

**CITY OF ONTARIO
CITY COUNCIL AND HOUSING AUTHORITY
AGENDA
JUNE 6, 2017**

Paul S. Leon
Mayor

Debra Dorst-Porada
Mayor pro Tem

Alan D. Wapner
Council Member

Jim W. Bowman
Council Member

Ruben Valencia
Council Member



Al C. Boling
City Manager

John E. Brown
City Attorney

Sheila Mautz
City Clerk

James R. Milhiser
Treasurer

WELCOME to a meeting of the Ontario City Council.

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

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

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

CALL TO ORDER (*OPEN SESSION*)

6:00 p.m.

ROLL CALL

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

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

CLOSED SESSION

- GC 54957.6, CONFERENCE WITH LABOR NEGOTIATOR: Al C. Boling regarding American Federation of State, County and Municipal Employees; Teamsters Local 1932; and Association of Ontario Management Employees.

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

PLEDGE OF ALLEGIANCE

Council Member Bowman

INVOCATION

Pastor Dan Davis, Truth and Grace Ministries

REPORT ON CLOSED SESSION

City Attorney

PUBLIC COMMENTS

6:30 p.m.

The Public Comment portion of the Council/Housing Authority meeting is limited to 30 minutes with each speaker given a maximum of 3 minutes. An opportunity for further Public Comment may be given at the end of the meeting. Under provisions of the Brown Act, Council is prohibited from taking action on oral requests.

As previously noted -- if you wish to address the Council, fill out one of the blue slips at the rear of the chambers and give it to the City Clerk.

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

CONSENT CALENDAR

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

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

1. APPROVAL OF MINUTES

Minutes for the regular meeting of the City Council and Housing Authority of May 2, 2017, approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

Bills April 16, 2017 through April 29, 2017 and **Payroll** April 16, 2017 through April 29, 2017, when audited by the Finance Committee.

3. AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT FOR CONSTRUCTION MATERIALS TESTING AND GEOTECHNICAL SERVICES FOR THE FRANCIS STREET STORM DRAIN PROJECT/GROUP DELTA CONSULTANTS, INC.

That the City Council approve an amendment to the Professional Services Agreement (on file in the Records Management Department) with Group Delta Consultants, Inc. of Ontario, California, for additional construction materials testing and geotechnical services for the Francis Street Storm Drain Project, in the amount of \$57,863 for a revised contract amount of \$175,233; and authorize the City Manager to execute said amendment and future amendments.

4. A RESOLUTION OF INTENT TO VACATE THAT PORTION OF EDISON AVENUE FROM ONTARIO RANCH ROAD TO APPROXIMATELY 1,000 FEET EAST OF ONTARIO RANCH ROAD

That the City Council adopt a resolution declaring the intent to vacate that portion of Edison Avenue from Ontario Ranch Road to approximately 1,000 feet east of Ontario Ranch Road; and to set the date, time and place for a public hearing.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, PERTAINING TO THE VACATION OF THAT PORTION OF EDISON AVENUE FROM ONTARIO RANCH ROAD TO APPROXIMATELY 1,000 FEET EAST OF ONTARIO RANCH ROAD AND TO SET THE DATE, TIME AND PLACE FOR A PUBLIC HEARING.

5. A RESOLUTION AMENDING THE RESOLUTION ADOPTING THE MEASURE I FIVE-YEAR CAPITAL PROJECT NEEDS ANALYSIS FOR FISCAL YEARS 2017/2018 TO 2021/2022

That the City Council adopt a resolution amending Resolution No. 2016-089, originally adopted on September 6, 2016, for the purpose of approving the 2017-18 through 2021-22 Measure I Five-Year Capital Project Needs Analysis (CPNA); and authorize the City Manager to approve changes to the plan as may be required by the City and/or San Bernardino County Transportation Authority (SBCTA).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING RESOLUTION NO 2016-089, A RESOLUTION ADOPTING THE MEASURE I FIVE-YEAR CAPITAL PROJECT NEEDS ANALYSIS FOR FISCAL YEARS 2017/18 TO 2021/22.

6. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL PARCEL MAP NO. 19715 LOCATED AT THE NORTHEAST CORNER OF ONTARIO MILLS PARKWAY AND INTERSTATE 15

That the City Council adopt a resolution approving an improvement agreement, improvement security and Final Parcel Map No. 19715 located at the northeast corner of Ontario Mills Parkway and Interstate 15.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL PARCEL MAP NO. 19715, LOCATED AT THE NORTHEAST CORNER OF ONTARIO MILLS PARKWAY AND INTERSTATE 15.

7. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL PARCEL MAP NO. 19743 LOCATED AT THE NORTHWEST CORNER OF GROVE AVENUE AND LOCUST STREET

That the City Council adopt a resolution approving an improvement agreement, improvement security and Final Parcel Map No. 19743 located at the northwest corner of Grove Avenue and Locust Street.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL PARCEL MAP NO. 19743, LOCATED AT THE NORTHWEST CORNER OF GROVE AVENUE AND LOCUST STREET.

8. A RESOLUTION APPROVING FINAL TRACT MAP NO. 20025 LOCATED ON NEW HAVEN DRIVE APPROXIMATELY 300 FEET NORTH OF ONTARIO RANCH ROAD

That the City Council adopt a resolution approving Final Tract Map No. 20025 located on New Haven Drive approximately 300 feet north of Ontario Ranch Road within The Avenue Specific Plan area.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FINAL TRACT MAP NO. 20025 LOCATED ON NEW HAVEN DRIVE APPROXIMATELY 300 FEET NORTH OF ONTARIO RANCH ROAD.

9. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 20061 LOCATED AT THE SOUTHWEST CORNER OF ONTARIO RANCH ROAD AND NEW HAVEN DRIVE

That the City Council adopt a resolution approving an improvement agreement, improvement security and Final Tract Map No. 20061 for condominium purposes located at the southwest corner of Ontario Ranch Road and New Haven Drive within The Avenue Specific Plan area.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 20061 LOCATED AT THE SOUTHWEST CORNER OF ONTARIO RANCH ROAD AND NEW HAVEN DRIVE.

10. VARIOUS AGREEMENTS WITH SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FOR THE INTERSTATE 10 CORRIDOR PROJECT

That the City Council:

- (A) Approve three (3) Memorandum of Understandings (MOUs) (on file with the Records Management Department) with San Bernardino County Transportation Authority (SBCTA) for the project development of the Interstate 10 (I-10) Euclid Avenue Interchange Project, I-10 Vineyard Avenue Interchange Project, and the Fourth Street Bridge Undercrossing Project; and authorize the City Manager to execute said agreements and future amendments; and
- (B) Approve three (3) Cooperative Funding Agreements (on file with the Records Management Department) with SBCTA for funding the Environmental, Design, Right of Way, Construction, Landscape Maintenance and Project Closeout phases of the I-10 Euclid Avenue Interchange Project, I-10 Vineyard Avenue Interchange Project, and the Fourth Street Bridge Undercrossing Project; and authorize the City Manager to execute said agreements and future amendments; and
- (C) Approve a Term Loan Agreement (on file with the Records Management Department) with SBCTA for the Fourth Street Bridge Undercrossing Project; and authorize the City Manager to execute said agreement and future amendments.

11. A MAINTENANCE SERVICE AGREEMENT FOR STREETLIGHT MAINTENANCE AND REPAIR SERVICES/SIEMENS INDUSTRY, INC.

That the City Council:

- (A) Authorize the City Manager to execute a three-year Maintenance Service Agreement (on file in the Records Management Department) with Siemens Industry, Inc., of Riverside, California, for an annual general maintenance cost of \$244,709 and authorize the City Manager to extend the agreement for up to two additional years consistent with City Council approved budgets; and
- (B) Authorize urgency repairs and optional LED streetlight fixture replacements for existing high pressure sodium lights based on the established contract rates according to the bid schedules, which shall not exceed the amounts allocated in the departmental operating budget for each fiscal year.

12. A CONSTRUCTION CONTRACT FOR THE SUMP PUMP STATION RENOVATION AT CITY HALL ANNEX/GSE CONSTRUCTION COMPANY, INC.

That the City Council award Contract No. MS 1617-4 to GSE Construction Company, Inc., of Livermore, California, for the sump pump station renovation at City Hall Annex in the amount of \$174,900 plus a 15% contingency (\$26,235) for a total amount of \$201,135; authorize the City Manager to execute said contract (on file in the Records Management Department), and authorize the filing of the notice of completion at the conclusion of all construction activities related to the project.

13. A PROFESSIONAL SERVICES AGREEMENT FOR CONSULTING SERVICES, APPLICATION DEVELOPMENT AND DATABASE ADMINISTRATION/MANOJ CHITRE

That the City Council authorize the City Manager to execute a five-year professional services agreement (on file in the Records Management Department) with Manoj Chitre, of Upland, California, for information technology consulting services, in an amount not to exceed \$120,000 annually, contingent on City Council approved budgets, for Application Development and Database Administration.

14. A CONSTRUCTION CONTRACT FOR THE INSTALLATION OF POINT-OF-PRESENCE (POP) FACILITIES AT THE CITIZENS BUSINESS BANK ARENA AND CREEKSIDE PARK AS PART OF THE CITY'S HIGH-SPEED FIBER OPTIC NETWORK/R.I.C. CONSTRUCTION

That the City Council award contract D&C17-CBBAPOP-001 to R.I.C. Construction of Hesperia, California, in the amount of \$1,692,626 plus a 15% contingency in the amount of \$253,894 for a total amount of \$1,946,520 for the construction of the Citizens Business Bank Arena and Creekside Points of Presence; authorize the City Manager to execute the contract (on file in the Records Management Department); and file a notice of completion at the conclusion of all construction related activities.

15. AN ORDINANCE LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 38 (PARK & TURNER NE FACILITIES)

That the City Council adopt an ordinance levying special taxes within City of Ontario Community Facilities District No. 38 (Park & Turner NE Facilities).

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 38 (PARK & TURNER NE FACILITIES).

16. CONSTRUCTION CONTRACT FOR ASPHALT GRINDING SERVICES/PAVEMENT RECYCLING SYSTEMS, INC.

That the City Council authorize the City Manager to execute a three-year Construction Contract (on file with the Records Management Department) for contract No. SM1617-3 with Pavement Recycling Systems, Inc., located in Jurupa Valley, California, for an annual estimated cost of \$147,000; and authorize the addition of future service areas; and the option to extend the agreement for up to two additional years consistent with the City Council approved budgets.

17. A MAINTENANCE SERVICE AGREEMENT FOR LANDSCAPE MAINTENANCE SERVICES FOR WELL SITE, HOUSING AUTHORITY AND GAS TAX FUNDED SITES/BRIGHTVIEW LANDSCAPE SERVICES, INC./SOCAL LAND MAINTENANCE, INC.

That the City Council takes the following actions:

- (A) Authorize the City Manager to execute a five-year Maintenance Service Agreement (on file with the Records Management Department) for Contract No. PM1617-7 with Brightview Landscape Services, Inc. located in Upland, California, for an annual estimated cost of \$75,000 plus a contingency of \$11,250;

- (B) Authorize the City Manager to execute a five-year Maintenance Service Agreement (on file with the Records Management Department) for Contract No. PM1617-11 with SoCal Land Maintenance, Inc. located in Anaheim, California, for an annual estimated cost of \$115,211 plus a contingency of \$17,379;
- (C) Authorize addition of future service areas; and the option to extend the agreements for up to two additional years consistent with the City Council approved budgets.

18. A MAINTENANCE SERVICE AGREEMENT FOR CITYWIDE GRAFFITI CONTROL SERVICES/GRAFFITI PROTECTIVE COATINGS, INC.

That the City Council authorize the City Manager to execute a three-year Maintenance Service Agreement (on file with the Records Management Department) for contract No. SM1617-5 with Graffiti Protective Coatings, Inc., located in Los Angeles, California, for an annual estimated cost of \$501,600 plus a contingency of \$25,080; and authorize addition of future service areas; and authorize the option to extend the agreement for up to two additional years consistent with the City Council approved budgets.

19. A DEVELOPMENT CODE AMENDMENT, FILE NO. PDCA17-001, PROPOSING VARIOUS CLARIFICATIONS TO THE ONTARIO DEVELOPMENT CODE, INCLUDING MODIFICATIONS TO CERTAIN PROVISIONS OF DIVISION 1.02 (DEVELOPMENT CODE INTERPRETATION AND ENFORCEMENT), DIVISION 2.02 (APPLICATION, FILING AND PROCESSING), DIVISION 4.02 (DISCRETIONARY PERMITS AND ACTIONS), DIVISION 5.02 (LAND USE), DIVISION 5.03 (STANDARDS FOR CERTAIN LAND USES, ACTIVITIES AND FACILITIES), DIVISION 6.01 (DISTRICT STANDARDS AND GUIDELINES), 6.02 (WALLS, FENCES AND OBSTRUCTIONS), 6.03 (OFF-STREET PARKING AND LOADING), DIVISION 7.01 (HISTORIC PRESERVATION), AND DIVISION 9.01 (DEFINITIONS)

That the City Council consider and adopt an ordinance approving a Development Code Amendment, File No. PDCA17-001, proposing certain clarifications to Ontario Development Code Division 1.02 (Development Code Interpretation and Enforcement), Division 2.02 (Application, Filing and Processing), Division 4.02 (Discretionary Permits and Actions), Division 5.02 (Land Use), Division 5.03 (Standards for Certain Land Uses, Activities and Facilities), Division 6.01 (District Standards and Guidelines), 6.02 (Walls, Fences and Obstructions), 6.03 (Off-Street Parking and Loading), Division 7.01 (Historic Preservation), and Division 9.01 (Definitions).

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA17-001, A DEVELOPMENT CODE AMENDMENT FOR THE PURPOSE OF CLARIFYING CERTAIN PROVISIONS OF DIVISION 1.02 (DEVELOPMENT CODE INTERPRETATION AND ENFORCEMENT), DIVISION 2.02 (APPLICATION, FILING AND PROCESSING), DIVISION 4.02 (DISCRETIONARY PERMITS AND ACTIONS), DIVISION 5.02 (LAND USE), DIVISION 5.03 (STANDARDS FOR CERTAIN LAND USES, ACTIVITIES AND FACILITIES), DIVISION 6.01 (DISTRICT STANDARDS AND GUIDELINES), 6.02 (WALLS, FENCES AND OBSTRUCTIONS), 6.03 (OFF-STREET PARKING AND LOADING), DIVISION 7.01 (HISTORIC PRESERVATION), AND DIVISION 9.01 (DEFINITIONS), AND MAKING FINDINGS IN SUPPORT THEREOF.

20. A PLANNED UNIT DEVELOPMENT, FILE NO. PUD17-001, TO ESTABLISH DEVELOPMENT STANDARDS AND GUIDELINES TO FACILITATE THE FUTURE DEVELOPMENT OF A HIGH DENSITY RESIDENTIAL APARTMENT PROJECT AT A DENSITY OF 25.4 DWELLING UNITS PER ACRE ON 2.95 ACRES OF LAND BORDERED BY HOLT BOULEVARD ON THE NORTH, FERN AVENUE ON THE EAST, EMPORIA STREET ON THE SOUTH, AND VINE AVENUE ON THE WEST, WITHIN THE MU-1 (DOWNTOWN MIXED USE) ZONING DISTRICT (APNS: 1049-051-01, 1049-051-02, 1049-051-03, 1049-052-03, 1049-052-04, 1049-052-05, 1049-052-06, 1049-052-07, 1049-052-08, 1049-052-09 AND 1049-052-10)

That the City Council consider and adopt an ordinance approving a Planned Unit Development, File No. PUD17-001, establishing development standards and guidelines to facilitate the development of a high density residential apartment project.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PUD17-001, A PLANNED UNIT DEVELOPMENT (ATTACHMENT 1) TO ESTABLISH DEVELOPMENT STANDARDS AND GUIDELINES TO FACILITATE THE FUTURE DEVELOPMENT OF A HIGH DENSITY RESIDENTIAL APARTMENT PROJECT AT A DENSITY OF 25.4 DWELLING UNITS PER ACRE ON 2.95 ACRES OF LAND BORDERED BY HOLT BOULEVARD ON THE NORTH, FERN AVENUE ON THE EAST, EMPORIA STREET ON THE SOUTH, AND VINE AVENUE ON THE WEST, WITHIN THE MU-1 (DOWNTOWN MIXED USE) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF — APNS: 1049-051-01, 1049-051-02, 1049-051-03, 1049-052-03, 1049-052-04, 1049-052-05, 1049-052-06, 1049-052-07, 1049-052-08, 1049-052-09 AND 1049-052-10.

21. CONSTRUCTION CONTRACT FOR THE POLICE HEADQUARTERS RENOVATION PROJECT/HAL HAYS CONSTRUCTION, INC.

That the City Council award a construction contract to Hal Hays Construction, Inc. of Riverside, California, for the Police Headquarters Renovation Project in the amount of \$2,161,900 plus a 15% contingency (\$324,285) for a total amount of \$2,486,185; authorize the City Manager to execute said contract (on file with the Records Management Department), authorize appropriations of funds from Communication/Computer Dispatch Reserve Account, and authorize the filing of the notice of completion at the conclusion of all construction activities related to the project.

22. A RESOLUTION APPROVING AN APPLICATION FOR THE USED OIL PAYMENT PROGRAM CYCLE 8 (FISCAL YEAR 2017-18) FROM THE STATE OF CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

That the City Council adopt a resolution approving a grant application for an estimated \$46,000 from the Used Oil Payment Program Cycle 8 (Fiscal Year 2017-18) through the State of California Department of Resources Recycling and Recovery (CalRecycle); and authorize the City Manager or his designee to execute all necessary documents to participate in the program.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE SUBMITTAL OF AN ANNUAL APPLICATION TO PARTICIPATE IN THE USED OIL PAYMENT PROGRAM CYCLE 8 (FISCAL YEAR 2017-18) FROM THE STATE OF CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE).

23. A MAINTENANCE SERVICES CONTRACT FOR ON-CALL/EMERGENCY UTILITY TRENCH PAVING/G.M. SAGER CONSTRUCTION INC.

That the City Council award Contract UT-OPS 1718-01 to G. M. Sager Construction Inc., located in Pomona, California, in the amount of \$300,000 for utility trench repairs at various locations; authorize the City Manager to execute the contract (on file in the Records Management Department); and authorize the option to extend the contract for up to four additional one-year periods consistent with City Council approved budgets.

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.

24. CONSIDERATION OF A RESOLUTION OPPOSING MEASURE "H" IN THE CITY OF CHINO

That the City Council hold a public hearing to consider adoption of a resolution opposing Measure "H" in the City of Chino.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ONTARIO, CALIFORNIA, OPPOSING MEASURE H IN THE CITY OF
CHINO.

STAFF MATTERS

City Manager Boling

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)
June 6, 2017

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 54957.6, CONFERENCE WITH LABOR NEGOTIATOR: Al C. Boling regarding American Federation of State, County and Municipal Employees; Teamsters Local 1932; and Association of Ontario Management Employees.

No Reportable Action Continue Approved

/ /

/ /

/ /

Disposition: _____

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

CITY OF ONTARIO

Agenda Report
June 6, 2017

SECTION:
CONSENT CALENDAR

SUBJECT: AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT FOR CONSTRUCTION MATERIALS TESTING AND GEOTECHNICAL SERVICES FOR THE FRANCIS STREET STORM DRAIN PROJECT

RECOMMENDATION: That the City Council approve an amendment to the Professional Services Agreement (on file in the Records Management Department) with Group Delta Consultants, Inc. of Ontario, California, for additional construction materials testing and geotechnical services for the Francis Street Storm Drain Project, in the amount of \$57,863 for a revised contract amount of \$175,233; and authorize the City Manager to execute said amendment and future amendments.

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 2016-17 Budget includes appropriations for the Francis Street Storm Drain Project. The City's share is 25% of the storm drain construction cost plus 100% of the street improvement construction costs, including costs for construction materials testing and geotechnical services associated with these activities. The original Group Delta Consultants, Inc. agreement was in the amount of \$117,370. The recommended actions will add \$57,863, for a total agreement amount of \$175,233.

BACKGROUND: This amendment provides for additional construction materials testing and geotechnical services for the Francis Street Storm Drain Project. The additional testing and geotechnical oversight is necessary due to slower daily construction progress by the construction contractor than originally anticipated, and an increase in field observation and testing needed to ensure the construction contractor's compliance with the approved plans and specifications. The project is expected to be completed in July 2017.

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

Prepared by: Tricia Espinoza
Department: Engineering

City Manager
Approval: 

Submitted to Council/O.H.A. 06/06/2017

Approved: _____

Continued to: _____

Denied: _____

3

CITY OF ONTARIO

Agenda Report
June 6, 2017

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION OF INTENT TO VACATE THAT PORTION OF EDISON AVENUE FROM ONTARIO RANCH ROAD TO APPROXIMATELY 1,000 FEET EAST OF ONTARIO RANCH ROAD

RECOMMENDATION: That the City Council adopt a resolution declaring the intent to vacate that portion of Edison Avenue from Ontario Ranch Road to approximately 1,000 feet east of Ontario Ranch Road; and to set the date, time and place for a public hearing.

COUNCIL GOALS: Invest in the Growth and Evolution of the City's Economy
Focus Resources in Ontario's Commercial and Residential Neighborhoods
Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony

FISCAL IMPACT: None. The City did not pay for acquiring the subject right-of-way and will not incur any cost for vacating this right-of-way. The applicant has paid the applicable processing fees to defray the City's cost to process this request.

BACKGROUND: The applicant, Lennar Homes of California, Inc., a California Corporation (Jeff Clemens, Vice President) has requested that the City vacate that portion of Edison Avenue from Ontario Ranch Road to approximately 1,000 feet east of Ontario Ranch Road, as shown on the attached Exhibit A, to optimize the development of its property. The subject portion of Edison Avenue right-of-way, neither now nor in the future will be needed for traffic circulation or public necessity.

The remaining portion of Edison Avenue, east of the proposed vacated area, cannot be vacated at this time due to the existing residences located on the south side of Edison Avenue which will continue to require full access. The remainder of Edison Avenue shall be vacated in the future when adjacent development occurs.

A Public Utility Easement will be retained over the north half of the proposed vacated area to accommodate two existing public utilities within Edison Avenue.

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

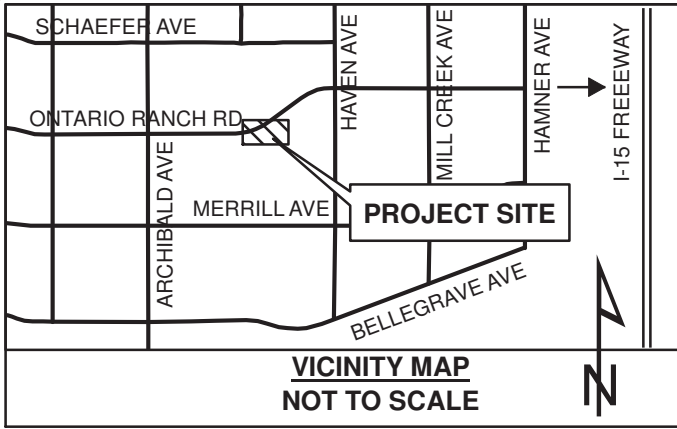
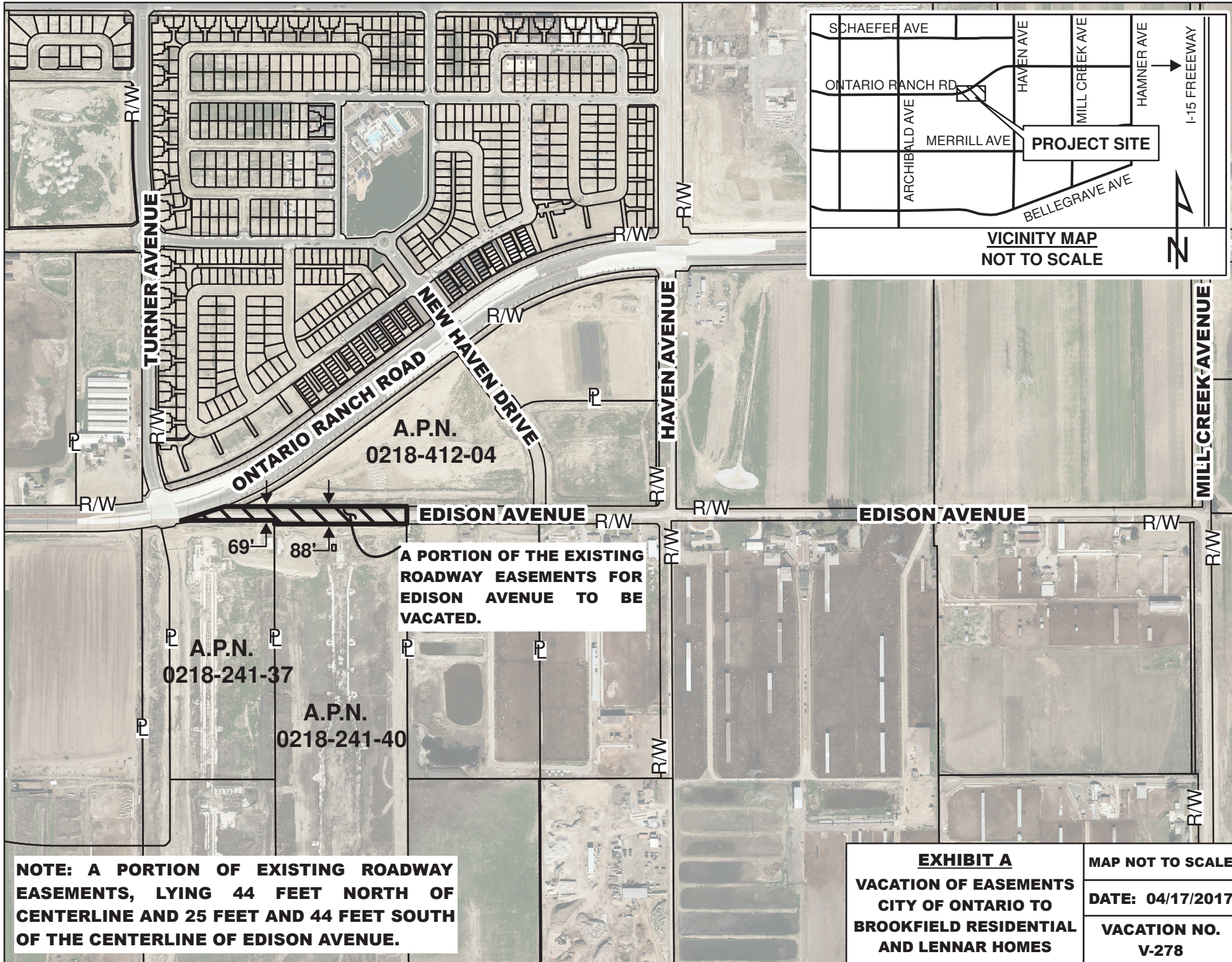
Prepared by: Bryan Lirley, P.E.
Department: Engineering

City Manager
Approval: 

Submitted to Council/O.H.A. 06/06/2017
Approved: _____
Continued to: _____
Denied: _____

4

If approved by Council, the date and time for a Public Hearing shall be fixed as Tuesday, July 18, 2017 at 6:30 p.m. in the City Council Chambers.



A PORTION OF THE EXISTING ROADWAY EASEMENTS FOR EDISON AVENUE TO BE VACATED.

NOTE: A PORTION OF EXISTING ROADWAY EASEMENTS, LYING 44 FEET NORTH OF CENTERLINE AND 25 FEET AND 44 FEET SOUTH OF THE CENTERLINE OF EDISON AVENUE.

EXHIBIT A
VACATION OF EASEMENTS
CITY OF ONTARIO TO
BROOKFIELD RESIDENTIAL
AND LENNAR HOMES

MAP NOT TO SCALE
DATE: 04/17/2017
VACATION NO.
V-278

EXHIBIT A

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, PERTAINING TO THE VACATION OF THAT PORTION OF EDISON AVENUE FROM ONTARIO RANCH ROAD TO APPROXIMATELY 1,000 FEET EAST OF ONTARIO RANCH ROAD AND TO SET THE DATE, TIME AND PLACE FOR A PUBLIC HEARING.

WHEREAS, the City Council of the City of Ontario, California, declares its intention to vacate that portion of Edison Avenue from Ontario Ranch Road to approximately 1,000 feet east of Ontario Ranch Road, as shown on Official Map No. 1009, in the City of Ontario, County of San Bernardino, State of California, as per plat recorded in Book 2 of Official Maps, pages 30 through 34 and Tract Map No. 18922-4, in the City of Ontario, County of San Bernardino, State of California, as per plat recorded in Book 341 of Tract Maps, pages 66 through 69, records of said county, as described in Exhibit A and depicted on Exhibit B, attached, subject to retaining a Public Utility Easement over Parcel 3 as shown on Exhibit B of said portion of Edison Avenue; and

WHEREAS, that the vacation herein proposed shall be carried through pursuant to the "Public Streets, Highways and Service Easement Vacation Law," being Part 3 of Division 9 of the Streets and Highways Code of the State of California; and

WHEREAS, notice is hereby given that on Tuesday, the 18th day of July, 2017, at the hour of 6:30 p.m., in the City Council Chambers of the City Hall of the City of Ontario, California, is the time and place fixed for hearing all persons interested in, or objecting to, the proposed vacation; and

WHEREAS, the City Engineer of said City of Ontario shall cause to be conspicuously posted, along the lines of the proposed vacations, notices of the passage of this Resolution of Intention, in the time, form and manner provided by said Code; and

WHEREAS, that the City Clerk shall certify to the passage of this Resolution of Intention, and shall cause the same to be published after its adoption for at least two successive weeks in a newspaper of general circulation, published and circulated in said City of Ontario.

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

PASSED, APPROVED, AND ADOPTED this 6th day of June 2017.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2017- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 6, 2017 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. 2017- duly passed and adopted by the Ontario City Council at their regular meeting held June 6, 2017.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

V-278

BEING A VACATION OF HIGHWAY AND ROADWAY EASEMENTS IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA

A 44.00 FOOT HIGHWAY AND ROAD EASEMENT RECORDED OCTOBER 7, 1965 IN BOOK 6487, PAGE 981, OFFICIAL RECORDS OF SAN BERNARDINO COUNTY, ALSO BEING THE NORTHERLY 44 FEET OF PARCEL 9 OF OFFICIAL MAP NO. 1009, RECORDED IN BOOK 2 OF OFFICIAL MAPS, PAGES 30 THROUGH 34, INCLUSIVE.

TOGETHER WITH THAT PORTION OF THE SOUTHERLY 25.00 FEET OF EDISON AVENUE SHOWN ON A RECORD OF SURVEY FILED IN BOOK 16, PAGE 9 OF RECORDS OF SURVEYS, RECORDS OF SAN BERNARDINO COUNTY, ALSO BEING THAT PORTION OF THE NORTHERLY 25.00 FEET OF PARCELS 6 AND 9 OF OFFICIAL MAP NO. 1009, RECORDED IN BOOK 2 OF OFFICIAL MAPS, PAGES 30 THROUGH 34, INCLUSIVE, EXCEPTING THEREFROM THAT PORTION LYING WITHIN THE GRANT DEED TO THE CITY OF ONTARIO, ONTARIO RANCH ROAD, DOCUMENT NO. 2016-0516012, RECORDS OF SAID COUNTY;

SAID PORTION OF THE SOUTHERLY 25.00 FEET BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL 9, SAID POINT ALSO BEING ON THE CENTERLINE OF EDISON AVENUE, THENCE ALONG THE CENTERLINE OF SAID EDISON AVENUE SOUTH 89°56'11" WEST 1037.17 FEET TO A POINT IN A NON-TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 1780.00 FEET;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, FROM AN INITIAL RADIAL BEARING OF NORTH 17°18'30" WEST, THROUGH A CENTRAL ANGLE OF 2°57'45" AN ARC LENGTH OF 92.04 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY LINE OF SAID 25.00 FOOT WIDE EASEMENT AS SHOWN ON SAID OM 1009;

THENCE NORTH 89°56'11" EAST 1125.83 FEET ALONG THE SOUTHERLY LINE OF SAID EASEMENT TO A POINT ON THE EASTERLY LINE OF SAID PARCEL 9;

THENCE ALONG SAID EASTERLY LINE OF PARCEL 9 NORTH 00°16'05" WEST 25.00 FEET TO THE POINT OF BEGINNING.

ALSO TOGETHER WITH THAT PORTION OF THE NORTHERLY 44.00 FEET OF EDISON AVENUE AS SHOWN AND DEDICATED AS AN EASEMENT FOR ROAD AND HIGHWAY PURPOSES ON PARCEL MAP NO. 2764, FILED IN PARCEL MAP BOOK 24 PAGES 44 AND 45, RECORDS OF SAID COUNTY AND STATE, BEING FURTHER DESCRIBED AS FOLLOWS:

BEING A PORTION OF THE SOUTH 44.00 FEET OF LOT 3, TRACT NO. 18922-4 AS FILED UNDER DOCUMENT NUMBER 2014-0495612 ON DECEMBER 29, 2014 IN BOOK 341 OF TRACT MAPS AT PAGES 66 THROUGH 69, INCLUSIVE, RECORDS OF SAID COUNTY. SAID PORTION OF THE SOUTH 44.00 FEET OF LOT 3 IS BOUND ON THE WEST BY THE EAST LINE OF LOT D OF SAID TRACT NO. 18922-4 AND ON THE EAST BY THE NORTHERLY PROLONGATION OF THE EAST LINE OF PARCEL 9 OF OFFICIAL MAP NO. 1009 AS FILED IN BOOK 2, PAGES 30-34 OF OFFICIAL MAPS, RECORDS OF SAID COUNTY.



Prepared by HILLWIG-GOODROW, INC.:
31407 Outer Hwy. 10, Redlands, CA 92373 (888) 626-5137

Alan C. Hillwig 4/4/2017
ALAN C. HILLWIG, PLS 5137
LICENSE EXPIRES: 6-30-17

SCALE: N/A

FILE NO.: 228-101

DATE: APRIL 2017

SHEET 1 OF 2

EXHIBIT "A"
V-278

SAID PORTION OF THE SOUTH 44.00 FEET IS DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL 9, OFFICIAL MAP NO. 1009;

THENCE ALONG THE NORTHERLY PROLONGATION OF THE EAST LINE OF SAID PARCEL 9 A BEARING OF NORTH 00°16'05" WEST 44.00 FEET TO A POINT IN THE NORTH LINE OF AN EASEMENT FOR HIGHWAY AND ROAD PURPOSES AS SHOWN ON SAID TRACT NO. 18922-4;

THENCE SOUTH 89°56'10" WEST ALONG SAID NORTH LINE 821.77 FEET TO A POINT IN THE EASTERLY LINE OF SAID LOT D, SAID LINE ALSO BEING A NON-TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 1815.00 FEET;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID NON-TANGENT CURVE FROM AN INITIAL RADIAL BEARING OF NORTH 24°13'35" WEST, THROUGH A CENTRAL ANGLE OF 3°39'21", A DISTANCE OF 115.81 FEET TO A POINT IN THE SOUTH LINE OF SAID LOT 3;

THENCE NORTH 89°56'10" EAST ALONG SAID SOUTH LINE, ALSO BEING THE NORTH LINES OF PARCELS 6 AND 9 OF SAID OM 1009, A DISTANCE OF 929.03 FEET TO THE NORTHEAST CORNER OF SAID PARCEL 9 AND THE POINT OF BEGINNING.

THE TOTAL SURFACE AREA OF THE LAND CONTAINED IN THIS DESCRIPTION IS 82,323.6 SQUARE FEET, OR 1.89 ACRES, MORE OR LESS.

THE EASEMENTS THAT ARE HEREIN DESCRIBED ARE WITHIN THE FOLLOWING ASSESSOR'S PARCEL NUMBERS;

APN 0218-241-40
APN 0218-241-37
APN 0218-412-04



Prepared by HILLWIG-GOODROW, INC.:
31407 Outer Hwy. 10, Redlands, CA 92373 (888) 626-5137

Alan C. Hillwig 4/4/2017
ALAN C. HILLWIG, PLS 5137
LICENSE EXPIRES: 6-30-17

SCALE: N/A

FILE NO.: 228-101

DATE: APRIL 2017

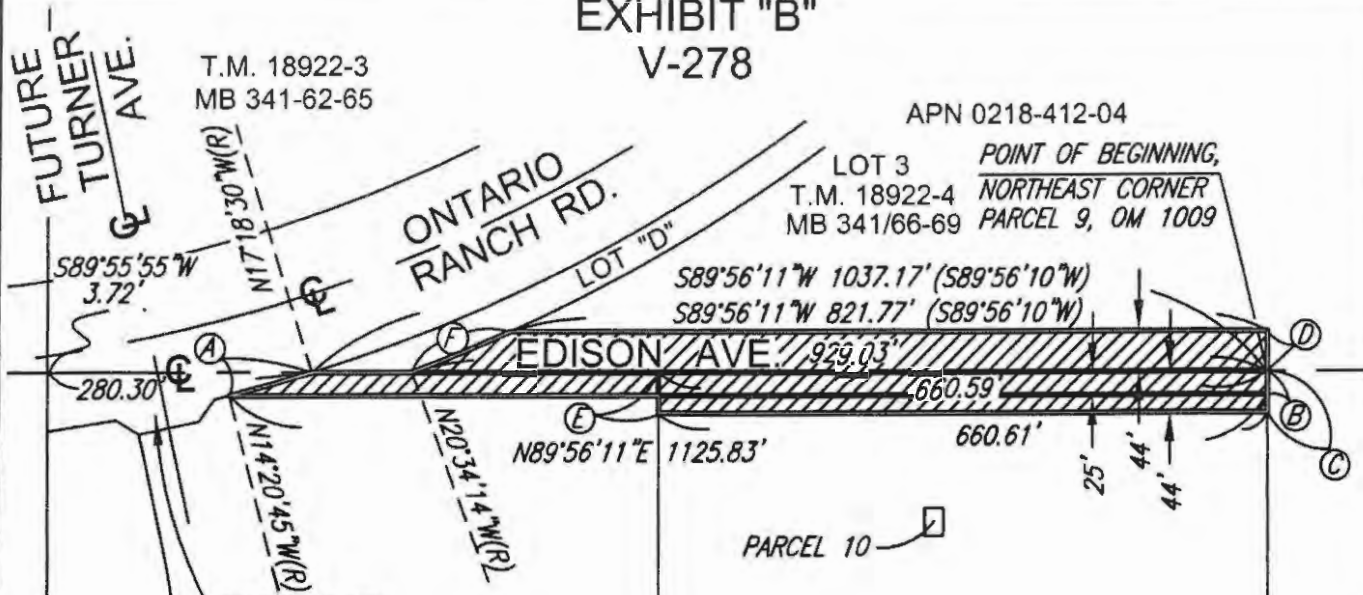
SHEET 2 OF 2

EXHIBIT "B"
V-278

T.M. 18922-3
MB 341-62-65

APN 0218-412-04

LOT 3 POINT OF BEGINNING,
T.M. 18922-4 NORTHEAST CORNER
MB 341/66-69 PARCEL 9, OM 1009



GRANT DEED
DOC. #2016-0516012

PARCEL 6
OFFICIAL MAP 1009
OM 2/30-34
APN 0218-241-37

PARCEL 9
OFFICIAL MAP 1009
OM 2/30-34
APN 0218-241-40

LINE DATA TABLE

- (B) N00°16'05"W 25.00'
- (C) S00°16'05"E 44.00'
- (D) N00°16'05"W 44.00'
- (E) N00°14'34"W 44.00'

CURVE DATA

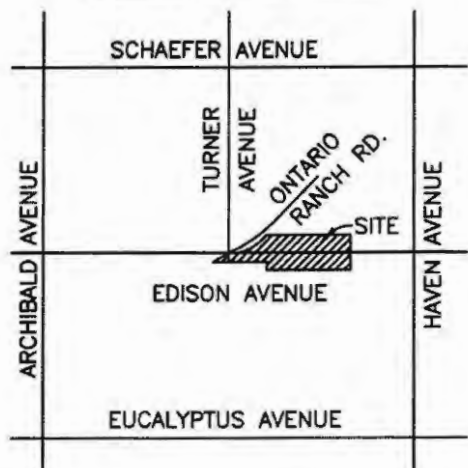
NO.	RADIUS	LENGTH	DELTA	TANGENT
A	1780.00'	92.04'	2°57'45"	46.03'
F	1815.00'	115.81'	3°39'21"	57.92'

LEGEND

EXISTING EASEMENT FOR ROAD AND HIGHWAY PURPOSES HELD BY THE CITY OF ONTARIO TO BE VACATED

() INDICATES RECORD BEARING PER TR. 18922-1, MB 341/50-56, AND PER TR. 18922-4, MB 341/66-69

VICINITY MAP



Prepared by HILLWIG-GOODROW, INC.:
31407 Outer Hwy. 10, Redlands, CA 92373 (888) 626-5137
Alan C. Hillwig 4/4/2017
ALAN C. HILLWIG, PLS 5137 DATE
LICENSE EXPIRES: 6-30-17

SCALE: 1"=200'
FILE NO.: 228-101
DATE: APRIL 2017
SHEET 1 OF 1

CITY OF ONTARIO

Agenda Report
June 6, 2017

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION AMENDING THE RESOLUTION ADOPTING THE MEASURE I FIVE-YEAR CAPITAL PROJECT NEEDS ANALYSIS FOR FISCAL YEARS 2017/2018 TO 2021/2022

RECOMMENDATION: That the City Council adopt a resolution amending Resolution No. 2016 089, originally adopted on September 6, 2016, for the purpose of approving the 2017-18 through 2021-22 Measure I Five-Year Capital Project Needs Analysis (CPNA); and authorize the City Manager to approve changes to the plan as may be required by the City and/or San Bernardino County Transportation Authority (SBCTA).

COUNCIL GOALS: Invest in the Growth and Evolution of the City's Economy
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 Measure I Five-Year CPNA is a tool to assist the SBCTA Board of Directors and SBCTA staff in programming available and projected Measure I Fund revenues. The CPNA is not a budget commitment. The individual projects listed in the CPNA are either currently identified or will be identified in the City of Ontario Capital Improvement Program Budget at the time that the local fund share is needed and approved by the City Council.

BACKGROUND: The Five-Year CPNA covers projects in the Measure I Major Street Arterial Sub-program. The original Resolution No. 2016-089 adopted on September 6, 2016 included the following projects: Grove Avenue Widening from Fourth Street to Airport Drive, Grove Avenue and Holt Boulevard Intersection Widening, and Mountain Avenue and Holt Boulevard Intersection Widening projects. The amended resolution will keep these same projects and will include the following new projects: Fourth Street Bridge Undercrossing Improvement, Etiwanda Avenue and Airport Drive Intersection Improvements, and Widen South Side of Holt Boulevard from Pleasant Avenue to Melrose Avenue. Freeway interchange and grade separation projects are not included in the CPNA as they are accounted for in separate agreements.

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

Prepared by: Jay Bautista
Department: Engineering

City Manager Approval: 

Submitted to Council/O.H.A. 06/06/2017
Approved: _____
Continued to: _____
Denied: _____

5

San Bernardino County voters approved passage of the 2010 through 2040, thirty-year Measure I program in November 2004 authorizing San Bernardino Associated Governments, now known as the San Bernardino County Transportation Authority (SBCTA), to impose a one-half percent retail transactions and use tax in the incorporated and unincorporated territory of the County of San Bernardino. Revenue from the tax can only be used for transportation improvements and traffic management programs authorized in the 2010-2040 Measure I Expenditure Plan set forth in Ordinance No. 04-1 of the Authority. The Expenditure Plan for the San Bernardino Valley Subarea requires that Measure I revenue be applied to the following programs.

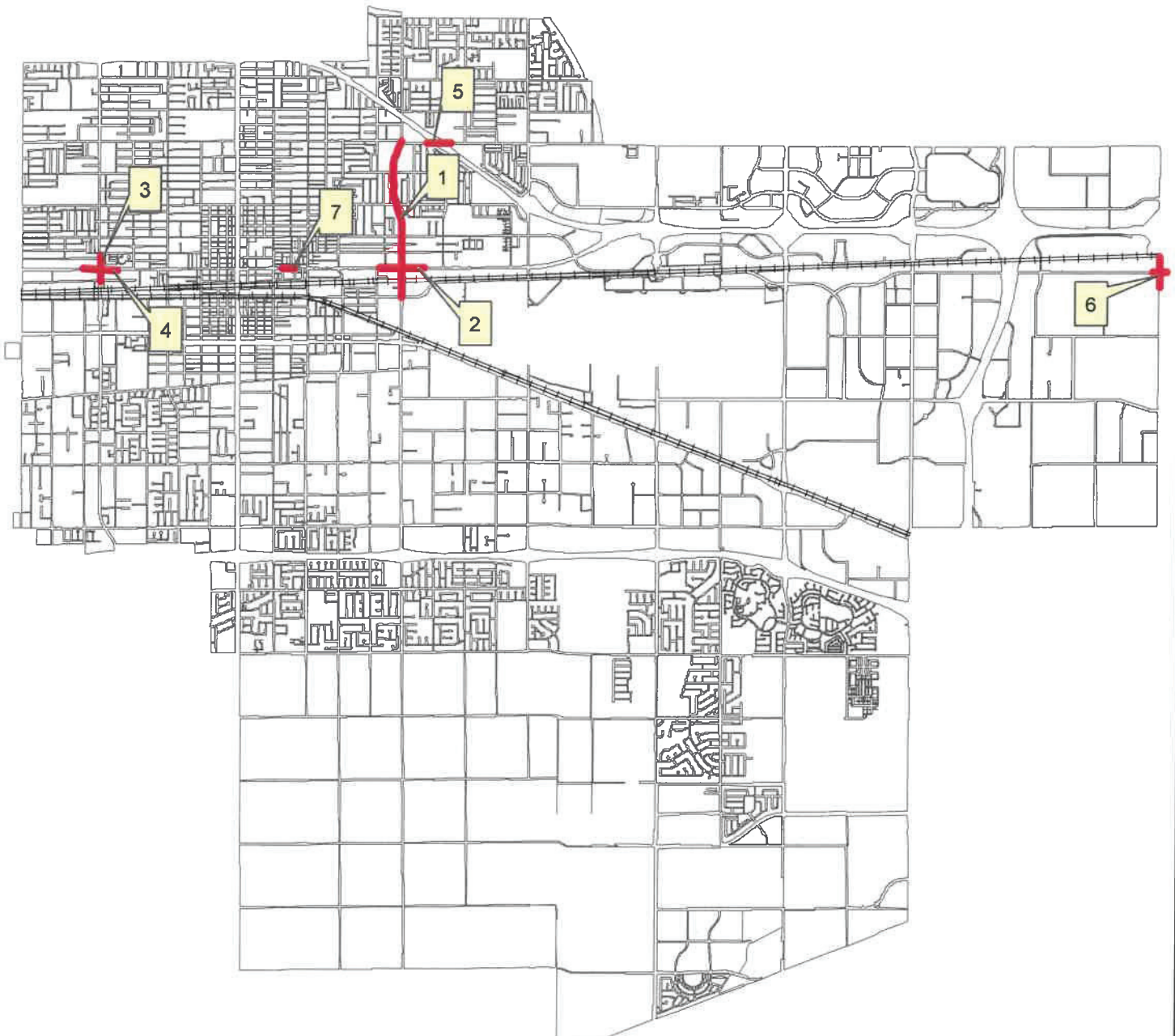
Freeways	29%
Freeway Interchanges	11%
Major Streets (including Railroad Grade Separations)	20%
Local Streets (per capita pass through)	20%
Metrolink/Passenger Rail	8%
Senior/Disabled Transit Service	8%
Express Bus/Bus Rapid Transit Service	2%
Traffic Management Systems	2%

The 2010-2040 Measure I Strategic Plan requires each local jurisdiction applying for revenue from the Valley Major Street and Freeway Interchange Programs to annually adopt and update a Five-Year CPNA. The Five-Year CPNA is not a funding commitment by either SBCTA or the City, but a tool to assist SBCTA staff and their Board of Directors in programming available Measure I Fund revenues. The CPNA is not a wish list but a financially constrained, realistic schedule of the projects for which the agency intends to use Measure I dollars. “Financially constrained” means that the required local development impact fee (DIF) match contribution will be available before the project begins or the DIF match requirement has been met by an internal Measure I loan arranged with SBCTA in accordance with the Measure I Strategic Plan. Historically CPNA’s for the Valley jurisdictions have included projects for both the Valley Freeway Interchange and Major Streets Programs. However, for FY 2017-18, the CPNA will only apply to the Major Streets Program.

The CPNA process requires that the City Council approve the CPNA by resolution. City staff anticipates that there may need to be changes to the CPNA during the fiscal year. Therefore, staff is recommending that the City Manager be given the authority to approve changes to the CPNA as requested by SBCTA and/or City staff, provided the changes do not conflict with the budget as approved by City Council.

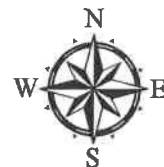
Five-Year Capital Project Needs Analysis

2017/2018 - 2021/2022



Project Description

- 1 Widen Grove Ave. from Fourth St. to Airport Dr. from 4 to 6 lanes.
- 2 Widen Holt Blvd. from 750 ft. west of to 750 ft. east of Grove Ave. from 4 to 6 lanes.
- 3 Widen Mountain Ave. between Brooks St. and Vesta St. from 4 to 6 lanes.
- 4 Widen Holt Blvd. from 750 ft. west of to 750 Ft. east of Mountain Ave. from 4 to 6 lanes.
- 5 Fourth Street Bridge Undercrossing Improvement.
- 6 Etiwanda Avenue and Airport Drive Intersection Improvements.
- 7 Widen south side of Holt Boulevard from Pleasant Avenue to Melrose Avenue.



Capital Project Needs Analysis

Agency: Ontario

Program: Valley Arterial Sub-Program

Project Name: Widen Grove Ave from I-10 to Holt Blvd from 4 to 6 lanes, Including W. Cuc. Creek Bridge

Agency Project Name: Grove Corridor Widening (Fourth St to Airport Dr) and Holt Blvd/Grove Ave Intersection Widening

Agency reported Total Project Cost: \$4,100,000

(Actual Fiscal Year 2016/2017 dollars - SANBAG will apply escalation factors, by year)

Public Share: 55.60% | Dev. Share: 44.40%

		Funding	Prior	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	Future	Total
Total Project Cost (All phases): 32,200,000	PA&ED	MI MAJ ST	270,611	10,271	0	0	0	0	0	280,882
		DEMO	1,105,228	73,889	0	0	0	0	0	1,179,117
		DEV FEE	216,100	8,202	0	0	0	0	0	224,302
		Total	1,591,939	92,362	0	0	0	0	0	1,684,301
Total Presented Funding (FY 17/18 -21/22): 2,277,939	PS&E	MI MAJ ST	117,178	103,181	0	0	0	0	0	220,359
		DEV FEE	93,574	82,396	0	0	0	0	0	175,970
		Total	210,752	185,577	0	0	0	0	0	396,329
Total Measure I Request (FY 17/18 -21/22): 1,225,452	ROW	MI MAJ ST	0	139,000	0	0	0	0	0	139,000
		DEV FEE	0	111,000	0	0	0	0	0	111,000
		Total	0	250,000	0	0	0	0	0	250,000
	CONST	MI MAJ ST	0	0	973,000	0	0	0	0	973,000
		DEV FEE	0	0	777,000	0	0	0	0	777,000
		Total	0	0	1,750,000	0	0	0	0	1,750,000
Total			1,802,691	527,939	1,750,000	0	0	0	0	4,080,630

*Prior should identify any expenses incurred in prior years that have not yet been reimbursed by SANBAG including FY 15/16 expenses.

Project Comments: Costs include PA&ED of the Grove Corridor project; and PS&E, ROW and CON for the Grove portion of the Holt/Grove intersection project.

Last Update: 8/8/2016 2:58:16 PM

Capital Project Needs Analysis

Agency: Ontario

Program: Valley Arterial Sub-Program

Project Name: Widen Holt Blvd from Benson Ave to Vineyard Ave from 4 to 6 lanes

Agency Project Name: Widen Holt Blvd. from 750 ft. west to 750 ft. east of Grove Ave. from 4 to 6 lanes

Agency reported Total Project Cost: \$2,400,000

(Actual Fiscal Year 2016/2017 dollars - SANBAG will apply escalation factors, by year)

Public Share: 55.60% | Dev. Share: 44.40%

		Funding	Prior	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	Future	Total
Total Project Cost (All phases): 17,933,000	PA&ED	Total								
Total Presented Funding (FY 17/18 -21/22): 2,185,577	PS&E	MI MAJ ST	117,178	103,181	0	0	0	0	0	220,359
		DEV FEE	93,574	82,396	0	0	0	0	0	175,970
		Total	210,752	185,577	0	0	0	0	0	396,329
Total Measure I Request (FY 17/18 -21/22): 1,215,181	ROW	MI MAJ ST	0	139,000	0	0	0	0	0	139,000
		DEV FEE	0	111,000	0	0	0	0	0	111,000
		Total	0	250,000	0	0	0	0	0	250,000
	CONST	MI MAJ ST	0	0	973,000	0	0	0	0	973,000
		DEV FEE	0	0	777,000	0	0	0	0	777,000
		Total	0	0	1,750,000	0	0	0	0	1,750,000
Total			210,752	435,577	1,750,000	0	0	0	0	2,396,329

*Prior should identify any expenses incurred in prior years that have not yet been reimbursed by SANBAG including FY 15/16 expenses.

Project Comments: This is a portion of Nexus Project "Widen Holt Blvd from Benson Ave to Vineyard Ave from 4 to 6 lanes". Costs include the PS&E, ROW and CON for the Holt portion of the Holt/Grove intersection project.

Last Update: 8/8/2016 2:56:08 PM

Capital Project Needs Analysis

Agency: Ontario

Program: Valley Arterial Sub-Program

Project Name: Widen Mountain Ave from Sixth Street to s/o Holt Blvd

Agency Project Name: Widen Mountain Ave. between Brooks and Vesta Streets from 4 to 6 lanes

Agency reported Total Project Cost: \$3,500,000

(Actual Fiscal Year 2016/2017 dollars - SANBAG will apply escalation factors, by year)

Public Share: 55.60% | Dev. Share: 44.40%

		Funding	Prior	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	Future	Total
Total Project Cost (All phases): 7,467,000	PA&ED	Total								
Total Presented Funding (FY 17/18 -21/22): 3,175,544	PS&E	MI MAJ ST	98,662	97,602	0	0	0	0	0	196,264
		DEV FEE	78,788	77,942	0	0	0	0	0	156,730
		Total	177,450	175,544	0	0	0	0	0	352,994
Total Measure I Request (FY 17/18 -21/22): 1,765,602	ROW	MI MAJ ST	0	389,200	0	0	0	0	0	389,200
		DEV FEE	0	310,800	0	0	0	0	0	310,800
		Total	0	700,000	0	0	0	0	0	700,000
	CONST	MI MAJ ST	0	0	1,278,800	0	0	0	0	1,278,800
		DEV FEE	0	0	1,021,200	0	0	0	0	1,021,200
		Total	0	0	2,300,000	0	0	0	0	2,300,000
Total			177,450	875,544	2,300,000	0	0	0	0	3,352,994

*Prior should identify any expenses incurred in prior years that have not yet been reimbursed by SANBAG including FY 15/16 expenses.

Project Comments: This is a portion of Nexus Project "Widen Mountain Ave from Sixth Street to s/o Holt Blvd". Costs include the PS&E, ROW and CON for the Mountain portion of the Holt/Mountain intersection project.

Last Update: 8/8/2016 2:55:10 PM

Capital Project Needs Analysis

Agency: Ontario

Program: Valley Arterial Sub-Program

Project Name: Widen Holt Blvd from Benson Ave to Vineyard Ave from 4 to 6 lanes

Agency Project Name: Widen Holt Blvd. from 750 ft. west of to 750 ft. east of Mountain Ave. from 4 to 6 lanes

Agency reported Total Project Cost: \$3,500,000

(Actual Fiscal Year 2016/2017 dollars - SANBAG will apply escalation factors, by year)

Public Share: 55.60% | Dev. Share: 44.40%

		Funding	Prior	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	Future	Total
Total Project Cost (All phases): 17,933,000	PA&ED	Total								
Total Presented Funding (FY 17/18 -21/22): 3,175,544	PS&E	MI MAJ ST	98,662	97,602	0	0	0	0	0	196,264
		DEV FEE	78,788	77,942	0	0	0	0	0	156,730
		Total	177,450	175,544	0	0	0	0	0	352,994
Total Measure I Request (FY 17/18 -21/22): 1,765,602	ROW	MI MAJ ST	0	389,200	0	0	0	0	0	389,200
		DEV FEE	0	310,800	0	0	0	0	0	310,800
		Total	0	700,000	0	0	0	0	0	700,000
	CONST	MI MAJ ST	0	0	1,278,800	0	0	0	0	1,278,800
		DEV FEE	0	0	1,021,200	0	0	0	0	1,021,200
		Total	0	0	2,300,000	0	0	0	0	2,300,000
Total			177,450	875,544	2,300,000	0	0	0	0	3,352,994

*Prior should identify any expenses incurred in prior years that have not yet been reimbursed by SANBAG including FY 15/16 expenses.

Project Comments: This is a portion of Nexus Project "Widen Holt Blvd from Benson Ave to Vineyard Ave from 4 to 6 lanes". Costs include PS&E, ROW and CON for the Holt portion of the Holt/Mountain intersection project.

Last Update: 8/8/2016 2:56:33 PM

Capital Project Needs Analysis

Agency: Ontario

Program: Valley Arterial Sub-Program

Project Name: Replace 4th St structure between I-10 westbound ramps and I-10 eastbound ramps and widen to 5 lanes

Agency Project Name: Fourth Street Bridge Undercrossing Improvement

Agency reported Total Project Cost:

(Actual Fiscal Year 2016/2017 dollars - SANBAG will apply escalation factors, by year)

Public Share: 55.60% | Dev. Share: 44.40%

		Funding	Prior	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	Future	Total
Nexus Total Project Cost (All phases): 13,650,000	PA&ED	MI MAJ ST	347,700	0	0	0	0	0	0	347,700
		DEV FEE	277,660	0	0	0	0	0	0	277,660
		Total	625,360	0	0	0	0	0	0	625,360
Total Presented Funding (FY 17/18 -21/22): 20,941,407	PS&E	MI MAJ ST	0	66,524	374,152	185,451	0	0	0	626,127
		DEV FEE	0	53,124	298,783	148,094	0	0	0	500,001
		Total	0	119,648	672,935	333,545	0	0	0	1,126,128
Total Measure I Request (FY 17/18 -21/22): 11,643,422	ROW	MI MAJ ST	0	507,079	475,329	235,600	0	0	0	1,218,008
		DEV FEE	0	404,934	379,579	188,141	0	0	0	972,654
		Total	0	912,013	854,908	423,741	0	0	0	2,190,662
	CONST	MI MAJ ST	0	0	1,332,983	3,171,373	3,176,958	2,117,973	0	9,799,287
		DEV FEE	0	0	1,064,468	377,099	0	0	0	1,441,567
		DEV LOAN	0	0	0	2,155,436	2,536,996	1,691,331	0	6,383,763
		Total	0	0	2,397,451	5,703,908	5,713,954	3,809,304	0	17,624,617
Total			625,360	1,031,661	3,925,294	6,461,194	5,713,954	3,809,304	0	21,566,767

*Prior should identify any expenses incurred in prior years that have not yet been reimbursed by SANBAG including FY 15/16 expenses.

Project Comments: Loan agreement for \$6,383,764 of City DIF share

Last Update: 5/30/2017 9:31:50 AM

Reference: Measure I Policy 40006

Capital Project Needs Analysis

Agency: Ontario

Program: Valley Arterial Sub-Program

Project Name: Spot Widen Airport Dr from Kettering to Etiwanda Ave from 2 to 4 lanes, including intersection at Etiwanda/Slover

Agency Project Name: Etiwanda Avenue and Airport Drive: Intersection Improvements

Agency reported Total Project Cost:

(Actual Fiscal Year 2016/2017 dollars - SANBAG will apply escalation factors, by year)

Public Share: 55.60% | Dev. Share: 44.40%

		Funding	Prior	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	Future	Total
Total Project Cost (All phases): 5,270,000	PA&ED	Total								
Total Presented Funding (FY 17/18 -21/22): 2,693,990	PS&E	Total								0
Total Measure I Request (FY 17/18 -21/22): 1,497,858	ROW	Total								0
	CONST	MI MAJ ST	0	0	0	1,497,858	0	0	0	1,497,858
		DEV FEE	0	0	0	1,196,132	0	0	0	1,196,132
		Total	0	0	0	2,693,990	0	0	0	2,693,990
Total			0	0	0	2,693,990	0	0	0	2,693,990

*Prior should identify any expenses incurred in prior years that have not yet been reimbursed by SANBAG including FY 15/16 expenses.

Project Comments:

Last Update: 4/28/2017 3:17:36 PM

Reference: Measure I Policy 40006

Capital Project Needs Analysis

Agency: Ontario

Program: Valley Arterial Sub-Program

Project Name: Widen Holt Blvd from Benson Ave to Vineyard Ave from 4 to 6 lanes

Agency Project Name: Widen south side of Holt Blvd from Pleasant Avenue to Melrose Avenue

Agency reported Total Project Cost:

(Actual Fiscal Year 2016/2017 dollars - SANBAG will apply escalation factors, by year)

Public Share: 55.60% | Dev. Share: 44.40%

		Funding	Prior	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	Future	Total
Total Project Cost (All phases): 17,933,000	PA&ED	Total								
Total Presented Funding (FY 17/18 -21/22): 196,000	PS&E	Total								0
Total Measure I Request (FY 17/18 -21/22): 108,976	ROW	Total								0
	CONST	MI MAJ ST	0	108,976	0	0	0	0	0	108,976
		DEV FEE	0	87,024	0	0	0	0	0	87,024
		Total	0	196,000	0	0	0	0	0	196,000
	Total		0	196,000	0	0	0	0	0	196,000

*Prior should identify any expenses incurred in prior years that have not yet been reimbursed by SANBAG including FY 15/16 expenses.

Project Comments: This is a portion of Nexus Project "Widen Holt Blvd from Benson Ave to Vineyard Ave from 4 to 6 lanes". Costs include CON only.

Last Update: 4/28/2017 2:57:07 PM

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING RESOLUTION NO 2016-089, A RESOLUTION ADOPTING THE MEASURE I FIVE-YEAR CAPITAL PROJECT NEEDS ANALYSIS FOR FISCAL YEARS 2017-18 TO 2021-22.

WHEREAS, San Bernardino County voters approved passage of Measure I in November 2004, authorizing the San Bernardino County Transportation Authority to impose a one-half of one percent retail transactions and use tax applicable in the incorporated and unincorporated territory of the County of San Bernardino; and

WHEREAS, revenue from the tax can only be used for transportation improvement and traffic management programs authorized in the Expenditure Plans set forth in Ordinance No. 04-1 of the Authority; and

WHEREAS, the Strategic Plan requires each local jurisdiction applying for revenue from certain Measure I Programs to annually adopt and update a Five-Year Capital Project Needs Analysis.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ontario, State of California that the Measure I Five-Year Capital Project Needs Analysis, attached to this resolution as Exhibit A, is hereby adopted.

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

PASSED, APPROVED, AND ADOPTED this 6th day of June 2017.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2017- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 6, 2017 by the following roll call vote, to wit:

AYES: MAYOR/COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2017- duly passed and adopted by the Ontario City Council at their regular meeting held June 6, 2017.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
June 6, 2017

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL PARCEL MAP NO. 19715 LOCATED AT THE NORTHEAST CORNER OF ONTARIO MILLS PARKWAY AND INTERSTATE 15

RECOMMENDATION: That the City Council adopt a resolution approving an improvement agreement, improvement security and Final Parcel Map No. 19715 located at the northeast corner of Ontario Mills Parkway and Interstate 15.

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

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

BACKGROUND: Final Parcel Map No. 19715, consisting of four (4) industrial lots on 10.6 acres, as shown on the attached Exhibit A, has been submitted by the developer, Orbis Interchange, LLC, a California Limited Liability Company, of Newport Beach, California (Mr. Grant Ross, Manager).

Tentative Parcel Map No. 19715 was approved by the Planning Commission on August 23, 2016.

Improvements will include AC pavement, sidewalk, landscaped parkways, fiber optic conduits, fire hydrants, sewer, water, storm drain laterals, and street lights. The improvements in parkway landscaping will be consistent with current City approved drought measures. The developer has entered into an improvement agreement with the City for Final Parcel Map No. 19715 and has posted adequate security to ensure construction of the required public improvements.

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

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

Prepared by: Bryan Lirley, PE
Department: Engineering

City Manager
Approval: 

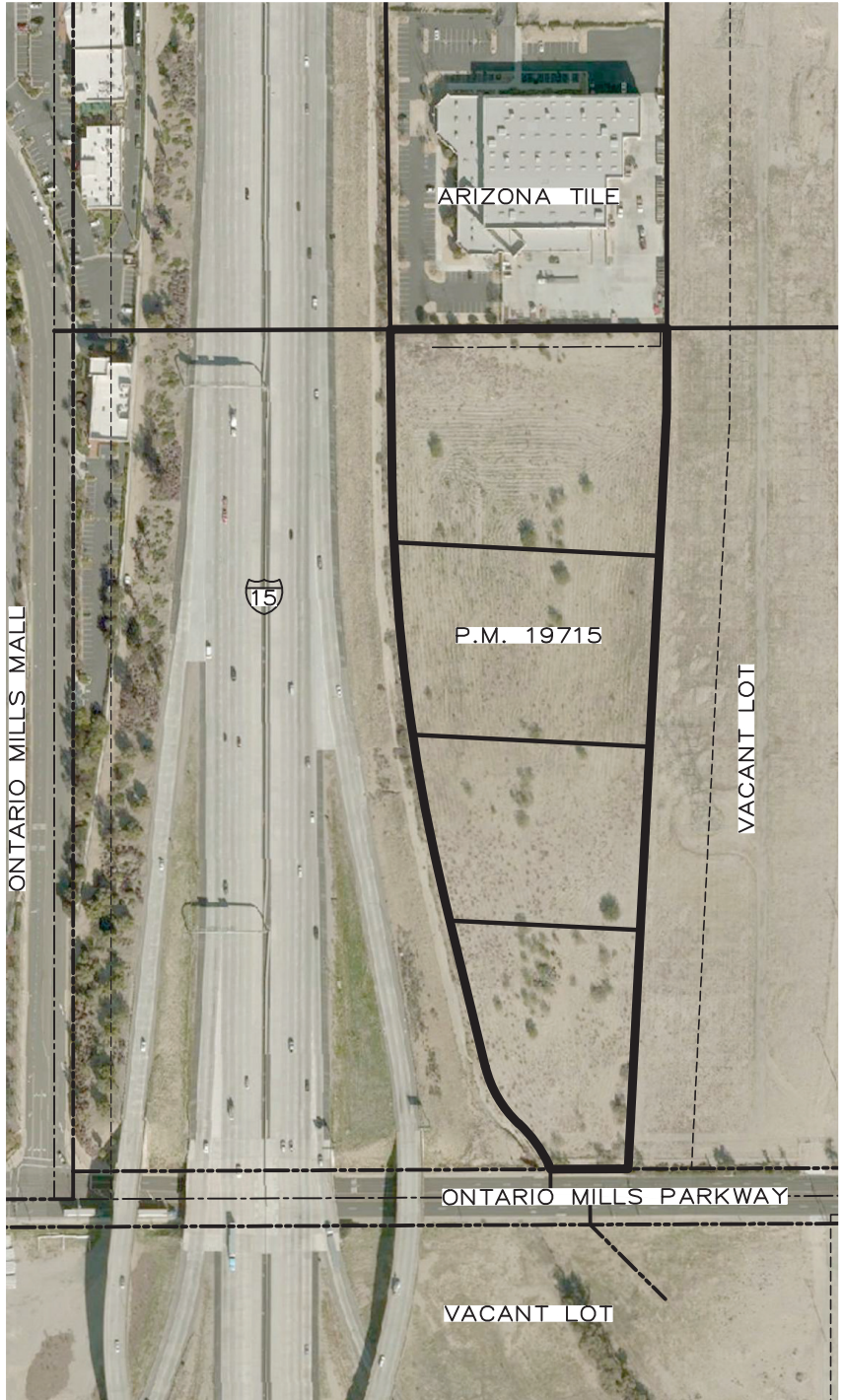
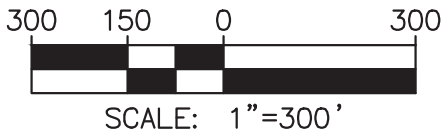
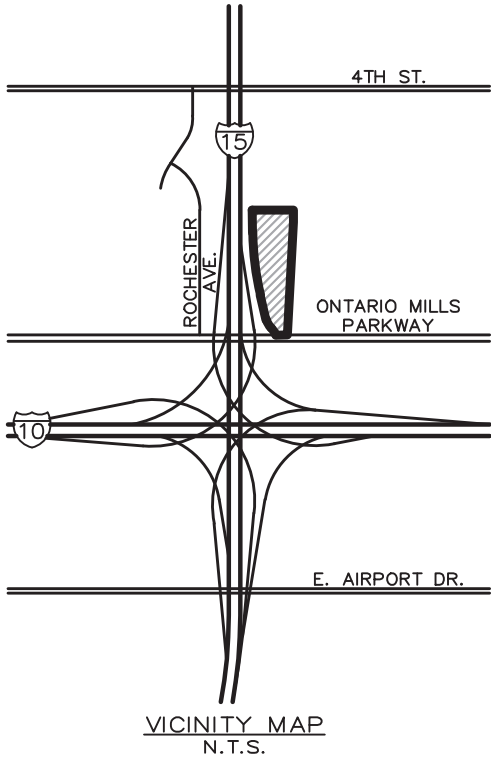
Submitted to Council/O.H.A. 06/06/2017

Approved: _____

Continued to: _____

Denied: _____

EXHIBIT A



Michael Baker
INTERNATIONAL

SITE UTILIZATION MAP. ONTARIO, CA.

APPLICANT: ORBIS REAL ESTATE

SCALE: 1"=300'

DATE: 04/28/17

DRAWN BY: MBI

CHECKED BY: J. DUQUETTE

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL PARCEL MAP NO. 19715, LOCATED AT THE NORTHEAST CORNER OF ONTARIO MILLS PARKWAY AND INTERSTATE 15.

WHEREAS, Tentative Parcel Map No. 19715, submitted for approval by the developer, Orbis Interchange, LLC, a California Limited Liability Company, of Newport Beach, California (Mr. Grant Ross, Manager) was approved by the Planning Commission of the City of Ontario on August 23, 2016; and

WHEREAS, Tentative Parcel Map No. 19715 consists of four (4) numbered lots, being a subdivision of the southerly 39.816 acres of lots 73 thru 80, inclusive of the Map of Rochester as per plat recorded in book 9, page 20 of maps, in the Office of the Recorder of San Bernardino County; and

WHEREAS, to meet the requirements established as prerequisite to final approval of Final Parcel Map No. 19715, said developer has offered an improvement agreement, together with good and sufficient security, in conformance with the City Attorney's approved format, for approval and execution by the City; and

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

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

1. That said improvement agreement be, and the same is, approved and the City Manager is authorized to execute same on behalf of said City, and the City Clerk is authorized to attest thereto; and
2. That said improvement security is accepted as good and sufficient, subject to approval as to form and content thereof by the City Attorney; and
3. That Final Parcel Map No. 19715, 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 6th day of June 2017.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2017- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 6, 2017 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. 2017- duly passed and adopted by the Ontario City Council at their regular meeting held June 6, 2017.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
June 6, 2017

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL PARCEL MAP NO. 19743 LOCATED AT THE NORTHWEST CORNER OF GROVE AVENUE AND LOCUST STREET

RECOMMENDATION: That the City Council adopt a resolution approving an improvement agreement, improvement security and Final Parcel Map No. 19743 located at the northwest corner of Grove Avenue and Locust Street.

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

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

BACKGROUND: Final Parcel Map No. 19743, consisting of four (4) industrial lots on 9.2 acres, as shown on the attached Exhibit A, has been submitted by the developer, PWREI WR Grove, LLC, of Newport Beach, California (Mrs. Karen Nista, Managing Director).

Tentative Parcel Map No. 19743 was approved by the Planning Commission on August 23, 2016.

Improvements will include AC pavement, sidewalk, landscaped parkways, fiber optic conduits, fire hydrants, sewer, water, storm drain laterals, and street lights. The improvements in parkway landscaping will be consistent with current City approved drought measures. The developer has entered into an improvement agreement with the City for Final Parcel Map No. 19743 and has posted adequate security to ensure construction of the required public improvements.

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

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

Prepared by: Bryan Lirley, PE
Department: Engineering

City Manager
Approval: 

Submitted to Council/O.H.A. 06/06/2017

Approved: _____

Continued to: _____

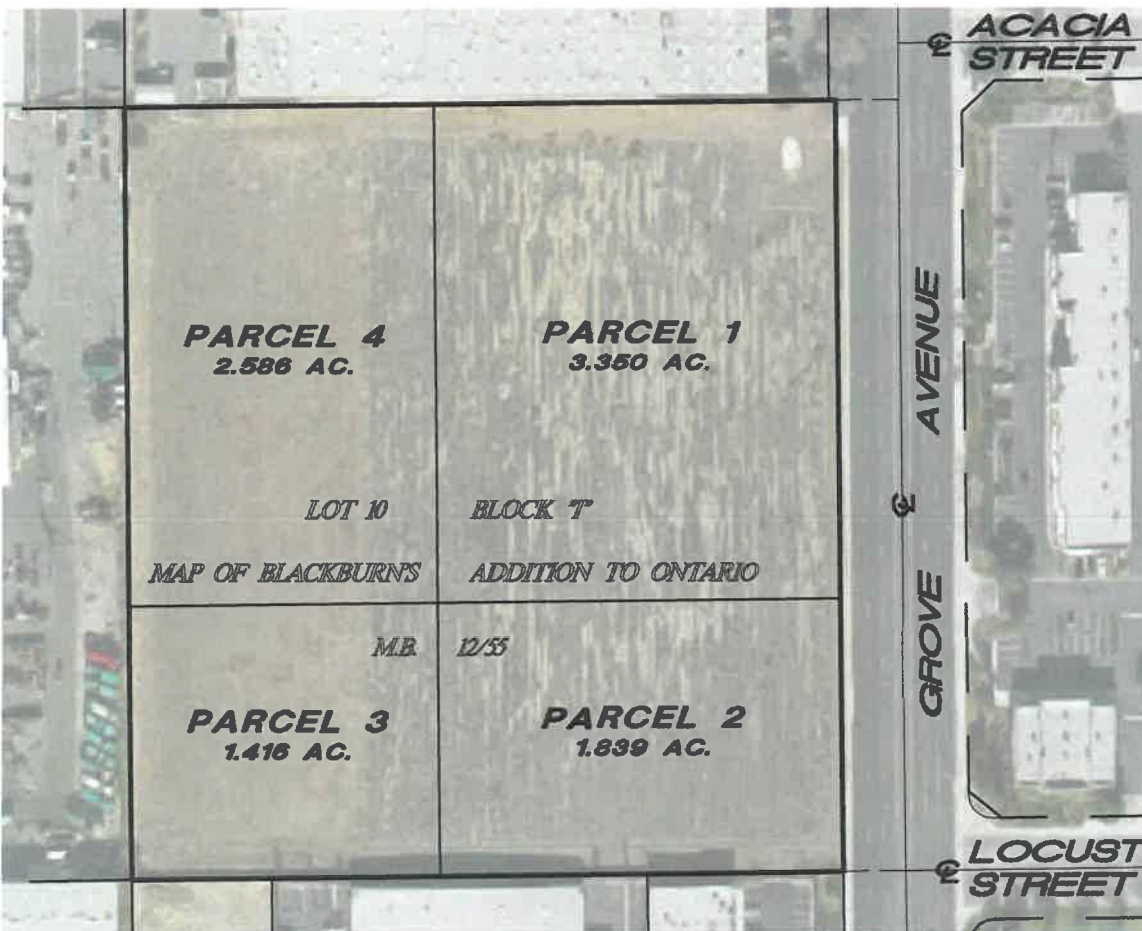
Denied: _____

EXHIBIT A PM 19743



VICINITY MAP

N.T.S.



PREPARED BY:

Thienes Engineering, Inc.
CIVIL ENGINEERING • LAND SURVEYING
14349 FIRESTONE BOULEVARD
LA MIRADA, CALIFORNIA 90638
PH.(714)521-4811 FAX(714)521-4173

CITY OF ONTARIO
ENGINEERING DEPARTMENT

FILE NO. PM-19743

APPLICANT: WESTERN REALCO

PROJECT: PARCEL MAP NO. 19743

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL PARCEL MAP NO. 19743, LOCATED AT THE NORTHWEST CORNER OF GROVE AVENUE AND LOCUST STREET.

WHEREAS, Tentative Parcel Map No. 19743, submitted for approval by the developer, PWREI WR Grove, LLC, of Newport Beach, California (Mrs. Karen Nista, Managing Director) was approved by the Planning Commission of the City of Ontario on August 23, 2016; and

WHEREAS, Tentative Parcel Map No. 19743 consists of four (4) numbered lots, being a subdivision of lot 10, block "I" of Map of Blackburns addition to Ontario, as per map recorded in book 12, Page 55 of maps, in the Office of the Recorder of San Bernardino County; and

WHEREAS, to meet the requirements established as prerequisite to final approval of Final Parcel Map No. 19743, said developer has offered an improvement agreement, together with good and sufficient security, in conformance with the City Attorney's approved format, for approval and execution by the City; and

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

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

1. That said improvement agreement be, and the same is, approved and the City Manager is authorized to execute same on behalf of said City, and the City Clerk is authorized to attest thereto; and
2. That said improvement security is accepted as good and sufficient, subject to approval as to form and content thereof by the City Attorney; and
3. That Final Parcel Map No. 19743, 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 6th day of June 2017.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2017- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 6, 2017 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. 2017- duly passed and adopted by the Ontario City Council at their regular meeting held June 6, 2017.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
June 6, 2017

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION APPROVING FINAL TRACT MAP NO. 20025 LOCATED ON NEW HAVEN DRIVE APPROXIMATELY 300 FEET NORTH OF ONTARIO RANCH ROAD

RECOMMENDATION: That the City Council adopt a resolution approving Final Tract Map No. 20025 located on New Haven Drive approximately 300 feet north of Ontario Ranch Road within The Avenue Specific Plan area.

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

FISCAL IMPACT: None. All public infrastructure improvements required for this subdivision has previously been constructed by the developer at its sole cost per Tract Map Nos. 18922-1, 18991 and 18994.

BACKGROUND: Final Tract Map No. 20025 consisting of six (6) residential lots located on 0.61 acres, as shown on the attached Exhibit A, has been submitted by the developer Brookcal Ontario, LLC of Costa Mesa, California (Adrian P. Foley, President).

Tentative Tract Map No. 20025 for the above mentioned final map was approved by the Planning Commission (7 to 0) on August 23, 2016 and is consistent with The Avenue Specific Plan.

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

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

Prepared by: Naiim Khoury
Department: Engineering

City Manager
Approval: 

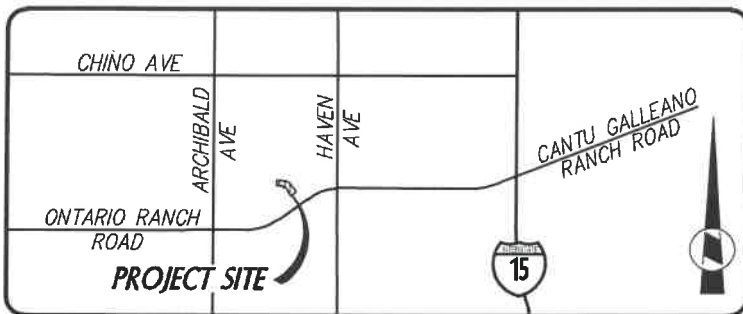
Submitted to Council/O.H.A. 06/06/2017

Approved: _____

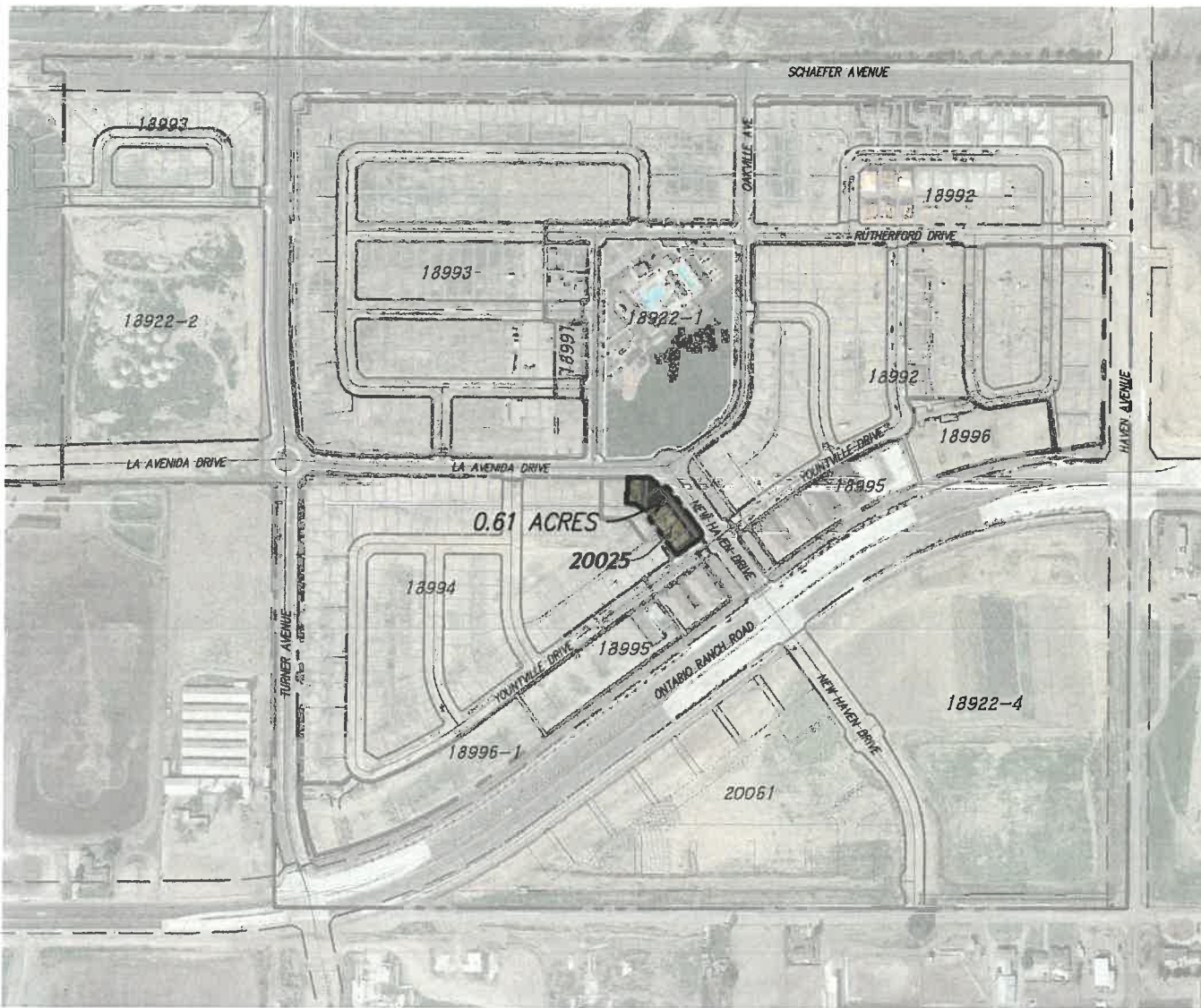
Continued to: _____

Denied: _____

EXHIBIT A TM - 20025



VICINITY MAP
NOT TO SCALE



PREPARED BY:



ENGINEERING
LAND PLANNING
SURVEYING

357 N. SHERIDAN STREET
SUITE 117
CORONA, CALIFORNIA 92880
TEL (951) 279-1800
FAX (951) 279-4380

APPLICANT/OWNER:

BROOKFIELD HOLIDAY LLC
3200 PARK CENTER DRIVE,
STE 1000
COSTA MESA, CA 92626

CITY OF ONTARIO
ENGINEERING DEPARTMENT

FILE NO. TM-20025

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FINAL TRACT MAP NO. 20025 LOCATED ON NEW HAVEN DRIVE APPROXIMATELY 300 FEET NORTH OF ONTARIO RANCH ROAD.

WHEREAS, Tentative Tract Map No. 20025, submitted for approval by the developer, Brookcal Ontario, LLC of Costa Mesa, California (Mr. Adrian P. Foley, President) was approved by the Planning Commission of the City of Ontario on August 23, 2016; and

WHEREAS, Tentative Tract Map No. 20025, consisting of six (6) parcels, being a subdivision of all of Lot 15, Lot 16 and Lot E inclusive, as shown on Tract No. 18991, recorded in Book 342, Pages 92 through 94, Official Records of the County of San Bernardino, State of California, located in Section 14, Township 2 South, Range 7 West, S.B.M.; and

WHEREAS, all necessary public improvements for Final Tract Map No. 20025 have been previously constructed per approved Final Tract Map Nos. 18922-1 (A-Map) and Tract Map Nos. 18991 and 18994 (B-Maps); 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 Tract Map No. 20025 be approved and that the City Clerk be authorized to execute the statements 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 6th day of June 2017.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2017- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 6, 2017 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. 2017- duly passed and adopted by the Ontario City Council at their regular meeting held June 6, 2017.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
June 6, 2017

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 20061 LOCATED AT THE SOUTHWEST CORNER OF ONTARIO RANCH ROAD AND NEW HAVEN DRIVE

RECOMMENDATION: That the City Council adopt a resolution approving an improvement agreement, improvement security and Final Tract Map No. 20061 for condominium purposes located at the southwest corner of Ontario Ranch Road and New Haven Drive within The Avenue Specific Plan area.

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

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

BACKGROUND: Final Tract Map No. 20061 for condominium purposes, consisting of four (4) residential lots located on 14.64 acres, as shown on the attached Exhibit A, has been submitted by the developer Brookcal Ontario, LLC of Costa Mesa, California (Mr. Adrian P. Foley, President).

Tentative Tract Map No. 20061 was approved by the Planning Commission (7 to 0) on January 24, 2017 and is consistent with The Avenue Specific Plan.

Improvements will include, entry driveway approaches, ADA access ramps, landscaped parkway, sewer, water, recycled water and fiber optic systems. Improvements in parkway landscaping will be consistent with current City approved drought measures. The developer has entered into an improvement agreement with the City for Final Tract Map No. 20061 and has posted adequate security to ensure construction of the required improvements.

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

Prepared by: Naiim Khoury
Department: Engineering

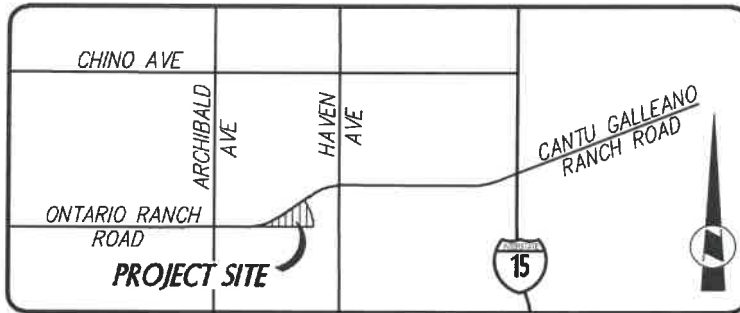
City Manager
Approval: 

Submitted to Council/O.H.A. 06/06/2017
Approved: _____
Continued to: _____
Denied: _____

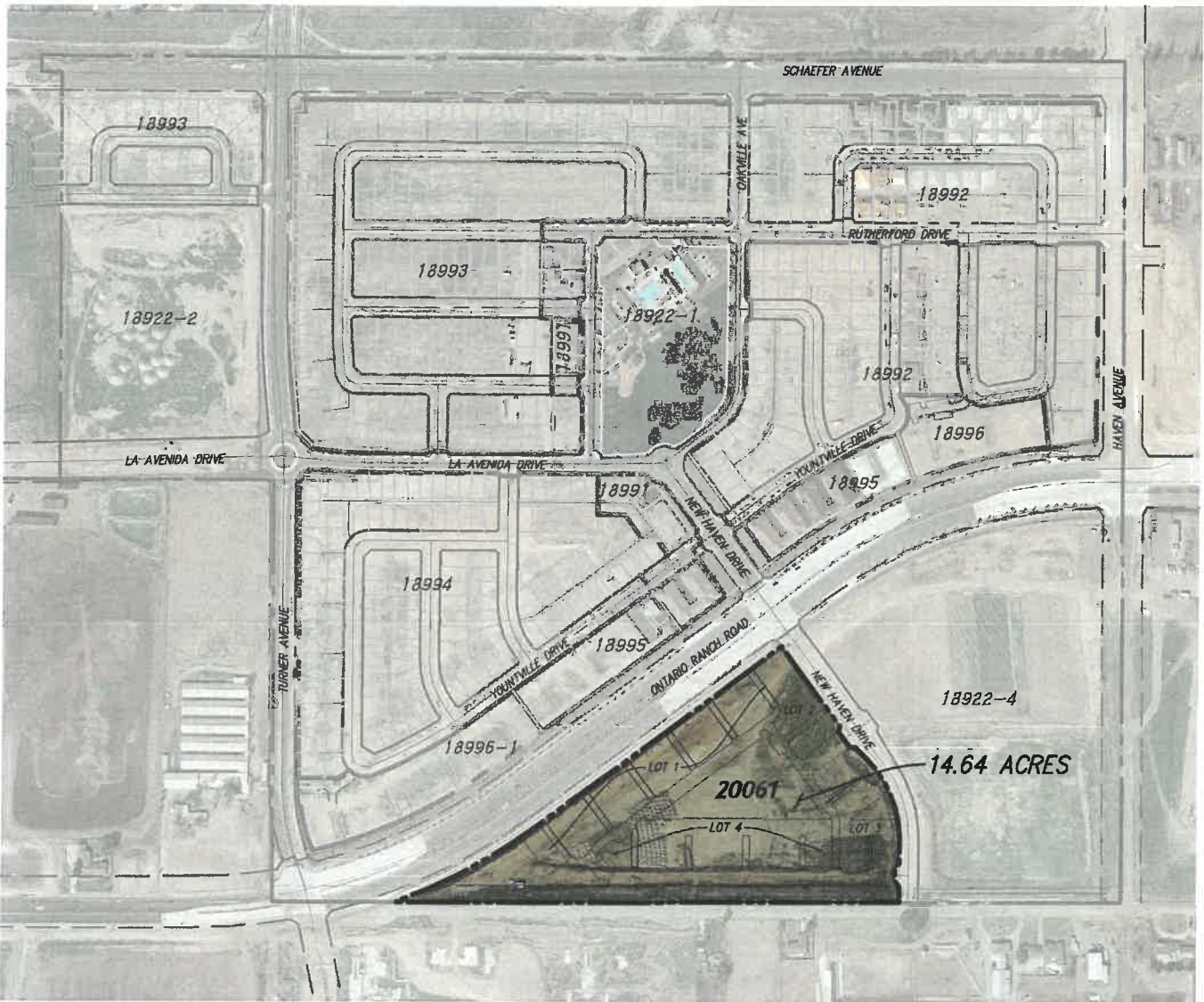
9

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

EXHIBIT A TM - 20061



VICINITY MAP
NOT TO SCALE



PREPARED BY:



ENGINEERING
LAND PLANNING
SURVEYING

357 N. SHERIDAN STREET
SUITE 117
CORONA, CALIFORNIA 92880
TEL (951) 279-1800
FAX (951) 279-4380

APPLICANT/OWNER:

BROOKFIELD HOLIDAY LLC
3200 PARK CENTER DRIVE,
STE 1000
COSTA MESA, CA 92626

CITY OF ONTARIO
ENGINEERING DEPARTMENT

FILE NO. TM-20061

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 20061 LOCATED AT THE SOUTHWEST CORNER OF ONTARIO RANCH ROAD AND NEW HAVEN DRIVE.

WHEREAS, Tentative Tract Map No. 20061 for condominium purposes, submitted for approval by the developer, Brookcal Ontario, LLC of Costa Mesa, California (Mr. Adrian P. Foley, President) was approved by the Planning Commission of the City of Ontario on January 24, 2017; and

WHEREAS, Tentative Tract Map No. 20061, consisting of four (4) parcels, being a subdivision of all of Lot 3, as shown on Tract No. 18922-4, recorded in Book 341, Pages 66 through 69, inclusive of Maps, Official Records of the County of San Bernardino, State of California, lying within Section 14, Township 2 South, Range 7 West, S.B.M.; and

WHEREAS, to meet the requirements established as prerequisite to final approval of Final Tract Map No. 20061, said developer has offered an improvement agreement, together with good and sufficient security, in conformance with the City Attorney's approved format, for approval and execution by the City; and

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

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

1. That said improvement agreement be, and the same is, approved and the City Manager is authorized to execute same on behalf of said City, and the City Clerk is authorized to attest thereto; and
2. That said improvement security is accepted as good and sufficient, subject to approval as to form and content thereof by the City Attorney; and
3. That Final Tract Map No. 20061 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 6th day of June 2017.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2017- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 6, 2017 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. 2017- duly passed and adopted by the Ontario City Council at their regular meeting held June 6, 2017.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
June 6, 2017

SECTION:
CONSENT CALENDAR

SUBJECT: VARIOUS AGREEMENTS WITH SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FOR THE INTERSTATE 10 CORRIDOR PROJECT

RECOMMENDATION: That the City Council:

- (A) Approve three (3) Memorandum of Understandings (MOUs) (on file with the Records Management Department) with San Bernardino County Transportation Authority (SBCTA) for the project development of the Interstate 10 (I-10) Euclid Avenue Interchange Project, I-10 Vineyard Avenue Interchange Project, and the Fourth Street Bridge Undercrossing Project; and authorize the City Manager to execute said agreements and future amendments; and
- (B) Approve three (3) Cooperative Funding Agreements (on file with the Records Management Department) with SBCTA for funding the Environmental, Design, Right of Way, Construction, Landscape Maintenance and Project Closeout phases of the I-10 Euclid Avenue Interchange Project, I-10 Vineyard Avenue Interchange Project, and the Fourth Street Bridge Undercrossing Project; and authorize the City Manager to execute said agreements and future amendments; and
- (C) Approve a Term Loan Agreement (on file with the Records Management Department) with SBCTA for the Fourth Street Bridge Undercrossing Project; and authorize the City Manager to execute said agreement and future amendments.

COUNCIL GOALS: Invest in the Growth and Evolution of the City's Economy
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 FY 2017-18 Budget includes appropriations for the I-10 Euclid Avenue Interchange Project, I-10 Vineyard Avenue Interchange Project, and the Fourth Street Bridge Undercrossing Project. Per the MOUs and Cooperative Funding Agreements with SBCTA, the total

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

Prepared by: Jay Bautista
Department: Engineering

City Manager
Approval: 

Submitted to Council/O.H.A. 06/06/2017
Approved: _____
Continued to: _____
Denied: _____

10

project costs and the City's corresponding share of the projects from Old Model Colony Development Impact Fees (OMC-DIF) are as follows:

I-10 Euclid Avenue Interchange Project

- Total Project Cost = \$8,974,000
- City DIF Share = \$624,591 (6.96% share)

I-10 Vineyard Avenue Interchange Project

- Total Project Cost = \$3,007,680
- City DIF Share = \$1,804,608 (60% share)

Fourth Street Bridge Undercrossing Project

- Total Project Cost = \$21,566,769
- City DIF Share = \$9,575,646 (44.4% share)
- Storm Drain Betterment = \$769,678

Funding splits are in accordance with the City's adopted DIF Program and SBCTA's approved Measure I Nexus Study and Measure I Valley Major Street Program.

The City will be receiving a loan from SBCTA for the City's DIF share of the Fourth Street Bridge Undercrossing Project. Per the Term Loan Agreement, the City will be required to fund one-third (1/3) of the DIF share in the amount of \$3,191,882 not later than thirty (30) calendar days following the SBCTA invoice of the deposit. The loan will be for the remaining two-thirds (2/3) of the DIF share in the amount of \$6,383,764. Uncommitted DIF will be used to pay back the loan to SBCTA with the balance due ten (10) years following the completion of the project. A loan fee of \$2750 is included to process, however there will be no interest on the loan.

BACKGROUND: SBCTA is the lead agency for the I-10 Corridor Project that studied three different alternatives including the "No Build", "High Occupancy Vehicle", and "Express Lanes". The Project Development Team has recommended that the Express Lanes Alternative be carried forward as the Preferred Alternative for the I-10 Corridor Project. The Express Lanes improvements, beginning at the Los Angeles/San Bernardino County Line and continuing to Ford Street in Redlands, overlap geographically with the I-10 Euclid Avenue Interchange, I-10 Vineyard Avenue Interchange, and the Fourth Street Bridge Undercrossing. Because of this geographic overlap and related interchange/bridge work in the vicinity of the freeway mainline project, it is beneficial to coordinate to simultaneously perform the project development, design and construction of all of these projects together.

City staff has coordinated closely with SBCTA on the interchange and bridge concept plans. The proposed I-10 Euclid Avenue and I-10 Vineyard Interchange Projects will widen the existing ramps, reconstruct the overcrossing structure and provide additional turn lanes to accommodate the ultimate interchange, ramp and local street movements. The proposed Fourth Street Bridge Undercrossing Project will replace the existing bridge undercrossing structure, modify the adjacent traffic signals at the existing ramps, and widen Fourth Street to its ultimate configuration of four (4) lanes (2 lanes in each direction) with a single center turn lane.

CITY OF ONTARIO

Agenda Report
June 6, 2017

SECTION:
CONSENT CALENDAR

SUBJECT: A MAINTENANCE SERVICE AGREEMENT FOR STREETLIGHT MAINTENANCE AND REPAIR SERVICES

RECOMMENDATION: That the City Council:


- (A) Authorize the City Manager to execute a three-year Maintenance Service Agreement (on file in the Records Management Department) with Siemens Industry, Inc., of Riverside, California, for an annual general maintenance cost of \$244,709 and authorize the City Manager to extend the agreement for up to two additional years consistent with City Council approved budgets; and
- (B) Authorize urgency repairs and optional LED streetlight fixture replacements for existing high pressure sodium lights based on the established contract rates according to the bid schedules, which shall not exceed the amounts allocated in the departmental operating budget for each fiscal year.

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

FISCAL IMPACT: Siemens Industry, Inc., is to be compensated \$244,709 annually for general maintenance, plus urgency repairs, and LED streetlight fixture replacements at the rates set forth in the respective three-year agreement for the term ending June 30, 2020, unless earlier terminated by the City. The fee structures will remain unchanged for the duration of the agreement. Total compensation and authorized reimbursements paid to the contractor by the City, shall not exceed the amounts allocated in the approved operating budget for each fiscal year. The costs for services will be funded from the General Fund, and will be included in the Fiscal Year 2017-18 operating budget, if approved.

At the City's discretion, two additional one-year extensions may be exercised, and pricing for the optional years will remain at the same fee rate with no increase to bid amounts. Contracting over a multi-year period will limit the potential for yearly increases to the bid amounts, avoids the costs of re-bidding the contract annually, and provides service continuity for future project costs.

STAFF MEMBER PRESENTING: Brent D. Schultz, Housing and Municipal Services Director

Prepared by: Pat Malloy
Department: Municipal Services
City Manager Approval: 

Submitted to Council/O.H.A. 06/06/2017
Approved: _____
Continued to: _____
Denied: _____

11

BACKGROUND: Street lighting contributes to the safety and security of pedestrians, vehicle traffic, homeowners and businesses. There are approximately 10,838 street lights that will be maintained through this proposed contract. The scope of general maintenance will consist of all operations and repairs starting from the pull box or bottom of a streetlight pole, where fuse holder power starts to the light bulb and associated pull boxes within streetlight circuit.

In May 2017, the City solicited proposals from three (3) prospective vendors for Streetlight Maintenance and Repair Services. Proposals were received from the following:

<u>Vendor</u>	<u>Location</u>	<u>Bid Amount</u>
Siemens Industry, Inc.	Riverside, CA	\$244,709
Aegis ITS, Inc.	Anaheim, CA	\$284,583
E.E. Electric, Inc.	Mira Loma, CA	\$2,654,277

After reviewing the responses, staff determined that Siemens Industry, Inc. submitted a proposal that met all the specifications required of the Maintenance Service Agreement. Staff recommends award to Siemens Industry, Inc. based on the quality of proposal, credentials, pricing, references, and ability to respond to urgencies in a timely manner.

CITY OF ONTARIO

Agenda Report
June 6, 2017

SECTION:
CONSENT CALENDAR

SUBJECT: A CONSTRUCTION CONTRACT FOR THE SUMP PUMP STATION RENOVATION AT CITY HALL ANNEX

RECOMMENDATION: That the City Council award Contract No. MS 1617-4 to GSE Construction Company, Inc., of Livermore, California, for the sump pump station renovation at City Hall Annex in the amount of \$174,900 plus a 15% contingency (\$26,235) for a total amount of \$201,135; authorize the City Manager to execute said contract (on file in the Records Management Department), and authorize the filing of the notice of completion at the conclusion of all construction activities related to the project.

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

FISCAL IMPACT: The Fiscal Year 2016-17 Capital Improvement Projects budget includes appropriations in the amount of \$275,000 for the Sump Pump Station Renovation at City Hall Annex. The recommended contract authorization is \$174,900 plus a 15% contingency (\$26,235) for a total amount of \$201,135.

BACKGROUND: Upgrades to the existing sump pump room at City Hall Annex are necessary to meet building standards and safety requirements. Improvements to existing sump pumps will provide adequate venting for emergency pumping to external areas of the building in the event of pump failure. Additionally, safety improvements will address explosion-proof fittings, new control panels, new sewer pipes, new float switches, and upgraded sized pumps.

STAFF MEMBER PRESENTING: Brent D. Schultz, Housing and Municipal Services Director

Prepared by: Pat Malloy
Department: Municipal Services

City Manager Approval: 

Submitted to Council/O.H.A. 06/06/2017

Approved: _____

Continued to: _____

Denied: _____

12

The City solicited bids, and on April 21, 2017, two bids were received, and one bidder withdrew their submittal for the Ontario Sump Pump Station Renovation at City Hall Annex. The two bids received are summarized below:

Vendor	Location	Bid Amount
GSE Construction Company	Livermore, California	\$174,900
Mehta Mechanical Company	La Palma, California	\$216,511

GSE Construction Company, Inc. submitted the lowest responsive bid and has performed similar sump pump renovations at other municipalities.

The renovation project is expected to commence on June 13, 2017, and will be completed by the end of August 2017.

CITY OF ONTARIO

Agenda Report
June 6, 2017

SECTION:
CONSENT CALENDAR

SUBJECT: A PROFESSIONAL SERVICES AGREEMENT FOR CONSULTING SERVICES, APPLICATION DEVELOPMENT AND DATABASE ADMINISTRATION

RECOMMENDATION: That the City Council authorize the City Manager to execute a five-year professional services agreement (on file in the Records Management Department) with Manoj Chitre, of Upland, California, for information technology consulting services, in an amount not to exceed \$120,000 annually, contingent on City Council approved budgets, for Application Development and Database Administration.

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

FISCAL IMPACT: The Fiscal Year 2017-18 proposed budget will include appropriations of \$120,000 for these on-going professional services. Future use of this support services agreement is contingent upon City Council approval of appropriations in respective future years' budgets. This consultant will be compensated based on the fixed billing rates set forth in the agreement.

BACKGROUND: Mr. Manoj Chitre provides the City with specialized Application Development and Database Administration for the City's business and public safety systems including development of mobile and web applications. Continued support and development services are required to ensure all databases are optimized so they do not add any unnecessary delays to the city's business applications or first responders' ability to provide high quality public safety services.

STAFF MEMBER PRESENTING: Elliott Ellsworth, Information Technology Director

Prepared by: Colin Fernandes
Department: Information Technology

City Manager
Approval: 

Submitted to Council/O.H.A. 06/06/2017

Approved: _____

Continued to: _____

Denied: _____

CITY OF ONTARIO

Agenda Report
June 6, 2017

SECTION:
CONSENT CALENDAR

SUBJECT: A CONSTRUCTION CONTRACT FOR THE INSTALLATION OF POINT-OF-PRESENCE (POP) FACILITIES AT THE CITIZENS BUSINESS BANK ARENA AND CREEKSIDE PARK AS PART OF THE CITY'S HIGH-SPEED FIBER OPTIC NETWORK

RECOMMENDATION: That the City Council award contract D&C17-CBBAPOP-001 to R.I.C. Construction of Hesperia, California, in the amount of \$1,692,626 plus a 15% contingency in the amount of \$253,894 for a total amount of \$1,946,520 for the construction of the Citizens Business Bank Arena and Creekside Points of Presence; authorize the City Manager to execute the contract (on file in the Records Management Department); and file a notice of completion at the conclusion of all construction related activities.

COUNCIL GOALS: Invest in the Growth and Evolution of the City's Economy
Operate in a Businesslike Manner

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

FISCAL IMPACT: The Adopted Fiscal Year 2016-17 Budget has \$8,277,767 in available funds to continue construction of the City's fiber optic network as part of the Fiber Optic Master Plan.

BACKGROUND: Construction of the City's fiber optic network began in March 2016. The various backbone segments that have been completed have brought high speed gigabit internet to the Ontario Ranch Park Place, New Haven and West Haven housing developments and a growing number of commercial businesses within the northeastern portion of the City. It has been designed to connect City facilities and allow for economic development opportunities.

The fiber optic network backbone will ultimately have four separate points-of-presence facilities strategically placed throughout the City. On May 5, 2017, the City solicited bids for construction of the Citizens Business Bank Arena and Creekside Park points-of-presence facilities. The City received three responsive bids. Staff and the City's architect reviewed the bids according to the interview scoring criteria outlined in the bid documents. A summary of the responsive bids is as follows:

STAFF MEMBER PRESENTING: Elliott Ellsworth, Information Technology Director

Prepared by: David Simpson
Department: Information Technology

City Manager
Approval: 

Submitted to Council/O.H.A. 06/06/2017
Approved: _____
Continued to: _____
Denied: _____

14

<u>COMPANY</u>	<u>LOCATION</u>	<u>AMOUNT</u>
R. I. C. Construction	Hesperia, CA	\$1,692,626
Cornerstone Renovation Inc.	Rancho Cucamonga, CA	\$1,557,168
States Link Construction	Buena Park, CA	\$2,352,852

Although Cornerstone Renovation, Inc. is the apparent low bidder, they did not have the extensive experience and background working on public works projects. R.I.C. Construction has extensive experience in this field as well as telecommunication construction experience.

Bids from Braughton and California Building Evaluation and Construction were disqualified bidders because neither company submitted an original Bid Bond to the City Clerk, as required, to be considered a responsive bid.

CITY OF ONTARIO

Agenda Report
June 6, 2017

SECTION:
CONSENT CALENDAR

SUBJECT: AN ORDINANCE LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 38 (PARK & TURNER NE FACILITIES)

RECOMMENDATION: That the City Council adopt an ordinance levying special taxes within City of Ontario Community Facilities District No. 38 (Park & Turner NE Facilities).

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)
Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony

FISCAL IMPACT: The use of Mello-Roos financing for facilities in the residential development of the Park & Turner NE Facilities project is estimated to generate approximately \$8.8 million which will be used to help fund a portion of the public infrastructure improvements that will serve the project. Since Mello-Roos bonds are not a direct obligation of the City, and are paid from special taxes levied on each taxable parcel in the district, there is no General Fund impact from the issuance of Mello-Roos bonds.

BACKGROUND: At the public hearing conducted by the City Council on May 16, 2017, the City Council adopted the resolutions of formation for Community Facilities District No. 38 (Park & Turner NE Facilities) and introduced and waived further reading of an ordinance levying special taxes within City of Ontario Community Facilities District No. 38 (Park & Turner NE Facilities). Adoption of the ordinance will conclude the formation process for City of Ontario Community Facilities District No. 38 (Park & Turner NE Facilities).

The Mello-Roos Community Facilities Act of 1982 provides local government, with the consent from a majority of the property owners, the authority to establish community facilities districts for the purpose of levying special taxes to fund governmental services and to finance various kinds of public infrastructure facilities. Under the Mello-Roos Act, the initial steps in the formation of a community

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

Prepared by: Bob Chandler
Department: Management Services

City Manager
Approval: 

Submitted to Council/O.H.A. 06/06/2017

Approved: _____

Continued to: _____

Denied: _____

15

facilities district to finance public improvements are adopting resolutions declaring the City's intention to establish a community facilities district and levy special taxes, and to issue bonds. On April 4, 2017, the City Council approved Resolution No. 2017-021, a Resolution of Intention to establish City of Ontario Community Facilities District No. 38 (Park & Turner NE Facilities) and authorize the levy of special taxes; and Adopted Resolution No. 2017-022, declaring its intention to issue bonds for the district. The Resolution of Intention set the public hearing date for the regularly scheduled City Council meeting of May 16, 2017 to consider formation matters. On May 16, 2017, the City Council adopted the Resolution of Formation and associated resolutions, establishing Community Facilities District No. 38 (Park & Turner NE Facilities).

The Park & Turner NE Facilities project addresses the development of approximately 47 gross acres located generally east of Archibald Avenue, west of Haven Avenue, south of Ontario Ranch Road (formerly Edison Avenue) and north of Eucalyptus Avenue. At build out, the development is projected to include 330 detached units. The Community Facilities District is being formed pursuant to the provisions of the Lennar Homes of California Development Agreement, and the First Amended and Restated Construction Agreement between the City and NMC Builders.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 38 (PARK & TURNER NE FACILITIES).

WHEREAS, on April 4, 2017, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Intention to Establish a Community Facilities District, Proposed to be Named City of Ontario Community Facilities District No. 38 (Park & Turner NE Facilities), and to Authorize the Levy of Special Taxes" stating its intention to establish City of Ontario Community Facilities District No. 38 (Park & Turner NE Facilities) (the "Community Facilities District") and to finance certain public facilities (the "Facilities") and services (the "Services"); and

WHEREAS, on May 16, 2017, the City Council held a noticed public hearing on the establishment of the Community Facilities District, as required by the Act; and

WHEREAS, subsequent to the close of said hearing, the City Council adopted resolutions entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 38 (Park & Turner NE Facilities), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" (the "Resolution of Formation"), "A Resolution of the City Council of the City of Ontario, California, Deeming it Necessary to Incur Bonded Indebtedness within the City of Ontario Community Facilities District No. 38 (Park & Turner NE Facilities)" and "A Resolution of the City Council of the City of Ontario, California, Calling Special Election for City of Ontario Community Facilities District No. 38 (Park & Turner NE Facilities)", which resolutions established the Community Facilities District, authorized the levy of a special tax within the Community Facilities District and called an election within the Community Facilities District on the proposition of incurring indebtedness, levying a special tax within the Community Facilities District and establishing an appropriations limit for the Community Facilities District, respectively; and

WHEREAS, on May 16, 2017, an election was held in which the qualified electors of the Community Facilities District approved said proposition by more than the two-thirds vote required by the Act.

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

SECTION 1. The City Council hereby authorizes and levies special taxes within the Community Facilities District pursuant to Sections 53328 and 53340 of the Act, at the rate and in accordance with the method of apportionment set forth in

Exhibit B to the Resolution of Formation (the "Rate and Method of Apportionment"). The special taxes are hereby levied commencing in fiscal year 2017-18 and in each fiscal year thereafter until the last fiscal year in which such special taxes are authorized to be levied pursuant to the Rate and Method of Apportionment.

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

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

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

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

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

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

PASSED, APPROVED, AND ADOPTED this 6th day of June 2017.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3073 was duly introduced at a regular meeting of the City Council of the City of Ontario held May 16, 2017 and adopted at the regular meeting held June 6, 2017 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. 3073 duly passed and adopted by the Ontario City Council at their regular meeting held June 6, 2017 and that Summaries of the Ordinance were published on May 23, 2017 and June 13, 2017, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
June 6, 2017

SECTION:
CONSENT CALENDAR

SUBJECT: CONSTRUCTION CONTRACT FOR ASPHALT GRINDING SERVICES

RECOMMENDATION: That the City Council authorize the City Manager to execute a three-year Construction Contract (on file with the Records Management Department) for contract No. SM1617-3 with Pavement Recycling Systems, Inc., located in Jurupa Valley, California, for an annual estimated cost of \$147,000; and authorize the addition of future service areas; and the option to extend the agreement for up to two additional years consistent with the City Council approved budgets.

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

FISCAL IMPACT: The estimated annual base cost of the proposed construction contract is \$147,000 for each of the first three years for a total of \$441,000. Appropriations for the asphalt grinding services will be included in the Fiscal Year 2017-18 Proposed Operating Budget, if approved.

At the City's discretion, two additional one-year extensions may be exercised, and the option years include price increases of 15% and 12% for the fourth and fifth years. Future contracting actions will be commensurate with the City Council authorized work programs and budgets. Contracting for a multi-year period will allow the City to: limit the potential for yearly increases to the bid amounts; avoid the costs of re-bidding the contract annually, provide service continuity; and project better future costs.

BACKGROUND: In April 2017, the City solicited bids for asphalt grinding services citywide. Two bids were received that met the bid criteria and standards. A summary of the bid reflecting base cost is as follows:

<u>Vendor</u>	<u>Location</u>	<u>Amount</u>
Pavement Recycling Systems, Inc.	Jurupa Valley, CA	\$147,000
All American Asphalt	Corona, CA	\$166,500

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

Prepared by: Robert Perez
Department: Parks and Maintenance

City Manager
Approval: 

Submitted to Council/O.H.A. 06/06/2017

Approved: _____

Continued to: _____

Denied: _____

16

Pavement Recycling Systems, Inc., located in Jurupa Valley, California, submitted a bid that met all the required specifications with base cost, three year total of \$441,000. Based on evaluation of the bid, credentials, pricing and favorable reference checks, staff recommends award of a construction contract to Pavement Recycling Systems, Inc.

CITY OF ONTARIO

Agenda Report
June 6, 2017

SECTION:
CONSENT CALENDAR

SUBJECT: A MAINTENANCE SERVICE AGREEMENT FOR LANDSCAPE MAINTENANCE SERVICES FOR WELL SITE, HOUSING AUTHORITY AND GAS TAX FUNDED SITES

RECOMMENDATION: That the City Council takes the following actions:

- (A) Authorize the City Manager to execute a five-year Maintenance Service Agreement (on file with the Records Management Department) for Contract No. PM1617-7 with Brightview Landscape Services, Inc. located in Upland, California, for an annual estimated cost of \$75,000 plus a contingency of \$11,250;
- (B) Authorize the City Manager to execute a five-year Maintenance Service Agreement (on file with the Records Management Department) for Contract No. PM1617-11 with SoCal Land Maintenance, Inc. located in Anaheim, California, for an annual estimated cost of \$115,211 plus a contingency of \$17,379;
- (C) Authorize addition of future service areas; and the option to extend the agreements for up to two additional years consistent with the City Council approved budgets.

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

Ensure the Development of a Well Planned, Balanced and Self Sustaining Community in the New Model Colony

FISCAL IMPACT: The estimated annual base cost for the proposed agreements are as follows:

- (A) The Brightview Maintenance Service Agreement is \$75,000 plus \$11,250, of contingency for urgency services for a total contract of \$86,250 for each of the first five years for a total of \$431,250. At the City's discretion, two additional one-year extensions may be exercised and the optional years include price increase of 3% for the option years.

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

Prepared by: Roberto Perez
Department: Parks and Maintenance

City Manager Approval: 

Submitted to Council/O.H.A. 06/06/2017

Approved: _____

Continued to: _____

Denied: _____

17

(B) The SoCal Land Maintenance Service Agreement is \$115,211 plus \$17,379, of contingency for urgency services for a total contract of \$132,590 for each of the first five years for a total of \$662,950. At the City’s discretion, two additional one-year extensions may be exercised and the optional years include price increase of 2% for the option years.

Appropriation for maintenance cost of landscape maintenance services will be included in the Fiscal Year 2017-18 proposed operating budget, if approved.

Future contracting actions will be commensurate with the City Council authorized work programs and budgets. Contracting for a multi-year period will allow the City to: limit the potential for yearly increases to the bid amounts; avoid the costs of re-bidding the contract annually, provide service continuity; and better project future costs.

BACKGROUND: A summary of the proposal results follows:

(A) Housing and Gas Tax Sites

In March 2017, the City solicited proposals for landscape maintenance services for Housing and Gas Tax sites. Three proposals were received that met the bid criteria and standards necessary to perform this work.

<u>Vendor</u>	<u>Location</u>	<u>Amount</u>
Brightview Landscape Services	Upland, CA	\$ 75,000
Merchants Landscape	Rancho Cucamonga, CA	\$ 91,224
S.C. Yamamoto	La Habra, CA	\$120,000

Brightview Landscape Services, Inc. located in Upland, California, submitted a proposal that met all the required specifications with base cost, five year total of \$375,000. Based proposal, credentials, pricing and favorable reference checks, staff recommends award of a Maintenance Services Agreement to Brightview Landscape Services, Inc.

(B) Well Sites

In March 2017, the City solicited proposals for landscape maintenance services for Well sites. Three proposals were received that met the bid criteria and standards necessary to perform this work.

<u>Vendor</u>	<u>Location</u>	<u>Amount</u>
SoCal Land Maintenance	Anaheim, CA	\$115,211
Nova Landscape	Fontana, CA	\$132,378
Mariposa Horticultural	Irwindale, CA	\$161,304

SoCal Land Maintenance, Inc. located in Anaheim, California, submitted a proposal that met all the required specifications with base cost, five year total of \$576,055. Based proposal, credentials, pricing and favorable reference checks, staff recommends award of a Maintenance Services Agreement to SoCal Land Maintenance, Inc.

CITY OF ONTARIO

Agenda Report
June 6, 2017

SECTION:
CONSENT CALENDAR

SUBJECT: A MAINTENANCE SERVICE AGREEMENT FOR CITYWIDE GRAFFITI CONTROL SERVICES

RECOMMENDATION: That the City Council authorize the City Manager to execute a three-year Maintenance Service Agreement (on file with the Records Management Department) for contract No. SM1617-5 with Graffiti Protective Coatings, Inc., located in Los Angeles, California, for an annual estimated cost of \$501,600 plus a contingency of \$25,080; and authorize addition of future service areas; and authorize the option to extend the agreement for up to two additional years consistent with the City Council approved budgets.

COUNCIL GOALS: Maintain the Current High Level of Public Safety
Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: The estimated annual base cost of the proposed Maintenance Service Agreement is \$501,600 plus \$25,080 as contingency for urgency services, for a total amount of \$526,680 for each of the first three years, for a total of \$1,580,040. Appropriations for maintenance cost for the graffiti control services will be included in the Fiscal Year 2017-18 Proposed Operating Budget, if approved.

At the City's discretion, two additional one-year extensions may be exercised, and the option years include price increases of 5% and 4% for the fourth and fifth years. Future contracting actions will be commensurate with the City Council authorized work programs and budgets. Contracting for the multi-year period will allow the City to: limit the potential for yearly increases to the bid amounts; avoid the costs of re-bidding the contract annually, provide service continuity; and project future costs.

BACKGROUND: In April 2017, the City solicited proposals for citywide graffiti control services and two were received. Of the two proposals received, bid criteria and standards necessary to perform this work; and the one was deemed non-responsive.

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

Prepared by: Roberto Perez
Department: Parks and Maintenance

City Manager
Approval: 

Submitted to Council/O.H.A. 06/06/2017

Approved: _____

Continued to: _____

Denied: _____

18

A summary of the proposal results reflecting base cost are as follows:

<u>Vendor</u>	<u>Location</u>	<u>Amount</u>
Graffiti Protective Coatings	Los Angeles, CA	\$501,600
Urban Graffiti *	Covina, CA	\$426,000

* *Bid proposal was incomplete and therefore deemed non-responsive.*

Graffiti Protective Coatings, Inc. located in Los Angeles California, submitted a proposal that met all the required specifications with base cost, three year total of \$1,504,800. Based on their proposal, credentials and favorable reference checks, staff recommends award of a Maintenance Service Agreement to Graffiti Protective Coatings, Inc.

CITY OF ONTARIO

Agenda Report
June 6, 2017

SECTION:
CONSENT CALENDAR

SUBJECT: A DEVELOPMENT CODE AMENDMENT, FILE NO. PDCA17-001, PROPOSING VARIOUS CLARIFICATIONS TO THE ONTARIO DEVELOPMENT CODE, INCLUDING MODIFICATIONS TO CERTAIN PROVISIONS OF DIVISION 1.02 (DEVELOPMENT CODE INTERPRETATION AND ENFORCEMENT), DIVISION 2.02 (APPLICATION, FILING AND PROCESSING), DIVISION 4.02 (DISCRETIONARY PERMITS AND ACTIONS), DIVISION 5.02 (LAND USE), DIVISION 5.03 (STANDARDS FOR CERTAIN LAND USES, ACTIVITIES AND FACILITIES), DIVISION 6.01 (DISTRICT STANDARDS AND GUIDELINES), 6.02 (WALLS, FENCES AND OBSTRUCTIONS), 6.03 (OFF-STREET PARKING AND LOADING), DIVISION 7.01 (HISTORIC PRESERVATION), AND DIVISION 9.01 (DEFINITIONS)

RECOMMENDATION: That the City Council consider and adopt an ordinance approving a Development Code Amendment, File No. PDCA17-001, proposing certain clarifications to Ontario Development Code Division 1.02 (Development Code Interpretation and Enforcement), Division 2.02 (Application, Filing and Processing), Division 4.02 (Discretionary Permits and Actions), Division 5.02 (Land Use), Division 5.03 (Standards for Certain Land Uses, Activities and Facilities), Division 6.01 (District Standards and Guidelines), 6.02 (Walls, Fences and Obstructions), 6.03 (Off-Street Parking and Loading), Division 7.01 (Historic Preservation), and Division 9.01 (Definitions).

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

FISCAL IMPACT: None.

BACKGROUND: On May 16, 2017, the City Council introduced and waived further reading of an ordinance approving the Development Code Amendment. In December 2015, the City Council approved a comprehensive update to the Ontario Development Code (Ordinance No. 3028), which became effective

STAFF MEMBER PRESENTING: Scott Murphy, Planning Director

Prepared by: Charles Mercier
Department: Planning

City Manager
Approval: 

Submitted to Council/O.H.A. 06/06/2017

Approved: _____

Continued to: _____

Denied: _____

19

in January 2016. Since its approval, staff has identified several minor alterations to the Development Code which are needed to adjust and clarify the comprehensive update including the following:

[1] Amend Section 1.02.015 (Enforcement) revising the Development Code violation provisions to be fully consistent with the City's Municipal Code;

[2] Amend Table 2.02-1 (Review Matrix) clarifying the approval procedure for hotels, motels and residence inns to clearly show that Planning Commission Recommendation and City Council approval are required;

[3] Amend Section 4.02.020 Departures from Development Standards (Administrative Exceptions, Minor Variances, and Variances) to allow up to 10 percent reduction from off-street parking standards through the Administrative Exception process (Variance approval is currently required). This provision was unintentionally removed from the Development Code with the comprehensive Development Code update;

[4] Amend Section 4.02.025 (Development Plans) to delete provisions requiring Development Plan approval for the expansion of off-street parking and loading areas (7,500 SF of affected site area within commercial zoning districts and 15,000 SF of affected site area within industrial zoning districts, allowing parking and loading area expansions to be approved through Building Department plan check);

[5] Amend Table 5.02-1 (Land Use Matrix) to divide the "Technical and Trade Schools" and "Other Schools and Institutions" land uses, which are currently combined into a single group. This revision will establish consistency with current NAICS (North American Industrial Classification Standards) classifications.

Additionally, "Boat Repair and Maintenance Services" and "Motorcycle Repair and Maintenance Services" are currently grouped with "Other Personal and Household Goods Repair and Maintenance," such as garment alteration and repair, jewelry repair, key duplicating, musical instrument repair and tailor shops. While boat and motorcycle repair and maintenance and the other uses listed within the "Other Personal and Household Goods Repair and Maintenance" industry group have similar operational processes, there are certain activities that are dissimilar which necessitate splitting out boat and motorcycle repair and maintenance as separate land uses. The land use requirements for each zoning designation have been made consistent with other motor vehicle repair land use classifications listed in the Land Use Matrix;

[6] Amend Section 5.03.245 (Hookah Lounges), adding e-cigarette, smoking/vaping lounge and smoking/vaping retailer definitions and a 1,000-foot spacing requirement from sensitive land uses (hospitals and other healthcare facilities; senior citizen care facilities; preschools; daycare facilities; public or private elementary, middle (junior high) or high schools; public parks; recreation centers; sports parks; or any similar facility where minors (persons under 18 years of age) regularly congregate), as well as from other hookah establishments and smoking/vaping retailers to ensure that an undue concentration of tobacco-related uses is not established;

[7] Amend Section 5.03.250 (Hotels, Motels, Residence Inns, and Other Similar Travel Accommodation) revising the minimum required amenity package for hotels, motels, residence inns, and other similar traveler accommodations to permit flexibility in the minimum required amenity package and

address the needs of smaller (less than 75 guest rooms) boutique-type hotels, allowing the required swimming pool to be replaced with other types of amenities, such as a full-service restaurant or café; highly amenitized guest rooms; meeting spaces exceeding the minimum requirements; highly detailed architectural features; or other amenities acceptable to the Approving Authority.

In addition, due to the hotel industry's health concerns regarding the requirement for a whirlpool/spa, flexibility has been provided for all hotels, motels, residence inns, and other similar traveler accommodations, to allow replacement of whirlpools/spas with a fully amenitized outdoor lounge area;

[8] Amend Section 6.01.035 (Overlay Zoning Districts) to incorporate Agricultural Overlay provisions that were unintentionally removed from the Development Code with the comprehensive update that went into effect in January 2016;

[9] Amend Division 6.02 (Walls, Fences and Obstructions), adding Section 6.02.035 (Temporary Security or Construction Fencing) to address the installation of temporary security and construction fences, based on past City policy;

[10] Amend Section 6.03.065 (Prohibition of Parking on Landscaped or Unpaved Areas of a Lot) revising the violation provisions for parking on landscaped on unpaved areas of a lot to be consistent with the City's Municipal Code, stating that failure to comply with the provisions is subject to fines and civil penalties set forth and amended by resolution of the City Council;

[11] Amend Section 7.01.060 (Enforcement Penalties) of the Historic Preservation provisions which currently bases building valuation on assessor valuation data and does not accurately reflect the true value of the historic resource in terms of construction replacement cost. This Code provision has been revised to base building valuation data on International Code Council (ICC) data, which would make the basis for valuation data consistent with Penalties and Mitigation Fees (the Tier Mitigation Fee is also based on ICC valuation data); and

[12] Amend Section 9.01.010 (Terms and Phrases) establishing a definition for the "Restaurant" land use and for the various types (classifications) of restaurants. The definitions are consistent with those used in the surrounding region.

On April 25, 2017, the Planning Commission conducted a public hearing to consider the above-described Development Code Amendment and concluded the hearing on that date. Upon conclusion of the public hearing, the Planning Commission voted unanimously (6-0) to approve a resolution recommending that the City Council approve the Development Code Amendment.

COMPLIANCE WITH THE ONTARIO PLAN: The proposed project is consistent with the principles, goals and policies contained within the Vision, Governance, and Policy Plan (General Plan) components of The Ontario Plan (TOP). More specifically, TOP goals and policies furthered by the proposed project are noted in the Planning Commission staff report (attached).

HOUSING ELEMENT COMPLIANCE: The Project will be consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project does not specifically affect 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 COMPLIANCE: The project site is located within the Airport Influence Area of the Ontario International Airport (ONT), and has been found to be consistent with the policies and criteria set forth within the ALUCP for ONT.

ENVIRONMENTAL REVIEW: The proposed Development Code Amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) and the guidelines promulgated thereunder, pursuant to Section 15061(b)(3) of the CEQA Guidelines, in that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA17-001, A DEVELOPMENT CODE AMENDMENT FOR THE PURPOSE OF CLARIFYING CERTAIN PROVISIONS OF DIVISION 1.02 (DEVELOPMENT CODE INTERPRETATION AND ENFORCEMENT), DIVISION 2.02 (APPLICATION, FILING AND PROCESSING), DIVISION 4.02 (DISCRETIONARY PERMITS AND ACTIONS), DIVISION 5.02 (LAND USE), DIVISION 5.03 (STANDARDS FOR CERTAIN LAND USES, ACTIVITIES AND FACILITIES), DIVISION 6.01 (DISTRICT STANDARDS AND GUIDELINES), 6.02 (WALLS, FENCES AND OBSTRUCTIONS), 6.03 (OFF-STREET PARKING AND LOADING), DIVISION 7.01 (HISTORIC PRESERVATION), AND DIVISION 9.01 (DEFINITIONS), AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, The City of Ontario ("Applicant") has initiated an Application for the approval of a Development Code Amendment, File No. PDCA17-001, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Development Code (Ontario Municipal Code Title 9) provides the legislative framework for the implementation of The Ontario Plan, which states long-term principles, goals, and policies for guiding the growth and development of the City in a manner that achieves Ontario's vision and promotes and protects the public health, safety, comfort, convenience, prosperity, and welfare of its citizens; and

WHEREAS, on December 1, 2015, the City Council approved a comprehensive update to the Ontario Development Code (Ordinance No. 3028), which became effective on January 1, 2016; and

WHEREAS, the Ontario Planning Department has initiated alterations to the Development Code for the purpose of clarifying various provisions of Division 1.02 (Development Code Interpretation and Enforcement), Division 2.02 (Application, Filing and Processing), Division 4.02 (Discretionary Permits and Actions), Division 5.02 (Land Use), Division 5.03 (Standards For Certain Land Uses, Activities and Facilities), Division 6.01 (District Standards and Guidelines), 6.02 (Walls, Fences and Obstructions), 6.03 (Off-Street Parking and Loading), Division 7.01 (Historic Preservation), and Division 9.01 (Definitions); and

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

WHEREAS, on April 25, 2017, the Planning Commission of the City of Ontario conducted a public hearing to consider the proposed Development Code Amendment and concluded the hearing on that date. Upon conclusion of the public hearing, the Planning Commission voted unanimously (6-0) to approve Resolution No. PC17-027, recommending that the City Council approve the Application; and

WHEREAS, on May 16, 2017, the City Council of the City of Ontario conducted a public hearing to consider the proposed Development Code Amendment and concluded said hearing on that date. Upon conclusion of the public hearing, the City Council approved the introduction (first reading) of this Ordinance, and waived further reading of the Ordinance; 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. *Development Code Amendment - Chapter 1.0 (Development Code Enactment and General Provisions).* Chapter 1.0 (Development Code Enactment and General Provisions) of the Ontario Development Code is hereby amended, revising Division 1.02 (Development Code Interpretation and Enforcement) to amend Subsection C (Violations) of Section 1.02.015 (Enforcement), to read as follows:

“Any person or entity violating and provision, or failing to comply with any regulation, of this Development Code, shall be subject to the penalty provisions prescribed in OMC Title 1 (General Provisions), Chapter 2 (Penalty Provisions), and the citation provisions prescribed in OMC Title 1 (General Provisions) Chapter 5 (Administrative Citations). Fine amounts shall be as set forth by resolution of the Ontario City Council, which may be amended from time-to-time.”

SECTION 2. *Development Code Amendment - Chapter 2.0 (Administration and Procedures).* Chapter 2.0 (Administration and Procedures) of the Ontario Development Code is hereby amended, revising Division 2.02 (Application Filing and Processing) to amend Subcategory B.3 (Conditional Use Permits) of Table 2.02-1 (Review Matrix), adding “Hotels, Motels and Residence Inns” as classification a, which requires recommendation by the Planning Commission and approval by the City Council, and renumbering all existing classifications, in correct alphanumeric order, as follows:

Applications, Actions, Decisions and Processes	Reviewing Authorities [4]								
	Planning Director	City Engineer	Building Official	Zoning Administrator [2]	Development Advisory Board	Historic Preservation Subcommittee [2]	Historic Preservation Commission	Planning Commission	City Council
B. DISCRETIONARY PERMITS AND ACTIONS									
3. Conditional Use Permits (Ref: ODC Section 4.02.015)									
a. Hotels, Motels and Residence Inns [1]								R	X
b. Use established in conjunction with a Development Plan [1]								X	A
c. Use established within an existing structure [1]				X				A	A
d. Modification or revocation per ODC Division 2.05 (City Initiated Modification or Revocation) [1]								X	A
e. Revocation due to abandonment of use per ODC Division 2.05 (City Initiated Modification or Revocation) [1]				X				A	A

SECTION 3. *Development Code Amendment - Chapter 4.0 (Permits, Actions, and Decisions).* Chapter 4.0 (Permits, Actions, and Decisions) of the Ontario Development Code is hereby amended as follows:

a. Revise Division 4.02 (Discretionary Permits and Actions) to amend Subparagraph C.2.b of Section 4.02.020 (Departures from Development Standards (Administrative Exceptions, Minor Variances, and Variances), to read as follows:

“b. Administrative Exceptions may be approved for reductions of up to 10 percent from [i] minimum setback and separation requirements, excepting nonresidential setback requirements from property lines that are common with any residentially zoned property; and, [ii] off-street parking required for nonresidential land uses pursuant to Table 6.03-1 (Off-Street Parking Requirements). An Administrative Exception shall not be approved for reductions from minimum lot size, lot dimensions, landscape coverage, or parking requirements, or for an increase in maximum density, floor area ratio, or the height of a structure.”

b. Amend Subparagraph B.2 of Section 4.02.025 (Development Plans), revising the list of development activities that require Development Plan approval (paragraphs o and p), to read as follows:

“o. An addition to a previously developed site within a commercial zoning district, which does not exceed 25 percent of the original structure GFA or 2,000 SF (cumulative), whichever is less.

p. An addition to a previously developed site within an industrial zoning district, which does not exceed 25 percent of the original structure GFA or 10,000 SF (cumulative), whichever is less.”

SECTION 4. *Development Code Amendment - Chapter 5.0 (Zoning and Land Use).* Chapter 5.0 (Zoning and Land Use) of the Ontario Development Code is hereby amended as follows:

a. Revise Division 5.02 (Land Use) to amend Table 5.02-1 (Land Use Matrix) of Division 5.02 (Land Use), adding certain land use classifications as shown on Exhibit A of this Ordinance, attached.

b. Revise Division 5.03 (Standards for Certain Land Uses, Activities, and Facilities) to amend Section 5.03.245 (Hookah Lounges) of Division 5.05 (Standards for Certain Land Uses, Activities, and Facilities), adding additional provisions addressing hookah establishments, smoking/vaping lounges, and smoking/vaping retailers, to read as follows:

“5.03.245: Hookah Establishments, Smoking/Vaping Lounges, and Smoking/Vaping Retailers.

A. Purpose. The purpose of this Section is to help mitigate negative impacts associated with smoking and vaping uses, in order to serve the public health, safety, and welfare of City residence, and City businesses and their patrons. Furthermore, this Section is specifically intended to reduce the impact of smoking and vaping uses on minors, as an abundance of such uses increases the potential for minors to associate smoking and vaping with a normative lifestyle.

B. Applicability. All smoking and vaping businesses throughout the City shall comply with the regulations and requirements of this Section.

C. Definitions. For the purposes of this Section, the words or phrases listed below, in correct alphabetical order, shall have the meanings hereafter specified:

1. **Electronic Cigarette (E-Cigarette).** An electronic device, which is typically battery-operated, designed to deliver a nicotine-based liquid, or other substance, that is vaporized and then inhaled (called "vaping"), simulating the experience of smoking tobacco. Such devices are manufactured to resemble traditional tobacco cigarettes, cigars, pipes, or even everyday items, such as pens or USB memory sticks. The term includes any such device manufactured, distributed, marketed, or sold as an electronic cigarette or e-cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor. The term does not include any medical inhaler prescribed by a licensed physician.

2. **Hookah Establishments.** Any facility or location whose business operation, whether a primary or accessory use, is characterized as a commercial establishment where patrons gather to share in the smoking of flavored tobacco (shisha) from a communal hookah, including, but not limited to, establishments known variously as a hookah lounge or bar, or shisha bar or den.

3. Hookah. A single or multi-stemmed instrument for smoking flavored tobacco (or shisha), whose vapor or smoke is passed through a water basin before inhalation.

4. Smoking/Vaping Lounge. Any facility or location whose business operation, whether a primary or accessory use, is characterized by the sale, offering, and/or preparation of smoking tobacco, cigars, electronic cigarettes, or similar products, including, but not limited to, establishments known variously as smoking lounges, vaping lounges, or cigar bars.

5. Smoking/Vaping Retailer. A smoke shop, tobacco store, electronic cigarette retailer, or any other retail business where more than 25 percent of the gross floor area is dedicated to the sale of tobacco or tobacco products, electronic cigarettes, or related products, for consumption off the premises.

D. Operating Requirements. Hookah establishments, smoking/vaping lounges, and smoking/vaping retailers shall comply with the following operating standards:

1. Hookah Establishments. The following standards shall govern the establishment and operation of hookah establishments:

a. A hookah establishment may be established **[i]** as a standalone establishment; **[ii]** in conjunction with a sit-down restaurant, within an outside open patio area; or **[iii]** in conjunction with an ABC-licensed bona fide eating establishment;

b. A hookah establishment shall not be established in conjunction with live entertainment;

c. A hookah establishment shall not be established in conjunction with a bar or nightclub;

d. A hookah establishment shall operate in compliance with all applicable State laws and regulations pertaining to smoking facilities (limitation on numbers of paid staff shall meet CAL-OSHA requirements for air filtration and circulation, and meet fire standards for smoking lounges);

e. A hookah establishment shall dispose of ash and coals pursuant to the requirements of the Ontario Fire Department;

f. A hookah establishment shall be located a minimum of 1,000 FT, as measured in a straight line from any point along the outer boundaries of the property or lease space containing the use, from any residentially zoned property or sensitive land use, including hospitals and other healthcare facilities; senior citizen care facilities; preschools; daycare facilities; public or private elementary, middle (junior high) or high schools; public parks; recreation centers; sports parks; or any similar facility where minors (persons under 18 years of age) regularly congregate; and

g. A hookah establishment shall be located a minimum of 1,000 FT, as measured in a straight line from any point along the outer boundaries of the property or lease space containing the use, from any other hookah establishment, or a smoking/vaping lounge or smoking/vaping retailer.

2. Smoking/Vaping Lounges. The establishment and operation of smoking/vaping lounges shall be prohibited, excepting hookah establishments established pursuant to Paragraph D.1 (Hookah Establishments) of this Section.

3. Smoking/Vaping Retailers. The following standards shall govern the establishment and operation of smoking/vaping retailers:

a. A smoking/vaping retailer shall be located a minimum of 1,000 FT, as measured in a straight line from any point along the outer boundaries of the property or lease space containing the use, from any residentially zoned property or sensitive land use, including hospitals and other healthcare facilities; senior citizen care facilities; preschools; daycare facilities; public or private elementary, middle (junior high) or high schools; public parks; recreation centers; sports parks; or any similar facility where minors (persons under 18 years of age) regularly congregate; and

b. A smoking/vaping retailer shall be located a minimum of 1,000 FT, as measured in a straight line from any point along the outer boundaries of the property or lease space containing the use, from any other smoking/vaping retailer, or a hookah establishment or smoking/vaping lounge.

c. No smoking/vaping shall be permitted in conjunction a smoking/vaping retailer.”

c. Revise Division 5.03 (Standards for Certain Land Uses, Activities, and Facilities) to amend Subsection D (Minimum Amenity Package) of Section 5.03.250 (Hotels, Motels, Residence Inns, and Other Similar Travel Accommodation), revising the minimum requirement for recreational facilities contained in Paragraph 3, as follows:

“3. The following minimum active and passive leisure amenities shall be provided:

a. A swimming pool, except that the Approving Authority may approve smaller boutique hotels, motels, residence inns, or other similar travel accommodations having fewer than 75 rooms, with alternate amenities, such as, but not limited to:

(1) A full-service restaurant or café;

(2) Highly amenitized guest rooms, which exceed the minimum amenities required by Paragraph D.1, above;

(3) Meeting space, which substantially exceeds the minimum requirements of Paragraph D.2, above;

(4) Highly detailed architectural features that reflect an established architectural style identified in Reference C (Architectural Styles) of this Development Code; and/or

(5) Other amenities acceptable to the Approving Authority; and

b. A whirlpool/spa; or a furnished cabana containing items such as lighting, ceiling fans, tables, chairs, sofas, and lounge chairs; and

c. A fitness room; and”

SECTION 5. *Development Code Amendment - Chapter 6.0 (Development and Subdivision Regulations).* Chapter 6.0 (Development and Subdivision Regulations) of the Ontario Development Code is hereby amended as follows:

a. Revise Division 6.01 (District Standards and Guidelines) to amend Paragraph C.1 (AG (Agricultural) Overlay District) of Section 6.01.035 (Overlay Zoning Districts) to read as follows:

“1. AG (Agricultural) Overlay District.

(a) *Purpose.* The purpose of the AG Overlay District is to accommodate the continuation of agricultural uses within the City, on an interim basis, until such time that the Overlay District is developed consistent with the goals and policies of The Ontario Plan. The transition of the AG Overlay District will be gradual, requiring the establishment of regulations intended to guide agricultural-related development activities for the interim period. It is the intent of the AG Overlay District to allow for the continuation of agricultural uses and related support uses as defined herein. The AG Overlay District is further intended to protect vital agricultural uses by limiting land use activity to those uses which are compatible and supportive of agriculture and related uses, and/or their products.

(b) *Applicability.*

(1) The herein established rights and responsibilities applicable to the AG Overlay District shall apply to all property located within the boundary of the Overlay District, as shown on the official Zoning Map of the City. The AG Overlay District provisions established herein, shall apply to all existing and new building construction, additions, remodels, or reallocations, whether or not a building permit is required, or other similar entitlement by the City.

(2) Any new building construction, excepting buildings to accommodate agricultural uses or agricultural-related activities, and single-family homes and buildings ancillary thereto on lots 10 acres or more in area, shall first require the adoption of a Specific Plan pursuant to Section 4.01.035 (Specific Plans and Amendments) of this Development Code, which prescribes the allowed land uses, development regulations and guidelines, and sign regulations applicable to the project.

(3) All rights pertaining to the AG Overlay District established herein, shall run with the land and shall be transferable to any future owner(s) of property within the AG Overlay district, and their assigns.

(c) *Definitions.* For the purposes of this Section, the words or phrases listed below, in correct alphabetical order, shall have the meanings hereafter specified:

Agricultural Support Services. These uses are supportive of the farm community and are fully compatible with agricultural uses. Agricultural support services are uses which directly support, or which are accessory or incidental to, established agricultural uses within the AG Overlay District. These include, but are not limited to the following:

- 1) Agricultural chemicals, fuel and fuel oil, nonflammable bottled gas;
- 2) Animal husbandry services veterinary services for large and small animals, and horseshoeing;
- 3) Farm machinery equipment and supplies, sale and repair;
- 4) Farm produce sales and supply (feed, hay, grain and grain products, fertilizer);
- 5) Farm products packaging and processing;
- 6) Feed storage, farm products warehousing and storage (except stockyards); and
- 7) Waste management facilities and fertilizer operations in accordance with applicable local, State and Federal regulations.

Animal Confinement Facility. Where used, the term “animal confinement facility” includes animal barns, corrals, or pens.

Commercial Kennels and Catteries. The keeping of more than 5 dogs or 5 cats over the age of 4 months for breeding, boarding, training or sale on a lot minimum 2.5 acres in area.

Cow and Goat Dairies. Any premises where milk is produced for wholesale distribution and where 10 or more cows or goats are in lactation.

Crop Production. A primary use of the land which includes cultivation of open field or greenhouse crops, fruits, vegetables, grain, fibers, flowers, ornamental and nursery plant materials for wholesale or retail sales and ultimate consumption by others.

Expanded Use. An expanded use consists of a building expansion or new construction in excess of 5,000 square feet.

Trade of Livestock. Sale of livestock to general public (e.g. animal auctions).

(d) Uses Generally. No building, structure, or land shall be used, and no building or structure shall be hereafter erected, structurally altered, or enlarged, except for the purposes set out in this Paragraph C.1 (AG (Agricultural) Overlay District) of this Section.

(e) Permitted Land Uses. In addition to the land uses permitted in the AG Overlay District pursuant to Table 5.02-1 (Land Use Matrix) of this Development Code, the following land uses are permitted by right of being within the correct zoning district:

- (1) Row, field, tree, and crop production;
- (2) Plant nurseries (retail and wholesale);
- (3) Single dwelling unit on a lot not less than 10 acres in area; a specific plan is required for any subdivision or master planned development; and
- (4) Animal keeping activities, excepting household pets, shall comply with the following:
 - (a)** Animal keeping must be on a legally recognized lot no less than 2 acres in area. Lot area used to qualify one animal type shall not be reused to qualify another animal type;
 - (b)** Proper management of animal waste shall be carried out in accordance with all requirements of the State Regional Water Quality Control Board or regulating agency;
 - (c)** Small animal keeping. Aviary or similar small animal ranches or farms (excluding chicken and hog ranches) shall be permitted on lots that are at least one-half acre in area. Fish raising shall be limited to one pond per acre, with a maximum of 4 ponds per parcel. Each pond shall not exceed one-half acre in area; and
 - (d)** Refer to Table 6.01-11 (Animal Types and Densities), below, for animal density requirements and Section 5.03.410 (Urban Agriculture) of this Development Code, for animal separation/setback requirements.

Table 6.01-11: Animal Types and Densities

<i>Animal Type</i>	<i>Maximum Animal Density</i>	<i>Additional Regulations</i>
A. Dairy Cow	As permitted by Approving Authority	Note 1
B. Non-dairy Cattle/Buffalo	1/6,000 SF of lot area	
C. Horses	1/6,000 SF of lot area	
D. Swine (5 maximum)	1/12,000 SF of lot area	
E. Sheep, female goats and similar livestock	1/3,000 SF of lot area	
F. Male adult goats		
1. Parcel < 10 acres	One maximum	
2. 10 acres and above	1/5 acres of lot area (not to exceed 4 maximum)	
G. Rabbits and chinchillas (200 maximum)	50/10,000 SF of lot area	
H. Ostriches	1/6,000 SF of lot area	
I. Emus and rheas	1/6,000 SF of lot area	
J. Poultry		
1. Female		
a. Parcel < 10 acres	25 maximum	
b. 10 acres and above	25/ 10 acres of lot area (50 maximum)	
2. Male (9 maximum)		
a. Parcel < 10 acres	2 species/parcel	
b. 10 acres and above	2 species/5 acres	

Notes:

- New or expansions to existing dairy or other animal confinement facilities shall be considered on a case-by-case basis, subject to the approval of a Conditional Use Permit pursuant to Section 4.02.015 (Conditional Use Permits) of this Development Code. Animal density shall be as determined by the appropriate approving authority (i.e. Regional Water Quality Control Board) which may impose special operational conditions, requirements or standards deemed necessary to insure the public health, safety and general welfare. Animal density shall be based on measures to prevent the unacceptable nitrification or salt pollution of soils, and the pollution of groundwater by nitrates and salts emanating from the facility, as defined by the Regional Water Quality Control Board.*

(f) Conditionally Permitted Uses. The following uses shall be permitted subject to the approval of a Conditional Use Permit pursuant to the requirements of Section 4.02.015 (Conditional Use Permits) of this Development Code.

(1) Agricultural Support Services;

(2) Animal raising of densities greater than or the raising of animal types different than those specified by this Paragraph C.1 (AG (Agricultural) Overlay District), subject to review by the appropriate Approving Authority (such as Regional Water Quality Control Board); and fish raising using ponds or lakes that are of greater surface area or number than those specified by this Paragraph C.1 (AG (Agricultural) Overlay District).

- (3) Animal hospitals and veterinary clinics;
- (4) Antennas and wireless telecommunications facilities;
- (5) Apiaries;
- (6) Calf growing ranches (lots shall be 5 or more acres in area);
- (7) Places of worship within an existing building, and expansions to existing facilities (establishment of new places of worship in new structures shall only be permitted as part of a specific plan);
- (8) Dairies, including expansions to existing dairies;
- (9) Educational facilities and institutions;
- (10) Fertilizer operations;
- (11) Kennels (requires a 2.5-acre minimum lot size);
- (12) Mushroom farms (the use of manure as a planting/growing medium is prohibited);
- (13) Rodeos;
- (14) Trade of livestock; and
- (15) Waste management facilities.

(g) Time Limit. Conditionally permitted uses may be subject to a 5-year time limit through an agreement with the applicant, in order to assess potential impacts from the conditional use upon surrounding land uses. Under such time limit, a time extension application may be filed at least 6 months prior to the end of the 5-year period. Approval of a time extension request shall be based on the continued compatibility of the project with surrounding land uses.

(h) Temporary Uses. The following temporary uses are permitted, subject to the requirements of Section 5.03.395 (Temporary and Interim Land Uses, Buildings and Structures) of this Development Code:

- (1) Christmas tree and Halloween pumpkin sales, or other similar seasonal sales authorized by the City, not to exceed a period of 30 days, each;
- (2) Temporary produce stands in conjunction with an Urban Farm established pursuant to Section 5.03.410.F (Urban Farms) of this Development Code; and

(3) Temporary Wireless Telecommunications Facilities.

(i) *Accessory Uses.* The following accessory uses and structures are permitted when customarily associated with, and subordinate to, a permitted use on the same lot:

(1) Barns, stables, storage tanks, and other farm buildings;

(2) Accessory dwelling unit or guesthouse, not to exceed one per lot, pursuant to the requirements of Section 5.03.030 (Accessory Residential Structures) of this Development Code. Any guesthouse or accessory dwelling unit shall meet the setbacks of the main structure as listed in Table 6.01-12 (AG (Agricultural) Overlay District Development Standards);

(3) Accessory building(s) not usable as a guesthouse or accessory dwelling unit. There shall be no maximum size for accessory structures in the AG Overlay District. Accessory Structures in the AG Overlay District in excess of 650 SF shall not require the approval of a Conditional Use Permit;

(4) Office unit in conjunction with row, field, tree, plant nursery, or crop production operation, not to exceed 1,500 SF in area (maximum one building per lot). An office unit shall meet the setbacks of the main structure as listed in Table 6.01-12 (AG (Agricultural) Overlay District Development Standards);

(5) Caretaker's unit, not to exceed 650 SF in area (maximum one building per lot). Any caretaker's unit shall meet the setbacks of the main structure as listed in Table 6.01-12 (AG (Agricultural) Overlay District Development Standards);

(6) Garages and carports;

(7) Fences and walls;

(8) Patio covers;

(9) Swimming pools;

(10) Stands for the sale of agricultural products grown or produced on the same premises (excluding milk and meat products), subject to the following conditions:

(a) Stand shall be permitted only on lots containing a minimum of 10,000 SF;

(b) The floor area of the stand shall not exceed 100 SF;

(c) The stand shall not have a permanent foundation;

(d) The owner(s) shall remove such stand at their expense when the use has terminated;

(e) Stands shall be located a minimum of twenty (20) feet from the right-of-way line of any street or highway;

(f) Adequate provision for traffic circulation, off-street parking, and pedestrian safety shall be provided to the satisfaction of the Planning Director; and

(11) Accessory uses and structures which the Planning Director finds to be consistent with the purposes of this Paragraph C.1 (AG (Agricultural) Overlay District).

(j) *Prohibited Uses.* Notwithstanding Subparagraphs d through f of this Paragraph C.1 (AG (Agricultural) Overlay District), the following uses shall be specifically prohibited:

- (1) Animal slaughter operations;
- (2) Commercial poultry ranches;
- (3) Commercial hog ranches; and

(k) *Uses Not Specifically Listed.* The Zoning Administrator may make a land use determination pursuant to Section 1.02.010 (Interpretations and Land Use Determinations) of this Development Code, for those uses not specifically listed herein as permitted or conditionally permitted uses, based on the similarity of the subject use to one of the categories listed in Subparagraphs d through f of this Paragraph C.1 (AG (Agricultural) Overlay District), and the herein stated purpose of the AG Overlay District.

(l) *Nonconforming Uses and Structures.* Nonconforming uses and structures within the AG Overlay District shall be governed by Division 3.01 (Nonconforming Lots, Land Uses, and Structures) of this Development Code, except as follows:

(1) **Abandonment.** Whenever a nonconforming use or structure has been abandoned, the nonconforming use or structure shall not be reestablished, and the use of the structure and the site thereafter shall be in conformity with the regulations of the AG Overlay District. For the purposes of this Paragraph C.1 (AG (Agricultural) Overlay District), discontinuance of the nonconforming use for a continuous period of 180 days shall be conclusive evidence of abandonment of such nonconforming use regardless of the landowner's intent.

(2) **Special Hardship Circumstances.** The Zoning Administrator may extend the 180-day period for up to an additional 180 days. To receive such consideration, the property owner shall request an extension, in writing, prior to the

expiration of the initial 180-day period, including a full explanation of the reason why the extension should be granted.

(m) *Animal Keeping/Separation Standards.* The following site development standards shall apply to the keeping of animals, except household pets:

(1) Animals shall be restrained a distance of at least 40 FT, measured in a straight line, from any habitable structure or structure used for public assembly located on adjoining property. For dairies, refer to Subparagraph n of this Paragraph C.1 (AG (Agricultural) Overlay District), for separation requirements;

(2) Animals shall be restrained a distance of at least 5 FT from interior side and rear property lines, and 15 feet from street side property lines;

(3) Animals shall be secured by a fence or wall at least 5 FT in height, made of chain link, wood with horizontal members no less than 6 inches apart, solid masonry or other appropriate solid confining material. Property line walls and fences may be used to secure animals, provided the appropriate restraint distances are maintained;

(4) Animals shall be kept a minimum of 100 FT from any domestic water well;

(5) For new dairies/feed lots, a separation of 500 FT shall be required between an animal feed trough, corral/pen from new development and/or from property with a residential or nonresidential tract map recorded after January 1, 2000, as measured from the building setback line; and

(6) A reduction in animal separation requirements may also be considered for facilities with proven means of reducing odors, such as covering lagoons, substituting concrete-lined pits for lagoons, and employing recommended ventilation systems for animal confinement buildings. Consideration of alternative setbacks shall be subject to consultation with qualified agricultural engineers to ensure that the measure will reliably accomplish the intended purpose.

(n) *Separation Requirements for New Development.* The following separation requirements from existing dairies/feed lots shall apply to new residential, commercial, and/or industrial development or structures used for public assembly purposes from existing dairies/feed lots:

(1) A minimum 100-FT separation shall be required between a new residential, commercial or industrial development or structure used for public assembly and an existing animal feed trough, corral/pen or an existing dairy/feed lot including manure stockpiles and related wastewater detention basins. The 100-FT separation requirement may be satisfied by an off-site easement acceptable to the Planning Director with adjacent properties, submitted with the initial final map and recorded prior to or concurrent with the final map; and

(2) Separation requirements between dairies within a proposed specific plan area and new development will be addressed through the specific plan

review procedure which may include buffers, expanded parkways, open space, and other approved measures to mitigate potential impacts.

(o) *Permanent Structures.* A Development Plan is required pursuant to Section 4.02.025 (Development Plans) of this Development Code, for all new, altered, or expanded structures/uses, including all new structures in excess of 5,000 SF in area.

(p) *Development Standards and Guidelines.*

(1) The development of buildings to accommodate agricultural uses or agricultural-related activities, and single-family homes and buildings ancillary thereto, on lots 10 acres or more in area, shall be designed and constructed pursuant to the standards contained in Table 6.01-12 (AG (Agricultural) Overlay District Development Standards), below.

Table 6.01-12: AG (Agricultural) Overlay District Development Standards

<i>Requirements</i>	<i>Standards</i>	<i>Additional Regulations</i>
A. SITE DEVELOPMENT STANDARDS		
1. Minimum Lot Size	10 acres	Note 1
2. Maximum Lot Coverage		
3. Allowed Density Range	One dwelling per 10 acres	
4. Minimum Lot Dimensions		
a. Ratio (lot width to lot depth)	1:4	
b. Lot Width	300 FT	Note 1
c. Lot Depth	300 FT	Note 1
5. Equestrian Trails Required	No	
6. Walls, Fences, and Obstructions	Refer to Section 6.02.020 (Design Standards for Residential Zoning Districts) of this Development Code	
7. Off Street Parking	Refer to Division 6.03 (Off-Street Parking and Loading) of this Development Code.	
8. Landscaping	Refer to Division 6.05 (Landscaping) of this Development Code.	
9. Property Appearance and Maintenance	Refer to Division 6.10 (Property Appearance and Maintenance) of this Development Code.	
10. Historic Preservation	Certain portions of residential zoning districts are identified as historic or potentially historic, and are listed on the City's Historic Resources Eligibility List. Development regulations set forth in Division 7.01 (Historic Preservation), and application processing and permitting regulations set forth in Division 4.02 (Discretionary Permits and Actions) and of this Development Code, shall apply in these instances.	
11. Signs	Refer to Subparagraph q (Sign Standards) of this Paragraph C.1 (AG (Agricultural) Overlay District) and Division 8.1 (Sign Regulations) of this Development Code.	
12. Security Standards	Refer to Ontario Municipal Code Title 4, Chapter 11 (Security Standards for Buildings).	
13. Noise	Habitable structures shall be designed and constructed to mitigate noise levels from exterior sources. Refer to OMC, Tile 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).	

Table 6.01-12: AG (Agricultural) Overlay District Development Standards

<i>Requirements</i>	<i>Standards</i>	<i>Additional Regulations</i>
14. Airport Safety Zones	Properties within the Airport Influence Area (AIA) established by the Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the requirements and standards of the ALUCP.	
B. BUILDING DEVELOPMENT STANDARDS		
1. Minimum Building Setbacks		
a. From Front Property Line	25 FT	
b. From Street Side Property Line	25 FT	
c. From Interior Side Property Line	15 FT	
d. From Rear Property Line	15 FT	
2. Minimum Building Separations	6 FT	
3. Maximum Building Height	35 FT	Note 2

Notes:

1. An existing lot of record that is substandard as to minimum "lot" area and/or dimension(s) shall be granted all development rights of the zoning district in which it is located (refer to Subsection 3.01.010.B of this Development Code).
2. The maximum building height and FAR may be restricted pursuant to the Ontario International Airport Land Use Compatibility Plan (ALUCP). Refer to the ALUCP for properties affected by airport safety zones.

(2) Development within the AG Overlay District shall be consistent with the Residential Design Guidelines established by resolution of the City Council, which are intended as a reference to assist the designer in understanding the City's goals and objectives for residential development. Such guidelines shall be enforceable in the same manner and to the same extent as any other applicable requirement of this Development Code.

(q) Sign Standards. Notwithstanding the sign regulations contained in Division 8.1 (Sign Regulations) of this Development Code, signs installed within the AG Overlay District shall comply with the following:

(1) **Freestanding Signs.** One unlighted single or double faced sign shall be permitted, not to exceed 6 FT in height and 12 SF in area, for each 60 FT of street frontage, and shall be placed behind the street property line.

(2) **Wall Mounted Signs.** One wall-mounted sign shall be permitted on each building elevation facing a street, not to exceed one SF of sign area for each lineal foot of building elevation length, not to exceed 50 SF."

b. Revise Division 6.01 (District Standards and Guidelines) to amend Paragraph C.2 (EA (Euclid Avenue) Overlay District) of Section 6.01.035 (Overlay Zoning Districts), deleting subparagraph c(2) (Medical Offices and Clinics).

c. Revise Division 6.02 (Walls, Fences and Obstructions), adding Section 6.02.035 to read as follows:

“6.02.035: Temporary Security or Construction Fencing

A. Purpose. Temporary security or construction fences are typically used to secure vacant property from theft, vandalism and/or trespass; or to secure a construction site from the theft or vandalism of construction equipment and/or materials, protect work in progress, and to protect the public from injury while construction is underway. The herein stated regulations are intended to establish procedures and standards regarding the use of temporary security and construction fencing on sites with construction activity, on undisturbed land, around vacant buildings, on vacant sites, and for special events.

B. Applicability. Temporary security or construction fencing may be installed as follows:

1. Temporary construction fencing may be installed in conjunction with: **[i]** a building permit for the construction of a vacant property, **[ii]** the vacant portion of a partially developed property, or **[iii]** exterior improvements to an existing occupied or unoccupied building.

2. Temporary security fencing may be installed in conjunction with: **[i]** a vacant/unimproved property, **[ii]** a vacant building, or **[iii]** the vacant/unimproved portion of a partially developed property.

C. Temporary Security or Construction Fencing Design Requirements.

1. Temporary security or construction fencing shall not include barbed wire, razor wire, or any other material or application considered by the Planning Director to be unsafe.

2. Temporary security or construction fencing shall be built and maintained in good order, in full compliance with applicable Building Code and Development Code provisions.

3. The maximum height of temporary security or construction fencing shall be 6 FT within residential zoning districts, and 8 FT within nonresidential zoning districts, measured on the exterior side of the fence, from the top of the fence to the lowest adjacent finished grade.

4. All temporary security or construction fencing shall include a green fabric mesh screen or other view-obstructing material approved by the Planning Director, which shall be maintained in a neat and undamaged condition, and shall include emergency identification and proper safety identification.

5. Fence openings for pedestrian access shall be provided, which consists of a lockable gate that swings into the property.

6. Fence openings for vehicular access shall be provided with a lockable rolling gate. The opening shall be no wider than the adjacent driveway approach.

7. Fencing shall not be installed in a manner that prohibits the safe and continued operation of a building pursuant to the Building Code. Required exits, existing structural elements, fire protection devices, and sanitary safeguards shall be maintained at all times, pursuant to Building Code requirements.

8. Existing streets, public transportation stops, fire hydrants, and/or public sidewalks shall not be enclosed by temporary security or construction fencing, unless the Building Official determines that the facilities are required to be fenced to protect the public health, safety, or welfare, and an encroachment permit has been obtained from the City.

9. The installation of temporary security or construction fencing shall not result in a diversion of water onto a separately owned parcel, tract, right-of-way, right-of-way easement, roadway easement, and/or private street.”

d. Revise Division 6.03 (Off-Street Parking and Loading) to amend Subsection C (Violations) of Section 6.03.065 (Prohibition of Parking on Landscaped or Unpaved Areas of a Lot), to read as follows:

“Any person or entity violating and provision, or failing to comply with any regulation, of this Section, shall be subject to fines and civil penalties set forth and amended by resolution of the City Council.”

SECTION 6. *Development Code Amendment - Chapter 7.0 (Historic Preservation).* Chapter 7.0 (Historic Preservation) of the Ontario Development Code is hereby amended, revising Division 7.01 (Historic Preservation) to amend Paragraph D.2 of Section 7.01.060 (Enforcement Penalties) to read as follows:

“2. In the case of demolition (including partial demolition), the civil penalty to be assessed shall be equal to one-half the assessed value of the historic resource prior to the demolition. The assessed valuation prior to demolition shall be determined using the most recently published International Code Council (ICC) Building Valuation Data. In the case of alteration, the civil penalty shall be equal to one-half the cost of restoration of the altered portion of the historic resource. The cost of restoration shall be determined by the Building Official.”

SECTION 7. *Development Code Amendment - Chapter 9.0 (Definitions and Glossary).* Chapter 9.0 (Definitions and Glossary) of the Ontario Development Code is hereby amended, revising Division 9.01 (Definitions) to amend Subsection R of Section 9.01.010 (Terms and Phrases), adding the following definitions in correct alphanumeric order:

“**Restaurant.** A business establishment that prepares and serves food and drinks to customers in exchange for money. The classifications of restaurant are described as follows:

1) Full-Service Restaurant. A sit down eatery where food is served directly to the customers' table. These establishments may sell alcoholic beverages. Food and drink may be consumed on the premises, taken out, or delivered to customers' locations.

2) Limited Service Restaurants. An establishment whose patrons generally order or select items and pay prior to eating. Food and drink may be consumed on the premises, taken out, or delivered to customers' locations.

3) Cafeterias. A restaurant or dining room in a school or a business in which customers serve themselves or are served from a counter and pay before eating.”

SECTION 8. *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 administrative record have been completed in compliance with CEQA the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines; and

b. The proposed Development Code Amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) and the guidelines promulgated thereunder, pursuant to Section 15061(b)(3) of the CEQA Guidelines, in that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and

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

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

SECTION 9. *Housing Element Consistency.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making body for the Project, the City Council finds that based upon the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the Project will be consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project does not specifically affect the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.

SECTION 10 *Airport Land Use Compatibility Plan (ALUCP) Consistency.* As the decision-making body for the Project, the City Council has reviewed and considered the facts and information contained in the Application and supporting documentation, and finds that, at the time of Project implementation, the Project will be consistent with the policies and criteria set forth within the ALUCP for Ontario International Airport.

SECTION 11. *Concluding Facts and Reasons.* Based upon the substantial evidence presented to the City Council during the above-referenced hearing and upon the specific findings set forth in Section 1 through 9 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 would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

SECTION 12. *City Council Action.* Based upon the findings and conclusions set forth in Sections 1 through 10 above, the City Council hereby APPROVES the subject Development Code Amendment, File No. PDCA17-001.

SECTION 13. *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 14. *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 15. *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 16. *Effective Date.* This Ordinance shall become effective 30 days following its adoption.

SECTION 17. *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 6th day of June 2017.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3074 was duly introduced at a regular meeting of the City Council of the City of Ontario held May 16, 2017 and adopted at the regular meeting held June 6, 2017 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. 3074 duly passed and adopted by the Ontario City Council at their regular meeting held June 6, 2017 and that Summaries of the Ordinance were published on May 23, 2017 and June 13, 2017, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A — Proposed Amendment to Table 5.02-1 (Land Use Matrix)

Portion of Table 5.02-1: Land Use Matrix

2012 NAICS Code	Land Uses, Activities, and Facilities	Residential Zoning Districts				Commercial Zoning Districts							Mixed-Use Zoning Districts			Industrial Zoning Districts					Specialized Use & Overlay Zoning Districts							Additional Regulations
		AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	MU-1	MU-2	MU-11	BP	IP	IL	IG	IH	AG	CIV	MHP	ONT	OS-C	OS-R	RC	
6115	Technical and Trade Schools	---	---	---	---	---	---	C	C	---	---	C	C	C	C	C	C	---	---	---	C	---	C	---	---	---	---	---
6116	Other Schools and Instruction																											
611610	Fine Arts Schools (nonacademic instruction, including music, dance, performing arts, drama, photography, ceramics, painting and sculpture)																											
	• GFA less than 2,000 SF	---	---	---	---	---	P	P	P	P	---	P	P	P	P	P	---	---	---	---	---	---	P	---	---	---	---	---
	• GFA 2,000 SF or more	---	---	---	---	---	C	C	C	P	---	C	C	C	C	C	C	C	---	---	---	---	C	---	---	---	---	---
611620	Sports and Recreation Instruction (cheerleading, gymnastics, and martial arts)																											
	• GFA Less than 10,000 SF	---	---	---	---	---	P	P	P	P	---	P	P	P	P	P	---	---	---	---	---	---	P	---	---	---	---	---
	• GFA 10,000 or More SF	---	---	---	---	---	C	C	C	P	---	C	C	C	C	C	C	C	---	---	---	---	C	---	---	---	---	---
611691	Exam Preparation and Tutoring Services	---	---	---	---	---	---	P	P	---	P	P	P	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
611692	Automobile Driving School	---	---	---	---	---	---	C	C	---	---	C	C	C	C	C	---	---	---	---	---	C	---	---	---	---	---	---
611699	Other Schools of Instruction (public speaking, survival training, and speed reading)	---	---	---	---	---	---	C	C	---	---	C	C	C	C	C	---	---	---	---	---	C	---	---	---	---	---	---
811490	Boat Repair and Maintenance Services (no retailing of new boats)	---	---	---	---	---	---	C	C	---	---	---	---	C	P	P	P	---	---	---	---	P	---	---	---	---	---	---
811490	Motorcycle Repair and Maintenance Services (no retailing of new motorcycles)	---	---	---	---	---	---	C	C	---	---	---	---	C	P	P	P	---	---	---	---	P	---	---	---	---	---	---

CITY OF ONTARIO

Agenda Report
June 6, 2017

SECTION:
CONSENT CALENDAR

SUBJECT: A PLANNED UNIT DEVELOPMENT, FILE NO. PUD17-001, TO ESTABLISH DEVELOPMENT STANDARDS AND GUIDELINES TO FACILITATE THE FUTURE DEVELOPMENT OF A HIGH DENSITY RESIDENTIAL APARTMENT PROJECT AT A DENSITY OF 25.4 DWELLING UNITS PER ACRE ON 2.95 ACRES OF LAND BORDERED BY HOLT BOULEVARD ON THE NORTH, FERN AVENUE ON THE EAST, EMPORIA STREET ON THE SOUTH, AND VINE AVENUE ON THE WEST, WITHIN THE MU-I (DOWNTOWN MIXED USE) ZONING DISTRICT (APNS: 1049-051-01, 1049-051-02, 1049-051-03, 1049-052-03, 1049-052-04, 1049-052-05, 1049-052-06, 1049-052-07, 1049-052-08, 1049-052-09 AND 1049-052-10)

RECOMMENDATION: That the City Council consider and adopt an ordinance approving a Planned Unit Development, File No. PUD17-001, establishing development standards and guidelines to facilitate the development of a high density residential apartment project.

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

FISCAL IMPACT: None.

BACKGROUND: On May 16, 2017 the City Council introduced and waived further reading of an ordinance approving the Planned Unit Development. The project site is comprised of two city blocks totaling approximately three acres of land bordered by Holt Boulevard on the north, Fern Avenue on the east, Emporia Street on the south, and Vine Avenue on the west, and lies within the Center City Redevelopment Project Area. The Center City Redevelopment Project Area Plan envisions revitalization of the City's downtown area, in part, by infusing high-density residential and mixed-use developments into the downtown core. The Ontario Plan furthers this vision through establishment of the Downtown Mixed Use District, with the intention to create an intensive mixture of retail, office, and residential uses

STAFF MEMBER PRESENTING: Scott Murphy, Planning Director

Prepared by: Charles Mercier
Department: Planning

City Manager
Approval: 

Submitted to Council/O.H.A. 06/06/2017
Approved: _____
Continued to: _____
Denied: _____

20

within the City's original downtown, in a pedestrian friendly atmosphere, ensuring the historic character of the district is enhanced and concentrating the most intense/dense development along Holt Boulevard and Euclid Avenue.

The Ontario Plan specifies that the MU-1 (Downtown Mixed Use) zoning district is to be implemented through the approval of an Area Plan or Planned Unit Development (PUD) prior to any development occurring. In compliance with this requirement, Related California (Applicant) has submitted a PUD document that is consistent with this vision and the goals and policies of The Ontario Plan.

The PUD establishes standards and guidelines for the development of apartment units (75 units in total) in townhouse and stacked-flat configurations. Consistent with The Ontario Plan vision, the project is pedestrian friendly and designed with higher density, three-story buildings focused along the Holt Boulevard frontage. The project density lessens across the site to the south, with smaller two-story residential buildings proposed along the project's Emporia Street frontage. The resulting overall residential density of the project is 25.4 dwelling units per acre, which is consistent with the density range of 25 to 75 dwelling units per acre required on the project site by The Ontario Plan.

In order to create a single development site, Transit Street, which bisects the site in an east/west direction, will be vacated. However, to accommodate the existing storm drains, easements will be reserved along the vacated street. The street vacation and easement area, along with several north-south pedestrian walkways, provide pedestrian promenades through the project site connecting residential units, parking, and community spaces throughout the development.

The PUD utilizes a combination of on-site and on-street parking to provide an adequate parking supply to meet the anticipated parking demand for the project. All resident parking will be provided on site, while guest parking spaces will be provided on-street. The parking ratios proposed in the PUD are the same as those used for the Town Center Apartments, located south of City Hall, between Lemon and Plum Avenues.

The PUD establishes an architectural theme consisting of a modern interpretation of the Craftsman style, exemplified through the use of exposed beams, gabled roofs and overhead trellises. Significant areas of masonry and wood siding with stucco accents will also be provided to help enhance the architectural theme. Buildings along Emporia Avenue will be designed in a cottage-architectural style.

The PUD contains properties that are currently or were once notably historic, including the Casa Blanca Hotel and an area known as "Developer's Row," which consisted of several homes constructed along Emporia Avenue by prominent city pioneers that have since been razed or relocated. In 2007, a Certificate of Appropriateness Deferral was approved for the demolition of buildings located at 205 and 205 ½ South Vine Avenue. A Certificate of Appropriateness must be approved by the Historic Preservation Commission in conjunction with the Planning Commission approval of a Development Plan on properties within the PUD area. This will ensure a compatible project that will not adversely affect the historic site or adjacent historic properties.

On April 25, 2017, the Planning Commission conducted a public hearing to consider the above-described PUD and concluded the hearing on that date. Upon conclusion of the public hearing, the Planning Commission voted unanimously (6-0) to approve resolutions recommending that the City Council adopt an Addendum to The Ontario Plan Environmental Impact Report and approve the PUD document.

HOUSING ELEMENT COMPLIANCE: The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site contains three properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the number of dwelling units (75 low income dwelling units proposed, and 46 low income dwelling units required) and density (25.4 DU/Acre proposed, and a minimum of 25.1 DU/Acre required) specified in the Available Land Inventory.

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

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PUD17-001, A PLANNED UNIT DEVELOPMENT (ATTACHMENT 1) TO ESTABLISH DEVELOPMENT STANDARDS AND GUIDELINES TO FACILITATE THE FUTURE DEVELOPMENT OF A HIGH DENSITY RESIDENTIAL APARTMENT PROJECT AT A DENSITY OF 25.4 DWELLING UNITS PER ACRE ON 2.95 ACRES OF LAND BORDERED BY HOLT BOULEVARD ON THE NORTH, FERN AVENUE ON THE EAST, EMPORIA STREET ON THE SOUTH, AND VINE AVENUE ON THE WEST, WITHIN THE MU-1 (DOWNTOWN MIXED USE) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF — APNS: 1049-051-01, 1049-051-02, 1049-051-03, 1049-052-03, 1049-052-04, 1049-052-05, 1049-052-06, 1049-052-07, 1049-052-08, 1049-052-09 AND 1049-052-10.

WHEREAS, Related California ("Applicant") has filed an Application for the approval of a Planned Unit Development, File No. PUD17-001, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 2.95 acres of land bordered by Holt Boulevard on the north, Fern Avenue on the east, Emporia Street on the south, and Vine Avenue on the west, within the MU-1 (Mixed Use Downtown) zoning district, and is presently improved with a vacant commercial building and a dog park, and includes vacant properties; and

WHEREAS, land uses surrounding the project site are characterized by a mixture of legal nonconforming residential uses and conforming residential and commercial uses across Vine Street to the west, which are zoned MU-1 (Downtown Mixed Use). Nonconforming single-family residential and light industrial uses and vacant property are located across Emporia Street to the south and are zoned MU-1 (Downtown Mixed Use). A mix of vacant commercial buildings, office uses, and vacant property are located across Fern Avenue to the east and are zoned MU-1 (Downtown Mixed Use). Religious assembly and commercial uses are located across Holt Boulevard to the north and are zoned MU-1 (Downtown Mixed Use); and

WHEREAS, the project site is located within the Center City Redevelopment Project Area, established in 1983. The Center City Redevelopment Project Area Plan encourages the development of a high intensity, multi-use central business district. In addition, The Ontario Plan ("TOP") contains goals and policies for the City's original downtown and the Downtown Mixed Use District which further support the goals of the Center City Redevelopment Project Area Plan; and

WHEREAS, the Center City Redevelopment Project Area Plan envisions revitalization of the City's downtown area, in part, by infusing high-density residential and mixed-use developments into the downtown core. TOP was established to further this vision and is intended to create an intensive mixture of retail, office, and residential uses

in a pedestrian friendly atmosphere, ensure the historic character of the district is enhanced, and concentrate the most intense/dense development along Euclid Avenue and Holt Boulevard. Furthermore, TOP specifies a residential density range of 25 to 75 units per acre and a maximum floor area ratio of 2.0 for commercial office and retail developments within the Downtown Mixed Use District; and

WHEREAS, TOP specifies that the Downtown Mixed Use District is to be implemented through the approval of an Area Plan or Planned Unit Development (PUD) prior to the development of properties within the District. In compliance with this requirement, the Applicant has submitted a PUD document that is consistent with this vision and the goals and policies of TOP; and

WHEREAS, the specific purpose of the PUD is to secure a fuller realization of TOP Policy Plan than would result from the strict application of present zoning district regulations and to promote high standards in urban design; encourage the development of exceptionally high quality, mixed-use, high intensity projects, while establishing regulations and standards for uses with unique regulatory and design needs; and, ensure harmonious relationships with surrounding land uses; and

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

WHEREAS, 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, on April 25, 2017, the Planning Commission conducted a public hearing and approved Resolution No. PC17-019 recommending the City Council approve a Resolution adopting an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140), adopted by City Council on January 27, 2010, in conjunction with File No. PGPA06-001. The Addendum finds that the proposed project introduces no new significant environmental impacts, and all previously adopted mitigation measures are incorporated into the Project by reference; and

WHEREAS, on April 25, 2017, the Planning Commission conducted a public hearing and approved Resolution No. PC17-020 recommending the City Council approve an Ordinance approving the Project; and

WHEREAS, on May 16, 2017, 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 approving 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 environmental impacts of this project were reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report, certified by the Ontario City Council on January 27, 2010, in conjunction with File No. PGPA06-001.

b. The Addendum and administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

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

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

e. The Addendum contains a complete and accurate reporting of the environmental impacts associated with the Project, and reflects the independent judgment of the City Council; and

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

SECTION 2. *Additional Environmental Review Not Required.* Based on the Addendum, all related information presented to the City Council, and the specific findings set forth in Section 1, above, the City Council finds that the preparation of a subsequent or supplemental Environmental Impact Report is not required for the Project, as the Project:

a. Does not constitute substantial changes to the Environmental Impact Report that will require major revisions to the Environmental Impact Report due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

b. Does not constitute substantial changes with respect to the circumstances under which the Environmental Impact Report was prepared, that will require major revisions to the Environmental Impact Report due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and.

c. Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Environmental Impact Report was certified/adopted, that shows any of the following:

1. The project will have one or more significant effects not discussed in the Environmental Impact Report; or

2. Significant effects previously examined will be substantially more severe than shown in the Environmental Impact Report; or

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

4. Mitigation measures or alternatives considerably different from those analyzed in the Environmental Impact Report would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

SECTION 3. *Housing Element Consistency.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the recommending body for the Project, the City Council finds that based upon the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site contains three properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix and the proposed project is consistent with the number of dwelling units (75 low income dwelling units proposed, and 46 low income dwelling units required) and density (25.4 DU/Acre proposed, and a minimum of 25.1 DU/Acre required) specified in the Available Land Inventory.

SECTION 4. *Airport Land Use Compatibility Plan (ALUCP) Consistency.* As the approving body for the Project, the City Council has reviewed and considered the facts and information contained in the Application and supporting documentation, and finds that, at the time of Project implementation, the Project will be consistent with the policies and criteria set forth within the ALUCP for Ontario International Airport.

SECTION 5. *Concluding Facts and Reasons.* Based upon the substantial evidence presented to the City Council during the above-referenced hearing, and upon the specific findings set forth in Section 1 through 4 above, the City Council hereby concludes as follows:

a. The proposed Planned Unit Development (PUD) is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan. The proposed PUD is consistent with the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, in that the PUD contributes toward the legislative framework for the implementation of The Ontario Plan components, guiding growth and development within the project area to achieve optimum results from the City's physical, economic, environmental, and human resources.

b. The proposed PUD would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City. The development standards and guidelines established by the proposed PUD have been created with the intent to safeguard and further the public interest, health, safety, convenience, and/or general welfare, and to ensure that the purposes of The Ontario Plan and the Development Code, are maintained.

c. The proposed PUD will not adversely affect the harmonious relationship with adjacent properties and land uses. The proposed location of the PUD, and the proposed conditions under which it will be constructed and maintained, is consistent with the Policy Plan component of The Ontario Plan and the City's Development Plan, and, therefore, will not adversely affect the harmonious relationship with adjacent properties and land uses.

d. The subject site is physically suitable, including, but not limited to, parcel size, shape, access, and availability of utilities, for the request and anticipated development. The proposed PUD includes has been reviewed by all City departments, which have established that the PUD is consistent with City requirements for the development of high density residential development projects; therefore, the project site is physically suitable for the anticipated development in terms of parcel size, shape, access, and availability of utilities.

e. The proposed PUD is superior to that which could be obtained through the application of the Development Code or a specific plan. The specific purpose of the PUD is to secure a fuller realization of TOP Policy Plan than would result from the strict application of present zoning district regulations and to promote high standards in urban design; encourage the development of exceptionally high quality projects, while establishing regulations and standards for uses with unique regulatory and design needs; and, ensure harmonious relationships with surrounding land uses. The proposed PUD has been established consistent with these purposes; therefore, providing a project that is superior to that which could be obtained through the standard application of the City's Development Code.

SECTION 6. *City Council Action.* Based upon the findings and conclusions set forth in Sections 1 through 5, above, the City Council hereby APPROVES the Emporia Family Housing Planned Unit Development, as described herein and included as Exhibit A of this Ordinance.

SECTION 7. *Indemnification.* The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

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

SECTION 9. *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 10. *Effective Date.* This Ordinance shall become effective 30 days following its adoption.

SECTION 11. *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 6th day of June 2017.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3075 was duly introduced at a regular meeting of the City Council of the City of Ontario held May 16, 2017 and adopted at the regular meeting held June 6, 2017 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. 3075 duly passed and adopted by the Ontario City Council at their regular meeting held June 6, 2017 and that Summaries of the Ordinance were published on May 23, 2017 and June 13, 2017, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A:

THE EMPORIA FAMILY HOUSING
PLANNED UNIT DEVELOPMENT

(Attachment A follows this page)

EXHIBIT A
PRESENTED AS SEPARATE
DOCUMENT

CITY OF ONTARIO

Agenda Report

June 6, 2017

SECTION:
CONSENT CALENDAR

SUBJECT: CONSTRUCTION CONTRACT FOR THE POLICE HEADQUARTERS RENOVATION PROJECT

RECOMMENDATION: That the City Council award a construction contract to Hal Hays Construction, Inc. of Riverside, California, for the Police Headquarters Renovation Project in the amount of \$2,161,900 plus a 15% contingency (\$324,285) for a total amount of \$2,486,185; authorize the City Manager to execute said contract (on file with the Records Management Department), authorize appropriations of funds from Communication/Computer Dispatch Reserve Account, and authorize the filing of the notice of completion at the conclusion of all construction activities related to the project.

COUNCIL GOALS: Operate in a Businesslike Manner

Maintain the Current High Level of Public Safety

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

FISCAL IMPACT: The revised cost for the Police Headquarters Renovation Project is \$4,168,135. Staff has received grant funding totaling \$1,228,977 through the Supplemental Law Enforcement Service Account Grant, as well as \$300,000 from the Police Asset Forfeiture Account. The Fiscal Year 2016-2017 Capital Improvement Program Budget currently includes \$1,879,973 of appropriations for the construction of the Police Headquarters Renovation Project. Staff recommends additional appropriation of \$759,185 from the Communication/Computer Dispatch Reserve Account to cover the remaining Project costs and contingencies.

BACKGROUND: The proposed project involves significant renovations to approximately 11,000 square feet of the interior of the existing Police Headquarters Facility located at 2500 S. Archibald Avenue. The Project objectives include, relocation of the current Dispatch Center from a second floor location to a main floor location, co-located with the Watch Commander, remodeling of the Watch Commander and Patrol Briefing areas to accommodate the relocation of the Dispatch Center. Additionally, the Sergeants Offices, IT server room, and ancillary staff spaces including, break areas, rest quarters, restrooms, ready-rooms, equipment storage space and general office or open-space operating areas will be relocated or remodeled.

STAFF MEMBER PRESENTING: Brad Kaylor, Chief of Police

Prepared by: Christine Booker
Department: Police Department

City Manager
Approval: 

Submitted to Council/O.H.A. 06/06/2017
Approved: _____
Continued to: _____
Denied: _____

21

When complete, this renovation will provide a state-of-the-art communications center with the most advanced 911 technology available.

On January 30, 2017, three bids were received for the Police Headquarters Renovation Project. Based on the bid results the staff revised the project scope and rebid the job. On May 22, 2017, four bids were received. They are summarized below.

Vendor	Base Bid Amount	Alternate Bid Amount	TOTAL
R.C. Construction	\$2,017,000	\$254,500	\$2,271,500
Hal Hays	\$2,161,900	\$282,080	\$2,443,980
Braughton	\$2,194,470	\$213,400	\$2,407,870
Dalke and Sons	\$2,433,293	\$299,245	\$2,732,538

Hal Hays submitted the lowest responsive base bid and has performed similar tenant improvement work in the past that matches the project scope size. R.C. Construction was deemed non-responsive in their bid review.

It is estimated construction will commence in June 2017 and will be complete in September 2017.

CITY OF ONTARIO

Agenda Report
June 6, 2017

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION APPROVING AN APPLICATION FOR THE USED OIL PAYMENT PROGRAM CYCLE 8 (FISCAL YEAR 2017-18) FROM THE STATE OF CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

RECOMMENDATION: That the City Council adopt a resolution approving a grant application for an estimated \$46,000 from the Used Oil Payment Program Cycle 8 (Fiscal Year 2017-18) through the State of California Department of Resources Recycling and Recovery (CalRecycle); and authorize the City Manager or his designee to execute all necessary documents to participate in the program.

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

FISCAL IMPACT: The City is eligible to receive approximately \$46,000 in per capita funding through the Used Oil Payment Program to fund qualifying expenses made between July 1, 2017 and June 30, 2019. There are no additional costs and no matching funds required for the City to participate in this grant program. If approved, the additional appropriations and corresponding revenue will be included in the next budget update. There is no impact to the General Fund.

BACKGROUND: The California Oil Recycling Enhancement Act provides annual payments to local governments for the implementation of used oil and filter collection programs. The costs covered by this program include publicity, educational materials, and collection facility operations that support used oil and filter recycling, including some of the costs associated with the City's Household Hazardous Waste Collection Facility located at 1430 South Cucamonga Avenue. The program is intended to assist the City in achieving the goals set by the State of California to reduce the amount of waste sent to the landfills by 50%. Used oil recycling and household hazardous waste collection are integral programs for attaining this goal.

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

Prepared by: Thomas Coates
Department: MU/Solid Waste

City Manager
Approval: 

Submitted to Council/O.H.A. 06/06/2017

Approved: _____

Continued to: _____

Denied: _____

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE SUBMITTAL OF AN ANNUAL APPLICATION TO PARTICIPATE IN THE USED OIL PAYMENT PROGRAM CYCLE 8 (FISCAL YEAR 2017-18) FROM THE STATE OF CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE).

WHEREAS, pursuant to Public Resources Code §48690 the Department of Resources Recycling and Recovery (CalRecycle) has established the Used Oil Payment Program to make payments to qualifying jurisdictions for implementation of their used oil programs; and

WHEREAS, in furtherance of this authority CalRecycle is required to establish procedures governing the administration of the Used Oil Payment Program; and

WHEREAS, CalRecycle's procedures for administering the Used Oil Payment Program require, among other things, an applicant's governing body to declare by resolution certain authorizations related to the administration of the Used Oil Payment Program,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Ontario authorizes the submittal of a Used Oil Payment Program application to CalRecycle.

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized and empowered to execute in the name of the City of Ontario all documents, including but not limited to applications, agreements annual reports including expenditure reports and amendments necessary to secure said payments to support the Used Oil Payment Program.

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

PASSED, APPROVED AND ADOPTED on the 6th day of June, 2017.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2017- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 6, 2017 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. 2017- duly passed and adopted by the Ontario City Council at their regular meeting held June 6, 2017.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
June 6, 2017

SECTION:
CONSENT CALENDAR

SUBJECT: A MAINTENANCE SERVICES CONTRACT FOR ON-CALL/EMERGENCY UTILITY TRENCH PAVING

RECOMMENDATION: That the City Council award Contract UT-OPS 1718-01 to G. M. Sager Construction Inc., located in Pomona, California, in the amount of \$300,000 for utility trench repairs at various locations; authorize the City Manager to execute the contract (on file in the Records Management Department); and authorize the option to extend the contract for up to four additional one-year periods consistent with City Council approved budgets.

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

FISCAL IMPACT: The Fiscal Year 2017-18 Proposed Budget will include appropriations in the amount of \$300,000 from the water and sewer operating funds for this maintenance services contract. The contract may be renewed at the discretion of the City for up to four additional one-year periods with an annual increase in unit prices to be negotiated, but not to exceed 5%. There is no impact to the General Fund.

BACKGROUND: This contract provides for the repair and repaving of utility trenches at various locations throughout the City on an as needed basis. The work performed under this contract consists of approximately 200 trench repairs each year for a total of over 10,000 square feet of asphalt and 400 square feet of concrete. The trench repairs are related to underground pipeline work performed by utilities staff on the water and sewer systems. Trench repairs are coordinated with the contractor following utility work to minimize disruption within the public right-of-way.

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

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

City Manager
Approval: 

Submitted to Council/O.H.A. 06/06/2017

Approved: _____

Continued to: _____

Denied: _____

23

The City solicited proposals for this effort, and on May 8, 2017, five (5) proposals were received for contract UT-OPS 1718-01. A summary of the proposals follows.

Company Name	Location	Bid Amount
G. M. Sager	Pomona, CA	\$231,895
Paveco Inc.	Baldwin Park, CA	\$305,765
Hardey & Harper	Santa Ana, CA	\$481,813
EBS General Engineering	Corona, CA	\$635,020
T.E. Roberts	Orange, CA	\$679,940

Staff recommends award to G.M. Sager of Pomona, California, based on their expertise, ability to perform the work in a timely manner and successful completion of this type of work in the past.

CITY OF ONTARIO

Agenda Report
June 6, 2017

SECTION:
PUBLIC HEARINGS

SUBJECT: CONSIDERATION OF A RESOLUTION OPPOSING MEASURE “H” IN THE CITY OF CHINO

RECOMMENDATION: That the City Council hold a public hearing to consider adoption of a resolution opposing Measure “H” in the City of Chino.

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

FISCAL IMPACT: None.

BACKGROUND: On March 6, 2017, the City of Chino Planning Commission conducted a public hearing to consider a General Plan Amendment and Zone change for 29.7 acres of land generally located between Vernon Avenue and Benson Avenue, south of Adams Street and North of the Chino Promenade Shopping Center (“Project”). The Project, located immediately west of existing residential development in the City of Ontario, proposes to change the designation from RD 1 (up to one dwelling unit per acre) to a mix of RD4.5 (3-4.5 du/ac), RD 8 (4.5 du/ac), and RD 12 (8-12 du/ac).

At the public hearing, approximately 200 members of the community from the cities of Ontario and Chino were present and thirty individuals spoke on the project. After considering all public input, the City of Chino Planning Commission unanimously voted to recommend denial of the Project to the Chino City Council. The Chino Planning Commission found that the Project was incompatible with established neighborhoods in the area. The existing zoning of the project is RD 1 which provides “for very large lot residential development in a rural environment. This designation also provides a buffer between Chino and other communities and between urban areas and permanent intensive agricultural areas” (Chino Zoning Ordinance definition). This zoning designation is very compatible with the Ontario zoning designation on the east side of Benson Avenue of AR.

The Project proposes a designation of RD 8 on the west side of Benson Avenue, immediately across from Ontario’s AR zone. The RD 8 district is “intended as a transition zone from low density

STAFF MEMBER PRESENTING: Scott Murphy, Planning Director

Prepared by: Scott Murphy
Department: Planning

City Manager
Approval: 

Submitted to Council/O.H.A. 06/06/2017

Approved: _____

Continued to: _____

Denied: _____

24

single-family areas to higher intensity commercial, industrial and multiple-family residential areas.” Given the nature of the existing development AR neighborhood, the RD 8 district is not the appropriate designation to provide a transition along Benson Avenue.

The Chino Planning Commission also noted that the traffic impacts to the area would be significant and unavoidable and indicated that the benefits of the Project did not outweigh those impacts to the area.

On April 4, 2017, the Chino City Council conducted a public hearing to consider the Project. After considering the public input, the City Council voted 4-1 to certify the Final Environmental Impact Report and adopt a resolution calling for a Special Municipal election submitting the matter to the voters of Chino, as required under Chino’s Measure M, which prohibits the City Council from approving increases in residential densities without first obtaining voter approval. As a result of the action taken, the Special Municipal election is scheduled for July 11, 2017.

At the May 2, 2017, meeting of the Ontario City Council, several residents approached the City Council about taking a position opposing the Chino project, citing increased traffic and incompatible land uses. The proposed resolution puts the City of Ontario on record as being opposed to the Chino Project – Measure “H”.

ENVIRONMENTAL REVIEW: The Resolution is not subject to the California Environmental Quality Act (“CEQA”) as the Resolution does not commit the City of Ontario to any action that may have a significant effect on the environment. As a result, pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines, such determination does not constitute a project subject to the requirements of CEQA and a Notice of Exemption will be filed with the County Clerk of the County of San Bernardino in accordance with CEQA Guidelines.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OPPOSING MEASURE H IN THE CITY OF CHINO.

WHEREAS, on March 6, 2017, the Planning Commission for the City of Chino considered the application of DR Horton for a General Plan Amendment, and Zone Change from the current RD 1 designation to a mix of RD 4.5, RD 8, and RD 12 designations to facilitate the construction of 180 units on 29.7 acres of land generally located between Vernon Avenue and Benson Avenue, south of Adams Street and North of the Chino Promenade Shopping Center (“Project”); and

WHEREAS, following significant amounts of public testimony, including from residents of the City of Ontario, the Chino Planning Commission unanimously voted to recommend denial of the Project to the City Council, determining that the Project was not compatible with the established neighborhoods in the vicinity and that the resulting traffic impacts in the area would outweigh the benefit of the project; and

WHEREAS, on April 4, 2017, the City Council for the City of Chino considered the Project and certified the Final Environmental Impact Report for the Project and adopted a resolution calling for a Special Municipal election, submitting the Project to the voters of the City of Chino (“Measure H”); and

WHEREAS, Measure H will be considered by voters of the City of Chino on July 11, 2017; and

WHEREAS, after considering the concerns of residents and local business owners, it is clear that the Project:

- Will have significant, unavoidable impacts to traffic to traffic in the area, specifically at the intersection of Benson Avenue and Francis Street;
- Will be incompatible with established residential neighborhoods in the area. The existing residential development to the east contains residential units at a density of less than 2 units per acre and is designed for animal keeping, consistent with the existing zoning of the Project site;
- Could be designed at a lower density, meet Project objectives, and reduce potentially significant environmental impacts; and

WHEREAS, the City Council now wishes to adopt a formal position in opposition to Measure H.

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

SECTION 1. Recitals. The Recitals set forth above are true and correct and incorporated herein by reference.

SECTION 2. Opposition to Measure H. The City Council of the City of Ontario hereby formally states its opposition to Measure H.

SECTION 3. CEQA. The City Council finds that this Resolution is not subject to the California Environmental Quality Act ("CEQA"). The determination given in this Resolution does not commit the City of Ontario to any action that may have a significant effect on the environment. As a result, pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines, such determination does not constitute a project subject to the requirements of CEQA. The City Council, therefore, directs City staff to file a Notice of Exemption with the County Clerk of the County of San Bernardino in accordance with CEQA Guidelines.

SECTION 4. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

SECTION 5. Certification. The City Clerk shall certify to the adoption of this Resolution.

SECTION 6. Effective Date. This Resolution shall become effective upon its adoption.

PASSED, APPROVED, AND ADOPTED this 6th day of June 2017.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2017-_____ was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 6, 2017 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. 2017-_____ duly passed and adopted by the Ontario City Council at their regular meeting held June 6, 2017.

SHEILA MAUTZ, CITY CLERK

(SEAL)