

**CITY OF ONTARIO
CITY COUNCIL AND HOUSING AUTHORITY
AGENDA
SEPTEMBER 3, 2019**

Paul S. Leon
Mayor

Ruben Valencia
Mayor pro Tem

Alan D. Wapner
Council Member

Jim W. Bowman
Council Member

Debra Dorst-Porada
Council Member



Scott Ochoa
City Manager

Scott E. Huber
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 5:00 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)

5:30 p.m.

ROLL CALL

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

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

CLOSED SESSION

- GC 54956.9 (d)(4), CONFERENCE WITH LEGAL COUNSEL, POTENTIAL INITIATION OF LITIGATION: *Two cases.*

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

PLEDGE OF ALLEGIANCE

Mayor pro Tem Valencia

INVOCATION

Pastor David Gaunt, Sunrise Church

REPORT ON CLOSED SESSION

City Attorney

PUBLIC COMMENTS

6:30 p.m.

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

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

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

CONSENT CALENDAR

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

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

1. APPROVAL OF MINUTES

Minutes for the regular meeting of the City Council and Housing Authority of August 6, 2019, approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

Bills July 26, 2019 through August 8, 2019 and **Payroll** July 21, 2019 through August 3, 2019, when audited by the Finance Committee.

3. A PROFESSIONAL SERVICES AGREEMENT FOR SPECIAL COUNSEL LEGAL SERVICES/BEST BEST & KRIEGER

That the City Council approve a professional services agreement (on file in the Records Management Department) with Best Best & Krieger, of Riverside, California, to provide special counsel legal services; and authorize the City Manager to execute said agreement.

4. CONSIDERATION OF A REQUEST TO TRANSFER THE TOWING CARRIER PERMIT OF DIETZ TOWING, INC. TO ARMADA TOWING, INC.

That the City Council consider and make a determination whether to approve a request to transfer the towing carrier permit held by Dietz Towing, Inc. (“Dietz”) to Armada Towing Inc. (“Armada”).

5. A PROFESSIONAL SERVICES AGREEMENT WITH SCOTT FAZEKAS AND ASSOCIATES, INC. FOR BUILDING PLAN REVIEW AND BUILDING INSPECTOR SERVICES

That the City Council approve and authorize the City Manager to execute a three year professional services agreement (on file in the Records Management Department) with Scott Fazekas & Associates, Inc. of Irvine, California, for building plan check and building inspector services for an estimated amount of \$650,000 for FY2019-20 and \$750,000 per year for FY2020-21 and FY2021-22; and authorize the City Manager to extend the agreement for up to two additional one-year periods in amounts consistent with City Council approved budgets for each respective fiscal year.

6. AN ORDINANCE APPROVING A FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT (FILE NO. PDA17-001) BETWEEN THE CITY OF ONTARIO AND RONALD AND KRISTINE PIETERSMA FAMILY TRUST AND LOYOLA PROPERTIES I L.P., TO MODIFY CERTAIN PROVISIONS RELATED TO THE SECOND INSTALLMENT OF THE PHASE 2 WATER PARTICIPATION FEE, FOR TENTATIVE PARCEL MAP 19787 (FILE NO. PMTT16-021), LOCATED AT THE SOUTHEAST CORNER OF ONTARIO RANCH ROAD AND ARCHIBALD AVENUE, WITHIN THE HIGH DENSITY RESIDENTIAL (PLANNING AREAS 7 AND 8) LAND USE DESIGNATION OF THE GRAND PARK SPECIFIC PLAN (APN: 0218-241-32)

That the City Council consider and adopt an ordinance approving the First Amendment to the Development Agreement (File No. PDA17-001) between the City of Ontario and Ronald and Kristine Pietersma Family Trust and Loyola Properties I L.P., to modify certain provisions related to the second installment of the Phase 2 Water Participation Fee, for Tentative Parcel Map 19787 (File No. PMTT16-021).

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT (FILE NO. PDA17-001) BETWEEN THE CITY OF ONTARIO AND RONALD AND KRISTINE PIETERSMA FAMILY TRUST AND LOYOLA PROPERTIES I L.P., TO MODIFY CERTAIN PROVISIONS RELATED TO THE SECOND INSTALLMENT OF THE PHASE 2 WATER PARTICIPATION FEE, FOR TENTATIVE PARCEL MAP 19787 (FILE NO. PMTT16-021), LOCATED AT THE SOUTHEAST CORNER OF ONTARIO RANCH ROAD AND ARCHIBALD AVENUE, WITHIN THE HIGH DENSITY RESIDENTIAL (PLANNING AREAS 7 AND 8) LAND USE DESIGNATION OF THE GRAND PARK SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0218-241-32.

7. A PROFESSIONAL SERVICES AGREEMENT WITH BUCKNAM INFRASTRUCTURE GROUP, INC. FOR THE UPDATE OF THE CITY'S PAVEMENT MANAGEMENT PROGRAM

That the City Council approve a five-year Professional Services Agreement (on file in the Records Management Department) with Bucknam Infrastructure Group, Inc. of Oceanside, California, to provide engineering consultant services for the City's Pavement Management Program at an estimated annual amount of \$45,000, for a total five-year not-to-exceed amount of \$225,000; and authorize the City Manager to execute said agreement and future amendments within the authorization limits.

8. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 17931 LOCATED AT THE NORTHEAST CORNER OF EUCALYPTUS AVENUE AND MILL CREEK AVENUE

That the City Council adopt a resolution approving an improvement agreement, improvement security and Final Tract Map No. 17931 located at the northeast corner of Eucalyptus Avenue and Mill Creek Avenue within the Esperanza Specific Plan.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 17931 LOCATED AT THE NORTHEAST CORNER OF EUCALYPTUS AVENUE AND MILL CREEK AVENUE.

9. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 17933 LOCATED AT THE NORTHEAST CORNER OF BELLEGRAVE AVENUE AND MILL CREEK AVENUE

That the City Council adopt a resolution approving an improvement agreement, improvement security and Final Tract Map No. 17933 located at the northeast corner of Bellegrave Avenue and Mill Creek Avenue within the Esperanza Specific Plan.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 17933 LOCATED AT THE NORTHEAST CORNER OF BELLEGRAVE AVENUE AND MILL CREEK AVENUE.

10. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 17936 LOCATED ON BELLEGRAVE AVENUE, APPROXIMATELY 400 FEET WEST OF HAMNER AVENUE

That the City Council adopt a resolution approving an improvement agreement, improvement security and Final Tract Map No. 17936 located on Bellegrave Avenue approximately, 400 feet west of Hamner Avenue within the Esperanza Specific Plan.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 17936 LOCATED ON BELLEGRAVE AVENUE, APPROXIMATELY 400 FEET WEST OF HAMNER AVENUE.

11. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 18878 LOCATED AT THE SOUTHWEST CORNER OF EUCALYPTUS AVENUE AND HAMNER AVENUE

That the City Council adopt a resolution approving an improvement agreement, improvement security and Final Tract Map No. 18878 located at the southwest corner of Eucalyptus Avenue and Hamner Avenue within the Esperanza Specific Plan.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 18878 LOCATED AT THE SOUTHWEST CORNER OF EUCALYPTUS AVENUE AND HAMNER AVENUE.

12. AUTHORIZE THE PURCHASE OF FLEET VEHICLES AND EQUIPMENT/HAAKER EQUIPMENT COMPANY/SONSRAY MACHINERY/NATIONAL AUTO FLEET GROUP/LONG BEACH BMW MOTORCYCLES/PB LOADER CORPORATION

That the City Council take the following actions:

- (A) Authorize the cooperative purchase and delivery of one CNG Kenworth/Vactor combination sewer cleaner in the amount of \$539,219 for the Utilities Department, from Haaker Equipment Company of La Verne, California, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 122017-FS;
- (B) Authorize the cooperative purchase and delivery of one 6000lb Case 586H Forklift in the amount of \$82,477 for the Integrated Waste Department, from Sonsray Machinery of Fontana, California, consistent with the terms and conditions of Sourcewell (formerly known as NJPA) Cooperative Contract 032119-CNH;
- (C) Authorize the cooperative purchase and delivery of twelve Ford Escapes in the amount of \$305,928 (five for the Community Improvement Department, two for the Engineering Department, two for the Utilities Department, one for the Fire Department, one for the Police Department, and one for the Recreation Department) from National Auto Fleet Group of Watsonville, California, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 120716-NAF;
- (D) Authorize the cooperative purchase and delivery of three BMW Motorcycles in the amount of \$94,705 for the Police Department, from Long Beach BMW Motorcycles of Long Beach, California, consistent with the terms and conditions of the City of Sacramento Contract Bid Number B17153311004; and

- (E) Authorize the cooperative purchase and delivery of one CNG Ford F650 Stake Bed Truck in the amount of \$141,964 for the Integrated Waste Department, from PB Loader Corporation of Fresno, California, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 052417-PBL.

13. AN ORDINANCE LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 49 (AVENUE 176 SERVICES)

That the City Council consider and adopt an ordinance authorizing the levy of special taxes within City of Ontario Community Facilities District No. 49 (Avenue 176 Services).

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. 49 (AVENUE 176 SERVICES).

14. AN ORDINANCE LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 51 (ONTARIO RANCH LOGISTICS CENTER SERVICES)

That the City Council consider and adopt an ordinance authorizing the levy of special taxes within City of Ontario Community Facilities District No. 51 (Ontario Ranch Logistics Center Services).

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. 51 (ONTARIO RANCH LOGISTICS CENTER SERVICES).

15. PURCHASE OF FLEET OILS, LUBRICANTS AND COOLANTS/SOUTHERN COUNTIES LUBRICANTS, LLC

That the City Council authorize the City Manager to execute one-year Goods and Services Agreements (on file in the Records Management Department) with Southern Counties Lubricants, LLC of Orange, California, and with Southern Counties Oil Company, DBA SC Fuels of Orange, California, each for an annual estimated amount of \$55,000, at the set pricing levels per Bid No. 1165; and authorize the addition of future acquisition and services; and the option to extend the agreements for up to four additional years consistent with City Council approved budgets.

16. MAINTENANCE SERVICES AGREEMENT FOR LANDSCAPE MAINTENANCE FOR PARK PLACE/MERCHANTS LANDSCAPE SERVICES INC.

That the City Council authorize the City Manager to execute a three-year Maintenance Services Agreement (on file in the Records Management Department) for Contract No. PM1819-7 with Merchants Landscape Services Inc., of Rancho Cucamonga, California, for an annual estimated cost of \$69,600 plus a contingency of \$6,960; and authorize the addition of future service areas; and authorize the option to extend the agreement for up to two additional years consistent with City Council approved budgets.

17. AN ORDINANCE APPROVING AN AMENDMENT TO THE CITY OF ONTARIO MUNICIPAL CODE, REVISING SECTION 4-6.1009 TO ADD PROVISIONS PROHIBITING THE OVERNIGHT PARKING OF LARGE COMMERCIAL VEHICLES IN RESIDENTIAL ZONING DISTRICTS

That the City Council consider and adopt an ordinance approving an amendment to the City of Ontario Municipal Code, revising Section 4-6.1009 to add provisions prohibiting the overnight parking of large commercial vehicles in residential zoning districts.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN AMENDMENT TO THE ONTARIO MUNICIPAL CODE, AMENDING SECTION 4-6.1009 TO ADD PROVISIONS PROHIBITING THE OVERNIGHT PARKING OF LARGE COMMERCIAL VEHICLES IN RESIDENTIAL ZONING DISTRICTS, AND MAKING FINDINGS IN SUPPORT THEREOF.

STAFF MATTERS

City Manager Ochoa

COUNCIL MATTERS

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

ADJOURNMENT

**CITY OF ONTARIO
CLOSED SESSION REPORT**
City Council // Housing Authority // Other // (GC 54957.1)
September 3, 2019

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

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

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

- GC 54956.9 (d)(4), CONFERENCE WITH LEGAL COUNSEL, POTENTIAL INITIATION OF LITIGATION: Two cases

No Reportable Action	Continue	Approved
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Disposition: _____

Reported by:

City Attorney / City Manager / Executive Director

CITY OF ONTARIO

Agenda Report
September 3, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A PROFESSIONAL SERVICES AGREEMENT FOR SPECIAL COUNSEL LEGAL SERVICES

RECOMMENDATION: That the City Council approve a professional services agreement (on file in the Records Management Department) with Best Best & Krieger, of Riverside, California, to provide special counsel legal services; and authorize the City Manager to execute said agreement.

COUNCIL GOALS: Operate in a Businesslike Manner

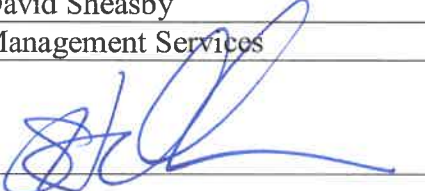
FISCAL IMPACT: The Fiscal Year 2019-20 Adopted Operating Budget includes appropriations for legal services. The recommended professional services agreement includes a compensation cap of \$235,000 for legal fees, not inclusive of authorized reimbursable expenses such as court fees and extraordinary mail or delivery costs. Appropriations for future fiscal year services will be included in the respective year's proposed budgets for City Council consideration.

BACKGROUND: From the period of December 1997 through June 2019, the law firm of Best, Best & Krieger LLP (BB&K) served in the capacity of City Attorney. On June 4, the firm resigned as City Attorney, and the City entered into a legal services agreement with the law firm of Cole Huber LLP for the provision of interim City Attorney services.

As part of that agreement, the City retained the right to carryover some existing legal services with BB&K for the purposes of continuity. It is anticipated that most of the carry over legal services with BB&K will conclude within this fiscal year. These carryover legal services include some routine, general legal services, as well as some specialized services, including counsel on water rights, PERS issues, and IT/broadband issues.

Under the recommended agreement, all legal services provided by BB&K through July 31 will be billed at the rates set forth in the prior agreement for City Attorney services. For work occurring after August 1, 2019, a new a two-tiered rate structure will be established. Under this new structure, rates for transitional routine, general counsel services will be \$310/hour for partner/of counsel work; \$270/hour

STAFF MEMBER PRESENTING: David Sheasby, Deputy City Manager

Prepared by: David Sheasby
Department: Management Services
City Manager Approval: 

Submitted to Council/O.H.A. 09/03/2019
Approved: _____
Continued to: _____
Denied: _____

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for associates, and \$190 for paralegals. Rates for complex special counsel which includes water, public finance, employee benefits and retirement, telecommunications and broadband, and toxic substance and contaminations will be \$390/hour for partner/of counsel work; \$295/hour for associates; and \$190 for paralegals.

The agreement also includes a compensation cap of \$235,000 for Fiscal Year 2019-20. If the parties extend the agreement at the end of the year, the compensation cap will be renegotiated at that time. Beginning on July 1, 2021, rates will be subject to annual increases reflective of any changes in the cost of living index for the prior 12-month period.

CITY OF ONTARIO

Agenda Report
September 3, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: CONSIDERATION OF A REQUEST TO TRANSFER THE TOWING CARRIER PERMIT OF DIETZ TOWING, INC. TO ARMADA TOWING, INC.

RECOMMENDATION: That the City Council consider and make a determination whether to approve a request to transfer the towing carrier permit held by Dietz Towing, Inc. ("Dietz") to Armada Towing Inc. ("Armada").

COUNCIL GOALS: Operate in a Businesslike Manner

FISCAL IMPACT: There is no fiscal impact associated with the potential transfer of the towing carrier permit.

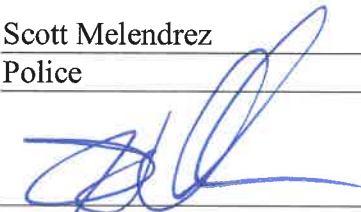
BACKGROUND: On May 31, 2019, Dietz formally requested approval of the transfer of their towing carrier permit to Armada pursuant to the provisions of Ontario Municipal Code Section 4-19.16.

Dietz holds a current towing carrier permit, which entitles the company to provide rotational towing service in the City of Ontario through April 6, 2020. Dietz has a current business license, insurance and is in compliance with their current agreement with the City of Ontario; therefore, city staff completed the required investigation of the permit transfer request to Armada.

Armada currently provides rotational towing services to agencies throughout the Inland Empire. The Ontario Police Department's Traffic Division received input from five agencies regarding the performance, capabilities and professionalism of Armada in their communities. The feedback received from Rancho Cucamonga CHP, Rancho Cucamonga Sheriff, San Bernardino CHP, San Bernardino PD and Fontana PD was found to be comprehensive, balanced and overall very positive.

Per Ontario Municipal Code Section 4-19.16 a recommendation from staff shall be made to the City Council regarding the proposed permit transfer. Based on the results of the completed investigation, it is recommended that the requested permit transfer be approved.

STAFF MEMBER PRESENTING: Derek Williams, Chief of Police

Prepared by: Scott Melendrez
Department: Police
City Manager Approval: 

Submitted to Council/O.H.A. 09/03/2019
Approved: _____
Continued to: _____
Denied: _____

CITY OF ONTARIO

Agenda Report
September 3, 2019

**SECTION:
CONSENT CALENDAR**

SUBJECT: A PROFESSIONAL SERVICES AGREEMENT WITH SCOTT FAZEKAS AND ASSOCIATES, INC. FOR BUILDING PLAN REVIEW AND BUILDING INSPECTOR SERVICES


RECOMMENDATION: That the City Council approve and authorize the City Manager to execute a three year professional services agreement (on file in the Records Management Department) with Scott Fazekas & Associates, Inc. of Irvine, California, for building plan check and building inspector services for an estimated amount of \$650,000 for FY2019-20 and \$750,000 per year for FY2020-21 and FY2021-22; and authorize the City Manager to extend the agreement for up to two additional one-year periods in amounts consistent with City Council approved budgets for each respective fiscal year.

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

FISCAL IMPACT: The annual cost of the building plan review and building inspector services is limited to the City Council approved budgets for each fiscal year and is a factor of the volume, size, and nature of projects submitted for development. The Fiscal Year 2019-20 Adopted Operating Budget includes appropriations and offsetting revenue of \$650,000 for building plan check and building inspector services. Recommended appropriations and revenue projections for future periods will be included in the proposed budgets for the respective fiscal years. The associated costs for these services are paid by applicants through the existing plan check and permit fees; and Scott Fazekas & Associates (SFA) has agreed to hold its current rate structure through the term of this agreement.

BACKGROUND: To meet developers' needs for expedited project timelines the City contracts with outside service providers to process some projects which allows staff to focus on others—resulting in a higher service level to customers. Currently, the City has two such service providers for building plan reviews, including SFA which has done work for the City over the last 20 years. SFA is familiar with the City's plan check requirements and provides its services exclusively to governmental agencies such as Ontario. This ensures that no real or perceived conflicts of interest occur. SFA has licensed

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

Prepared by: Pedro Rico
Department: Building
City Manager Approval: 

Submitted to Council/O.H.A. 09/03/2019
Approved: _____
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Denied: _____

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professional engineers and certified building inspection staff with years of experience to fulfill the operational needs of the Building Department.

This follow-on agreement will extend SFA's work with the City, maintain the timeliness of building plan check services, and keep multiple service providers on contract to respond to the needs of the development community as fluctuations in building inspection workload occur.

CITY OF ONTARIO

Agenda Report
September 3, 2019

SECTION:
CONSENT CALENDAR


SUBJECT: AN ORDINANCE APPROVING A FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT (FILE NO. PDA17-001) BETWEEN THE CITY OF ONTARIO AND RONALD AND KRISTINE PIETERSMA FAMILY TRUST AND LOYOLA PROPERTIES I L.P., TO MODIFY CERTAIN PROVISIONS RELATED TO THE SECOND INSTALLMENT OF THE PHASE 2 WATER PARTICIPATION FEE, FOR TENTATIVE PARCEL MAP 19787 (FILE NO. PMTT16-021), LOCATED AT THE SOUTHEAST CORNER OF ONTARIO RANCH ROAD AND ARCHIBALD AVENUE, WITHIN THE HIGH DENSITY RESIDENTIAL (PLANNING AREAS 7 AND 8) LAND USE DESIGNATION OF THE GRAND PARK SPECIFIC PLAN (APN: 0218-241-32)

RECOMMENDATION: That the City Council consider and adopt an ordinance approving the First Amendment to the Development Agreement (File No. PDA17-001) between the City of Ontario and Ronald and Kristine Pietersma Family Trust and Loyola Properties I L.P., to modify certain provisions related to the second installment of the Phase 2 Water Participation Fee, for Tentative Parcel Map 19787 (File No. PMTT16-021).

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

FISCAL IMPACT: The proposed First Amendment to the Development Agreement (File No. PDA17-001) does not have an immediate impact on the City's existing budget. The original Development Agreement provides a funding mechanism from the formation of a Community Facilities District (CFD) for City services and facilities required to support the Grand Park Specific Plan development, thereby mitigating the increased cost associated with such services. In addition, the City will receive public service funding fees plus development impact, compliance processing, licensing, and permitting fees. No General Fund revenue will be used to support the development, as the Phase 2 Water

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

Prepared by: Derrick Womble
Department: Development
City Manager Approval: 

Submitted to Council/O.H.A. 09/03/2019
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Continued to: _____
Denied: _____

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Participation Fee is collected by the City to fund future water and recycled water improvements to service the Ontario Ranch area.

BACKGROUND: On August 20, 2019, the City Council introduced and waived further reading of an ordinance approving the First Amendment of the Development Agreement. On February 4, 2014, the City Council approved the Grand Park Specific Plan, File No. PSP12-001 (“Specific Plan”) and certified the Environmental Impact Report (EIR). The Specific Plan established the land use designations, development standards, and design guidelines, for approximately 320 acres of land and potential development of 1,327 residential units, parks, trails, and reserves sites for development of a new high school, elementary school, and a portion of the future Great Park.

On December 5, 2017, the City Council approved a Development Agreement (File No. PDA17-001), for Tentative Parcel Map 19787 (File No. PMTT16-021) to subdivide 76.68 acres of land into four (4) parcels, two (2) lettered lots for public road purposes, and a remainder lot for the future Great Park. The main points of the original Development Agreement continue to address Development Impact Fees (DIF), public service funding, Community Facilities District (CFD) for maintenance of public facilities, park/open space requirements, affordable housing fees, school facilities requirements, and remain in full force and effect. State law and Section 2.5 of the Development Agreement provide that amendments may be made to the Agreement upon the mutual consent of both parties, using the same process and procedures as for the consideration and approval of the original Development Agreement.

The City’s Construction Agreement with NMC Builders, LLC, requires the construction of the Phase 2 Water Improvements to provide acceptable service levels in Ontario Ranch that are consistent with current service levels in the remainder of the City. The Phase 2 Water Improvements are intended to extend the water and recycled water systems for development of individual properties in Ontario Ranch. Funding for these future water improvements are collected by the City through the Phase 2 Water Participation Fee, which is calculated based on the City’s Regional Water Development Impact Fee (DIF).

Pursuant to the Construction Agreement and Section 4.7.3 of the original Development Agreement, the Phase 2 Water Participation Fee may be paid in two (2) installments. The first installment of \$874,923.50 was paid by the Owner to the City on April 13, 2018, and was equal to fifty percent (50%) of the total Phase 2 Water Participation Fee. The second installment shall be the remaining fifty percent (50%) of the Phase 2 Water Participation Fee (approximately \$874,923.50) and is generally due and payable to the City within one (1) year after the payment of the first installment or prior to, and as a condition precedent to, the recording of any final parcel map for the Project, whichever occurs first.

Currently, the project site remains vacant with no proposed development plan and the Owner has not sold the land to a subsequent developer/builder at this time. Due to financial constraints and the parcel map yet to be finalized, the Owner has requested, and City has agreed, to defer the second installment of the Phase 2 Water Participation Fee. The deferral of the second installment necessitates an amendment (“First Amendment”) to the Development Agreement in order to reflect the revised terms for the second installment of the Phase 2 Water Participation Fee.

The First Amendment will require the Property Owner to pay the second installment upon any of the following, whichever occurs first:

1. Sale of the Property (or any portion thereof); or
2. Recordation of any Final Parcel Map affecting the Property; or
3. May 1, 2020.

Additionally, the second installment payment shall be based on the City's DIF in effect at the time of payment. Furthermore, the deferral of the second installment will not significantly impact the City's planning or funding of future water improvements for the Ontario Ranch area as water demand has not yet reached a point of requiring the Phase 2 water improvements.

In considering the application at their meeting on July 23, 2019, the Planning Commission found that the First Amendment was consistent with State law, The Ontario Plan, and the City's Development Agreement policies previously approved for Ontario Ranch developments. As a result, the Planning Commission adopted Resolution No. PC19-060 recommending City Council approval of the First Amendment with a 5-0 vote.

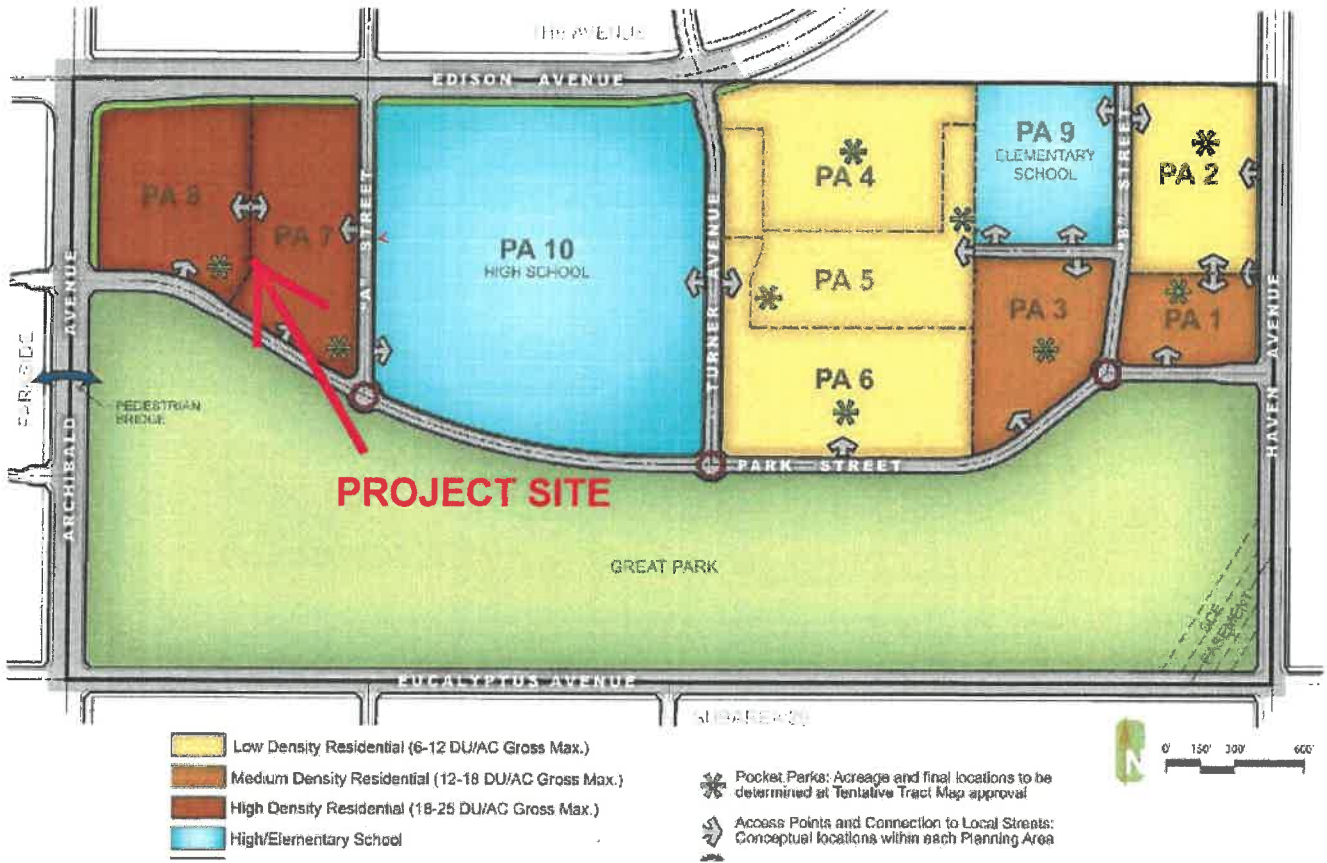
HOUSING ELEMENT COMPLIANCE: The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element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

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

ENVIRONMENTAL REVIEW: The environmental impacts of this project were previously reviewed in conjunction with Grand Park Specific Plan (File No. PSP12-001), for which an EIR (SCH#2012061057) was adopted by the City Council on February 4, 2014. This Application introduces no new significant environmental impacts. All previously adopted mitigation measures are a condition of project approval and are incorporated herein by this reference.

Exhibit "A"

Grand Park Specific Plan Land Use Map



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT (FILE NO. PDA17-001) BETWEEN THE CITY OF ONTARIO AND RONALD AND KRISTINE PIETERSMA FAMILY TRUST AND LOYOLA PROPERTIES I L.P., TO MODIFY CERTAIN PROVISIONS RELATED TO THE SECOND INSTALLMENT OF THE PHASE 2 WATER PARTICIPATION FEE, FOR TENTATIVE PARCEL MAP 19787 (FILE NO. PMTT16-021), LOCATED AT THE SOUTHEAST CORNER OF ONTARIO RANCH ROAD AND ARCHIBALD AVENUE, WITHIN THE HIGH DENSITY RESIDENTIAL (PLANNING AREAS 7 AND 8) LAND USE DESIGNATION OF THE GRAND PARK SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0218-241-32.

WHEREAS, Ronald and Kristine Pietersma Family Trust and Loyola Properties I L.P., ("Applicant") has filed an Application for the approval of a First Amendment to the Development Agreement, File No. PDA17-001, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 76.68 acres of land generally located at the southeast corner of Archibald Avenue and Ontario Ranch Road, within the High Density Residential (Planning areas 7 and 8) land use designation of the Grand Park Specific Plan, and is presently vacant; and

WHEREAS, the project site slopes gently from north to south and is bounded to the north by property developed with an SCE Substation and single-family residences within Planning Area 7 (Low Density Residential) of The Avenue Specific Plan. The property to the south is within Planning Area 3 (Conventional Medium Lot) of the Subarea 29 Specific Plan and is currently vacant. The property to the east is within Planning Area 10 (Future High School) of the Grand Park Specific Plan and is vacant. The property to the west is within Planning Area 21 (Commercial) of the Parkside Specific Plan and is currently vacant; and

WHEREAS, on December 5, 2017, the City Council adopted Ordinance No. 3086, approving a Development Agreement, File No. PDA17-001 to facilitate the backbone infrastructure for Tentative Parcel Map 19787 (PMTT16-021) to; and

WHEREAS, the collection of the Phase 2 Water Participation fee is required per the City's Construction Agreement with NMC Builders, LLC; and

WHEREAS, the Phase 2 Water Participation Fee is collected by the City to fund future water and recycled water improvements to service the Ontario Ranch area, generally paid to the City in two (2) separate installments; and

WHEREAS, the Applicant paid the first installment (\$874,923.50) of the Phase 2 Water Participation Fee on April 13, 2018; and

WHEREAS, due to financial constraints the Applicant has requested, and the City has agreed to defer the second installment of the Phase 2 Water Participation Fee; and

WHEREAS, the deferral of the second installment necessitates an amendment ("First Amendment") to the Development Agreement in order to reflect the revised terms for the second installment of the Phase 2 Water Participation Fee; and

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

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with the Grand Park Specific Plan (File No. PSP12-001), for which an Environmental Impact Report (EIR) SCH#2012061057 was adopted by the City Council on February 4, 2014, and this Application introduces no new significant environmental impacts; and

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

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

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

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

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

WHEREAS, on July 23, 2019, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Resolution No. PC19-060 recommending the City Council approve the Application; and

WHEREAS, on August 20, 2019, the City Council of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

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

(1) The environmental impacts of this project were previously reviewed in conjunction with File No. PSP12-001, for which a Certified EIR was adopted by the City Council on February 4, 2014.

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 4. *Concluding Facts and Reasons.* Based upon the substantial evidence presented to the City Council during the above-referenced hearing, and upon the specific findings set forth in Section 1 through 3, above, the City Council hereby concludes as follows:

a. The First Amendment applies to 76.68 acres of land generally located at the southeast corner of Archibald Avenue and Ontario Ranch Road, within the High Density Residential (Planning Areas 7 and 8) of the Grand Park Specific Plan; and

b. The project site slopes gently from north to south and is bounded to the north by property developed with an SCE Substation and single-family residences within Planning Area 7 (Low Density Residential) of The Avenue Specific Plan. The property to the south is within Planning Area 3 (Conventional Medium Lot) of the Subarea 29 Specific Plan and is currently vacant. The property to the east is within Planning Area 10 (Future High School) of the Grand Park Specific Plan and is vacant. The property to the west is within Planning Area 21 (Commercial) of the Parkside Specific Plan and is currently vacant; and

c. The First Amendment provides the Applicant with the option to pay the second installment of the Phase 2 Water Participation Fee upon either of the following, whichever occurs first: (1) sale of the Property (or an portion thereof), (2) recordation of any Final Parcel Map affecting the Property, (3) May 1, 2020, provided the Owner pay the second installment based on the City's DIF in effect at the time of payment; and

d. The main points of the original Development Agreement addressing Development Impact Fees (DIF), public services funding, Community Facilities District (CFD) for maintenance of public facilities, park/open space requirements, affordable housing fees, and school facilities requirements, remain in force; and

e. The First Amendment does not conflict with the Land Use Policies of The Ontario Plan Policy Plan (General Plan) and will provide for development within the district, in a manner consistent with the Policy Plan and with related development; and

f. The First Amendment will not be materially injurious or detrimental to the adjacent properties and will not have a significant impact on the environment or the surrounding properties. The environmental impacts of this project were previously reviewed in conjunction with the Grand Park Specific Plan EIR (SCH#2012061057) that was adopted by the City Council on February 4, 2014. This Application introduces no new significant environmental impacts; and

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

SECTION 5. City Council Action. Based upon the findings and conclusions set forth in Sections 1 through 4, above, the City Council hereby APPROVES the herein described First Amendment to the Development Agreement (File No. PDA17-001), attached hereto as "Attachment A," and incorporated herein by this reference.

SECTION 6. Indemnification. The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

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

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

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

SECTION 10. Publication and Posting. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within 15 days following the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 3rd day of September 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

COLE HUBER, LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3141 was duly introduced at a regular meeting of the City Council of the City of Ontario held August 20, 2019 and adopted at the regular meeting held September 3, 2019 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 3141 duly passed and adopted by the Ontario City Council at their regular meeting held September 3, 2019 and that Summaries of the Ordinance were published on August 27, 2019 and September 10, 2019, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)

ATTACHMENT A:

File No. PDA17-001

First Amendment to the Development Agreement

By and Between

The City of Ontario, a California municipal corporation

and

Ronald and Kristine Pietersma Family Trust

and

Loyola Properties I L.P.

(Document follows this page)

**RECORD AT THE REQUEST OF AND
WHEN RECORDED, PLEASE RETURN
TO:**

CITY OF ONTARIO
303 East "B" Street
Ontario, California 91764
Attn: City Clerk

(Fee Exempt – Government Code 6103)

SPACE ABOVE FOR RECORDER'S USE ONLY

File No. PDA17-001

First Amendment to the Development Agreement

By and Between

The City of Ontario, a California municipal corporation

and

Ronald and Kristine Pietersma Family Trust

and

Loyola Properties I L.P.

_____, 2019

San Bernardino County, California

**FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT
BY AND BETWEEN THE CITY OF ONTARIO AND
RONALD AND KRISTINE PIETERSMA FAMILY TRUST AND LOYOLA
PROPERTIES I L.P.
FILE NO. PDA 17-001**

THIS FIRST AMENDMENT TO DEVELOPMENT AGREEMENT NO. PDA17-001 (the “**First Amendment**”) is entered into as of _____, 2019 by and between the CITY OF ONTARIO, a California municipal corporation (hereinafter “**CITY**”) and Ronald and Kristine Pietersma Family Trust and Loyola Properties I L.P., a California limited partnership (hereinafter referenced jointly as “**OWNER**”).

RECITALS

WHEREAS, the CITY and OWNER entered into that certain Development Agreement dated December 5, 2017, and recorded on April 4, 2018 in the Official Records of the County of San Bernardino as Document No. 2018-0117864 (the “**Original Agreement**”), and with respect to the real property described in Exhibit “A” to this Agreement; and

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

WHEREAS, pursuant to Section 4.7.3 of the Development Agreement, the OWNER has the option to pay the Phase 2 Water Participation Fee in two (2) installments. The first installment of \$874,923.50 was paid by the OWNER to the CITY, on April 13, 2018, and such first installment was equal to fifty percent (50%) of the total Phase 2 Water Participation Fee; and

WHEREAS, the second installment of the Phase 2 Water Participation Fee shall be the remaining fifty percent (50%) and OWNER has requested, and CITY has agreed to modify certain provisions related to such second installment of the Phase 2 Water Participation Fee; and

WHEREAS, OWNER and CITY mutually agree that OWNER shall have the option to defer payment of the second installment of the Phase 2 Water Participation Fee until either upon sale of the Property (or any portion thereof), recordation of any Final Parcel Map affecting the Property, or by May 1, 2020, whichever occurs first, provided the OWNER pay the applicable fee based on the CITY’s Development Impact Fee (DIF) in effect at the time of payment; and

WHEREAS, the CITY and OWNER agree that execution of this First Amendment shall constitute Certification of Agreement Compliance under Section 6.4 of the Original Development Agreement.

AGREEMENTS

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

1. DEFINITIONS AND EXHIBITS.

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

2. MODIFICATIONS TO DEVELOPMENT AGREEMENT TO MODIFY CERTAIN PROVISIONS FOR THE SECOND INSTALLMENT OF THE PHASE 2 WATER PARTICIPATION FEE.

2.1 Requirements for Net MDD/Water Availability Equivalents. The following provisions shall replace Section 4.7.3 of the Original Development Agreement:

4.7.3 CITY issuance of Water Availability Equivalents. The Phase 2 Water Participation Fee shall be the calculated based on the amount of the projected Regional Water DIF, the Maximum Development Density and the approved land use category for such Project. The calculated amount of the Phase 2 Water Participation Fee shall be paid to City within 30 days after the effectiveness of this Development Agreement or, at OWNER's option, the Phase 2 Water Participation Fee may be paid to City in two (2) installments. The first installment shall be fifty percent (50%) of the total Phase 2 Water Participation Fee and such first installment shall be due and payable to City within 30 days after the effective date of this Development Agreement. The second installment shall be the remaining amount of the Phase 2 Water Participation Fee. Such second installment shall be due and payable to City upon either the: (1) sale of the Property (or any portion thereof), (2) recordation of any Final Parcel Map affecting the Property; or (3) May 1, 2020, whichever occurs first. OWNER shall pay the applicable fee based on the CITY's Development Impact Fee (DIF) in effect at the time of payment. Upon OWNER's complete payment to CITY of the Phase 2 Water Participation Fee CITY shall issue a Certificate of Water Availability Equivalents in the form attached hereto as Exhibit G. Such Water Availability Equivalents Certificate shall be issued by CITY within thirty (30) days of the receipt of such required payment. CITY and OWNER agree that the amount of Water Availability Equivalents issued to OWNER shall be based on the maximum projected need for Water Availability Equivalents required for the Property based upon water demand factors and assumptions listed in Exhibit C-2R of the Phase 2 Water Amendment, "Water Demand Equivalents by Land Use" for each land use category. Additionally, within thirty (30) days of CITY's receipt of OWNER complete payment

as required under Section 4.7.3, CITY shall issue a certificate of DIF Credit against OWNER's DIF obligations in the regional water DIF Category. The amount of the DIF Credit issued by CITY shall be equivalent to OWNER's payment to CITY of the Phase 2 Water Participation Fee. The form of the Certificate of DIF Credit shall be as described in Exhibit H, attached hereto and incorporated herein.

4.7.3.1 OWNER may qualify for a partial refund of a portion of OWNER's Phase 2 Water Participation Fee, if OWNER's Phase 2 Water Participation Fee has been calculated and paid to CITY based on the Maximum Development Density and OWNER subsequently applies for, and CITY approves, Tract Maps that contain a lower number of residential parcels than the Maximum Development Density. OWNER may, at OWNER's option, notify CITY that OWNER may qualify for a partial refund of OWNER's paid Phase 2 Water Participation Fee based on CITY issuance of a reduced number of actual residential building permits for the Project. Such notice shall include the original calculation of the Phase 2 Water Participation Fee, and OWNER's recalculation of the Phase 2 Water Participation Fee based on the lower number of actual residential building permits and OWNER's calculation of the partial refund amount. OWNER agrees that CITY may modify the amount of the Phase 2 Water Participation Fee after OWNER pays such Phase 2 Water Participation Fee and the calculation of the amount of a partial refund, if any, shall consider that the Phase 2 Water Participation Fee may have increased during the period between when OWNER pays the Phase 2 Water Participation Fee based upon the Maximum Development Density and such time as OWNER may request a partial refund of the Phase 2 Water Participation Fee based on a reduced number of actual residential parcels. OWNER agrees that the calculation of the requested refund shall be based upon the Phase 2 Water Participation Fee in effect at the time that OWNER files a request for a refund. Within 20 days of receipt of the notice from OWNER, the CITY shall review OWNER's notice and make a determination that:

- a. OWNER's recalculation of the Phase 2 Water Participation Fee is accurate and the City shall issue a refund to OWNER of the amount requested by OWNER; or
- b. City shall notify OWNER of the need for revisions to OWNER's calculations and the need for OWNER to resubmit the request for a partial refund; or
- c. City shall notify OWNER that OWNER is not eligible for a partial refund of OWNER's Phase 2 Water Participation Fee based on a reduced number of actual building permits for residential units with the reasons for the rejection of OWNER's request.

If CITY approves OWNER's request for a partial refund of OWNER's paid Phase

2 Water Participation Fee, OWNER agrees that, prior to, and as a condition precedent to CITY's issuance of a partial refund to OWNER, OWNER shall surrender to CITY, the Certificate of Water Availability Equivalents previously issued to OWNER and the Certificate of DIF Credit in the Regional Water DIF category previously issued to OWNER by CITY. Upon surrender by OWNER of such Certificates to CITY, CITY shall reissue a Certificate of Water Availability Equivalents based on a reduced amount of Water Availability Equivalents required for OWNER's Project and CITY shall also reissue a Certificate of DIF Credit in the Regional Water DIF category based upon OWNER' s reduced Phase 2 Water Participation Fee for the Property.

3. INTEGRATION.

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

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

[Signature Page Follows]

SIGNATURE PAGE
TO FIRST AMENDMENT TO DEVELOPMENT AGREEMENT BY AND BETWEEN
THE CITY OF ONTARIO AND RONALD AND KRISTINE PIETERSMA FAMILY
TRUST AND LOYOLA PROPERTIES I L.P.

CITY:

CITY OF ONTARIO,
a California municipal corporation

By: _____
Name: Scott Ochoa
Title: City Manager

OWNERS:

By: _____
Name: Ronald C. Pietersma, Trustee of the
Ronald and Kristine Pietersma Family Trust
dated February 15, 1992

ATTEST:

By: _____
Name: _____
Title: City Clerk

By: _____
Name: Kristine B. Pietersma, Trustee of the
Ronald and Kristine Pietersma Family Trust
dated February 15, 1992

Loyola Properties I, L.P.
a California limited partnership

By: _____
Name: Michael J. Bidart, Managing Member

APPROVED AS TO FORM:

COLE HUBER, LLP

By: _____
Name: _____
Title: City Attorney

ACKNOWLEDGMENT

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

State of California)
County of San Bernardino)

On _____, 2019 before me, _____, a Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature _____

[SEAL]

ACKNOWLEDGMENT

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

State of California)
County of San Bernardino)

On _____, 2019 before me, _____, a Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature _____

[SEAL]

ACKNOWLEDGMENT

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

State of California)
County of San Bernardino)

On _____, 2019 before me, _____, a Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature _____

[SEAL]

ACKNOWLEDGMENT

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

State of California)
County of San Bernardino)

On _____, 2019 before me, _____, a Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature _____

[SEAL]

EXHIBIT "A"
LEGAL DESCRIPTION OF PROPERTY

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF ONTARIO, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1 OF OFFICIAL MAP NO. 1009, IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO, AS PER MAP FILED IN BOOK 2, PAGES 30 THROUGH 34 OF OFFICIAL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

APN: 0218- 241- 32- 0- 000

CITY OF ONTARIO

Agenda Report
September 3, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A PROFESSIONAL SERVICES AGREEMENT WITH BUCKNAM INFRASTRUCTURE GROUP, INC. FOR THE UPDATE OF THE CITY'S PAVEMENT MANAGEMENT PROGRAM

RECOMMENDATION: That the City Council approve a five-year Professional Services Agreement (on file in the Records Management Department) with Bucknam Infrastructure Group, Inc. of Oceanside, California, to provide engineering consultant services for the City's Pavement Management Program at an estimated annual amount of \$45,000, for a total five-year not-to-exceed amount of \$225,000; and authorize the City Manager to execute said agreement and future amendments within the authorization limits.


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

FISCAL IMPACT: The Fiscal Year 2019-20 Adopted Operating Budget includes appropriations of \$45,000 in the Gas Tax Fund for services related to this year's Pavement Management Program update. The five-year total will be \$225,000. Appropriations for future fiscal years will be included in the respective fiscal years' budgets for City Council consideration and approval.

BACKGROUND: The City developed its Pavement Management Program (PMP) utilizing the MicroPAVER software to help identify and prioritize projects/maintenance on its street network and also to provide budget planning information for the Capital Improvement Program. The City maintains approximately 525 section miles of streets and alleys.

On July 25, 2019, the City solicited proposals for the PMP update and received four proposals. A selection team of City staff reviewed the proposals utilizing a qualifications based selection process and recommends Bucknam Infrastructure Group, Inc. based on the quality of their proposal, their engineering expertise, and capability to perform the scope of work.

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

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

Submitted to Council/O.H.A. 09/03/2019
Approved: _____
Continued to: _____
Denied: _____

CITY OF ONTARIO

Agenda Report
September 3, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 17931 LOCATED AT THE NORTHEAST CORNER OF EUCALYPTUS AVENUE AND MILL CREEK AVENUE

RECOMMENDATION: That the City Council adopt a resolution approving an improvement agreement, improvement security and Final Tract Map No. 17931 located at the northeast corner of Eucalyptus Avenue and Mill Creek Avenue within the Esperanza Specific Plan.

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

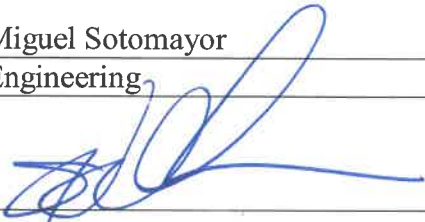
FISCAL IMPACT: None. All public infrastructure improvements required for this subdivision will be constructed by the developer at its sole cost.

BACKGROUND: Final Tract Map No. 17931, consisting of one hundred (100) residential lots and four (4) lettered lots on 16.22 acres, as shown on Exhibit "A," has been submitted by GDC/CDG Esperanza PA 10 Venture, L.P., a Delaware Limited Partnership (Mr. Daniel O'Bannon, Secretary & Chief Financial Officer).

Tentative Tract Map No. 17931 was approved by the Planning Commission (7-0) on March 27, 2007, and is consistent with the adopted Esperanza Specific Plan.

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

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

Prepared by: Miguel Sotomayor
Department: Engineering
City Manager Approval: 

Submitted to Council/O.H.A. 09/03/2019
Approved: _____
Continued to: _____
Denied: _____

8

The developer has entered into an improvement agreement with the City for Final Tract Map No. 17931 and has posted adequate security to ensure construction of the required public improvements.

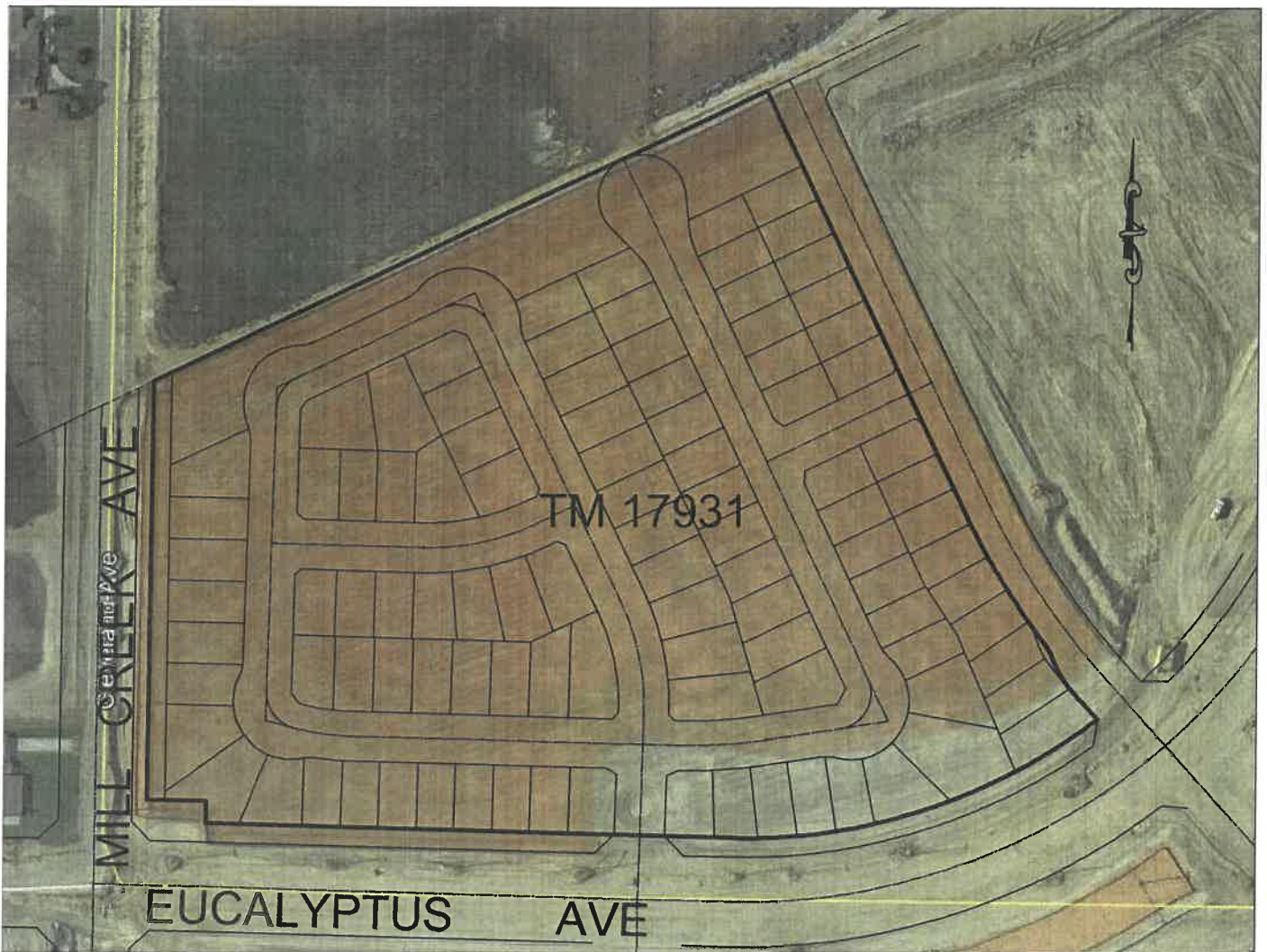
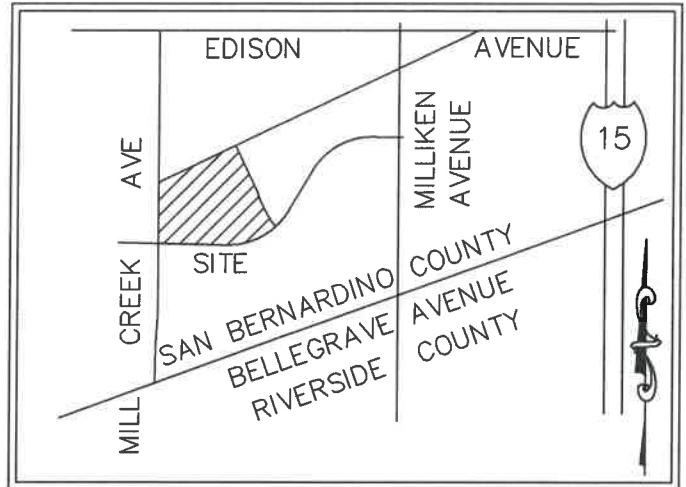
The map meets all conditions of the Subdivision Map Act and the Ontario Municipal Code and has been reviewed and approved by the City Engineer.

EXHIBIT A TR 17931

TRACT MAP NO. 17931

IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA BEING A SUBDIVISION OF LOTS 2 AND 3, OF TRACT MAP NO. 18380, AS SHOWN BY MAP ON FILE IN BOOK 350, PAGES 64 THROUGH 69, OF MAPS, RECORDS OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, LYING IN SECTION 13, TOWNSHIP 2 SOUTH, RANGE 7 WEST SAN BERNARDINO MERIDIAN.

VICINITY MAP



PREPARED BY:



HILLWIG-GOODROW
31407 OUTER HWY 10
REDLANDS, CA 92373
PH. (909) 704-2673

CITY OF ONTARIO
ENGINEERING DEPARTMENT

FILE NO. TR-17931

APPLICANTS:

GDC INVESTMENTS 6, LP;
GDC INVESTMENTS 13, LP

PROJECT:

TRACT MAP NO. 17931

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. 17931 LOCATED AT THE NORTHEAST CORNER OF EUCALYPTUS AVENUE AND MILL CREEK AVENUE.

WHEREAS, Tentative Tract Map No. 17931, submitted for approval by GDC/CDG Esperanza PA 10 Venture, L.P., a Delaware Limited Partnership (Mr. Daniel O'Bannon, Secretary & Chief Financial Officer) was approved by the Planning Commission of the City of Ontario on March 27, 2007; and

WHEREAS, Tentative Tract Map No. 17931 consists of one hundred (100) numbered lots and four (4) lettered lots within the Esperanza Specific Plan being a subdivision of lots 2 and 3, of Tract Map No. 18380 recorded in book 350, pages 64 through 69, of maps, in the Office of the Recorder of San Bernardino County, State of California, lying in Section 13, Township 2 South, Range 7 West, San Bernardino Meridian; and

WHEREAS, to meet the requirements established as prerequisite to final approval of Final Tract Map No. 17931, said developer has offered an improvement agreement, together with good and sufficient improvement security, in conformance with the City Attorney's approved format, for approval and execution by the City; and

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

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Ontario, California, as 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. 17931 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 3rd day of September 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

COLE HUBER, LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held September 3, 2019 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2019- duly passed and adopted by the Ontario City Council at their regular meeting held September 3, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
September 3, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 17933 LOCATED AT THE NORTHEAST CORNER OF BELLEGRAVE AVENUE AND MILL CREEK AVENUE

RECOMMENDATION: That the City Council adopt a resolution approving an improvement agreement, improvement security and Final Tract Map No. 17933 located at the northeast corner of Bellegrave Avenue and Mill Creek Avenue within the Esperanza Specific Plan.

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

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

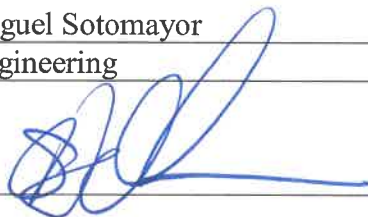
BACKGROUND: Final Tract Map No. 17933, consisting of one hundred and seven (107) residential lots and four (4) lettered lots on 19.81 acres, as shown on Exhibit "A," has been submitted by Lennar Homes of California, Inc., a California corporation (Mr. Geoff Smith, Vice President).

Tentative Tract Map No. 17933 was approved by the Planning Commission (7-0) on March 27, 2007 and is consistent with the adopted Esperanza Specific Plan.

Improvements will include AC pavement, curb, gutter, sidewalk, landscaped parkways, fiber optic conduits, fire hydrants, sewer, water, recycled water mains, storm drain, and 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 Tract Map No. 17933 and has posted adequate security to ensure construction of the required public improvements.

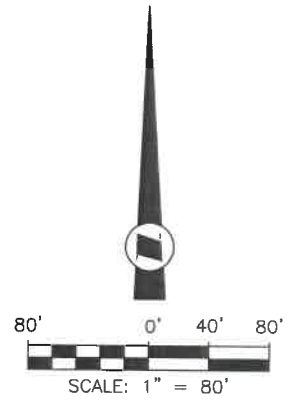
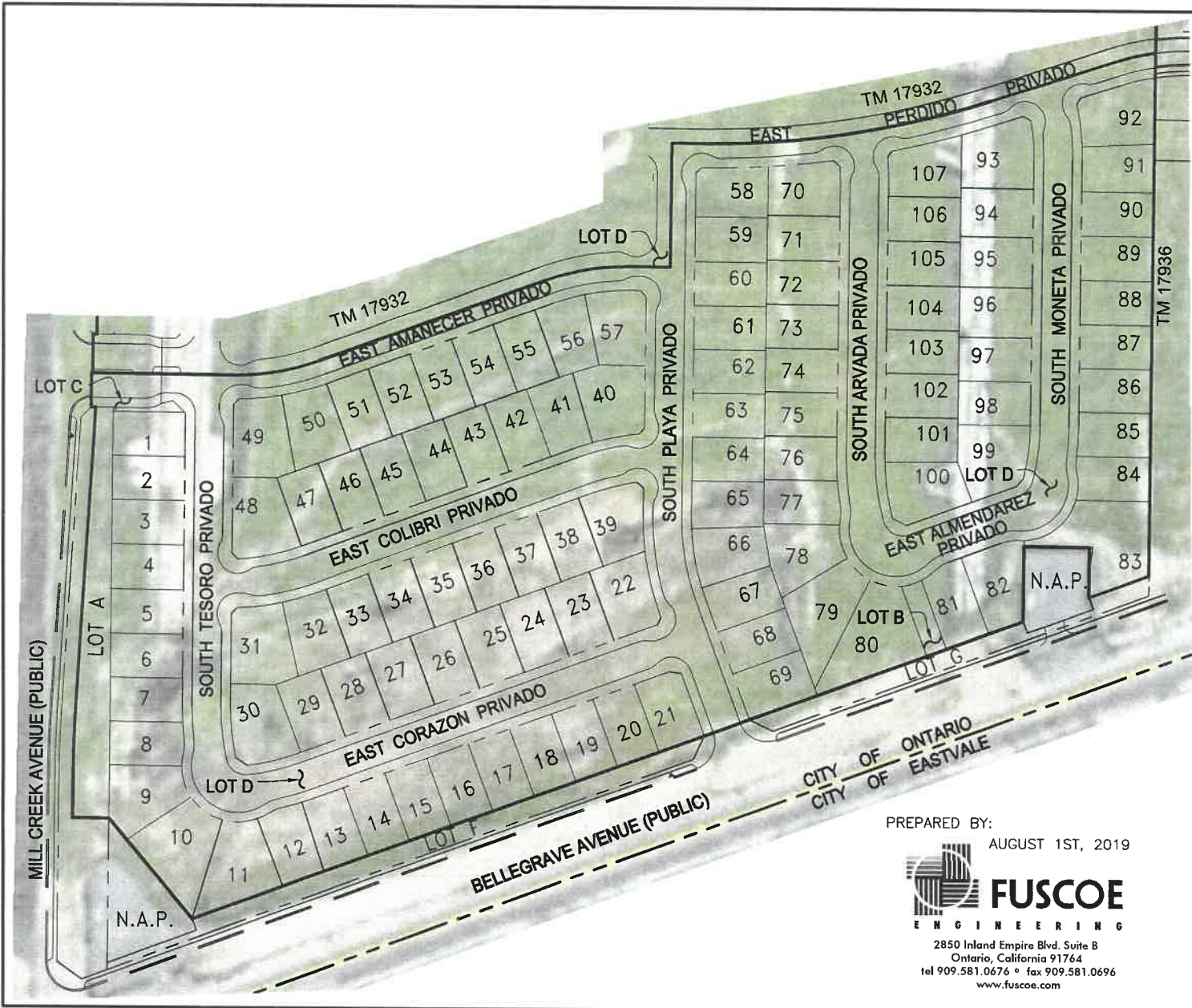
STAFF MEMBER PRESENTING: Scott Murphy, AICP, Executive Director Development Agency

Prepared by: Miguel Sotomayor
Department: Engineering
City Manager Approval: 

Submitted to Council/O.H.A. 09/03/2019
Approved: _____
Continued to: _____
Denied: _____

9

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



PREPARED BY:
AUGUST 1ST, 2019

FUSCOE
ENGINEERING
2850 Inland Empire Blvd. Suite B
Ontario, California 91764
tel 909.581.0676 • fax 909.581.0696
www.fuscoe.com

EXHIBIT A
TRACT NO. 17933
107 LOT SUBDIVISION

EXHIBIT A

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. 17933 LOCATED AT THE NORTHEAST CORNER OF BELLEGRAVE AVENUE AND MILL CREEK AVENUE.

WHEREAS, Tentative Tract Map No. 17933, submitted for approval by Lennar Homes of California, Inc., a California Corporation (Mr. Geoff Smith, Vice President) was approved by the Planning Commission of the City of Ontario on March 27, 2007; and

WHEREAS, Tentative Tract Map No. 17933 consists of one hundred and seven (107) numbered lots and four (4) lettered lots within the Esperanza Specific Plan being a subdivision of lots 6 and 7, of Tract Map No. 18380 recorded in book 350, pages 64 through 69, of maps, in the Office of the Recorder of San Bernardino County, State of California, lying in Section 24, Township 2 South, Range 7 West, San Bernardino Meridian; and

WHEREAS, to meet the requirements established as prerequisite to final approval of Final Tract Map No. 17933, said developer has offered an improvement agreement, together with good and sufficient improvement security, in conformance with the City Attorney's approved format, for approval and execution by the City; and

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

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Ontario, California, as 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. 17933 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 3rd day of September 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

COLE HUBER, LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held September 3, 2019 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2019- duly passed and adopted by the Ontario City Council at their regular meeting held September 3, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
September 3, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 17936 LOCATED ON BELLEGRAVE AVENUE, APPROXIMATELY 400 FEET WEST OF HAMNER AVENUE

RECOMMENDATION: That the City Council adopt a resolution approving an improvement agreement, improvement security and Final Tract Map No. 17936 located on Bellegrave Avenue approximately, 400 feet west of Hamner Avenue within the Esperanza Specific Plan.

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

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

BACKGROUND: Final Tract Map No. 17936, consisting of ninety nine (99) residential lots and three (3) lettered lots on 16.22 acres, as shown on Exhibit "A," has been submitted by Lennar Homes of California, Inc., a California corporation (Mr. Geoff Smith, Vice President).

Tentative Tract Map No. 17936 was approved by the Planning Commission (7-0) on February 27, 2007 and is consistent with the adopted Esperanza Specific Plan.

Improvements will include AC pavement, curb, gutter, sidewalk, landscaped parkways, fiber optic conduits, fire hydrants, sewer, water, recycled water mains, storm drain, and 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 Tract Map No. 17936 and has posted adequate security to ensure construction of the required public improvements.

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

Prepared by: Miguel Sotomayor
Department: Engineering

City Manager Approval: 

Submitted to Council/O.H.A. 09/03/2019

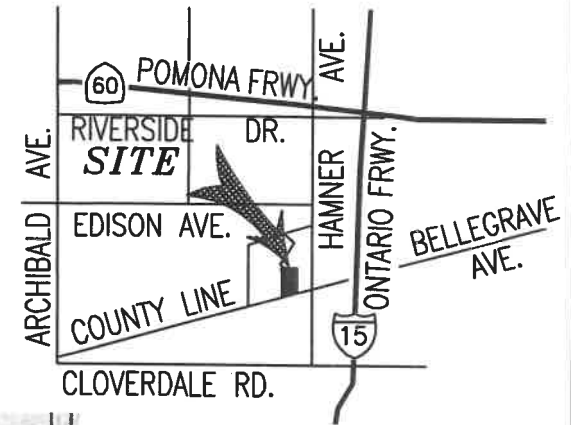
Approved: _____

Continued to: _____

Denied: _____

10

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



VICINITY MAP
NOT TO SCALE

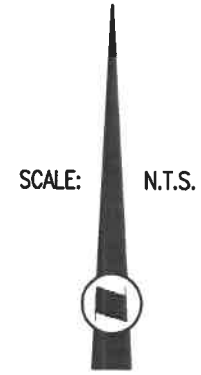
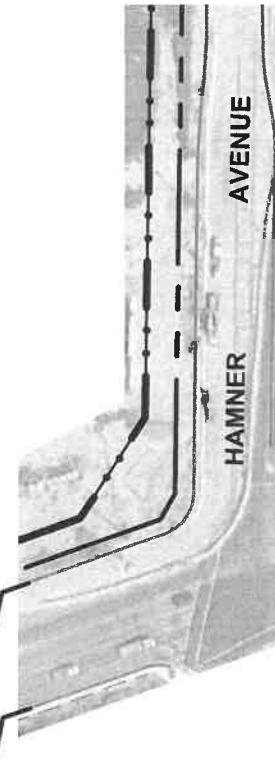


EXHIBIT A
TRACT NO: 17936
99 LOT SUBDIVISION

LDKING 975 N. Haven Avenue
Suite 200
Ontario, CA 91764
Phone: (909) 945-0526
Engineers/Surveyors

EXHIBIT A

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. 17936 LOCATED ON BELLEGRAVE AVENUE, APPROXIMATELY 400 FEET WEST OF HAMNER AVENUE.

WHEREAS, Tentative Tract Map No. 17936, submitted for approval by Lennar Homes of California, Inc., a California Corporation (Mr. Geoff Smith, Vice President) was approved by the Planning Commission of the City of Ontario on February 27, 2007; and

WHEREAS, Tentative Tract Map No. 17936 consists of ninety nine (99) numbered lots and three (3) lettered lots within the Esperanza Specific Plan being a subdivision of lot 3, of Tract Map No. 20233 recorded in book 351, pages 31 through 35, of maps, in the Office of the Recorder of San Bernardino County, State of California; and

WHEREAS, to meet the requirements established as prerequisite to final approval of Final Tract Map No. 17936, said developer has offered an improvement agreement, together with good and sufficient improvement security, in conformance with the City Attorney's approved format, for approval and execution by the City; and

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

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Ontario, California, as 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. 17936 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 3rd day of September 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

COLE HUBER, LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held September 3, 2019 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2019- duly passed and adopted by the Ontario City Council at their regular meeting held September 3, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
September 3, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 18878 LOCATED AT THE SOUTHWEST CORNER OF EUCALYPTUS AVENUE AND HAMNER AVENUE

RECOMMENDATION: That the City Council adopt a resolution approving an improvement agreement, improvement security and Final Tract Map No. 18878 located at the southwest corner of Eucalyptus Avenue and Hamner Avenue within the Esperanza Specific Plan.

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

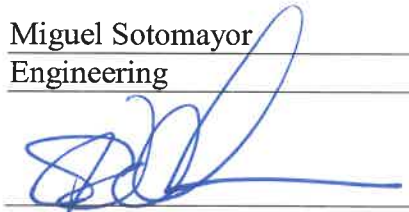
FISCAL IMPACT: None. All public infrastructure improvements required for this subdivision will be constructed by the developer at its sole cost.

BACKGROUND: Final Tract Map No. 18878, consisting of one hundred and twenty five (125) residential lots and twenty five (25) lettered lots on 19.24 acres, as shown on Exhibit "A," has been submitted by Lennar Homes of California, Inc., a California corporation (Mr. Geoff Smith, Vice President).

Tentative Tract Map No. 18878 was approved by the Planning Commission (4-0) on July 22, 2014 and is consistent with the adopted Esperanza Specific Plan.

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

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

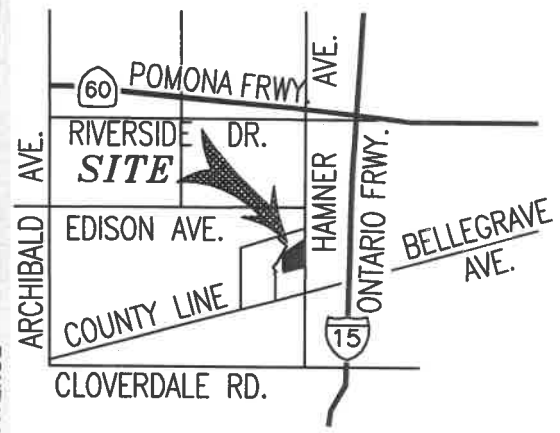
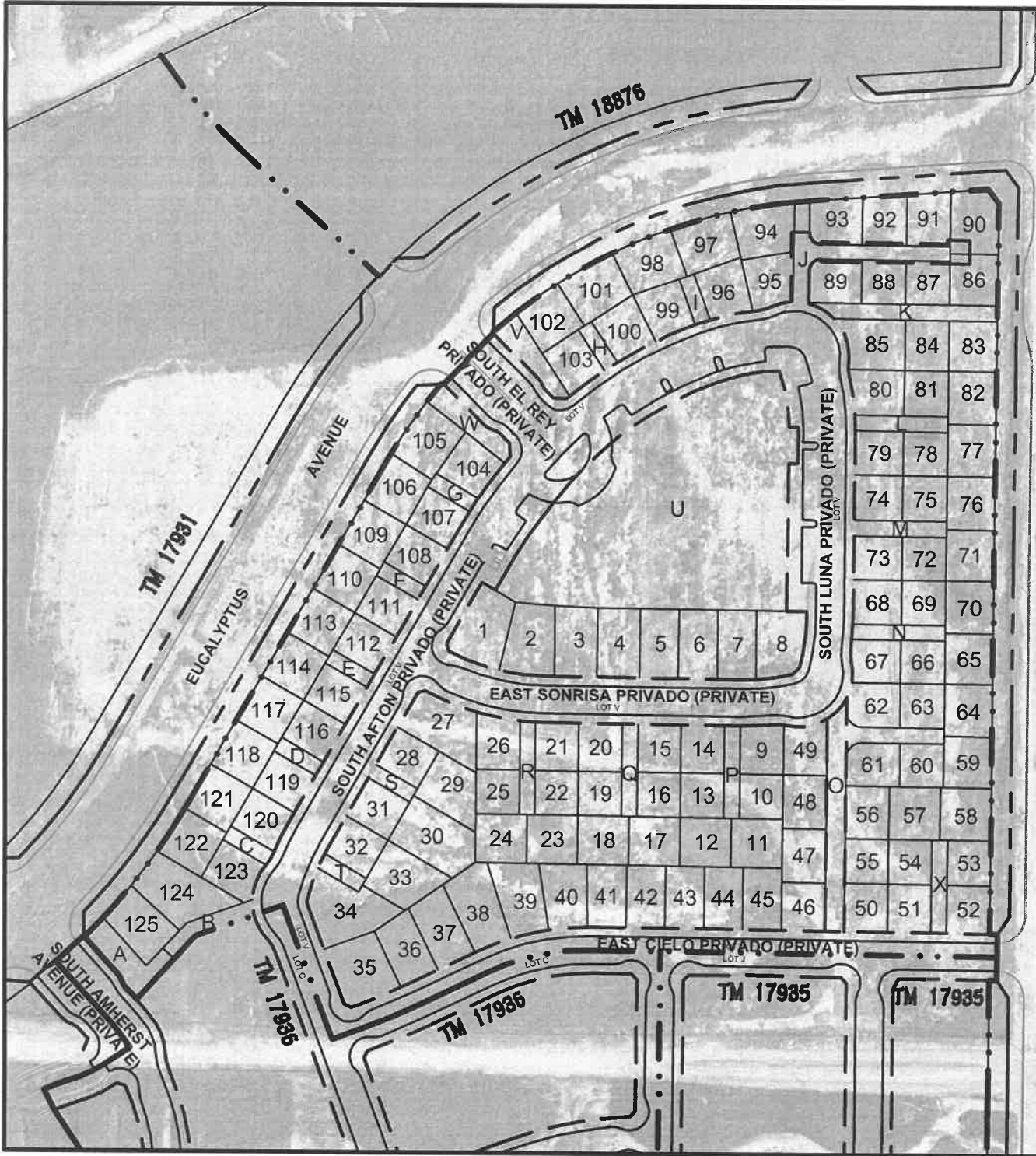
Prepared by: Miguel Sotomayor
Department: Engineering
City Manager Approval: 

Submitted to Council/O.H.A. 09/03/2019
Approved: _____
Continued to: _____
Denied: _____

11

The developer has entered into an improvement agreement with the City for Final Tract Map No. 18878 and has posted adequate security to ensure construction of the required public improvements.

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



VICINITY MAP
NOT TO SCALE

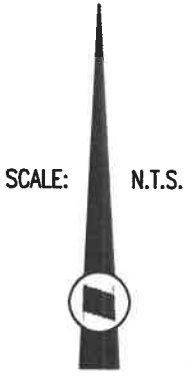


EXHIBIT A
TRACT NO. 18878
125 LOT SUBDIVISION

LDKING 975 N. Haven Avenue
Suite 200
Ontario, CA 91764
Phone: (909) 945-0526
Engineers/Surveyors

EXHIBIT A

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. 18878 LOCATED AT THE SOUTHWEST CORNER OF EUCALYPTUS AVENUE AND HAMNER AVENUE.

WHEREAS, Tentative Tract Map No. 18878, submitted for approval by Lennar Homes of California, Inc., a California Corporation (Mr. Geoff Smith, Vice President) was approved by the Planning Commission of the City of Ontario on July 22, 2014; and

WHEREAS, Tentative Tract Map No. 18878 consists of one hundred and twenty five (125) numbered lots and twenty five (25) lettered lots within the Esperanza Specific Plan being a subdivision of lot 2, of Tract Map No. 20233 recorded in book 351, pages 31 through 35, of maps, in the Office of the Recorder of San Bernardino County, State of California; and

WHEREAS, to meet the requirements established as prerequisite to final approval of Final Tract Map No. 18878, said developer has offered an improvement agreement, together with good and sufficient improvement security, in conformance with the City Attorney's approved format, for approval and execution by the City; and

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

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Ontario, California, as 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. 18878 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 3rd day of September 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

COLE HUBER, LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held September 3, 2019 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2019- duly passed and adopted by the Ontario City Council at their regular meeting held September 3, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
September 3, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: AUTHORIZE THE PURCHASE OF FLEET VEHICLES AND EQUIPMENT

RECOMMENDATION: That the City Council take the following actions:

- (A) Authorize the cooperative purchase and delivery of one CNG Kenworth/Vactor combination sewer cleaner in the amount of \$539,219 for the Utilities Department, from Haaker Equipment Company of La Verne, California, consistent with the terms and conditions of the Sourcwell (formerly known as NJPA) Cooperative Contract 122017-FS;
- (B) Authorize the cooperative purchase and delivery of one 6000lb Case 586H Forklift in the amount of \$82,477 for the Integrated Waste Department, from Sonsray Machinery of Fontana, California, consistent with the terms and conditions of Sourcwell (formerly known as NJPA) Cooperative Contract 032119-CNH;
- (C) Authorize the cooperative purchase and delivery of twelve Ford Escapes in the amount of \$305,928 (five for the Community Improvement Department, two for the Engineering Department, two for the Utilities Department, one for the Fire Department, one for the Police Department, and one for the Recreation Department) from National Auto Fleet Group of Watsonville, California, consistent with the terms and conditions of the Sourcwell (formerly known as NJPA) Cooperative Contract 120716-NAF;
- (D) Authorize the cooperative purchase and delivery of three BMW Motorcycles in the amount of \$94,705 for the Police Department, from Long Beach BMW Motorcycles of Long Beach, California, consistent with the terms and conditions of the City of Sacramento Contract Bid Number B17153311004; and
- (E) Authorize the cooperative purchase and delivery of one CNG Ford F650 Stake Bed Truck in the amount of \$141,964 for the Integrated Waste Department, from PB Loader Corporation of Fresno, California, consistent with the terms and conditions of the Sourcwell (formerly known as NJPA) Cooperative Contract 052417-PBL.

STAFF MEMBER PRESENTING: Tito Haes, Executive Director Public Works

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

Submitted to Council/O.H.A. 09/03/2019
Approved: _____
Continued to: _____
Denied: _____

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

FISCAL IMPACT: The Fiscal Year 2018-19 Adopted Operating Budget included appropriations from the General Fund in the amount of \$76,482 for the purchase of three additional vehicles for the Fire Department and Community Improvement Department which will be carried forward as part of the FY 2019-20 First Quarter Budget Update Report to the City Council. The Adopted Fiscal Year 2019-20 Operating Budget includes appropriations from the Equipment Services Fund in the amount of \$1,087,811 for sixteen of the replacement vehicles listed above. The total cost of the vehicles recommended for purchase is \$1,164,293.

BACKGROUND: The vehicles recommended for replacement in this action have outlived their useful life, and it is no longer cost-effective to maintain them. They are scheduled for replacement pursuant to ongoing efforts to reduce expenses, maximize useful life-expectancy, and extend replacement cycles of fleet equipment while ensuring safe and reliable operations. This procurement action will result in the replaced vehicles being available to surplus, with any auction sale proceeds returning to the Equipment Services Fund. A total of three vehicles will be added to expand the City's current fleet (one in the Fire Department and two in Community Improvement).

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

- (A) Staff recommends the cooperative purchase and delivery of one CNG Kenworth/Vactor combination sewer cleaner in the amount of \$539,219 for the Utilities Department, from Haaker Equipment Company of La Verne, California, consistent with the terms and conditions of the Sourcwell (formerly known as NJPA) Cooperative Contract 122017-FS;
- (B) Staff recommends the cooperative purchase and delivery of one 6000lb Case 586H Forklift in the amount of \$82,477 for the Integrated Waste Department, from Sonsray Machinery of Fontana, California, consistent with the terms and conditions of Sourcwell (formerly known as NJPA) Cooperative Contract 032119-CNH;
- (C) Staff recommends the cooperative purchase and delivery of twelve Ford Escapes in the amount of \$305,928 (five for the Community Improvement Department, two for the Engineering Department, two for the Utilities Department, one for the Fire Department, one for the Police Department, and one for the Recreation Department) from National Auto Fleet Group of Watsonville, California, consistent with the terms and conditions of the Sourcwell (formerly known as NJPA) Cooperative Contract 120716-NAF;
- (D) Staff recommends the cooperative purchase and delivery of three BMW Motorcycles in the amount of \$94,705 for the Police Department, from Long Beach BMW Motorcycles of Long Beach, California, consistent with the terms and conditions of the City of Sacramento Contract Bid Number B17153311004; and
- (E) Staff recommends the cooperative purchase and delivery of one CNG Ford F650 Stake Bed Truck in the amount of \$141,964 for the Integrated Waste Department, from PB Loader Corporation of

Fresno, California, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 052417-PBL.

CITY OF ONTARIO

Agenda Report
September 3, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: AN ORDINANCE LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 49 (AVENUE 176 SERVICES)


RECOMMENDATION: That the City Council consider and adopt an ordinance authorizing the levy of special taxes within City of Ontario Community Facilities District No. 49 (Avenue 176 Services).

COUNCIL GOALS: Maintain the Current High Level of Public Safety
Operate in a Businesslike Manner
Focus Resources in Ontario's Commercial and Residential Neighborhoods
Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch

FISCAL IMPACT: The use of Mello-Roos financing for services in the residential development of the Avenue 176 project is estimated to generate approximately \$297,000 per year, at build out, to fund City services. The use of Mello-Roos financing for Avenue 176 Services will not generate funds for facilities, at this time, and bonds will not be issued as part of this formation. There is no Fiscal Impact at this time; however, there will be proposed levies in future years that will require City Council approval.

BACKGROUND: The Mello-Roos Community Facilities Act of 1982 provides local government, with the consent from a majority of the property owners, the authority to establish community facilities districts (CFDs) for the purpose of levying special taxes to finance various kinds of government services. On July 16, 2019, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of Community Facilities District No. 49 (Avenue 176 Services) with the adoption of Resolution No. 2019-097, declaring the City's intention to establish the district and to authorize the levying of special taxes in the district. On August 20, 2019, the City Council conducted the public hearing, adopted the resolution of formation for the District, and introduced and waived further reading of the ordinance authorizing the levy of special taxes within City of Ontario Community Facilities District No. 49 (Avenue 176 Services). Adoption of the ordinance will conclude the formation process for the District.

STAFF MEMBER PRESENTING: Armen Harkalyan, Executive Director of Finance

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

Submitted to Council/O.H.A. 09/03/2019
Approved: _____
Continued to: _____
Denied: _____

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The Avenue 176 project addresses the development of approximately 27.1 gross acres located north of Ontario Ranch Road, south of La Avenida Drive, east of Turner Avenue, and generally west of Archibald Avenue. At build-out, the development is projected to include 176 single-family detached units.

Included, as part of the resolutions of intention and the formation, is the proposed Rate and Method of Apportionment of Special Tax for City of Ontario Community Facilities District No. 49 (Avenue 176 Services). The term and structure of the rate and method of apportionment of special tax are consistent with the City Council's adopted Mello-Roos Local Goals and Policies in all respects, and are consistent with those of the previously adopted rates and methods of apportionment for Ontario Ranch community facilities districts. This ensures that the special tax rates levied on all residential property owners in community facilities districts in Ontario Ranch are developed in a consistent and equivalent manner. In addition, under the provisions of the Mello-Roos Act, to ensure that home buyers are making an informed decision, all residential builders in the Ontario Ranch community facilities districts will be required to disclose the maximum annual special tax amount to each homeowner before they enter into a sales contract.

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. 49 (AVENUE 176 SERVICES).

WHEREAS, on July 16, 2019, 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. 49 (Avenue 176 Services) and to Authorize the Levy of Special Taxes" stating its intention to establish City of Ontario Community Facilities District No. 49 (Avenue 176 Services) (the "Community Facilities District") and to finance certain services (the "Services"); and

WHEREAS, on August 20, 2019, 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. 49 (Avenue 176 Services), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" (the "Resolution of Formation") and "A Resolution of the City Council of the City of Ontario, California, Calling Special Election for City of Ontario Community Facilities District No. 49 (Avenue 176 Services)," which resolutions established the Community Facilities District, authorized the levy of a special tax within the Community Facilities District and called an election within the Community Facilities District on the proposition of levying a special tax within the Community Facilities District and establishing an appropriations limit for the Community Facilities District, respectively; and

WHEREAS, on August 20, 2019, 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 2019-20 and in each fiscal year thereafter until the last fiscal year in which such special taxes are authorized to be levied pursuant to the Rate and Method of Apportionment.

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

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

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

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

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

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

PASSED, APPROVED, AND ADOPTED this 3rd day of September 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

COLE HUBER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3139 was duly introduced at a regular meeting of the City Council of the City of Ontario held August 20, 2019 and adopted at the regular meeting held September 3, 2019 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 3139 duly passed and adopted by the Ontario City Council at their regular meeting held September 3, 2019 and that Summaries of the Ordinance were published on August 27, 2019 and September 10, 2019, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
September 3, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: AN ORDINANCE LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 51 (ONTARIO RANCH LOGISTICS CENTER SERVICES)


RECOMMENDATION: That the City Council consider and adopt an ordinance authorizing the levy of special taxes within City of Ontario Community Facilities District No. 51 (Ontario Ranch Logistics Center Services).

COUNCIL GOALS: Maintain the Current High Level of Public Safety
Operate in a Businesslike Manner
Focus Resources in Ontario's Commercial and Residential Neighborhoods
Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch

FISCAL IMPACT: The use of Mello-Roos financing for services in the industrial development of the Ontario Ranch Logistics Center Services project is estimated to generate approximately \$900,000 per year, at build out, to fund City services. The use of Mello-Roos financing for Ontario Ranch Logistics Center Services will not generate funds for facilities, at this time, and bonds will not be issued as part of this formation. There is no Fiscal Impact at this time; however, there will be proposed levies in future years that will require City Council approval.

BACKGROUND: The Mello-Roos Community Facilities Act of 1982 provides local government, with the consent from a majority of the property owners, the authority to establish community facilities districts (CFDs) for the purpose of levying special taxes to finance various kinds of government services. On April 16, 2019, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of Community Facilities District No. 51 (Ontario Ranch Logistics Center Services) with the adoption of Resolution No. 2019-033, declaring the City's intention to establish the district and to authorize the levying of special taxes in the district. On August 20, 2019, the City Council conducted a public hearing on the formation of the District, adopted the resolution of formation, and introduced and waived further reading of the ordinance authorizing the levy of special

STAFF MEMBER PRESENTING: Armen Harkalyan, Executive Director of Finance

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

Submitted to Council/O.H.A. 09/03/2019
Approved: _____
Continued to: _____
Denied: _____

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taxes within City of Ontario Community Facilities District No. 51 (Ontario Ranch Logistics Center Services). Adoption of the ordinance will conclude the formation process for the District.

The Ontario Ranch Logistics Center project addresses the development of approximately 131.9 gross acres located north of Merrill Avenue, south of Eucalyptus Avenue, east of Carpenter Avenue, and west of the Cucamonga Creek Channel. At build-out, the project is projected to include 2,905,510 square feet of industrial development.

Included, as part of the resolutions of intention and formation, is the proposed Rate and Method of Apportionment of Special Tax for City of Ontario Community Facilities District No. 51 (Ontario Ranch Logistics Center Services). The terms of the rate and method of apportionment of special tax are consistent with the City Council's adopted Mello-Roos local goals and policies in all respects, and City staff have discussed the proposed Rate and Method of Apportionment of Special Tax with the landowner.

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. 51 (ONTARIO RANCH LOGISTICS CENTER SERVICES).

WHEREAS, on April 16, 2019, 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. 51 (Ontario Ranch Logistics Center Services) and to Authorize the Levy of Special Taxes" stating its intention to establish City of Ontario Community Facilities District No. 51 (Ontario Ranch Logistics Center Services) (the "Community Facilities District") and to finance certain services (the "Services"); and

WHEREAS, on August 20, 2019, 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. 51 (Ontario Ranch Logistics Center Services), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" (the "Resolution of Formation") and "A Resolution of the City Council of the City of Ontario, California, Calling Special Election for City of Ontario Community Facilities District No. 51 (Ontario Ranch Logistics Center Services)," which resolutions established the Community Facilities District, authorized the levy of a special tax within the Community Facilities District and called an election within the Community Facilities District on the proposition of levying a special tax within the Community Facilities District and establishing an appropriations limit for the Community Facilities District, respectively; and

WHEREAS, on August 20, 2019, 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 2019-20 and in each fiscal year thereafter until the last fiscal year in which such special taxes are authorized to be levied pursuant to the Rate and Method of Apportionment.

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

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

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

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

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

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

PASSED, APPROVED, AND ADOPTED this 3rd day of September 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

COLE HUBER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3140 was duly introduced at a regular meeting of the City Council of the City of Ontario held August 20, 2019 and adopted at the regular meeting held September 3, 2019 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No: 3140 duly passed and adopted by the Ontario City Council at their regular meeting held September 3, 2019 and that Summaries of the Ordinance were published on August 27, 2019 and September 10, 2019, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
September 3, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: PURCHASE OF FLEET OILS, LUBRICANTS AND COOLANTS

RECOMMENDATION: That the City Council authorize the City Manager to execute one-year Goods and Services Agreements (on file in the Records Management Department) with Southern Counties Lubricants, LLC of Orange, California, and with Southern Counties Oil Company, DBA SC Fuels of Orange, California, each for an annual estimated amount of \$55,000, at the set pricing levels per Bid No. 1165; and authorize the addition of future acquisition and services; and the option to extend the agreements for up to four additional years consistent with City Council approved budgets.

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

FISCAL IMPACT: The Fiscal Year 2019-20 Adopted Operating Budget includes appropriations of \$200,000 from the Equipment Services Fund to procure oils, lubricants and coolants and dispose of used materials for the City's vehicle and equipment fleet. Actual expenditures will be based upon the fixed unit pricing applied to the quantity of materials and extent of services required.

At the City's discretion, four additional one-year extensions may be exercised with unit pricing for future years to be negotiated but will not exceed the change in the Consumer Price Index per year. Future contracting actions will be commensurate with City Council authorized work programs and budgets for the respective fiscal years.

BACKGROUND: The City owns over 1,000 pieces of equipment ranging from lawnmowers to fire trucks that are currently maintained by the City's Fleet Services Department. This award will establish a fixed pricing structure for the materials and supplies necessary for preventative services, maintenance and emergency repairs due to sudden and unexpected equipment failures.

STAFF MEMBER PRESENTING: Tito Haes, Executive Director Public Works

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

Submitted to Council/O.H.A. 09/03/2019
Approved: _____
Continued to: _____
Denied: _____

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In August 2019, the City solicited bids based on estimated annual quantities and requested unit pricing for specific oils, lubricants and coolants. Five responses were received, all of them were reviewed for responsiveness and pricing. Following is the list of responding firms:

<u>Name</u>	<u>Location</u>
Flyers Energy Corporation	Bloomington, CA
Patten Energy Enterprises	Los Angeles, CA
Safety-Kleen Systems, Inc.	Richardson, TX
Southern Counties Lubricants, Inc.	Orange, CA
Southern Counties Oils Company, DBA SC Fuels	Orange, CA

Staff evaluated all the bid responses based on the proposed unit pricing and submitted information, and recommends awarding Bid No. 1165 to Southern Counties Lubricants, LLC located in Orange, California, and Southern Counties Oil Company, DBA SC Fuels located in Orange, California. By awarding to these two suppliers, the City can obtain lower per unit pricing when buying the required oils, lubricants, coolants and help ensure availability of items for proper service, maintenance and repairs on the City's fleet.

CITY OF ONTARIO

Agenda Report
September 3, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: MAINTENANCE SERVICES AGREEMENT FOR LANDSCAPE MAINTENANCE FOR PARK PLACE

RECOMMENDATION: That the City Council authorize the City Manager to execute a three-year Maintenance Services Agreement (on file in the Records Management Department) for Contract No. PM1819-7 with Merchants Landscape Services Inc., of Rancho Cucamonga, California, for an annual estimated cost of \$69,600 plus a contingency of \$6,960; and authorize the addition of future service areas; and authorize the option to extend the agreement for up to two additional years consistent with City Council approved budgets.

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

FISCAL IMPACT: The recommended Maintenance Services Agreement is for an estimated annual cost of \$69,600 plus a contingency of \$6,960 for an annual estimated amount of \$76,560 for each of the first three years. The three-year total is \$229,680. Appropriations are included in the Parks and Maintenance Department's annual baseline operating budget for these recurring expenses.

At the City's discretion, two additional one-year extensions may be exercised. The first option year would include a base price increase of 3.4%, and a 5% base price increase would apply for the second option year. Future contracting actions will be commensurate with the City Council authorized work programs and budgets. Contracting for the multi-year period allows the City to avoid the cost of re-bidding the contract annually, provide service continuity; and better project future years' costs.

BACKGROUND: In March 2019, the City solicited bids for landscape maintenance services for Park Place (PM 1819-7) in Ontario Ranch. Five proposals were received; all of them met the bid criteria and standards necessary to perform this work. A summary of the proposals is as follows:

STAFF MEMBER PRESENTING: Tito Haes, Executive Director Public Works

Prepared by: Roberto Perez
Department: Parks and Maintenance

City Manager Approval: 

Submitted to Council/O.H.A. 09/03/2019

Approved: _____

Continued to: _____

Denied: _____

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<u>Vendor</u>	<u>Location</u>	<u>Amount</u>
So Cal Land Maintenance, Inc.	Anaheim, CA	\$69,564
Merchants Landscape	Rancho Cucamonga, CA	\$69,600
Green Tech	Whittier, CA	\$78,336
DW Landscape	Upland, CA	\$102,000
Brightview	Upland, CA	\$107,244

On May 7, 2019, the City Council approved the award of a Maintenance Services Agreement to So Cal Land Maintenance, Inc. Since July 2019, So Cal Land Maintenance, Inc. has failed to perform to City standards and specifications. Through their letter dated August 1, 2019, So Cal Land Maintenance, Inc. requested to be released from their contractual obligations based on their inability to perform the scope of work required for the maintenance of Park Place in Ontario Ranch. So Cal Land Maintenance, Inc. will remain on site until September 30, 2019 and will make sure that all the sites are serviced and ready for turnover.

Merchants Landscape Services Inc. submitted a proposal that met all the required specifications with a base cost, three-year total of \$208,800; and if approved will be taking over the landscape maintenance services effective October 1, 2019. Based on their proposal, credentials, letter honoring their pricing and reference checks, staff recommends award of the Maintenance Services Agreement to Merchants Landscape Services, Inc.

CITY OF ONTARIO

Agenda Report
September 3, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: AN ORDINANCE APPROVING AN AMENDMENT TO THE CITY OF ONTARIO MUNICIPAL CODE, REVISING SECTION 4-6.1009 TO ADD PROVISIONS PROHIBITING THE OVERNIGHT PARKING OF LARGE COMMERCIAL VEHICLES IN RESIDENTIAL ZONING DISTRICTS

RECOMMENDATION: That the City Council consider and adopt an ordinance approving an amendment to the City of Ontario Municipal Code, revising Section 4-6.1009 to add provisions prohibiting the overnight parking of large commercial vehicles in residential zoning districts.


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 August 20, 2019, the City Council introduced and waived further reading of an ordinance approving an amendment to the Ontario Municipal Code. To preserve the integrity of residential neighborhoods and reduce nighttime road hazards due to hampered vision and decreased road width caused by large commercial vehicles parked on public residential streets, staff has initiated an amendment to the Ontario Municipal Code that would serve to further restrict large commercial vehicle parking on residential streets.

The parking of large commercial vehicles within residential neighborhoods has been a growing problem within the City. Many residents have raised concerns regarding the overnight parking of large commercial vehicles, such as delivery trucks, service vehicles, and tow trucks, on public streets in residential neighborhoods. Furthermore, it is not unusual for owners of large commercial vehicles to routinely park their large commercial vehicles on public streets located in residential neighborhoods despite existing on-street parking restrictions within Ontario Municipal Code Section 4-6.1009 (Restricted for Certain Commercial Vehicles).

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

Prepared by: Charles Mercier
Department: Planning
City Manager Approval: 

Submitted to Council/O.H.A. 09/03/2019
Approved: _____
Continued to: _____
Denied: _____

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The proposed ordinance will make it unlawful for the driver, owner, or operator of any large commercial vehicle to park the vehicle on a public street or alley between the hours of 2:00AM and 6:00AM, daily. However, large commercial vehicles parked in connection with and in aid to the performance of a service, or while loading and unloading goods, are allowed to remain parked until such time that the work is completed.

As used in the proposed ordinance, the term “large vehicle” shall include, but not be limited to, large commercial vehicles, trailers, motor trucks, semi-trailers, or other large portable commercial equipment that exceeds a width of 80 inches, or exceeds a height of 7 feet, or exceeds a length of 25 feet.

The proposed amendment to the City’s Municipal Code will serve to close existing loopholes in the current on-street parking regulations that would allow for the parking of large commercial vehicles in residential districts in certain instances. Therefore, staff is recommending the City Council approve the proposed Municipal Code Amendment, which further prohibits the overnight parking of large commercial vehicles in residential districts.

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 common sense exemption 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 AN AMENDMENT TO THE ONTARIO MUNICIPAL CODE, AMENDING SECTION 4-6.1009 TO ADD PROVISIONS PROHIBITING THE OVERNIGHT PARKING OF LARGE COMMERCIAL VEHICLES IN RESIDENTIAL ZONING DISTRICTS, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, the City of Ontario ("Applicant") has initiated an amendment to the Ontario Municipal Code, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, by virtue of the police powers delegated to it by the California Constitution, the City has the authority to enact laws which promote the public health, safety, and general welfare of its citizens; and

WHEREAS, the City has received complaints regarding the overnight parking of large commercial vehicles, such as delivery trucks, service vehicles, and tow trucks, on public streets in residential zoning districts and residential land use districts of specific plans; and

WHEREAS, residents have routinely parked large commercial vehicles on public streets located in residential neighborhoods despite current on-street parking restrictions within Ontario Municipal Code Section 4-6.1009 (Restricted for Certain Commercial Vehicles); and

WHEREAS, the City Council has determined that further restriction of large commercial vehicle parking on residential streets is necessary to preserve the integrity of residential neighborhoods and reduce nighttime road hazards due to hampered vision and decreased road width caused by large commercial vehicles parked on public residential streets; and

WHEREAS, the proposed amendment to the Ontario Municipal Code 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, which is 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

WHEREAS, public notification of the proposed amendment to the Ontario Municipal Code has been provided in accordance with State law, and all such notifications have been completed; and

WHEREAS, at their regular meeting of July 2, 2019, the City Council of the City of Ontario conducted a hearing to consider the Application, and continued said hearing to their meeting of July 16, 2019; and

WHEREAS, at their regular meeting of July 16, 2019, the City Council of the City of Ontario conducted a hearing to consider the Application, and continued said hearing to their meeting of August 20, 2019; and

WHEREAS, at their regular meeting of August 20, 2019, the City Council of the City of Ontario conducted a public hearing to consider the Application and concluded the hearing on that date. Upon conclusion of the public hearing, the City Council approved the introduction of the proposed amendment to the Ontario Municipal Code 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. *Environmental Determination and Findings.* As the decision-making body for the Application, the City Council has reviewed and considered the information contained in the administrative record for the Application. Based on 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 Municipal 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 common sense exemption 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 determination of CEQA exemption reflects the independent judgment of the City Council.

SECTION 2. *Municipal Code Amendment.* Ontario Municipal Code Section 4-6.1009 is hereby amended, adding Subsection (h) to read as follows:

(h) Within residential zoning districts and residential land use districts of specific plans, it is unlawful for the driver, owner, or operator of any large commercial vehicle to park, or cause to be parked, such vehicle on a public street or alley between the hours of 2:00AM and 6:00AM, except:

- (1) In connection with, and in aid to, the performance of a service on a property adjacent to where the large commercial vehicle is parked;
- (2) While loading and unloading goods, and the large commercial vehicle is allowed to remain parked until such work is completed;

For the purposes of this Subsection, the term “large vehicle” shall include, but not be limited to, large commercial vehicles, trailers, motor trucks, semi-trailers, or other large portable commercial equipment that exceeds a width of 80 inches, or exceeds a height of 7 feet, or exceeds a length of 25 feet.

SECTION 3. *Concluding Facts and Reasons.* Based on the substantial evidence presented to the City Council during the above-referenced hearing, and the specific findings set forth in Sections 1 and 2, above, the City Council hereby concludes as follows:

(a) The proposed Amendment to the City of Ontario Municipal Code 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. Staff has thoroughly reviewed the proposed Municipal Code Amendment and the conditions under which it will be implemented, and has determined the proposed Municipal Code provisions to be consistent with the applicable goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.

(b) The proposed Amendment to the City of Ontario Municipal Code would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City. The proposed Municipal Code Amendment incorporates safeguards to ensure that: [i] the purposes of the City of Ontario Municipal Code are maintained; [ii] the project will not endanger the public health, safety or general welfare; [iii] the project will not result in any significant environmental impacts; and [iv] the project will be in full conformity with the Vision, City Council Priorities and Policy Plan components of The Ontario Plan.

SECTION 4. *City Council Action.* Based upon the findings and conclusions set forth in Sections 1 through 3, above, the City Council hereby APPROVES the herein described amendment to the City of Ontario Municipal Code.

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

SECTION 6. *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 7. *Effective Date.* This Ordinance shall become effective 30 days following its adoption.

SECTION 8. *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 3rd day of September 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

COLE HUBER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3142 was duly introduced at a regular meeting of the City Council of the City of Ontario held August 20, 2019, and adopted at the regular meeting held September 3, 2019 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 3142 duly passed and adopted by the Ontario City Council at their regular meeting held September 3, 2019 and that Summaries of the Ordinance were published on August 27, 2019 and September 10, 2019, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)