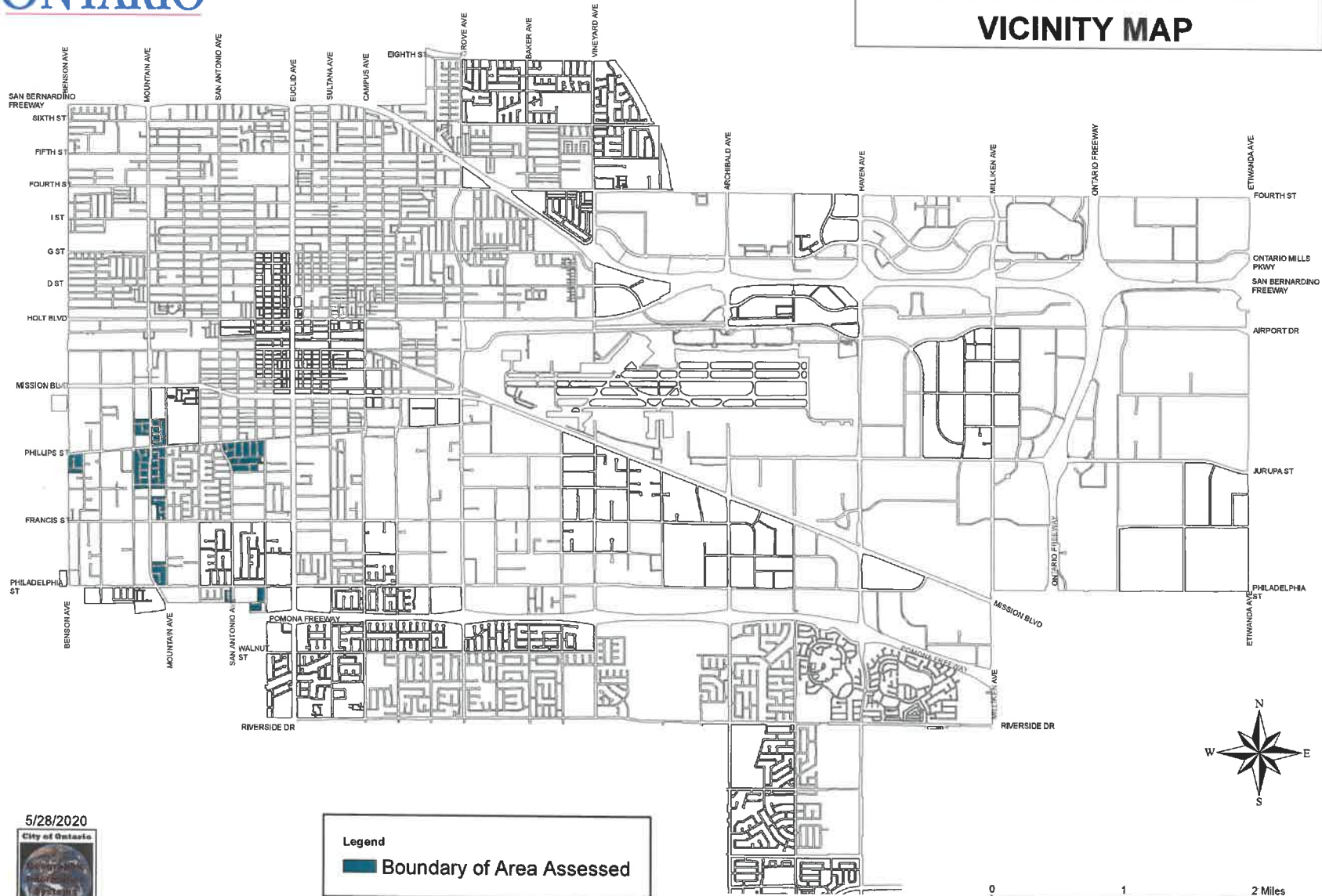
	Prior Year FY 2019-20	Maximum FY 2020-21	Proposed FY 2020-21
MA# 99-1	\$ 55.65 per Lot	\$ 58.65 per Lot	\$ 55.65 per Lot
MA# 99-2	\$ 352.00 per Lot	\$ 368.79 per Lot	\$ 362.55 per Lot
MA# 99-3	\$ 1,093.77 per Acre	\$ 1,324.21 per Acre	\$ 1,126.58 per Acre
MA# 00-1	\$ 264.84 per Lot	\$ 363.20 per Lot	\$ 264.84 per Lot
MA# 04-1	\$ 1,065.26 per Lot	\$ 2,313.51 per Lot	\$ 1,065.26 per Lot
MA# 05-1	\$ 1,463.53 per Lot	\$ 2,867.72 per Lot	\$ 1,463.53 per Lot

On June 16, 2020, the City Council adopted resolutions which ordered the preparation of Engineer's Reports for the annual levy of assessments within each district, preliminarily approved the Engineer's Reports, declared Council's intention to levy and collect assessments within the districts for the referenced fiscal year, and set July 21, 2020 as the date for the public hearing for each district. Notices of the public hearings have been published, and proof of publication is on file in the Records Management Department.

The Engineer's Reports, which have been prepared for each district pursuant to the 1972 Act, are on file in the Records Management Department. Each report includes plans and specifications for the improvements and maintenance, an estimate of costs, a diagram of the area proposed to be assessed, and an assessment of the costs to the various parcels within each District.



Ontario Parkway Maintenance Assessment District No. 1 VICINITY MAP



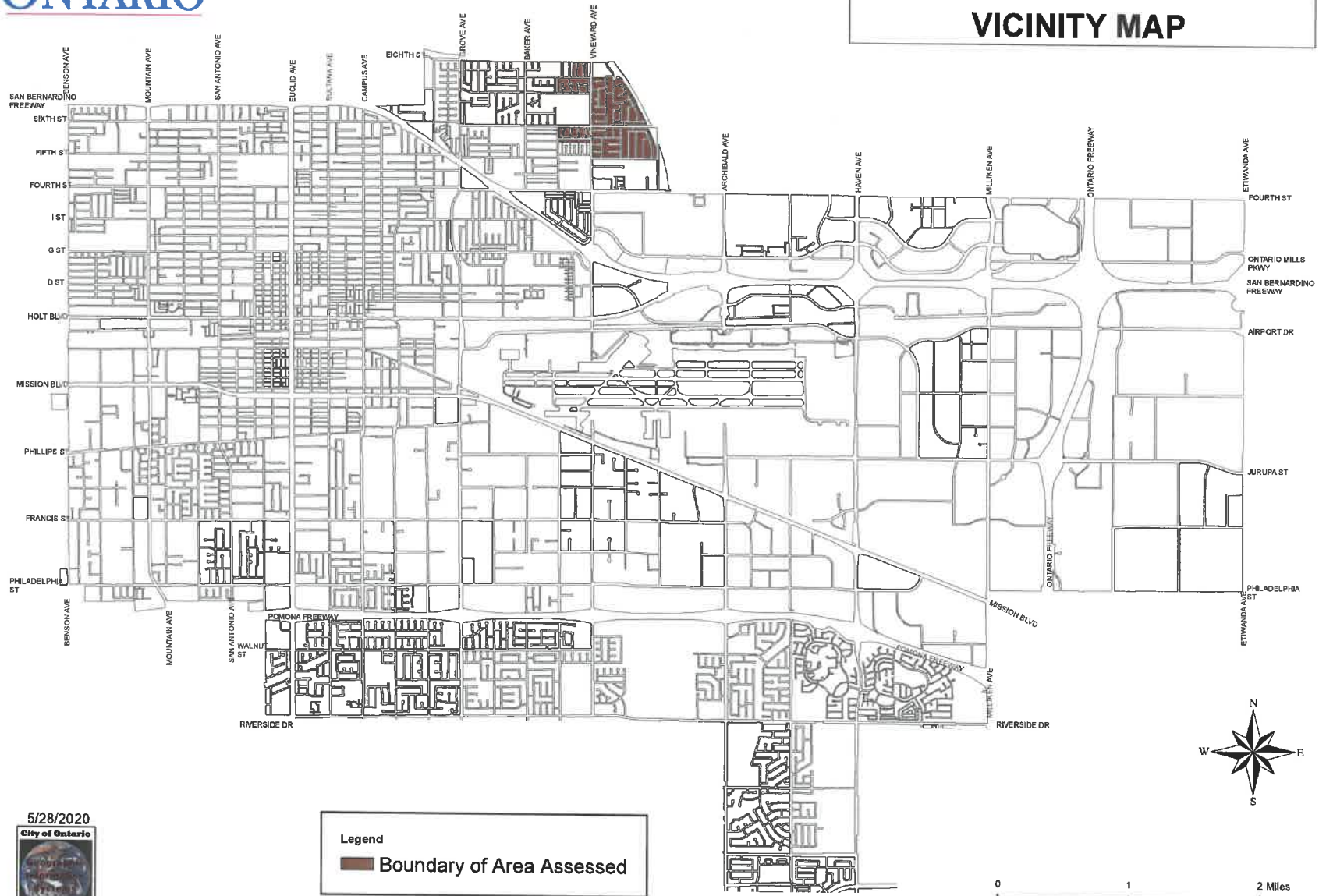
Legend
■ Boundary of Area Assessed

5/28/2020
City of Ontario

D:\workspace\mca\Admin\Site\Change\CP\MAD_1_vicinity.mxd



Ontario Parkway Maintenance Assessment District No. 2 VICINITY MAP



U:\GIS\workspace\Assessment\City of Ontario\SPMA2_2_Vicinity.mxd

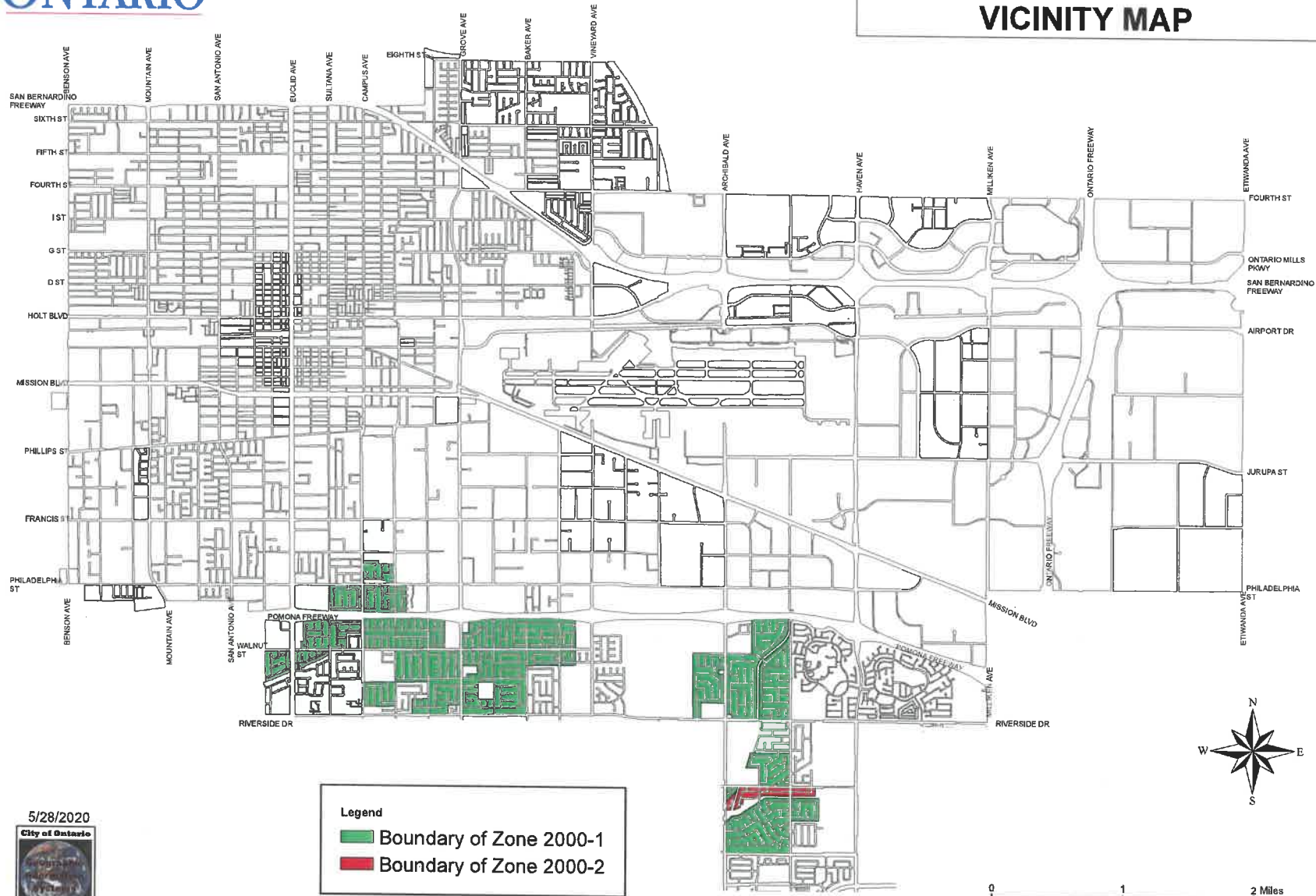


Legend
■ Boundary of Area Assessed





Ontario Parkway Maintenance Assessment District No. 3 VICINITY MAP



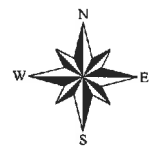
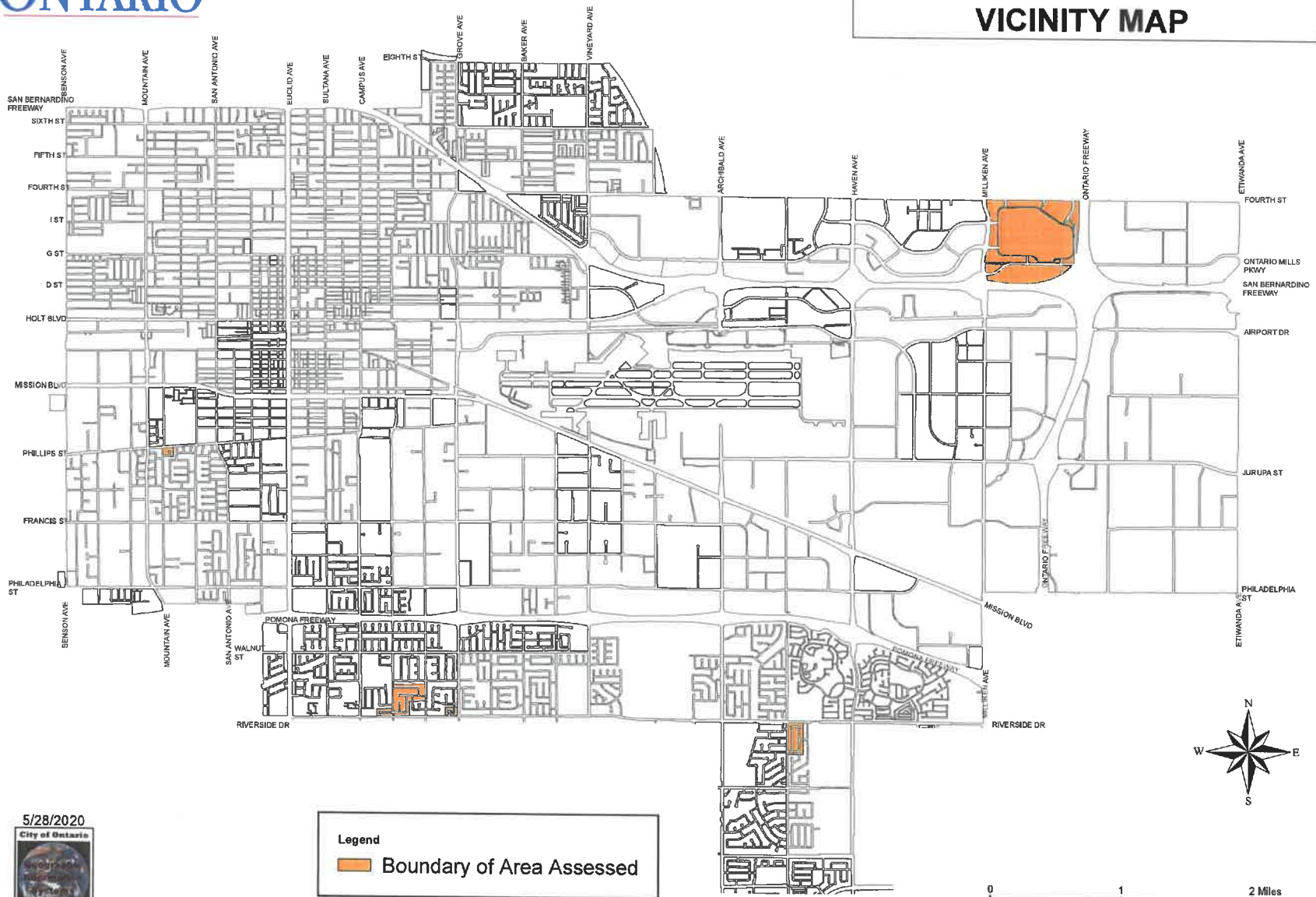
Legend

- Boundary of Zone 2000-1
- Boundary of Zone 2000-2






Ontario Parkway Maintenance Assessment District No. 4 VICINITY MAP



Legend

 Boundary of Area Assessed

5/28/2020
City of Ontario



D:\user\mca\Admin\Swcs\A\Change\OP\MAD_4_vicinity.mxd

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE ENGINEER'S REPORTS FOR THE ANNUAL LEVY OF ASSESSMENTS WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2, 3 AND 4 FOR FISCAL YEAR 2020-21.

WHEREAS, the City Council of the City of Ontario, California, pursuant to the provisions of the "Landscaping and Lighting Act of 1972," being Division 15, Part 2, of the Streets and Highways Code of the State of California, did, by previous Resolution, order the preparation of Engineer's Reports for the annual levy of assessments, consisting of plans and specifications, cost estimates, diagrams of the districts, and the assessment relating to what are now known and designated as

CITY OF ONTARIO
PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2, 3 and 4

(hereinafter referred to as the Districts); and

WHEREAS, there have now been presented to this City Council the Reports as required by said Division 15 of the Streets and Highways Code and as previously directed by Resolution; and

WHEREAS, this City Council has approved on a preliminary basis the Reports by a previous Resolution, and ordered the Reports to be filed in the Records Management Department to be open to public inspection; and

WHEREAS, this City Council has now examined and reviewed the Reports as presented, and is satisfied with each and all of the items and documents as set forth therein, and is satisfied that the assessments have been spread in accordance with the benefits received from the maintenance to be performed as set forth in said Reports.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. That the above recitals are all true and correct.

SECTION 2. That the Reports as presented, consisting of the following:

- A. Plans and Specifications,
- B. Estimates of cost,
- C. Diagrams of the Districts, and
- D. Assessment of the estimated cost

Are hereby approved and are ordered to be filed in the Records Management Department, as a permanent record and to remain open to public inspection.

SECTION 3. That the City Clerk shall certify the passage and adoption of this Resolution, and the minutes of this meeting shall so reflect the presentation of the Engineer's Reports.

PASSED, APPROVED, AND ADOPTED this 21st day of July 2020.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

COLE HUBER, 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. 2020- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 21, 2020 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. 2020- duly passed and adopted by the Ontario City Council at their regular meeting held July 21, 2020.

SHEILA MAUTZ, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CONFIRMING THE DIAGRAMS AND ASSESSMENTS, AND PROVIDING FOR THE ANNUAL ASSESSMENT LEVY WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2 AND 3 FOR FISCAL YEAR 2020-21.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings for the annual levy of assessments in special maintenance districts pursuant to the terms and provisions of the "Landscaping and Lighting Act of 1972," being Division 15, Part 2, of the Streets and Highways Code of the State of California in what is known and designated as

CITY OF ONTARIO
PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2 AND 3

(hereinafter referred to as the Districts); and

WHEREAS, the City Council has ordered the preparation of the Engineer's Reports, and the Engineer's Reports have been prepared and filed with this City Council pursuant to law for its consideration, and subsequently thereto this City Council did adopt its Resolution of Intention to levy and collect assessments for the referenced fiscal year relating to the above referenced Districts, and further did proceed to give notice of the time and place for a Public Hearing on all matters relating to said annual levy of the proposed assessments; and

WHEREAS, at this time this City Council has heard all testimony and evidence and is desirous of proceeding with said annual levy of assessments.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. That the above recitals are all true and correct.

SECTION 2. That upon the conclusion of the Public Hearing, written protests filed and not withdrawn are hereby overruled and denied.

SECTION 3. That the estimates of costs, the assessment diagrams, the assessments and all other matters, as set forth in the Engineer's Reports pursuant to said "Landscaping and Lighting Act of 1972," as submitted, are hereby approved, adopted by this City Council, and hereby confirmed.

SECTION 4. That this City Council hereby confirms and orders the annual levy of the assessments for the referenced fiscal year in the amounts as set forth in the Engineer's Reports, and as referred to in the Resolution of Intention as previously adopted relating to said annual assessment levy.

SECTION 5. That the adoption of this Resolution constitutes the levy of the assessments for the referenced fiscal year.

SECTION 6. That the maintenance work of improvements contemplated by the Resolution of Intention shall be performed pursuant to law.

SECTION 7. That the County Auditor shall enter on the County Assessment Roll the amount of the Assessment and said Assessment shall then be collected at the same time and in the same manner as the County taxes are collected. After collection by said County, the net amount of the assessment shall be paid to the City Treasurer of said City.

SECTION 8. That the City Treasurer has previously established a special fund into which the City Treasurer shall place all monies collected by the Tax Collector pursuant to the provisions of the Resolution and the law, and said transfer shall be made and accomplished as soon as said monies have been made available to said City Treasurer.

SECTION 9. That the City Manager is hereby ordered and directed to file, or cause to be filed, the assessment roll with the County Auditor, together with a certified copy of this Resolution upon its adoption.

SECTION 10. That a certified copy of the assessments and diagrams shall be filed in the Office of the City Manager, with a duplicate copy on file in the Records Management Department and open for public inspection.

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

PASSED, APPROVED, AND ADOPTED this 21st day of July 2020.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

COLE HUBER, 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. 2020- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 21, 2020 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. 2020- duly passed and adopted by the Ontario City Council at their regular meeting held July 21, 2020.

SHEILA MAUTZ, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT AND PROVIDING FOR THE ANNUAL ASSESSMENT LEVY WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICT NO. 4 FOR FISCAL YEAR 2020-21.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings for the levy of the annual assessment in a special maintenance district created pursuant to the terms of the "Landscaping and Lighting Act of 1972", being Division 15, Part 2 of the Streets and Highways Code of the State of California (the "Landscaping Act"), Article XIID of the Constitution of the State of California ("Article XIID") and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following) (the "Implementation Act") (the Landscaping Act, Article XIID and the Implementation Act may be referred to collectively herein as the "Assessment Law"), in a special maintenance district known and designated as

CITY OF ONTARIO
PARKWAY MAINTENANCE ASSESSMENT DISTRICT NO. 4

(hereinafter referred to as the "District"); and

WHEREAS, the City Council has ordered the preparation of an Engineer's Report, and such a report (the "Assessment Engineer's Report") has been prepared and filed with this City Council for its consideration pursuant to Assessment Law, and subsequently thereto this City Council did adopt its Resolution of Intention to levy and collect assessments for the referenced fiscal year relating to the above-referenced District, and further did proceed to give notice of the time and place for the Public Hearing on all matters relating to said annual levy of the proposed assessment; and

WHEREAS, at this time this City Council has heard all testimony and evidence and is desirous of proceeding with said annual levy of assessments.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. That the above recitals are all true and correct.

SECTION 2. That upon the conclusion of the Public Hearing, written protests filed and not withdrawn are hereby overruled and denied.

SECTION 3. That based upon the Assessment Engineer's Report and the testimony and other evidence presented at the public hearing, the City Council hereby makes the following determinations regarding the assessments proposed to be imposed for the referenced Fiscal Year:

- A. The proportionate special benefit derived by each individual parcel assessed has been determined in relationship to the entirety of the cost of the operations and maintenance expenses.
- B. The assessments do not exceed the reasonable cost of the proportional special benefit conferred on each parcel.
- C. Only the special benefits have been assessed.
- D. There are no publicly owned parcels within the District.
- E. The assessments do not exceed the maximum annual assessments previously authorized to be levied pursuant to the Assessment Law.

The estimates of costs, the assessment diagram, the assessments and all other matters, as set forth in the Assessment Engineer's Report pursuant to the Assessment Law as submitted, are hereby approved, adopted by this City Council, and hereby confirmed.

SECTION 4. That this City Council hereby confirms and orders the annual levy of the assessments for the referenced fiscal year in the amounts as set forth in the Assessment Engineer's Report, and as referred to in the Resolution of Intention as previously adopted relating to said annual assessment levy.

SECTION 5. That the adoption of this Resolution constitutes the levy of the assessments for the fiscal year.

SECTION 6. That the maintenance work of improvements contemplated by the Resolution of Intention shall be performed pursuant to law.

SECTION 7. That the County Auditor shall enter on the County Assessment Roll the amount of the Assessment and said Assessment shall then be collected at the same time and in the same manner as the County taxes are collected. After collection by said County, the net amount of the assessment shall be paid to the City Treasurer of said City.

SECTION 8. That the City Treasurer has previously established a special fund into which the City Treasurer shall place all monies collected by the Tax Collector pursuant to the provisions of the Resolution and the law, and said transfer shall be made and accomplished as soon as said monies have been made available to said City Treasurer.

SECTION 9. That the City Manager is hereby ordered and directed to file, or cause to be filed, the assessment roll with the County Auditor, together with a certified copy of this Resolution upon its adoption.

SECTION 10. That a certified copy of the assessment and diagram shall be filed in the Office of the City Manager, with a duplicate copy on file in the Records Management Department and open for public inspection.

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

PASSED, APPROVED, AND ADOPTED this 21st day of July 2020.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

COLE HUBER, 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. 2020- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 21, 2020 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. 2020- duly passed and adopted by the Ontario City Council at their regular meeting held July 21, 2020.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
July 21, 2020

SECTION:
PUBLIC HEARINGS

SUBJECT: ANNUAL LEVY OF ASSESSMENTS WITHIN STREET LIGHTING MAINTENANCE DISTRICTS NO. 1 AND 2 FOR FISCAL YEAR 2020-21

RECOMMENDATION: That the City Council conduct a combined public hearing for the districts and take the following actions pertaining to the levy of assessments within Street Lighting Maintenance Districts (SLMD) Nos. 1 and 2 and consider:

- (A) Adopting a resolution approving the Engineer's Reports relating to the levy of assessments for each district;
- (B) Adopting a resolution confirming the diagram and assessment and providing for the assessment levy within Street Lighting Maintenance District 1; and
- (C) Adopting a resolution confirming the diagram and assessment and providing for the assessment levy within Street Lighting Maintenance District 2.

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

FISCAL IMPACT: As proposed, special assessment revenue will be generated in the amount of \$300,045 from SLMD No. 1 and \$92,752 from SLMD No. 2 during Fiscal Year 2020-21. A portion of the facilities within SLMD No. 1 provide general benefit to the public at large and cannot be funded with the assessment. The general benefit amount of \$7,986 will be funded by the General Fund and is included in the City's Adopted Fiscal Year 2020-21 Operating Budget.

BACKGROUND: Street Lighting Maintenance District No. 1 was formed in 1984, and Street Lighting Maintenance District No. 2 was formed in 1999, pursuant to the Landscaping and Lighting Act of 1972 (the "1972 Act"), to help minimize the continually increasing cost for maintaining and operating the City's street lighting system. A special assessment is levied annually on benefiting properties for the

STAFF MEMBER PRESENTING: Armen Harkalyan, Executive Director of Finance

Prepared by: Jason M. Jacobsen,
Department: Investments & Revenue Resources

City Manager
Approval:



Submitted to Council/O.H.A.

07/21/2020

Approved:

Continued to:

Denied:

23

cost of maintenance and operation of certain street lighting facilities within the districts. The locations of the districts are shown on the provided maps.

The City's Public Works Agency establishes the annual maintenance costs and maintains the street lighting system. An Engineer's Report for each district must be prepared annually, apportioning the costs to each parcel within the districts. The districts are comprised of commercial, industrial and some multi-family residential properties. Due to varying characteristics, the districts are organized into benefit zones and/or maintenance areas. Each zone/maintenance area is assessed for only the operation and maintenance of the facilities from which it receives direct special benefit. The total assessment for each zone/maintenance area is then apportioned to its constituent parcels. Therefore, the assessments are unique and specific to each individual parcel of property.

The total assessment during tax year 2019-20 was \$422,888 in SLMD No. 1, and \$102,365 in SLMD No. 2. The City's proposed Fiscal Year 2020-21 levy for the two Street Light maintenance districts is based on the previous year's actual expenses. The proposed total assessments for tax year 2020-21 are \$300,045 in SLMD No. 1, and \$92,752 in SLMD No. 2. A portion of the facilities within SLMD No. 1 provide general benefit to the public at large and cannot be funded with the assessment. The amount of this general benefit is \$7,986 for Fiscal Year 2020-21. The assessed tax rates for Fiscal Year 2019-20, and the maximum and proposed tax rates for Fiscal Year 2020-21, are as follows:

		Prior Year FY 2019-20	Maximum FY 2020-21	Proposed FY 2020-21
SLMD No. 1, Zone 2000-1	per AU	\$ 147	\$ 155	\$ 103
SLMD No. 1, Zone 2000-2	per AU	\$ 74	\$ 127	\$ 60
SLMD No. 2, MA# 99-1		\$ 4,551	\$ 11,076	\$ 4,242
SLMD No. 2, MA# 99-2		\$ 2,351	\$ 5,508	\$ 2,261
SLMD No. 2, MA# 99-3		\$ 4,697	\$ 9,178	\$ 4,523
SLMD No. 2, MA# 99-4		\$ 1,573	\$ 3,676	\$ 1,508
SLMD No. 2, MA# 99-5		\$ 1,436	\$ 3,446	\$ 1,247
SLMD No. 2, MA# 99-6		\$ 14,065	\$ 32,166	\$ 12,213
SLMD No. 2, MA# 99-7		\$ 422	\$ 995	\$ 409
SLMD No. 2, MA# 99-8		\$ 3,135	\$ 7,343	\$ 3,016
SLMD No. 2, MA# 00-1		\$ 3,000	\$ 3,379	\$ 2,755
SLMD No. 2, MA# 00-2		\$ 1,573	\$ 2,254	\$ 1,507
SLMD No. 2, MA# 00-3		\$ 8,602	\$ 12,390	\$ 8,292
SLMD No. 2, MA# 00-4		\$ 56,959	\$ 70,951	\$ 50,781

AU-Assessment Unit (e.g. – Zone 2000-1: 1 vacant acre = 0.25 AU; Zone 2000-2: 1 vacant acre = 1 AU)

On June 16, 2020, the City Council adopted resolutions which ordered the preparation of Engineer's Reports for the annual levy of assessments within each district, preliminarily approved the Engineer's Reports, declared City Council's intention to levy and collect assessments within the districts for the referenced fiscal year, and set July 21, 2020 as the date for the public hearing for each district. Notices of the public hearings have been published, and proof of publication is on file in the Records Management Department.

The Engineer's Reports, which have been prepared for each district pursuant to the 1972 Act are on file in the Records Management Department. Each report includes plans and specifications for the improvements being operated and maintained, an estimate of costs, a diagram of the area proposed to be assessed, and an assessment of the costs to the various parcels within the districts.

S:\Engineering\Traffic & Transportation\Traffic Engineering\Research and General Inquiries\Street Light Maintenance District Count Request\FY 20-21\SLMD 1\SLMD 1 Count 2020-04-16_vicinitymap.mxd

Street Light Maintenance District 1 Vicinity Map



0 1,700 3,400 6,800 Feet

Legend

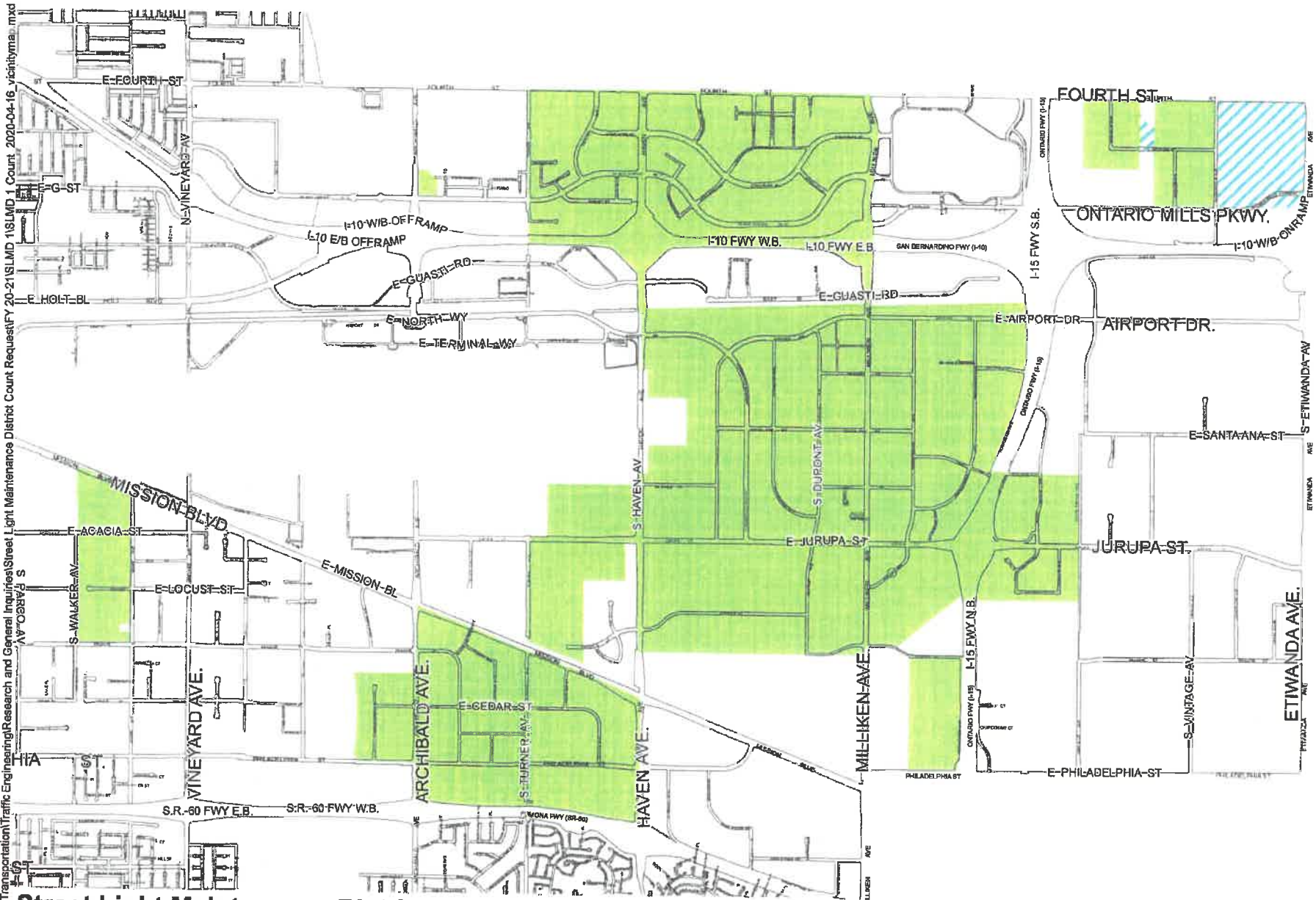
- Zone 2000-1 (Safety Light: 310; Cobrahead: 1363)
- Zone 2000-2 (Safety Light: 14; Cobrahead: 43)

Total Lights: 1730 (Safety Lights: 324; Cobrahead: 1406)



Note:
Reference is hereby made to the Maps of The Assessor of the County of San Bernardino, California, for a detailed description of the lines and dimensions of the parcels shown hereon.

Date: 04/16/2020



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE ENGINEER'S REPORTS FOR THE ANNUAL LEVY OF ASSESSMENTS WITHIN STREET LIGHTING MAINTENANCE DISTRICTS NO. 1 AND 2 FOR FISCAL YEAR 2020-21.

WHEREAS, the City Council of the City of Ontario, California, pursuant to the provisions of the "Landscaping and Lighting Act of 1972," being Division 15, Part 2, of the Streets and Highways Code of the State of California, did, by previous Resolution, order the preparation of Engineer's Reports for the annual levy of assessments, consisting of plans and specifications, cost estimates, diagrams of the districts, and the assessments relating to what are now known and designated as

CITY OF ONTARIO
STREET LIGHTING MAINTENANCE DISTRICTS NO. 1 AND 2

(hereinafter referred to as the Districts); and

WHEREAS, there have now been presented to this City Council the Reports as required by said Division 15 of the Streets and Highways Code and as previously directed by Resolution; and

WHEREAS, this City Council has approved on a preliminary basis the Reports by a previous Resolution, and ordered the Reports to be filed in the Records Management Department to be open to public inspection; and

WHEREAS, this City Council has now examined and reviewed the Reports as presented, and is satisfied with each and all of the items and documents as set forth therein, and is satisfied that the assessments have been spread in accordance with the benefits received from the maintenance to be performed as set forth in said Reports.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. That the above recitals are all true and correct.

SECTION 2. That the Reports as presented, consisting of the following:

- A. Plans and Specifications,
- B. Estimates of cost,
- C. Diagrams of the Districts, and
- D. Assessment of the estimated costs

are hereby approved, and are ordered to be filed in the Records Management Department, as a permanent record and to remain open to public inspection.

SECTION 3. That the City Clerk shall certify to the passage and adoption of this Resolution, and the minutes of this meeting shall so reflect the presentation of the Engineer's Reports.

PASSED, APPROVED, AND ADOPTED this 21st day of July, 2020.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

COLE HUBER, 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. 2020- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 21, 2020 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. 2020- duly passed and adopted by the Ontario City Council at their regular meeting held July 21, 2020.

SHEILA MAUTZ, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT AND PROVIDING FOR THE ANNUAL ASSESSMENT LEVY WITHIN STREET LIGHTING MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2020-2021.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings for the levy of the annual assessment in a street lighting maintenance district created pursuant to the terms of the "Landscaping and Lighting Act of 1972", being Division 15, Part 2 of the Streets and Highways Code of the State of California (the "Lighting Act"), Article XIID of the Constitution of the State of California ("Article XIID") and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following) (the "Implementation Act") (the Lighting Act, Article XIID and the Implementation Act may be referred to collectively herein as the "Assessment Law"), in a special maintenance district known and designated as

CITY OF ONTARIO
STREET LIGHTING MAINTENANCE DISTRICT NO. 1

(hereinafter referred to as the "District"); and

WHEREAS, the City Council has ordered the preparation of an Engineer's Report, and such report (the "Assessment Engineer's Report") has been prepared pursuant to the Assessment Law and filed with this City Council for its consideration, and subsequently thereto this City Council did adopt its Resolution of Intention to levy and collect assessments for the referenced fiscal year relating to the above-referenced District, and further did proceed to give notice of the time and place for the Public Hearing on all matters relating to said annual levy of the proposed assessment; and

WHEREAS, at this time this City Council has heard all testimony and evidence and is desirous of proceeding with said annual levy of assessments.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. That the above recitals are all true and correct.

SECTION 2. That upon the conclusion of the Public Hearing, written protests filed and not withdrawn are hereby overruled and denied.

SECTION 3. That based upon the Assessment Engineer's Report and the testimony and other evidence presented at the public hearing, the City Council hereby makes the following determinations regarding the assessments proposed to be imposed for the referenced fiscal year:

- A. The proportionate special benefit derived by each individual parcel assessed has been determined in relationship to the entirety of the cost of the operations and maintenance expenses.
- B. The assessments do not exceed the reasonable cost of the proportional special benefit conferred on each parcel.
- C. Only the special benefits have been assessed.
- D. All parcels within the District that are owned or used either by a local government, the State of California or the United States and which specially benefit from the improvements to be maintained are being assessed.
- E. The assessments do not exceed the maximum annual assessments previously authorized to be levied pursuant to the Assessment Law.

The estimate of costs, the assessment diagram, the assessments and all other matters, as set forth in the Assessment Engineer's Report pursuant to the Assessment Law as submitted, are hereby approved, adopted by this City Council, and hereby confirmed.

SECTION 4. That this City Council hereby confirms and orders the annual levy of the assessments for the referenced fiscal year in the amounts as set forth in the Assessment Engineer's Report, and as referred to in the Resolution of Intention as previously adopted relating to said annual assessment levy.

SECTION 5. That the adoption of this Resolution constitutes the levy of the assessments for the fiscal year.

SECTION 6. That the maintenance work of improvements contemplated by the Resolution of Intention shall be performed pursuant to law.

SECTION 7. That the County Auditor shall enter on the County Assessment Roll the amount of the Assessment and said Assessment shall then be collected at the same time and in the same manner as the County taxes are collected. After collection by said County, the net amount of the assessment shall be paid to the City Treasurer of said City.

SECTION 8. That the City Treasurer has previously established a special fund into which the City Treasurer shall place all monies collected by the Tax Collector pursuant to the provisions of the Resolution and the law, and said transfer shall be made and accomplished as soon as said monies have been made available to said City Treasurer.

SECTION 9. That the City Manager is hereby ordered and directed to file, or cause to be filed, the assessment roll with the County Auditor, together with a certified copy of this Resolution upon its adoption.

SECTION 10. That a certified copy of the assessment and diagram shall be filed in the Office of the City Manager, with a duplicate copy on file in the Records Management Department and open for public inspection.

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

PASSED, APPROVED, AND ADOPTED this 21st day of July 2020.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

COLE HUBER, 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. 2020- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 21, 2020 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. 2020- duly passed and adopted by the Ontario City Council at their regular meeting held July 21, 2020.

SHEILA MAUTZ, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT AND PROVIDING FOR THE ANNUAL ASSESSMENT LEVY WITHIN STREET LIGHTING MAINTENANCE DISTRICT NO. 2 FOR FISCAL YEAR 2020-21.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings for the levy of the annual assessment in a street lighting maintenance district created pursuant to the terms of the "Landscaping and Lighting Act of 1972", being Division 15, Part 2 of the Streets and Highways Code of the State of California (the "Lighting Act"), Article XIID of the Constitution of the State of California ("Article XIID") and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following) (the "Implementation Act") (the Lighting Act, Article XIID and the Implementation Act may be referred to collectively herein as the "Assessment Law"), in a special maintenance district known and designated as

CITY OF ONTARIO
STREET LIGHTING MAINTENANCE DISTRICT NO. 2

(hereinafter referred to as the "District"); and

WHEREAS, the City Council has ordered the preparation of an Engineer's Report, and such report (the "Assessment Engineer's Report") has been prepared pursuant to the Assessment Law and filed with this City Council for its consideration, and subsequently thereto this City Council did adopt its Resolution of Intention to levy and collect assessments for the referenced fiscal year relating to the above-referenced District, and further did proceed to give notice of the time and place for the Public Hearing on all matters relating to said annual levy of the proposed assessment; and

WHEREAS, at this time this City Council has heard all testimony and evidence and is desirous of proceeding with said annual levy of assessments.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. That the above recitals are all true and correct.

SECTION 2. That upon the conclusion of the Public Hearing, written protests filed and not withdrawn are hereby overruled and denied.

SECTION 3. That based upon the Assessment Engineer's Report and the testimony and other evidence presented at the public hearing, the City Council hereby makes the following determinations regarding the assessments proposed to be imposed for the referenced fiscal year:

- A. The proportionate special benefit derived by each individual parcel assessed has been determined in relationship to the entirety of the cost of the operations and maintenance expenses.
- B. The assessments do not exceed the reasonable cost of the proportional special benefit conferred on each parcel.
- C. Only the special benefits have been assessed.
- D. All parcels within the District that are owned or used either by a local government, the State of California or the United States and which specially benefit from the improvements to be maintained are being assessed.
- E. The assessments do not exceed the maximum annual assessments previously authorized to be levied pursuant to the Assessment Law.

The estimate of costs, the assessment diagram, the assessments and all other matters, as set forth in the Assessment Engineer's Report pursuant to the Assessment Law as submitted, are hereby approved, adopted by this City Council, and hereby confirmed.

SECTION 4. That this City Council hereby confirms and orders the annual levy of the assessments for the referenced fiscal year in the amounts as set forth in the Assessment Engineer's Report, and as referred to in the Resolution of Intention as previously adopted relating to said annual assessment levy.

SECTION 5. That the adoption of this Resolution constitutes the levy of the assessments for the fiscal year.

SECTION 6. That the maintenance work of improvements contemplated by the Resolution of Intention shall be performed pursuant to law.

SECTION 7. That the County Auditor shall enter on the County Assessment Roll the amount of the Assessment and said Assessment shall then be collected at the same time and in the same manner as the County taxes are collected. After collection by said County, the net amount of the assessment shall be paid to the City Treasurer of said City.

SECTION 8. That the City Treasurer has previously established a special fund into which the City Treasurer shall place all monies collected by the Tax Collector pursuant to the provisions of the Resolution and the law, and said transfer shall be made and accomplished as soon as said monies have been made available to said City Treasurer.

SECTION 9. That the City Manager is hereby ordered and directed to file, or cause to be filed, the assessment roll with the County Auditor, together with a certified copy of this Resolution upon its adoption.

SECTION 10. That a certified copy of the assessment and diagram shall be filed in the Office of the City Manager, with a duplicate copy on file in the Records Management Department and open for public inspection.

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

PASSED, APPROVED, AND ADOPTED this 21st day of July 2020.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

COLE HUBER 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. 2020- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 21, 2020 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. 2020- duly passed and adopted by the Ontario City Council at their regular meeting held July 21, 2020.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
July 21, 2020

SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER RESOLUTIONS REGARDING THE FORMATION OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 58 (COLONY COMMERCE CENTER EAST SERVICES) AND INTRODUCTION OF AN ORDINANCE LEVYING SPECIAL TAXES

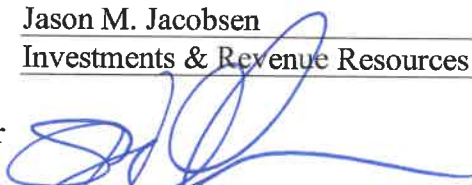
RECOMMENDATION: That the City Council consider:

- (A) Adopting a resolution establishing City of Ontario Community Facilities District No. 58 (Colony Commerce Center East Services), authorizing the levy of a special tax within the community facilities district, and establishing an appropriations limit for the community facilities district;
- (B) Adopting a resolution calling a special election for City of Ontario Community Facilities District No. 58 (Colony Commerce Center East Services);
- (C) Adopting a resolution declaring the results of the special election and directing the recording of the Notice of Special Tax Lien; and
- (D) Introducing and waiving further reading of an ordinance levying special taxes within City of Ontario Community Facilities District No. 58 (Colony Commerce Center East Services).

COUNCIL GOALS: Maintain the Current High level of Public Safety
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 the 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 connection with the Colony

STAFF MEMBER PRESENTING: Armen Harkalyan, Executive Director of Finance

Prepared by: Jason M. Jacobsen
Department: Investments & Revenue Resources
City Manager Approval: 

Submitted to Council/O.H.A. 07/21/2020
Approved: _____
Continued to: _____
Denied: _____

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Commerce Center East development is projected to generate approximately \$522,400 per year, at build-out, to fund City services. As proposed, the assessed annual tax rate is \$.31 square foot for the project's anticipated 1,685,420 square feet of industrial development. 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 financing for the Colony Commerce Center East development will not generate funds for facilities, and bonds will not be issued as part of this formation.

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.

On June 2, 2020, the City Council approved Resolution No. 2020-061, a Resolution of Intention to establish City of Ontario Community Facilities District No. 58 (Colony Commerce Center East Services) and to authorize the levy of special taxes within the district. The Colony Commerce Center East project addresses the development of approximately 84 gross acres located south of Merrill Avenue, east of the Cucamonga Creek Channel, and west of Archibald Avenue.

The community facilities district is being formed pursuant to the provisions of the landowner's Development Agreement, and the First Amended and Restated Construction Agreement between the City and NMC Builders. Included, as part of the Resolution of Intention was the proposed Rate and Method of Apportionment of Special Tax for City of Ontario Community Facilities District No. 58 (Colony Commerce Center East 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 discussed the proposed Rate and Method of Apportionment of Special Tax with the landowner. The Resolution of Intention set the public hearing on the establishment of the community facilities district for July 21, 2020. In accordance with requirements of the Resolution of Intention, and pursuant to Section 53322 of the California Government Code, the City Clerk has published a notice of the time and place of this hearing at least seven days before the hearing.

Attached are three resolutions and an ordinance. The first resolution establishes the community facilities district, with the rate and method of apportionment of special tax, authorizes the levy of special tax within the district, and establishes an appropriation limit. The second resolution calls for a special landowner election to be held on July 21, 2020. The third resolution declares the results of the election and includes a statement from the City Clerk as to the canvass of ballots, and directs the recording of the Notice of Special Tax Lien. The ordinance authorizes the levying of special taxes within the district. Staff anticipates the second reading of the ordinance by City Council on August 4, 2020 and at that time will introduce a resolution establishing the annual special tax for Fiscal Year 2020-21. As noted, the issuance of bonds is not being contemplated for this project, so there is no resolution to issue bonds as part of this formation.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF FORMATION OF THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 58 (COLONY COMMERCE CENTER EAST SERVICES), AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN THE COMMUNITY FACILITIES DISTRICT AND ESTABLISHING AN APPROPRIATIONS LIMIT FOR THE COMMUNITY FACILITIES DISTRICT.

WHEREAS, on June 2, 2020, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Intention to Establish a Community Facilities District Proposed to be Named City of Ontario Community Facilities District No. 58 (Colony Commerce Center East Services) and to Authorize the Levy of Special Taxes" (the "Resolution of Intention"), stating its intention to establish a community facilities district (the "Community Facilities District") proposed to be named City of Ontario Community Facilities District No. 58 (Colony Commerce Center East Services), to authorize the levy of special taxes within the Community Facilities District to finance certain services and setting the date for a public hearing to be held on the establishment of the Community Facilities District; and

WHEREAS, pursuant to the Resolution of Intention, notice of said public hearing was published in the *Inland Valley Daily Bulletin*, a newspaper of general circulation published in the area of the Community Facilities District, in accordance with the Act; and

WHEREAS, on this date, the City Council opened, conducted and closed said public hearing; and

WHEREAS, pursuant to the Resolution of Intention, each officer of the City who is or will be responsible for providing one or more of the proposed types of services was 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 that 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 such services, and such officers were also directed to estimate the fair and reasonable cost of the incidental expenses proposed to be paid; and

WHEREAS, said report was so filed with the City Council and made a part of the record of said public hearing; and

WHEREAS, at the hearing, the testimony of all persons for or against the establishment of the Community Facilities District, the extent of the Community Facilities District and the furnishing of the specified types of services was heard; and

WHEREAS, written protests against the establishment of the Community Facilities District, the furnishing of any specified type or types of services within the Community Facilities District or the levying of any specified special tax were not made or filed at or before said hearing by 50% or more of the registered voters, or six registered voters, whichever is more, residing within the territory proposed to be included in the Community Facilities District, or the owners of one-half or more of the area of land in the territory proposed to be included in the Community Facilities District and not exempt from the special tax; and

WHEREAS, there has been filed with the City Clerk of the City a letter from the Registrar of Voters of the County of San Bernardino indicating that no persons were registered to vote within the territory of the proposed Community Facilities District as of June 23, 2020, and, accordingly, that 12 or more persons have not been registered to vote within the territory of the proposed Community Facilities District for each of the 90 days preceding the close of said public hearing;

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.

SECTION 2. The Community Facilities District is hereby established pursuant to the Act.

SECTION 3. The Community Facilities District is hereby named "City of Ontario Community Facilities District No. 58 (Colony Commerce Center East Services)."

SECTION 4. The services (the "Services") proposed to be financed by the Community Facilities District pursuant to the Act are described under the caption "Services" on Exhibit A hereto. The incidental expenses proposed to be incurred are described under the caption "Incidental Expenses" on Exhibit A hereto. No facilities are proposed to be financed by the Community Facilities District.

SECTION 5. The proposed special tax to be levied within the Community Facilities District has not been precluded by majority protest pursuant to Section 53324 of the Act.

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 name, address and telephone number of the office that will be responsible for preparing annually a current roll of special tax levy obligations by assessor's parcel number and that will be responsible for estimating further special tax levies pursuant to Section 53340.2 of the Act are as follows: Management Analyst, Financial Services, City of Ontario, 303 East B Street, Ontario, California 91764, (909) 395-2341.

SECTION 8. Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the California Streets and Highways Code, a continuing lien to secure each levy of the special tax shall attach to all nonexempt real property in the Community Facilities District and this lien shall continue in force and effect until the special tax obligation is prepaid and permanently satisfied and the lien canceled in accordance with law or until collection of the tax by the City Council ceases.

SECTION 9. The boundary map of the Community Facilities District has been recorded in San Bernardino County in Book 89 at Page 20 of Maps of Assessments and Community Facilities Districts in the San Bernardino County Recorder's Office (Document No. 2020-0189109).

SECTION 10. The annual appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, of the Community Facilities District is hereby established at \$27,000,000.

SECTION 11. Pursuant to the provisions of the Act, the levy of the special tax and a proposition to establish the appropriations limit specified above shall be subject to the approval of the qualified electors of the Community Facilities District at a special election. The City Council hereby finds and determines that no persons were registered to vote within the territory of the proposed Community Facilities District as of June 23, 2020, and that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of the public hearing held by the City Council on the establishment of the Community Facilities District. Accordingly, pursuant to Section 53326 of the Act, the vote shall be by the landowners of the Community Facilities District and each person who is the owner of land as of the close of said public hearings, or the authorized representative thereof, shall have one vote for each acre or portion of an acre that he or she owns within the Community Facilities District not exempt from the special tax. The voting procedure shall be by mailed or hand-delivered ballot.

SECTION 12. The City Council hereby finds and determines that all proceedings up to and including the adoption of this Resolution were valid and in conformity with the requirements of the Act. In accordance with Section 53325.1 of the Act, such finding shall be final and conclusive.

SECTION 13. 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 14. 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 21st day of July 2020.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

COLE HUBER, 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. 2020- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 21, 2020 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. 2020- duly passed and adopted by the Ontario City Council at their regular meeting held July 21, 2020.

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

CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 58
(COLONY COMMERCE CENTER EAST 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. 58 (Colony Commerce Center East Services) ("CFD No. 58") and collected each Fiscal Year commencing in Fiscal Year 2020-21, 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. 58, 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 of Part 1 of 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. 58: the costs of computing the Special Taxes and preparing the annual Special Tax collection schedules (whether by the City or CFD No. 58 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. 58 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. 58; and amounts estimated or advanced by the City or CFD No. 58 for any other administrative purposes of CFD No. 58, 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. 58” means City of Ontario Community Facilities District No. 58 (Colony Commerce Center East 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. 58.

“County” means the County of San Bernardino.

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

“Gated Community Attached Dwelling Unit” means a Unit within any residential building containing two or more dwelling units (including attached condominiums, townhouses, duplexes, triplexes, and apartments) 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.

“Lower Income Household Welfare Exemption Property” means, for each Fiscal Year, an Assessor’s Parcel within the boundaries of CFD No. 58 that is subject to a welfare exemption under subdivision (g) of Section 214 of the California Revenue and Taxation Code (or any successor statute), as indicated in the most recent County assessor’s roll finalized prior to such Fiscal Year.

“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 Community Attached 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. 58 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. 58 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. 58, 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.

“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.

“Special Tax” means the special tax authorized by the qualified electors of CFD No. 58 to be levied within the boundaries of CFD No. 58.

“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.

“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. 58, 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. 58 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 2020-21, all Taxable Property within CFD No. 58 shall be classified as Residential Property (Single Family Detached Dwelling Unit, Multiple Family Dwelling Unit, or Gated Community Attached 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 2020-21
Residential Property:	
Single Family Detached Dwelling Unit	\$1,754 per Unit
Multiple Family Dwelling Unit	\$1,521 per Unit
Gated Community Attached Dwelling Unit	\$1,275 per Unit
Non-Residential Property	\$0.32 per Sq. Ft.

On January 1 of each Fiscal Year, commencing January 1, 2021, 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 2020-21, 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.

No Special Tax shall be levied on Lower Income Household Welfare Exemption Property; provided, however, that if, in any Fiscal Year, applicable law does not require that Lower Income Household Welfare Exemption Property be exempt from some portion, or all, of the Special Tax, such portion, or all, of the Special Tax shall be levied on such property in accordance with this Rate and Method of Apportionment based on the Land Use Class to which the Assessor's Parcel is assigned.

F. APPEALS

Any property owner may file a written appeal of the Special Tax with CFD No. 58 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. 58.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CALLING SPECIAL ELECTION FOR CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 58 (COLONY COMMERCE CENTER EAST SERVICES).

WHEREAS, on this date, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 58 (Colony Commerce Center East Services), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" (the "Resolution of Formation"), establishing City of Ontario Community Facilities District No. 58 (Colony Commerce Center East Services) (the "Community Facilities District"), authorizing the levy of a special tax within the Community Facilities District and establishing an appropriations limit for the Community Facilities District; and

WHEREAS, pursuant to the provisions of the Resolution of Formation, the propositions to levy a special tax within the Community Facilities District and to establish an appropriations limit for the Community Facilities District are to be submitted to the qualified electors of the Community Facilities District as required by the Act; and

WHEREAS, the City Council desires to designate the City Clerk of the City (the "City Clerk") as the election official for the special election provided for herein; and

WHEREAS, there has been filed with the City Clerk a letter from the Registrar of Voters of the County of San Bernardino indicating that no persons were registered to vote within the territory of the proposed Community Facilities District as of June 23, 2020, and, accordingly, that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of the public hearings on the establishment of the Community Facilities District; and

WHEREAS, there has been filed with the City Clerk consents and waivers of all of the landowners of record in the Community Facilities District waiving any time limit specified by Section 53326 of the Act and any requirement pertaining to the conduct of said special election, including any time limit or requirement applicable to an election pursuant to Article 5 of the Act (commencing with Section 53345 of the Act), consenting to the holding of said special election on July 21, 2020 and waiving any impartial analysis, arguments or rebuttals, as set forth in Sections 53326 and 53327 of the Act; and

WHEREAS, the City Clerk has concurred in said waivers and has concurred in holding said special election on July 21, 2020.

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

SECTION 1. Pursuant to Sections 53326 and 53325.7 of the Act, the propositions to levy a special tax within the Community Facilities District and to establish an appropriations limit for the Community Facilities District shall be submitted to the qualified electors of the Community Facilities District at an election called therefor as provided below.

SECTION 2. The City Clerk is hereby designated as the official to conduct said election.

SECTION 3. As authorized by Section 53353.5 of the Act, the propositions to levy a special tax within the Community Facilities District and to establish an appropriations limit for the Community Facilities District shall be combined into one ballot proposition.

SECTION 4. The City Council hereby finds and determines that no persons were registered to vote within the territory of the proposed Community Facilities District as of June 23, 2020, and that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of the public hearings heretofore held by the City Council on the establishment of the Community Facilities District. Accordingly, pursuant to Section 53326 of the Act, the vote shall be by the landowners of the Community Facilities District and each person who is the owner of land as of the close of said public hearings, or the authorized representative thereof, shall have one vote for each acre or portion of an acre that he or she owns within the Community Facilities District not exempt from the special tax.

SECTION 5. The City Council hereby finds and determines that the qualified electors of the Community Facilities District have unanimously consented (a) to the waiver of any time limit specified by Section 53326 of the Act and any requirement pertaining to the conduct of said election, (b) to the holding of said election on July 21, 2020, and (c) to the waiver of any impartial analysis, arguments or rebuttals, as set forth in Sections 53326 and 53327 of the Act. The City Council hereby finds and determines that the City Clerk has concurred in said waivers and has concurred in holding said election on July 21, 2020.

SECTION 6. The City Council hereby calls a special election to submit to the qualified electors of the Community Facilities District the combined proposition to levy a special tax within the Community Facilities District and to establish an appropriations limit for the Community Facilities District, which election shall be held at 303 East B Street, Ontario, California, on July 21, 2020. The City Council has caused to be provided to the City Clerk, as the official to conduct said election, the Resolution of Formation, a certified map of sufficient scale and clarity to show the boundaries of the Community Facilities District, and a sufficient description to allow the City Clerk to determine the boundaries of the Community Facilities District.

The voted ballots shall be returned to the City Clerk not later than 7:30 p.m. on July 21, 2020; provided, however, that if all of the qualified electors have voted prior to such time, the election may be closed with the concurrence of the City Clerk.

SECTION 7. Pursuant to Section 53326 of the Act, the election shall be conducted by mail or hand-delivered ballot pursuant to Section 4000 *et. seq.* of the California Elections Code. Except as otherwise provided in the Act, the provisions of law regulating elections of the City, insofar as they may be applicable, will govern the election.

SECTION 8. The form of the ballot for said election is attached hereto as Exhibit A and by this reference incorporated herein, and such form of ballot is hereby approved. The City Clerk shall cause to be delivered to each of the qualified electors of the Community Facilities District a ballot in said form. Each ballot shall indicate the number of votes to be voted by the respective landowner to which it pertains.

Each ballot shall be accompanied by all supplies and written instructions necessary for the use and return of the ballot. The identification envelope for return of the ballot shall be enclosed with the ballot, shall have the return postage prepaid, and shall contain: (a) the name and address of the landowner, (b) a declaration, under penalty of perjury, stating that the voter is the owner of record or the authorized representative of the landowner entitled to vote and is the person whose name appears on the identification envelope, (c) the printed name, signature and address of the voter, (d) the date of signing and place of execution of the declaration described in clause (b) above, and (e) a notice that the envelope contains an official ballot and is to be opened only by the canvassing board.

Analysis and arguments with respect to the ballot proposition are hereby waived, as provided in Section 53327 of the Act.

SECTION 9. The City Clerk shall accept the ballots of the qualified electors in the office of the City Clerk at 303 East B Street, Ontario, California, to and including 7:30 p.m. on July 21, 2020, whether said ballots be personally delivered or received by mail. The City Clerk shall have available ballots which may be marked at said location on the election day by said qualified electors.

SECTION 10. The City Council hereby determines that the services financed by the Community Facilities District are necessary to meet increased demands placed upon local agencies as a result of development occurring in the Community Facilities District.

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 into 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 21st day of July 2020.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

COLE HUBER, 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. 2020- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 21, 2020 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. 2020- duly passed and adopted by the Ontario City Council at their regular meeting held July 21, 2020.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A

OFFICIAL BALLOT

CITY OF ONTARIO
JULY 21, 2020

SPECIAL ELECTION

This ballot is for a special, landowner election. The number of votes to be voted pursuant to this ballot is ___.

INSTRUCTIONS TO VOTERS:

To vote on the measure, mark a cross (+ or X) in the voting square after the word "YES" or after the word "NO". All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly mark, tear, or deface this ballot, return it to the City Clerk of the City of Ontario and obtain another.

CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 58
(COLONY COMMERCE CENTER EAST SERVICES)

MEASURE SUBMITTED TO VOTE OF VOTERS: Shall the City of Ontario Community Facilities District No. 58 (Colony Commerce Center East Services) (the "Community Facilities District") be authorized to levy a special tax in order to finance certain services and shall the annual appropriations limit of the Community Facilities District be established in the amount of \$27,000,000, all as specified in the Resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 58 (Colony Commerce Center East Services), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District," adopted by the City Council of the City of Ontario on July 21, 2020?

Yes:

No:

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING RESULTS OF SPECIAL ELECTION AND DIRECTING RECORDING OF NOTICE OF SPECIAL TAX LIEN.

WHEREAS, on July 21, 2020, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, Calling Special Election for City of Ontario Community Facilities District No. 58 (Colony Commerce Center East Services)" (the "Resolution Calling Election"), calling for a special election of the qualified electors within City of Ontario Community Facilities District No. 58 (Colony Commerce Center East Services) (the "Community Facilities District"); and

WHEREAS, pursuant to the terms of the Resolution Calling Election and the provisions of the Act, the special election was held on July 21, 2020; and

WHEREAS, the City Clerk of the City (the "City Clerk") has certified the canvass of the returns of the election and has filed a Canvass and Statement of Results of Election (the "Canvass"), a copy of which is attached hereto as Exhibit A;

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

SECTION 1. The City Council has received, reviewed and hereby accepts the Canvass.

SECTION 2. The City Council hereby finds and declares that the ballot proposition submitted to the qualified electors of the Community Facilities District pursuant to the Resolution Calling Election has been passed and approved by such electors in accordance with Section 53328 and Section 53325.7 of the Act.

SECTION 3. The City Clerk is hereby directed to execute and cause to be recorded in the office of the County Recorder of the County of San Bernardino a notice of special tax lien in the form required by the Act, said recording to occur no later than fifteen days following adoption by the City Council of this Resolution.

SECTION 4. 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 5. 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 21st day of July 2020.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

COLE HUBER, 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. 2020- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 21, 2020 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. 2020- duly passed and adopted by the Ontario City Council at their regular meeting held July 21, 2020.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A

CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 58
(COLONY COMMERCE CENTER EAST SERVICES)

CANVASS AND STATEMENT OF RESULTS OF ELECTION

I hereby certify that on July 21, 2020, I canvassed the returns of the special election held on July 21, 2020, for the City of Ontario Community Facilities District No. 58 (Colony Commerce Center East Services), that the total number of ballots cast in said Community Facilities District and the total number of votes cast for and against the proposition are as follows and that the totals as shown for and against the proposition are true and correct:

	Qualified Landowner Votes	Votes Cast	YES	NO
City of Ontario Community Facilities District No. 58 (Colony Commerce Center East Services) Special Election, July 21, 2020	83	—	—	—

MEASURE SUBMITTED TO VOTE OF VOTERS: Shall the City of Ontario Community Facilities District No. 58 (Colony Commerce Center East Services) (the "Community Facilities District") be authorized to levy a special tax in order to finance certain services and shall the annual appropriations limit of the Community Facilities District be established in the amount of \$27,000,000, all as specified in the Resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 58 (Colony Commerce Center East Services), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District," adopted by the City Council of the City of Ontario on July 21, 2020?

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND this 21st day of July 2020.

By: _____
Sheila Mautz, City Clerk
City of Ontario

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 58 (COLONY COMMERCE CENTER EAST SERVICES).

WHEREAS, on June 2, 2020, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Intention to Establish a Community Facilities District Proposed to be Named City of Ontario Community Facilities District No. 58 (Colony Commerce Center East Services) and to Authorize the Levy of Special Taxes" stating its intention to establish City of Ontario Community Facilities District No. 58 (Colony Commerce Center East Services) (the "Community Facilities District") and to finance certain services (the "Services"); and

WHEREAS, on July 21, 2020, the City Council held a noticed public hearing on the establishment of the Community Facilities District, as required by the Act; and

WHEREAS, subsequent to the close of said hearing, the City Council adopted resolutions entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 58 (Colony Commerce Center East Services), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" (the "Resolution of Formation") and "A Resolution of the City Council of the City of Ontario, California, Calling Special Election for City of Ontario Community Facilities District No. 58 (Colony Commerce Center East Services)," which resolutions established the Community Facilities District, authorized the levy of a special tax within the Community Facilities District and called an election within the Community Facilities District on the proposition of levying a special tax within the Community Facilities District and establishing an appropriations limit for the Community Facilities District, respectively; and

WHEREAS, on July 21, 2020, an election was held in which the qualified electors of the Community Facilities District approved said proposition by more than the two-thirds vote required by the Act.

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

SECTION 1. The City Council hereby authorizes and levies special taxes within the Community Facilities District pursuant to Sections 53328 and 53340 of the Act, at the rate and in accordance with the method of apportionment set forth in Exhibit B to the Resolution of Formation (the "Rate and Method of Apportionment"). The special taxes are hereby levied commencing in fiscal year 2020-21 and in each fiscal

year thereafter until the last fiscal year in which such special taxes are authorized to be levied pursuant to the Rate and Method of Apportionment.

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

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

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

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

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

SECTION 7. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

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

PASSED, APPROVED, AND ADOPTED this _____ day of _____ 2020.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

COLE HUBER, 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 July 21, 2020 and adopted at the regular meeting held 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)

CITY OF ONTARIO

Agenda Report
July 21, 2020

SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER FILE NO. PCUP19-028, A CONDITIONAL USE PERMIT TO ESTABLISH A 5-STORY, 265-ROOM LIMITED SERVICE DUAL BRANDED HOTEL TOTALING 157,370 SQUARE FEET ON 4.94 ACRES OF LAND, LOCATED AT THE SOUTHEAST CORNER OF INLAND EMPIRE BOULEVARD AND ARCHIBALD AVENUE, WITHIN THE OH (HIGH INTENSITY OFFICE) ZONING DISTRICT (APNS: 1049-491-01, 1049-491-02 AND 1049-491-03)


RECOMMENDATION: That the City Council conduct a public hearing, consider, and adopt a resolution approving File No. PCUP19-028.

COUNCIL GOALS: Invest in the Growth and Evolution of the City's Economy
Operate in a Businesslike Manner
Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: Transient Occupancy Tax (TOT) generated by the project is estimated to total approximately \$1.3 million annually. Inclusion of this additional TOT revenue in future years' General Fund revenue estimates will be dependent on the projected completion date. In addition, the project will be required to pay Development Impact Fees estimated to be approximately \$1.3 million.

BACKGROUND: The Applicant, Ontario H Hotel, LLC (Gurvinder Singh, Iqbal Singh, and Amolak Singh), is requesting approval of a Conditional Use Permit (File No. PCUP19-028) to establish a limited-service dual-branded hotel (Hyatt Place and Hyatt House) totaling 157,370 square feet on 4.94 acres. The Conditional Use Permit Application was filed in conjunction with a Development Plan (File No. PDEV19-067) to construct a dual-branded 5-story, 265-room limited-service hotel. Guestrooms will range in size from 297 to 691 square feet in area for the Hyatt House brand hotel and 291 to 626 square feet for the Hyatt Place brand hotel. Guest amenities for the dual-branded hotel include a swimming pool and spa with an accompanying pool side cabana, outdoor gathering and seating areas, large porte-cochere for arriving guests, pre-function area, meeting and gathering rooms, fitness room, restaurant, and guest bar and lounge.

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

Prepared by: Jeanie Irene Aguilo
Department: Planning
City Manager Approval: 

Submitted to Council/O.H.A. 07/21/2020
Approved: _____
Continued to: _____
Denied: _____

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The hotel is located towards the southern end of the site and is oriented towards Interstate 10 and Archibald Avenue. The building is a U-shaped configuration, which wraps around a large outdoor amenity area containing the pool/spa and outdoor gathering/seating areas. Architecturally, the hotel will be designed in a contemporary modern vernacular, incorporating stucco exterior walls in combination with various accent walls clad in cement board, metal and wood siding, stone veneer at the first-floor level, and clear vision and spandrel glazing.

A market demand analysis is required to be prepared for all proposed hotels. The Applicant submitted a Market Demand Analysis prepared by CBRE, Inc., which found that sufficient market exists in the City to support the development of a dual-brand hotel (Hyatt Place and Hyatt House). Additionally, the information provided estimates that the proposed hotel would be successful based upon factors such as future growth in the area, including new office and commercial space, as well as future airport expansion. The report includes discussions of other similar hotels in the area, long-term viability, and overall demand due to new businesses and activities in and around the City. The following table outlines estimates of occupancy, average daily rate, and the proposed hotel’s revenue per available room (“RevPAR”), which is important in measuring hotel performance:

Project Market Performance

Year	Annual Supply	% Change	Occupied Rooms	% Change	Occupancy %	Av. Daily Rate	% Change	RevPAR [1]	% Change	Market Penetration	Annual Yield
2022	96,725	N/A	65,600	N/A	68%	\$159.00	3.0%	\$107.84	N/A	87%	94%
2023	96,725	0.0	72,800	11.0	75%	\$164.00	3.0%	\$123.43	14.5%	94%	102%
2024	96,725	0.0	77,300	6.2	80%	\$169.00	3.0%	\$135.06	9.4%	100%	108%
2025	96,725	0.0	77,300	0.0	80%	\$174.00	3.0%	\$139.06	3.0%	100%	107%
2026	96,725	0.0	77,300	0.0	80%	\$179.00	3.0%	\$143.05	2.9%	100%	107%
CAAG		0.0		4.2%			3.0%		7.3%		

Notes:

[1] “RevPAR” means revenue per available room, calculated by multiplying the hotel’s average daily room rate (“ADR”) by its occupancy rate.

While the Market Demand Analysis was conducted prior to the COVID-19 impact, new market data has been provided and reviewed indicating that the market is already starting to rebound and should be seeing a modest recover by March 2021.

HOUSING ELEMENT COMPLIANCE: The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.

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 application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) (“CEQA”); and is categorically exempt from

the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, Infill Development Projects) of the CEQA Guidelines, which consists of projects characterized as infill development, meets all of the following conditions: [i] the Project is consistent with the applicable general plan designation and all applicable general plan policies, as well as the applicable zoning designation and regulations; [ii] the proposed development occurs within city limits, on a project site of no more than five acres, and is substantially surrounded by urban uses; [iii] the Project site has no value as habitat for endangered, rare, or threatened species; [iv] approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and [v] the Project site is adequately served by all required utilities and public services.

On June 30, 2020, the Planning Commission conducted a duly noticed public hearing on the subject application and voted unanimously (5-0) to recommend that the City Council approve the Conditional Use Permit for the project.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PCUP19-028, A CONDITIONAL USE PERMIT TO ESTABLISH A 5-STORY, 265-ROOM LIMITED SERVICE DUAL BRANDED HOTEL (HYATT PLACE AND HYATT HOUSE) TOTALING 157,370 SQUARE FEET AND TO CONDUCT ALCOHOLIC BEVERAGE SALES FOR CONSUMPTION ON THE PREMISES, INCLUDING BEER, WINE, AND DISTILLED SPIRITS (TYPE 70 ABC LICENSE), ON 4.94 ACRES OF LAND, LOCATED AT THE SOUTHEAST CORNER OF INLAND EMPIRE BOULEVARD AND ARCHIBALD AVENUE, WITHIN THE OH (HIGH INTENSITY OFFICE) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF-APNS: 0210-191-29, 0210-191-30, 0210-191-31, 0210-191-32.

WHEREAS, ONTARIO H HOTEL, LLC, ("Applicant") has filed an Application for the approval of a Conditional Use Permit, File No. PCUP19-028, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 4.94 acres of land generally located at the southeast corner of Inland Empire Boulevard and Archibald Avenue, within the OH (High Intensity Office) zoning district, and is presently improved with off-street parking and storm water drainage facilities, which are proposed for removal; and

WHEREAS, the surrounding area is characterized by a commercial shopping center to the north, across Inland Empire Boulevard, and is within the Garden Commercial land use district of the Ontario Festival Specific Plan. The property to the east is within the Garden Commercial land use district of the Transpark Specific Plan and is developed with offices. To the south of the Project site is Interstate 10. The property to the west of the Project site is within the Urban Commercial land use district of the Meredith International Center Specific Plan and is presently undeveloped; and

WHEREAS, the applicant is requesting approval of a Conditional Use Permit (File No. PCUP19-028) to establish a limited-service dual-branded hotel (Hyatt Place and Hyatt House) totaling 157,370 square feet on 4.94 acres; and

WHEREAS, a Development Plan (File No. PDEV19-067) was submitted in conjunction with the Conditional Use Permit application to construct the 5-story structure, 265-room hotel with shared amenities that include a swimming pool and spa, a pool side cabana, outdoor gathering and seating areas, a large porte-cochere for arriving guests, a pre-function area, meeting and gathering rooms, fitness room, a restaurant, and guest bar and lounge. On June 30, 2020, the Planning Commission issued Resolution PC20-037, approving the Development Plan application contingent up City Council approval of the Conditional Use Permit; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act, commencing with Public Resources Code Section 21000 (hereinafter referred to as "CEQA"); and

WHEREAS, the Project is exempt from CEQA pursuant to a categorical exemption (listed in CEQA Guidelines Article 19, commencing with Section 15300) and the application of that categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2; 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 has been reviewed for consistency with the Housing Element of the Policy Plan component of The Ontario Plan, as State Housing Element law (as prescribed in Government Code Sections 65580 through 65589.8) requires that development projects must be consistent with the Housing Element, if upon consideration of all its aspects, it is found to further the purposes, principals, goals, and policies of the Housing Element; and

WHEREAS, the Project is located within the Airport Influence Area of Ontario International Airport, 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 Ontario International 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; and

WHEREAS, on June 15, 2020, the Development Advisory Board of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Decision No. DAB20-038 recommending that the Planning Commission recommend the City Council approve the Application; and

WHEREAS, on June 30, 2020, 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. PC20-037 recommending that the City Council approve the Application; and

WHEREAS, on July 21, 2020, the City Council of the City of Ontario conducted a hearing to consider the Project and concluded said hearing on that date; and

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

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

SECTION 1. *Environmental Determination and Findings.* As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the City Council, the City Council finds as follows:

(1) The administrative record has been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

(2) The Project is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15332 (Class 32, Infill Development Projects) of the CEQA Guidelines, as the Project consists of infill development that meets all the following conditions: [i] the Project is consistent with the applicable general plan designation (Community Commercial) and all applicable general plan policies, as well as the applicable zoning designation (OH, High Intensity Office) and applicable regulations; [ii] the proposed development occurs within city limits, on a project site of no more than five acres, and is substantially surrounded by urban uses; [iii] the Project site has no value as habitat for endangered, rare, or threatened species; [iv] approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and [v] the Project site can be adequately served by all required utilities and public services; and

(3) The application of the categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2; and

(4) The determination of CEQA exemption reflects the independent judgment of the City Council.

SECTION 2. *Housing Element Compliance.* 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 City Council 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, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.

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 Sections 1 through 3, above, the City Council hereby concludes as follows:

(1) ***The scale and intensity of the proposed land use would be consistent with the scale and intensity of land uses intended for the particular zoning or land use district.*** The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the City of Ontario Development Code and the OH (High Intensity Office) zoning district, and the scale and intensity of land uses intended for the zoning district in which the use is proposed to be located. Furthermore, the proposed 265-room, limited-service, dual-branded hotel, will be established and operated consistent with the objectives and purposes, and development standards and guidelines, of the OH (High Intensity Office) zoning district; and

(2) ***The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.*** The proposed 265-room limited-service dual-branded hotel, will be located within the Community Commercial land use district of the Policy Plan Land Use Map, and the OH (High Intensity Office) zoning district. The development standards, and the conditions of approval under which the proposed land use will be established, operated, and maintained, are consistent with the goals, policies, plans, and exhibits of the Vision, City Council Priorities, and Policy Plan (General Plan) components of The Ontario Plan; and

(3) ***The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the objectives and requirements of the Development Code and any applicable specific plan or planned unit development.*** The proposed 265-room, limited-service, dual-branded hotel, is located with the Community Commercial land use district, and the OH (High Intensity Office) zoning district, and has been reviewed and conditioned to ensure the establishment, operation and maintenance of the proposed land use consistent with all applicable objectives, purposes, standards, and guidelines of the Development Code; and

(4) ***The establishment, maintenance, and operation of the proposed use at the proposed location would not be detrimental or injurious to property and improvements within the vicinity, nor would it be detrimental to the health, safety, or general welfare of persons residing or working in the surrounding neighborhood.*** The Development Advisory Board has required certain safeguards, and impose certain conditions of approval, which have been established to ensure that: [i] the purposes of the Development Code are maintained; [ii] the project will not endanger the public health, safety or general welfare; [iii] the project will not result in any significant environmental impacts; and [iv] the project will be in harmony with the surrounding area in which it is proposed to be located; and

SECTION 5. ***City Council Action.*** Based upon the findings and conclusions set forth in Sections 1 through 4, 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.

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

PASSED, APPROVED, AND ADOPTED this 21st day of July 2020.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

COLE HUBER, 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. 2020- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 21, 2020 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. 2020- duly passed and adopted by the Ontario City Council at their regular meeting held July 21, 2020.

SHEILA MAUTZ, CITY CLERK

(SEAL)

ATTACHMENT A:

**File No. PCUP19-028;
Departmental Conditions of Approval**

(Document follows this page)



City of Ontario
Planning Department
303 East B Street
Ontario, California 91764
Phone: 909.395.2036
Fax: 909.395.2420

Planning Department Land Development Division Conditions of Approval

Meeting Date: June 30, 2020

File No: PCUP19-028

Related Files: PDEV19-067

Project Description: A Conditional Use Permit to establish and operate a 265-room limited-service dual-branded hotel and to conduct alcoholic beverage sales for consumption on the premises, including beer, wine, and distilled spirits (Type 70 ABC License) to the establishment's overnight guests or their invitees, on 4.94 acres of land, located at the southeast corner of Inland Empire Boulevard and Archibald Avenue, within the OH (Heavy Office) zoning district; **submitted by Ontario H Hotel, LLC.**

Prepared By: Jeanie Irene Aguilo, Associate Planner
Phone: 909.395.2418 (direct)
Email: jaguilo@ontarioca.gov

The Planning Department, Land Development Section, conditions of approval applicable to the above-described Project, are listed below. The Project shall comply with each condition of approval listed below:

1.0 Standard Conditions of Approval. The project shall comply with the *Standard Conditions for New Development*, adopted by City Council Resolution No. 2017-027 on April 18, 2017. A copy of the *Standard Conditions for New Development* may be obtained from the Planning Department or City Clerk/Records Management Department.

2.0 Special Conditions of Approval. In addition to the *Standard Conditions for New Development* identified in condition no. 1.0, above, the project shall comply with the following special conditions of approval:

2.1 Time Limits.

(a) Conditional Use Permit approval shall become null and void one year following the effective date of application approval, unless a building permit is issued and construction is commenced, and diligently pursued toward completion, or a time extension has been approved by the Planning Director, except that a Variance approved in conjunction with a Development Plan shall have the same time limits as said Development Plan. This condition does not supersede any individual time limits specified herein, or any other departmental conditions of approval applicable to the Project, for the performance of specific conditions or improvements.

2.2 General Requirements. The Project shall comply with the following general requirements:

(a) All construction documentation shall be coordinated for consistency, including, but not limited to, architectural, structural, mechanical, electrical, plumbing, landscape and irrigation, grading, utility and street improvement plans. All such plans shall be consistent with the approved entitlement plans on file with the Planning Department.

(b) The project site shall be developed in conformance with the approved plans on file with the City. Any variation from the approved plans must be reviewed and approved by the Planning Department prior to building permit issuance.

(c) The herein-listed conditions of approval from all City departments shall be included in the construction plan set for project, which shall be maintained on site during project construction.

2.3 Landscaping.

(a) The Project shall provide and continuously maintain landscaping and irrigation systems in compliance with the provisions of Ontario Development Code Division 6.05 (Landscaping).

(b) Comply with the conditions of approval of the Planning Department; Landscape Planning Division.

(c) Landscaping shall not be installed until the Landscape and Irrigation Construction Documentation Plans required by Ontario Development Code Division 6.05 (Landscaping) have been approved by the Landscape Planning Division.

(d) Changes to approved Landscape and Irrigation Construction Documentation Plans, which affect the character or quantity of the plant material or irrigation system design, shall be resubmitted for approval of the revision by the Landscape Planning Division, prior to the commencement of the changes.

2.4 Walls and Fences. All Project walls and fences shall comply with the requirements of Ontario Development Code Division 6.02 (Walls, Fences and Obstructions).

2.5 Parking, Circulation and Access.

(a) The Project shall comply with the applicable off-street parking, loading and lighting requirements of City of Ontario Development Code Division 6.03 (Off-Street Parking and Loading).

(b) All drive approaches shall be provided with an enhanced pavement treatment. The enhanced paving shall extend from the back of the approach apron, into the site, to the first intersecting drive aisle or parking space.

(c) Areas provided to meet the City's parking requirements, including off-street parking and loading spaces, access drives, and maneuvering areas, shall not be used for the outdoor storage of materials and equipment, nor shall it be used for any other purpose than parking.

(d) The required number of off-street parking spaces and/or loading spaces shall be provided at the time of site and/or building occupancy. All parking and loading spaces shall be maintained in good condition for the duration of the building or use.

(e) Parking spaces specifically designated and conveniently located for use by the physically disabled shall be provided pursuant to current accessibility regulations contained in State law (CCR Title 24, Part 2, Chapters 2B71, and CVC Section 22507.8).

(f) Bicycle parking facilities, including bicycle racks, lockers, and other secure facilities, shall be provided in conjunction with development projects pursuant to current regulations contained in CALGreen (CAC Title 24, Part 11).

2.6 Outdoor Loading and Storage Areas.

(a) Loading facilities shall be designed and constructed pursuant to Development Code Division 6.03 (Off-Street Parking and Loading).

(b) Areas designated for off-street parking, loading, and vehicular circulation and maneuvering, shall not be used for the outdoor storage of materials or equipment.

2.7 Site Lighting.

(a) All off-street parking facilities shall be provided with nighttime security lighting pursuant to Ontario Municipal Code Section 4-11.08 (Special Residential Building Provisions) and Section 4-11.09 (Special Commercial/Industrial Building Provisions), designed to confine emitted light to the parking areas. Parking facilities shall be lighted from sunset until sunrise, daily, and shall be operated by a photocell switch.

(b) Unless intended as part of a master lighting program, no operation, activity, or lighting fixture shall create illumination on any adjacent property.

2.8 Mechanical and Rooftop Equipment.

(a) All exterior roof-mounted mechanical, heating and air conditioning equipment, and all appurtenances thereto, shall be completely screened from public view by parapet walls or roof screens that are architecturally treated so as to be consistent with the building architecture.

(b) All ground-mounted utility equipment and structures, such as tanks, transformers, HVAC equipment, and backflow prevention devices, shall be located out of view from a public street, or adequately screened through the use of landscaping and/or decorative low garden walls.

2.9 Security Standards. The Project shall comply with all applicable requirements of Ontario Municipal Code Title 4 (Public Safety), Chapter 11 (Security Standards for Buildings).

2.10 Signs.

(a) All Project signage shall comply with the requirements of Ontario Development Code Division 8.0 (Sign Regulations).

(b) Individual sign plans (3 copies) for the project shall be submitted for separate review and approval to the Planning and Building Departments prior to installation.

2.11 Sound Attenuation. The Project shall be constructed and operated in a manner so as not to exceed the maximum interior and exterior noised levels set forth in Ontario Municipal Code Title 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).

2.12 Covenants, Conditions and Restrictions (CC&Rs)/Mutual Access and Maintenance Agreements.

(a) Existing CC&Rs shall be revised for the Project and shall be recorded prior to the issuance of a building permit.

(b) The CC&Rs shall be in a form and contain provisions satisfactory to the City. The articles of incorporation for the property owners association and the CC&Rs shall be reviewed and approved by the City.

(c) CC&Rs shall ensure reciprocal parking and access between parcels.

(d) CC&Rs shall ensure reciprocal parking and access between parcels, and common maintenance of:

- (i) Landscaping and irrigation systems within common areas;
- (ii) Landscaping and irrigation systems within parkways adjacent to the project site, including that portion of any public highway right-of-way between the property line or right-of-way boundary line and the curb line and also the area enclosed within the curb lines of a median divider (Ontario Municipal Code Section 7-3.03), pursuant to Ontario Municipal Code Section 5-22-02;
- (iii) Shared parking facilities and access drives; and
- (iv) Utility and drainage easements.

(e) CC&Rs shall include authorization for the City's local law enforcement officers to enforce City and State traffic and penal codes within the project area.

(f) The CC&Rs shall grant the City of Ontario the right of enforcement of the CC&R provisions.

(g) A specific methodology/procedure shall be established within the CC&Rs for enforcement of its provisions by the City of Ontario, if adequate maintenance of the development does not occur, such as, but not limited to, provisions that would grant the City the right of access to correct maintenance issues and assess the property owners association for all costs incurred.

2.13 Alcoholic Beverage Sales—General.

(a) No upgrade/change of an alcoholic beverage license type may occur until a minimum one-year of operations under the approved license type has occurred.

(b) The business shall be operated in strict compliance with the rules, regulations and orders of the State of California Department of Alcoholic Beverage Control. Failure to comply with this requirement shall be deemed just cause for revocation of conditional use permit approval.

(c) Coinciding with the annual Police Department inspection, the Planning Department shall conduct a review of the approved use and shall prepare for Zoning Administrator consideration, a status report identifying impacts associated with the use and any non-compliance with the conditions of approval. In addition, such status report shall contain a police report regarding calls for service to the subject premises during the prior one year period. Nothing herein shall modify or limit the City's ability to regulate the business or modify or revoke the permit upon the City's determination that the business is being operated in a manner adverse to the public health, safety and welfare.

(d) Signs shall comply with all City of Ontario sign regulations. No more than 25 percent of the total window area shall bear advertising or signs of any sort. Window signs shall be placed and maintained in a manner so that there is clear and unobstructed view of the interior of the premises from the building exterior.

(e) The rear doors shall be kept closed at all times during the operation of the premises, except in case of emergency or to permit deliveries.

(f) In the event that security problems occur as a result of the approved subject use and at the request of the Police Department, the permittee, at his/her own expense, shall provide a California licensed, uniformed security guard(s) on the subject premises, during such hours and in such number as requested by the Police Department.

(g) The licensee shall attend a LEAD (Licensee Education on Alcohol and Drugs) training secession sponsored by the State of California Department of Alcoholic Beverage Control, within 6 months following commencement of the approved use.

(h) A clearly legible copy of the herein-listed conditions of approval shall be posted at all times at a prominent place in the interior of the premises.

(i) Live entertainment shall be prohibited. Any future request for live entertainment shall require conditional use permit approval by the Zoning Administrator. Karaoke, DJs, live musical acts, and other similar forms of entertainment, are considered live entertainment.

(j) Amplified prerecorded music may be permitted; however, the sound emitted from the premises shall not be audible outside the walls of the business establishment.

(k) Electronic arcade and amusement games shall be prohibited on-site, unless specifically permitted by the Police Department and shown on the approved site plan.

2.14 Alcoholic Beverage Sales—Restaurants.

(a) The establishment shall be operated as a "bona fide public eating place" as defined by Business and Professions Code Section 23038. The restaurant shall contain full kitchen facilities for the cooking of an assortment of foods required for ordinary meals. The kitchen shall be open for the serving of meals to guests during all hours the establishment is open. The establishment shall provide an assortment of foods commonly ordered at various hours of the day. The service of sandwiches or salads shall not be deemed in compliance with this requirement.

(b) The sale of alcoholic beverages shall be incidental to the sale of food. The quarterly gross sales of alcoholic beverages shall be less than 50 percent of the restaurants total sales, which includes all food, and alcoholic and non-alcoholic beverages. The owner of the establishment, upon request, shall provide the City of Ontario with an audited report of the sales ratio of food and non-alcoholic beverages to alcoholic beverages.

(c) No alcoholic beverage shall be consumed outside of the enclosed building, except within the approved outdoor eating area, which has been designed so as to be adequately separated from direct public access.

2.15 Environmental Review.

(a) The proposed project is categorically exempt from the requirements of the California Environmental Quality Act of 1970 (CEQA), as amended, and the Guidelines promulgated thereunder, pursuant to **Section 15332 (Class 32, In-Fill Development Projects)** of the CEQA Guidelines, meeting the following conditions:

(i) The Project is consistent with the applicable general plan designation and all applicable general plan policies, as well as the applicable zoning designation and regulations;

(ii) The proposed development occurs within city limits, on a project site of no more than five acres, and is substantially surrounded by urban uses;

(iii) The project site has no value as habitat for endangered, rare, or threatened species;

(iv) Approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and

(v) The Project site can be adequately served by all required utilities and public services.

(b) If human remains are found during project grading/excavation/construction activities, the area shall not be disturbed until any required investigation is completed by the County Coroner and Native American consultation has been completed (if deemed applicable).

(c) If any archeological or paleontological resources are found during project grading/excavation/construction, the area shall not be disturbed until the significance of the resource is determined. If determined to be significant, the resource shall be recovered by a qualified archeologist or paleontologist consistent with current standards and guidelines, or other appropriate measures implemented.

2.16 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 any approval of the City of Ontario, whether by its City Council, Planning Commission or other authorized board or officer. 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.

2.17 Additional Fees.

(a) Within 5 days following final application approval, the Notice of Determination (NOD) filing fee shall be provided to the Planning Department. The fee shall be paid by check, made payable to the "Clerk of the Board of Supervisors", which shall be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the requirements of the California Environmental Quality Act (CEQA). Failure to provide said fee within the time specified may result in a 180-day extension to the statute of limitations for the filing of a CEQA lawsuit.

(b) After the Project's entitlement approval, and prior to issuance of final building permits, the Planning Department's Plan Check and Inspection fees shall be paid at the rate established by resolution of the City Council.

2.18 Additional Requirements.

(a) A Lot Line Adjustment shall be required upon Engineering Department approval.



CITY OF ONTARIO POLICE DEPARTMENT MEMORANDUM



TO: Jeanie Irene Aguilo, Associate Planner

FROM: Officer Erich Kemp, C.O.P.S.

DATE: January 7th, 2020

SUBJECT: FILE NO. PCUP19-028 – HYATT PLACE, 2800 E. Inland Empire Blvd.

The Police Department is placing the following conditions:

RESTAURANT/BAR

1. Alcohol sales may occur between 6:00 A.M. to 2:00 A.M., seven days a week.
2. No alcohol sales or service to minors.
3. No sales or service to intoxicated patrons.
4. No alcoholic beverages are to be sold or removed from the establishment for outside consumption.
5. No Smoking inside of establishment is permitted.
6. No narcotic sales or usage on the premises at any time.
7. No self serve alcohol displays allowed.
8. Employees engaged in serving alcohol beverages must be 21 years of age or older.
9. The applicant shall be responsible for maintaining premises free of graffiti to the premises over which the applicant has control, and shall be responsible for its removal within 72 hours of its appearance or upon notice of its appearance to the applicant.
10. No loitering shall be permitted on any property adjacent to the licensed premise, which is under the control of the applicant, and signs must be posted.

11. Applicant, security and all employees serving alcohol must attend an Alcohol Beverage Control (ABC) L.E.A.D. training class or a certified responsible beverage service class, which has been approved by ABC and Ontario Police Department, within three months of this dated conditional use permit. Proof of re-certification is required every 3 years.
12. Roof top numbers shall be installed on the flat part of the roof. The numbers shall be a minimum of 3 feet in length and 1 foot in width. Numbers shall be painted, and maintained, in reflective white paint on a flat black background away from roof obstacles. The bottom of the numbers must face the street in which it belongs.
13. Address to establishment must be illuminated for easy identification of safety personnel.
14. The parking lot lighting must provide adequate lighting from dusk to dawn.
15. Lighting within the establishment must be kept at a reasonable level as determined by city officials.
16. All hallways must be kept clear from merchandise, storage, and patrons blocking pathway.
17. Restrooms must be kept free of graffiti.
18. No pool tables or amusement games are permitted inside the establishment.
19. A no trespass letter will be on file with the Police Department.

POOL AREA CONDITIONS

1. Alcohol consumption by guest may occur between the hours of 6:00 A.M. to 10:00 P.M., seven days a week in the pool area.
2. Alcoholic beverages may only be consumed out of plastic containers in the pool area.
3. Signs will be posted advising no glass containers allowed in the pool area.

COURTYARD/PATIO CONDITIONS

1. Patio walls need to be raised in height to a minimum of 5 feet using Plexiglas or solid block walls, which will allow the sales and consumption of alcohol in the patio area.
2. If the patio height requirements are not met, alcohol may only be served if monitored by a server or restaurant staff.
3. Patio exits must be gated and closed at all times. Emergency sounding devices and panic hardware must be installed on gates.
4. Outdoor tables shall not be removed or rearranged to increase occupancy.

5. No sounds emitted to the patio shall be heard outside of the patio area.

SECURITY CONDITIONS

1. Events held in the meeting rooms with the possible attendance of 500 or more, involving live entertainment (ex. dancing, live musicians, concerts) and/ or alcohol beverages will require the applicant to contact the police department for officers to staff the event.
2. The police department will be given a two week window, in order to have adequate time to determine how many police officers will be needed to staff an event.
3. In the event security problems occur as a result of the use, the Police Department may request a public hearing before the Zoning Administrator to consider modifications to the security including, but not limited to, the addition of security guards, additional hours for security guards, and replacement of security guards with Ontario Police officers. The public hearing process shall be conducted in accordance with the requirements of the City's Development Code.
4. Ontario Police Officers have the right to limit or reduce the occupancy inside the establishment, if situations arise that may compromise the safety of patrons and the officer. Any additional police resources requested to bring peace in the establishment may be charged to the business owner.
5. Security personnel used by the applicant will be required to follow Ontario Municipal Code Article 6, Title 3, Section 3-1.601-621 (security regulations).

ROOM SERVICE CONDITIONS

1. Room service alcohol sales may occur between the hours of 6:00 A.M. to 12:00 A.M., seven days a week.
2. Employees engaged in the delivering of alcoholic beverages to rooms, must be 21 years of age.
3. Sales and service of alcohol beverages will only be to room guests that are 21 and over and have a bona fide ID.

Prior to opening, inspection of the premises will be conducted by the Ontario Police Department and the Ontario Planning Department.

The Police Department will conduct a review in six months to determine whether additional conditions are needed.

A copy of the listed conditions of approval must be posted with your ABC license at all times in a prominent place in the interior of the premises.

Any special event outside the scope of the Conditional Use Permit will require a TUP (Temporary Use Permit) which will be processed by the Planning Department and conditioned by the Ontario Police Department. (For example a radio station promotion held at the hotel, or an outdoor event with alcoholic beverages would be a special event requiring Police or security personnel, but a community service organization breakfast meeting would not be considered a special event and therefore would not require additional security.)

If alcohol related crimes at this location are higher than other similar establishments in the overall City during any quarter, the CUP will automatically be referred to the Zoning Administrator for review and re-conditioning or revocation of the permit. The Police Department may, at their sole discretion, request a revocation hearing if they determine that the establishment is being operated in violation of this CUP or has violated the laws of the State or City.

If you have any questions please call Officer Erich Kemp at (909) 408-1922.



CITY OF ONTARIO

MEMORANDUM

TO: Jeanie Irene Aguilo, Associate Planner

FROM: Officer Emily Hernandez, Police Department

DATE: December 9, 2019

SUBJECT: PDEV19-067 AND PCUP19-028: A DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT TO CONSTRUCT AND ESTABLISH A 273-ROOM 4-STORY DUAL HOTEL AT THE SOUTHEAST CORNER OF INLAND EMPIRE BOULEVARD AND ARCHIBALD AVENUE

The “Standard Conditions of Approval” contained in Resolution No. 2017-027 apply. The applicant shall read and be thoroughly familiar with these conditions, including, but not limited to, the requirements below:

- Required lighting for walkways, driveways, doorways, parking lots, hallways, stairwells, and other areas used by the public shall be provided. Lights shall operate via photosensor. Updated photometrics demonstrating required lighting levels for the project area, including the rear parking lot and pool area, shall be provided to the Police Department. The photometric plans shall include the types of fixtures proposed and demonstrate that such fixtures meet the vandal-resistant requirement. Planned landscaping shall not obstruct lighting.
- Rooftop addresses shall be installed on the building as stated in the Standard Conditions. The numbers shall be at a minimum 3 feet tall and 1 foot wide, in reflective white paint on a flat black background, and oriented with the bottom of the numbers towards the addressed street.
- First floor stairwells shall be constructed so as to either allow for visibility through the stairwell risers or to prohibit public access to the areas behind stairwells
- The Applicant shall comply with construction site security requirements as stated in the Standard Conditions. This includes the provisions for perimeter lighting, site lighting, fencing and/or uniformed security.

Refer to ABC conditions for additional conditions of approval. The approval of this Conditional Use Permit shall not be construed so as to permit the sale of alcohol on the premises. The Applicant shall apply for a modification to this Conditional Use Permit should they desire to sell alcohol.

The Applicant is invited to contact Officer Emily Hernandez at (909) 408-1755 with any questions or concerns regarding these conditions.



CITY OF ONTARIO

MEMORANDUM

TO: Jeanie Irene Aguilo, Associate Planner
Planning Department

FROM: Paul Ehrman, Deputy Fire Chief/Fire Marshal
Fire Department

DATE: December 18, 2019

SUBJECT: PCUP19-028 - A Conditional Use Permit to establish a 273-room, 5-story dual hotel on 4.94 acres of land located at the southeast corner of Inland Empire Boulevard and Archibald Avenue, within the OH (Heavy Office) zoning district (APNs: 0210-191-29, 0210-191-30, 0210-191-31, 0210-191-32). Related File: PDEV19-067.

-
- The plan **does** adequately address Fire Department requirements at this time.
- Standard Conditions of Approval apply.
-

CITY OF ONTARIO

MEMORANDUM

TO: PLANNING DEPARTMENT, Jeanie Aguilo
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: December 3, 2019
SUBJECT: PCUP19-028

1. The plan **does** adequately address the departmental concerns at this time.
No comments.

KS:lr

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PDEV19-067 & PCUP19-028

Address: Southeast Corner of Archibald Ave & Inland Empire Blvd

APN: 0210-1941-29, 30, 31 & 32

Existing Land Use: Vacant

Proposed Land Use: A Development Plan to construct 157,370 SF hotel and 5,000 SF restaurant pad

Site Acreage: 4.94 Proposed Structure Height: 77 FT

ONT-IAC Project Review: No

Airport Influence Area: ONT

Reviewed By:

Lorena Mejia

Contact Info:

909-395-2276

Project Planner:

Jeanie Aguilo

Date: 6/11/20

CD No.: 2019-089

PALU No.:

The project is impacted by the following ONT ALUCP Compatibility Zones:

Safety	Noise Impact	Airspace Protection	Overflight Notification
<input type="radio"/> Zone 1	<input type="radio"/> 75+ dB CNEL	<input type="radio"/> High Terrain Zone	<input type="radio"/> Avigation Easement Dedication
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input checked="" type="checkbox"/> Recorded Overflight Notification
<input type="radio"/> Zone 2	<input type="checkbox"/> 65 - 70 dB CNEL	<input checked="" type="checkbox"/> Airspace Obstruction Surfaces	<input type="radio"/> Real Estate Transaction Disclosure
<input type="radio"/> Zone 3	<input type="radio"/> 60 - 65 dB CNEL	<input type="radio"/> Airspace Avigation Easement Area	
<input type="radio"/> Zone 4		Allowable Height: 105 FT	
<input type="radio"/> Zone 5			

The project is impacted by the following Chino ALUCP Safety Zones:

Zone 1
 Zone 2
 Zone 3
 Zone 4
 Zone 5
 Zone 6

Allowable Height: _____

CONSISTENCY DETERMINATION

This proposed Project is: Exempt from the ALUCP Consistent Consistent with Conditions Inconsistent

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

See Attached

Airport Planner Signature: _____

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT

CD No.: 2019-089

PALU No.: _____

PROJECT CONDITIONS

The maximum height limit for the project site is 105 feet and as such, any construction equipment such as cranes or any other equipment exceeding 105 feet in height will need a determination of "No Hazard" from the FAA. An FAA Form 7460-1 for any temporary objects will need be filed with the FAA and approved prior to operating such equipment on the project site during construction.

CITY OF ONTARIO

Agenda Report
July 21, 2020

SECTION:
PUBLIC HEARING

SUBJECT: A PUBLIC HEARING TO CONSIDER APPROVAL OF AN ENERGY SERVICES CONTRACT WITH CLIMATEC, LLC FOR THE IMPLEMENTATION OF CERTAIN ENERGY RELATED IMPROVEMENTS TO CITY FACILITIES IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 4217.10 TO 4217.18


RECOMMENDATION: That the City Council hold a public hearing to consider adoption of a resolution approving an Energy Service Agreement (on file in the Records Management Department) with Climatec, LLC of Phoenix, AZ, for the implementation of certain energy related improvements to the City facilities in accordance with California Government Code Section 4217.10 to 4217.18; adopt findings that the cost to the City to implement the energy related improvements are less than the anticipated marginal cost to the City of thermal, electrical, or other energy that would have been consumed by the City absent of purchasing the energy improvements; and incorporate said findings in the provisions of the subject contract.

COUNCIL GOALS: Operate in a Businesslike Manner
Pursue City's Goals and Objectives by Working with Other Governmental Agencies
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: The total estimated cost of the proposed improvements is \$34,850,000 and includes all project development, design, engineering, implementation, and commissioning costs. The total lifecycle savings is estimated at \$75,065,570 over the life of the new equipment which includes approximately \$56,300,000 in operating savings and \$18,800,000 in avoided capital expenditures associated with critical infrastructure modernization. Annual operating savings are estimated to exceed total program costs plus loan repayments, providing both General Fund and Capital Improvement Fund budget relief. Audit results and savings estimates have been reviewed and approved by a third party engineering firm.

In addition, Climatec has provided a written guarantee, for a term not to exceed 15 years, that project savings will achieve 100% or more of the Guaranteed Project Annual Savings for budget integrity.

STAFF MEMBER PRESENTING: Tito Haes, Executive Director Public Works

Prepared by: Michael Johnson
Department: Municipal Services
City Manager Approval: 

Submitted to Council/O.H.A. 07/21/2020
Approved: _____
Continued to: _____
Denied: _____

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Climatec will complete Measurement and Verification (M&V) Reports annually to verify project savings are being met. In the event that an annual M&V Report savings value (including any excess, unapplied savings from previous years) does not meet the Guaranteed Project Savings in accordance with the M&V Plan, then Climatec shall repair, replace, or substitute the Energy Conservation Measure (ECM) that is not performing at the required level, as identified in the M&V Report, and at Climatec, LLC's sole expense. Following corrective action, Climatec shall re-perform the relevant M&V work for the affected ECM(s) and amend or supplement the M&V Report. If the sum of the ECMs indicates that the Guaranteed Project Savings are met or exceeded, then no further remedy shall be required. If, after the opportunity to make corrections, the M&V Report, as amended, indicates that verified savings are less than the Guaranteed Project Savings as shown in the Savings Summary, then Climatec shall pay the City the shortfall amount.

Project funding will come from several sources including: Financing of \$2,898,220 at 1% interest through the California Energy Commission's Energy Conservation Assistance Act Program; \$245,000 financing at 0% interest through the Southern California Edison On-Bill Funding (OBF) program; potential Self-Generation Incentive Program incentives of \$2.7 million for battery storage dependent on future grant approval; and the remaining balance of approximately \$29 million to be funded through a tax exempt municipal lease (\$32 million without the Self-Generation Incentive Program funding source). Financial Services Agency staff is currently soliciting proposals from lending firms that specialize in this type of transaction and plans to bring a funding recommendation to the City Council for consideration and approval in September 2020.

BACKGROUND: In January 2019, the City issued a Request for Proposals from qualified energy service company providers for a comprehensive energy efficiency improvement project. City staff and consultants from Sage Renewable Energy Consulting, Inc. evaluated the proposals and selected Climatec, LLC as its energy partner in May 2019. Since that time, Climatec, LLC completed an investment grade audit of City facilities and produced a list of potential energy efficiency projects including LED streetlight conversions and installation of "smart" streetlight nodes, HVAC upgrades in several buildings, LED interior/exterior building lighting, building automation systems, solar photovoltaic systems, solar thermal systems, and battery storage. Climatec, City staff, and SMG staff co-developed a list of energy efficiency, generation storage, and sustainability recommendation that will modernize City infrastructure and dramatically reduce utility and operational cost expenditures at City owned facilities, including the Toyota Arena and Ontario Convention Center. This detailed assessment included turnkey cost to design and deliver the project, lifecycle savings and a funding plan to enable implementation. Some of the key recommendation are listed below.

- Interior and Exterior LED Lighting Modernization City-wide
- LED Streetlight conversions and Smart City Control System City-wide (working in partnership with IT)
- Central Chilled Water Plants at the Library and Convention Center
- Hot Water Boiler Plants at the Library, Convention Center and Toyota Arena
- Refurbishing Air Handlers and VAV Boxes at the Convention Center
- Building Automation Control Systems Upgrades at 27 sites
- New Packaged Air Condition System Upgrades at 11 sites
- Solar PV Systems at City Hall Annex, Convention Center and Toyota Arena
- Solar Thermal Heating Systems at Westwind and Dorothy Quesada Pools
- Electric Vehicle Charging Systems at Armstrong, Westwind, and Dorothy Quesada Community Centers and the Ontario Municipal Utilities Company

- New Electric Transformers at City Hall Annex, Police Department, and Senior Center
- Battery Storage Systems at the Toyota Arena, Convention Center and Police Department (pending grant application approval)

If approved, Climatec and City staff will begin developing a project schedule and priority list for each of the project components. Estimated project completion timeline is 18-24 months from the date a Notice to Proceed is issued.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING ENERGY SERVICES CONTRACTS WITH CLIMATEC, LLC FOR THE IMPLEMENTATION OF CERTAIN ENERGY RELATED IMPROVEMENTS TO CITY FACILITIES IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 4217.10 TO 4217.18.

WHEREAS, Climatec, LLC ("Climatec") has represented to the City of Ontario ("City") that Climatec has developed certain procedures for the design and installation of energy conservation measures as defined in Government Code section 4217.11 ("Energy Conservation Measures"); and

WHEREAS, Climatec has analyzed the energy needs of the public facilities owned and operated by the City (collectively "Facilities"), and has represented that Climatec's provision of Energy Conservation Measures to the Facilities will result in a reduction in energy consumption or demand that will result in net cost savings to the City ("Cost Savings"); and

WHEREAS, based upon the energy analysis and presentation by City staff and its consultants, the cost to the City for Climatec to provide and install the Energy Conservation Measures will be less than the anticipated marginal cost to the City of thermal, electrical, or other energy that would have been consumed by the City in the absence of the Energy Conservation Measures; and

WHEREAS, Government Code section 4217.12(a)(1) authorizes a public agency to enter into an energy service contract with respect to the Energy Conservation Measures if the City Council finds that the anticipated cost to the City for the Energy Conservation Measures will be less than the anticipated marginal costs to the City of thermal, electrical or other energy that would have been consumed by the City at the Facilities in the absence of such purchases; and

WHEREAS, Government Code section 4217.12 (a) authorizes the City to enter into one or more contracts for the Energy Conservation Measures and any necessary related facility ground lease, on terms that its City Council determines are in the best interests of the City; and

WHEREAS, the City has provided proper notice of the public hearing as required by Government Code section 4217.12(a) for purposes of receiving public comment on the City's intent to enter into the Contracts; and

WHEREAS, the City has determined that the City's payment to Climatec is anticipated to be offset by reduction in energy costs or other benefits provided under the terms of the contract with Climatec pursuant to Government Code section 4217.12(a)(2); and

WHEREAS, the form of the Energy Services Agreement and Measurement and Verification Agreement (“Contracts”) are made a part hereof by this reference; and

WHEREAS, on this date, pursuant to Government Code section 4217.10 et seq., City Council held a public hearing with respect to the City entering into the Contracts with Climatec; and

WHEREAS, the City desires to retain Climatec to provide, install, and maintain the Energy Conservation Measures pursuant to the terms and conditions of the Contracts.

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.

SECTION 2. That the City held a public hearing at a regularly scheduled meeting of the City Council where any and all comments, protests, and complaints were heard with respect to the Contracts.

SECTION 3. Based upon reports of staff, reviewed by the City Council in connection herewith, and pursuant to Government Code section 4217.12, the City Council finds that the anticipated cost to the City for the Energy Conservation Measures provided pursuant to the terms of the Contracts will be less than the anticipated marginal costs to the City of thermal, electrical or other energy that would have been consumed by the City in the absence of such purchases.

SECTION 4. That the City’s payment to Climatec is anticipated to be offset by a reduction in energy consumption, below-market energy purchases or other benefits provided under the Contracts.

SECTION 5. It is in the best interests of the City to enter the Contracts pursuant to the terms as indicated in the form of Contracts on file in the office of the City Clerk, subject to minor revisions approved by the City Manager and City Attorney that do not alter or reduce the “best interests” approved in this Resolution.

SECTION 6. That the City Manager or his designee is authorized to enter into the Contracts pursuant to the terms as indicated in the form of Contracts on file in the office of the City Clerk, subject to minor revisions approved by the City Manager and City Attorney that do not alter or reduce the “best interests” approved in this Resolution, to take all steps and perform all actions necessary to execute and implement that Contracts, and to take any actions deemed necessary to best protect the interests of the City.

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

PASSED, APPROVED, AND ADOPTED this 21st day of July 2020.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

COLE HUBER, 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. 2020- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 21, 2020 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. 2020- duly passed and adopted by the Ontario City Council at their regular meeting held July 21, 2020.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
July 21, 2020

SECTION:
ADMINISTRATIVE REPORTS/
DISCUSSION/ACTION

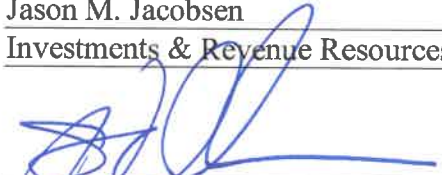
SUBJECT: A RESOLUTION AUTHORIZING THE ISSUANCE OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 40 (EMERALD PARK FACILITIES) SPECIAL TAX BONDS, SERIES 2020, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$8,000,000 AND RELATED MATTERS

RECOMMENDATION: That the City Council consider and adopt a resolution authorizing the issuance of City of Ontario Community Facilities District No. 40 (Emerald Park Facilities) Special Tax Bonds, Series 2020, and:

- (A) Authorizing the issuance of special tax bonds for public improvements required to facilitate the development of the Emerald Park Facilities project and the Ontario Ranch development;
- (B) Approving the forms of the Indenture, the Bond Purchase Agreement, the Continuing Disclosure Agreement, and the Preliminary Official Statement;
- (C) Authorizing a negotiated sale of the special tax bonds to Stifel, Nicolaus & Company, Incorporated (the "Underwriter") in accordance with the terms of the Bond Purchase Agreement; and,
- (D) Authorizing the execution of the Indenture, the Bond Purchase Agreement, the Continuing Disclosure Agreement, a deemed final certification in connection with the Preliminary Official Statement, a final Official Statement and other documents in connection with the issuance of the bonds by the City Manager or the other specified authorized officers.

COUNCIL GOALS: 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 Ontario Ranch

STAFF MEMBER PRESENTING: Armen Harkalyan, Executive Director of Finance

Prepared by: Jason M. Jacobsen
Department: Investments & Revenue Resources
City Manager Approval: 

Submitted to Council/O.H.A. 07/21/2020
Approved: _____
Continued to: _____
Denied: _____

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FISCAL IMPACT: The use of Mello-Roos financing for public facilities in the residential development of the Emerald Park Facilities project and the Ontario Ranch development is estimated to generate approximately \$8 million, based on current market interest rates, which will be used to help fund a portion of the public infrastructure improvements that will serve the project. The resolution authorizing the issuance of City of Ontario Community Facilities District No. 40 (Emerald Park Facilities) Special Tax Bonds, Series 2020, and related matters, limits the principal amount of the bonds to \$8 million. The City currently expects the bonds to be sold no later than August 2020; however, such schedule could change based on market volatility and market conditions. Since Mello-Roos bonds are not a direct obligation of the City and are paid from special taxes levied on each taxable parcel in the applicable community facilities district, there is no General Fund impact from the issuance of Mello-Roos bonds. City Council approval will be required in future years to process annual special tax levies.

BACKGROUND: The Mello-Roos Community Facilities Act of 1982 provides local government, with the requisite consent and approval from the property owners, the authority to establish community facilities districts for the purpose of levying special taxes to fund governmental services and to finance various kinds of public infrastructure facilities. Under the Mello-Roos Act, the initial steps in the formation of a community facilities district to finance public improvements are adopting a resolution declaring the City's intention to establish a community facilities district and levy special taxes, and a resolution to issue bonds. On April 2, 2019 the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of the District with the adoption of Resolution No. 2019-029, declaring the City's intention to establish the District and to authorize the levy of special taxes. On May 7, 2019, the City Council adopted Resolution No. 2019-037 forming the District, and Resolution No. 2019-038 deeming it necessary to incur bonded indebtedness. Based on a successful property owner election held on May 7, 2019, the City Council adopted Ordinance No. 3131 on June 4, 2019, authorizing the levy of special taxes within the District to finance public improvements related to the Park Place Facilities project.

The Emerald Park Facilities project addresses the residential development of approximately 24 taxable gross acres located generally east of Archibald Avenue, south of La Avenida Drive, and north of Ontario Ranch Road. At build out, the development is projected to include 265 units, comprised of 48 detached and 217 attached units.

The proposed resolution references several bond documents and other matters related to the proposed issuance of bonds by City of Ontario Community Facilities District No. 40 (Emerald Park Facilities). These documents are listed below and are on file in the Records Management Department.

- Indenture
- Bond Purchase Agreement
- Continuing Disclosure Agreement
- Preliminary Official Statement

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE ISSUANCE OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 40 (EMERALD PARK FACILITIES) SPECIAL TAX BONDS, SERIES 2020, IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$8,000,000, AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDENTURE, A BOND PURCHASE AGREEMENT AND A CONTINUING DISCLOSURE AGREEMENT, AUTHORIZING THE DISTRIBUTION OF AN OFFICIAL STATEMENT IN CONNECTION THEREWITH AND AUTHORIZING THE EXECUTION OF NECESSARY DOCUMENTS AND CERTIFICATES AND RELATED ACTIONS.

WHEREAS, the City Council (the "City Council") of the City of Ontario (the "City") has formed the City of Ontario Community Facilities District No. 40 (Emerald Park Facilities) (the "Community Facilities District") under the provisions of the Mello-Roos Community Facilities Act of 1982 (the "Act"); and

WHEREAS, the Community Facilities District is authorized under the Act to levy special taxes (the "Special Taxes") to pay for the costs of certain public facilities (the "Facilities") and to issue bonds payable from the Special Taxes; and

WHEREAS, in order to provide funds to finance certain of the Facilities, the Community Facilities District proposes to issue its City of Ontario Community Facilities District No. 40 (Emerald Park Facilities) Special Tax Bonds, Series 2020 (the "Series 2020 Bonds"), in the aggregate principal amount of not to exceed \$8,000,000; and

WHEREAS, in order to provide for the authentication and delivery of the Series 2020 Bonds, to establish and declare the terms and conditions upon which the Series 2020 Bonds are to be issued and secured and to secure the payment of the principal thereof, premium, if any, and interest thereon, the Community Facilities District proposes to enter into an Indenture with Zions Bancorporation, National Association, as trustee (the "Trustee") (such Indenture, in the form presented to this meeting, with such changes, insertions and omissions as are made pursuant to this Resolution, being referred to herein as the "Indenture"); and

WHEREAS, Stifel, Nicolaus & Company, Incorporated (the "Underwriter"), has presented the Community Facilities District with a proposal, in the form of a Bond Purchase Agreement, to purchase the Series 2020 Bonds from the Community Facilities District (such Bond Purchase Agreement, in the form presented to this meeting, with such changes, insertions and omissions as are made pursuant to this Resolution, being referred to herein as the "Purchase Agreement"); and

WHEREAS, Rule 15c2-12 promulgated under the Securities Exchange Act of 1934 ("Rule 15c2-12") requires that, in order to be able to purchase or sell the Series

2020 Bonds, the underwriter thereof must have reasonably determined that the Community Facilities District has, or one or more appropriate obligated persons have, undertaken in a written agreement or contract for the benefit of the holders of the Series 2020 Bonds to provide disclosure of certain financial information and certain listed events on an ongoing basis; and

WHEREAS, in order to cause such requirement to be satisfied, the Community Facilities District desires to enter into a Continuing Disclosure Agreement with the Trustee (such Continuing Disclosure Agreement, in the form presented to this meeting, with such changes, insertions and omissions as are made pursuant to this Resolution, being referred to herein as the "Continuing Disclosure Agreement"); and

WHEREAS, a form of the Preliminary Official Statement to be distributed in connection with the public offering of the Series 2020 Bonds has been prepared (such Preliminary Official Statement, in the form presented to this meeting, with such changes, insertions and omissions as are made pursuant to this Resolution, being referred to herein as the "Preliminary Official Statement"); and

WHEREAS, there have been prepared and submitted to this meeting forms of:

- (a) the Indenture;
- (b) the Purchase Agreement;
- (c) the Continuing Disclosure Agreement; and
- (d) the Preliminary Official Statement; and

WHEREAS, Harris Realty Appraisal has prepared and provided to the Community Facilities District an updated appraisal report, dated June 1, 2020 (the "Appraisal"), providing an opinion of value of the property in the Community Facilities District, which has been submitted to this meeting; and

WHEREAS, Section 5852.1 of the California Government Code requires that the City Council obtain from an underwriter, financial advisor or private lender and disclose, in a meeting open to the public, prior to authorization of the issuance of the Series 2020 Bonds, good faith estimates of (a) the true interest cost of the Series 2020 Bonds, (b) the sum of all fees and charges paid to third parties with respect to the Series 2020 Bonds, (c) the amount of proceeds of the Series 2020 Bonds expected to be received net of the fees and charges paid to third parties and any reserves or capitalized interest paid or funded with proceeds of the Series 2020 Bonds, and (d) the sum total of all debt service payments on the Series 2020 Bonds calculated to the final maturity of the Series 2020 Bonds plus the fees and charges paid to third parties not paid with the proceeds of the Series 2020 Bonds; and

WHEREAS, in compliance with Section 5852.1 of the California Government Code, the City Council has obtained from CSG Advisors Incorporated, as the

Community Facilities District's municipal advisor, the required good faith estimates, which the Municipal Advisor has prepared in consultation with the Underwriter, and such estimates are disclosed and set forth in Exhibit A attached hereto; and

WHEREAS, the Community Facilities District desires to proceed to issue and sell the Series 2020 Bonds and to authorize the execution of such documents and the performance of such acts as may be necessary or desirable to effect the offering, sale and issuance of the Series 2020 Bonds; and

WHEREAS, the City Council is the legislative body of the Community Facilities District; and

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.

SECTION 2. Subject to the provisions of Section 3 hereof, the issuance of the Series 2020 Bonds, in an aggregate principal amount of not to exceed \$8,000,000, on the terms and conditions set forth in, and subject to the limitations specified in, the Indenture, be and the same is hereby authorized and approved. The Series 2020 Bonds shall be dated, shall bear interest at the rates, shall mature on the dates, shall be subject to call and redemption, shall be issued in the form and shall be as otherwise provided in the Indenture, as the same shall be completed as provided in this Resolution.

SECTION 3. The Indenture, in substantially the form submitted to this meeting and made a part hereof as though set forth herein, be and the same is hereby approved. Each of the Mayor of the City, and such other member of the City Council as the Mayor may designate, the City Manager of the City, the Assistant City Manager of the City, the Executive Director of Finance of the City, the Deputy City Treasurer of the City, and such other officer or employee of the City as the City Manager may designate (the "Authorized Officers") is hereby authorized, and any one of the Authorized Officers is hereby directed, for and in the name of the Community Facilities District, to execute and deliver the Indenture in the form submitted to this meeting, with such changes, insertions and omissions as the Authorized Officer executing the same may require or approve, such requirement or approval to be conclusively evidenced by the execution of the Indenture by such Authorized Officer; provided, however, that such changes, insertions and omissions shall not authorize an aggregate principal amount of Series 2020 Bonds in excess of \$8,000,000, shall not result in a final maturity date of the Series 2020 Bonds later than September 1, 2051, and shall not result in a true interest cost for the Series 2020 Bonds in excess of 6.50%.

SECTION 4. The Purchase Agreement, in substantially the form submitted to this meeting and made a part hereof as though set forth in full herein, be and the same is hereby approved. Each of the Authorized Officers is hereby authorized, and any one of the Authorized Officers is hereby directed, for and in the name of the Community

Facilities District, to execute and deliver the Purchase Agreement in the form presented to this meeting, with such changes, insertions and omissions as the Authorized Officer executing the same may require or approve, such requirement or approval to be conclusively evidenced by the execution of the Purchase Agreement by such Authorized Officer; provided, however, that such changes, insertions and omissions shall not result in an aggregate underwriter's discount (not including any original issue discount) from the principal amount of the Series 2020 Bonds in excess of 1.50% of the aggregate principal amount of the Series 2020 Bonds. The City Council hereby finds and determines that the sale of the Series 2020 Bonds at negotiated sale as contemplated by the Purchase Agreement will result in a lower overall cost.

SECTION 5. The Continuing Disclosure Agreement, in substantially the form submitted to this meeting and made a part hereof as though set forth in full herein, be and the same is hereby approved. Each of the Authorized Officers is hereby authorized, and any one of the Authorized Officers is hereby directed, for and in the name of the Community Facilities District, to execute and deliver the Continuing Disclosure Agreement in the form presented to this meeting, with such changes, insertions and omissions as the Authorized Officer executing the same may require or approve, such requirement or approval to be conclusively evidenced by the execution of the Continuing Disclosure Agreement by such Authorized Officer.

SECTION 6. The Preliminary Official Statement, in substantially the form presented to this meeting and made a part hereof as though set forth in full herein, with such changes, insertions and omissions therein as may be approved by an Authorized Officer, be and the same is hereby approved, and the use of the Preliminary Official Statement in connection with the offering and sale of the Series 2020 Bonds is hereby authorized and approved. Each of the Authorized Officers is hereby authorized to certify on behalf of the Community Facilities District that the Preliminary Official Statement is deemed final as of its date, within the meaning of Rule 15c2-12 (except for the omission of certain final pricing, rating and related information as permitted by Rule 15c2-12).

SECTION 7. The preparation and delivery of a final Official Statement (the "Official Statement"), and its use in connection with the offering and sale of the Series 2020 Bonds, be and the same is hereby authorized and approved. The Official Statement shall be in substantially the form of the Preliminary Official Statement, with such changes, insertions and omissions as may be approved by an Authorized Officer, such approval to be conclusively evidenced by the execution and delivery thereof. Each of the Authorized Officers is hereby authorized, and any one of the Authorized Officers is hereby directed, for and in the name of the Community Facilities District, to execute the final Official Statement and any amendment or supplement thereto.

SECTION 8. Based upon the property values within the Community Facilities District reported in the Appraisal and the value-to-lien information set forth in the Preliminary Official Statement, the City Council, for purposes of Section 53345.8 of the Act, hereby finds and determines that the value of the real property that would be subject to the Special Tax to pay debt service on the Series 2020 Bonds will be at least

three times the principal amount of the Series 2020 Bonds to be sold and the principal amount of all other bonds outstanding that are secured by a special tax levied pursuant to the Act on property within the Community Facilities District or a special assessment levied on property within the Community Facilities District.

SECTION 9. The City Council hereby waives the provisions of the City's Mello-Roos Community Facilities Act of 1982 Local Goals and Policies, as amended to date, that are inconsistent or in conflict with the issuance of the Series 2020 Bonds and the financing of the Facilities as approved and authorized hereby, and finds and determines that benefit inures to the ultimate property owners, the Community Facilities District and/or the City as a result of such waiver.

SECTION 10. 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 11. 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 21st day of July 2020.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

COLE HUBER, 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. 2020- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 21, 2020 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. 2020- duly passed and adopted by the Ontario City Council at their regular meeting held July 21, 2020.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A

GOOD FAITH ESTIMATES

The good faith estimates set forth herein are provided with respect to the Series 2020 Bonds in accordance with Section 5852.1 of the California Government Code. Such good faith estimates have been provided to the Community Facilities District by CSG Advisors Incorporated, the Community Facilities District's municipal advisor (the "Municipal Advisor"), which the Municipal Advisor has prepared in consultation with Stifel, Nicolaus & Company, Incorporated, the Underwriter.

Principal Amount. The Municipal Advisor has informed the Community Facilities District that, based on the Community Facilities District's financing plan and current market conditions, its good faith estimate of the aggregate principal amount of the Series 2020 Bonds to be issued and sold is \$6,340,000 (the "Estimated Principal Amount"), which does not include approximately \$392,000 of net premium estimated to be generated based on current market conditions. Net premium is generated when, on a net aggregate basis for a single issuance of bonds, the price paid for such bonds is higher than the face value of such bonds. Such Estimated Principal Amount and such estimated net premium amount would produce approximately \$6,732,000 of gross proceeds.

True Interest Cost of the Series 2020 Bonds. The Municipal Advisor has informed the Community Facilities District that, assuming that the Estimated Principal Amount of the Series 2020 Bonds is issued and sold, and based on market interest rates prevailing at the time of preparation of such estimate, its good faith estimate of the true interest cost of the Series 2020 Bonds, which means the rate necessary to discount the amounts payable on the respective principal and interest payment dates to the purchase price received for the Series 2020 Bonds, is 3.62%.

Finance Charge of the Series 2020 Bonds. The Municipal Advisor has informed the Community Facilities District that, assuming that the Estimated Principal Amount of the Series 2020 Bonds is issued and sold, and based on market interest rates prevailing at the time of preparation of such estimate, its good faith estimate of the finance charge for the Series 2020 Bonds, which means the sum of all fees and charges paid to third parties (or costs associated with the Series 2020 Bonds), is \$357,000.

Amount of Proceeds to be Received. The Municipal Advisor has informed the Community Facilities District that, assuming that the Estimated Principal Amount of the Series 2020 Bonds is issued and sold, and based on market interest rates prevailing at the time of preparation of such estimate, its good faith estimate of the amount of proceeds expected to be received by the Community Facilities District for sale of the Series 2020 Bonds, less the finance charge of the Series 2020 Bonds, as estimated above, and any reserves or capitalized interest paid or funded with proceeds of the Series 2020 Bonds, is \$6,005,000.

Total Payment Amount. The Municipal Advisor has informed the Community Facilities District that, assuming that the Estimated Principal Amount of the Series 2020 Bonds is sold, and based on market interest rates prevailing at the time of preparation of such estimate, its good faith estimate of the total payment amount, which means the sum total of all payments the Community Facilities District will make to pay debt service on the Series 2020 Bonds, plus the finance charge for the Series 2020 Bonds, as described above, not paid with the proceeds of the Series 2020 Bonds, calculated to the final maturity of the Series 2020 Bonds, is \$11,020,000, which excludes any reserves or capitalized interest funded or paid with proceeds of the Series 2020 Bonds (which may offset such total payment amount).

The foregoing estimates constitute good faith estimates only and are based on market conditions prevailing at the time of preparation of such estimates. The actual principal amount of the Series 2020 Bonds issued and sold, the true interest cost thereof, the finance charges thereof, the amount of proceeds received therefrom and total payment amount with respect thereto may differ from such good faith estimates due to (a) the actual date of the sale of the Series 2020 Bonds being different than the date assumed for purposes of such estimates, (b) the actual principal amount of Series 2020 Bonds issued and sold being different from the Estimated Principal Amount, (c) the actual amortization of the Series 2020 Bonds being different than the amortization assumed for purposes of such estimates, (d) the actual market interest rates at the time of sale of the Series 2020 Bonds being different than those estimated for purposes of such estimates, (e) other market conditions, or (f) alterations in the Community Facilities District's financing plan, or a combination of such factors. The actual date of sale of the Series 2020 Bonds and the actual principal amount of Series 2020 Bonds issued and sold will be determined by the Community Facilities District based on the timing of the need for proceeds of the Series 2020 Bonds and other factors. The actual interest rates borne by the Series 2020 Bonds will depend on market interest rates at the time of sale thereof. The actual amortization of the Series 2020 Bonds will also depend, in part, on market interest rates at the time of sale thereof. Market interest rates are affected by economic and other factors beyond the control of the Community Facilities District.