

**CITY OF ONTARIO  
CITY COUNCIL AND HOUSING AUTHORITY  
AGENDA  
MAY 5, 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](http://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 Council have been provided alternative measures including U.S. mail, email, a website comment form, and the ability to dial in and record a 3 minute voicemail. 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 6:00 p.m., Public Comment at 6:30 p.m. immediately followed by the Regular Meeting and Public Hearings. No agenda item will be introduced for consideration after 10:00 p.m. except by majority vote of the City Council.

**CALL TO ORDER (*OPEN SESSION*)**

**6:00 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) 395-2251 or by emailing [PublicComments@ontarioca.gov](mailto: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 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Property: APN 1048-363-02, 1048-363-03, 1048-363-04, and 1048-363-05; 404-426 North Euclid Avenue; City Negotiator: Scott Ochoa or his designee; Negotiating parties: California American General, Inc. (d/b/a Adept Development) and Grapevine Development; Under negotiation: Price and terms of payment.

Negotiating parties: California American General, Inc. (d/b/a Adept Development) and Grapevine Development; Under negotiation: Price and terms of payment.

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

**PLEDGE OF ALLEGIANCE**

Mayor pro Tem Dorst-Porada

**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) 395-2251 or by emailing [PublicComments@ontarioca.gov](mailto: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 April 7, 2020, approving same as on file in the Records Management Department.

### **2. BILLS/PAYROLL**

**Bills** April 3, 2020 through April 16, 2020 and **Payroll** March 29, 2020 through April 11, 2020, when audited by the Finance Committee.

### **3. A RESOLUTION CONTINUING THE EXISTENCE OF A LOCAL EMERGENCY FOR THE 2020 CORONAVIRUS PANDEMIC**

That the City Council continue the Proclamation of Local Emergency for the 2020 Coronavirus Pandemic until further notice with an update scheduled for the June 2, 2020 City Council Meeting, unless cancelled sooner.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, PROCLAIMING THE CONTINUED EXISTENCE OF A LOCAL EMERGENCY AND DIRECT 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.

### **4. A RESOLUTION DECLARING CONDITIONS RELATED TO THE COVID-19 QUARANTINE AND HOUSING OF INDIVIDUALS AT HOTELS AND MOTELS WITHIN THE CITY OF ONTARIO**

That the City Council adopt a resolution ratifying Executive Order 2020-1: declaring conditions related to the COVID-19 quarantine and housing of individuals at hotels and motels within the City of Ontario.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING CONDITIONS RELATED TO THE COVID-19 QUARANTINE/ISOLATION AND HOUSING OF INDIVIDUALS AT HOTELS AND MOTELS WITHIN THE CITY OF ONTARIO.

**5. AN ORDINANCE APPROVING A DEVELOPMENT CODE AMENDMENT (FILE NO. PDCA20-001) AMENDING ONTARIO DEVELOPMENT CODE SECTION 4.02.010.D.2.F, BILLBOARD RELOCATION AGREEMENTS, INTERAGENCY RELOCATION EXCEPTION, TO REVISE THE LOCATIONAL CRITERIA AND THE NUMBER OF BILLBOARDS TO BE ELIMINATED WITHIN THE CITY**

That the City Council consider and adopt an ordinance approving a Development Code Amendment (PDCA20-001) amending Ontario Development Code Section 4.02.010.D.2.f, Billboard Relocation Agreements, Interagency Relocation Exception, to revise the locational criteria and the number of billboards to be eliminated within the City.

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

AN ORDINANCE OF CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING (FILE NO. PDCA20-001) A REQUEST TO AMEND ONTARIO DEVELOPMENT CODE SECTION 4.02.010.D.2.F, BILLBOARD RELOCATION AGREEMENTS, INTERAGENCY RELOCATION EXCEPTION, TO REVISE THE LOCATIONAL CRITERIA AND THE NUMBER OF BILLBOARDS TO BE ELIMINATED WITHIN THE CITY.

**6. A CONSTRUCTION CONTRACT FOR THE CONNECTOR PIPE SCREEN PROJECT**

That the City Council approve the plans and specifications and award a construction contract (on file in the Records Management Department) to United Storm Water, Inc. of Industry, California, for the Connector Pipe Screen (CPS) Project in the amount of \$134,466 plus an 11.5% contingency of \$15,534, for a total authorized expenditure of \$150,000; 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 CONSTRUCTION CONTRACT FOR THE 2020 SPRING PAVEMENT REHABILITATION PROJECT**

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 Spring Pavement Rehabilitation Project in the bid amount of \$2,197,669 plus a fifteen percent (15%) contingency of \$329,650, for a total authorized expenditure of \$2,527,319; 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.

**8. A RESOLUTION APPROVING FINAL PARCEL MAP NO. 19253 LOCATED ON BAKER AVENUE APPROXIMATELY 620 FEET NORTH OF PHILADELPHIA STREET**

That the City Council adopt a resolution approving Final Parcel Map No. 19253 located on Baker Avenue approximately 620 feet north of Philadelphia Street.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FINAL PARCEL MAP NO. 19253 LOCATED ON BAKER AVENUE APPROXIMATELY 620 FEET NORTH OF PHILADELPHIA STREET.

**9. FIRST AMENDMENT TO THE CONSOLIDATED PLAN ANNUAL ACTION PLAN FOR THE 2019-20 PROGRAM YEAR**

That the City Council take the following actions:

- (A) Approve the First Amendment to the Consolidated Plan Annual Action Plan (on file in the Records Management Department) for the Program Year 2019-20 (“Substantial Amendment”); and
- (B) Authorize the City Manager to take all actions necessary or desirable to implement the Substantial Amendment.

**10. RECOGNITION OF “HISTORIC PRESERVATION MONTH” IN THE CITY OF ONTARIO”**

That the City Council Proclaim the Month of May 2020 as “Historic Preservation Month” in the City of Ontario.

**11. APPLICATION FOR GRANT FROM THE CALIFORNIA PUBLIC UTILITIES COMMISSION (CPUC) SELF-GENERATION INCENTIVE PROGRAM (SGIP)**

That the City Council authorize the City Manager or his designee to execute all documents necessary to apply for and accept a grant in the amount of \$4,985,200 from the California Public Utilities Commission (CPUC) for participation in the Self-Generation Incentive Program (SGIP).

**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.

**12. A JOINT PUBLIC HEARING FOR APPROVAL OF A DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND KENDREW DEVELOPMENT, LLC. FOR THE DEVELOPMENT OF A MIXED-USE PROJECT LOCATED AT 116 EAST D STREET; A DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE ONTARIO HOUSING AUTHORITY AND KENDREW DEVELOPMENT, LLC. FOR THE DEVELOPMENT OF A MIXED-USE PROJECT LOCATED AT 308 AND 334 NORTH EUCLID AVENUE**

That the City Council (“City”) and the Board of the Ontario Housing Authority (“Authority”):

- (A) Adopt a resolution approving the Disposition and Development Agreement (“Agreement”) between the City and Kendrew Development, LLC. (“Developer”) (on file in the Records Management Department);
- (B) Adopt a resolution approving the Disposition and Development Agreement (“Agreement”) between the Authority and Kendrew Development, LLC. (“Developer”) (on file in the Records Management Department); and
- (C) Authorize the City Manager/Executive Director, or his designee, to sign all documents necessary to implement the Agreements

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

Written communication.  
Oral presentation.  
Public hearing closed.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE SALE OF PROPERTY PURSUANT TO A DISPOSITION AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF ONTARIO AND KENDREW DEVELOPMENT, LLC, FOR PROPERTY GENERALLY LOCATED AT 111-116 EAST D STREET.

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

A RESOLUTION OF THE GOVERNING BOARD OF THE ONTARIO HOUSING AUTHORITY OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT WITH KENDREW DEVELOPMENT, LLC., FOR DEVELOPMENT OF A MIXED-USE PROJECT AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH.

**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)  
**May 5, 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 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Property: APN 1048-363-02, 1048-363-03, 1048-363-04, and 1048-363-05; 404-426 North Euclid Avenue; City Negotiator: Scott Ochoa or his designee; Negotiating parties: California American General, Inc. (d/b/a Adept Development) and Grapevine Development; Under negotiation: Price and terms of payment.

Negotiating parties: California American General, Inc. (d/b/a Adept Development) and Grapevine Development; Under negotiation: Price and terms of payment.

<b>No Reportable Action</b>	<b>Continue</b>	<b>Approved</b>
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Disposition: \_\_\_\_\_

Reported by:

\_\_\_\_\_  
City Attorney / City Manager / Executive Director

# CITY OF ONTARIO

Agenda Report  
May 5, 2020

SECTION:  
CONSENT CALENDAR

**SUBJECT: A RESOLUTION CONTINUING THE EXISTENCE OF A LOCAL EMERGENCY FOR THE 2020 CORONAVIRUS PANDEMIC**

**RECOMMENDATION:** That the City Council continue the Proclamation of Local Emergency for the 2020 Coronavirus Pandemic until further notice with an update scheduled for the June 2, 2020 City Council Meeting, unless cancelled sooner.

**COUNCIL GOALS:** Maintain the Current High Level of Public Safety


**FISCAL IMPACT:** This resolution continues the existence of a declared local emergency and the City's compliance with State and Federal requirements for emergency response. Furthermore, this action allows continued eligibility for State and Federal reimbursement for eligible costs associated with Coronavirus Disease 2019 (abbreviated COVID-19).

**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 COVID-19).

COVID-19 is a serious disease that as of April 22, 2020 has killed over 179,778 people worldwide with over 826,248 confirmed cases and over 45,153 deaths in the United States. 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.

Through Ontario Ordinance No. 2990, the City Manager, as the Director of Emergency Services, proclaimed a local emergency on March 14, 2020 in order to enhance the City's ability to mobilize local

**STAFF MEMBER PRESENTING:** Jordan Villwock, Fire Administrative Director

Prepared by: Raymond Cheung  
Department: Fire Department  
City Manager Approval: 

Submitted to Council/O.H.A. 05/05/2020  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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resources, coordinate interagency response, accelerate procurement of vital supplies, use mutual aid, and seek potential reimbursement by the State and Federal governments. On March 17, 2020 the City Council ratified the local emergency proclamation and then on April 7, 2020 the City Council issued another proclamation continuing the local emergency.

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, continuing the existence of a local emergency continues to unlock resources and legal authority to quickly respond to changing conditions.

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, PROCLAIMING THE CONTINUED EXISTENCE OF A LOCAL EMERGENCY AND DIRECT 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.

WHEREAS, City of Ontario Ordinance 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 arisen both Internationally and within the United States as a result of the introduction of the novel coronavirus (COVID-19), a novel communicable disease, which was first detected in Wuhan City, Hubei Province, China in December 2019; and

WHEREAS, COVID-19 has spread globally to over 70 countries, infecting more than 153,000 persons in the United States and killing more than 2,800. COVID-19 has created conditions that are likely to be beyond the control of local resources and require the combined forces of other political subdivisions to combat; and

WHEREAS, on February 26, 2020, the CDC confirmed the first case of local person-to-person transmission of COVID-19 in the United States and this case raises the possibility of community transmission occurring in the general public, the Health Officer of San Bernardino County and the San Bernardino County Board of Supervisors has determined that there is an imminent threat to the public health from the introduction of COVID-19 in the City of Ontario and has declared a Local Health Emergency; 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 successfully responding to COVID-19; and

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

WHEREAS, on March 17, 2020 the Ontario City Council ratified Resolution No. 2020-027 proclaiming the existence of local emergency.

WHEREAS, on April 7, 2020 the Ontario City Council continued the existence of a local emergency through Resolution No. 2020-028.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Ontario does hereby proclaim the continued existence of a local emergency and direct 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 ORDERED, 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 ONTARIO CITY COUNCIL FURTHER 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 ONTARIO 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 ONTARIO 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, BE IT FURTHER RESOLVED, by the City Council of the City of Ontario, that the Resolution of Local Emergency shall take effect immediately and that widespread publicity and notice shall be given said Declaration through the most feasible and adequate means of disseminating such notice throughout the City.

IT IS FURTHER RESOLVED AND ORDERED, by the City Council of the City of Ontario, 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 resolution 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 5<sup>th</sup> day of May 2020.

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PAUL S. LEON, MAYOR

ATTEST:

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SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

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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 May 5, 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 May 5, 2020.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

# CITY OF ONTARIO

Agenda Report  
May 5, 2020

SECTION:  
CONSENT CALENDAR

**SUBJECT: A RESOLUTION DECLARING CONDITIONS RELATED TO THE COVID-19 QUARANTINE AND HOUSING OF INDIVIDUALS AT HOTELS AND MOTELS WITHIN THE CITY OF ONTARIO**

**RECOMMENDATION:** That the City Council adopt a resolution ratifying Executive Order 2020-1: declaring conditions related to the COVID-19 quarantine and housing of individuals at hotels and motels within the City of Ontario.

**COUNCIL GOALS:** Maintain the Current High Level of Public Safety

**FISCAL IMPACT:** None.

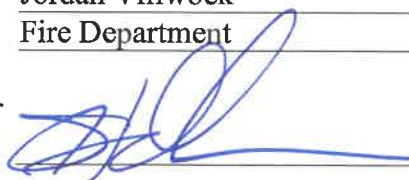
**BACKGROUND:** On March 14, 2020, the Ontario City Manager, acting as the Director of Emergency Services, proclaimed a local emergency concerning the spread of COVID-19, and the Ontario City Council subsequently ratified the proclamation at its March 17, 2020 meeting.

Pursuant to California Executive Order N-32-20, the Governor provided for the housing of infected and potentially infected homeless persons within hotels throughout the state and has suspended the application of CEQA requirements to such actions.

The Centers for Disease Control (CDC) and medical personnel have confirmed that the presence of infected or potentially infected persons presents a threat and hazard to the population of the City of Ontario unless specific provisions are observed to prevent the spread of the disease to nearby populated areas.

Through Executive Order 2020-1, any parcel of property with an existing hotel or motel that accepts individuals who test positive for Coronavirus Disease 19 (COVID-19) or who have had a high risk of exposure and are thought to be in the incubation period (collectively, "Quarantined Individuals") must

**STAFF MEMBER PRESENTING:** Scott Ochoa, City Manager

Prepared by: Jordan Villwock  
Department: Fire Department  
City Manager Approval: 

Submitted to Council/O.H.A. 05/05/2020  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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comply with: curfew, no loitering, fencing required, security and medical personnel on duty 24-hours per day as described within the Executive Order 2020-1.

As provided by provisions the Ontario Municipal Code, violation of this Written Order and Regulation is determined to be an act of a nature which would imperil the lives or property of the inhabitants of the City and hinder their protection.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING CONDITIONS RELATED TO THE COVID-19 QUARANTINE/ISOLATION AND HOUSING OF INDIVIDUALS AT HOTELS AND MOTELS WITHIN THE CITY OF ONTARIO.

WHEREAS, the City Manager of the City of Ontario is the Emergency Services Director; and

WHEREAS, on March 14, 2020, the City of Ontario City Manager declared a local emergency, which was ratified on March 17, 2020 by the City of Ontario City Council, based upon the March 4, 2020 State Declaration of Emergency and March 21, 2020 Federal Declaration of Emergency due to the COVID-19 epidemic within California and the nation; and

WHEREAS, as provided by Municipal Code Section 4.3-06, the Emergency Services Director represents the City in all dealings with public or private agencies on matters pertaining to such emergencies; and

WHEREAS, the Emergency Services Director has broad powers and duties to provide for the protection of life and property within the City in the event of such emergencies; and

WHEREAS, such powers include the ability to promulgate written orders and regulations to provide for the safety of the residents of Ontario; and

WHEREAS, pursuant to Executive Order N-32-20, the Governor has provided for the housing of contagious and potentially contagious homeless persons within hotels throughout the state and has suspended the application of CEQA requirements to such actions but not existing land use or local emergency provisions; and

WHEREAS, as confirmed by the CDC and medical personnel, the presence of such person presents a threat and hazard to the safety of the population of the City of Ontario unless specific provisions are observed to prevent the spread of the disease to nearby populated areas; and

WHEREAS, the proximity of the Ontario International Airport to the hotels and motels in the City of Ontario requires additional measures to protect the health and safety of those required to travel for essential functions and to protect from the large scale widespread transmission of COVID-19 to other regions, states and nations.

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

**SECTION 1.** Any parcel of property with an existing hotel or motel that accepts individuals for quarantine, isolation or treatment for COVID-19 must comply with the following:

a. **Curfew:** A curfew is imposed to require all individuals admitted to the property for quarantine, isolation or treatment for COVID-19 to remain on the parcel of property at all times until the curfew is lifted.

b. **No Loitering:** No person shall remain idle in essentially one location outside of the property used to treat quarantined or isolated individuals, which shall include standing or gathering upon any public street, sidewalk, alley or other location generally open to the public.

c. **Fencing:** Chain link or similar fencing of the entire site with two access points which are locked and monitored (or as otherwise required by Fire Code regulations).

d. **Security Personnel:** Licensed security personnel on duty 24-hours per day at a ratio of one per ten quarantined or isolated individuals housed in the hotel or motel.

e. **Medical Personnel:** Licensed medical personnel on duty 24-hours per day to monitor the quarantined or isolated individuals and to assist in providing the medical care as needed to treat the quarantined or isolated individuals.

**SECTION 2.** **Land Use:** Any use of a hotel or motel for quarantined or isolated individuals must comply with all zoning requirements, including but not limited to the existing requirements of any Conditional Use Permits issued for the property.

**SECTION 3.** **Publication:** Such requirements shall be publicized by posting on the City website and physical service on all owners, managers and/or operators of hotels and motels within the City.

**SECTION 4.** **Ratification:** Such requirements shall be presented to the City Council at its next regularly scheduled City Council meeting for ratification.

**SECTION 5.** **Enforcement:**

a. As provided by the Municipal Code, violation of the provisions of this Written Order and Regulation is determined to be an act of a nature which would imperil the lives or property of the inhabitants of the City and hinder their protection.

b. Violation of this Written Order & Regulation is a misdemeanor, punishable by fine of not to exceed five hundred dollars (\$500.00), or by imprisonment in the County Jail for a period of time not to exceed six (6) months.

c. The City also may enforce the provisions of this Written Order & Regulation in any manner allowed by law.

SECTION 6. Effective Date. This Resolution shall take effect upon adoption.

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

PASSED, APPROVED, AND ADOPTED this 5<sup>th</sup> day of May 2020.

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PAUL S. LEON, MAYOR

ATTEST:

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SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

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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 May 5, 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 May 5, 2020.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

# CITY OF ONTARIO

Agenda Report  
May 5, 2020

SECTION:  
CONSENT CALENDAR

**SUBJECT: AN ORDINANCE APPROVING A DEVELOPMENT CODE AMENDMENT (FILE NO. PDCA20-001) AMENDING ONTARIO DEVELOPMENT CODE SECTION 4.02.010.D.2.F, BILLBOARD RELOCATION AGREEMENTS, INTERAGENCY RELOCATION EXCEPTION, TO REVISE THE LOCATIONAL CRITERIA AND THE NUMBER OF BILLBOARDS TO BE ELIMINATED WITHIN THE CITY**

**RECOMMENDATION:** That the City Council consider and adopt an ordinance approving a Development Code Amendment (PDCA20-001) amending Ontario Development Code Section 4.02.010.D.2.f, Billboard Relocation Agreements, Interagency Relocation Exception, to revise the locational criteria and the number of billboards to be eliminated within the City.

**COUNCIL GOALS: Operate in a Businesslike Manner  
Pursue City's Goals and Objectives by Working with Other Governmental Agencies**

**FISCAL IMPACT:** None.

**BACKGROUND:** On April 21, 2020, the City Council introduced and waived further reading of an ordinance approving the Development Code Amendment. Going back several decades, the City began prohibiting the construction of new billboard signs. In 2003, the City approved an amendment to the Development Code Sign Section that would allow for the construction of a new billboard as part of a billboard relocation agreement. The intent of the billboard relocation agreement was "to reduce the overall number of legal nonconforming billboards within the city by allowing relocated billboards in more suitable locations and provide more attractive, aesthetically pleasing billboard designs through a Billboard Relocation Agreement." A further purpose is to reduce or eliminate the City's obligation to pay compensation for the removal of legal nonconforming billboards. Billboard Relocation Agreements are part of the demonstrated commitment of the City of Ontario to improve the aesthetic appearance of the City. The consideration and execution of Billboard Relocation Agreements shall be at the sole

**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. 05/05/2020  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

5

discretion of the City of Ontario. The provisions require the removal of at least six existing billboards for every new, relocated billboard sign.

In 2015, the City was involved in several discussions with San Bernardino County Transportation Authority (“SBCTA”), the regional transportation planning agency of which the City is a part, regarding the relocation of billboards necessary to complete freeway improvement projects. Because most cities in the region prohibit new billboards, the ability to relocate billboards is minimal. In cases where billboards cannot be relocated, SBCTA was placed in a position of having to purchase the billboard and compensate the billboard companies for lost revenue potential – these costs can be substantial.

To assist SBCTA and other public agencies in relocating billboards, the City Council approved an amendment to the City’s billboard relocation agreement provisions that would allow billboards to be relocated within the City, under very specific criteria, through an “Interagency Relocation Exception.” The exception reads as follows:

- f) Notwithstanding the foregoing, a billboard may be relocated from outside the City to any location within the City pursuant to an agreement, approved at the discretion of the City Council, between the City and another public agency so long as the following findings can be met:
  - 1) A minimum of six (6) existing, legal nonconforming billboards shall be removed, at least five (5) of which must be currently located within the City;
  - 2) The billboard’s relocation is necessitated by work being performed on the same freeway as the planned new site for the billboard; and
  - 3) The public health, safety, and welfare are not impaired by the relocation.

That amendment provided for a billboard to be relocated to the Mountain/Interstate 10 intersection and the removal of five billboards within the City along Holt Boulevard, Vineyard Avenue, and Mountain Avenue.

Recently, the City has been reviewing the plans of the Interstate 10 express lanes project. As part of the freeway widening, a billboard located on the north side of Interstate 10, between the Vineyard Avenue and Fourth Street interchanges, is within the future freeway right-of-way. As part of the freeway widening, SBCTA would be required to relocate the same billboard to the north, outside the future right-of-way or purchase the billboard rights outright at a very high cost. Staff has had discussions with the billboard owner about the potential to relocate the billboard on the same site with a more pleasing design and obtain the removal of additional billboards within the City.

The current language only provides for interagency relocation of billboards located outside of the City to be relocated within the City. However, as the Development Code is silent on billboards within the City, relocation of existing billboards within the City would be prohibited. As a result, the language must be revised to address existing billboards within the City. Additionally, staff has determined that the number of older billboards in less desirable areas in the interior of the City (e.g. Holt Boulevard, Mountain Avenue, Mission Boulevard, etc.) has been dramatically reduced, thereby making the six billboard removals unattainable. Therefore, the number of billboards proposed for removal is being

reduced to three (3) signs for existing billboards within the City to be relocated. The Interagency Relocation Exception Development Code Section 4.02.010.D.2.f, would read as follows:

(f) Interagency Relocation Exception. Notwithstanding the foregoing, a billboard may be relocated from **inside or** outside the City to any location within the City pursuant to an agreement, approved at the discretion of the City Council, between the City and another public agency so long as the following findings can be met:

- 1) **For a billboard that is to be relocated from within the City, a minimum of three (3) existing, legal nonconforming billboards currently located within the City shall be removed.**
- 2) **For a billboard that is to be relocated from outside the City, a minimum of six (6) existing, legal nonconforming billboards shall be removed, at least five (5) of which must be currently located within the City.**
- 3) The billboard's relocation is necessitated by work being performed on the same freeway as the planned new site for the billboard.
- 4) The public health, safety, and welfare are not impaired by the relocation.

On January 28, 2020, the Planning Commission conducted a public hearing to consider the Development Code Amendment. After receiving all public testimony, the Planning Commission voted unanimously to approve its Resolution No. PC20-002, recommending approval to the City Council.

**ENVIRONMENTAL REVIEW:** The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to § 15601(b)(3) (General Rule) of the CEQA Guidelines based on the fact that it is not known whether an interagency billboard relocation agreement will be proposed, where the location of any new relocation might occur, and the total number and locations of billboards proposed for removal as part of such an agreement might be.





# PLANNING COMMISSION STAFF REPORT

January 28, 2020

**FILE NO.:** PDCA20-001

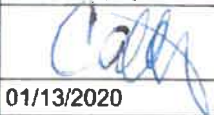
**SUBJECT:** A Development Code Amendment request to amend Ontario Development Code Section 4.02.010.D.2.f, Billboard Relocation Agreements, Interagency Relocation Exception, to revise the locational criteria and the number of billboards to be eliminated within the City; **City Initiated. City Council action is required.**

**RECOMMENDED ACTION:** That the Planning Commission consider and recommend approval of File No. PDCA20-001 to the City Council, pursuant to the facts and reasons contained in the staff report and attached resolution.

## PROJECT ANALYSIS:

[1] Background — Going back several decades, the City began prohibiting the construction of new billboard signs. In 2003, the City approved an amendment to the Development Code Sign Section that would allow for the construction of a new billboard as part of a billboard relocation agreement. The intent of the billboard relocation agreement was “to reduce the overall number of legal nonconforming billboards within the city by allowing relocated billboards in more suitable locations and provide more attractive, aesthetically pleasing billboard designs through a Billboard Relocation Agreement.” A further purpose is to reduce or eliminate the City’s obligation to pay compensation for the removal of legal nonconforming billboards. Billboard Relocation Agreements are part of the demonstrated commitment of the City of Ontario to improve the aesthetic appearance of the City. The consideration and execution of Billboard Relocation Agreements shall be at the sole discretion of the City of Ontario. The provisions require the removal of at least six existing billboards for every new, relocated billboard sign.

In 2015, the City was involved in several discussions with San Bernardino County Transportation Authority (“SBCTA”), the regional transportation planning agency of which the City is a part, regarding the relocation of billboards necessary to complete freeway improvement projects. Because most cities in the region prohibit new billboards, the ability to relocate billboards is minimal. In cases where billboards cannot be relocated, SBCTA was placed in a position of having to purchase the billboard and compensate the billboard companies for lost revenue potential – these costs can be substantial.

<i>Case Planner:</i>	Scott Murphy, Development Director	<i>Hearing Body</i>	<i>Date</i>	<i>Decision</i>	<i>Action</i>
<i>Planning Director Approval:</i>		DAB			
<i>Submittal Date:</i>	01/13/2020	PC	01/28/2020	Approval	Recommend
		CC			Final

To assist SBCTA and other public agencies in relocating billboards, the City Council approved an amendment to the billboard relocation agreement that would allow billboards to be relocated within the City, under very specific criteria, through an "Interagency Relocation Exception." The exception reads as follows:

Notwithstanding the foregoing, a billboard may be relocated from outside the City to any location within the City pursuant to an agreement, approved at the discretion of the City Council, between the City and another public agency so long as the following findings can be met:

- a) A minimum of six (6) existing, legal nonconforming billboards shall be removed, at least five (5) of which must be currently located within the City; and
- b) The billboard's relocation is necessitated by work being performed on the same freeway as the planned new site for the billboard; and
- c) The public health, safety, and welfare are not impaired by the relocation.

That amendment provided for a billboard to be relocated to the Mountain/Interstate 10 intersection and the removal of five billboards within the City along Holt Boulevard, Vineyard Avenue, and Mountain Avenue.

[2] Analysis — Recently, the City has been reviewing the plans of the Interstate 10 express lanes project. As part of the freeway widening, a billboard located on the north side of Interstate 10, between the Vineyard Avenue and Fourth Street interchanges, is within the future freeway right-of-way. As part of the freeway widening, SBCTA would be required to relocate the same billboard to the north, outside the future right-of-way or purchase the billboard rights outright at a very high cost. Staff has had discussions with the billboard owner about the potential to relocate the billboard on the same site with a more pleasing design and obtain the removal of additional billboards within the City.

The current language only provides for relocation of billboards located outside of the City to be relocated within the City. However, the Development Code is silent on billboards within the City, relocation of existing billboards within the City would be prohibited. As a result, the language must be revised to address existing billboards within the City. Additionally, staff has determined that the number of older billboards in less desirable areas in the interior of the City (e.g. Holt Boulevard, Mountain Avenue, Mission Boulevard, etc.) has been dramatically reduced, thereby making the six billboard removals unattainable. Therefore, the number of billboards proposed for removal is being reduced to three (3) signs. The Interagency Relocation Exception (Development Code Section 4.02.010.D.2.f) would read as follows:

- (f) Interagency Relocation Exception. Notwithstanding the foregoing, a billboard may be relocated from **inside or** outside the City to any location within the

City pursuant to an agreement, approved at the discretion of the City Council, between the City and another public agency so long as the following findings can be met:

(1) A minimum of ~~six (6)~~ **three (3)** existing, legal nonconforming billboards ~~within the City~~ shall be removed, ~~at least five (5) of which must be currently located within the City;~~

(2) The billboard's relocation is necessitated by work being performed on the same freeway as the planned new site for the billboard; and

(3) The public health, safety, and welfare are not impaired by the relocation.

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

[1] City Council Goals.

- Invest in the Growth and Evolution of the City's Economy
- Operate in a Businesslike Manner
- Pursue City's Goals and Objectives by Working with Other Governmental Agencies

[2] Policy Plan (General Plan)

**Land Use Element:**

- Goal LU2: Compatibility between a wide range of uses.
  - LU2-5 *Regulation of Uses.* We regulate the location, concentration and operations of uses that have impacts on surrounding land uses.
  - LU2-7 *Inter-jurisdictional Coordination.* We maintain an ongoing liaison with IEUA, LAWA, Caltrans, Public Utilities Commission, the railroads and other agencies to help minimize impacts and improve the operations and aesthetics of their facilities.
- Goal LU3: Staff, regulations and processes that support and allow flexible response to conditions and circumstances in order to achieve the Vision.

**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 project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to § 15601(b)(3) (General Rule) of the CEQA Guidelines based on the fact that it is not known whether an interagency billboard relocation agreement will be proposed, where the location of any new relocation might occur, and the total number and locations of billboards proposed for removal as part of such an agreement might be.

RESOLUTION NO. PC20-002

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING APPROVAL OF FILE NO. PDCA20-001, A REQUEST TO AMEND ONTARIO DEVELOPMENT CODE SECTION 4.02.010.D.2.F, BILLBOARD RELOCATION AGREEMENTS, INTERAGENCY RELOCATION EXCEPTION, TO REVISE THE LOCATIONAL CRITERIA AND THE NUMBER OF BILLBOARDS TO BE ELIMINATED WITHIN THE CITY.

WHEREAS, THE CITY OF ONTARIO ("Applicant") has initiated an Application for the approval of a revision to Development Code, File No. PDCA20-001, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, in 2003, the City recognized the benefit of allowing billboard relocations as a method of achieving an overall reduction in the number of billboards within the City; and

WHEREAS, public agencies occasionally encounter the need to remove a billboard in order to complete necessary public infrastructure; and

WHEREAS, the removal of billboards in order to install necessary infrastructure improvements can be very costly when considering the anticipated future revenue of a billboard; and

WHEREAS, the City understands the public benefit in reducing the costs of public infrastructure; and

WHEREAS, the City recognizes an opportunity to reduce public infrastructure costs while, at the same time, reducing the overall number of billboards located within the City; and

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

WHEREAS, the Application is exempt from the requirements of CEQA pursuant to Section 15601(b)(3) (General Rule) based on the fact that it is not known whether an interagency billboard relocation agreement will be proposed, where the location of any new relocation might occur, and the total number and locations of billboards proposed for removal as part of such an agreement might be; and

WHEREAS, Ontario Development Code Table 2.02-1 (Review Matrix) grants the Planning Commission the responsibility and authority to review and make recommendations to the City Council on the subject Application; 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 (hereinafter referred to as "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 January 28, 2020, the Planning Commission 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 Planning Commission of the City of Ontario, as follows:

**SECTION 1. Environmental Determination and Findings.** As the recommending body for the Project, the Planning Commission has reviewed and considered the information contained in the 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 Planning Commission, the Planning Commission finds as follows:

a. The Project is exempt from environmental review pursuant to Section 15601(b)(3) (General Rule) of the CEQA Guidelines; and

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

c. The determination of CEQA exemption reflects the independent judgment of the Planning Commission.

**SECTION 2. Concluding Facts and Reasons.** Based upon the substantial evidence presented to the Planning Commission during the above-referenced hearing,

and upon the specific findings set forth in Section 1, above, the Planning Commission hereby concludes as follows:

a. The proposed Development Code Amendment 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; and

b. The proposed Development Code Amendment is consistent with the goals and policies of the Development Code; and

c. The proposed Development Code Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

**SECTION 3. *Planning Commission Action.*** Based upon the findings and conclusions set forth in Sections 1 through 2, above, the Planning Commission hereby **RECOMMENDS THE CITY COUNCIL APPROVE** the herein described Application, modifying Section 4.02.010(D)(2)(f) of the Development Code to read as follows:

(f) **Interagency Relocation Exception.** Notwithstanding the foregoing, a billboard may be relocated from inside or outside the City to any location within the City pursuant to an agreement, approved at the discretion of the City Council, between the City and another public agency so long as the following findings can be met:

(1) For a billboard that is to be relocated from within the City, a minimum of three (3) existing, legal nonconforming billboards currently located within the City shall be removed.

(2) For a billboard that is to be relocated from outside the City, a minimum of six (6) existing, legal nonconforming billboards shall be removed, at least five (5) of which must be currently located within the City.

(3) The billboard's relocation is necessitated by work being performed on the same freeway as the planned new site for the billboard.

(4) The public health, safety, and welfare are not impaired by the relocation.

**SECTION 4: *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 5: *Custodian of Records.*** The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

**SECTION 6: *Certification to Adoption.*** The Secretary shall certify to the adoption of the Resolution.

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

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 28<sup>th</sup> day of January, 2020, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.



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Jim Willoughby  
Planning Commission Chairman

ATTEST:



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Cathy Wahlstrom  
Planning Director and  
Secretary to the Planning Commission



Planning Commission Resolution  
File No. PDCA20-001  
January 28, 2020  
Page 5

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC20-002, was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on January 28, 2020, by the following roll call vote, to wit:

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

NOES:           None

ABSENT:       None

ABSTAIN:       None

  
\_\_\_\_\_  
Gwen Berendsen  
Secretary Pro Tempore

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

AN ORDINANCE OF CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING (FILE NO. PDCA20-001) A REQUEST TO AMEND ONTARIO DEVELOPMENT CODE SECTION 4.02.010.D.2.F, BILLBOARD RELOCATION AGREEMENTS, INTERAGENCY RELOCATION EXCEPTION, TO REVISE THE LOCATIONAL CRITERIA AND THE NUMBER OF BILLBOARDS TO BE ELIMINATED WITHIN THE CITY.

WHEREAS, THE CITY OF ONTARIO ("Applicant") has initiated an Application for the approval of a revision to Development Code (File No. PDCA20-001) as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, in 2003, the City recognized the benefit of allowing billboard relocations as a method of achieving an overall reduction in the number of billboards within the City; and

WHEREAS, public agencies occasionally encounter the need to remove a billboard in order to complete necessary public infrastructure; and

WHEREAS, the removal of billboards in order to install necessary infrastructure improvements can be very costly when considering the anticipated future revenue of a billboard; and

WHEREAS, the City understands the public benefit in reducing the costs of public infrastructure; and

WHEREAS, the City recognizes an opportunity to reduce public infrastructure costs while, at the same time, reducing the overall number of billboards located within the City; and

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

WHEREAS, the Application is exempt from the requirements of CEQA pursuant to Section 15601(b)(3) (General Rule) based on the fact that it is not known whether an interagency billboard relocation agreement will be proposed, where the location of any new relocation might occur, and the total number and locations of billboards proposed for removal as part of such an agreement might be; and

WHEREAS, Ontario Development Code Table 2.02-1 (Review Matrix) grants the City Council the responsibility and authority to review and approve the subject Application; 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 (hereinafter referred to as "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 January 28, 2020, the Planning Commission of the City of Ontario conducted a hearing to consider the Project and concluded said hearing on that date. After considering all public testimony, the Planning Commission voted unanimously to adopt its Resolution No. PC20-002, recommending approval of the application to the City Council; and

WHEREAS, on April 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 Ordinance have occurred.

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

**SECTION 1. Environmental Determination and Findings.** As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the 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:

a. The Project is exempt from environmental review pursuant to Section 15601(b)(3) (General Rule) of the CEQA Guidelines; and

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

c. The determination of CEQA exemption reflects the independent judgment of the City Council.

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

a. The proposed Development Code Amendment 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; and

b. The proposed Development Code Amendment is consistent with the goals and policies of the Development Code; and

c. The proposed Development Code Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

**SECTION 3. *City Council Action.*** Based upon the findings and conclusions set forth in Sections 1 through 2, above, the City Council hereby APPROVES the herein described Application, modifying Section 4.02.010.D.2.f, of the Development Code to read as follows:

(f) Interagency Relocation Exception. Notwithstanding the foregoing, a billboard may be relocated from inside or outside the City to any location within the City pursuant to an agreement, approved at the discretion of the City Council, between the City and another public agency so long as the following findings can be met:

(1) For a billboard that is to be relocated from within the City, a minimum of three (3) existing, legal nonconforming billboards currently located within the City shall be removed.

(2) For a billboard that is to be relocated from outside the City, a minimum of six (6) existing, legal nonconforming billboards shall be removed, at least five (5) of which must be currently located within the City.

(3) The billboard's relocation is necessitated by work being performed on the same freeway as the planned new site for the billboard.

(4) The public health, safety, and welfare are not impaired by the relocation.

**SECTION 4. *Custodian of Records.*** The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

**SECTION 5. *Severability.*** If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The People of the City of Ontario hereby declare that they would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 6. **Effective Date.** This Ordinance shall become effective 30 days following its adoption.

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

PASSED, APPROVED, AND ADOPTED this 5<sup>th</sup> day of May 2020.

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PAUL S. LEON, MAYOR

ATTEST:

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SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

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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. 3160 was duly introduced at a regular meeting of the City Council of the City of Ontario held April 21, 2020, and adopted at the regular meeting held May 8, 2020 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. 3160 duly passed and adopted by the Ontario City Council at their regular meeting held May 5, 2020 and that Summaries of the Ordinance were published on April 28, 2020 and May 12, 2020 in the Inland Valley Daily Bulletin newspaper.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

# CITY OF ONTARIO

Agenda Report  
May 5, 2020

SECTION:  
CONSENT CALENDAR

**SUBJECT: A CONSTRUCTION CONTRACT FOR THE CONNECTOR PIPE SCREEN PROJECT**

**RECOMMENDATION:** That the City Council approve the plans and specifications and award a construction contract (on file in the Records Management Department) to United Storm Water, Inc. of Industry, California, for the Connector Pipe Screen (CPS) Project in the amount of \$134,466 plus an 11.5% contingency of \$15,534, for a total authorized expenditure of \$150,000; 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)

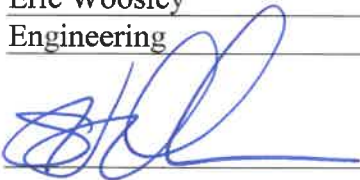
**FISCAL IMPACT:** The Fiscal Year 2019-20 Adopted Budget includes appropriations of \$150,000 from the Gas Tax Fund for this project. The recommended contract authorization is \$134,466 plus an 11.5% contingency of \$15,534 for a total amount of \$150,000.

**BACKGROUND:** The statewide trash mandate, adopted by the Santa Ana Regional Water Quality Control Board and issued through the Water Code Section 13383 order, requires the City to implement control measures to prohibit stormwater trash discharge through the storm drain system. The City has determined the most efficient and cost-effective way to comply with the new trash mandate is through the installation of trash capture devices in City-owned storm drain catch basins.

The CPS is a trash capture device that is certified by the State Water Board for compliance with the statewide trash mandate. This project will install the CPS device in 210 existing catch basins throughout the City. This is the one of multiple phases of installation anticipated over the next three to five years.

A project location map is provided for reference as Exhibit A.

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

Prepared by: Eric Woosley  
Department: Engineering  
City Manager Approval: 

Submitted to Council/O.H.A. 05/05/2020  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

6

In February 2020, the City solicited bids for the project and four (4) bids were received. The following is a summary of the bid results:

<b>COMPANY</b>	<b>LOCATION</b>	<b>TOTAL BID AMOUNT</b>
United Storm Water, Inc.	Industry, CA	\$134,466
Downstream Services, Inc.	Escondido, CA	\$167,575
Bio clean	Oceanside, CA	\$182,360
Fischer, Inc.	San Bernardino, CA	\$276,527

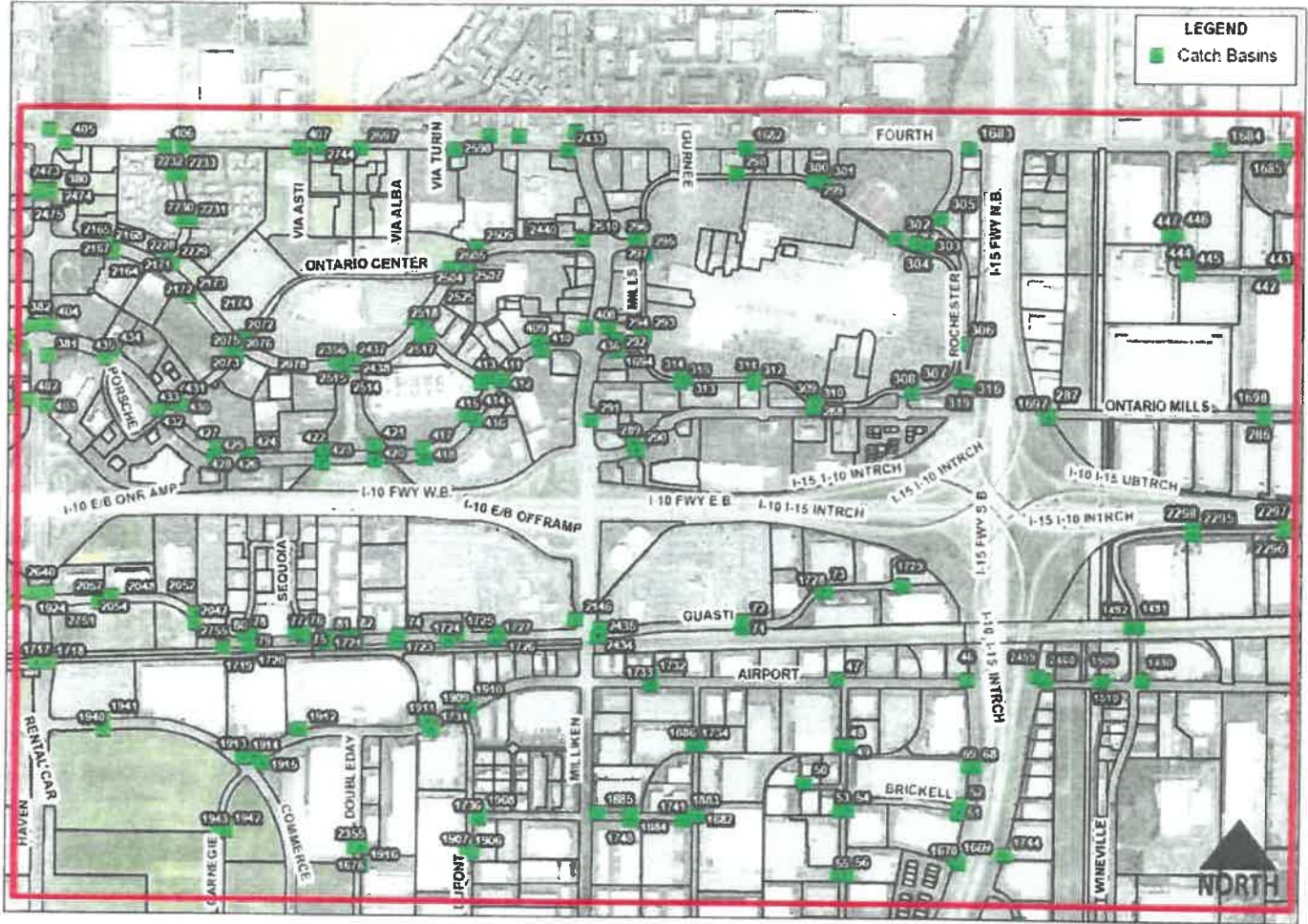
United Storm Water, Inc. submitted the lowest responsive bid. The requested contingency will account for potential unforeseen costs due to unknown conditions in older catch basins.

**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 (CEQA), pursuant to Section 15301 (Class 1, Existing Facilities) of CEQA, 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.



# Exhibit A

## FY2019-2020 CONNECTOR PIPE SCREEN (CPS) PROJECT LOCATION



# CITY OF ONTARIO

Agenda Report  
May 5, 2020

SECTION:  
CONSENT CALENDAR

**SUBJECT: A CONSTRUCTION CONTRACT FOR THE 2020 SPRING PAVEMENT REHABILITATION PROJECT**

**RECOMMENDATION:** That the City Council approve the plans and specifications and award a construction contract (on file in the Records Management Department) with All American Asphalt of Corona, California, for the 2020 Spring Pavement Rehabilitation Project in the bid amount of \$2,197,669 plus a fifteen percent (15%) contingency of \$329,650, for a total authorized expenditure of \$2,527,319; 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 2019-20 Adopted Budget allocated funds for the 2020 Spring Pavement Rehabilitation Project in the amount of \$1,203,079 from RMRA (SB1), \$876,921 from Assessment District Administration, and \$235,000 from Community Development Block Grant (CDBG) for a total combined allocation of \$2,315,000. If approved, additional appropriations of \$212,319 of RMRA funds will be included in the next Quarterly Budget Update Report. The total recommended expenditure authorization consists of \$2,197,669 plus a 15% contingency of \$329,650 for a total authorized expenditure of \$2,527,319.

**BACKGROUND:** The scope of services for the 2020 Spring Pavement Rehabilitation Project includes grinding, removal and replacement of damaged pavement, construction of Asphalt Rubber Hot Mix (ARHM) overlay, construction of ADA compliant access ramps, traffic signal upgrades, concrete pavement pads, and placement of traffic striping, pavement markings, and raised markers.

The project locations include rehabilitation of Philadelphia Street from Archibald Avenue to Haven Avenue (Project No. ST1912), Turner Avenue from Philadelphia Street to Mission Boulevard (Project No. ST1913), Parco Avenue from Riverside Drive to SR 60 (Project No. ST1917), Walnut Street from Del Norte Avenue to Parco Avenue (Project No. ST1918), CDBG Alley

**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. 05/05/2020  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

7

Rehabilitations between Flora Street and Parkside, between Allyn Avenue and Cucamonga Avenue, between Baker Avenue and Corona Avenue, and between Berlyn Avenue and Allyn Avenue. Location maps are attached for reference (Exhibits 1 through 6). This project will extend the lifespan of the streets by 15 to 20 years.

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

<b>COMPANY</b>	<b>LOCATION</b>	<b>AMOUNT</b>
All American Asphalt	Corona, CA	\$ 2,197,669
R. J. Noble Company	Orange, CA	\$ 2,545,000
ONYX Paving Company	Anaheim, CA	\$ 3,127,000

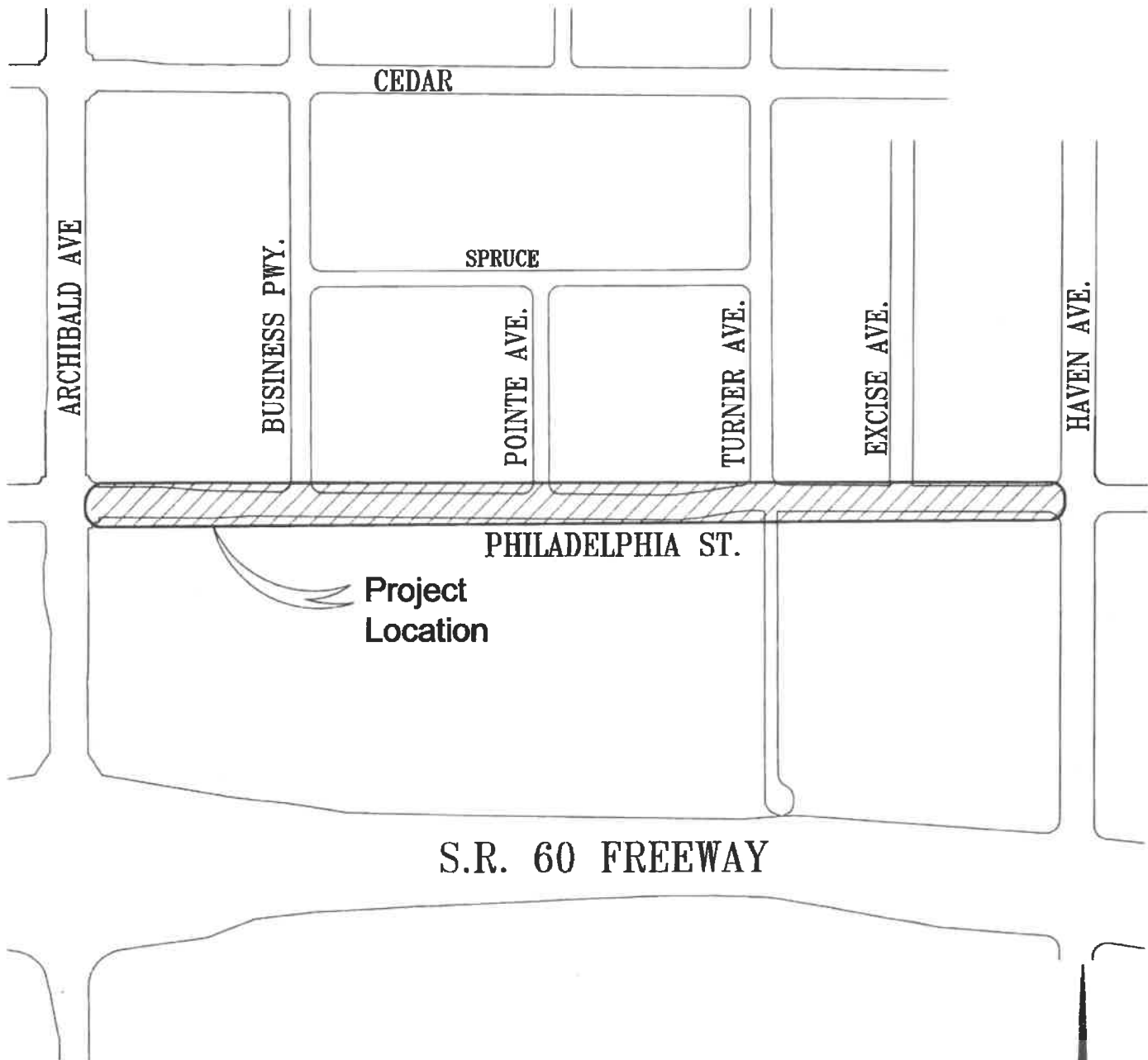
All American Asphalt submitted the lowest responsive bid and has previously performed similar work for the City of Ontario in a satisfactory manner.

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

# PHILADELPHIA STREET PAVEMENT REHABILITATION

Project No. ST1912

## ARCHIBALD AVENUE AND HAVEN AVENUE



N.T.S.

# TURNER AVENUE PAVEMENT REHABILITATION

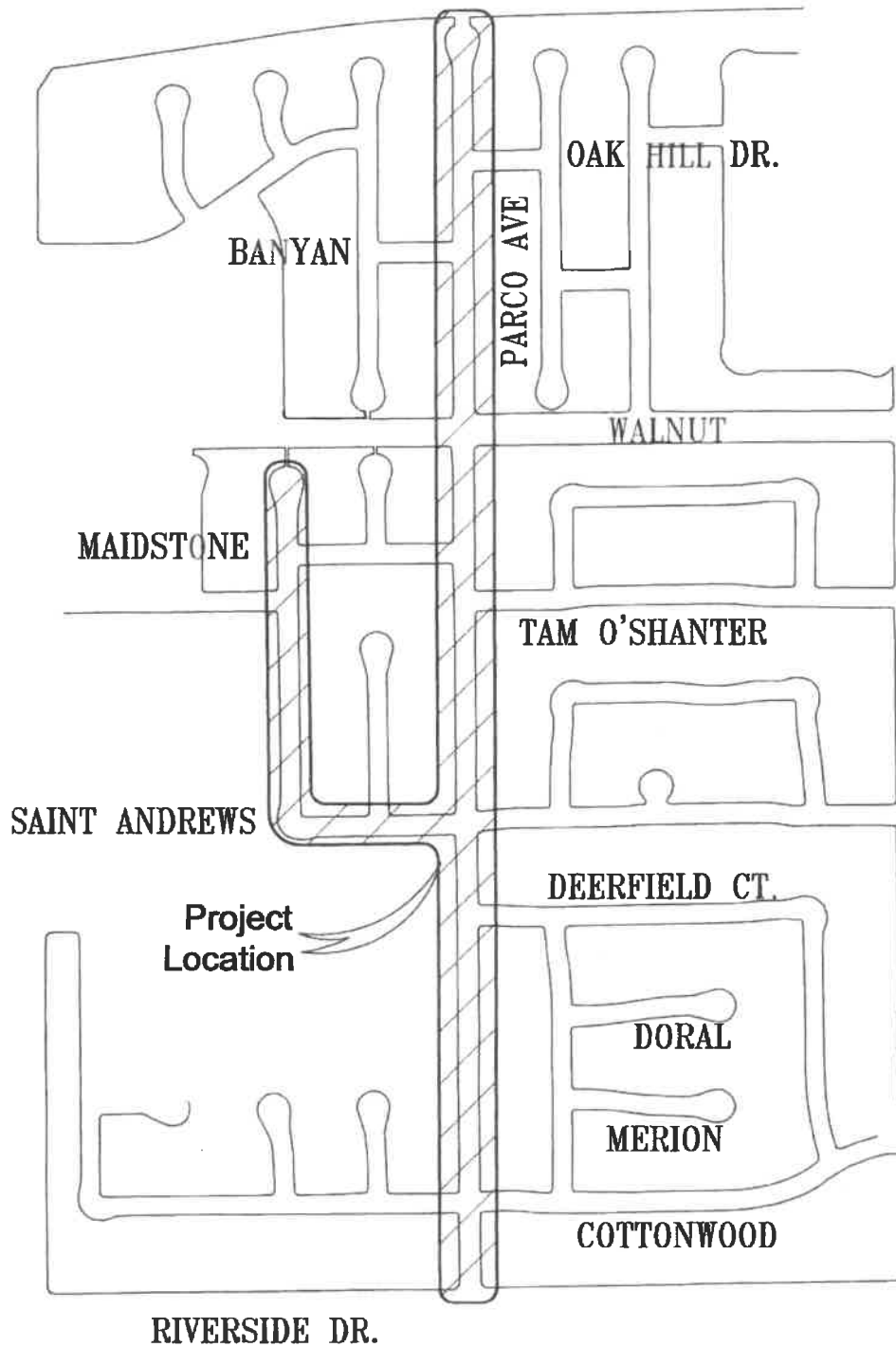
Project No. ST1913

## PHILADELPHIA STREET TO MISSION BOULEVARD



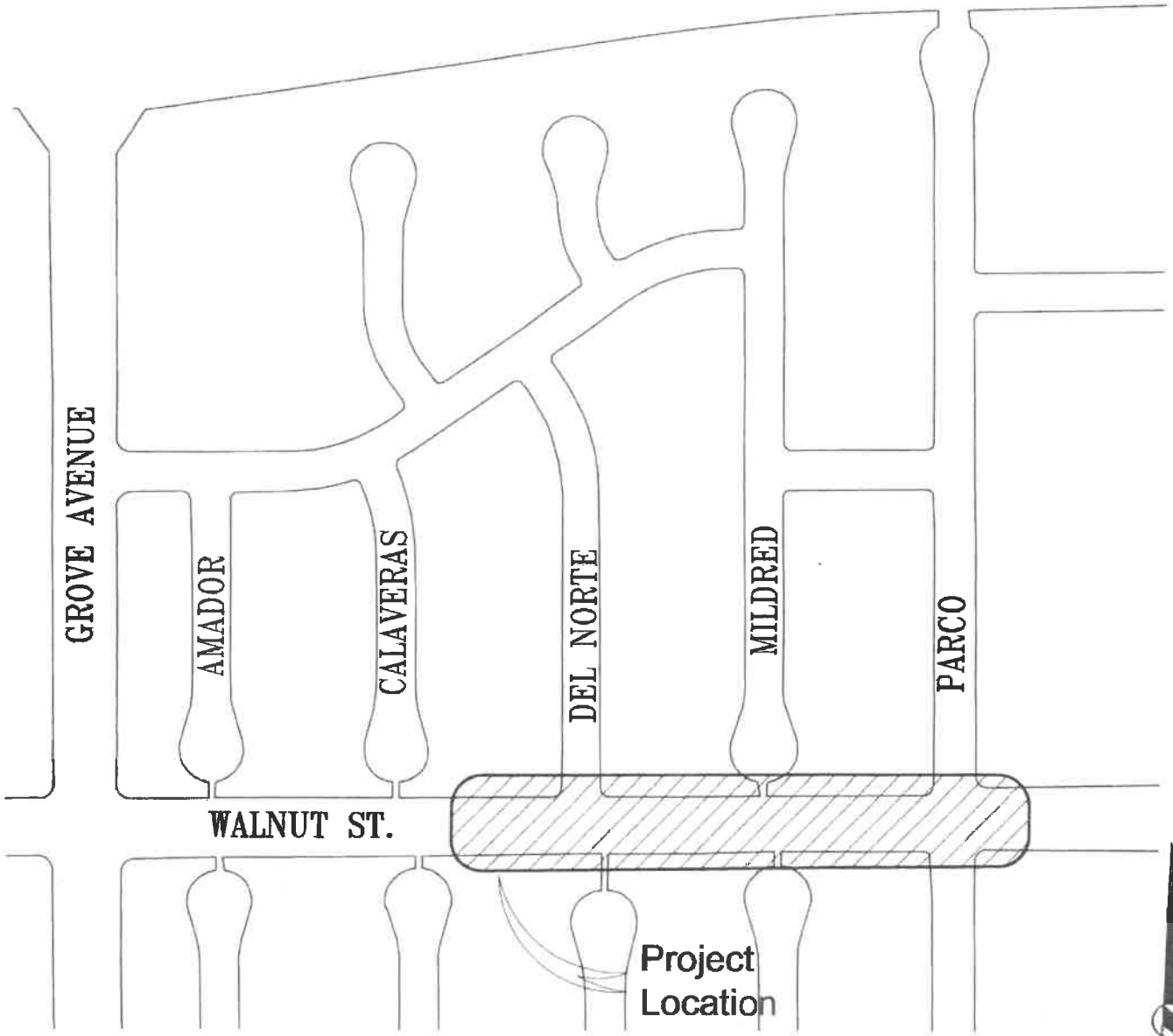
# PARCO AVENUE PAVEMENT REHABILITATION Project No. ST1917 RIVERSIDE DRIVE TO S.R. 60 FREEWAY

S.R. 60 FREEWAY



# WALNUT STREET PAVEMENT REHABILITATION Project No. ST1918 DEL NORTE AVENUE TO PARCO AVENUE

S.R. 60 FREEWAY



Project  
Location



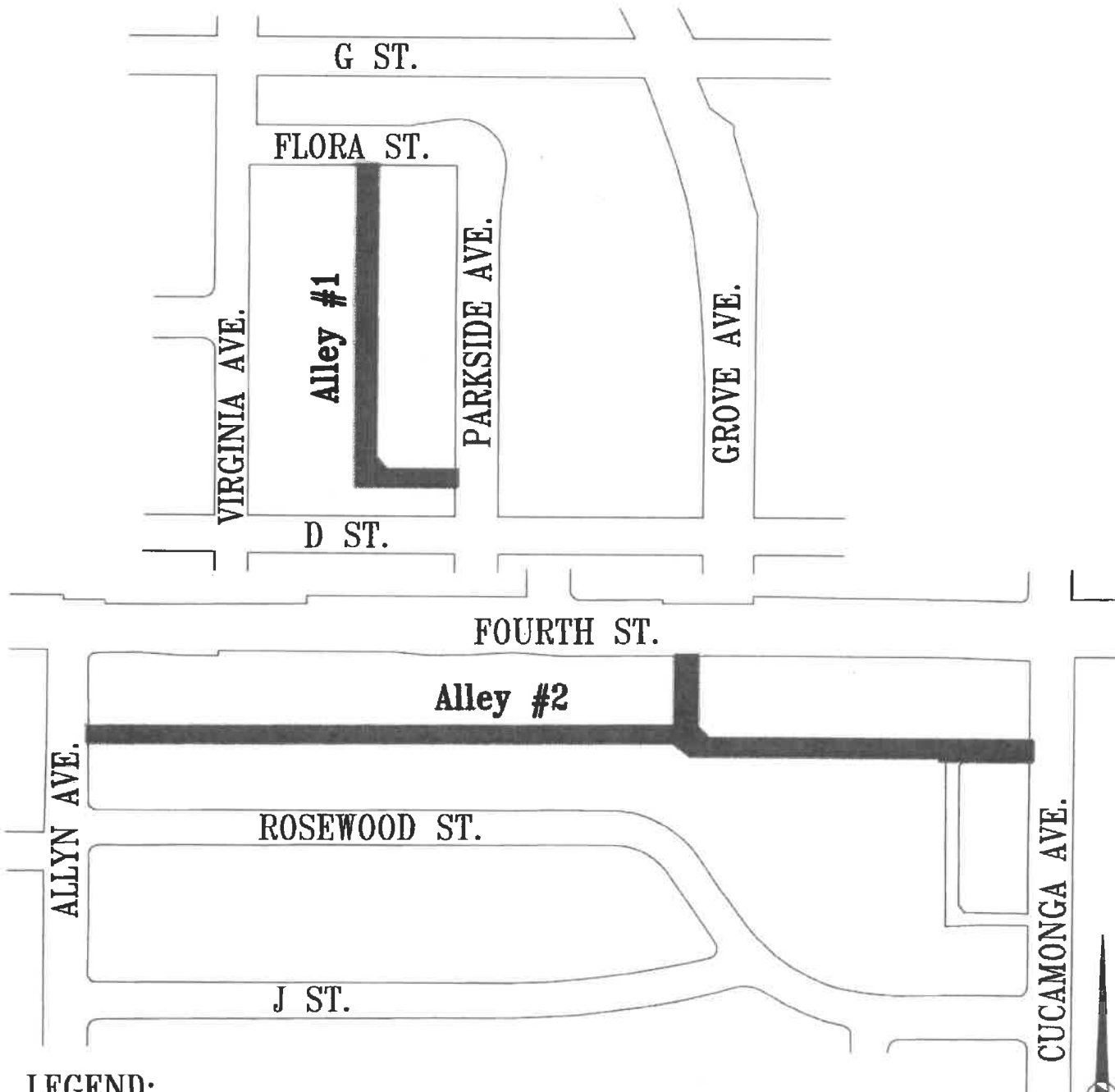
N.T.S.

# EXHIBIT "A"

## CDBG ALLEY

### PAVEMENT REHABILITATION

BETWEEN ALLYN AVENUE AND CUCAMONGA AVENUE  
BETWEEN VIRGINIA AVENUE AND PARKSIDE AVENUE



**LEGEND:**

 CDBG ALLEY PROJECT LOCATION



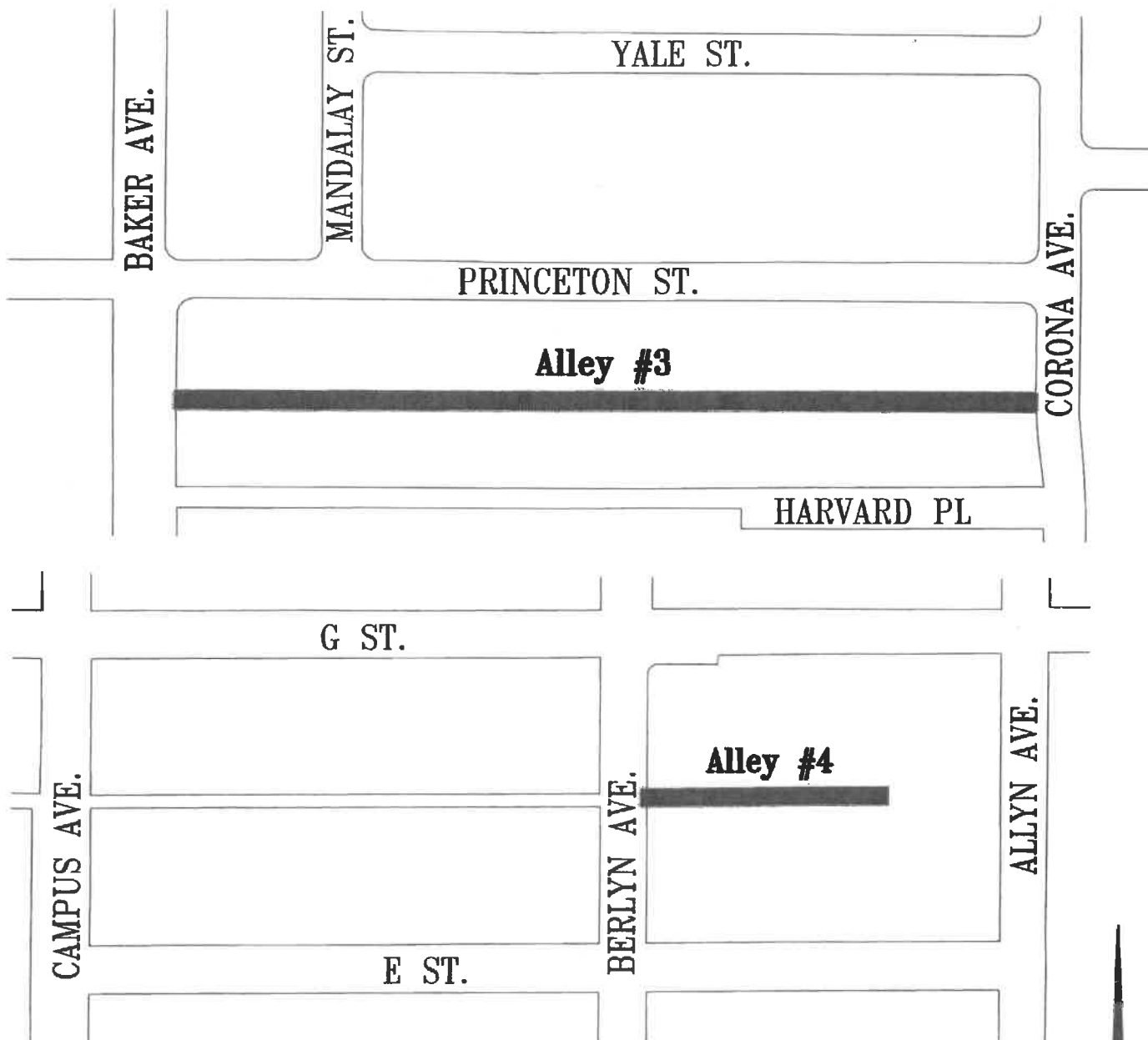


# EXHIBIT "A"

## CDBG ALLEY

### PAVEMENT REHABILITATION

BETWEEN BAKER AVENUE AND CORONA AVENUE  
BETWEEN BERLYN AVENUE AND BON VIEW AVENUE



LEGEND:

 CDBG ALLEY PROJECT LOCATION



# CITY OF ONTARIO

Agenda Report  
May 5, 2020

SECTION:  
CONSENT CALENDAR

**SUBJECT: A RESOLUTION APPROVING FINAL PARCEL MAP NO. 19253 LOCATED ON BAKER AVENUE APPROXIMATELY 620 FEET NORTH OF PHILADELPHIA STREET**

**RECOMMENDATION:** That the City Council adopt a resolution approving Final Parcel Map No. 19253 located on Baker Avenue approximately 620 feet north of Philadelphia Street.

**COUNCIL GOALS:** Invest in the Growth and Evolution of the City's Economy  
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:** None. All public infrastructure improvements required for this subdivision have been constructed by the developer.

**BACKGROUND:** Final Parcel Map No. 19253, consisting of seven (7) industrial lots and one (1) lettered lot on 3.126 acres, as shown on Exhibit A, has been submitted by JSDA LLC, a California limited liability company (Mr. Steve Chuang, Managing Member).

Tentative Parcel Map No. 19253 was approved by the Planning Commission on December 20, 2012.

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

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

Prepared by: Miguel Sotomayor  
Department: Engineering

City Manager Approval: 

Submitted to Council/O.H.A. 05/05/2020

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

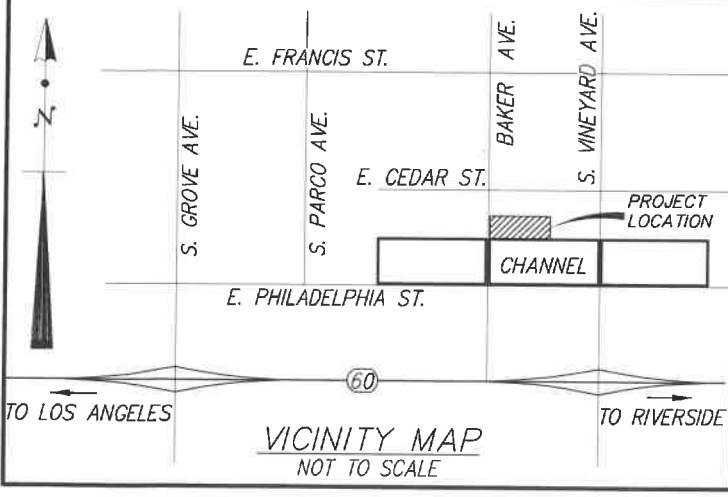
Continued to: \_\_\_\_\_

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

# EXHIBIT A



EXHIBIT A



CITY OF ONTARIO  
ENGINEERING DEPARTMENT

PM-19253  
CONDO CONVERSION PROJECT

**Apple Engineering Group**  
Subdivision, Engineering Design & Survey  
9080 TELSTAR AVENUE, SUITE 309  
EL MONTE, CA 91731  
Tel: (626) 552-9818 EMAIL: info@appleengineering.net

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FINAL PARCEL MAP NO. 19253 LOCATED ON BAKER AVENUE APPROXIMATELY 620 FEET NORTH OF PHILADELPHIA STREET.

WHEREAS, Tentative Parcel Map No. 19253, submitted for approval by JSDA LLC, a California limited liability company (Mr. Steve Chuang, Managing Member), was approved by the Planning Commission of the City of Ontario on December 20, 2012; and

WHEREAS, Tentative Parcel Map No. 19253 consists of seven (7) industrial lots and one (1) lettered lot, being a subdivision of those portions of parcel 1 and parcel 2 of Parcel Map No. 4968, as per map recorded in book 46, page 24 of Parcel Maps in the Office of the Recorder of San Bernardino County, State of California, excepting therefrom the northerly 30 feet of parcel 1; and

WHEREAS, all necessary public improvements for said map required as prerequisite to final approval of a final map have been previously constructed and accepted as complete by the City; and

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

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Ontario, California, that Final Parcel Map No. 19253 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 5<sup>th</sup> day of May 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 May 5, 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 May 5, 2020.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

# CITY OF ONTARIO

Agenda Report  
May 5, 2020

SECTION:  
CONSENT CALENDAR

**SUBJECT: FIRST AMENDMENT TO THE CONSOLIDATED PLAN ANNUAL ACTION PLAN FOR THE 2019-20 PROGRAM YEAR**

**RECOMMENDATION:** That the City Council take the following actions:

(A) Approve the First Amendment to the Consolidated Plan Annual Action Plan (on file in the Records Management Department) for the Program Year 2019-20 (“Substantial Amendment”); and

(B) Authorize the City Manager to take all actions necessary or desirable to implement the Substantial Amendment.

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

**FISCAL IMPACT:** The Substantial Amendment allocates \$1,096,879 in Community Development Block Grant Coronavirus (CDBG-CV) funds and \$552,724 in Emergency Solutions Grant Coronavirus (ESG-CV) funds allocated to the City of Ontario authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). These funds include \$274,647 for eligible administration costs. There is no impact to the General Fund. If approved, the associated revenue and expenditures will be included in the FY 2019-20 Third Quarter Budget Update to the City Council.

**BACKGROUND:** On June 4, 2019, the City Council approved the Fiscal Year 2019-20 One-Year Annual Action Plan as part of the Consolidated Plan. The CARES Act was signed by President Trump on March 27, 2020 to respond to the growing effects of the coronavirus health crisis. The CARES Act made available CDBG-CV and ESG-CV funds to entitlement jurisdictions. In addition, the CARES Act provides some flexibility and waivers with regard to CDBG-CV and ESG-CV funds.

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

Prepared by: Katryna Gonzalez  
Department: Housing and Neighborhood Preservation

City Manager Approval:



Submitted to Council/O.H.A. 05/05/2020

Approved:

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

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

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On March 31, 2020, HUD published a memorandum of available waivers of Community Planning and Development (CPD) Grant Program and Consolidated Plan Requirements to Prevent the Spread of COVID-19 and Mitigate Economic Impacts caused by COVID-19. Among the waivers authorized was the reduction of the required public comment period for substantial amendments from 30 days to 5 days. In addition, CDBG-CV funds are not bound by the 15% cap for public service activities specifically related to the prevention, response, or recovery related to coronavirus, and 10% of ESG-CV funds are eligible to be used for program administration.

A summary of the programs recommended are below:

<b>Program</b>	<b>Description</b>	<b>Funding Amount</b>
<b>CDBG-CV COVID-19 RECOVERY PROGRAMS</b>		
Short-Term Rental and Utility Assistance Program	Provide emergency grants, for up to three months, to very low-income renters (50% or below of Area Median Income (AMI)) that had a documented loss in household income related to COVID-19. Eligible uses of funds include deferred rent payments to prevent eviction and deferred utility payments to prevent utility shut off. Payments will be paid directly to property owner and/or utility companies. Maximum assistance per household is \$5,000.	\$500,000
Homeowner Utility Assistance Program	Implement emergency grants, for up to three months, short-term utility assistance payments to low-income households (80% or below of AMI), to assist households that had a documented loss of income related to COVID-19. Assistance will be restricted to cure deferred utility payments (water, sewer, trash, electric, and gas service) that occurred during the City's emergency declaration. Assistance is also available to rental property owners of rental properties (1 – 4 units per property). The rental property must be occupied with a minimum of 51% of the tenant's household income at or below 80% of AMI and those tenants are required to have requested a deferment of rental payments based upon the City's Anti-Eviction Moratorium. Maximum assistance per property owner is \$1,500.	\$177,504
Small Business Support and Workforce Development Loans	Provide assistance in the form of a five-year term, zero percent interest loan to Ontario's downtown small businesses. Assistance is restricted to those efforts that will either create a new job or retain an existing job for a low-income person. For each loan provided, a minimum of one permanent full-time equivalent job must be created and/or retained for a low-income person. Maximum assistance per property is \$20,000 per business.	\$200,000
Administration	Administer the grant in compliance with federal requirements. Administration costs are capped at 20% of the grant amount.	\$219,375
<b>TOTAL CDBG-CV</b>		<b>\$1,096,879</b>
<b>ESG-CV COVID-19 RECOVERY PROGRAMS</b>		
Homeless Prevention and Rapid Re-Housing Program	Provide rapid re-housing to those households that have been placed in motels as part the COVID-19 crisis through the Mercy House/Ontario motel voucher program and/or permitted clients at the Ontario Access Center. Program will provide up to 12-month rental	\$347,452



	assistance, utility payments, deposits for utility and housing necessary to secure permanent housing for qualified households. Maximum household assistance will be \$20,000 per household.	
Motel Voucher Program	Provide motel vouchers for identified homeless households, with a preference provided to those identified as most vulnerable to the impacts of COVID-19. Supportive services will be provided to connect these households with permanent housing and other needed social services.	\$150,000
Administration	Administer the grant in compliance with federal requirements. Administration costs are capped at 10% of the grant amount.	\$55,272
<b>TOTAL ESG-CV</b>		<b>\$552,724</b>

The First Amendment to the Fiscal Year 2019-20 One-Year Action Plan was advertised in the Inland Valley Daily Bulletin on April 30, 2020. The draft document was made available for public review via the City's website from April 30, 2020 to May 4, 2020. No public comments were received during the public review period. Subsequent to City Council approval, the plan will be submitted to the U.S. Department of Housing and Urban Development.

Staff recommends approval of the Substantial Amendment to program the CARES Act special allocation.

# CITY OF ONTARIO

Agenda Report  
May 5, 2020

SECTION:  
CONSENT CALENDAR

**SUBJECT: RECOGNITION OF “HISTORIC PRESERVATION MONTH” IN THE CITY OF ONTARIO”**

**RECOMMENDATION:** That the City Council Proclaim the Month of May 2020 as “Historic Preservation Month” in the City of Ontario.

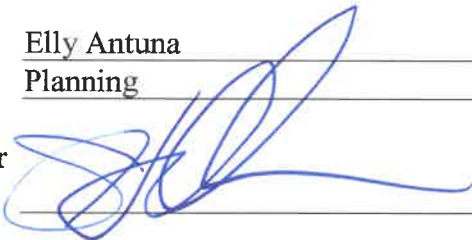
**COUNCIL GOALS:** Focus Resources in Ontario’s Commercial and Residential Neighborhood Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities

**FISCAL IMPACT:** None.

**BACKGROUND:** Since 1971, the National Trust for Historic Preservation has conducted nationwide campaigns to celebrate historical places and showcase preservation activities. In 2005, the National Trust began designating the month of May as Historic Preservation Month. The goals of Historic Preservation Month are to promote historical places for the purpose of instilling national and community pride, promote heritage tourism, and showcase the social and economic benefits of historic preservation. This year, the City is celebrating historic preservation month by continuing the “Model Colony” Awards program, presentation, and reception.

This year’s Model Colony Awards theme will be “Resilience, Relevance and Stewardship.” The theme is inspired by the 2020 National Trust for Historic Preservation’s PastForward conference theme, “Resilience and Relevance.” The theme honors the original intent of National Preservation Month as a means of relating local and state preservation progress to the national effort for the mutual benefits of all. The focus of this year’s theme will be a review of the Historic Preservation program, benchmarks achieved since its inception, the people that contribute to its ongoing success and the program’s future goals and objectives. Since the historic preservation program’s inception, it has been demonstrated time and again how historic places are resilient because of their importance to, and continued preservation efforts by, the Ontario community. The awards ceremony will be conducted at a June City Council meeting.

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

Prepared by: Elly Antuna  
Department: Planning  
City Manager Approval: 

Submitted to Council/O.H.A. 05/05/2020  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

## ***PROCLAMATION***

**WHEREAS**, "*Resilience, Relevance and Stewardship*" is the theme for Historic Preservation Month 2020, sponsored by the City of Ontario; and

**WHEREAS**, the City's character and history are reflected in its cultural, historical, and architectural heritage with an emphasis on the "Model Colony" as declared by an Act of the Congress of the United States in 1903 and presented at the St. Louis World's Fair in 1904; and

**WHEREAS**, the City's historical foundation should be preserved and promoted in order to foster an understanding of the City's past, and provide future generations the opportunity to appreciate, enjoy, and understand Ontario's rich heritage; and

**WHEREAS**, historic preservation is an effective tool for managing smart growth, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

**WHEREAS**, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

**WHEREAS**, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

**WHEREAS**, historic preservation provides an opportunity for the citizens of Ontario to be involved in the community and participate in the revitalization of the City; and

**WHEREAS**, HISTORIC PRESERVATION MONTH provides an opportunity to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

**WHEREAS**, May 2020, has been proclaimed HISTORIC PRESERVATION MONTH in the United States; and

**NOW, THEREFORE**, the City of Ontario, its City Council and staff members do declare the month of May 2020 as

### **HISTORIC PRESERVATION MONTH**

Given this 5th day of May, 2020, by the Ontario City Council

Paul S. Leon, Mayor  
Debra Dorst-Porada, Mayor Pro Tem  
Alan D. Wapner  
Jim W. Bowman  
Ruben Valencia  
Council Members

# CITY OF ONTARIO

Agenda Report  
May 5, 2020

SECTION:  
CONSENT CALENDAR

**SUBJECT: APPLICATION FOR GRANT FROM THE CALIFORNIA PUBLIC UTILITIES COMMISSION (CPUC) SELF-GENERATION INCENTIVE PROGRAM (SGIP)**

**RECOMMENDATION:** That the City Council authorize the City Manager or his designee to execute all documents necessary to apply for and accept a grant in the amount of \$4,895,200 from the California Public Utilities Commission (CPUC) for participation in the Self-Generation Incentive Program (SGIP).

**COUNCIL GOALS: 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 California Public Utilities Commission (CPUC) authorized the Self-Generation Incentive Program (SGIP) with a budget pool of \$63 million for non-residential storage equity with approximately \$21.4 million allocated to the Southern California Edison territory. The project recommended in the subject grant application calls for the installation of battery storage systems at the Toyota Arena, Ontario Convention Center, and Police Department. The total grant application amount will be approximately \$4,895,200. Recent changes to the SGIP now require an application fee of 5% of the total incentive amount requested or \$249,260, which is refunded at the completion of construction. If approved, \$249,260 for the grant application fee will be included in the FY 2019-20 Third Quarter Budget Update Report to the City Council in General Fund Grants.

**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 evaluated the proposals and selected Climatec, LLC as its energy partner in May 2019. Since that time, Climatec 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. Staff intends to bring detailed information on the proposed projects to the City Council separately which will include detailed scope of work recommendations, equipment cutsheets, finalized

**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. 05/05/2020

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

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

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

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("turnkey") cost, lifecycle savings, and a co-authored funding plan for a comprehensive energy efficiency improvement project. These battery storage SGIP incentive applications are just one component of the Comprehensive Energy and Sustainability Program that staff will be bringing forward to Council for consideration. The recommendations contained in this program will upgrade aging energy infrastructure in most city facilities, harness the power of the sun for heat and electricity production, enable Smart City technologies in conjunction with IT, provide backup power storage for mission critical infrastructure and save the city millions of dollars over the life of the new equipment.

The CPUC's Self-Generation Incentive Program provides incentives to support existing, new, and emerging distributed energy resources. SGIP provides rebates for qualifying distributed energy systems installed on the customer's side of the utility meter. Qualifying technologies include wind turbines, waste heat to power technologies, pressure reduction turbines, internal combustion engines, microturbines, gas turbines, fuel cells, and advanced energy storage systems. Eligible customers must be located in a Disadvantaged Community and be a local government agency, state government agency, educational institution, or non-profit organization and small business (<\$15M/year in gross revenue), so Ontario qualifies for the grant under these requirements.

# CITY OF ONTARIO

Agenda Report  
May 5, 2020

SECTION:  
PUBLIC HEARINGS

**SUBJECT: A JOINT PUBLIC HEARING FOR APPROVAL OF A DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND KENDREW DEVELOPMENT, LLC. FOR THE DEVELOPMENT OF A MIXED-USE PROJECT LOCATED AT 116 EAST D STREET; A DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE ONTARIO HOUSING AUTHORITY AND KENDREW DEVELOPMENT, LLC. FOR THE DEVELOPMENT OF A MIXED-USE PROJECT LOCATED AT 308 AND 334 NORTH EUCLID AVENUE**

**RECOMMENDATION:** That the City Council (“City”) and the Board of the Ontario Housing Authority (“Authority”):

- (A) Adopt a resolution approving the Disposition and Development Agreement (“Agreement”) between the City and Kendrew Development, LLC. (“Developer”) (on file in the Records Management Department);
- (B) Adopt a resolution approving the Disposition and Development Agreement (“Agreement”) between the Authority and Kendrew Development, LLC. (“Developer”) (on file in the Records Management Department); and
- (C) Authorize the City Manager/Executive Director, or his designee, to sign all documents necessary to implement the Agreements

**COUNCIL GOALS:** Focus Resources in Ontario’s Commercial and Residential Neighborhoods

**FISCAL IMPACT:** The Developer will purchase 1.66 acres from the City and Authority for \$1,663,121 from which \$1,172,200 will be appropriated to the Low-Moderate Income Housing Authority Fund and \$490,921 being appropriated to the General Fund. The sales price is supported by an independent appraisal completed by a certified general appraiser and represents the current fair market value of the property.

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

Prepared by: Charity Hernandez  
Department: Economic Development

City Manager Approval: 

Submitted to Council/O.H.A. 05/05/2020

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

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

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

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**BACKGROUND:** The Downtown Euclid Avenue Mixed-Use Development (“Development”) is located on approximately 1.66 acres of land, containing an area bordered by D Street to the north, Lemon Avenue to the east, C Street to the south, and Euclid Avenue to the west.

The Development offers an opportunity to continue Ontario’s efforts to revitalize downtown Ontario with new “urban” high-density residential units. The Ontario Plan (“TOP”) identifies this area as the Downtown Mixed-Use District. The Downtown Mixed-Use District vision is intended to create an intensive mixture of retail, office, and residential uses in a pedestrian friendly atmosphere, while ensuring that the historic character of the district is enhanced and concentrating the most intense/dense development along Euclid Avenue and Holt Boulevard. The Development location is ideally located to provide high density residential units next to local shopping, public transportation, and other amenities that will enhance the quality of life for the future residents.

The Development will result in the construction of approximately 150 market rate rental housing units. The project will further include approximately 6,000 square feet of ground level retail and service commercial space directly fronting Euclid Avenue. An on-site management office, fully staffed on a daily basis, will be located within the project at the northeast corner of Euclid Avenue and C Street. The project also includes an outdoor pool/open space area for residents. One-bedroom units are proposed to range in size from 690-740 square feet and two-bedroom units will range in size from 975-1,050 square feet.

The Developer is a partnership of Kendrew Development Company, located in Ontario, California, and Hutton Companies, based in Orange, California. Both firms have extensive experience developing, owning and managing commercial, residential, and mixed-use projects at several locations throughout Southern California.

The estimated total development construction cost is \$30,000,000. The Development has been designed with the highest level of architectural features and quality to provide exceptional benefits to the City and be a catalyst for future development in the Downtown/Civic Center area. The site plan has been prepared to be consistent with the development and design guidelines as contained in the Downtown Specific Plan. Copies of the proposed site plan and architectural elevations are attached as Exhibit “A”.

The environmental impacts of this project were previously reviewed in conjunction with a Planned Unit Development, File No. PUD06-001, to establish development standards and guidelines to facilitate the future development of a high density residential apartment project on the site. The Ontario Plan Environmental Impact Report (SCH No. State Clearinghouse No. 200405115) was adopted by the City Council on November 16, 2004. This proposed project does not contemplate any actions that would require the preparation of a subsequent or supplemental environmental document under State CEQA Guidelines sections 15162, 15163, and 15164. The proposed project is consistent with the development scenarios identified and analyzed within the EIR and no further CEQA environmental review is required.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE SALE OF PROPERTY PURSUANT TO A DISPOSITION AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF ONTARIO AND KENDREW DEVELOPMENT, LLC, FOR PROPERTY GENERALLY LOCATED AT 111-116 EAST D STREET.

WHEREAS, the City of Ontario ("City") is the fee owner of certain real property generally located at 111-116 East D Street (APN's 1048-551-10) in the City of Ontario, County of San Bernardino, State of California ("Property"); and

WHEREAS, the Property consists of approximately 21,344 square feet of mixed-use zoned land, including, all minerals, oil and gas located on or beneath such land, and all other rights, privileges, entitlements, governmental permits, approvals and licenses, and other intangible property relating to or running with such land (the "Development Property"), specifically described in that certain Disposition and Development Agreement ("Agreement") dated May.5, 2020; and

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

WHEREAS, Developer desires to redevelop the Development Property as a mixed-use project more particularly described in the Agreement ("Project"); and

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

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

WHEREAS, the City previously adopted Resolution No. 2020-037, pursuant to California Government Code Sections 37420 through 37430, which authorizes alternative methods for the City to sell the Property, in which the City Council, among other things, set forth its findings and intention to sell the Property and set May 5, 2020 at 6:30 pm, or as soon thereafter as the matter can be hear, as the date and time for holding a public hearing to hear protests to the sale; and

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



WHEREAS, on November 16, 2004, the City Council certified Downtown Civic Center Environmental Impact Report (State Clearinghouse No. 200405115). All potential adverse direct indirect and cumulative impacts were thoroughly analyzed and discussed in the Downtown Civic Center Environmental Impact Report (Certified EIR"), including, but not limited to, potential traffic, noise, air quality, and aesthetic impacts, and all feasible mitigation has been identified and incorporated into the proposed Project. This Project does not contemplate any actions that would require the preparation of a subsequent or supplemental environmental document under State CEQA Guidelines Sections 15162 or 15163, as it is consistent with the development scenarios identified within the Certified EIR. Furthermore, this Project introduces no new significant environmental impacts and no further environmental review is required.

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

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

SECTION 2. CEQA Compliance. City has determined that the project that the Project does not contemplate any actions that would require the preparation of a subsequent or supplemental environmental document under State CEQA Guidelines Sections 15162 or 15163.

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

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

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

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

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

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

PASSED, APPROVED, AND ADOPTED this 5<sup>th</sup> day of May 2020.

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PAUL S. LEON, MAYOR

ATTEST:

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SHELIA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

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COLE HUBER, LLP  
CITY ATTORNEY

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

I, SHELIA 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 May 5, 2020, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

\_\_\_\_\_  
SHELIA 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 May 5, 2020.

\_\_\_\_\_  
SHELIA MAUTZ, CITY CLERK

(SEAL)

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

A RESOLUTION OF THE GOVERNING BOARD OF THE ONTARIO HOUSING AUTHORITY OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT WITH KENDREW DEVELOPMENT, LLC., FOR DEVELOPMENT OF A MIXED-USE PROJECT AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH.

WHEREAS, the Ontario Housing Authority (the "Authority") was created to, among other things, support and promote the development of housing in the community; and

WHEREAS, pursuant to the California Community Redevelopment Law (Health & Safety Code Sections 33000 *et seq.*) ("CRL"), the City Council of the City of the City of Ontario ("City") approved and adopted that certain Redevelopment Plan ("Redevelopment Plan") for the Center City Redevelopment Project Area ("Project Area"); and

WHEREAS, the Redevelopment Agency of the City of Ontario (the "Agency") was, at the time the Agency dissolved on February 1, 2012 pursuant to Section 34172 of the Health and Safety Code; and

WHEREAS, the Authority ("Authority"), pursuant to Health and Safety Code Section 34176, has been designated as the successor to the Agency in carrying out the housing functions and responsibilities of the Agency; and

WHEREAS, the Authority is fee owner of real property generally located at 308 and 334 North Euclid (APN's 1048-551-11 and 1048-551-12) in the City of Ontario, County of San Bernardino, State of California ("Property"); and

WHEREAS, in order to implement its purpose, the Authority proposes to enter into a certain Disposition and Development Agreement (the "DDA"), dated as of May 5, 2020, with Kendrew Development, LLC. (the "Developer"), pursuant to which (a) the Authority would sell to Developer the Property, and (b) the Developer will develop thereon a mixed-use project (the "Project"); and

WHEREAS, the Project is consistent with the General Plan of the City of Ontario; and

WHEREAS, in connection with the DDA, Authority has prepared, reviewed and considered a summary report setting forth:

- (1) The cost of the DDA to the Authority;
- (2) The estimated value of the interests to be sold to Developer, determined at the highest and best uses permitted by law;

(3) The estimated value of the interests to be sold, determined at the uses and with the conditions, covenants and development costs required by the sale; and

(4) The consideration payable for the Property;

WHEREAS, the DDA contains all of the terms, covenants, conditions, restrictions, obligations and provisions required by state and local law; and

WHEREAS, on November 16, 2004, the City Council certified Downtown Civic Center Environmental Impact Report (State Clearinghouse No. 200405115). All potential adverse direct indirect and cumulative impacts were thoroughly analyzed and discussed in the Downtown Civic Center Environmental Impact Report (Certified EIR”), including, but not limited to, potential traffic, noise, air quality, and aesthetic impacts, and all feasible mitigation has been identified and incorporated into the proposed Project. This Project does not contemplate any actions that would require the preparation of a subsequent or supplemental environmental document under State CEQA Guidelines Sections 15162 or 15163, as it is consistent with the development scenarios identified within the Certified EIR. Furthermore, this Project introduces no new significant environmental impacts and no further environmental review is required.

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the Ontario Housing Authority as follows:

1. The Authority hereby finds that the Project will not cause significant environmental impacts not considered by the EIR. The Authority has determined that the project that the Project does not contemplate any actions that would require the preparation of a subsequent or supplemental environmental document under State CEQA Guidelines Sections 15162 or 15163.

2. The Authority hereby finds and determines that, based on substantial evidence in the record before it, the consideration for the Authority's disposition of the Property pursuant to the DDA is not less than either the fair market or fair reuse value in accordance with conditions, covenants, and development costs required under the DDA.

3. The DDA, a copy of which is on file with the Secretary of the Authority, is hereby approved with such minor changes, additions or deletions as may be approved by the Authority's Executive Director, and the Executive Director is hereby authorized and directed to execute said DDA on behalf of the Authority.

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

PASSED, APPROVED, AND ADOPTED this 5<sup>th</sup> day of May 2020.

\_\_\_\_\_  
PAUL S. LEON, CHAIRMAN

ATTEST:

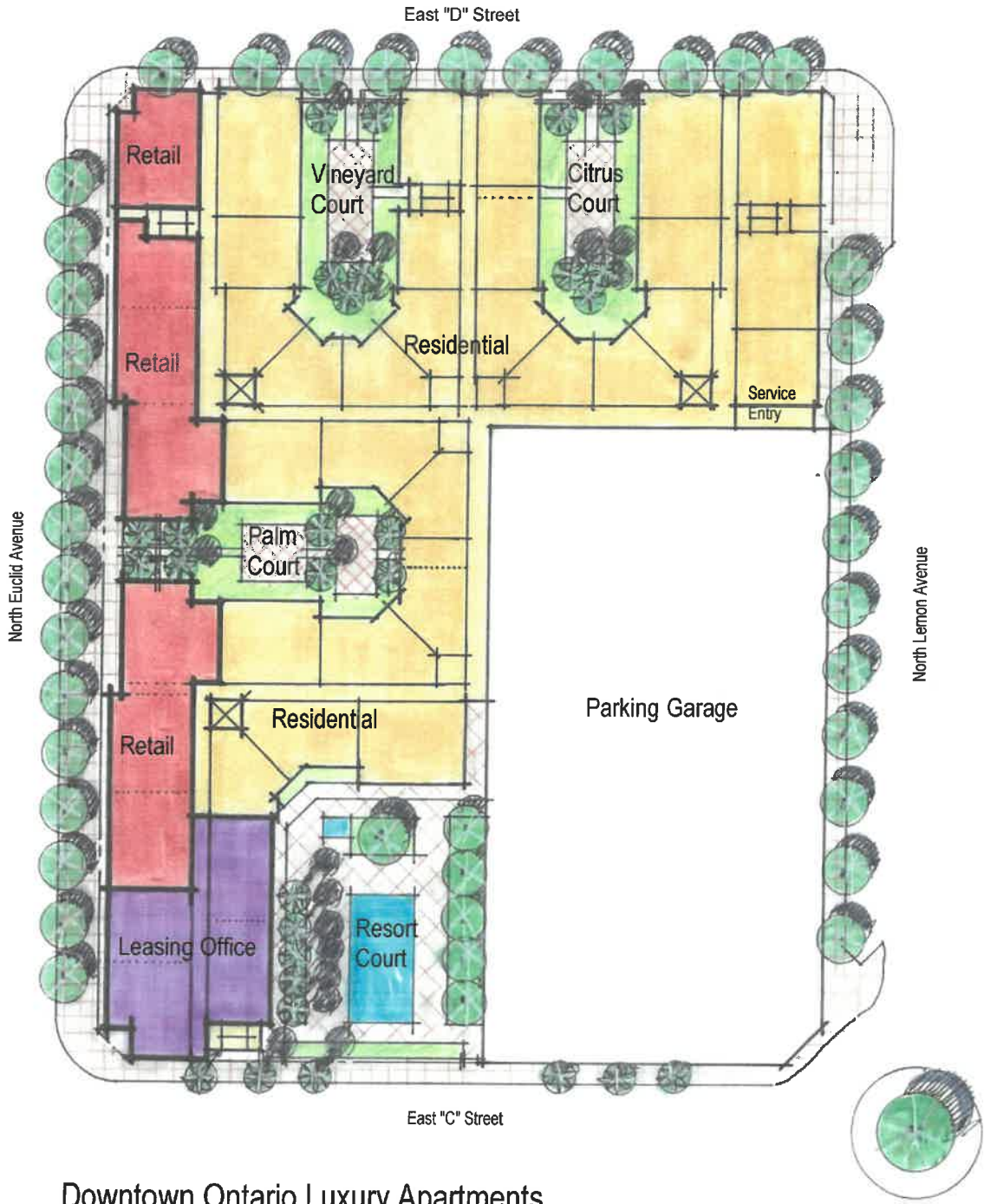
\_\_\_\_\_  
SHELIA MAUTZ, AUTHORITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
COLE HUBER, LLP  
AUTHORITY COUNSEL



# EXHIBIT "A"



## Downtown Ontario Luxury Apartments

Hutton Companies  
KTYG  
28 Jan. 2020

+/- 145 Residential Units  
+/- 6,000 GSF  
Retail/Commercial Area



Architecture + Planning  
866-450-5449  
ktgy.com







VIEW FROM NORTH EUCLID AVENUE



Architecture • Planning  
666.458.5849  
ktgy.com



2550 N. Santiago Blvd.  
Orange, CA 92667  
714.921.1800  
www.huttoncompanies.com

**DOWNTOWN ONTARIO LUXURY APARTMENTS**  
ONTARIO, CA # 2017-0318

CONCEPTUAL DESIGN  
JANUARY 26, 2020



**STREET SCENE**  
ELEVATION

**A2.0**