

CITY OF ONTARIO
CITY COUNCIL/HOUSING AUTHORITY/SUCCESSOR
AGENCY TO THE ONTARIO REVELOPMENT AGENCY
AGENDA
AUGUST 20, 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 Public Comment at 6:30 p.m. immediately followed by the Regular Meeting and Public Hearings. No agenda item will be introduced for consideration after 10:00 p.m. except by majority vote of the City Council.

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

CALL TO ORDER (*OPEN SESSION*)

6:30 p.m.

ROLL CALL

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

PLEDGE OF ALLEGIANCE

Council Member Dorst-Porada

INVOCATION

Pastor Dan Lin, Home of Christian-Bethel Church

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 meetings of the City Council and Housing Authority of July 2 and July 16, 2019, approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

Bills June 28, 2019 through July 25, 2019 and **Payroll** June 23, 2019 through July 20, 2019, when audited by the Finance Committee.

3. INTRODUCTION OF 2019 RESIDENT SATISFACTION SURVEY RESULTS

That the City Council receive, file and release the results of the 2019 Resident Satisfaction Survey as a baseline to more fully evaluate the performance of City departments and gauge how residents view life in Ontario.

4. ADOPTION OF A SERVICE FEE FOR PASSPORT PHOTOS

That the City Council adopt a resolution establishing a service fee of \$15 per photo for passport service photos.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ONTARIO, CALIFORNIA, ESTABLISHING FEES FOR PASSPORT
PHOTOGRAPHS.

5. ESTABLISHMENT OF EXECUTIVE POSITION CLASSIFICATION OF CHIEF INNOVATION OFFICER

That the City Council approve the establishment of the new executive position classification of Chief Innovation Officer.

6. AN AMENDMENT TO THE DISPOSITION AND DEVELOPMENT AGREEMENT WITH ONTARIO MILLS LIMITED PARTNERSHIP TO ALLOW FOR THE CONTINUED PROVISION OF POLICE AND PUBLIC SAFETY SERVICES AT THE ONTARIO MILLS MALL

That the City Council:

- A. Authorize the City Manager to execute an amendment (on file with Records Management Department) extending for 18 months the Disposition and Development Agreement (“DDA”) with Ontario Mills Limited Partnership, as successor in interest to The Mills Corporation, allowing for the City’s continued provision of police and public safety services after the expiration of the original DDA dated December 21, 1994; and
- B. Consistent with the terms and conditions of the DDA, authorize the billing of fees in the amount of \$71,197 for each six-month period that such services are rendered at the Ontario Mills Mall.

7. AWARD PROFESSIONAL SERVICES AGREEMENTS FOR PRINTING SERVICES AND GRAPHIC DESIGN SERVICES RELATED TO THE ONTARIO LIVING MAGAZINE/ECLIPSE PRINTING & GRAPHICS LLC, DBA JAMES LITHO

That the City Council take the following actions:

- (A) Authorize the City Manager to execute a three-year professional services agreement, with the option to extend for one additional year (on file in the Records Management Department), with Eclipse Printing & Graphics LLC, DBA James Litho located in Ontario, California, in the estimated annual amount of \$102,410;
- (B) Authorize the City Manager to execute a three-year professional services agreement, with the option to extend for one additional year (on file in the Records Management Department), with Public Advertising Agency, Inc. located in Murrieta, California, in the estimated annual amount of \$28,636; and
- (C) Authorize future amendments to the scope of work consistent with City Council approved budgets for additional printing services that may be necessary or desired, related to the Ontario Living Magazine, a quarterly publication distributed citywide.

8. AMERICORPS STATE PLANNING GRANT

That the City Council authorize the City Manager or designee, to execute grant documents to accept a twelve-month AmeriCorps State planning grant for \$75,000 for the *Ontario Promise Corps* project.

9. LIBRARY SERVICES AND TECHNOLOGY ACT GRANT

That the City Council authorize the City Manager or his designee, to accept and execute grant documents related to a thirteen-month grant for \$71,000 from federal Library Services and Technology Act funds administered by the California State Library, for the Ontario City Library’s project, *Little Learners, Big Futures*, a campaign focused to improve early childhood literacy and education.

10. APPROVAL OF THE COMMUNITY IMPROVEMENT CODE ABATEMENT LOAN PROGRAM

That the City Council approve the Community Improvement Code Abatement Loan Program (on file with the Records Management Department); and authorize the City Manager, or his designee, to execute any and all documents necessary or desirable to implement the Community Improvement Code Abatement Loan Program.

11. COMMUNITY DEVELOPMENT BLOCK GRANT FUNDED DOWNTOWN FAÇADE IMPROVEMENT PROGRAM GUIDELINES AND APPLICATION

That the City Council:

- (A) Consider and approve the adoption of the Community Development Block Grant funded Downtown Façade Improvement Program Guidelines; and
- (B) Authorize the City Manager to make any necessary adjustments and execute all necessary documents to implement the Neighborhood Preservation Strategy Plan.

12. NEIGHBORHOOD PRESERVATION STRATEGY PLAN

That the City Council:

- (A) Approve the Neighborhood Preservation Strategy Plan, dated July 2019 (on file with the Records Management Department); and
- (B) Authorize the City Manager to make any necessary adjustments and execute all necessary documents to implement the Neighborhood Preservation Strategy Plan.

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

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

RESOLUTION NO. _____

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

14. AN AMENDMENT TO THE OPERATING COVENANT AGREEMENT BETWEEN THE CITY OF ONTARIO AND CONCRETE HOLDING COMPANY OF CALIFORNIA, INC.

That the City Council approve the First Amendment to the Operating Covenant Agreement between the City of Ontario and Concrete Holding Company of California, Inc. adding three affiliate companies to the Covenant Agreement.

15. RATIFICATION AND AMENDMENT OF REIMBURSEMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND THE SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY RELATED TO THE ONTARIO REDEVELOPMENT FINANCING AUTHORITY'S 2001 LEASE REVENUE BONDS

That the City Council and the Successor Agency to the Ontario Redevelopment Agency take the following actions:

- (A) City Council adopt a resolution approving the Ratification and Amendment of that certain Reimbursement Agreement between the City of Ontario and the Successor Agency to the Ontario Redevelopment Agency, and submit the Amendment to the Countywide Oversight Board for approval;
- (B) Successor Agency to the Ontario Redevelopment Agency adopt a resolution approving the Ratification and Amendment of that certain Reimbursement Agreement between the City of Ontario and the Successor Agency to the Ontario Redevelopment Agency, and submit the Amendment to the Countywide Oversight Board for approval; and
- (C) Authorize the City Manager and Executive Director, or his designee, to take all actions necessary to implement the Ratification and Amendment of that certain Reimbursement Agreement.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE RATIFICATION AND AMENDMENT OF REIMBURSEMENT AGREEMENT BETWEEN THE CITY AND THE SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY RELATED TO THE ONTARIO REDEVELOPMENT FINANCING AUTHORITY'S 2001 LEASE REVENUE BONDS.

RESOLUTION NO. _____

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE RATIFICATION AND AMENDMENT OF REIMBURSEMENT AGREEMENT BETWEEN THE CITY AND THE SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY RELATED TO THE ONTARIO REDEVELOPMENT FINANCING AUTHORITY'S 2001 LEASE REVENUE BONDS.

16. RATIFICATION AND AMENDMENT OF BOND PURCHASE AGREEMENT BETWEEN THE CITY OF ONTARIO AND THE SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY RELATED TO THE IMPLEMENTATION OF REDEVELOPMENT PROJECT NO. 1

That the following actions are taken:

- (A) City Council adopt a resolution approving the Ratification and Amendment of that certain Bond Purchase Agreement between the City of Ontario and the Successor Agency to the Ontario Redevelopment Agency, and submit the Amendment to the Countywide Oversight Board for approval;
- (B) Successor Agency to the Ontario Redevelopment Agency adopt a resolution approving the Ratification and Amendment of that certain Bond Purchase Agreement between the City of Ontario and the Successor Agency to the Ontario Redevelopment Agency, and submit the Amendment to the Countywide Oversight Board for approval; and
- (C) Authorize the City Manager and Executive Director, or his designee, to take all actions necessary to implement the Ratification and Amendment of that certain Bond Purchase Agreement.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE RATIFICATION AND AMENDMENT OF BOND PURCHASE AGREEMENT BY AND BETWEEN THE CITY AND THE SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY RELATED TO IMPLEMENTATION OF REDEVELOPMENT PROJECT NO. 1.

RESOLUTION NO. _____

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE RATIFICATION AND AMENDMENT OF BOND PURCHASE AGREEMENT BETWEEN THE CITY AND THE SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY RELATED TO IMPLEMENTATION OF REDEVELOPMENT PROJECT NO. 1.

17. RATIFICATION AND AMENDMENT OF REIMBURSEMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND THE SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY RELATED TO BAXTER HEALTHCARE CORPORATION

That the following actions are taken:

- (A) City Council adopt a resolution approving the Ratification and Amendment of that certain Reimbursement Agreement between the City of Ontario and the Successor Agency to the Ontario Redevelopment Agency, and submit the Amendment to the Countywide Oversight Board for approval;

- (B) Successor Agency to the Ontario Redevelopment Agency adopt a resolution approving the Ratification and Amendment of that certain Reimbursement Agreement between the City of Ontario and the Successor Agency to the Ontario Redevelopment Agency, and submit the Amendment to the Countywide Oversight Board for approval; and
- (C) Authorize the City Manager and Executive Director, or his designee, to take all actions necessary to implement the Ratification and Amendment of that certain Reimbursement Agreement.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE RATIFICATION AND AMENDMENT OF REIMBURSEMENT AGREEMENT BETWEEN THE CITY AND SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY RELATED TO BAXTER HEALTHCARE CORPORATION.

RESOLUTION NO. _____

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY OF THE CITY OF ONTARIO, CALIFORNIA, OF APPROVING THE RATIFICATION AND AMENDMENT OF REIMBURSEMENT AGREEMENT BETWEEN THE CITY AND SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY RELATED TO BAXTER HEALTHCARE CORPORATION.

18. RATIFICATION AND AMENDMENT OF LOAN AGREEMENT BETWEEN THE CITY OF ONTARIO AND THE SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY RELATED TO OAKS MIDDLE SCHOOL

That the following actions are taken:

- (A) City Council adopt a resolution approving the Ratification and Amendment of Loan Agreement, Evidenced by Promissory Note, between the City of Ontario and the Successor Agency to the Ontario Redevelopment Agency, and submit the Amendment to the Countywide Oversight Board for approval;
- (B) Successor Agency to the Ontario Redevelopment Agency adopt a resolution approving the Ratification and Amendment of Loan Agreement, Evidenced by Promissory Note, between the City of Ontario and the Successor Agency to the Ontario Redevelopment Agency, and submit the Amendment to the Countywide Oversight Board for approval; and
- (C) Authorize the City Manager/Executive Director, or his designee, to take all actions necessary to implement the Loan Agreement.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE RATIFICATION AND AMENDMENT OF LOAN AGREEMENT EVIDENCED BY PROMISSORY NOTE BETWEEN THE CITY AND THE SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY RELATED TO OAKS MIDDLE SCHOOL.

RESOLUTION NO. _____

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE RATIFICATION AND AMENDMENT TO LOAN AGREEMENT EVIDENCED BY PROMISSORY NOTE BETWEEN THE CITY AND THE SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY RELATED TO OAKS MIDDLE SCHOOL.

19. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 20081 LOCATED AT THE NORTHEAST CORNER OF ONTARIO RANCH ROAD AND HAVEN AVENUE

That the City Council consider and adopt a resolution approving an improvement agreement, improvement security and Final Tract Map No. 20081 located at the northeast corner of Ontario Ranch Road and Haven Avenue within the Rich-Haven 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. 20081 LOCATED AT THE NORTHEAST CORNER OF ONTARIO RANCH ROAD AND HAVEN AVENUE.

20. A RESOLUTION RESCINDING RESOLUTION NO. 2009-087 AND AUTHORIZING THE CITY MANAGER TO EXECUTE VARIOUS STATE AND FEDERAL TRANSPORTATION PROGRAM DOCUMENTS REQUIRED FOR TRANSPORTATION PROJECTS INCLUDING STREET RIGHT-OF-WAY DOCUMENTS

That the City Council consider and adopt a resolution rescinding Resolution No. 2009-087 and authorizing the City Manager to execute various State and Federal transportation program documents required for State and Federal funded transportation projects including street right-of-way documents.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, RESCINDING RESOLUTION NO. 2009-087 AND AUTHORIZING THE CITY MANAGER TO EXECUTE VARIOUS STATE AND FEDERAL TRANSPORTATION PROGRAM DOCUMENTS REQUIRED FOR TRANSPORTATION PROJECTS INCLUDING STREET RIGHT-OF-WAY DOCUMENTS.

21. AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH PROPERTY SPECIALISTS, INC. (CPSI) TO INCLUDE RIGHT-OF-WAY SERVICES FOR THE ATP CYCLE 4 PEDESTRIAN IMPROVEMENTS AROUND RICHARD HAYNES ELEMENTARY, VISTA GRANDE ELEMENTARY AND OAKS MIDDLE SCHOOL

That the City Council approve an amendment to the Professional Services Agreement (on file in the Records Management Department) with Property Specialists, Inc. (CPSI) of Foothill Ranch, California, to provide right-of-way services for pedestrian improvements around three local schools, as part of Active Transportation Program (ATP) Cycle 4 for \$140,736 plus a 20% contingency of \$28,147 for a revised total authorized expenditure of \$263,883; and authorize the City Manager to execute said amendment and future amendments within the authorization limits.

22. A RESOLUTION DEDICATING A RIGHT-OF-WAY EASEMENT FOR PUBLIC ROAD AND UTILITY PURPOSES OVER A PORTION OF A CITY-OWNED PARCEL AT CAMELLIA AVENUE AND PRINCETON STREET (APN: 1008-541-01)

That the City Council consider and adopt a resolution dedicating a right-of-way easement (for public road and utility purposes) over a portion of a City-owned parcel at Camellia Avenue and Princeton Street; and authorize the City Manager to execute the easement deed.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DEDICATING A RIGHT-OF-WAY EASEMENT FOR PUBLIC ROAD AND UTILITY PURPOSES OVER A PORTION OF A CITY-OWNED PARCEL (ANTHONY MUNOZ PARK) AT CAMELLIA AVENUE AND PRINCETON STREET – APN: 1008-541-01.

23. PROFESSIONAL SERVICES AGREEMENT FOR DEVELOPMENT OF COST ALLOCATION PLAN AND INTERNAL SERVICE FUNDS COST OF SERVICE RATE PLANS/CAPITAL ACCOUNTING PARTNERS, LLC

That the City Council award a professional services agreement (on file in the Records Management Department) for development of cost allocation plan and internal service funds cost of service rate plans to Capital Accounting Partners, LLC, Sacramento, California, for a three-year term for an amount not to exceed \$205,000 with the option to extend the agreement for one additional two-year term at \$125,000; and authorize the City Manager to execute the agreement.

24. EXTENSION OF PROCUREMENT AUTHORITY WITH LIFE-ASSIST, INC. FOR THE ROUTINE PURCHASE OF PARAMEDIC SUPPLIES/LIFE-ASSIST, INC.

That the City Council authorize the extension of procurement authority for up to two years under the same terms and conditions of Bid No. 787 awarded to Life-Assist, Inc., of Rancho Cordova, California, for the continued routine purchase of paramedic supplies with an estimated annual cost of \$45,000.

25. PROFESSIONAL SERVICES AGREEMENTS FOR ON-CALL TITLE/ESCROW, APPRAISAL, ENVIRONMENTAL, LAND ACQUISITION, RELOCATION AND PROPERTY MANAGEMENT SERVICES

That the City Council (“City”) and the Ontario Housing Authority Board (“Authority”) authorize the City Manager/Executive Director to execute the Professional Services Agreements (on file with the Records Management Department) with the selected consultants listed below; and to extend the agreements for up to two (2) additional one (1) year terms consistent with City Council and Authority Board approved budgets.

Title/Escrow	Appraisal	Environmental	Land Acquisition, Relocation and Property Management
Stewart Title (Riverside, CA)	R.P. Laurain & Associates (Long Beach, CA)	Converse Consultants (Rancho Cucamonga, CA)	CPSI (Foothill Ranch, CA)
	Ellis Group, Inc. dba Integra Realty Resources – Los Angeles (Encino, CA)	EFI Global (Riverside, CA)	Overland, Pacific, and Cutler (Riverside, CA)

26. CONSTRUCTION CONTRACTS FOR THE DEVELOPMENT OF INTERIM FIRE STATION NO. 9

That the City Council take the following actions:

- (A) Reject AID Builders’ bid for D&C19-005-FS09-Station as being nonresponsive;
- (B) Authorize the City Manager to execute a Construction Contract (on file with the Records Management Department) for Contract No. D&C19-005-FS09 – Station with R.C. Construction located in Rialto, California, for the Interim Fire Station No. 9 dorm/administrative office building and garage in the amount of \$623,227;
- (C) Authorize the City Manager to execute a Construction Contract (on file with the Records Management Department) for Contract No. D&C19-005-FS09 – Site Work and Utilities with R.C. Construction, located in Rialto, California, for the Interim Fire Station No. 9 installation of utilities and site work in the amount of \$525,884;
- (D) Authorize a 15% contingency of \$172,367 to address any unforeseen issues that may arise during construction; and
- (E) Authorize the City Manager or his designee to execute all documents required for the completion of the project including, but not limited to, contracts, agreements, easements, reduction of retention accounts, and filing a notice of completion at the conclusion of all construction related activities.

27. AWARD OF BID FOR PROCUREMENT OF ASPHALT, CONCRETE AND AGGREGATE MATERIALS/HOLLIDAY ROCK CO. /ALLAMERICAN ASPHALT/PIT SAND & GRAVEL, INC./ULTIMATE RECYCLE, LLC/VULCAN

That the City Council authorize the City Manager to approve the procurement of concrete, asphalt and aggregate materials for a period of one year at set pricing per Bid Invitation #1146 with Holliday Rock Co. of Upland, California; All American Asphalt of Corona, California; and Pit Sand & Gravel, Inc. of Corona, California; Ultimate Recycle, LLC of Monrovia, California; and Vulcan of Irwindale, California; in total amounts consistent with City Council approved budgets; and authorize the option to execute any necessary agreements and related documents for delivery services.

28. A ZONE CHANGE REQUEST (FILE NO. PZC18-003) TO CHANGE THE ZONING DESIGNATION ON 1.02 ACRES OF LAND FROM CC (COMMUNITY COMMERCIAL) TO MDR-11 (LOW-MEDIUM DENSITY RESIDENTIAL) AND TO CHANGE THE ZONING DESIGNATION ON 0.46 ACRES OF LAND FROM CC (COMMUNITY COMMERCIAL) TO CCS (CONVENTION CENTER SUPPORT), LOCATED AT THE SOUTH WEST CORNER OF G STREET AND CORONA AVENUE

That City Council consider and adopt an ordinance approving a zone change (File No. PZC18-003) to create consistency between the zoning and the proposed General Plan land use designations of the subject properties.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC18-003, A ZONE CHANGE REQUEST TO CHANGE THE ZONING DESIGNATION ON 1.02 ACRES OF LAND FROM CC, COMMUNITY COMMERCIAL, TO MDR-11, LOW-MEDIUM DENSITY RESIDENTIAL (5.1-11 DU/AC), AND TO CHANGE THE ZONING DESIGNATION ON 0.46 ACRES OF LAND FROM CC, COMMUNITY COMMERCIAL TO CCS, CONVENTION CENTER SUPPORT, LOCATED AT THE SOUTHWEST CORNER OF G STREET AND CORONA AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 0110-241-18, 0110-241-56 & 0110-241-57.

29. A RESOLUTION SUPPORTING THE 2020 U.S. CENSUS COMPLETE COUNT

That the City Council consider and adopt a resolution supporting the 2020 U.S. Census Complete Count.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, SUPPORTING THE 2020 U.S. CENSUS COMPLETE COUNT.

30. ACQUISITION OF POLICE DEPARTMENT FRONTLINE PATROL EQUIPMENT/SAN DIEGO POLICE EQUIPMENT CO.

That the City Council approve and authorize the sole source purchase of training and duty equipment for frontline police personnel, not to exceed \$237,080, from San Diego Police Equipment Co., Inc. of San Diego, California.

31. PRE-AUTHORIZED LIST OF VENDORS TO PROVIDE MAINTENANCE SERVICE AND PARTS FOR ONTARIO POLICE DEPARTMENT HELICOPTERS

That the City Council approve the attached list of pre-authorized vendors to provide maintenance service, equipment, parts and tools for the Ontario Police Department helicopters.

32. AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH WESTIN TECHNOLOGY SOLUTIONS FOR PROJECT MANAGEMENT SUPPORT ON CIS INFINITY UTILITY BILLING IMPLEMENTATION

That the City Council authorize the City Manager to execute Amendment No. 2 adding \$159,300 to the existing agreement (on file with the Records Management Department) with Westin Technology Solutions, of Milwaukee, Wisconsin, for project management support on the CIS Infinity Utility Billing Implementation for a revised not-to-exceed limit of \$354,680.

PUBLIC HEARINGS

Pursuant to Government Code Section 65009, if you challenge the City's zoning, planning or any other decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the public hearing.

33. A PUBLIC HEARING TO CONSIDER RESOLUTIONS REGARDING THE FORMATION OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 49 (AVENUE 176 SERVICES) AND INTRODUCTION OF AN ORDINANCE LEVYING SPECIAL TAXES

That the City Council consider and:

- (A) Adopt a resolution establishing Community Facilities District No. 49 (Avenue 176 Services), authorizing the levy of special taxes within the community facilities district, and establishing an appropriations limit for the community facilities district;
- (B) Adopt a resolution calling a special election for City of Ontario Community Facilities District No. 49 (Avenue 176 Services);
- (C) Adopt a resolution declaring the results of the special election and directing the recording of a Notice of Special Tax Lien; and
- (D) Introduce and waive further reading of an ordinance levying special taxes within City of Ontario Community Facilities District No. 49 (Avenue 176 Services).

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

Written communication.

Oral presentation.

Public hearing closed.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF FORMATION OF THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 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.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CALLING SPECIAL ELECTION FOR CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 49 (AVENUE 176 SERVICES).

RESOLUTION NO. _____

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

ORDINANCE NO. _____

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

34. A PUBLIC HEARING TO CONSIDER RESOLUTIONS REGARDING THE FORMATION OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 51 (ONTARIO RANCH LOGISTICS CENTER SERVICES) AND INTRODUCTION OF AN ORDINANCE LEVYING SPECIAL TAXES

That the City Council consider and:

- (A) Adopt a resolution establishing 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;

- (B) Adopt a resolution calling a special election for City of Ontario Community Facilities District No. 51 (Ontario Ranch Logistics Center Services);
- (C) Adopt a resolution declaring the results of the special election and directing the recording of the Notice of Special Tax Lien; and
- (D) Introduce and waive further reading of an ordinance levying special taxes within City of Ontario Community Facilities District No. 51 (Ontario Ranch Logistics Center Services).

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

Written communication.

Oral presentation.

Public hearing closed.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF FORMATION OF THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 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.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CALLING SPECIAL ELECTION FOR CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 51 (ONTARIO RANCH LOGISTICS CENTER SERVICES).

RESOLUTION NO. _____

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

ORDINANCE NO. _____

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

35. A PUBLIC HEARING TO CONSIDER 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 introduce and waive further reading of 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).

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

Written communication.

Oral presentation.

Public hearing closed.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A 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.

36. A PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE ONTARIO GATEWAY SPECIFIC PLAN, FILE NO. PSPA18-010, TO CHANGE THE LAND USE DESIGNATION ON 3.9 ACRES OF LAND, FROM OFFICE TO MIXED-USE, AND REDUCE THE REAR PARKING/LANDSCAPE SETBACK ADJACENT TO THE SOUTHERN PACIFIC RAILROAD RIGHT-OF-WAY, FROM 20-FEET TO 10-FEET, AFFECTING 15.12 ACRES OF LAND, GENERALLY LOCATED AT THE SOUTHEAST CORNER OF HAVEN AVENUE AND GUASTI ROAD (APNS:0210-212-56 AND 0210-212-57)

That the City Council consider and adopt:

- (A) A resolution approving an addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140), certified by the City of Ontario City Council on January 27, 2010, in conjunction with File No. PSPA06-001; and
- (B) A resolution approving an amendment to the Ontario Gateway Specific Plan (File No. PSPA18-010), to change the land use designation on 3.9 acres of land, from Office to Mixed-Use, and reduce the rear parking/landscape setback adjacent to the Southern Pacific Railroad right-of-way, from 20-feet to 10-feet.

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

Written communication.

Oral presentation.

Public hearing closed.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN ADDENDUM TO THE THE ONTARIO PLAN ENVIRONMENTAL IMPACT REPORT, FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, FOR FILE NO. PSPA18-010, APN: 0210-212-56.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PSPA18-010, AN AMENDMENT TO THE ONTARIO GATEWAY SPECIFIC PLAN, CHANGING THE LAND USE DESIGNATION ON 3.9 ACRES OF LAND FROM OFFICE TO MIXED USE, AND REDUCING THE REAR PARKING/LANDCAPE SETBACK ADJACENT TO THE SOUTHERN PACIFIC RAILROAD RIGHT-OF WAY, FROM 20-FEET TO 10-FEET, AFFECTING 15.12 ACRES OF LAND, GENERALLY LOCATED AT THE SOUTHEAST CORNER OF GUAISTI ROAD AND HAVEN AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF— APNS: 0210-212-56 AND 0210-212-57.

37. A PUBLIC HEARING TO CONSIDER 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 introduce and waive further reading of 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.

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

Written communication.

Oral presentation.

Public hearing closed.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING 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.

ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

38. A RESOLUTION AUTHORIZING THE ISSUANCE OF SPECIAL TAX BONDS FOR COMMUNITY FACILITIES DISTRICT NO. 26 (PARK PLACE FACILITIES PHASE III)

That the City Council consider and adopt a resolution authorizing the issuance of special tax bonds for Community Facilities District No. 26 (Park Place Facilities Phase III). The resolution:

- (A) Authorizes the issuance of special tax bonds for public improvements required to facilitate the development of the Park Place Facilities Phase III project;
- (B) Approves the forms of the Indenture of Trust, the Bond Purchase Agreement, the Continuing Disclosure Agreement, and the Preliminary Official Statement;
- (C) Authorizes a negotiated sale of the special tax bonds to Stifel, Nicolaus & Company, Incorporated (the "Underwriter") in accordance with the terms of the Bond Purchase Agreement; and
- (D) Authorizes the execution of the Indenture of Trust, the Bond Purchase Agreement, the Continuing Disclosure Agreement, and the Preliminary Official Statement by the City Manager, or his designee.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE ISSUANCE OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 26 (PARK PLACE FACILITIES PHASE III) SPECIAL TAX BONDS, SERIES 2019, IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$11,000,000, AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDENTURE, A BOND PURCHASE AGREEMENT AND A CONTINUING DISCLOSURE AGREEMENT, AUTHORIZING THE DISTRIBUTION OF AN OFFICIAL STATEMENT IN CONNECTION THEREWITH AND AUTHORIZING THE EXECUTION OF NECESSARY DOCUMENTS AND CERTIFICATES AND RELATED ACTIONS.

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

Agenda Report
August 20, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: INTRODUCTION OF 2019 RESIDENT SATISFACTION SURVEY RESULTS

RECOMMENDATION: That the City Council receive, file and release the results of the 2019 Resident Satisfaction Survey as a baseline to more fully evaluate the performance of City departments and gauge how residents view life in Ontario.

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
Pursue City's Goals and Objectives by Working with Other Governmental Agencies
Focus Resources in Ontario's Commercial and Residential Neighborhoods
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)
Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities
Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch

FISCAL IMPACT: There is no direct fiscal impact associated with this action.

BACKGROUND: The City of Ontario values the input and feedback of our residents on the quality of City services and the priorities and challenges facing our community. To that end, the City commissioned the Rose Institute of State and Local Government to conduct its 2019 Resident Satisfaction Survey. Professional interviewers contacted 500 randomly-selected adult Ontario residents between March 27 - May 1, 2019. The average time to complete the survey was 14.2 minutes.

The survey results show that residents are generally very happy with life in Ontario. 85.8% are very satisfied or satisfied with City services. Almost three-quarters of them give the community a ranking of 8, 9, or 10 on a 10- point scale and 78.8% say that Ontario is headed in the right direction.

STAFF MEMBER PRESENTING: Dan Bell, Communications and Community Relations Director

Prepared by: Dan Bell
Department: Management Services
City Manager Approval: 

Submitted to Council/O.H.A. 08/20/2019
Approved: _____
Continued to: _____
Denied: _____

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Among specific City services, the Fire Department and Integrated Waste Department scored the highest levels of satisfaction, with ratings of very satisfied or satisfied from 92.8% of residents. The Police Department is a close third with ratings of very satisfied or satisfied from 88.6% of residents.

Maintaining a robust community that is physically safe and prepared for emergencies is the most important priority for Ontario residents. 85.6% of respondents identify it as very important. Improving streets (76.2%) and addressing homelessness (72.4%) are the next most important priorities for Ontario residents.

The 2019 Resident Satisfaction Survey offers a baseline to more fully evaluate the performance of City departments and gauge how residents view life in Ontario. Going forward, it is one of many tools the City may use in guiding decisions and establishing priorities in the future.

EXHIBIT A

Resident Satisfaction Survey



May 2019

Ontario Resident Satisfaction Survey

Conducted by



ROSE INSTITUTE
OF STATE AND LOCAL GOVERNMENT

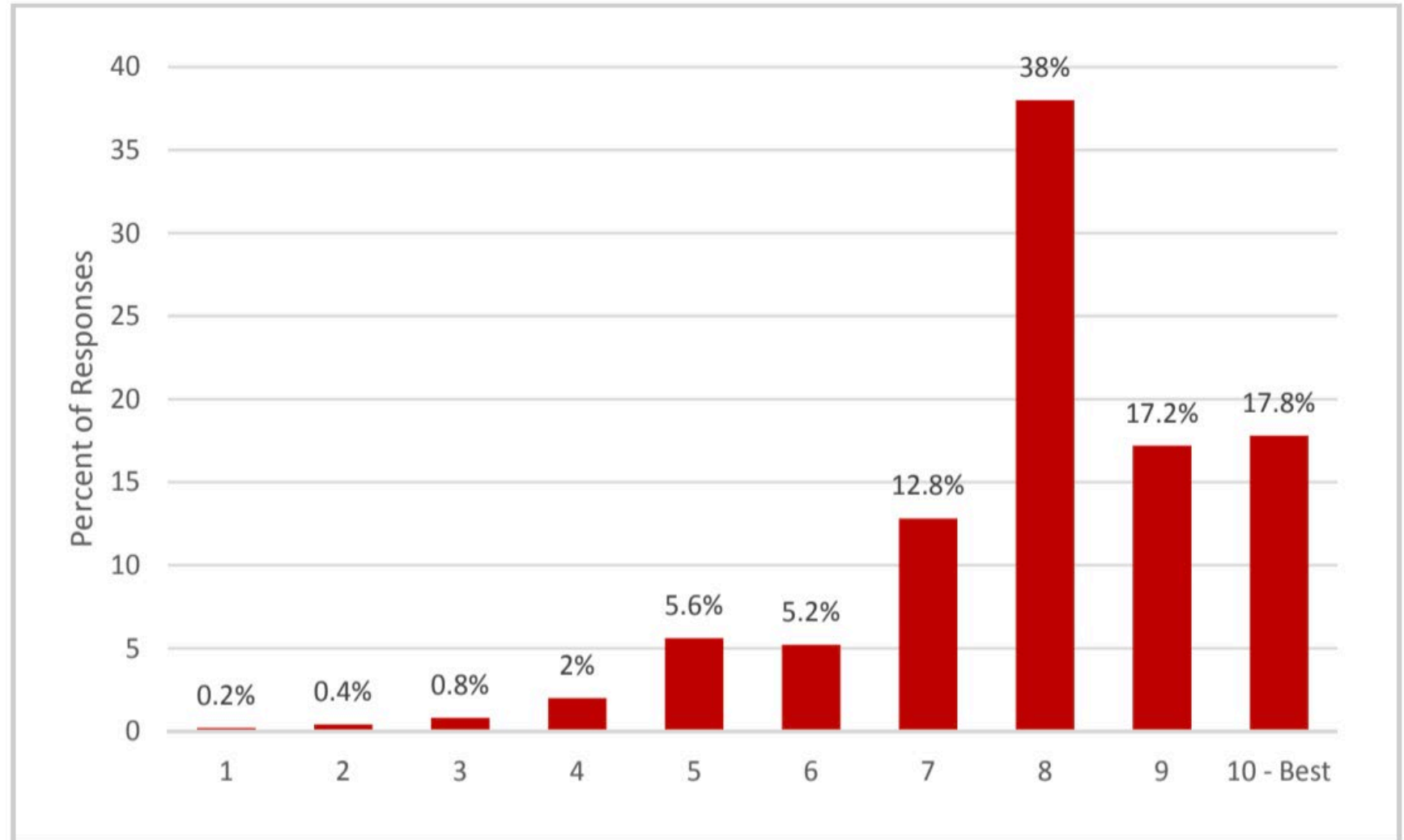
CLAREMONT MCKENNA COLLEGE

Focused on:

- Resident satisfaction
- Public opinion on city priorities
- Challenges facing the city
- Evaluation of specific municipal departments and services

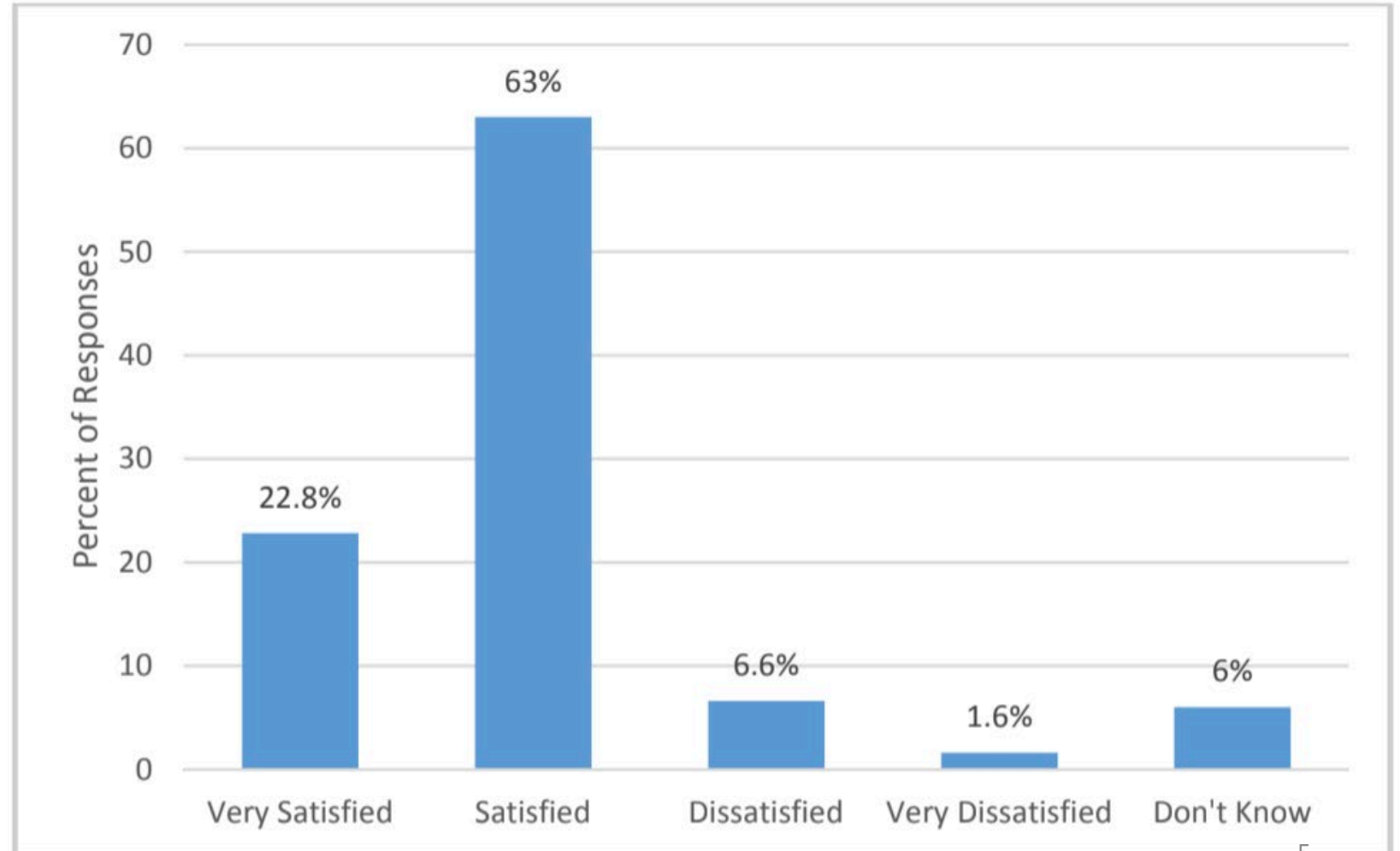
The vast majority of respondents give Ontario a high ranking;
73% of people rank Ontario an "8" or above.

*"On a scale of 1 to 10,
with 10 being the best,
how would you rank
Ontario as a
community?"*



85.8% of respondents are satisfied or very satisfied with the services they receive from the City of Ontario.

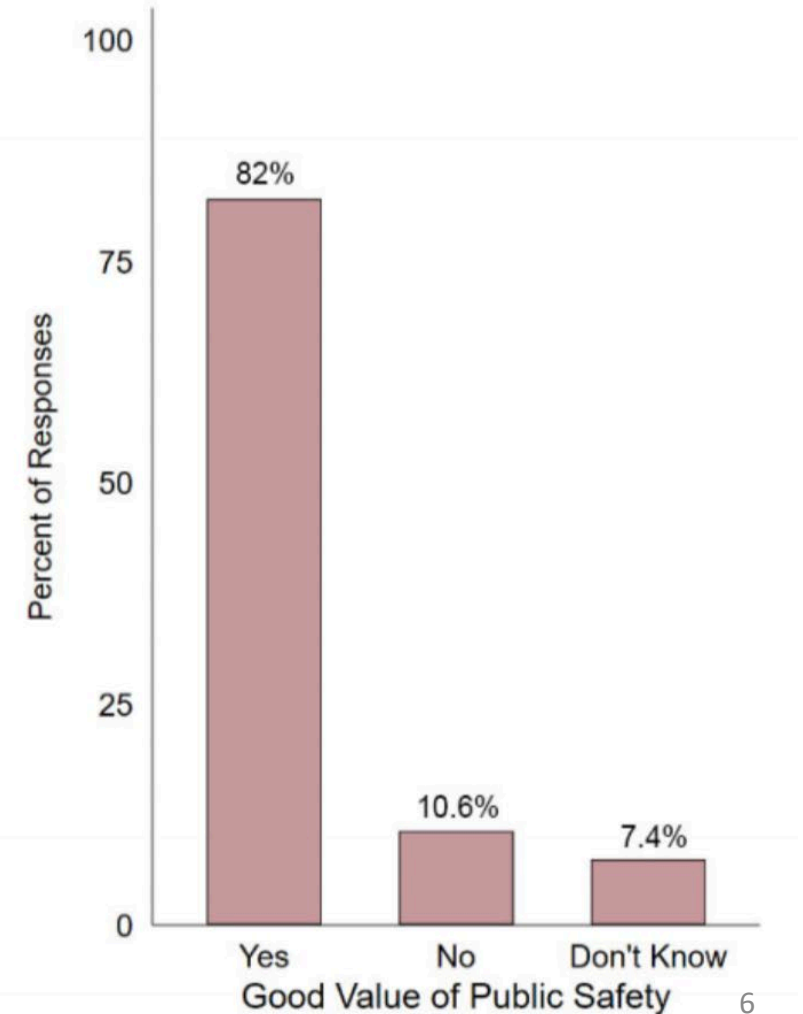
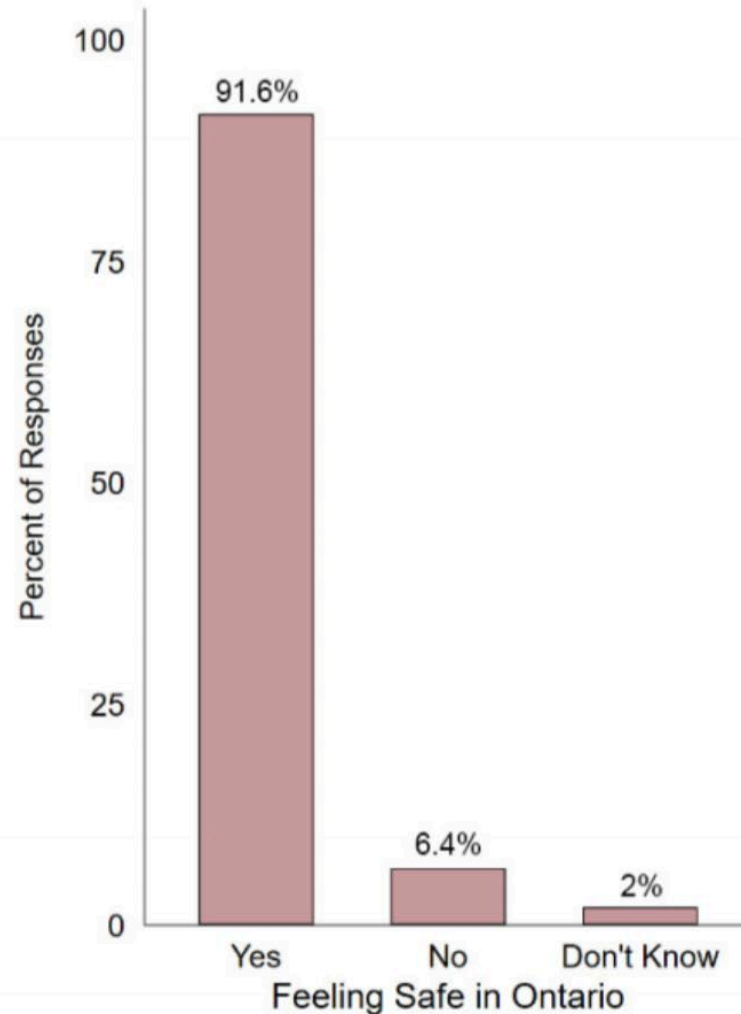
“How do you feel generally about the services provided by the City of Ontario?”



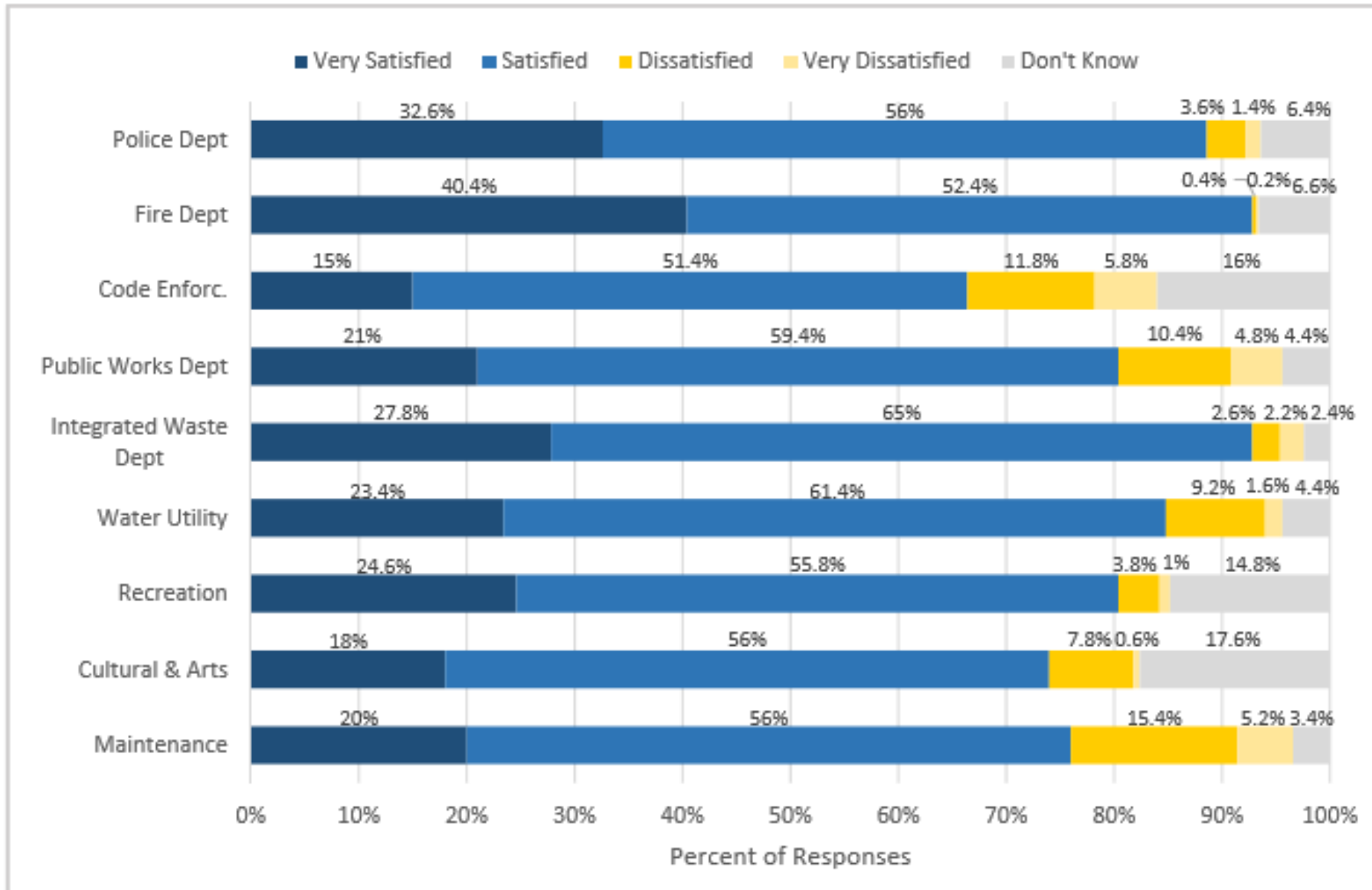
91.6% of the respondents feel safe in Ontario.
82% feel they get good value for public safety.

“Do you feel safe in Ontario?”

“Do you think you are getting good value for your public safety dollar?”

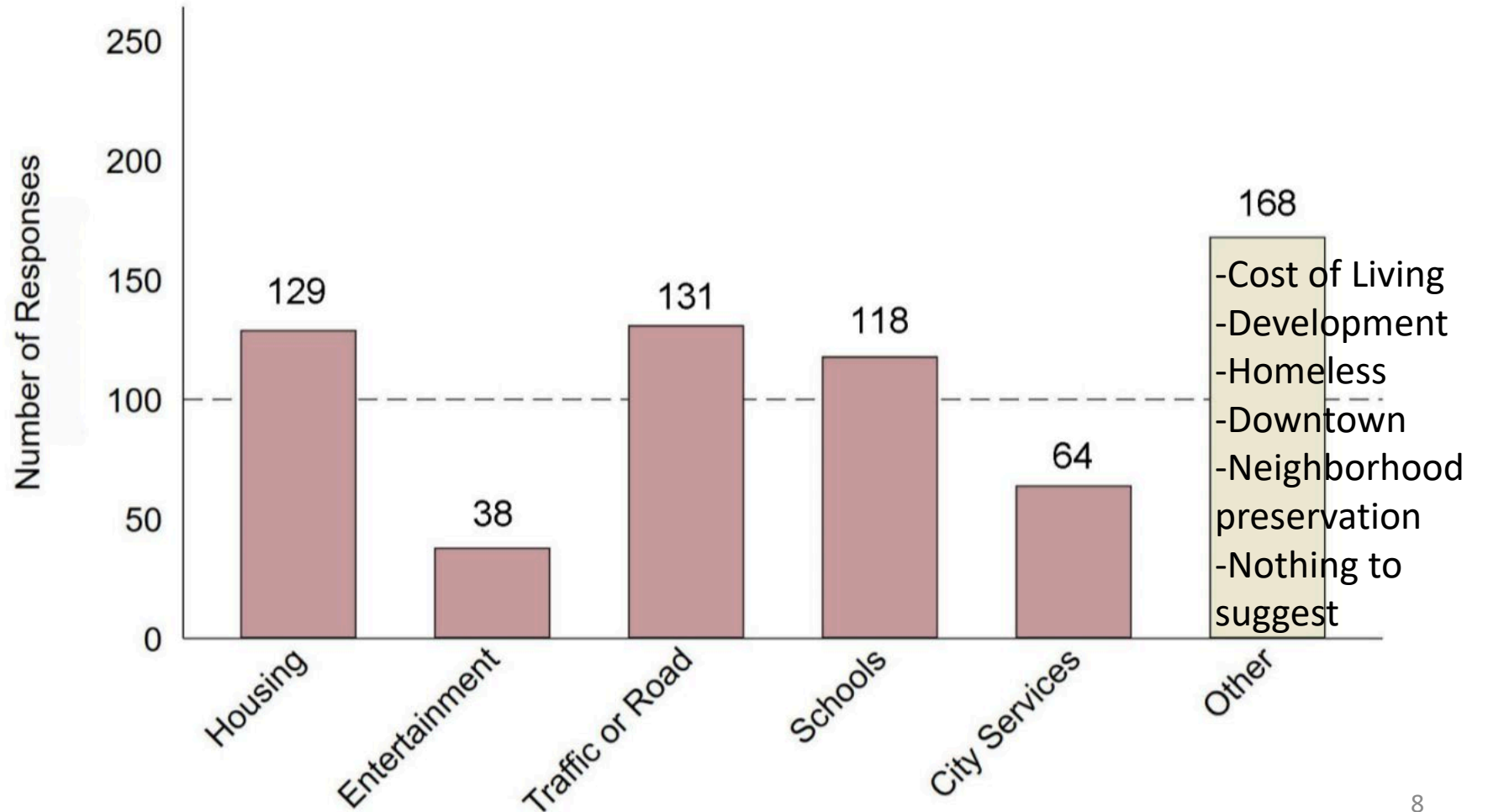


Satisfaction with City Agencies



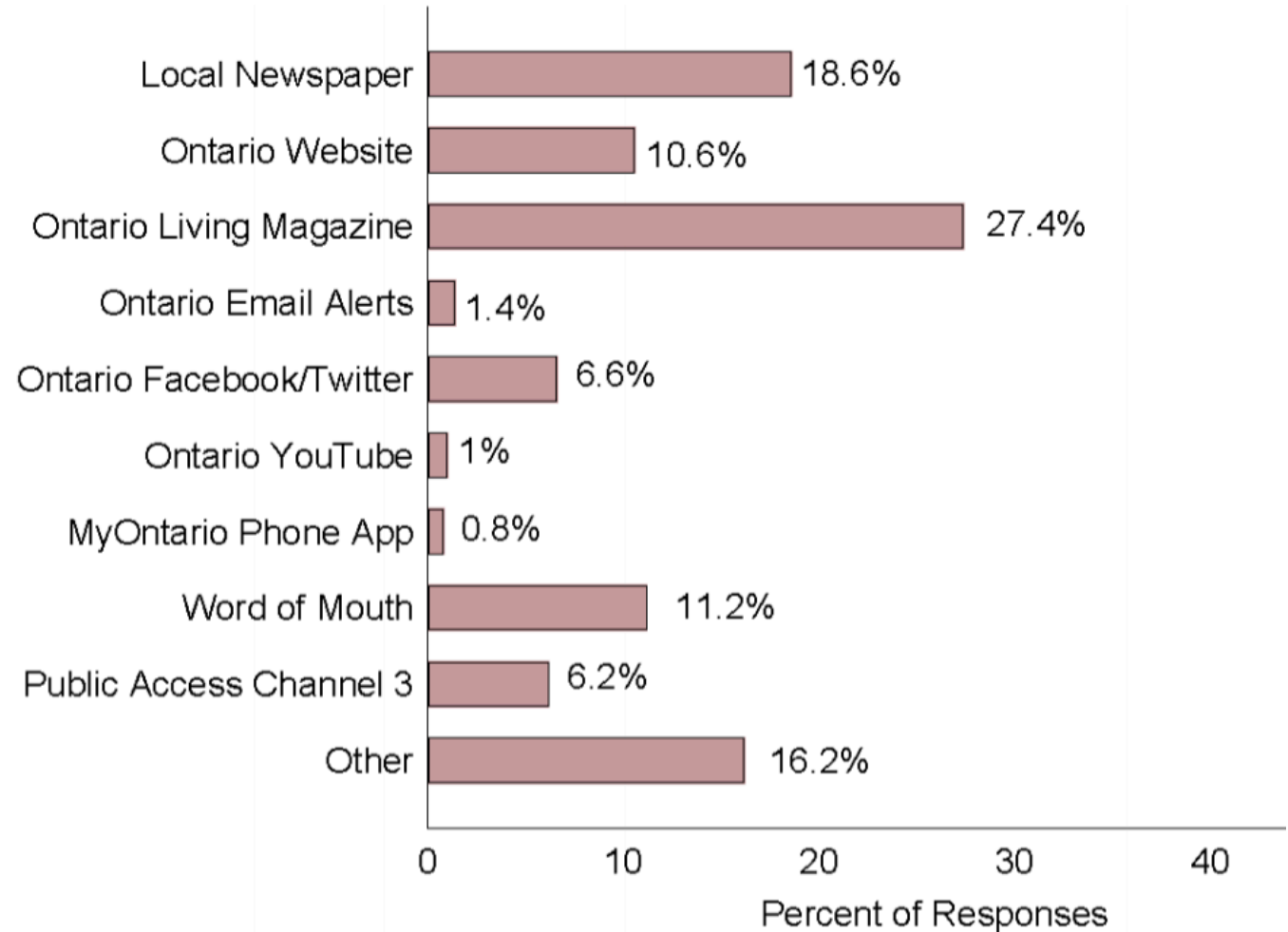
Areas of Improvement: Respondents could choose more than one answer. The survey logged 648 suggestions.

“What would be your suggestions to improve Ontario?”



27.4% of the respondents pick the Ontario Living Magazine as the best liked source for information about the city

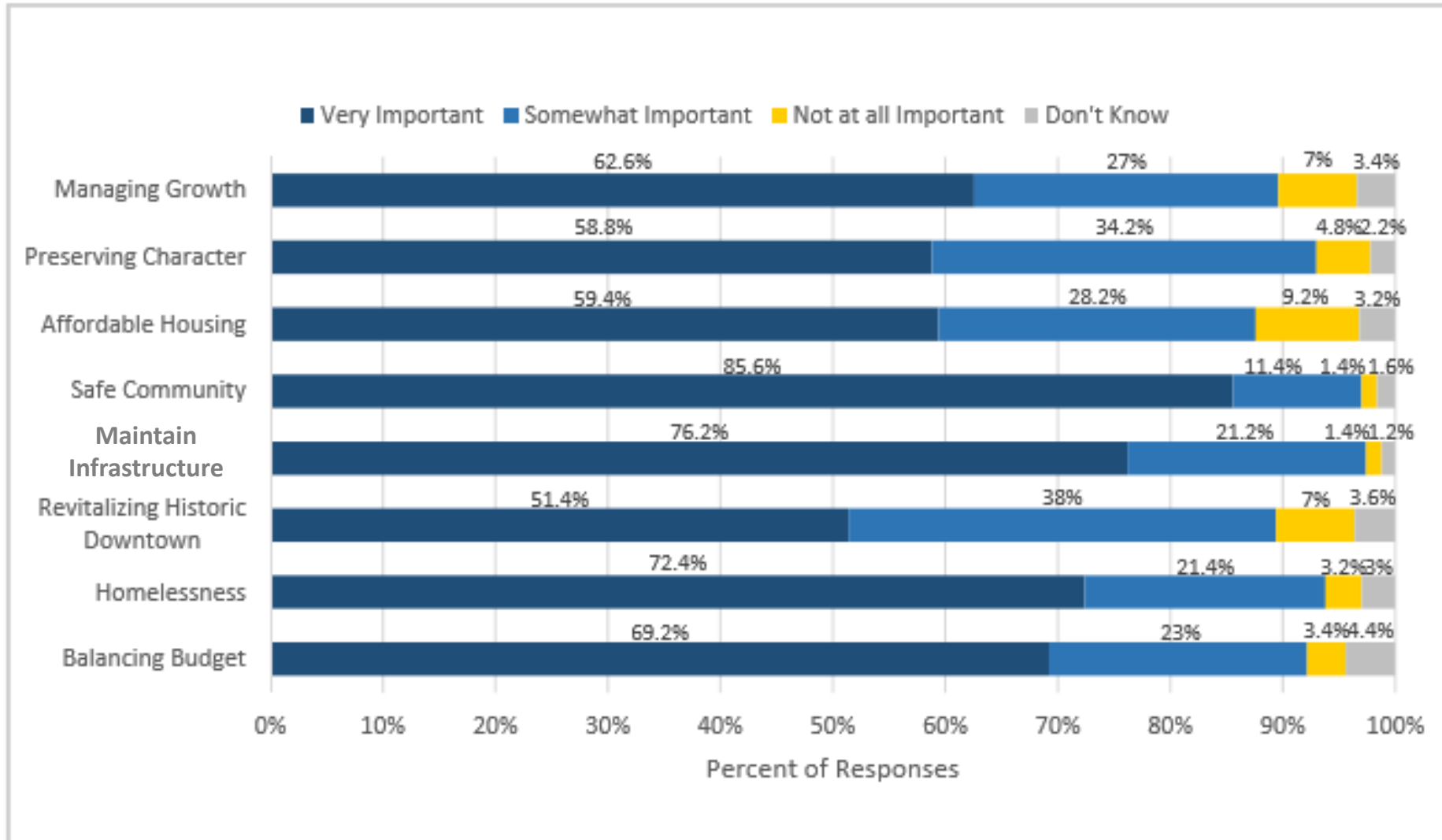
“Of the sources that you listed which one do you like best?”



Survey Demographics

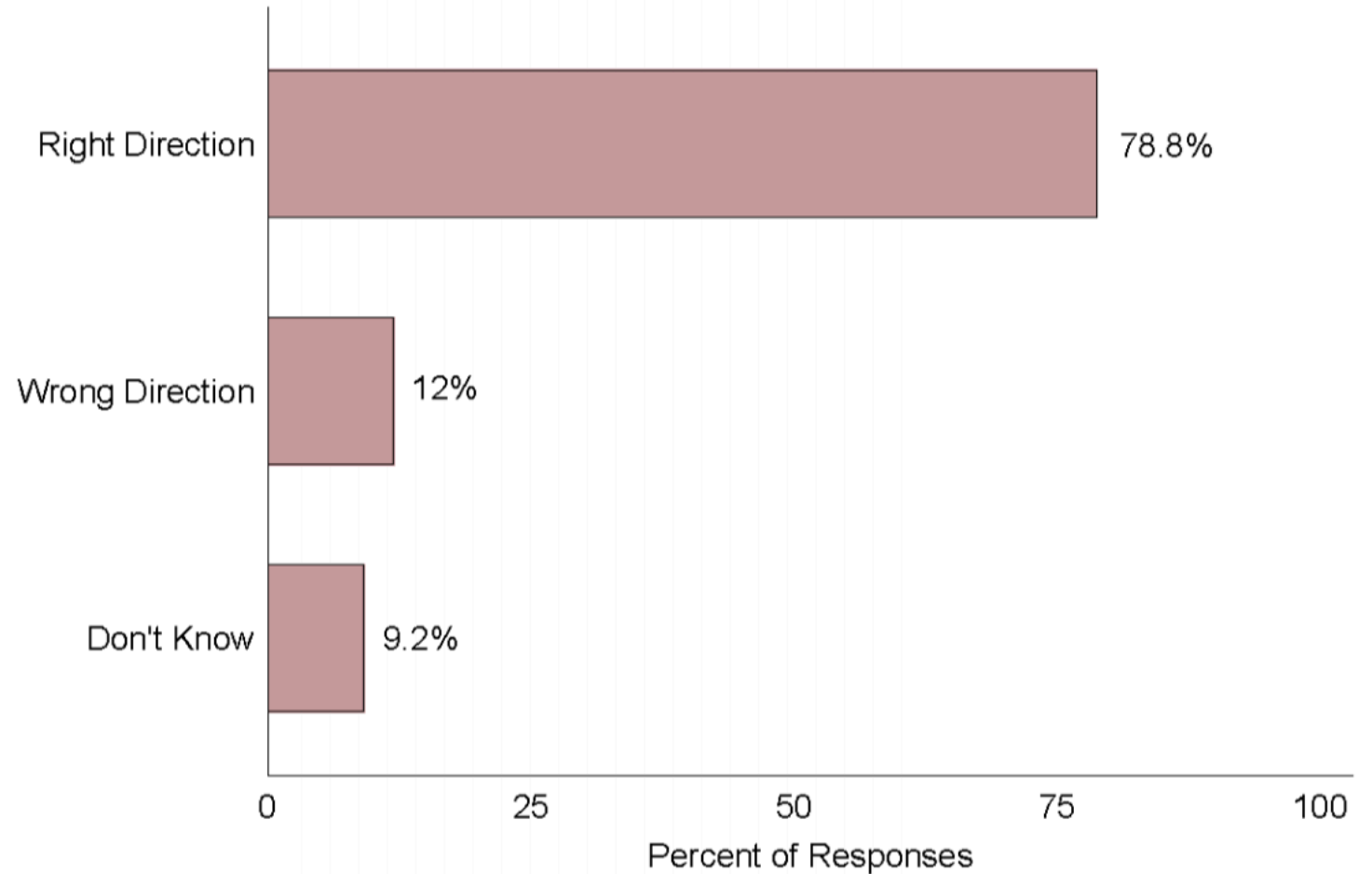
- 51.4% Hispanic, 36% White, 6% Black, 2% Asian, 0.6% other
 - 25% elected to do the survey in Spanish
- 44.6% of respondents have lived in Ontario over 25 years
 - 69% of residents own their own and 31% rent
- 45.2% were retired/had no job
 - 17.6% worked in Ontario

Priorities for Ontario



78.8% of respondents say the City of Ontario is headed in the right direction.

“Generally speaking, would you say that things in the city of Ontario are headed in the right direction or in the wrong direction?”





**Creating the recognized
premiere community
of the Inland Empire**

CITY OF ONTARIO

Agenda Report
August 20, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION ADOPTING A SERVICE FEE FOR PASSPORT PHOTOS

RECOMMENDATION: That the City Council adopt a resolution establishing a service fee of \$15 per photo for passport service photos.

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

FISCAL IMPACT: Actual revenue received will be determined by the number of passport service customers who take advantage of the City service. The fee is set at a level to cover the staff and materials costs to provide the photo service. Conservatively it is estimated that the annual costs and offsetting revenue will range between \$5,000 and \$10,000. If approved, revenues and corresponding appropriations will be included in the next quarterly budget update report to the City Council.

BACKGROUND: On May 1, 2019, the City Clerk/Records Management Department in cooperation with the U.S. Department of State began a pilot program serving as a Passport Acceptance Agency. All members of the City Clerk's Office/Records Management Department have now been trained and certified as Passport Acceptance Agents.

Staff now recommends expanding the services offered to include providing passport photos. Customers currently have to first go to the U.S. Post Office or a retail store to have their photos taken and then come to City Hall to submit their application. Ontario offering this service would be a one-stop convenient option. Other service providers in the area are currently charging the following photo fees:

U.S. Post Office	\$15.00
CVS Drug Stores	\$14.99
Walgreens Drug Stores	\$14.99

In evaluating the recommended fee, staff analyzed the cost of all staff trained and certified to provide the passport/photo service and the time involved in setting up camera equipment, taking the photos and

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

Prepared by: Vicki Kasad, Asst. City Clerk
Department: Records Management

City Manager
Approval: 

Submitted to Council/O.H.A. 08/20/2019

Approved: _____

Continued to: _____

Denied: _____

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preparing the final photos. This equates to a fee of \$15 (rounded to the nearest whole dollar to avoid dealing with change).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO,
CALIFORNIA, ESTABLISHING FEES FOR PASSPORT
PHOTOGRAPHS.

WHEREAS, the City of Ontario, City Clerk's Office has been designated as a Passport Acceptance Agency, by the United States Department of State, effective May 1, 2019; and

WHEREAS, the City of Ontario strives to provide the highest possible level of customer service to our constituents; and

WHEREAS, the City of Ontario, City Clerk's Office will now be providing Passport photographs as part of its enhanced service to the community.

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

SECTION 1. The City Council of the City of Ontario adopts a fee of \$15.00 per photo for passport photographs.

SECTION 2. Authorize the City Manager to adjust fees based on future cost analysis.

SECTION 3. The City Clerk shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 20th day of August 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 Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held August 20, 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 August 20, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
August 20, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: ESTABLISHMENT OF EXECUTIVE POSITION CLASSIFICATION OF CHIEF INNOVATION OFFICER

RECOMMENDATION: That the City Council approve the establishment of the new executive position classification of Chief Innovation Officer.

COUNCIL GOALS: Operate in a Businesslike Manner

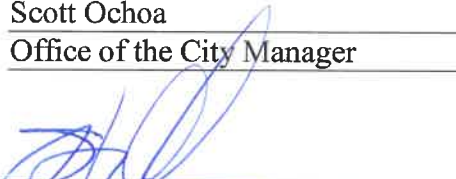
FISCAL IMPACT: There is no fiscal impact directly associated with the creation of this classification.

BACKGROUND: Over the last several years especially, forward-leaning municipalities have initiated internal innovation programs. Taking a cue from private organizations and educational institutions, local governments are increasingly incorporating process improvement, technological enhancement, automation and machine learning on a systemic basis. Rather than accept such leaps forward on a one-off basis, cities are recognizing that opportunities for greater efficiency and effectiveness abound, given the highly diverse business lines they operate – particularly in a full-service city.

In Ontario, this effort has taken the shape of the Innovation, Performance & Audit (IPA) Department of the Management Services Agency. In marrying the innovation function to the City's performance measurement/management efforts and internal audit program, IPA is well-situated to examine and mitigate organizational risks as well as assist agencies and departments in improving operations and anticipating future opportunities. Recognizing that innovation overlaps a great deal with information technology – and as evidenced by the City's recently implemented performance tracking system – staff is recommending that the City Council create the position classification of Chief Innovation Officer, to be conferred upon the executive selected to lead the IPA Department.

The job duties and responsibilities will be developed based on a survey of other CIO positions in similar local governments. The proposed salary range for the CIO is \$14,638-\$19,613/month. Appropriations for this position classification are contained within the Information Technology Fund budget, and there is no impact to the General Fund. This funding allocation will be reexamined at the midyear budget.

STAFF MEMBER PRESENTING: Scott Ochoa, City Manager

Prepared by: Scott Ochoa
Department: Office of the City Manager
City Manager Approval: 

Submitted to Council/O.H.A. 08/20/2019
Approved: _____
Continued to: _____
Denied: _____

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CITY OF ONTARIO

Agenda Report
August 20, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: AN AMENDMENT TO THE DISPOSITION AND DEVELOPMENT AGREEMENT WITH ONTARIO MILLS LIMITED PARTNERSHIP TO ALLOW FOR THE CONTINUED PROVISION OF POLICE AND PUBLIC SAFETY SERVICES AT THE ONTARIO MILLS MALL

RECOMMENDATION: That the City Council:

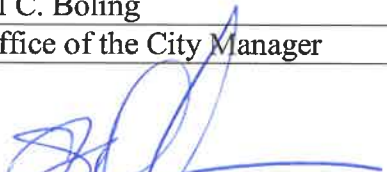
- (A) Authorize the City Manager to execute an amendment (on file with Records Management Department) extending for 18 months the Disposition and Development Agreement (“DDA”) with Ontario Mills Limited Partnership, as successor in interest to The Mills Corporation, allowing for the City’s continued provision of police and public safety services after the expiration of the original DDA dated December 21, 1994; and
- (B) Consistent with the terms and conditions of the DDA, authorize the billing of fees in the amount of \$71,197 for each six-month period that such services are rendered at the Ontario Mills Mall.

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

FISCAL IMPACT: The City of Ontario provides police and public safety services at the Ontario Mills Mall and receives payments from Ontario Mills Limited Partnership to offset a portion of the costs. The most recent billings were in the amount of \$71,197 for each six-month period of services. This 18-month extension will result in \$213,591 of revenue to the City. Revenue for the current fiscal year is included in the FY2019-20 Adopted Operating Budget.

BACKGROUND: The original 1994 DDA for the Ontario Mills Mall project called for The Mills Corporation, as the developer, to pay to the City a portion of the costs incurred for the provision of police and public safety services at the mall. Upon expiration of the DDA, both the Ontario Mills Limited Partnership, as successor in interest to The Mills Corporation, and the City of Ontario agree that

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

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

Submitted to Council/O.H.A. 08/20/2018
Approved: _____
Continued to: _____
Denied: _____

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continuation of police and public safety services is a benefit to the tenants and shoppers at the mall as well as the community at large. As such, the parties have agreed to extend certain provisions of the DDA through December 2019 under the same financial terms and conditions, retroactive to the expiration of the original DDA, resulting in payments to the City of \$71,197 per six-month period or \$213,591 in total.

CITY OF ONTARIO

Agenda Report
August 20, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: AWARD PROFESSIONAL SERVICES AGREEMENTS FOR PRINTING SERVICES AND GRAPHIC DESIGN SERVICES RELATED TO THE ONTARIO LIVING MAGAZINE

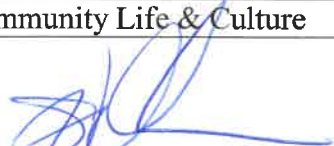
RECOMMENDATION: That the City Council take the following actions:

- (A) Authorize the City Manager to execute a three-year professional services agreement, with the option to extend for one additional year (on file in the Records Management Department), with Eclipse Printing & Graphics LLC, DBA James Litho located in Ontario, California, in the estimated annual amount of \$102,410;
- (B) Authorize the City Manager to execute a three-year professional services agreement, with the option to extend for one additional year (on file in the Records Management Department), with Public Advertising Agency, Inc. located in Murrieta, California, in the estimated annual amount of \$28,636; and
- (C) Authorize future amendments to the scope of work consistent with City Council approved budgets for additional printing services that may be necessary or desired, related to the Ontario Living Magazine, a quarterly publication distributed citywide.

COUNCIL GOALS: Operate in a Businesslike Manner
Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities

FISCAL IMPACT: The Adopted Fiscal Year 2019-20 Budget includes appropriations for printing services related to the Ontario Living Magazine. The proposed professional services agreements provide for 62,000 copies of the magazine to be printed and mailed per quarter at an estimated total annual cost of \$102,410 for printing services and \$28,636 for graphic design services. As residential units are developed throughout the City, additional appropriations will be included in future years' budgets for distribution to these new residences.

STAFF MEMBER PRESENTING: Helen McAlary, Executive Director Community Life & Culture

Prepared by: Nicholas Gonzalez
Department: Community Life & Culture
City Manager Approval: 

Submitted to Council/O.H.A. 08/20/2019
Approved: _____
Continued to: _____
Denied: _____

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BACKGROUND: The Ontario Living Magazine (“OLM”) is a quarterly publication providing the residents and businesses that call Ontario home, the latest news, programs and community events listings that occur within the City of Ontario. Ontario prides itself in having a comprehensive publication that provides a modern design and high-quality printing of each issue.

In July 2019, staff issued a request for proposals (RFP) for both professional graphic design services and professional printing services related to the OLM.

Staff received professional printing services proposals from the following vendors:

<u>Vendor</u>	<u>Location</u>
Advanced Web Offset, Inc.	Vista, CA
Eclipse Printing & Graphics LLC, DBA James Litho	Ontario, CA
iColor Printing & Mailing, Inc.	Los Angeles, CA
Novak & Normal, Inc. DBA The PM Group	Lake Forest, CA
California Newspaper Partnership DBA SCNG Printing	Anaheim, CA

Staff received professional graphic design services proposals from the following vendors:

<u>Vendor</u>	<u>Location</u>
Benham Advertising	Chino, CA
Geographics	Riverside, CA
Novak & Normal, Inc. DBA The PM Group	Lake Forest, CA
Public Advertising Agency, Inc.	Murrieta, CA

Each proposal was screened and scored by City staff according to the criteria outlined in the RFP. The criteria consisted of the firm’s profile, staffing, project experience and references. After reviewing and rating each of the responses, staff interviewed each firm.

Staff recommends Eclipse Printing & Graphics LLC, DBA James Litho (“James Litho”) to provide professional printing services of the OLM. Based on their years of experience, quality of products, and preference on being a local vendor, staff feels confident that James Litho will deliver a high-quality product. Staff also recommends Public Advertising, Inc. to provide professional graphic design services of the OLM. Based on their years of experience as a team and quality of graphic design services, staff feels confident that Public Advertising Agency will design a modern, high-quality product.

The proposed agreements include a 68-page count publication for the Autumn, Fall and Spring issues and a 72-page count publication for the Summer issue. All printing of the OLM will be saddle-stitched and delivered to the United States Postal Service facility located in Ontario for mailing distribution. Additional copies of the OLM will be delivered to City facilities for distribution to patrons and visitors.

CITY OF ONTARIO

Agenda Report
August 20, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: AMERICORPS STATE PLANNING GRANT

RECOMMENDATION: That the City Council authorize the City Manager or designee, to execute grant documents to accept a twelve-month AmeriCorps State planning grant for \$75,000 for the *Ontario Promise Corps* project.

COUNCIL GOALS: Pursue City's Goals and Objectives by Working with Other Governmental Agencies
Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities

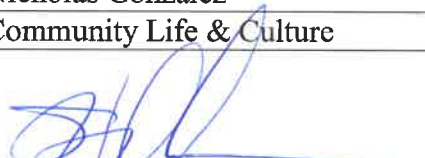
FISCAL IMPACT: The Community Life & Culture Agency has been awarded a \$75,000 planning grant from California Volunteers to fund costs associated with building the capacity of the City to successfully operate an AmeriCorps program in the future. The grant period is from August 15, 2019 through August 14, 2020. The associated grant revenue and expenditure appropriations will be included in the next Quarterly Budget Report to the City Council.

BACKGROUND: The AmeriCorps State planning grant will be used to develop a cradle-to-career collective impact program which will engage AmeriCorps members to implement services that will include but are not limited to improving school readiness, improved school attendance, and college access and success in the City. Members will address the needs of young children, school-aged children, youth, and young adults.

Ontario Promise Corps will focus on the National Service Focus Area of Education and will provide services that contribute to improved educational outcomes for economically disadvantaged children and youth, and support economically disadvantaged students as they prepare for success in post-secondary educational institutions.

Through this planning grant, the City of Ontario will partner with the Ontario-Montclair Promise Scholars team, Hope Through Housing, and The Community Foundation of Riverside and

STAFF MEMBER PRESENTING: Helen McAlary, Executive Director Community Life & Culture

Prepared by: Nicholas Gonzalez
Department: Community Life & Culture
City Manager Approval: 

Submitted to Council/O.H.A. 08/20/2019
Approved: _____
Continued to: _____
Denied: _____

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San Bernardino Counties to design evidence-based programs to support student across the cradle-to-career continuum.

During the project planning phase, the *Ontario Promise Corps* team will help raise awareness in the larger community about this program and will look at tools to engage various City departments including Library, Recreation & Community Services, and Economic Development. The results of the planning grant will be incorporated into a comprehensive grant application to seek ongoing funding for AmeriCorps members to implement the strategies developed during the planning phase.

CITY OF ONTARIO

Agenda Report
August 20, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: LIBRARY SERVICES AND TECHNOLOGY ACT GRANT

RECOMMENDATION: That the City Council authorize the City Manager or his designee, to accept and execute grant documents related to a thirteen-month grant for \$71,000 from federal Library Services and Technology Act funds administered by the California State Library, for the Ontario City Library's project, *Little Learners, Big Futures*, a campaign focused to improve early childhood literacy and education.

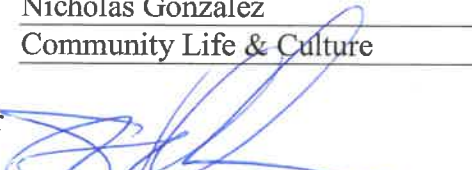
COUNCIL GOALS: Pursue City's Goals and Objectives by Working with Other Governmental Agencies
Focus Resources in Ontario's Commercial and Residential Neighborhoods
Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities

FISCAL IMPACT: The Ontario City Library has been awarded a \$71,000 federal Library Services and Technology Act grant from the California State Library for an early childhood literacy and education campaign. The grant period is from July 1, 2019 through August 31, 2020. The associated grant revenue and expenditure appropriation adjustments will be presented in the next Quarterly Budget Report to the City Council. The City is not required to provide matching funds for the grant award.

BACKGROUND: Under direction of the Community Life & Culture Agency, the Ontario City Library has been leading a series of meetings with the four area kindergarten to eighth grade school districts to discuss the current state of children's success within Ontario. In looking at grade level reading data, kindergarten readiness, and library experiences, the leadership team identified one area as the focus of the City's greatest need: early childhood learning.

A series of surveys and focus groups with families confirmed that parents and caregivers want and need assistance for their children who are falling behind academically. Children reading below grade level and falling behind in their academics were more likely to experience insufficient early childhood learning opportunities.

STAFF MEMBER PRESENTING: Helen McAlary, Executive Director Community Life & Culture

Prepared by: Nicholas Gonzalez
Department: Community Life & Culture
City Manager Approval: 

Submitted to Council/O.H.A. 08/20/2019
Approved: _____
Continued to: _____
Denied: _____

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Consistent with the City Council's goal to Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities, the Ontario City Library has developed the *Little Learners, Big Futures* project to address this need.

Through the assistance of the Library Services and Technology Act Grant, *Little Learners, Big Futures* will address the community's aspiration for an increase in children's success in school. Ontario City Library staff will provide early childhood learning opportunities through semi-permanent libraries, off-site pop-up programming, and professional development training for staff. Semi-permanent libraries will be placed in nontraditional high-traffic partner locations and provide books free of fines and/or fees as well as offer regular Library service programming. Pop-up programming will target young children and caregivers, and model early childhood learning practices that will be held in areas that have the greatest need.

The goal of *Little Learners, Big Futures* is to increase children's success in school by providing access to early childhood learning experiences and parent/caregiver outreach within the City by working with the Housing & Neighborhood Preservation Agency. This program will be accomplished through increased access to books and programming facilitated by library staff and early childhood experts that model positive interactions to reinforce a parent's role as their child's first teacher.

Ontario City Library has invested in the development of programs and services to the community. With support from the Ontario City Council, staff is confident that *Little Learners, Big Futures* can be sustained beyond the grant period.

CITY OF ONTARIO

Agenda Report
August 20, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: APPROVAL OF THE COMMUNITY IMPROVEMENT CODE ABATEMENT LOAN PROGRAM

RECOMMENDATION: That the City Council approve the Community Improvement Code Abatement Loan Program (on file with the Records Management Department); and authorize the City Manager, or his designee, to execute any and all documents necessary or desirable to implement the Community Improvement Code Abatement Loan Program.

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

FISCAL IMPACT: The Community Improvement Code Abatement Loan Program will be funded by the General Fund in the amount of \$220,000 through appropriations in the Fiscal Year 2019-20 Adopted Housing & Neighborhood Preservation Citywide Building Safety Budget.


BACKGROUND: The Community Improvement Code Abatement Loan Program (the "Program") was developed by Housing and Community Improvement staff to provide financial assistance in the form of a zero-percent interest loan to help homeowners comply with the Ontario Municipal Code ("OMC"). The program is restricted to owner-occupied homeowners that have been issued a Notice of Violation and/or administrative citations for OMC violations and who are unable to correct these violations without financial assistance and a third-party contractor.

Eligible participants may receive up to a maximum loan amount of \$15,000 for landscape improvements and exterior property improvements.

The Program provides the following benefits to participants:

- Participants will be required to participate in one Community Improvement class to receive instructions on the OMC requirements and property maintenance.

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

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

Submitted to Council/O.H.A. 08/20/2019
Approved: _____
Continued to: _____
Denied: _____

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- Participants will be able to select their own contractor to perform the work. Community Improvement Officers will review the bid, scope of work, City business license, and appropriate contractor’s license prior to funding the loan.
- Participants will not have their open code enforcement case referred to legal counsel for prosecution and will be able to avoid additional legal fees that could be assessed to the property owner.
- Participants that fully repay the loan and maintain their property in compliance with the OMC during the loan repayment period will have any unpaid administrative citations forgiven at the end of the repayment period.
- All escrow fees associated with funding the loan will be included in the loan amount. No up-front costs will be required for the participant at the time of loan funding.

The loan is a zero-percent, simple interest loan with the following terms depending on the household’s income as indicated below:

- **Deferred Upon Sale or Refinancing:** Property owner’s household income must be at or below 30% of the median income.
- **Five-Year Term:** No income qualification for a five-year term. The monthly payment for a household that receives the maximum loan amount of \$15,000 would be \$250 per month.
- **Ten-Year Term:** Household income must be at or below 80% of area median income. The monthly payment for a household that receives the maximum loan amount of \$15,000 would be \$125 per month.

Listed below are the current income limits adjusted for family size:

FY 2019 Income Limits* San Bernardino County								
Persons in Family								
	1	2	3	4	5	6	7	8
30% of AMI	15,100	17,250	21,330	25,750	30,170	34,590	39,010	43,430
80% of AMI	40,250	46,000	51,750	57,450	62,050	66,650	71,250	75,850
<i>*Income limits are subject to change annually</i>								

This program is restricted to front yard/parkway improvements and exterior property improvements that have been identified in a Notice of Violation issued by Community Improvement staff and is focused on improving Ontario’s existing housing stock and beautifying neighborhoods. Further, the program is intended to assist homeowners in achieving compliance with the OMC and without incurring costly legal fees.

CITY OF ONTARIO

Agenda Report
August 20, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: COMMUNITY DEVELOPMENT BLOCK GRANT FUNDED DOWNTOWN FAÇADE IMPROVEMENT PROGRAM GUIDELINES AND APPLICATION

RECOMMENDATION: That the City Council:

- (A) Consider and approve the adoption of the Community Development Block Grant funded Downtown Façade Improvement Program Guidelines; and
- (B) Authorize the City Manager to make any necessary adjustments and execute all necessary documents to implement the Neighborhood Preservation Strategy Plan.


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

FISCAL IMPACT: There will be no General Fund impact. All costs associated with the Downtown Façade Improvement Program will be funded by the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) program. A total of \$125,000 has been allocated to this program for Fiscal Year 2019-20.

BACKGROUND: The City of Ontario, in its continuing effort to support the revitalization of the Historic Downtown Area, has created the Downtown Façade Improvement Program ("Program") for eligible applicants within the designated program area (Attachment A). The purpose of the program is to provide financial assistance, in the form of a grant, to commercial property and/or business owners to make qualifying façade improvements on Euclid-facing buildings. The Program is intended to facilitate commercial revitalization, preserve and beautify the Historic Downtown Area, stimulate private investment, and beautify the commercial corridors by creating a pedestrian-friendly and aesthetically pleasing environment for residents, visitors and tourists.

Grant funds shall be available to eligible commercial property and/or business owners who meet the requirements of the Program. The maximum program grant amount per applicant is \$25,000. The

STAFF MEMBER PRESENTING: John P. Andrews, Economic Development Executive Director

Prepared by: Karla Tavera
Department: Economic Development
City Manager Approval: 

Submitted to Council/O.H.A. 08/20/2019
Approved: _____
Continued to: _____
Denied: _____

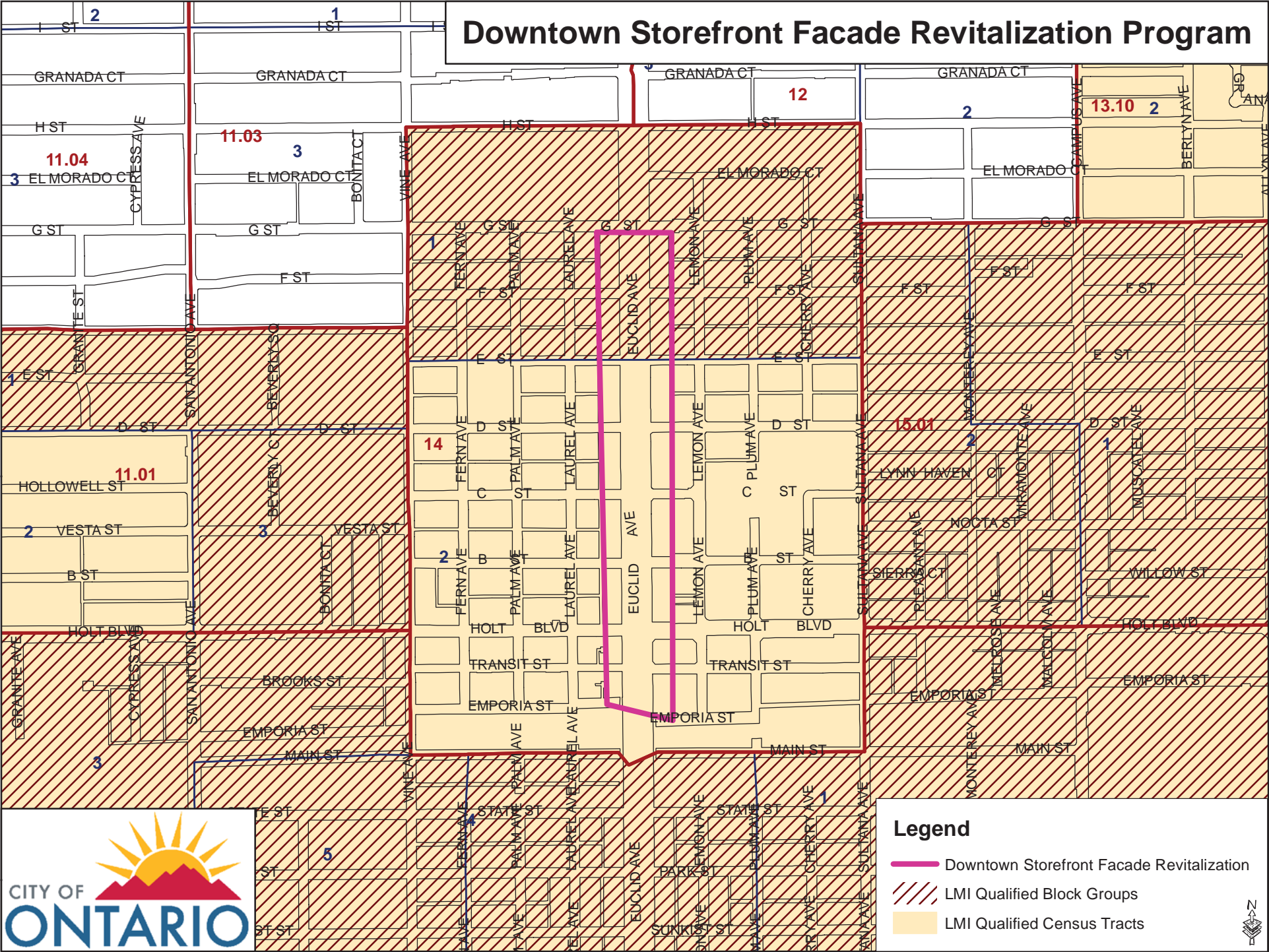
11

applicant will be required to contribute a 1:1 leverage of private investment towards the approved improvements of the building.

The Program assistance is limited to supply and installation contracts, such as new signage, new awnings, exterior lighting, and anti-graffiti treatment to existing windows. Eligible leverage-funded improvements are limited to exterior improvements, such as exterior refinishing, new exterior doors, exterior lighting, painting, decorative improvements, and new windows.

In order to proceed with the implementation of the program, program guidelines need to be adopted. The program guidelines contain the details of the eligibility requirements, amount and type of financial assistance offered, eligible improvements, application, and procurement and award processes. Staff is recommending that the City Council adopt the Downtown Façade Improvement Program Guidelines (Attachment B).

Downtown Storefront Facade Revitalization Program



Legend

- Downtown Storefront Facade Revitalization
- LMI Qualified Block Groups
- LMI Qualified Census Tracts



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**Downtown Storefront Façade
Improvement Program**

PROGRAM GUIDELINES

SECTION I- OVERVIEW OF PROGRAM

A. Purpose, Goal and Objective of Program-

The City of Ontario, in its continuing effort to support the revitalization of the Historic Downtown Area, has created a Downtown Storefront Façade Improvement Program (Program) for all property owners within the designated program area. The purpose of the program is to provide financial assistance to commercial property and/or business owners to make qualifying façade improvements on Euclid-facing buildings.

The goals of the Program are to facilitate commercial revitalization; stimulate private investment and customer patronage; preserve and beautify the Historic Downtown Area; and generate shopping opportunities by creating a pleasant walking environment resulting from the improved visual aesthetics of commercial building façades.

B. Source of Funds-

The Program is being funded by the Federal Government's Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) for Fiscal Year 2019-20.

C. Financial Assistance-

Grant funds shall be available to eligible commercial property and/or business owners who meet the requirements of the Program. The maximum program grant amount per applicant is \$25,000. The applicant will be required to contribute a 1:1 leverage of personal funds towards the approved improvements of the building. For example, if the grant amount requested is \$10,000, the applicant will need to provide \$10,000 of improvements within the approved scope of work.

SECTION II- PROGRAM REQUIREMENTS

- A. Location-** Only commercial properties located within the Historic Downtown Area that have Euclid Avenue-facing buildings between Emporia Street to G Street (100-200 blocks of South Euclid and 100-600 blocks of North Euclid) are eligible to apply.
- B. Permits-** Property owner must obtain plan approval and any applicable Planning and Building permits from the City. All work performed under the provisions of this Program shall meet all applicable standards contained in the City's adopted zoning ordinance, and local building and safety codes. The City's General Requirements can be viewed on the City's website at: <https://www.ontarioca.gov/government-departments-development-building/general-requirements>
- C. Improvements-** All building improvements must be to the exterior of the building. The scope of work must be approved by City of Ontario's Economic Development Agency and Community Improvement Department. Proposed work should be consistent with the historic fabric of the building. No work, whether it is program funded or leverage funded shall be conducted prior to the written approval of the scope of work by the City. Improvements are not eligible if they are simply maintenance of the current façade.
- D. Ownership-** The applicant(s) must be either the current property owner(s) or business owner(s) (tenant) of the property to be rehabilitated in order to be eligible for the Program. Business owners must obtain consent from current property owner in order to apply for the program. In case of multiple ownership, the signature of each titleholder is required on all appropriate documents. The City will verify property ownership and require all persons currently on title to give written consent to all work proposed to be performed on the property prior to initiating such work.
- E. Program Limitations-** If a building or qualified unit is occupied by one tenant occupant, the maximum number of applications is one per façade. If a building has multiple independent units, each unit with a separate entrance, which has a wall that qualifies as an exterior facade may make a separate application on the basis of one application per façade. If a portion of a building has been improved with Program funds, subsequent applications for the remaining portions of the building should be consistent with the prior grant work.
- F. Program Eligible Property Improvements-** The Program assistance is limited to supply and installation contracts. Supply and installation contracts are defined as those where the material supplier will provide installation of the material with an incidental amount of construction activity that does not require a separate construction contract. No extensive structural modifications should be required to install the materials (i.e., widening entrances or installing wiring). Such improvements may include, but are not limited to:

- New signage;
- New awnings;
- Exterior lighting; and
- Anti-graffiti treatment to existing windows.

G. Owner Leverage Eligible Property Improvements- The program requirements require a 1:1 leverage of grant funds with personal funds from the applicant. Eligible leverage-funded improvements are limited to exterior improvements. Such improvements may include, but are not limited to:

- Exterior refinishing;
- New exterior doors;
- Exterior lighting;
- Painting;
- Decorative improvements; and
- New windows.

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SECTION III- PROGRAM PROCEDURES

A. Applicant Intake and Eligibility Determination-

- a. Application-** Applications are available at City Hall or online at www.ontarioca.gov. Each application must be completed in its entirety, signed and submitted with all required documents as listed on the application, and signed proof of ownership of lease agreement. Applications will be reviewed in the order in which they are received. The City will maintain a waiting list for all prospective participants.
- b. Verification and Eligibility Determination-** The City shall verify all information as necessary. Applicants will be notified in writing regarding eligibility status.
- c. Rehabilitation Feasibility Determination-** Once an applicant has been determined to meet eligibility requirements, an initial inspection of the property will be made by the Economic Development Agency and Community Improvement Department to determine the extent of any code violations, as well as any health and safety issues, that need to be corrected as part of the program or leverage scopes of work. A proposed scope of work will be developed illustrating the items to be included as part of the program scope of work and items to be included as the leverage scope of work.
- d. Approval and Notifications-** Once the application and scope of work have been verified as eligible, the City and the applicant will enter into a Program Agreement that contains the terms and conditions required by the program. After execution of the Program Agreement, the City will issue a Notice to Proceed with work. **No work should be initiated, contracted for, or performed until after the Notice to Proceed has been issued.** The City may not approve reimbursement for work completed prior to the issuance of the Notice to Proceed.
- e. Reservation of Funds-** After the applicant has been approved for the program, a reservation of funds letter will be issued for the grant amount approved. This letter will reserve the approved grant amount for 90 days. If the applicant has not submitted all required items for reimbursement within the 90 days, the reservation of funds may be cancelled. If unforeseen conditions are delaying the project, the applicant should contact the City immediately to discuss options to preserve the reservation of program funds. One additional extension of time up to 90 days may be granted based upon a demonstrated hardship.

B. Procurement and Contractor Selection

- a. Program-Funded Improvements Procurement-** The applicant is required to obtain multiple proposals for the program-funded improvements. A minimum of three proposals for each item approved within the program scope of work shall be submitted. If the applicant is unable to obtain three proposals, the applicant shall

provide a summary of the efforts made to obtain the minimum number of required proposals. Supply and installation proposals from vendors qualified to perform the improvements approved within the program scope of work shall be submitted for approval prior to execution of contracts with material suppliers. Proposals shall clearly state a cost for materials and a cost for installation.

- b. Program-Funded Improvements Selection-** The City will review the proposals submitted by the applicant and verify the lowest-qualified proposal. Approval will be given for the amount specified in the lowest-qualified proposal within the grant limits of the program. Should the applicant wish to enter into an agreement with a vendor other than the approved lowest-qualified proposal, the applicant will be responsible for the cost difference between the lowest-qualified proposal and the selected proposal. The material supplier and/or the applicant will be responsible to obtain all necessary permits for the program-funded improvements. The amount of reimbursement approved is limited to the approved lowest-qualified proposal.
- c. Leverage-Funded Improvements Selection-** The City will review the scope of work and contract proposal for the leverage-funded improvements pursuant to the scope of work approved during the feasibility determination. All leverage-funded improvements will be contracted for privately by the applicant and paid for from private funds. No CDBG funds will be used for any portion of the leverage-funded improvements. While the City is not involved with the contracting for the leverage-funded improvements, a best practice suggestion is that the applicant obtain a minimum of three bids for the leverage-funded improvements. The final amount of program funds reimbursed will be based on the final amount of the leverage-funded improvements.
- d. Insurance and Licenses-** The applicant is solely responsible for ensuring that the contractor has all necessary insurance and required licenses. In addition, the applicant shall insure that the contractor obtains all necessary permits for both the program-funded and leverage-funded improvements.

C. Award and Reimbursement

- a. Notification-** Once the applicant has submitted all required procurement documents for both the program-funded and leverage-funded improvements, the City will issue a final Notice to Proceed. No reimbursement shall be issued for work completed or contracted for prior to the issuance of the Notice to Proceed.
- b. Inspection of Completed Work-** After the applicant notifies the City that all work has been completed, including all program-funded and leverage-fund improvements, an inspection of the work will be conducted. This inspection shall include a review of the permits issued and inspections of permitted work.

- c. **Reimbursement-** Based upon the results of the inspection, the City will issue reimbursement from program funds to the applicant for the completion of the improvements. In order for reimbursement to be processed, receipts evidencing payment in full on all vendor contracts for the program-funded work and construction contracts for all leverage-funded improvements shall be provided. In addition, the applicant shall file a Notice of Completion within 10 days of the completion of the work and provide a copy as part of the reimbursement request.

D. Applicant Responsibilities

- a. **Property Maintenance-** The applicant is responsible for property maintenance and safety during the construction and material installation. The property owner/business owner is responsible for ongoing maintenance of the improvements for five (5) years following the completion of both the program-funded and leverage-funded improvements.

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Section IV- AMENDMENTS

Amendments to these guidelines may be made from time to time by the City. Authority shall be granted to the City Manager or his/her designee to grant a minor waiver or make minor amendments to these guidelines, with the exception of Federal guidelines and regulations.

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APPENDIX A

DOWNTOWN FAÇADE IMPROVEMENT PROGRAM APPLICATION

Applicant name: _____

Applicant is the: Business Owner Property Owner

Property address: _____

City, state, zip code: _____

Applicant’s address: _____

City, state, zip code: _____

Phone number: _____

Email address: _____

PROPOSED PROGRAM-FUNDED SCOPE OF WORK

Briefly describe the proposed Program-Funded Scope of Work. Eligible program-funded improvements includes only supply and installation contracts, such as new signage, new awnings, exterior lighting, and anti-graffiti treatment to existing windows.

Estimated Proposed Program-Funded Scope of Work Cost: _____

PROPOSED LEVERAGE-FUNDED SCOPE OF WORK

Briefly describe the proposed Leverage-Funded Scope of Work. Eligible leverage-funded improvements includes exterior improvements only, such as exterior refinishing, new exterior doors, exterior lighting, painting, decorative improvements, and new windos

Estimated Proposed Leverage-Funded Scope of Work Cost: _____

I/We understand that the program requires owner leverage funds in a 1:1 ratio with the requested grant amount.

APPLICATION CERTIFICATION: I/we understand that the above information is being collected to determine if I/we are eligible to receive financial assistance through the Downtown Façade Improvement Program. I/we authorize the City of Ontario to verify all information provided on this application.

_____	_____
APPLICANT SIGNATURE	DATE
_____	_____
PROPERTY OWNER SIGNATURE (IF APPLICABLE)	DATE

APPENDIX B

PROGRAM AGREEMENT

CITY OF ONTARIO

Downtown Storefront Façade Improvement Grant Agreement

THIS AGREEMENT, entered into this _____ day of _____, _____, between the City of Ontario, CA (hereinafter referred to as “City”) and the following designated OWNER/LESSEE:

Owner Name: _____

Lessee’s Name: _____

Name of Business: _____

Business Tax ID #: _____

Address of Property to be improved: _____

WITNESSETH:

WHEREAS, the City of Ontario has established the Downtown Storefront Façade Improvement Program for application within the Historic Downtown Area for Euclid facing buildings between Emporia Street to G Street (100-200 blocks of South Euclid and 100-600 blocks of North Euclid) (hereinafter referred to as “Program Area”); and

WHEREAS, said Downtown Storefront Façade Improvement Program is administered by the City with the advice of the City Council and is funded by Community Development Block Grant Funds (CDBG) under the U.S. Department of Housing and Urban Development for the purpose of commercial revitalization, stimulation of private investment and customer patronage, preservation and beautification of the Historic Downtown Area, and to generate shopping opportunities by creating a pleasant walking environment resulting from the improved visual aesthetics of the commercial building façades.

WHEREAS, pursuant to the Downtown Storefront Façade Improvement Program, the City has agreed to participate, subject to its sole discretion in reimbursing owners/lessees for the cost of eligible exterior improvements to commercial establishments within the Project Area up to

a maximum of \$25,000 with an applicant contribution of 1:1 leverage of personal funds towards the improvements of the building in the scope of work; and

WHEREAS, the Owner/Lessee's property is located within the Program Area, and the Owner/Lessee desires to participate in the Downtown Storefront Façade Improvement Program pursuant to the terms and provisions of this Agreement.

NOW THEREFORE, in consideration of the mutual covenants and agreements obtained herein, the City and the Owner/Lessee do hereby agree as follows:

SECTION 1

With respect to the façade improvements to the exterior of the property, the City shall reimburse the Owner/Lessee for the cost of supply and installation contracts up to a maximum amount of \$25,000 provided that Owner/Lessee has contributed said amount of personal funds towards the exterior improvements.

The actual total reimbursement amount per this Agreement shall not exceed \$ _____ for façade improvements.

The improvement costs, which are eligible for City reimbursement is limited to supply and installation contracts which are defined as those where the material supplier will provide installation of the material with an incidental amount of construction activity that does not require a separate construction contract. No extensive structural modifications should be required to install the materials (i.e., widening entrances or installing wiring). Such improvements may include, but are not limited to: new signage; new awnings; exterior lighting; and anti-graffiti treatment to existing windows.

The improvement costs, which are eligible for City reimbursement, shall be shown on the plans, design drawings, specifications, and estimates approved by the City. Such plans, design drawings, specifications, and estimates are attached hereto as Exhibit "A."

SECTION 2

No improvement work shall be undertaken until the design has been submitted to and approved by the City. Following approval, the OWNER/LESSEE shall contract for the work and shall commence and complete all such work within ninety (90) days from the date of such approval. The OWNER/LESSEE may request a ninety (90) day extension provided there is a demonstrated hardship.

SECTION 3

The City shall periodically review the progress of the contractor's work on the façade improvements pursuant to this Agreement. Such inspections shall not replace any required permit inspection by Building Inspectors. All work which is not in conformance with the approved plans, design drawings, and specifications shall be immediately remedied by the OWNER/LESSEE and

deficient or improper work shall be replaced and made to comply with the approved plans, design drawings, and specifications and the terms of this Agreement.

SECTION 4

Upon completion of the improvements and upon their final inspection and approval by the City, the OWNER/LESSEE shall submit to the City a properly executed and notarized contractor statement showing the full cost of the work to complete the façade improvement related work, as well as a statement for façade improvement work done to achieve the 1:1 match required by this Agreement. In addition, the OWNER/LESSEE shall submit to the City proof of payment of the contract cost pursuant to the contractor's statement and final lien waivers from all contractors and subcontractors as well as proof of 1:1 match. The City shall, within forty-five (45) days of receipt of contractor's statement, proof of payment, conformed copy of the Notice of Completion, and lien waivers, issue a check to the OWNER/LESSEE as reimbursement in the total grant amount stated in SECTION 1 of this Agreement.

SECTION 5

If the OWNER/LESSEE fails to complete the improvement work provided for herein in conformity with the approved plans, design drawings, and specifications and the terms of this Agreement, then upon written notice being given by the City to the OWNER/LESSEE, by certified mail to the address listed above, this Agreement shall terminate and the financial obligation on the part of the City shall cease and become null and void.

SECTION 6

This Agreement shall be binding upon the City and upon the OWNER/LESSEE and its successors, to said property for a period of five (5) years from and after the date of completion and approval of the façade improvements provided herein unless otherwise agreed upon by the parties in writing. It shall be the responsibility of the OWNER/LESSEE to inform subsequent OWNER(S)/LESSEE(S) of the provisions of this Agreement.

SECTION 7

The OWNER/LESSEE agrees to maintain the improvements at his/her sole expense for a period of five (5) years unless otherwise agreed upon by the parties in writing. In the event that the OWNER/LESSEE fails to maintain the improvements, the City may issue a thirty (30) day written notice to the OWNER/LESSEE to correct any maintenance deficiencies. If the OWNER/LESSEE fails to correct the stated deficiencies within thirty (30) days of the notice, City may cause any maintenance or repair work to be performed at OWNER's expense.

SECTION 9

The OWNER/LESSEE agrees to comply with all the requirements now in force, or which may hereafter be in force, of all municipal, county, state and federal laws, pertaining to the development and use of the Property and construction of the façade improvements, as well as

operations conducted on the Property. The OWNER/LESSEE agrees that the City shall not be liable for, and covenants and agrees to indemnify and hold harmless the City and its officials, officers, employees, and agents from and against any and all losses, claims, damages, liabilities, or expenses, of every conceivable kind, character and nature whatsoever arising out of, resulting from noncompliance with all municipal, county, state and federal laws. The OWNER/LESSEE will require any contractor to comply with the above cited Local, State and Federal laws, and will incorporate these laws in any written agreement between the OWNER/LESSEE and a contractor.

SECTION 10

No member, official, agent, legal counsel or employee of the City shall be personally liable to the Participant, or any successor in interest in the event of any default or breach by the City or for any amount which may become due to the OWNER/LESSEE or successor or on any obligation under the terms of this Agreement.

SECTION 11

The OWNER/LESSEE releases the City from, and covenants and agrees that the City shall not be liable for, and covenants and agrees to indemnify and hold harmless the City and its officials, officers, employees, and agents from and against any and all losses, claims, damages, liabilities, or expenses, of every conceivable kind, character and nature whatsoever arising out of or, resulting from or in any way connected with directly or indirectly with the façade improvements. The OWNER/LESSEE further covenants and agrees to pay for or reimburse the City and its officials, officers, employees, and agents for any and all costs, reasonable attorney's fees, liabilities, or expenses incurred in connection with investigating, defending against or otherwise in connection with any such losses, claims, damages, liabilities, or cause of action. The city shall have the right to select legal counsel and to approve any settlement in connection with such losses, claims, damages, liabilities, or causes of action. The provisions of this section shall survive the completion of said façade improvements.

SECTION 12

Nothing herein is intended to limit, restrict, or prohibit the OWNER/LESSEE from undertaking any other work in or about the subject premises, which is unrelated to the façade improvement provided for in this Agreement.

[SIGNATURES ON THE FOLLOWING PAGE]

IN WITNESS THEREOF, the parties hereto have executed this Agreement on the date first appearing above.

PROPERTY OWNER

CITY OF ONTARIO

Name

Scott Ochoa, City Manager

Signature

LESSEE/BUSINESS OWNER

Approved as to Form

Name

Cole Huber LLP,
City Attorney

Signature

DRAFT

CITY OF ONTARIO

Agenda Report
August 20, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: NEIGHBORHOOD PRESERVATION STRATEGY PLAN

RECOMMENDATION: That the City Council:

- (A) Approve the Neighborhood Preservation Strategy Plan, dated July 2019 (on file with the Records Management Department); and
- (B) Authorize the City Manager to make any necessary adjustments and execute all necessary documents to implement the Neighborhood Preservation Strategy Plan.

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

FISCAL IMPACT: Costs for staff time and materials associated with the implementation of the Neighborhood Preservation Strategy Plan will be absorbed by each of the participating department's approved budgets.

BACKGROUND: During FY 2018-19, the Housing and Neighborhood Preservation Agency created the Neighborhood Action Team consisting of City staff members from a variety of agencies including Housing and Neighborhood Preservation, Ontario Police Department, Ontario Fire Department, Community Life and Culture, Public Works, Development, and Finance with a goal of establishing a Neighborhood Preservation Strategy Plan (the "Plan").

The focus in developing the Plan was to identify target neighborhoods based upon data points and develop strategies to engage the community to uplift and preserve these neighborhoods. Several sources of City data were evaluated including select Ontario Police Department calls for service, select MyOntario App reports, Community Improvement cases, and Systematic Health and Safety Inspection Program notices. In addition to the City data, a number of demographic indicators were evaluated from American Community Survey Census data. These key indicators included population, race and ethnicity, median income, employment

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

Prepared by: Katryna Gonzalez
Department: Housing and Neighborhood Preservation

Submitted to Council/O.H.A. 08/20/2019
Approved:

City Manager
Approval:



Continued to: _____
Denied: _____

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status and labor market factors, linguistic isolation, educational attainment, housing tenure, housing characteristics, and housing costs.

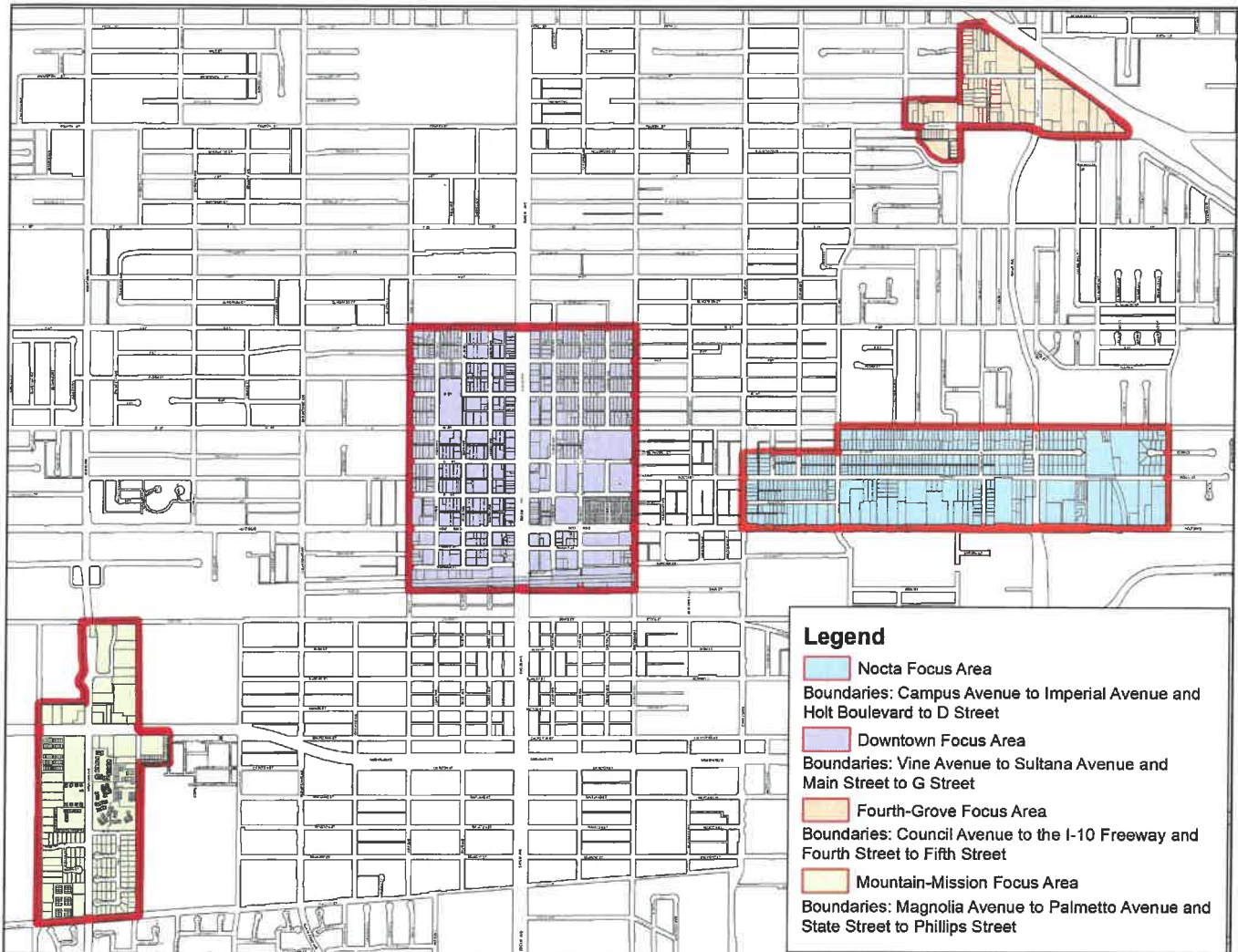
Based on the data evaluated, four target neighborhoods have been identified known as the Downtown Target Neighborhood, Nocta Target Neighborhood, Mission-Mountain Target Neighborhood, and Fourth-Grove Target Neighborhood. A map of the target neighborhoods has been attached as Exhibit A for reference.

The Plan identifies seven main strategies to be used over a three-year span within the four target neighborhoods. Below is a brief description of each strategy:

- **Community Engagement** – The primary objective of the Neighborhood Preservation Strategy is to create meaningful community engagement to organically build sustainable neighborhoods. Community engagement opportunities are divided into three main components: capitalizing on existing community outreach and engagement (identify existing events and have a Neighborhood Action Team staff presence to begin building relationships with residents, business owners, and community organizations), new community outreach and engagement (use opportunities created by new programs, including a Neighborhood Fair and mobile recreation program to increase interaction with the community), and ongoing community engagement through a variety of mediums, including print, social media, initial year resident survey, and informal in-person meet-ups.
- **Neighborhood Fairs** – At least one Neighborhood Fair will be conducted during Fiscal Year 2019-20. This will be a “block party” style event with participation from City agencies, other public sector agencies that impact community life within the target neighborhoods, private local business owners, and community organizations and non-profit agencies that work in the community.
- **Neighborhood Action Team** – This is a multi-agency team comprised of members from Ontario Police Department, Housing and Neighborhood Preservation, Community Life and Culture, Information Technology, Public Works, Ontario Municipal Utilities Company, Administrative Services, Ontario Fire Department, and other public sector partners that will meet regularly. The team’s focus will be to evaluate upcoming planned community engagement opportunities, discuss community partnerships and updates, and strategize solutions for “flash point” properties or blocks to provide additional resources in these areas to prevent further deterioration.
- **Homeownership Opportunities** – Housing and Neighborhood Preservation Agency staff, along with strategic community partners, will explore possible opportunities to expand homeownership within the target neighborhoods and throughout Ontario.
- **Community Education Materials** – The Neighborhood Action Team will work with other partners to create resident information packages for both homeowners and renters, along with a business user’s guide. The resident packages will contain information for new residents, such as recycling information, bulky-item pickup information, yard sale requirements, property maintenance requirements, water conservation tips, “Who to Contact” lists, etc. The business user’s guide would be designed to inform local business owners of Ontario Municipal Code and Ontario Development Code requirements.
- **Economic Development Activities** – During Fiscal Year 2019-20, Economic Development Agency staff will utilize Community Development Block Grant funds to implement a pilot façade improvement program within select blocks of downtown Ontario.

If the Plan is approved by City Council, staff will immediately begin to implement the activities identified in the Plan.

EXHIBIT A



CITY OF ONTARIO

Agenda Report
August 20, 2019

SECTION:
CONSENT CALENDAR

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


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

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

FISCAL IMPACT: The levy of special assessments will result in the recovery of \$177,570 in costs that the City has expended for inspection or abatement of property violations, as well as the collection of \$6,640 associated with civil penalties and/or fines for continued violations, for a total of \$184,210 related to 502 parcels. When received, these reimbursements will be deposited into the General Fund.

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

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

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

Submitted to Council/O.H.A. 08/20/2019
Approved: _____
Continued to: _____
Denied: _____

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This assessment cycle, the Community Improvement Department has billed property owners for the abatement of violations, the issuance of fines associated with administrative citations, the issuance of fees and penalties associated with the Systematic Health and Safety Inspection Program, the issuance of registration fees and civil penalties associated with the Abandoned and Distressed Property Program, and the issuance of notice and re-inspection fees as well as civil penalties for the Weed and Refuse Abatement Program on 4,864 parcels. Of this, there are remaining amounts due on 502 parcels. Attached are itemized accounts of: (1) costs associated with inspection or abatement as shown in Exhibit A of the resolution; (2) civil penalties and/or fines for continued violations as shown in Exhibit B of the resolution; and (3) total amounts per parcel as shown in Exhibit C of the resolution. The expenditure list, with any necessary corrections and adjustments, will be submitted to the County prior to August 2019 for its 2019-2020 tax rolls.

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

RESOLUTION NO. _____

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PASSED, APPROVED, AND ADOPTED this 20th day of August 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held August 20, 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 August 20, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

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

Parcel Number	Address	Amount Due
0108-301-14	1310 N GROVE AV, Ontario, CA 91764	-108.00
0108-303-21	1383 E BONNIE BRAE ST, Ontario, CA 91764	108.00
0108-303-23	1367 E BONNIE BRAE ST, Ontario, CA 91764	108.00
0108-304-24	1364 E BONNIE BRAE ST, Ontario, CA 91764	378.65
0108-323-08	1522 E RAYMOND ST, Ontario, CA 91764	149.00
0108-362-03	1488 E OLIVE ST, Ontario, CA 91764	108.00
0108-412-07	1747 N EL DORADO AV, Ontario, CA 91764	212.55
0108-412-19	1728 N DEL NORTE AV, Ontario, CA 91764	108.00
0108-413-07	1432 E HIGHLAND CT, Ontario, CA 91764	108.00
0108-442-11	1408 E SIXTH ST, Ontario, CA 91764	108.00
0108-442-19	1409 E LA DENEY DR, Ontario, CA 91764	108.00
0108-472-03	1811 N LEEDS AV, Ontario, CA 91764	72.00
0108-481-18	0 E OLIVE ST, Ontario, CA 91764	110.00
0108-481-19	0 E OLIVE ST, Ontario, CA 91764	110.00
0108-481-20	0 E OLIVE ST, Ontario, CA 91764	110.00
0108-481-21	0 E OLIVE ST, Ontario, CA 91764	110.00
0108-481-22	0 E OLIVE ST, Ontario, CA 91764	110.00
0108-481-23	0 E OLIVE ST, Ontario, CA 91764	110.00
0108-481-24	0 E OLIVE ST, Ontario, CA 91764	110.00
0108-481-25	0 E OLIVE ST, Ontario, CA 91764	110.00
0108-481-26	0 E OLIVE ST, Ontario, CA 91764	110.00
0108-481-27	0 E OLIVE ST, Ontario, CA 91764	110.00
0108-493-13	1504 N MADERA AV, Ontario, CA 91764	489.70
0108-501-29	1211 N EL DORADO AV, Ontario, CA 91764	1,296.00
0108-523-09	1310 N LAKE AV, Ontario, CA 91764	108.00
0108-532-08	1688 E FIFTH ST, Ontario, CA 91764	812.15
0108-541-18	1647 E PRINCETON ST, Ontario, CA 91764	262.25
0108-543-04	1223 N MANDALAY ST, Ontario, CA 91764	108.00
0108-551-01	1733 E HARVARD PL, Ontario, CA 91764	110.00
0108-551-06	1691 E FOURTH ST, Ontario, CA 91764	108.00
0108-551-34	1719 E FOURTH ST, Ontario, CA 91764	110.00
0108-551-35	1725 E FOURTH ST, Ontario, CA 91764	110.00
0108-573-19	1750 N MADERA AV, Ontario, CA 91764	108.00
0108-601-65	1529 N LASSEN AV, Ontario, CA 91764	72.00
0108-611-26	1417 E ALVARADO ST, Ontario, CA 91764	149.00
0110-013-29	404 N GLENN PL, Ontario, CA 91764	149.00
0110-013-67	1235 E D ST, Unit:18, Ontario, CA 91764	108.00
0110-032-05	1701 E D ST, Unit:1001, Ontario, CA 91764	25,920.00
0110-041-11	225 N IMPERIAL AV, Ontario, CA 91761	108.00
0110-042-27	1467 E ELMA CT, Unit:A, Ontario, CA 91761	432.00
0110-051-57	1360 E D ST, Building:10, Unit:A, Ontario, CA 91761	9,288.00

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

Parcel Number	Address	Amount Due
0110-061-01	1375 E HOLT BL, Ontario, CA 91761	110.00
0110-071-02	1389 E HOLT BL, Ontario, CA 91761	110.00
0110-071-06	1381 E HOLT BL, Ontario, CA 91761	110.00
0110-071-07	1381 E HOLT BL, Ontario, CA 91761	110.00
0110-111-11	1654 E HOLT BL, Ontario, CA 91761	110.00
0110-111-12	1660 E HOLT BL, Ontario, CA 91761	110.00
0110-153-01	1231 E G ST, Ontario, CA 91764	72.00
0110-202-22	1311 E FRESNO ST, Ontario, CA 91764	108.00
0110-253-30	413 N IMPERIAL AV, Ontario, CA 91764	149.00
0110-281-04	622 N CALAVERAS AV, Ontario, CA 91764	481.95
0110-281-11	623 N CALAVERAS AV, Ontario, CA 91764	108.00
0110-301-09	1828 E PRINCETON ST, Ontario, CA 91764	108.00
0110-332-01	1802 E FOURTH ST, Unit:A, Ontario, CA 91764	432.00
0110-332-02	1808 E FOURTH ST, Unit:A, Ontario, CA 91764	432.00
0110-333-07	949 N VINEYARD AV, Unit:A, Ontario, CA 91764	432.00
0110-341-01	1055 N MARIPOSA AV, Ontario, CA 91764	108.00
0110-343-04	1778 E FOURTH ST, Ontario, CA 91764	432.00
0110-345-15	939 N ORANGE AV, Ontario, CA 91764	108.00
0110-373-10	1837 E PLAZA SERENA ST, Ontario, CA 91764	108.00
0110-411-04	630 N MARIPOSA AV, Ontario, CA 91764	108.00
0110-411-73	1724 E G ST, Unit:C, Ontario, CA 91764	108.00
0110-411-75	1719 E FLORA ST, Ontario, CA 91764	72.00
0110-482-18	1874 E FIFTH ST, Ontario, CA 91764	216.00
0110-491-10	1352 N SAN DIEGO AV, Ontario, CA 91764	108.00
0113-211-05	1241 E AIRPORT DR, Ontario, CA 91761	110.00
0113-211-06	1247 E AIRPORT DR, Ontario, CA 91761	110.00
0113-211-07	1255 E AIRPORT DR, Ontario, CA 91761	110.00
0113-414-13	1625 S BAKER AV, Ontario, CA 91761	110.00
0113-533-11	2530 S BALBOA AV, Ontario, CA 91761	108.00
0113-541-24	1939 E BROOKSIDE DR, Ontario, CA 91761	108.00
0113-564-24	2905 S SPYGLASS CT, Ontario, CA 91761	743.37
0209-351-05	1902 E SEVENTH ST, Ontario, CA 91764	108.00
0209-351-09	1661 N LA PAZ AV, Ontario, CA 91764	108.00
0209-351-11	1668 N LA PAZ AV, Ontario, CA 91764	149.00
0209-381-05	2132 E ALONDRA ST, Ontario, CA 91764	108.00
0209-381-67	1542 N HACIENDA DR, Ontario, CA 91764	108.00
0210-291-21	1735 E LA DENEY DR, Ontario, CA 91764	108.00
0210-292-22	1729 E HAWTHORNE ST, Ontario, CA 91764	108.00
0210-292-36	1643 E HAWTHORNE ST, Ontario, CA 91764	108.00
0210-301-29	1421 N BALBOA AV, Ontario, CA 91764	108.00
0210-301-38	1444 N BARRANCA AV, Ontario, CA 91764	108.00

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

Parcel Number	Address	Amount Due
0210-321-56	2015 E FIFTH ST, Ontario, CA 91764	108.00
0210-321-63	1324 N BALBOA AV, Ontario, CA 91764	108.00
0210-331-26	1336 N HACIENDA DR, Ontario, CA 91764	108.00
0210-331-30	1360 N HACIENDA DR, Ontario, CA 91764	108.00
0210-331-56	1306 N DEL RIO WY, Ontario, CA 91764	1,382.21
0210-351-25	1947 E YALE ST, Ontario, CA 91764	861.05
0210-351-32	1948 E FIFTH ST, Ontario, CA 91764	108.00
0210-352-63	2042 E YALE ST, Unit:B, Ontario, CA 91764	108.00
0210-353-25	2008 E FIFTH ST, Ontario, CA 91764	108.00
0210-354-06	2043 E YALE ST, Ontario, CA 91764	108.00
0210-354-27	2024 E FIFTH ST, Ontario, CA 91764	108.00
0210-411-39	3121 E INLAND EMPIRE BL, Unit:1, Ontario, CA 91764	432.00
0210-411-49	746 N CORVETTE DR, Unit:A, Ontario, CA 91764	432.00
0210-411-51	754 N CORVETTE DR, Unit:A, Ontario, CA 91764	432.00
0210-421-35	904 N TURNER AV, Building:3, Unit:18, Ontario, CA 91764	108.00
0210-421-78	916 N TURNER AV, Building:11, Unit:61, Ontario, CA 91764	108.00
0210-432-05	1048 N TURNER AV, Building:33, Unit:191, Ontario, CA 91764	72.00
0210-433-09	1002 N TURNER AV, Building:47, Unit:279, Ontario, CA 91764	108.00
0210-601-19	2482 E SMIDERLE LP, Ontario, CA 91764	108.00
0211-275-35	2041 S TURNER AV, Ontario, CA 91761	149.00
0216-173-03	0 S WALKER AV, Ontario, CA 91761	110.00
0216-312-04	8451 E SCHAEFER AV, Ontario, CA 91761	108.00
0216-361-22	2407 S PARCO AV, Ontario, CA 91761	108.00
0216-361-51	1476 E FAIRFIELD CT, Ontario, CA 91761	108.00
0216-361-67	1483 E FAIRFIELD CT, Ontario, CA 91761	108.00
0216-441-36	1302 E ST. ANDREWS ST, Ontario, CA 91761	108.00
0216-461-06	1218 E DORAL CT, Ontario, CA 91761	108.00
0218-161-10	0 S HAVEN AV, Ontario, CA 91761	110.00
0218-161-11	0 S MILL CK, Ontario, CA 91761	110.00
0218-211-17	0 S MILLIKEN AV, Ontario, CA 91761	110.00
0218-211-24	0 S MILLIKEN AV, Ontario, CA 91761	110.00
0218-211-27	13744 S MILLIKEN AV, Ontario, CA 91761	110.00
0218-372-76	0 S SCE EASEMENT, Ontario, CA 91761	110.00
0218-372-77	0 S SCE EASEMENT, Ontario, CA 91761	110.00
0218-791-02	3708 S WRANGLER PL, Ontario, CA 91761	108.00
0218-791-60	2820 E BIG RANGE RD, Ontario, CA 91761	108.00
0218-811-22	2801 E LONGHORN ST, Ontario, CA 91761	108.00
0218-821-74	3243 S PLAINFIELD PL, Ontario, CA 91761	108.00
0218-881-35	3238 S CENTURION PL, Ontario, CA 91761	108.00
0238-012-29	5070 E FOURTH ST, Ontario, CA 91764	110.00
0238-012-30	5060 E FOURTH ST, Ontario, CA 91764	110.00

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

Parcel Number	Address	Amount Due
0238-012-31	5056 E FOURTH ST, Ontario, CA 91764	110.00
0238-021-37	5555 E ONTARIO MILLS PW, Ontario, CA 91764	149.00
0238-221-23	0 E WALL ST, Ontario, CA 91761	110.00
1008-441-04	1354 W LA DENEY DR, Ontario, CA 91762	108.00
1008-442-29	1321 W SIXTH ST, Ontario, CA 91762	108.00
1008-443-25	1354 N ELDERBERRY AV, Ontario, CA 91762	108.00
1008-443-38	1444 N ELDERBERRY AV, Ontario, CA 91762	108.00
1008-502-19	849 W FIFTH ST, Ontario, CA 91762	108.00
1010-114-12	910 N GARDENIA AV, Ontario, CA 91762	108.00
1010-131-24	1217 W ROSEWOOD CT, Ontario, CA 91762	324.00
1010-141-08	955 N PALMETTO AV, Ontario, CA 91762	5,760.00
1010-141-09	976 N MOUNTAIN AV, Building:2, Ontario, CA 91762	196.05
1010-152-20	942 W J ST, Ontario, CA 91762	108.00
1010-154-14	916 W I ST, Ontario, CA 91762	1,137.46
1010-154-21	956 W I ST, Ontario, CA 91762	108.00
1010-164-03	849 W BERKELEY CT, Ontario, CA 91762	108.00
1010-181-25	1023 W H ST, Ontario, CA 91762	324.00
1010-182-07	1029 W EL MORADO CT, Ontario, CA 91762	540.00
1010-191-17	817 N PALMETTO AV, Ontario, CA 91762	648.00
1010-191-18	813 N PALMETTO AV, Ontario, CA 91762	648.00
1010-191-38	929 W I ST, Ontario, CA 91762	108.00
1010-222-02	1351 W GRANADA CT, Ontario, CA 91762	149.00
1010-231-08	857 N JASMINE AV, Ontario, CA 91762	36.00
1010-413-02	1543 W FLORA ST, Ontario, CA 91762	108.00
1010-435-15	1337 W E ST, Ontario, CA 91762	36.00
1010-445-19	509 N CAMELLIA AV, Ontario, CA 91762	108.00
1010-463-05	1015 W E ST, Unit:A, Ontario, CA 91762	648.00
1010-465-06	1007 W F ST, Ontario, CA 91762	324.00
1010-501-30	953 W PINYON CT, Ontario, CA 91762	108.00
1010-501-70	144 N ALPINE CT, Ontario, CA 91762	108.00
1010-521-05	312 N CAMELLIA AV, Unit:A, Ontario, CA 91762	432.00
1010-521-09	1141 W D ST, Unit:A, Ontario, CA 91762	1,008.00
1010-522-07	1131 W STONERIDGE CT, Unit:1, Ontario, CA 91762	1,188.00
1010-522-08	1125 W STONERIDGE CT, Unit:1, Ontario, CA 91762	1,728.00
1010-543-20	1333 W STONERIDGE CT, Unit:1, Ontario, CA 91762	648.00
1010-543-24	1265 W STONERIDGE CT, Unit:5, Ontario, CA 91762	1,080.00
1010-552-31	1415 W STONERIDGE CT, Unit:A, Ontario, CA 91762	1,080.00
1011-373-04	1309 W MISSION BL, Unit:50, Ontario, CA 91762	108.00
1011-373-22	1309 W MISSION BL, Unit:76, Ontario, CA 91762	108.00
1011-373-40	1309 W MISSION BL, Unit:94, Ontario, CA 91762	108.00
1011-374-11	1309 W MISSION BL, Unit:25, Ontario, CA 91762	108.00

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

Parcel Number	Address	Amount Due
1011-381-33	821 S MAGNOLIA AV, Unit:A, Ontario, CA 91762	108.00
1011-382-43	890 S PALMETTO AV, Ontario, CA 91762	108.00
1011-382-44	888 S PALMETTO AV, Ontario, CA 91762	108.00
1011-382-45	886 S PALMETTO AV, Ontario, CA 91762	108.00
1011-382-46	884 S PALMETTO AV, Ontario, CA 91762	108.00
1011-382-47	882 S PALMETTO AV, Ontario, CA 91762	108.00
1011-382-48	880 S PALMETTO AV, Ontario, CA 91762	108.00
1011-382-49	878 S PALMETTO AV, Ontario, CA 91762	108.00
1011-382-50	876 S PALMETTO AV, Ontario, CA 91762	108.00
1011-382-51	874 S PALMETTO AV, Ontario, CA 91762	108.00
1011-382-52	872 S PALMETTO AV, Ontario, CA 91762	108.00
1011-382-53	870 S PALMETTO AV, Ontario, CA 91762	108.00
1011-382-54	868 S PALMETTO AV, Ontario, CA 91762	108.00
1011-382-55	866 S PALMETTO AV, Ontario, CA 91762	108.00
1011-382-56	864 S PALMETTO AV, Ontario, CA 91762	108.00
1011-382-57	862 S PALMETTO AV, Ontario, CA 91762	108.00
1011-382-58	856 S PALMETTO AV, Ontario, CA 91762	108.00
1011-382-59	858 S PALMETTO AV, Ontario, CA 91762	108.00
1011-382-60	860 S PALMETTO AV, Ontario, CA 91762	108.00
1011-382-61	848 S PALMETTO AV, Ontario, CA 91762	108.00
1011-382-62	850 S PALMETTO AV, Ontario, CA 91762	108.00
1011-382-63	852 S PALMETTO AV, Ontario, CA 91762	108.00
1011-382-64	854 S PALMETTO AV, Ontario, CA 91762	108.00
1011-391-54	824 S BRIAR PRIVADO, Ontario, CA 91762	108.00
1011-401-22	031 S PALMETTO AV, Building:JU, Unit:3, Ontario, CA 91762	108.00
1011-401-27	1031 S PALMETTO AV, Building:S, Unit:4, Ontario, CA 91762	108.00
1011-401-42	871 W MAITLAND PRIVADO, Ontario, CA 91762	108.00
1011-411-11	912 S MOUNTAIN AV, Unit:A, Ontario, CA 91762	36.00
1011-411-45	1031 S MAGNOLIA AV, Ontario, CA 91762	108.00
1011-411-63	1064 S MOUNTAIN AV, Ontario, CA 91762	149.00
1011-544-03	1114 W RALSTON ST, Ontario, CA 91762	324.00
1011-551-53	1232 S CYPRESS AV, Unit:E, Ontario, CA 91762	108.00
1011-552-16	1220 S CYPRESS AV, Unit:C, Ontario, CA 91762	108.00
1011-552-61	1212 S CYPRESS AV, Unit:F, Ontario, CA 91762	108.00
1011-572-11	1052 W ECLIPSE CT, Ontario, CA 91762	108.00
1011-573-07	1327 S PINE AV, Ontario, CA 91762	108.00
1014-121-27	1315 S DAHLIA AV, Ontario, CA 91762	693.55
1014-182-15	844 W JUNIPER ST, Ontario, CA 91762	101.55
1014-191-60	1625 S MOUNTAIN AV, Ontario, CA 91762	27.00
1014-231-23	1635 S BENSON AV, Ontario, CA 91762	149.00
1014-421-08	1853 S BENSON AV, Ontario, CA 91762	562.93

City of Ontario
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Exhibit A - Costs Associated with Inspection or Abatement

Parcel Number	Address	Amount Due
1014-462-17	1915 S MOUNTAIN AV, Unit:41, Ontario, CA 91762	108.00
1014-471-60	1107 W FRANCIS ST, Unit:G, Ontario, CA 91762	108.00
1014-472-30	1053 W FRANCIS ST, Unit:E, Ontario, CA 91762	108.00
1014-472-35	1051 W FRANCIS ST, Unit:D, Ontario, CA 91762	108.00
1014-472-58	1045 W FRANCIS ST, Unit:A, Ontario, CA 91762	108.00
1014-521-50	1178 W PHILADELPHIA ST, Ontario, CA 91762	36.00
1014-532-16	1039 W LARODA CT, Ontario, CA 91762	108.00
1014-561-11	2155 S HELEN AV, Ontario, CA 91762	819.30
1014-571-14	2031 S BENSON AV, Ontario, CA 91762	643.35
1015-121-18	2240 S FUCHSIA AV, Ontario, CA 91762	36.00
1015-201-76	2321 S MAGNOLIA AV, Building:13, Unit:D, Ontario, CA 91762	108.00
1047-172-01	902 E DEODAR ST, Unit:A, Ontario, CA 91764	432.00
1047-172-18	944 E DEODAR ST, Unit:1, Ontario, CA 91764	648.00
1047-311-33	650 W LA DENEY DR, Ontario, CA 91762	108.00
1047-354-03	320 E LA DENEY DR, Ontario, CA 91764	216.00
1047-372-16	658 E BONNIE BRAE CT, Ontario, CA 91764	72.00
1047-402-08	740 E BONNIE BRAE CT, Ontario, CA 91764	108.00
1047-424-02	962 E SIXTH ST, Ontario, CA 91764	108.00
1047-424-29	1034 E SIXTH ST, Unit:302, Ontario, CA 91764	108.00
1047-433-09	1444 N VIRGINIA AV, Ontario, CA 91764	216.00
1047-471-17	937 E HARVARD PL, Ontario, CA 91764	108.00
1047-483-09	1252 N COUNCIL AV, Ontario, CA 91764	149.00
1047-512-37	547 E FOURTH ST, Ontario, CA 91764	108.00
1047-531-08	1244 N EUCLID AV, Ontario, CA 91764	363.15
1047-531-20	222 E FIFTH ST, Ontario, CA 91764	108.00
1047-592-02	1219 N GRANITE AV, Ontario, CA 91762	108.00
1047-594-13	1228 N GRANITE AV, Ontario, CA 91762	108.00
1047-594-52	730 W FOURTH ST, Ontario, CA 91762	108.00
1048-011-27	720 W ROSEWOOD CT, Ontario, CA 91762	72.00
1048-012-06	733 W J ST, Ontario, CA 91762	108.00
1048-032-33	614 W I ST, Ontario, CA 91762	180.00
1048-041-29	418 W I ST, Unit:A, Ontario, CA 91762	540.00
1048-043-20	914 N LAUREL AV, Ontario, CA 91762	108.00
1048-051-08	1037 N LAUREL AV, Ontario, CA 91762	216.00
1048-052-06	1043 N EUCLID AV, Unit:A, Ontario, CA 91762	648.00
1048-081-41	559 E PLAZA SERENA ST, Ontario, CA 91764	108.00
1048-082-35	615 E I ST, Ontario, CA 91764	108.00
1048-093-02	610 E FOURTH ST, Ontario, CA 91764	149.00
1048-093-17	1019 N CAMPUS AV, Ontario, CA 91764	149.00
1048-111-14	763 E PLAZA SERENA ST, Ontario, CA 91764	2,172.00
1048-113-22	815 E I ST, Ontario, CA 91764	962.50

City of Ontario
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Exhibit A - Costs Associated with Inspection or Abatement

Parcel Number	Address	Amount Due
1048-121-08	1069 E I ST, Ontario, CA 91764	108.00
1048-161-09	752 N PARKSIDE AV, Ontario, CA 91764	108.00
1048-162-19	846 N VIRGINIA AV, Ontario, CA 91764	108.00
1048-191-16	933 E G ST, Ontario, CA 91764	10.00
1048-204-05	828 E EL MORADO CT, Ontario, CA 91764	149.00
1048-241-30	201 E EL MORADO CT, Ontario, CA 91764	216.00
1048-262-21	130 W H ST, Ontario, CA 91762	149.00
1048-262-32	825 N EUCLID AV, Ontario, CA 91762	108.00
1048-291-08	619 W I ST, Ontario, CA 91762	108.00
1048-303-06	739 W H ST, Ontario, CA 91762	108.00
1048-303-09	752 W EL MORADO CT, Ontario, CA 91762	108.00
1048-304-05	745 W EL MORADO CT, Ontario, CA 91762	108.00
1048-331-04	443 N BEVERLY SQ, Ontario, CA 91762	216.00
1048-332-10	507 N VINE AV, Ontario, CA 91762	108.00
1048-332-20	540 W D ST, Ontario, CA 91762	756.00
1048-366-12	203 E F ST, Ontario, CA 91764	216.00
1048-371-06	328 E G ST, Ontario, CA 91764	108.00
1048-371-20	626 N PLUM AV, Ontario, CA 91764	108.00
1048-372-07	511 N CHERRY AV, Ontario, CA 91764	108.00
1048-372-08	507 N CHERRY AV, Ontario, CA 91764	216.00
1048-374-02	408 E E ST, Ontario, CA 91764	216.00
1048-374-05	422 E E ST, Ontario, CA 91764	108.00
1048-381-04	526 E G ST, Ontario, CA 91764	1,081.15
1048-391-09	527 E E ST, Ontario, CA 91764	324.00
1048-393-24	501 E D ST, Ontario, CA 91764	108.00
1048-402-16	753 E D ST, Ontario, CA 91764	324.00
1048-403-18	815 E D ST, Unit:A, Ontario, CA 91764	216.00
1048-412-08	734 E F ST, Ontario, CA 91764	108.00
1048-421-07	606 N ALLYN AV, Ontario, CA 91764	108.00
1048-421-66	939 E D ST, Ontario, CA 91764	216.00
1048-441-13	1121 E D ST, Unit:A, Ontario, CA 91764	72.00
1048-451-09	519 N GROVE AV, Ontario, CA 91764	50.00
1048-462-03	1086 E ELMA ST, Ontario, CA 91761	432.00
1048-462-06	1112 E ELMA ST, Ontario, CA 91761	324.00
1048-462-08	1115 E NOCTA ST, Ontario, CA 91761	324.00
1048-471-23	1101 E HOLT BL, Ontario, CA 91761	701.10
1048-472-12	1160 E NOCTA ST, Ontario, CA 91761	432.00
1048-472-13	1164 E NOCTA ST, Ontario, CA 91761	432.00
1048-504-08	840 E D ST, Ontario, CA 91761	108.00
1048-505-19	312 N BERLYN AV, Ontario, CA 91761	108.00
1048-511-05	210 N CAMPUS AV, Ontario, CA 91761	110.00

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Parcel Number	Address	Amount Due
1048-512-17	745 E HOLT BL, Ontario, CA 91761	216.00
1048-512-22	717 E HOLT BL, Ontario, CA 91761	149.00
1048-525-01	634 E NOCTA ST, Ontario, CA 91761	149.00
1048-532-27	505 E NOCTA ST, Ontario, CA 91761	72.00
1048-534-15	225 N CAMPUS AV, Ontario, CA 91764	72.00
1048-534-18	643 E NOCTA ST, Ontario, CA 91761	108.00
1048-534-19	222 N MIRAMONTE AV, Ontario, CA 91761	108.00
1048-561-07	303 N LAUREL AV, Ontario, CA 91762	211.10
1048-565-10	203 N EUCLID AV, Ontario, CA 91762	1,080.00
1048-571-01	425 W D ST, Ontario, CA 91762	62.10
1048-574-05	307 W B ST, Unit:1, Ontario, CA 91762	864.00
1048-575-16	222 N FERN AV, Ontario, CA 91762	324.00
1048-581-09	565 W D ST, Unit:1, Ontario, CA 91762	1,512.00
1048-581-41	560 W VESTA ST, Ontario, CA 91762	756.00
1048-581-43	308 N BEVERLY CT, Ontario, CA 91762	324.00
1048-581-74	535 W D ST, Unit:H, Ontario, CA 91762	108.00
1049-011-08	769 W BROOKS ST, Ontario, CA 91762	110.00
1049-022-15	204 S VINE AV, Ontario, CA 91762	108.00
1049-022-17	220 S VINE AV, Ontario, CA 91762	316.05
1049-101-05	730 E HOLT BL, Unit:1, Ontario, CA 91761	540.00
1049-131-02	902 E HOLT BL, Ontario, CA 91761	110.00
1049-131-03	914 E HOLT BL, Ontario, CA 91761	110.00
1049-131-04	918 E HOLT BL, Ontario, CA 91761	110.00
1049-131-16	1050 E HOLT BL, Ontario, CA 91761	110.00
1049-141-24	1194 E HOLT BL, Ontario, CA 91761	110.00
1049-161-19	408 S GROVE AV, Ontario, CA 91761	324.00
1049-203-22	532 S HOPE AV, Ontario, CA 91761	216.00
1049-221-09	543 E NEVADA ST, Ontario, CA 91761	67.00
1049-231-08	538 E STATE ST, Ontario, CA 91761	108.00
1049-232-19	552 E PARK ST, Ontario, CA 91761	110.00
1049-232-20	560 E PARK ST, Ontario, CA 91761	110.00
1049-242-03	521 S EUCLID AV, Ontario, CA 91761	108.00
1049-242-04	515 S EUCLID AV, Ontario, CA 91761	324.00
1049-246-09	520 S CHERRY AV, Ontario, CA 91761	380.49
1049-247-04	418 E STATE ST, Ontario, CA 91761	108.00
1049-247-07	428 S SULTANA AV, Unit:A, Ontario, CA 91761	72.00
1049-247-12	407 E PARK ST, Ontario, CA 91761	149.00
1049-257-04	414 E SUNKIST ST, Ontario, CA 91761	72.00
1049-265-03	215 W SUNKIST ST, Ontario, CA 91762	216.00
1049-266-03	215 W NEVADA ST, Ontario, CA 91762	108.00
1049-271-11	420 W PARK ST, Ontario, CA 91762	324.00

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Exhibit A - Costs Associated with Inspection or Abatement**

Parcel Number	Address	Amount Due
1049-272-06	403 W PARK ST, Ontario, CA 91762	108.00
1049-272-07	506 S FERN AV, Ontario, CA 91762	324.00
1049-274-09	520 S PALM AV, Ontario, CA 91762	144.00
1049-278-13	110 W SUNKIST ST, Ontario, CA 91762	144.00
1049-281-04	610 W PARK ST, Building:1, Ontario, CA 91762	149.00
1049-283-18	524 W PARK ST, Unit:A, Ontario, CA 91762	324.00
1049-284-16	514 W SUNKIST ST, Ontario, CA 91762	108.00
1049-291-07	633 W SUNKIST ST, Ontario, CA 91762	110.00
1049-292-08	625 W NEVADA ST, Ontario, CA 91762	149.00
1049-293-04	531 W SUNKIST ST, Ontario, CA 91762	108.00
1049-294-13	704 S VINE AV, Ontario, CA 91762	108.00
1049-312-01	771 W MISSION BL, Ontario, CA 91762	149.00
1049-323-06	672 W SANTA BARBARA PRIV, Ontario, CA 91762	110.00
1049-333-03	211 W CARLTON ST, Ontario, CA 91762	216.00
1049-366-09	901 S CALDWELL AV, Ontario, CA 91761	149.00
1049-367-15	920 S HOPE AV, Ontario, CA 91761	108.00
1049-368-10	836 S BON VIEW AV, Ontario, CA 91761	104.00
1049-384-09	930 S GROVE AV, Ontario, CA 91761	110.00
1049-461-10	1224 S BON VIEW AV, Ontario, CA 91761	216.00
1049-461-15	825 E WOODLAWN ST, Unit:A, Ontario, CA 91761	432.00
1049-462-03	828 E WOODLAWN ST, Ontario, CA 91761	432.00
1049-502-13	1030 S CAMPUS AV, Ontario, CA 91761	216.00
1049-503-11	642 E RALSTON ST, Ontario, CA 91761	108.00
1049-503-13	1104 S CAMPUS AV, Ontario, CA 91761	108.00
1049-511-23	1059 S EUCLID AV, Ontario, CA 91761	8.00
1049-512-11	1104 S PLUM AV, Ontario, CA 91761	108.00
1049-514-02	308 E RALSTON ST, Ontario, CA 91761	216.00
1049-514-04	314 E RALSTON ST, Ontario, CA 91761	216.00
1049-514-25	325 E BELMONT ST, Ontario, CA 91761	108.00
1049-521-20	1227 S EUCLID AV, Ontario, CA 91761	216.00
1049-532-10	220 E ACACIA ST, Ontario, CA 91761	108.00
1049-551-03	1225 S VINE AV, Ontario, CA 91762	108.00
1049-551-04	1217 S VINE AV, Ontario, CA 91762	216.00
1049-551-05	1211 S VINE AV, Ontario, CA 91762	216.00
1049-551-06	1205 S VINE AV, Ontario, CA 91762	216.00
1049-551-07	1201 S VINE AV, Ontario, CA 91762	432.00
1049-551-08	415 W BELMONT ST, Unit:A, Ontario, CA 91762	216.00
1049-551-09	411 W BELMONT ST, Unit:A, Ontario, CA 91762	108.00
1049-551-10	407 W BELMONT ST, Unit:A, Ontario, CA 91762	216.00
1049-551-11	401 W BELMONT ST, Unit:B, Ontario, CA 91762	108.00
1049-551-12	403 W BELMONT ST, Unit:A, Ontario, CA 91762	216.00

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Parcel Number	Address	Amount Due
1049-551-13	409 W BELMONT ST, Unit:A, Ontario, CA 91762	216.00
1049-551-14	413 W BELMONT ST, Unit:A, Ontario, CA 91762	216.00
1049-551-15	417 W BELMONT ST, Unit:A, Ontario, CA 91762	216.00
1049-551-16	419 W BELMONT ST, Ontario, CA 91762	108.00
1049-551-18	405 W BELMONT ST, Unit:A, Ontario, CA 91762	216.00
1049-551-21	309 W BELMONT ST, Ontario, CA 91762	149.00
1049-562-22	320 W BELMONT ST, Ontario, CA 91762	108.00
1049-571-23	644 W RALSTON ST, Ontario, CA 91762	108.00
1049-572-11	607 W RALSTON ST, Ontario, CA 91762	645.77
1049-572-14	608 W BELMONT ST, Ontario, CA 91762	324.00
1049-582-11	1106 S SAN ANTONIO AV, Ontario, CA 91762	426.10
1049-583-33	732 W PHILLIPS ST, Ontario, CA 91762	108.00
1049-591-18	613 W BELMONT ST, Ontario, CA 91762	656.11
1049-591-27	612 W PHILLIPS ST, Ontario, CA 91762	101.55
1049-601-47	1348 S BONITA PL, Ontario, CA 91762	108.00
1050-024-07	612 W ZENIA CT, Ontario, CA 91762	1,563.85
1050-031-42	453 W ELM ST, Ontario, CA 91762	72.00
1050-051-08	116 W ELM ST, Ontario, CA 91762	108.00
1050-051-35	230 W ELM ST, Ontario, CA 91762	875.52
1050-081-04	126 E BUDD ST, Ontario, CA 91761	216.00
1050-081-06	214 E BUDD ST, Ontario, CA 91761	108.00
1050-101-11	627 E ELM ST, Ontario, CA 91761	108.00
1050-101-23	630 E DE ANZA ST, Ontario, CA 91761	472.55
1050-233-02	1650 S CAMPUS AV, Unit:57, Ontario, CA 91761	108.00
1050-234-02	1650 S CAMPUS AV, Unit:2, Ontario, CA 91761	108.00
1050-234-42	1650 S CAMPUS AV, Unit:42, Ontario, CA 91761	108.00
1050-242-18	1635 S PLEASANT AV, Ontario, CA 91761	15.49
1050-272-01	1658 S EUCLID AV, Ontario, CA 91762	110.00
1050-272-20	1652 S EUCLID AV, Ontario, CA 91762	110.00
1050-291-29	527 W MAPLE ST, Ontario, CA 91762	149.00
1050-301-12	453 W LOCUST ST, Ontario, CA 91762	4,378.12
1050-312-14	616 W CADENZA CT, Ontario, CA 91762	108.00
1050-331-34	1944 S REDWOOD AV, Ontario, CA 91762	108.00
1050-361-18	1952 S FERN AV, Ontario, CA 91762	108.00
1050-361-64	1902 S VINE AV, Ontario, CA 91762	144.00
1050-371-11	1802 S EUCLID AV, Unit:104, Ontario, CA 91762	211.05
1050-381-04	1910 S EUCLID AV, Ontario, CA 91762	110.00
1050-381-06	1930 S EUCLID AV, Ontario, CA 91762	110.00
1050-401-11	220 E FRANCIS ST, Ontario, CA 91761	110.00
1050-421-03	1900 S CAMPUS AV, Building:10, Unit:A, Ontario, CA 91761	27,324.00
1050-441-32	1926 S BON VIEW AV, Ontario, CA 91761	110.00

City of Ontario
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Parcel Number	Address	Amount Due
1050-441-33	1926 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-34	1926 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-35	1926 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-36	1926 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-37	1926 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-38	1918 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-39	1918 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-40	1918 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-41	1918 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-42	1918 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-43	1918 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-44	1918 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-45	1918 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-46	1918 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-47	1918 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-48	1922 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-49	1922 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-50	1922 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-51	1922 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-52	1922 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-53	1922 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-54	1922 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-55	1922 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-56	1922 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-57	1922 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-58	1922 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-59	1922 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-60	1922 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-61	1922 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-62	1922 S BON VIEW AV, Ontario, CA 91761	110.00
1050-531-51	2105 S PHOENIX PL, Ontario, CA 91761	108.00
1050-542-66	2003 S CAMPUS AV, Unit:C, Ontario, CA 91761	108.00
1050-542-68	2003 S CAMPUS AV, Unit:E, Ontario, CA 91761	108.00
1050-543-59	2036 S BON VIEW AV, Unit:A, Ontario, CA 91761	108.00
1050-544-02	850 E CEDAR ST, Unit:A, Ontario, CA 91761	432.00
1050-571-03	2141 S EUCLID AV, Ontario, CA 91761	149.00
1050-581-08	2019 S EUCLID AV, Ontario, CA 91761	108.00
1050-582-08	2021 S PLUM AV, Ontario, CA 91761	108.00
1050-623-03	2020 S VINE AV, Ontario, CA 91762	149.00
1050-631-09	2004 S SAN ANTONIO AV, Ontario, CA 91762	36.00
1050-631-55	2038 S HOLLY AV, Ontario, CA 91762	108.00

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Parcel Number	Address	Amount Due
1050-651-10	1459 S EUCLID AV, Unit:30, Ontario, CA 91761	108.00
1051-011-50	2232 S HICKORY PL, Ontario, CA 91762	108.00
1051-041-35	445 W PHILADELPHIA ST, Ontario, CA 91762	149.00
1051-091-71	647 E SANDERLING ST, Ontario, CA 91761	108.00
1051-131-40	2325 S BON VIEW AV, Ontario, CA 91761	108.00
1051-171-23	2441 S RAYMOND PL, Ontario, CA 91761	108.00
1051-171-41	2424 S GROVE AV, Ontario, CA 91761	110.00
1051-181-50	952 E OAK HILL ST, Ontario, CA 91761	108.00
1051-221-15	131 W GEYER CT, Ontario, CA 91762	108.00
1051-331-75	1119 E BERMUDA DUNES ST, Ontario, CA 91761	108.00
1051-351-38	1014 E HAZELTINE CT, Ontario, CA 91761	108.00
1051-401-70	572 E HAZELTINE ST, Ontario, CA 91761	108.00
1051-421-50	308 E BLUE JAY WY, Ontario, CA 91761	204.50
1051-441-53	320 W ST. ANDREWS ST, Ontario, CA 91762	108.00
1051-541-08	2856 S BON VIEW AV, Ontario, CA 91761	108.00
1051-541-21	847 E DEERFIELD ST, Ontario, CA 91761	108.00
1051-601-56	605 E DUNES CT, Ontario, CA 91761	108.00
1053-071-03	0 E SCHAEFER AV, Ontario, CA 91761	110.00
1053-071-04	0 S EUCLID AV, Ontario, CA 91761	110.00
1083-041-31	2846 S COLONIAL AV, Ontario, CA 91761	108.00
1083-071-19	0 S ARCHIBALD AV, Ontario, CA 91761	110.00
1083-071-20	0 S ARCHIBALD AV, Ontario, CA 91761	110.00
1083-091-08	2414 S SEAGULL AV, Ontario, CA 91761	108.00
1083-111-65	2502 S WOODLARK DR, Ontario, CA 91761	5,688.05
1083-131-56	3120 E WHITE STAG RD, Ontario, CA 91761	108.00
1083-161-31	3338 E ANTLER RD, Ontario, CA 91761	108.00
1083-172-08	3424 E EVERGREEN DR, Ontario, CA 91761	108.00
1083-241-32	3025 E ST. ANDREWS ST, Ontario, CA 91761	149.00
1083-271-30	3202 E ASHGATE WY, Ontario, CA 91761	108.00
1083-291-41	3416 E CEDARGLEN RD, Ontario, CA 91761	108.00
1083-321-01	2250 S PONDEROSA AV, Building:1, Ontario, CA 91761	110.00
1083-351-09	0 S MILLIKEN AV, Ontario, CA 91761	110.00
1083-371-23	2618 S CRYSTAL SPRING PL, Ontario, CA 91761	108.00
1083-393-21	3633 E OAK CREEK DR, Unit:D, Ontario, CA 91761	108.00
1083-393-63	3641 E OAK CREEK DR, Unit:D, Ontario, CA 91761	108.00
1083-393-66	3641 E OAK CREEK DR, Unit:G, Ontario, CA 91761	108.00
1083-394-13	3652 E CARIBOU CREEK CT, Ontario, CA 91761	108.00
1083-401-31	3546 E STRAWBERRY CREEK PL, Ontario, CA 91761	108.00
1083-402-31	3651 E COUNTRY OAKS LP, Unit:E, Ontario, CA 91761	149.00
1083-442-51	3732 E OAK CREEK DR, Unit:F, Ontario, CA 91761	36.00
1083-451-01	3642 S OAK CREEK DR, Unit:A, Ontario, CA 91761	108.00

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

Parcel Number	Address	Amount Due
1083-451-09	3702 E OAK CREEK DR, Unit:E, Ontario, CA 91761	108.00
1083-451-66	3733 E COUNTRY OAKS LP, Unit:B, Ontario, CA 91761	108.00
1083-461-04	3881 E ANTELOPE CREEK DR, Ontario, CA 91761	776.55
1083-471-87	3981 E KLAMATH RIVER DR, Ontario, CA 91761	108.00
		177,569.92

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

Parcel Number	Address	Amount Due
0108-532-08	1688 E FIFTH ST, Ontario, CA 91764	520.00
0110-013-29	404 N GLENN PL, Ontario, CA 91764	220.00
0110-121-03	1512 E HOLT BL, Building:1, Ontario, CA 91761	840.00
0216-213-07	13575 S WALKER AV, Ontario, CA 91761	120.00
1010-154-07	935 W BERKELEY CT, Ontario, CA 91762	170.00
1014-121-27	1315 S DAHLIA AV, Ontario, CA 91762	340.00
1048-093-02	610 E FOURTH ST, Ontario, CA 91764	120.00
1048-113-22	815 E I ST, Ontario, CA 91764	520.00
1048-451-09	519 N GROVE AV, Ontario, CA 91764	500.00
1048-512-22	717 E HOLT BL, Ontario, CA 91761	760.00
1049-572-11	607 W RALSTON ST, Ontario, CA 91762	1,010.00
1050-371-01	1845 S FERN AV, Ontario, CA 91762	340.00
1052-251-01	0 E CHINO AV, Ontario, CA 91761	190.00
1053-411-01	7225 E EDISON AV, Ontario, CA 91710	220.00
1083-241-32	3025 E ST. ANDREWS ST, Ontario, CA 91761	250.00
1083-461-04	3881 E ANTELOPE CREEK DR, Ontario, CA 91761	520.00
		6,640.00

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

Parcel Number	Address	Amount Due
0108-301-14	1310 N GROVE AV, Ontario, CA 91764	108.00
0108-303-21	1383 E BONNIE BRAE ST, Ontario, CA 91764	108.00
0108-303-23	1367 E BONNIE BRAE ST, Ontario, CA 91764	108.00
0108-304-24	1364 E BONNIE BRAE ST, Ontario, CA 91764	378.65
0108-323-08	1522 E RAYMOND ST, Ontario, CA 91764	149.00
0108-362-03	1488 E OLIVE ST, Ontario, CA 91764	108.00
0108-412-07	1747 N EL DORADO AV, Ontario, CA 91764	212.55
0108-412-19	1728 N DEL NORTE AV, Ontario, CA 91764	108.00
0108-413-07	1432 E HIGHLAND CT, Ontario, CA 91764	108.00
0108-442-11	1408 E SIXTH ST, Ontario, CA 91764	108.00
0108-442-19	1409 E LA DENEY DR, Ontario, CA 91764	108.00
0108-472-03	1811 N LEEDS AV, Ontario, CA 91764	72.00
0108-481-18	0 E OLIVE ST, Ontario, CA 91764	110.00
0108-481-19	0 E OLIVE ST, Ontario, CA 91764	110.00
0108-481-20	0 E OLIVE ST, Ontario, CA 91764	110.00
0108-481-21	0 E OLIVE ST, Ontario, CA 91764	110.00
0108-481-22	0 E OLIVE ST, Ontario, CA 91764	110.00
0108-481-23	0 E OLIVE ST, Ontario, CA 91764	110.00
0108-481-24	0 E OLIVE ST, Ontario, CA 91764	110.00
0108-481-25	0 E OLIVE ST, Ontario, CA 91764	110.00
0108-481-26	0 E OLIVE ST, Ontario, CA 91764	110.00
0108-481-27	0 E OLIVE ST, Ontario, CA 91764	110.00
0108-493-13	1504 N MADERA AV, Ontario, CA 91764	489.70
0108-501-29	1211 N EL DORADO AV, Ontario, CA 91764	1,296.00
0108-523-09	1310 N LAKE AV, Ontario, CA 91764	108.00
0108-532-08	1688 E FIFTH ST, Ontario, CA 91764	1,332.15
0108-541-18	1647 E PRINCETON ST, Ontario, CA 91764	262.25
0108-543-04	1223 N MANDALAY ST, Ontario, CA 91764	108.00
0108-551-01	1733 E HARVARD PL, Ontario, CA 91764	110.00
0108-551-06	1691 E FOURTH ST, Ontario, CA 91764	108.00
0108-551-34	1719 E FOURTH ST, Ontario, CA 91764	110.00
0108-551-35	1725 E FOURTH ST, Ontario, CA 91764	110.00
0108-573-19	1750 N MADERA AV, Ontario, CA 91764	108.00
0108-601-65	1529 N LASSEN AV, Ontario, CA 91764	72.00
0108-611-26	1417 E ALVARADO ST, Ontario, CA 91764	149.00
0110-013-29	404 N GLENN PL, Ontario, CA 91764	369.00
0110-013-67	1235 E D ST, Unit:18, Ontario, CA 91764	108.00
0110-032-05	1701 E D ST, Unit:1001, Ontario, CA 91764	25,920.00
0110-041-11	225 N IMPERIAL AV, Ontario, CA 91761	108.00
0110-042-27	1467 E ELMA CT, Unit:A, Ontario, CA 91761	432.00
0110-051-57	1360 E D ST, Building:10, Unit:A, Ontario, CA 91761	9,288.00

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

Parcel Number	Address	Amount Due
0110-061-01	1375 E HOLT BL, Ontario, CA 91761	110.00
0110-071-02	1389 E HOLT BL, Ontario, CA 91761	110.00
0110-071-06	1381 E HOLT BL, Ontario, CA 91761	110.00
0110-071-07	1381 E HOLT BL, Ontario, CA 91761	110.00
0110-111-11	1654 E HOLT BL, Ontario, CA 91761	110.00
0110-111-12	1660 E HOLT BL, Ontario, CA 91761	110.00
0110-121-03	1512 E HOLT BL, Building:1, Ontario, CA 91761	840.00
0110-153-01	1231 E G ST, Ontario, CA 91764	72.00
0110-202-22	1311 E FRESNO ST, Ontario, CA 91764	108.00
0110-253-30	413 N IMPERIAL AV, Ontario, CA 91764	149.00
0110-281-04	622 N CALAVERAS AV, Ontario, CA 91764	481.95
0110-281-11	623 N CALAVERAS AV, Ontario, CA 91764	108.00
0110-301-09	1828 E PRINCETON ST, Ontario, CA 91764	108.00
0110-332-01	1802 E FOURTH ST, Unit:A, Ontario, CA 91764	432.00
0110-332-02	1808 E FOURTH ST, Unit:A, Ontario, CA 91764	432.00
0110-333-07	949 N VINEYARD AV, Unit:A, Ontario, CA 91764	432.00
0110-341-01	1055 N MARIPOSA AV, Ontario, CA 91764	108.00
0110-343-04	1778 E FOURTH ST, Ontario, CA 91764	432.00
0110-345-15	939 N ORANGE AV, Ontario, CA 91764	108.00
0110-373-10	1837 E PLAZA SERENA ST, Ontario, CA 91764	108.00
0110-411-04	630 N MARIPOSA AV, Ontario, CA 91764	108.00
0110-411-73	1724 E G ST, Unit:C, Ontario, CA 91764	108.00
0110-411-75	1719 E FLORA ST, Ontario, CA 91764	72.00
0110-482-18	1874 E FIFTH ST, Ontario, CA 91764	216.00
0110-491-10	1352 N SAN DIEGO AV, Ontario, CA 91764	108.00
0113-211-05	1241 E AIRPORT DR, Ontario, CA 91761	110.00
0113-211-06	1247 E AIRPORT DR, Ontario, CA 91761	110.00
0113-211-07	1255 E AIRPORT DR, Ontario, CA 91761	110.00
0113-414-13	1625 S BAKER AV, Ontario, CA 91761	110.00
0113-533-11	2530 S BALBOA AV, Ontario, CA 91761	108.00
0113-541-24	1939 E BROOKSIDE DR, Ontario, CA 91761	108.00
0113-564-24	2905 S SPYGLASS CT, Ontario, CA 91761	743.37
0209-351-05	1902 E SEVENTH ST, Ontario, CA 91764	108.00
0209-351-09	1661 N LA PAZ AV, Ontario, CA 91764	108.00
0209-351-11	1668 N LA PAZ AV, Ontario, CA 91764	149.00
0209-381-05	2132 E ALONDRA ST, Ontario, CA 91764	108.00
0209-381-67	1542 N HACIENDA DR, Ontario, CA 91764	108.00
0210-291-21	1735 E LA DENEY DR, Ontario, CA 91764	108.00
0210-292-22	1729 E HAWTHORNE ST, Ontario, CA 91764	108.00
0210-292-36	1643 E HAWTHORNE ST, Ontario, CA 91764	108.00
0210-301-29	1421 N BALBOA AV, Ontario, CA 91764	108.00

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

Parcel Number	Address	Amount Due
0210-301-38	1444 N BARRANCA AV, Ontario, CA 91764	108.00
0210-321-56	2015 E FIFTH ST, Ontario, CA 91764	108.00
0210-321-63	1324 N BALBOA AV, Ontario, CA 91764	108.00
0210-331-26	1336 N HACIENDA DR, Ontario, CA 91764	108.00
0210-331-30	1360 N HACIENDA DR, Ontario, CA 91764	108.00
0210-331-56	1306 N DEL RIO WY, Ontario, CA 91764	1,382.21
0210-351-25	1947 E YALE ST, Ontario, CA 91764	861.05
0210-351-32	1948 E FIFTH ST, Ontario, CA 91764	108.00
0210-352-63	2042 E YALE ST, Unit:B, Ontario, CA 91764	108.00
0210-353-25	2008 E FIFTH ST, Ontario, CA 91764	108.00
0210-354-06	2043 E YALE ST, Ontario, CA 91764	108.00
0210-354-27	2024 E FIFTH ST, Ontario, CA 91764	108.00
0210-411-39	3121 E INLAND EMPIRE BL, Unit:1, Ontario, CA 91764	432.00
0210-411-49	746 N CORVETTE DR, Unit:A, Ontario, CA 91764	432.00
0210-411-51	754 N CORVETTE DR, Unit:A, Ontario, CA 91764	432.00
0210-421-35	904 N TURNER AV, Building:3, Unit:18, Ontario, CA 91764	108.00
0210-421-78	916 N TURNER AV, Building:11, Unit:61, Ontario, CA 91764	108.00
0210-432-05	1048 N TURNER AV, Building:33, Unit:191, Ontario, CA 91764	72.00
0210-433-09	1002 N TURNER AV, Building:47, Unit:279, Ontario, CA 91764	108.00
0210-601-19	2482 E SMIDERLE LP, Ontario, CA 91764	108.00
0211-275-35	2041 S TURNER AV, Ontario, CA 91761	149.00
0216-173-03	0 S WALKER AV, Ontario, CA 91761	110.00
0216-213-07	13575 S WALKER AV, Ontario, CA 91761	120.00
0216-312-04	8451 E SCHAEFER AV, Ontario, CA 91761	108.00
0216-361-22	2407 S PARCO AV, Ontario, CA 91761	108.00
0216-361-51	1476 E FAIRFIELD CT, Ontario, CA 91761	108.00
0216-361-67	1483 E FAIRFIELD CT, Ontario, CA 91761	108.00
0216-441-36	1302 E ST. ANDREWS ST, Ontario, CA 91761	108.00
0216-461-06	1218 E DORAL CT, Ontario, CA 91761	108.00
0218-161-10	0 S HAVEN AV, Ontario, CA 91761	110.00
0218-161-11	0 S MILL CK, Ontario, CA 91761	110.00
0218-211-17	0 S MILLIKEN AV, Ontario, CA 91761	110.00
0218-211-24	0 S MILLIKEN AV, Ontario, CA 91761	110.00
0218-211-27	13744 S MILLIKEN AV, Ontario, CA 91761	110.00
0218-372-76	0 S SCE EASEMENT, Ontario, CA 91761	110.00
0218-372-77	0 S SCE EASEMENT, Ontario, CA 91761	110.00
0218-791-02	3708 S WRANGLER PL, Ontario, CA 91761	108.00
0218-791-60	2820 E BIG RANGE RD, Ontario, CA 91761	108.00
0218-811-22	2801 E LONGHORN ST, Ontario, CA 91761	108.00
0218-821-74	3243 S PLAINFIELD PL, Ontario, CA 91761	108.00
0218-881-35	3238 S CENTURION PL, Ontario, CA 91761	108.00

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

Parcel Number	Address	Amount Due
0238-012-29	5070 E FOURTH ST, Ontario, CA 91764	110.00
0238-012-30	5060 E FOURTH ST, Ontario, CA 91764	110.00
0238-012-31	5056 E FOURTH ST, Ontario, CA 91764	110.00
0238-021-37	5555 E ONTARIO MILLS PW, Ontario, CA 91764	149.00
0238-221-23	0 E WALL ST, Ontario, CA 91761	110.00
1008-441-04	1354 W LA DENEY DR, Ontario, CA 91762	108.00
1008-442-29	1321 W SIXTH ST, Ontario, CA 91762	108.00
1008-443-25	1354 N ELDERBERRY AV, Ontario, CA 91762	108.00
1008-443-38	1444 N ELDERBERRY AV, Ontario, CA 91762	108.00
1008-502-19	849 W FIFTH ST, Ontario, CA 91762	108.00
1010-114-12	910 N GARDENIA AV, Ontario, CA 91762	108.00
1010-131-24	1217 W ROSEWOOD CT, Ontario, CA 91762	324.00
1010-141-08	955 N PALMETTO AV, Ontario, CA 91762	5,760.00
1010-141-09	976 N MOUNTAIN AV, Building:2, Ontario, CA 91762	196.05
1010-152-20	942 W J ST, Ontario, CA 91762	108.00
1010-154-07	935 W BERKELEY CT, Ontario, CA 91762	170.00
1010-154-14	916 W I ST, Ontario, CA 91762	1,137.46
1010-154-21	956 W I ST, Ontario, CA 91762	108.00
1010-164-03	849 W BERKELEY CT, Ontario, CA 91762	108.00
1010-181-25	1023 W H ST, Ontario, CA 91762	324.00
1010-182-07	1029 W EL MORADO CT, Ontario, CA 91762	540.00
1010-191-17	817 N PALMETTO AV, Ontario, CA 91762	648.00
1010-191-18	813 N PALMETTO AV, Ontario, CA 91762	648.00
1010-191-38	929 W I ST, Ontario, CA 91762	108.00
1010-222-02	1351 W GRANADA CT, Ontario, CA 91762	149.00
1010-231-08	857 N JASMINE AV, Ontario, CA 91762	36.00
1010-413-02	1543 W FLORA ST, Ontario, CA 91762	108.00
1010-435-15	1337 W E ST, Ontario, CA 91762	36.00
1010-445-19	509 N CAMELLIA AV, Ontario, CA 91762	108.00
1010-463-05	1015 W E ST, Unit:A, Ontario, CA 91762	648.00
1010-465-06	1007 W F ST, Ontario, CA 91762	324.00
1010-501-30	953 W PINYON CT, Ontario, CA 91762	108.00
1010-501-70	144 N ALPINE CT, Ontario, CA 91762	108.00
1010-521-05	312 N CAMELLIA AV, Unit:A, Ontario, CA 91762	432.00
1010-521-09	1141 W D ST, Unit:A, Ontario, CA 91762	1,008.00
1010-522-07	1131 W STONERIDGE CT, Unit:1, Ontario, CA 91762	1,188.00
1010-522-08	1125 W STONERIDGE CT, Unit:1, Ontario, CA 91762	1,728.00
1010-543-20	1333 W STONERIDGE CT, Unit:1, Ontario, CA 91762	648.00
1010-543-24	1265 W STONERIDGE CT, Unit:5, Ontario, CA 91762	1,080.00
1010-552-31	1415 W STONERIDGE CT, Unit:A, Ontario, CA 91762	1,080.00
1011-373-04	1309 W MISSION BL, Unit:50, Ontario, CA 91762	108.00

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

Parcel Number	Address	Amount Due
1011-373-22	1309 W MISSION BL, Unit:76, Ontario, CA 91762	108.00
1011-373-40	1309 W MISSION BL, Unit:94, Ontario, CA 91762	108.00
1011-374-11	1309 W MISSION BL, Unit:25, Ontario, CA 91762	108.00
1011-381-33	821 S MAGNOLIA AV, Unit:A, Ontario, CA 91762	108.00
1011-382-43	890 S PALMETTO AV, Ontario, CA 91762	108.00
1011-382-44	888 S PALMETTO AV, Ontario, CA 91762	108.00
1011-382-45	886 S PALMETTO AV, Ontario, CA 91762	108.00
1011-382-46	884 S PALMETTO AV, Ontario, CA 91762	108.00
1011-382-47	882 S PALMETTO AV, Ontario, CA 91762	108.00
1011-382-48	880 S PALMETTO AV, Ontario, CA 91762	108.00
1011-382-49	878 S PALMETTO AV, Ontario, CA 91762	108.00
1011-382-50	876 S PALMETTO AV, Ontario, CA 91762	108.00
1011-382-51	874 S PALMETTO AV, Ontario, CA 91762	108.00
1011-382-52	872 S PALMETTO AV, Ontario, CA 91762	108.00
1011-382-53	870 S PALMETTO AV, Ontario, CA 91762	108.00
1011-382-54	868 S PALMETTO AV, Ontario, CA 91762	108.00
1011-382-55	866 S PALMETTO AV, Ontario, CA 91762	108.00
1011-382-56	864 S PALMETTO AV, Ontario, CA 91762	108.00
1011-382-57	862 S PALMETTO AV, Ontario, CA 91762	108.00
1011-382-58	856 S PALMETTO AV, Ontario, CA 91762	108.00
1011-382-59	858 S PALMETTO AV, Ontario, CA 91762	108.00
1011-382-60	860 S PALMETTO AV, Ontario, CA 91762	108.00
1011-382-61	848 S PALMETTO AV, Ontario, CA 91762	108.00
1011-382-62	850 S PALMETTO AV, Ontario, CA 91762	108.00
1011-382-63	852 S PALMETTO AV, Ontario, CA 91762	108.00
1011-382-64	854 S PALMETTO AV, Ontario, CA 91762	108.00
1011-391-54	824 S BRIAR PRIVADO, Ontario, CA 91762	108.00
1011-401-22	031 S PALMETTO AV, Building:UU, Unit:3, Ontario, CA 91762	108.00
1011-401-27	1031 S PALMETTO AV, Building:S, Unit:4, Ontario, CA 91762	108.00
1011-401-42	871 W MAITLAND PRIVADO, Ontario, CA 91762	108.00
1011-411-11	912 S MOUNTAIN AV, Unit:A, Ontario, CA 91762	36.00
1011-411-45	1031 S MAGNOLIA AV, Ontario, CA 91762	108.00
1011-411-63	1064 S MOUNTAIN AV, Ontario, CA 91762	149.00
1011-544-03	1114 W RALSTON ST, Ontario, CA 91762	324.00
1011-551-53	1232 S CYPRESS AV, Unit:E, Ontario, CA 91762	108.00
1011-552-16	1220 S CYPRESS AV, Unit:C, Ontario, CA 91762	108.00
1011-552-61	1212 S CYPRESS AV, Unit:F, Ontario, CA 91762	108.00
1011-572-11	1052 W ECLIPSE CT, Ontario, CA 91762	108.00
1011-573-07	1327 S PINE AV, Ontario, CA 91762	108.00
1014-121-27	1315 S DAHLIA AV, Ontario, CA 91762	1,033.55
1014-182-15	844 W JUNIPER ST, Ontario, CA 91762	101.55

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

Parcel Number	Address	Amount Due
1014-191-60	1625 S MOUNTAIN AV, Ontario, CA 91762	27.00
1014-231-23	1635 S BENSON AV, Ontario, CA 91762	149.00
1014-421-08	1853 S BENSON AV, Ontario, CA 91762	562.93
1014-462-17	1915 S MOUNTAIN AV, Unit:41, Ontario, CA 91762	108.00
1014-471-60	1107 W FRANCIS ST, Unit:G, Ontario, CA 91762	108.00
1014-472-30	1053 W FRANCIS ST, Unit:E, Ontario, CA 91762	108.00
1014-472-35	1051 W FRANCIS ST, Unit:D, Ontario, CA 91762	108.00
1014-472-58	1045 W FRANCIS ST, Unit:A, Ontario, CA 91762	108.00
1014-521-50	1178 W PHILADELPHIA ST, Ontario, CA 91762	36.00
1014-532-16	1039 W LARODA CT, Ontario, CA 91762	108.00
1014-561-11	2155 S HELEN AV, Ontario, CA 91762	819.30
1014-571-14	2031 S BENSON AV, Ontario, CA 91762	643.35
1015-121-18	2240 S FUCHSIA AV, Ontario, CA 91762	36.00
1015-201-76	2321 S MAGNOLIA AV, Building:13, Unit:D, Ontario, CA 91762	108.00
1047-172-01	902 E DEODAR ST, Unit:A, Ontario, CA 91764	432.00
1047-172-18	944 E DEODAR ST, Unit:1, Ontario, CA 91764	648.00
1047-311-33	650 W LA DENEY DR, Ontario, CA 91762	108.00
1047-354-03	320 E LA DENEY DR, Ontario, CA 91764	216.00
1047-372-16	658 E BONNIE BRAE CT, Ontario, CA 91764	72.00
1047-402-08	740 E BONNIE BRAE CT, Ontario, CA 91764	108.00
1047-424-02	962 E SIXTH ST, Ontario, CA 91764	108.00
1047-424-29	1034 E SIXTH ST, Unit:302, Ontario, CA 91764	108.00
1047-433-09	1444 N VIRGINIA AV, Ontario, CA 91764	216.00
1047-471-17	937 E HARVARD PL, Ontario, CA 91764	108.00
1047-483-09	1252 N COUNCIL AV, Ontario, CA 91764	149.00
1047-512-37	547 E FOURTH ST, Ontario, CA 91764	108.00
1047-531-08	1244 N EUCLID AV, Ontario, CA 91764	363.15
1047-531-20	222 E FIFTH ST, Ontario, CA 91764	108.00
1047-592-02	1219 N GRANITE AV, Ontario, CA 91762	108.00
1047-594-13	1228 N GRANITE AV, Ontario, CA 91762	108.00
1047-594-52	730 W FOURTH ST, Ontario, CA 91762	108.00
1048-011-27	720 W ROSEWOOD CT, Ontario, CA 91762	72.00
1048-012-06	733 W J ST, Ontario, CA 91762	108.00
1048-032-33	614 W I ST, Ontario, CA 91762	180.00
1048-041-29	418 W I ST, Unit:A, Ontario, CA 91762	540.00
1048-043-20	914 N LAUREL AV, Ontario, CA 91762	108.00
1048-051-08	1037 N LAUREL AV, Ontario, CA 91762	216.00
1048-052-06	1043 N EUCLID AV, Unit:A, Ontario, CA 91762	648.00
1048-081-41	559 E PLAZA SERENA ST, Ontario, CA 91764	108.00
1048-082-35	615 E I ST, Ontario, CA 91764	108.00
1048-093-02	610 E FOURTH ST, Ontario, CA 91764	269.00

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

Parcel Number	Address	Amount Due
1048-093-17	1019 N CAMPUS AV, Ontario, CA 91764	149.00
1048-111-14	763 E PLAZA SERENA ST, Ontario, CA 91764	2,172.00
1048-113-22	815 E I ST, Ontario, CA 91764	1,482.50
1048-121-08	1069 E I ST, Ontario, CA 91764	108.00
1048-161-09	752 N PARKSIDE AV, Ontario, CA 91764	108.00
1048-162-19	846 N VIRGINIA AV, Ontario, CA 91764	108.00
1048-191-16	933 E G ST, Ontario, CA 91764	10.00
1048-204-05	828 E EL MORADO CT, Ontario, CA 91764	149.00
1048-241-30	201 E EL MORADO CT, Ontario, CA 91764	216.00
1048-262-21	130 W H ST, Ontario, CA 91762	149.00
1048-262-32	825 N EUCLID AV, Ontario, CA 91762	108.00
1048-291-08	619 W I ST, Ontario, CA 91762	108.00
1048-303-06	739 W H ST, Ontario, CA 91762	108.00
1048-303-09	752 W EL MORADO CT, Ontario, CA 91762	108.00
1048-304-05	745 W EL MORADO CT, Ontario, CA 91762	108.00
1048-331-04	443 N BEVERLY SQ, Ontario, CA 91762	216.00
1048-332-10	507 N VINE AV, Ontario, CA 91762	108.00
1048-332-20	540 W D ST, Ontario, CA 91762	756.00
1048-366-12	203 E F ST, Ontario, CA 91764	216.00
1048-371-06	328 E G ST, Ontario, CA 91764	108.00
1048-371-20	626 N PLUM AV, Ontario, CA 91764	108.00
1048-372-07	511 N CHERRY AV, Ontario, CA 91764	108.00
1048-372-08	507 N CHERRY AV, Ontario, CA 91764	216.00
1048-374-02	408 E E ST, Ontario, CA 91764	216.00
1048-374-05	422 E E ST, Ontario, CA 91764	108.00
1048-381-04	526 E G ST, Ontario, CA 91764	1,081.15
1048-391-09	527 E E ST, Ontario, CA 91764	324.00
1048-393-24	501 E D ST, Ontario, CA 91764	108.00
1048-402-16	753 E D ST, Ontario, CA 91764	324.00
1048-403-18	815 E D ST, Unit:A, Ontario, CA 91764	216.00
1048-412-08	734 E F ST, Ontario, CA 91764	108.00
1048-421-07	606 N ALLYN AV, Ontario, CA 91764	108.00
1048-421-66	939 E D ST, Ontario, CA 91764	216.00
1048-441-13	1121 E D ST, Unit:A, Ontario, CA 91764	72.00
1048-451-09	519 N GROVE AV, Ontario, CA 91764	550.00
1048-462-03	1086 E ELMA ST, Ontario, CA 91761	432.00
1048-462-06	1112 E ELMA ST, Ontario, CA 91761	324.00
1048-462-08	1115 E NOCTA ST, Ontario, CA 91761	324.00
1048-471-23	1101 E HOLT BL, Ontario, CA 91761	701.10
1048-472-12	1160 E NOCTA ST, Ontario, CA 91761	432.00
1048-472-13	1164 E NOCTA ST, Ontario, CA 91761	432.00

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

Parcel Number	Address	Amount Due
1048-504-08	840 E D ST, Ontario, CA 91761	108.00
1048-505-19	312 N BERLYN AV, Ontario, CA 91761	108.00
1048-511-05	210 N CAMPUS AV, Ontario, CA 91761	110.00
1048-512-17	745 E HOLT BL, Ontario, CA 91761	216.00
1048-512-22	717 E HOLT BL, Ontario, CA 91761	909.00
1048-525-01	634 E NOCTA ST, Ontario, CA 91761	149.00
1048-532-27	505 E NOCTA ST, Ontario, CA 91761	72.00
1048-534-15	225 N CAMPUS AV, Ontario, CA 91764	72.00
1048-534-18	643 E NOCTA ST, Ontario, CA 91761	108.00
1048-534-19	222 N MIRAMONTE AV, Ontario, CA 91761	108.00
1048-561-07	303 N LAUREL AV, Ontario, CA 91762	211.10
1048-565-10	203 N EUCLID AV, Ontario, CA 91762	1,080.00
1048-571-01	425 W D ST, Ontario, CA 91762	62.10
1048-574-05	307 W B ST, Unit:1, Ontario, CA 91762	864.00
1048-575-16	222 N FERN AV, Ontario, CA 91762	324.00
1048-581-09	565 W D ST, Unit:1, Ontario, CA 91762	1,512.00
1048-581-41	560 W VESTA ST, Ontario, CA 91762	756.00
1048-581-43	308 N BEVERLY CT, Ontario, CA 91762	324.00
1048-581-74	535 W D ST, Unit:H, Ontario, CA 91762	108.00
1049-011-08	769 W BROOKS ST, Ontario, CA 91762	110.00
1049-022-15	204 S VINE AV, Ontario, CA 91762	108.00
1049-022-17	220 S VINE AV, Ontario, CA 91762	316.05
1049-101-05	730 E HOLT BL, Unit:1, Ontario, CA 91761	540.00
1049-131-02	902 E HOLT BL, Ontario, CA 91761	110.00
1049-131-03	914 E HOLT BL, Ontario, CA 91761	110.00
1049-131-04	918 E HOLT BL, Ontario, CA 91761	110.00
1049-131-16	1050 E HOLT BL, Ontario, CA 91761	110.00
1049-141-24	1194 E HOLT BL, Ontario, CA 91761	110.00
1049-161-19	408 S GROVE AV, Ontario, CA 91761	324.00
1049-203-22	532 S HOPE AV, Ontario, CA 91761	216.00
1049-221-09	543 E NEVADA ST, Ontario, CA 91761	67.00
1049-231-08	538 E STATE ST, Ontario, CA 91761	108.00
1049-232-19	552 E PARK ST, Ontario, CA 91761	110.00
1049-232-20	560 E PARK ST, Ontario, CA 91761	110.00
1049-242-03	521 S EUCLID AV, Ontario, CA 91761	108.00
1049-242-04	515 S EUCLID AV, Ontario, CA 91761	324.00
1049-246-09	520 S CHERRY AV, Ontario, CA 91761	380.49
1049-247-04	418 E STATE ST, Ontario, CA 91761	108.00
1049-247-07	428 S SULTANA AV, Unit:A, Ontario, CA 91761	72.00
1049-247-12	407 E PARK ST, Ontario, CA 91761	149.00
1049-257-04	414 E SUNKIST ST, Ontario, CA 91761	72.00

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

Parcel Number	Address	Amount Due
1049-265-03	215 W SUNKIST ST, Ontario, CA 91762	216.00
1049-266-03	215 W NEVADA ST, Ontario, CA 91762	108.00
1049-271-11	420 W PARK ST, Ontario, CA 91762	324.00
1049-272-06	403 W PARK ST, Ontario, CA 91762	108.00
1049-272-07	506 S FERN AV, Ontario, CA 91762	324.00
1049-274-09	520 S PALM AV, Ontario, CA 91762	144.00
1049-278-13	110 W SUNKIST ST, Ontario, CA 91762	144.00
1049-281-04	610 W PARK ST, Building:1, Ontario, CA 91762	149.00
1049-283-18	524 W PARK ST, Unit:A, Ontario, CA 91762	324.00
1049-284-16	514 W SUNKIST ST, Ontario, CA 91762	108.00
1049-291-07	633 W SUNKIST ST, Ontario, CA 91762	110.00
1049-292-08	625 W NEVADA ST, Ontario, CA 91762	149.00
1049-293-04	531 W SUNKIST ST, Ontario, CA 91762	108.00
1049-294-13	704 S VINE AV, Ontario, CA 91762	108.00
1049-312-01	771 W MISSION BL, Ontario, CA 91762	149.00
1049-323-06	672 W SANTA BARBARA PRIV, Ontario, CA 91762	110.00
1049-333-03	211 W CARLTON ST, Ontario, CA 91762	216.00
1049-366-09	901 S CALDWELL AV, Ontario, CA 91761	149.00
1049-367-15	920 S HOPE AV, Ontario, CA 91761	108.00
1049-368-10	836 S BON VIEW AV, Ontario, CA 91761	104.00
1049-384-09	930 S GROVE AV, Ontario, CA 91761	110.00
1049-461-10	1224 S BON VIEW AV, Ontario, CA 91761	216.00
1049-461-15	825 E WOODLAWN ST, Unit:A, Ontario, CA 91761	432.00
1049-462-03	828 E WOODLAWN ST, Ontario, CA 91761	432.00
1049-502-13	1030 S CAMPUS AV, Ontario, CA 91761	216.00
1049-503-11	642 E RALSTON ST, Ontario, CA 91761	108.00
1049-503-13	1104 S CAMPUS AV, Ontario, CA 91761	108.00
1049-511-23	1059 S EUCLID AV, Ontario, CA 91761	8.00
1049-512-11	1104 S PLUM AV, Ontario, CA 91761	108.00
1049-514-02	308 E RALSTON ST, Ontario, CA 91761	216.00
1049-514-04	314 E RALSTON ST, Ontario, CA 91761	216.00
1049-514-25	325 E BELMONT ST, Ontario, CA 91761	108.00
1049-521-20	1227 S EUCLID AV, Ontario, CA 91761	216.00
1049-532-10	220 E ACACIA ST, Ontario, CA 91761	108.00
1049-551-03	1225 S VINE AV, Ontario, CA 91762	108.00
1049-551-04	1217 S VINE AV, Ontario, CA 91762	216.00
1049-551-05	1211 S VINE AV, Ontario, CA 91762	216.00
1049-551-06	1205 S VINE AV, Ontario, CA 91762	216.00
1049-551-07	1201 S VINE AV, Ontario, CA 91762	432.00
1049-551-08	415 W BELMONT ST, Unit:A, Ontario, CA 91762	216.00
1049-551-09	411 W BELMONT ST, Unit:A, Ontario, CA 91762	108.00

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

Parcel Number	Address	Amount Due
1049-551-10	407 W BELMONT ST, Unit:A, Ontario, CA 91762	216.00
1049-551-11	401 W BELMONT ST, Unit:B, Ontario, CA 91762	108.00
1049-551-12	403 W BELMONT ST, Unit:A, Ontario, CA 91762	216.00
1049-551-13	409 W BELMONT ST, Unit:A, Ontario, CA 91762	216.00
1049-551-14	413 W BELMONT ST, Unit:A, Ontario, CA 91762	216.00
1049-551-15	417 W BELMONT ST, Unit:A, Ontario, CA 91762	216.00
1049-551-16	419 W BELMONT ST, Ontario, CA 91762	108.00
1049-551-18	405 W BELMONT ST, Unit:A, Ontario, CA 91762	216.00
1049-551-21	309 W BELMONT ST, Ontario, CA 91762	149.00
1049-562-22	320 W BELMONT ST, Ontario, CA 91762	108.00
1049-571-23	644 W RALSTON ST, Ontario, CA 91762	108.00
1049-572-11	607 W RALSTON ST, Ontario, CA 91762	1,655.77
1049-572-14	608 W BELMONT ST, Ontario, CA 91762	324.00
1049-582-11	1106 S SAN ANTONIO AV, Ontario, CA 91762	426.10
1049-583-33	732 W PHILLIPS ST, Ontario, CA 91762	108.00
1049-591-18	613 W BELMONT ST, Ontario, CA 91762	656.11
1049-591-27	612 W PHILLIPS ST, Ontario, CA 91762	101.55
1049-601-47	1348 S BONITA PL, Ontario, CA 91762	108.00
1050-024-07	612 W ZENIA CT, Ontario, CA 91762	1,563.85
1050-031-42	453 W ELM ST, Ontario, CA 91762	72.00
1050-051-08	116 W ELM ST, Ontario, CA 91762	108.00
1050-051-35	230 W ELM ST, Ontario, CA 91762	875.52
1050-081-04	126 E BUDD ST, Ontario, CA 91761	216.00
1050-081-06	214 E BUDD ST, Ontario, CA 91761	108.00
1050-101-11	627 E ELM ST, Ontario, CA 91761	108.00
1050-101-23	630 E DE ANZA ST, Ontario, CA 91761	472.55
1050-233-02	1650 S CAMPUS AV, Unit:57, Ontario, CA 91761	108.00
1050-234-02	1650 S CAMPUS AV, Unit:2, Ontario, CA 91761	108.00
1050-234-42	1650 S CAMPUS AV, Unit:42, Ontario, CA 91761	108.00
1050-242-18	1635 S PLEASANT AV, Ontario, CA 91761	15.49
1050-272-01	1658 S EUCLID AV, Ontario, CA 91762	110.00
1050-272-20	1652 S EUCLID AV, Ontario, CA 91762	110.00
1050-291-29	527 W MAPLE ST, Ontario, CA 91762	149.00
1050-301-12	453 W LOCUST ST, Ontario, CA 91762	4,378.12
1050-312-14	616 W CADENZA CT, Ontario, CA 91762	108.00
1050-331-34	1944 S REDWOOD AV, Ontario, CA 91762	108.00
1050-361-18	1952 S FERN AV, Ontario, CA 91762	108.00
1050-361-64	1902 S VINE AV, Ontario, CA 91762	144.00
1050-371-01	1845 S FERN AV, Ontario, CA 91762	340.00
1050-371-11	1802 S EUCLID AV, Unit:104, Ontario, CA 91762	211.05
1050-381-04	1910 S EUCLID AV, Ontario, CA 91762	110.00

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

Parcel Number	Address	Amount Due
1050-381-06	1930 S EUCLID AV, Ontario, CA 91762	110.00
1050-401-11	220 E FRANCIS ST, Ontario, CA 91761	110.00
1050-421-03	1900 S CAMPUS AV, Building:10, Unit:A, Ontario, CA 91761	27,324.00
1050-441-32	1926 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-33	1926 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-34	1926 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-35	1926 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-36	1926 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-37	1926 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-38	1918 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-39	1918 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-40	1918 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-41	1918 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-42	1918 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-43	1918 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-44	1918 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-45	1918 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-46	1918 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-47	1918 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-48	1922 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-49	1922 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-50	1922 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-51	1922 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-52	1922 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-53	1922 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-54	1922 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-55	1922 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-56	1922 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-57	1922 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-58	1922 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-59	1922 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-60	1922 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-61	1922 S BON VIEW AV, Ontario, CA 91761	110.00
1050-441-62	1922 S BON VIEW AV, Ontario, CA 91761	110.00
1050-531-51	2105 S PHOENIX PL, Ontario, CA 91761	108.00
1050-542-66	2003 S CAMPUS AV, Unit:C, Ontario, CA 91761	108.00
1050-542-68	2003 S CAMPUS AV, Unit:E, Ontario, CA 91761	108.00
1050-543-59	2036 S BON VIEW AV, Unit:A, Ontario, CA 91761	108.00
1050-544-02	850 E CEDAR ST, Unit:A, Ontario, CA 91761	432.00
1050-571-03	2141 S EUCLID AV, Ontario, CA 91761	149.00
1050-581-08	2019 S EUCLID AV, Ontario, CA 91761	108.00

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

Parcel Number	Address	Amount Due
1050-582-08	2021 S PLUM AV, Ontario, CA 91761	108.00
1050-623-03	2020 S VINE AV, Ontario, CA 91762	149.00
1050-631-09	2004 S SAN ANTONIO AV, Ontario, CA 91762	36.00
1050-631-55	2038 S HOLLY AV, Ontario, CA 91762	108.00
1050-651-10	1459 S EUCLID AV, Unit:30, Ontario, CA 91761	108.00
1051-011-50	2232 S HICKORY PL, Ontario, CA 91762	108.00
1051-041-35	445 W PHILADELPHIA ST, Ontario, CA 91762	149.00
1051-091-71	647 E SANDERLING ST, Ontario, CA 91761	108.00
1051-131-40	2325 S BON VIEW AV, Ontario, CA 91761	108.00
1051-171-23	2441 S RAYMOND PL, Ontario, CA 91761	108.00
1051-171-41	2424 S GROVE AV, Ontario, CA 91761	110.00
1051-181-50	952 E OAK HILL ST, Ontario, CA 91761	108.00
1051-221-15	131 W GEYER CT, Ontario, CA 91762	108.00
1051-331-75	1119 E BERMUDA DUNES ST, Ontario, CA 91761	108.00
1051-351-38	1014 E HAZELTINE CT, Ontario, CA 91761	108.00
1051-401-70	572 E HAZELTINE ST, Ontario, CA 91761	108.00
1051-421-50	308 E BLUE JAY WY, Ontario, CA 91761	204.50
1051-441-53	320 W ST. ANDREWS ST, Ontario, CA 91762	108.00
1051-541-08	2856 S BON VIEW AV, Ontario, CA 91761	108.00
1051-541-21	847 E DEERFIELD ST, Ontario, CA 91761	108.00
1051-601-56	605 E DUNES CT, Ontario, CA 91761	108.00
1052-251-01	0 E CHINO AV, Ontario, CA 91761	190.00
1053-071-03	0 E SCHAEFER AV, Ontario, CA 91761	110.00
1053-071-04	0 S EUCLID AV, Ontario, CA 91761	110.00
1053-411-01	7225 E EDISON AV, Ontario, CA 91710	220.00
1083-041-31	2846 S COLONIAL AV, Ontario, CA 91761	108.00
1083-071-19	0 S ARCHIBALD AV, Ontario, CA 91761	110.00
1083-071-20	0 S ARCHIBALD AV, Ontario, CA 91761	110.00
1083-091-08	2414 S SEAGULL AV, Ontario, CA 91761	108.00
1083-111-65	2502 S WOODLARK DR, Ontario, CA 91761	5,688.05
1083-131-56	3120 E WHITE STAG RD, Ontario, CA 91761	108.00
1083-161-31	3338 E ANTLER RD, Ontario, CA 91761	108.00
1083-172-08	3424 E EVERGREEN DR, Ontario, CA 91761	108.00
1083-241-32	3025 E ST. ANDREWS ST, Ontario, CA 91761	399.00
1083-271-30	3202 E ASHGATE WY, Ontario, CA 91761	108.00
1083-291-41	3416 E CEDARGLEN RD, Ontario, CA 91761	108.00
1083-321-01	2250 S PONDEROSA AV, Building:1, Ontario, CA 91761	110.00
1083-351-09	0 S MILLIKEN AV, Ontario, CA 91761	110.00
1083-371-23	2618 S CRYSTAL SPRING PL, Ontario, CA 91761	108.00
1083-393-21	3633 E OAK CREEK DR, Unit:D, Ontario, CA 91761	108.00
1083-393-63	3641 E OAK CREEK DR, Unit:D, Ontario, CA 91761	108.00

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

Parcel Number	Address	Amount Due
1083-393-66	3641 E OAK CREEK DR, Unit:G, Ontario, CA 91761	108.00
1083-394-13	3652 E CARIBOU CREEK CT, Ontario, CA 91761	108.00
1083-401-31	3546 E STRAWBERRY CREEK PL, Ontario, CA 91761	108.00
1083-402-31	3651 E COUNTRY OAKS LP, Unit:E, Ontario, CA 91761	149.00
1083-442-51	3732 E OAK CREEK DR, Unit:F, Ontario, CA 91761	36.00
1083-451-01	3642 S OAK CREEK DR, Unit:A, Ontario, CA 91761	108.00
1083-451-09	3702 E OAK CREEK DR, Unit:E, Ontario, CA 91761	108.00
1083-451-66	3733 E COUNTRY OAKS LP, Unit:B, Ontario, CA 91761	108.00
1083-461-04	3881 E ANTELOPE CREEK DR, Ontario, CA 91761	1,296.55
1083-471-87	3981 E KLAMATH RIVER DR, Ontario, CA 91761	108.00
502		184,209.92

CITY OF ONTARIO

Agenda Report
August 20, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: AN AMENDMENT TO THE OPERATING COVENANT AGREEMENT BETWEEN THE CITY OF ONTARIO AND CONCRETE HOLDING COMPANY OF CALIFORNIA, INC.

RECOMMENDATION: That the City Council approve the First Amendment to the Operating Covenant Agreement between the City of Ontario and Concrete Holding Company of California, Inc. adding three affiliate companies to the Covenant Agreement.

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

FISCAL IMPACT: This First Amendment to the Operating Covenant Agreement does not alter the structure of the original Agreement which continues to result in substantial new sales tax revenues to be received by the City annually. Under this amendment, the operating covenant payments between the City and Concrete Holding will be based upon sales tax revenue generated by Concrete Holding in addition to the three new affiliate companies, thereby increasing net revenue to the City.

BACKGROUND: Concrete Holding is a national vendor of Portland cement and ready-mix concrete products that serves both the residential and commercial construction markets with its primary place of business located at 2084 East Francis Street, Ontario, CA 91761. The City of Ontario and Concrete Holding entered into an Operating Covenant Tax-Sharing Agreement on December 18, 2018.

Concrete Holding has formally requested the addition of three affiliate companies to the Covenant Agreement (Attachment A) pursuant to Section 4.12 of the Agreement. The three new affiliates are: National Ready Mixed Concrete Sales, LLC; Builders Concrete Sales, LLC; and Viking Ready Mix Sales, LLC. Each of these three affiliates will operate out of the company's Ontario location.

The First Amendment (Attachment B) adds the three affiliate companies to the Covenant Agreement.

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

Prepared by: Karla Tavera
Department: Economic Development

City Manager Approval: 

Submitted to Council/O.H.A. 08/20/2019

Approved: _____

Continued to: _____

Denied: _____

OPERATING COVENANT AGREEMENT
between
THE CITY OF ONTARIO,
a California municipal corporation,
and
CONCRETE HOLDING COMPANY OF CALIFORNIA, INC.
a Delaware corporation

Dated as of [December 18, 2018], for reference purposes only

RECITALS

WHEREAS, CONCRETE HOLDING COMPANY OF CALIFORNIA, INC. (“**CONCRETE HOLDING COMPANY**”), a Delaware corporation, a retailer of consumer products with retail sales in the United States of America and its territories is considering either locating a sales office and/or a business location that participates in the sales process within the City of Ontario, California; and

WHEREAS, the incentives provided in this Agreement are intended to ensure CONCRETE HOLDING COMPANY establishes a business location that participates in the sales process within the City, expands its operations within the City as appropriate and remains in the City for not less than 40 years; and

WHEREAS, the location of the CONCRETE HOLDING COMPANY business in the City of Ontario will place new and additional burdens on City resources including but not limited to police, fire, and infrastructure services; and

WHEREAS, the City has determined that the establishment of a CONCRETE HOLDING COMPANY business location that participates in the sales process within the City will generate substantial revenue for the City, create new jobs, revitalize an area of the City which has suffered a loss of jobs and businesses during the economic downturn of the mid-2000’s, and result in community and public improvements that might not otherwise be available to the community for many years.

NOW, THEREFORE, in consideration of the mutual promises contained herein, and for such other good and valuable consideration, the receipt of which is hereby acknowledged, the City of Ontario and CONCRETE HOLDING COMPANY agree as follows:

ARTICLE 1. EFFECTIVE DATE; PARTIES; DEFINITIONS

1.1 Effective Date of Covenant Agreement. This CONCRETE HOLDING COMPANY Operating Covenant Agreement (“**Covenant Agreement**”) is dated December 18, 2018, for reference purposes only. This Covenant Agreement will not become effective (the “**Effective Date**”) until the date on which all of the following are true:

1.1.1 This Covenant Agreement has been approved and executed by the appropriate authorities of Owner, as defined herein, and delivered to the City;

1.1.2 Following all legally required notices and hearings, this Covenant Agreement has been approved by the City Council; and

1.1.3 This Covenant Agreement has been executed by the appropriate authorities of the City and delivered to Owner.

If all of the foregoing conditions precedent have not been satisfied by December 31,

2018, then this Covenant Agreement shall not thereafter become effective and any prior signatures and approvals of the Parties will be deemed void and of no force or effect.

1.2 Parties to Covenant Agreement.

1.2.1 The City. The address of the City is 303 East B Street, Ontario, California 91764, Attention: Scott Ochoa, City Manager, 303 East B Street, Ontario, CA 91764; Telephone (909) 395-2555; Facsimile (909) 395-2189; with copies to John Brown, City Attorney, 2855 East Guasti Road, Suite 400, Ontario, CA 91761, Telephone: (909) 989-8584.

The City represents and warrants to Owner that:

(a) The City is a public body, corporate and politic, exercising governmental functions and powers and organized and existing under the laws of the State of California;

(b) The City has taken all actions required by law to approve the execution of this Covenant Agreement;

(c) The City's entry into this Covenant Agreement and/or the performance of the City's obligations under this Covenant Agreement does not violate any contract, agreement or other legal obligation of the City;

(d) The City's entry into this Covenant Agreement and/or the performance of the City's obligations under this Covenant Agreement does not constitute a violation of any state or federal statute or judicial decision to which the City is subject;

(e) There are no pending lawsuits or other actions or proceedings which would prevent or impair the timely performance of the City's obligations under this Covenant Agreement;

(f) The City has the legal right, power and authority to enter into this Covenant Agreement and to consummate the transactions contemplated hereby, and the execution, delivery and performance of this Covenant Agreement has been duly authorized and no other action by the City is requisite to the valid and binding execution, delivery and performance of this Covenant Agreement, except as otherwise expressly set forth herein; and

(g) The individual executing this Covenant Agreement is authorized to execute this Covenant Agreement on behalf of the City.

The representations and warranties set forth above are material consideration to Owner and the City acknowledges that Owner is relying upon the representations set forth above in undertaking Owner's obligations set forth in this Covenant Agreement.

As used in this Covenant Agreement, the term "City's actual current knowledge" shall mean, and shall be limited to, the actual current knowledge of the office of the City Manager as of the Effective Date, without having undertaken any independent inquiry or

investigation for the purpose of making such representation or warranty and without any duty of inquiry or investigation.

All of the terms, covenants and conditions of this Covenant Agreement shall be binding on and shall inure to the benefit of the City and its nominees, successors and assigns.

1.2.2 Owner. The address of CONCRETE HOLDING COMPANY OF CALIFORNIA, INC. (“Owner”) for purposes of this Covenant Agreement is 15821 Ventura Blvd., Suite 475, Encino, CA 91436; telephone (818) 728-5200; facsimile (818) 788-0615.

Owner represents and warrants to the City that:

(a) Owner is a duly formed Delaware corporation, qualified and in good standing to do business under the laws of the State of California;

(b) The individual(s) executing this Covenant Agreement is/are authorized to execute this Covenant Agreement on behalf of Owner;

(c) Owner has taken all actions required by law to approve the execution of this Covenant Agreement;

(d) Owner’s entry into this Covenant Agreement and/or the performance of its obligations under this Covenant Agreement does not violate any contract, agreement or other legal obligation of Owner;

(e) Owner’s entry into this Covenant Agreement and/or the performance of its obligations under this Covenant Agreement does not constitute a violation of any state or federal statute or judicial decision to which Owner is subject;

(f) There are no pending lawsuits or other actions or proceedings which would prevent or impair the timely performance of Owner’s obligations under this Covenant Agreement; and

(g) Owner has the legal right, power and authority to enter into this Covenant Agreement and to consummate the transactions contemplated hereby, and the execution, delivery and performance of this Covenant Agreement have been duly authorized and no other action by Owner is requisite to the valid and binding execution, delivery and performance of this Covenant Agreement, except as otherwise expressly set forth herein. Owner covenants that nothing in this Agreement or the implementation thereof shall violate the provisions or intent of Government Code Section 53084.5.

The representations and warranties set forth herein are material consideration to the City and Owner acknowledges that the City is relying upon the representations set forth above in undertaking the City’s obligations set forth above.

As used in this Covenant Agreement, the term “actual current knowledge of Owner” shall mean, and shall be limited to, the actual current knowledge of Pragati Kapoor, Chief Financial Officer, as of the Effective Date, without having undertaken any independent

inquiry or investigation for the purpose of making such representation or warranty and without any duty of inquiry or investigation.

All of the terms, covenants and conditions of this Covenant Agreement shall be binding on and shall inure to the benefit of Owner and its permitted nominees, successors and assigns. Wherever the term "Owner" is used herein, such term shall include any permitted nominee, assignee or successor of Owner.

The qualifications and identity of Owner are of particular concern to the City, and it is because of such qualifications and identity that the City has entered into this Covenant Agreement with Owner. No voluntary or involuntary successor-in-interest of Owner shall acquire any rights or powers under this Covenant Agreement except as expressly set forth herein.

1.2.3 The City and Owner are sometimes individually referred to as "Party" and collectively as "Parties."

1.3 Definitions.

1.3.1 "Affiliate", as defined by the Internal Revenue Code (IRC) Section 1504, means any corporation included in Concrete Holding Company of California, Inc.'s affiliated group, except National Ready Mixed Concrete Co..

1.3.2 "CDTFA" means the California Department of Tax and Fee Administration.

1.3.3 "City" means the City of Ontario, a California municipal corporation, and any nominee, assignee of, or successor to, its rights, powers and responsibilities.

1.3.4 "Computation Quarter" means each calendar quarter beginning on January 1, April 1, July 1, or October 1, as applicable, and ending on the succeeding March 31, June 30, September 30, or December 31, as applicable. The first Computation Quarter within the Eligibility Period shall commence on October 1, 2018 and shall be referred to herein as "Computation Quarter 1," with each succeeding Computation Quarter within the Eligibility Period being consecutively numbered, concluding with Computation Quarter 160. Owner shall only be entitled to a Covenant Payment calculated for Computation Quarter 1 based upon revenues generated and received by City following the Effective Date of this Agreement.

1.3.5 "Covenant Payment(s)" means those contingent payments to be made by the City to the Owner pursuant to Section 3.2 of this Covenant Agreement in consideration of the Covenants and Owner's timely and faithful performance thereunder.

1.3.6 "Covenant Term" means, a period of forty (40) years following the Effective Date (unless terminated sooner pursuant to specific provisions of this Covenant Agreement).

1.3.7 "Covenants" means those covenants described in Section 3.1 herein.

1.3.8 "Sales Office and/or Business Location that Participates in the Sales

Process” means that certain CONCRETE HOLDING COMPANY corporate sales/administrative offices operated on the Property by Owner.

1.3.9 “Eligibility Period” means the period commencing as of the first (1st) day of Computation Quarter 1 and ending the last day of Computation Quarter 160 (i.e., December 31, 2058).

1.3.10 “Governmental Authority” means any nation or government, any federal, state, local, municipal or other political subdivision thereof or any entity exercising executive, legislative, judicial, regulatory or administrative functions of or pertaining to government.

1.3.11 “Law” means any law (including common law), constitution, statute, treaty, regulation, rule, ordinance, opinion, release, ruling, order, injunction, writ, decree, bond, judgment, authorization or approval, lien or award by or settlement agreement with any Governmental Authority.

1.3.12 “Liquidated Damages” means, for purposes of Section 3.6, as follows:

(a) If the breach occurs during Computation Quarters 1 through 40, an amount equal to the previous two (2) Computation Quarter Covenant Payments paid to Owner prior to the Computation Quarter in which the breach occurs.

1.3.13 “Owner” means and refers to CONCRETE HOLDING COMPANY OF CALIFORNIA, INC., a Delaware corporation and its successors and assigns, cumulatively.

1.3.14 “Owner’s Sales Activities” means the commercially reasonable business practices and activities associated with Owner’s retail and wholesale sale of consumer products.

1.3.15 “Penalty Assessments” means and refers to penalties, assessments, collection costs and other costs, fees or charges resulting from late or underpaid payments of Sales Tax and which are levied, assessed or otherwise collected from Owner.

1.3.16 “Property” means that certain real property commonly known as 2084 E. Francis Street, Ontario, CA 91791, or any other property within the City of Ontario to which Owner may elect to relocate the Sales Office and/or Business Location that Participates in the Sales Process during the term of this Covenant Agreement.

1.3.17 “Sales Tax” means and refers to all sales and use taxes levied under the authority of the Sales Tax Law attributable to Owner’s Sales Activities at the Sales Office and/or Business Location that Participates in the Sales Process excluding that which is to be refunded to Owner because of an overpayment of such tax.

1.3.18 “Sales Tax Law” means and refers to: (a) California Revenue and Taxation Code Section 7200 et seq., and any successor law thereto; (b) any legislation allowing City or other public agency with jurisdiction in City to levy any form of local Sales Tax on the operations of Owner; and (c) regulations of the CDTFA and other binding rulings and interpretations relating to (a) and (b) of this Section 1.3.18.

1.3.19 “Sales Tax Revenues” means the net Sales Tax actually received by the City from the CDTFA pursuant to the application of the Sales Tax Law (as such statutes may hereafter be amended, substituted, replaced, re-numbered, moved or modified by any successor law) attributable to Owner’s Sales Activities at the Sales Office and/or Business Location that Participates in the Sales Process in a particular Computation Quarter, inclusive of any offsetting revenues described in the last paragraph of Section 4.23 hereof. Sales Tax Revenues shall not include: (i) Penalty Assessments; (ii) any Sales Tax levied by, collected for or allocated to the State of California, the County of San Bernardino, or a district or any entity (including an allocation to a statewide or countywide pool) other than City; (iii) any administrative fee charged by the CDTFA; (iv) any Sales Tax subject to any sharing, rebate, offset or other charge imposed pursuant to any applicable provision of federal, state or local (except City’s) law, rule or regulation; (v) any Sales Tax attributable to any transaction not consummated within the Eligibility Period; or (vi) any Sales Tax (or other funds measured by Sales Tax) required by the State of California to be paid over to another public entity (including the State) or set aside and/or pledged to a specific use other than for deposit into or payment from the City’s general fund.

1.3.20 “Taxable Ontario Sales” means Owner’s taxable California sales transactions, including, but not limited to, sales through an Internet website or phone sales, that result from either Owner’s Sales Activities or for products shipped from the Ontario location to addresses located in California.

ARTICLE 2. ADDITIONAL RECITALS

2.1 The previously stated Recitals are incorporated herein and made a part hereof as though fully set forth.

2.2 The City has determined that the long-term operation of the Sales Office will result in substantial benefits to the City, and its citizens including, without limitation, the creation of significant new employment opportunities, property tax revenues, sales tax revenues and other ancillary benefits. Accordingly, the City has also determined that its entry into this Covenant Agreement and the purchase of the Covenants herein serve a significant public purpose, while providing only incidental benefits to a private party.

2.3 The Parties agree and acknowledge that Owner will be leasing and operating within the City a Sales Office.

ARTICLE 3. OWNER COVENANTS RUNNING WITH THE LAND; COVENANT PAYMENTS; REMEDIES FOR BREACH.

3.1 Covenants Running with the Land.

3.1.1 Operating and Use Covenant. Subject to Section 4.9, Owner covenants and agrees that for the Covenant Term Owner shall operate, or cause to be operated upon the Property, the Sales Office in a commercially reasonable business manner, consistent with all applicable Law. Owner will operate its business in a commercially reasonable and prudent manner. Owner’s obligations pursuant to the immediately preceding sentence include, without limitation, the obligation to obtain all federal, state and local licenses and permits required for

the operation of the business and to advertise, market and promote the business in a commercially reasonable fashion.

3.1.2 Covenant to Designate City as the Point of Sale. Owner covenants and agrees that, for the term of the Operating and Use Covenant as described in Section 3.1.1, Owner shall maintain such licenses and permits as may be required by any governmental agency to conduct Owner's Sales Activities related to the Sales Office. Except as otherwise provided by applicable Law, including but not limited to Government Code Section 53084.5, Owner shall use commercially reasonable efforts to designate City as the "point of sale" and consummate at the Sales Office all Taxable Ontario Sales and the Owner shall identify the City as such in its reports to the CDTFA in accordance with the Bradley-Burns Uniform Local Sales and Use Tax Law (Revenue and Taxation Code 7200, *et seq.*), as it may be amended or substituted for all sales processed through the Ontario sales office. Owner shall use commercially reasonable efforts to conduct product sales to California residents from the Sales Office, including but not limited to assigning appropriate sales staff to the Property and conducting negotiations of sales from the Sales Office. The Owner shall consummate all Taxable Ontario Sales transactions for Owner's Sales Activities at the Sales Office, consistent with all applicable statutory and CDTFA regulatory requirements applicable to Owner's Sales Activities and the designation of the City as the "point of sale" for all such Taxable Ontario Sales.

3.1.3 Owner's Additional Obligations Regarding Repairs and Alterations to Sales Office. Owner covenants and agrees that, for the term of the Operating and Use Covenant as described in Section 3.1.1, the Owner shall maintain, or cause to be maintained, the Sales Office in good condition, ordinary wear and tear excepted, and free from the unreasonable accumulation of trash or other debris and agrees to promptly remove, or cause the removal of, all graffiti upon the Sales Office. Owner shall also maintain or cause to be maintained the landscaping upon the Property in a good condition.

3.1.4 Covenant Against Solicitation and Acceptance of Economic Incentives During the Term of the Operating Use Covenant. Owner covenants and agrees that, for the term of the Operating and Use Covenant as described in Section 3.1.1, Owner will not directly or indirectly solicit or accept any "Financial Assistance" from any other public or private person or entity, if such Financial Assistance is given for the purpose of causing or would result in either Owner's breach of any of the Covenants. For purposes of this Section 3.1.4 the term "Financial Assistance" means any direct or indirect payment, subsidy, rebate, or other similar or dissimilar monetary or non-monetary benefit, including, without implied limitation, payment of land subsidies, relocation expenses, public financings, property or sales tax relief, rebates, exemptions or credits, relief from public improvement obligations, and payment for public improvements to or for the benefit of Owner.

3.1.5 Use of Property. Owner covenants and agrees that the Property shall be put to no use other than those uses specified in the City's General Plan, the Specific Plan, zoning ordinances, and this Covenant Agreement as the same may be amended from time to time. Nothing in this Section 3.1.5 shall limit, expand, modify or otherwise affect any right of the Owner to continue any legal nonconforming use upon the Property following changes in the City's General Plan or zoning ordinances. For the term of this Operating Covenant, the Owner may use the Property only for the purposes of the operation of the Sales Office and conducting

Owner's Sales Activities in accordance with this Covenant Agreement.

3.2 Covenant Payments.

3.2.1 Statement of Intent. The City's obligations under this Section 3.2 are contingent on a Computation Quarter-to-Quarter basis and, for each Computation Quarter (hereinafter described), City's obligations to make any payments hereunder are expressly contingent upon the Owner having, for the entirety of such Computation Quarter, completely fulfilled its material obligations under this Covenant Agreement, including, without limitation, the Covenants. The Parties hereto each acknowledge and agree that the intent of each such Party is that any payment made pursuant to Sections 3.2.2 shall be made from any available funds designated for payment by the City and shall not be a rebate, refund or abatement of the Taxes payable by Owner. Any reference to percentage of Sales Tax Revenues is for purposes of calculation and not a commitment of a specific revenue source. The Parties acknowledge and agree that Owner shall only be entitled to a Covenant Payment calculated for Computation Quarter 1 based upon revenue generated and received by City following the Effective Date of this Agreement.

3.2.2 Covenant Payment Amount. The consideration to be paid to the Owner in exchange for the Covenants and Owner's performance of its obligations set forth in this Covenant Agreement, and subject to satisfaction of all conditions precedent thereto, shall consist of City's payment to the Owner for each Computation Quarter during the Eligibility Period that the City receives Sales Tax Revenue, an amount equal to (a) the sum of (1) fifty percent (50%) of the Sales Tax Revenues attributable to annual taxable sales for the calendar year which includes such Computation Quarter, as determined on a cumulative basis for such calendar year, plus (b) an amount equal to fifty percent (50%) of the Sales Tax Revenues attributable to Owner's self-accrual of use tax which is directly allocated to the City, including, without limitation, in connection with Owner's purchase of machinery and equipment from outside of California during such Computation Quarter. Any such payment due pursuant to this Section shall not be due unless Owner has completely fulfilled its material obligations under this Covenant Agreement, including, without limitation, the Covenants. Should such condition precedent not be satisfied for each Computation Quarter, then City shall have no obligation under this Section 3.2 to make any Covenant Payments to Owner in such Computation Quarter.

3.2.3 Computation Quarter Covenant Payments. Within thirty (30) days following the end of each Computation Quarter, Owner shall submit to City copies of its quarterly reports to the CDTFA for the applicable Computation Quarter which sets forth the amount of Sales Taxes paid to the CDTFA during the Computation Quarter arising from Owner's Sales Activities and/or attributable to the Sales Office. Within one hundred twenty (120) days following the end of each Computation Quarter, City shall pay to Owner any Computation Quarter Covenant Payment due for such Computation Quarter.

3.2.4 No Carry Forward or Back. The determination of the Covenant Payment(s) shall be determined and calculated on a Computation Quarter to Computation Quarter basis. Except as provided in Section 3.2.5 or 3.2.6, no Sales Tax Revenue which is generated in a Computation Quarter other than the Computation Quarter for which the Covenant Payment is being determined shall be used or considered in the calculation of any Covenant

Payment which may be due for that Computation Quarter.

3.2.5 Adjustments to Covenant Payment Amounts. If after City makes a Covenant Payment to Owner hereunder City or Owner determines that the Covenant Payment has been overpaid or underpaid and that an adjustment to a prior payment amount is warranted, City or Owner, as the case may be, shall have the right to provide a written notice to the other Party itemizing the information supporting the adjustment and either (a) requiring the City or Owner to pay the amount of the underpayment or overpayment, as applicable, within thirty (30) days from the date such notice is delivered or (b) deduct the amount of the overpayment from the next Covenant Payment otherwise owing to Owner. The Parties shall cooperate with one another and share such information as may be reasonably required to ensure that any required adjustments (either an additional payment to Owner or a refund or credit to City) can be promptly made.

3.2.6 CDTFA Determination of Improperly Allocated Local Sales Tax Revenues. If, at any time during or after the Eligibility Period of this Covenant Agreement, the CDTFA determines that all or any portion of the Sales Tax Revenues received by the City were improperly allocated and/or paid to the City, and if the CDTFA requires repayment of, offsets against future sales tax payments, or otherwise recaptures from the City those improperly allocated and/or paid Sales Tax Revenues, then Owner shall, within thirty (30) calendar days after written demand from the City, repay all Covenant Payments (or applicable portions thereof) theretofore paid to Owner which are attributable to such repaid, offset or recaptured Sales Tax Revenues. If Owner fails to make such repayment within thirty (30) calendar days after the City's written demand, then Owner shall be in breach of this Covenant Agreement and such obligation shall accrue interest from the date of the City's original written demand at the then-maximum legal rate imposed by the California Code of Civil Procedure on prejudgment monetary obligations, compounded monthly, until paid. Additionally, the City may deduct any amount required to be repaid by Owner under this Section 3.2.6 from any future Covenant Payments otherwise payable to Owner under this Covenant Agreement. This Section 3.2.6 shall survive the expiration or termination of this Covenant Agreement. The City will, within three (3) business days, contact Owner regarding any communication from the CDTFA pertaining to tax allocations associated with Owner's business that may result in a recalculation of the tax. The City and Owner agree that, should the CDTFA question the correctness of the allocation or otherwise determine that there has been an improper allocation to the City, the City will engage legal counsel to use his or her best efforts to defend such allocation in all CDTFA administrative proceedings. Any cost or expense associated with such efforts will be borne by the Owner and the City equally. For purposes of this paragraph, administrative proceedings include all CDTFA meetings, conferences and appeals before CDTFA Board Members. Owner will reasonably cooperate with the City and its attorney. Additionally, Owner shall have the right, but not the obligation, to participate in any such administrative proceedings and may engage its own legal counsel or consultant, at its own cost.

3.2.7 Not a Pledge of Sales Tax. Owner acknowledges that the City is not making a pledge of Sales Tax Revenues, or any other particular source of funds; the definition of Sales Tax Revenues, as used herein, is used merely as a measure of the amount payment due hereunder and as means of computing the City's payment in consideration for the Covenants. It is acknowledged by Owner that the City's obligation to make payments is specifically contingent

upon receipt by the City of the Sales Tax Revenues derived from operation of the Sales Office.

3.3 Default.

3.3.1 Owner Default. City shall provide Owner with written notice of Owner's failure ("Owner Default") to strictly abide by any material provision of this Covenant Agreement, including, without limitation, the Covenants. Owner shall have thirty (30) days from the date of such notice to either cure such Owner Default, or, if such Owner Default cannot be reasonably cured during such thirty (30) day period, to commence to cure within said thirty (30) day period and diligently prosecute such cure to completion thereafter.

3.3.2 City Default. Owner shall provide City with written notice of City's failure ("City Default") to strictly abide by any material provision of this Covenant Agreement. City shall have thirty (30) days from the date of such notice to either cure such City Default, or, if such City Default cannot be reasonably cured during such thirty (30) day period, to commence to cure within said thirty (30) day period and diligently prosecute such cure to completion thereafter.

3.4 General Remedies for Default. Upon either a City Default, after expiration of all applicable notice and grace periods, or an Owner Default, after expiration of all applicable notice and grace periods (as defined in Section 3.3), Owner or City (as applicable) shall have the right to seek all available legal and equitable remedies, unless otherwise expressly provided to the contrary herein. Notwithstanding anything in this Covenant Agreement to the contrary, (a) neither Party shall be liable to the other Party for consequential damages and (b) in no event shall the City have the right of specific performance or other mandatory injunctive relief to compel the Owner to operate the Sales Office. Unless prohibited by law or otherwise provided by a specific term of this Covenant Agreement, the rights and remedies of the City and the Owner under this Covenant Agreement are nonexclusive and all remedies hereunder may be exercised individually or cumulatively, and either Party may simultaneously pursue inconsistent and/or alternative remedies. Either Party may, upon the Default of the other Party, after expiration of all applicable notice and grace periods, and in addition to pursuing all remedies otherwise available to it, terminate this Covenant Agreement and all of its obligations hereunder without cost, expense or liability to itself.

3.5 The City's Rights to Terminate its Obligations under Section 3.3. The City's obligations under Section 3.2 shall automatically terminate without cost, expense, or liability to City, upon the occurrence of any one or more of the following: (a) Owner Default, as to which any applicable cure period provided for herein has expired; or (b) the end of the Eligibility Period; or (c) upon the final determination by a court of competent jurisdiction that any one or more of the Covenants are void, voidable, invalid, or even unenforceable for any reason whatsoever, including, without limitation, legal infirmity.

3.6 Liquidated Damages.

3.6.1 Owner Default with Respect to Obligations Under Sections 3.1.1 and 3.1.2. The Parties acknowledge that the consideration to the City for its entry into this Covenant Agreement and the performance of its obligations hereunder include the City's receipt of Sales

Tax Revenues, employment and other payroll taxes, property taxes, and other direct and indirect financial and non-financial benefits arising from Owner's Sales Activities and the operation and location of the Sales Office in the City in accordance with Article 3 of this Covenant Agreement. Owner agrees that the City will suffer damages if Owner commits any Owner Default with respect to any of its obligations arising under Sections 3.1.1 and 3.1.2. The Parties agree that the exact determination of such damages would be impracticable and extremely difficult to quantify. Accordingly, the Parties have determined that Liquidated Damages (as determined pursuant to Section 1.3.11) represents a reasonable estimate of the damages which would be suffered by the City if Owner commits any Owner Default with respect to any of its obligations set forth in Sections 3.1.1 and 3.1.2. Accordingly, as its sole and exclusive monetary remedy for an Owner Default with respect to any of its covenants and obligations set forth in Sections 3.1.1 and 3.1.2, the City shall be entitled to (1) terminate this Covenant Agreement and the entirety of its obligations hereunder, including any accrued and unpaid Covenant Payments, and (2) receive from Owner the applicable amount of Liquidated Damages as provided by Section 1.3.11.

3.6.2 ACKNOWLEDGEMENT OF REASONABLENESS OF LIQUIDATED DAMAGES. UPON AN OWNER DEFAULT WITH RESPECT TO ANY OF ITS OBLIGATIONS SET FORTH IN SECTIONS 3.1.1 AND 3.1.2, FOLLOWING NOTICE AND OPPORTUNITY TO CURE PURSUANT TO SECTION 3.3.1, THE CITY AND OWNER ACKNOWLEDGE AND AGREE THAT IT WOULD BE EXTREMELY DIFFICULT AND IMPRACTICAL TO ASCERTAIN THE AMOUNT OF DAMAGES THAT WOULD BE SUFFERED BY THE CITY WITH RESPECT TO SUCH DEFAULT. HAVING MADE DILIGENT BUT UNSUCCESSFUL ATTEMPTS TO ASCERTAIN THE ACTUAL DAMAGES THE CITY WOULD SUFFER, THE PARTIES AGREE THAT THE LIQUIDATED DAMAGES AMOUNT AS DETERMINED IN ACCORDANCE WITH SECTION 1.3.11 REPRESENTS A REASONABLE ESTIMATION OF THOSE DAMAGES. THEREFORE, UPON AN OWNER DEFAULT WITH RESPECT TO ANY OF ITS OBLIGATIONS SET FORTH IN SECTIONS 3.1.1 AND 3.1.2, AS ITS SOLE AND EXCLUSIVE REMEDY FOR SUCH DEFAULT, THE CITY SHALL BE ENTITLED TO (1) RECEIPT OF THE LIQUIDATED DAMAGES AMOUNT CALCULATED IN ACCORDANCE WITH SUBSECTION 1.3.11, WHICH OWNER SHALL PAY WITHIN TEN (10) DAYS FOLLOWING WRITTEN DEMAND FROM THE CITY, AND (2) TERMINATE THIS AGREEMENT AND THE ENTIRETY OF ITS OBLIGATIONS HEREUNDER, INCLUDING ANY ACCRUED BUT YET UNPAID COVENANT PAYMENTS.

Initials of Authorized
City Representative

Initials of Authorized
Owner Representative

ARTICLE 4. GENERAL TERMS

4.1 Tax Consequences. Owner acknowledges that it may experience tax consequences as a result of its receipt of the payments provided for in this Covenant Agreement and agrees that it shall bear any and all responsibility, liability, costs, and expenses connected in any way therewith.

4.2 Rights Not Granted Under Covenant Agreement. This Covenant Agreement is not, and shall not be construed to be, a Development Agreement under Government Code Section 65864 *et seq.* This Covenant Agreement is not, and shall not be construed to be, an approval or an agreement to issue permits or a granting of any right or entitlement by the City concerning the Sales Office, Owner's Sales Activities or any other project, development, or construction by the Owner in the City. This Covenant Agreement does not, and shall not be construed to, exempt Owner from the application and/or exercise of the City's or City's power of eminent domain or its police power, including, but not limited to, the regulation of land uses and the taking of any actions necessary to protect the health, safety, and welfare of its citizenry.

4.3 Consent. Whenever consent or approval of any party is required under this Covenant Agreement, that party shall not unreasonably withhold, delay or condition such consent or approval unless otherwise allowed by a specific provision of this Covenant Agreement.

4.4 Notices and Demands. All notices or other communications required or permitted between the City and Owner under this Covenant Agreement shall be in writing, and may be (i) personally delivered, (ii) sent by United States registered or certified mail, postage prepaid, return receipt requested, (iii) sent by telecopier, or (iv) sent by nationally recognized overnight courier service (e.g., Federal Express), addressed to the Parties at the addresses provided in Article 1, subject to the right of either party to designate a different address for itself by notice similarly given. Any notice so given by registered or certified United States mail shall be deemed to have been given on the second business day after the same is deposited in the United States mail. Any notice not so given by registered or certified mail, such as notices delivered by telecopier or courier service (e.g., Federal Express), shall be deemed given upon receipt of the same by the party to whom the notice is given.

4.5 Nonliability of Officials and Employees. No board member, official, contractor, consultant, attorney or employee of the City shall be personally liable to Owner, any voluntary or involuntary successors or assignees, or any lender or other party holding an interest in the Property, in the event of any default or breach by the City, or for any amount which may become due to the Owner or to its successors or assignees, or on any obligations arising under this Covenant Agreement. No board member, officer, contractor, consultant, attorney or employee of the Owner shall be personally liable to the City, any voluntary or involuntary successors or assignees, or any lender or other party holding an interest in the Property, in the event of any default or breach by the Owner, or for any amount which may become due to the City or to its successors or assignees, or on any obligations arising under this Covenant Agreement.

4.6 Conflict of Interests. No board member, official, contractor, consultant, attorney or employee of the City or City shall have any personal interest, direct or indirect, in this Covenant Agreement nor shall any such board member, official or employee participate in any decision relating to this Covenant Agreement which affects his/her personal interests or the interests of any corporation, partnership or association in which he/she is directly or indirectly interested.

4.7 Pledge or Hypothecation of Covenant Payments. Owner may assign any Covenant Payment(s) due in accordance with the terms of this Covenant Agreement (but not any

other right or obligation of this Covenant Agreement) upon thirty (30) days' prior written notice to City as collateral for any loan or financing obtained by the Owner in connection with the Sales Office; provided that nothing in this Section 4.7 shall be deemed to limit the operation of Section 4.16. Without limiting the general applicability of the foregoing, Owner acknowledges that Owner's lender and any transferee of Owner's lender shall be subject to the transfer restrictions of Section 4.16.

4.8 Entire Agreement; Good Faith Negotiations. This Covenant Agreement contains all of the terms and conditions agreed upon by the Parties and supersedes any previous agreements between the Parties concerning the subject matter of this Covenant Agreement. No other understanding, oral or otherwise, regarding the subject matter of this Covenant Agreement shall be deemed to exist or to bind any of the parties hereto. All prior written or oral offers, counteroffers, memoranda of understanding, proposals and the like are superseded by this Covenant Agreement.

The Parties acknowledge that this Covenant Agreement is the product of mutual arms-length negotiations and that each party has been, or has had the opportunity to have been, represented by legal counsel in the negotiation and drafting of this Covenant Agreement. Accordingly, the rule of judicial construction which provides that ambiguities in a document are to be construed against the drafter of that document shall have no application to the interpretation or enforcement of this Covenant Agreement. In any action or proceeding to interpret and/or enforce this Covenant Agreement, the trier of fact may refer to extrinsic evidence not in conflict with any specific provision of this Covenant Agreement to ascertain and give effect to the intent of the Parties hereto.

4.9 Time Deadlines Critical; Extensions and Delays; No Excuse Due to Economic Changes. Time is of the essence in the performance of the City's and Owner's obligations under this Covenant Agreement. In addition to specific provisions of this Covenant Agreement providing for extensions of time, times for performance hereunder shall be extended where delays or defaults are due to war; insurrection; any form of labor dispute; lockouts; riots; floods; earthquakes; fires; acts of God or of third-parties; third-party litigation; acts of a public enemy; initiative or referenda; acts of governmental authorities (except that the failure of the City to act as required hereunder shall not excuse its performance); moratoria (except those imposed or enacted by the City); epidemics; quarantine restrictions; and freight embargoes (collectively, "**Enforced Delays**") provided, however, that the Party claiming the extension notify the other Party of the nature of the matter causing the default; and, provided further, that the extension of time shall be only for the period of the Enforced Delays. However, deadlines for performance may not be extended as provided above due to any inability of the Owner to obtain or maintain acceptable financing for the operation of the Sales Office.

ANYTHING IN THIS COVENANT AGREEMENT TO THE CONTRARY NOTWITHSTANDING, OWNER EXPRESSLY ASSUMES THE RISK OF UNFORESEEABLE CHANGES IN ECONOMIC CIRCUMSTANCES AND/OR MARKET DEMAND/CONDITIONS AND WAIVES, TO THE GREATEST LEGAL EXTENT, ANY DEFENSE, CLAIM, OR CAUSE OF ACTION BASED IN WHOLE OR IN PART ON ECONOMIC NECESSITY, IMPRACTICABILITY, FRUSTRATION OF PURPOSE, CHANGED ECONOMIC CIRCUMSTANCES OR SIMILAR THEORIES.

OWNER EXPRESSLY AGREES THAT ADVERSE CHANGES IN ECONOMIC CONDITIONS, EITHER OF OWNER SPECIFICALLY OR THE ECONOMY GENERALLY, OR CHANGES IN THE MARKET CONDITIONS OR DEMANDS, SHALL NOT OPERATE TO EXCUSE OR DELAY THE STRICT OBSERVANCE OF EACH AND EVERY OF THE OBLIGATIONS, COVENANTS, CONDITIONS AND REQUIREMENTS OF THIS COVENANT AGREEMENT. OWNER EXPRESSLY ASSUMES THE RISK OF SUCH ADVERSE ECONOMIC OR MARKET CHANGES, WHETHER OR NOT FORESEEABLE AS OF OWNER'S EXECUTION OF THIS COVENANT AGREEMENT.

OWNER'S INITIALS _____

4.10 Attorneys' Fees. In the event of the bringing of an arbitration, action or suit by a Party hereto against another Party hereunder by reason of any breach of any of the covenants or agreements or any intentional inaccuracies in any of the representations and warranties on the part of the other Party arising out of this Covenant Agreement or any other dispute between the Parties concerning this Covenant Agreement or the Property, then, in that event, the prevailing party in such action or dispute, whether by final judgment or arbitration award, shall be entitled to have and recover of and from the other Party all costs and expenses of suit or claim, including actual attorneys' fees. Any judgment, order or award entered in any final judgment or award shall contain a specific provision providing for the recovery of all costs and expenses of suit or claim, including actual attorneys' fees (collectively, the "Costs") incurred in enforcing, perfecting and executing such judgment or award. For the purposes of this Section 4.10, "Costs" shall include, without implied limitation, attorneys' and experts' fees, costs and expenses incurred in the following: (i) post judgment motions and appeals, (ii) contempt proceedings, (iii) garnishment, levy and debtor and third-party examination, (iv) discovery; and (v) bankruptcy litigation. This Section 4.10 shall survive any termination of this Covenant Agreement.

4.11 Amendments to This Covenant Agreement. Any amendments to this Covenant Agreement must be in writing and signed by the appropriate authorities of both the City and Owner. The City Manager is authorized on behalf of the City to approve and execute minor amendments to this Covenant Agreement, including, but not limited to, the granting of extensions of time to Owner, not to exceed ninety (90) days in the aggregate.

4.12 Addition of Affiliates. At such time as an Affiliate of Owner desires to locate in the City of Ontario, Owner shall request approval in writing from the City to locate the Affiliate in the City of Ontario and have any sales tax generated by the Affiliate included in the Sales Tax Revenues attributable to Owner for calculation of the Covenant Payment. Said written request shall be submitted to the City Manager for review and consideration by the City Council, following any legally required noticing and public hearings. Said review shall be in the City's sole and unfettered discretion. As condition precedent to the City consideration of the request, Owner and the Affiliate shall make and attest to all representation and warranties required by this Agreement, including but not limited to that inclusion of the Affiliate in this Agreement or the implementation thereof will not violate Government Code Section 53084.5. Additionally, City shall only make a Covenant Payment to Owner. Owner shall be prohibited from sharing the Covenant Payment with Affiliate and Affiliate shall be prohibited from requesting the City enter

into a separate Operating Covenant Agreement with Affiliate directly. City shall have no liability to Affiliate for the distribution of Covenant Payments.

4.13 Jurisdiction and Venue. Any legal action or proceeding concerning this Covenant Agreement shall be filed and prosecuted in the appropriate California state court in the County of San Bernardino, California. Both Parties hereto irrevocably consents to the personal jurisdiction of that court. The City and Owner each hereby expressly waive the benefit of any provision of federal or state law or judicial decision providing for the filing, removal, or change of venue to any other court or jurisdiction, including, without implied limitation, federal district court, due to any diversity of citizenship between the City and Owner, due to the fact that the City is a party to such action or proceeding or due to the fact that a federal question or federal right is involved or alleged to be involved. Without limiting the generality of the foregoing, the City and Owner specifically waive any rights provided to it pursuant to California Code of Civil Procedure Section 394. Owner acknowledges that the provisions of this Section 4.12 are material consideration to the City for its entry into this Covenant Agreement, in that the City will avoid the potential cost, expense and inconvenience of litigating in a distant forum.

4.14 Interpretation. The City and Owner acknowledge that this Covenant Agreement is the product of mutual arms-length negotiation and drafting and that both Parties have been represented by legal counsel in the negotiation and drafting of this Covenant Agreement. Accordingly, the rule of construction which provides that ambiguities in a document shall be construed against the drafter of that document shall have no application to the interpretation and enforcement of this Covenant Agreement. In any action or proceeding to interpret or enforce this Covenant Agreement, the finder of fact may refer to any extrinsic evidence not in direct conflict with any specific provision of this Covenant Agreement to determine and give effect to the intention of the Parties.

4.15 Counterpart Originals; Integration. This Covenant Agreement may be executed in duplicate originals, each of which is deemed to be an original, but when taken together shall constitute but one and the same instrument. This Covenant Agreement and any exhibits represent the entire understanding of the Parties and supersedes all negotiations, letters of intent, memoranda of understanding or previous agreements between the parties with respect to all or any part of the subject matter hereof.

4.16 No Waiver. Failure to insist on any one occasion upon strict compliance with any of the terms, covenants or conditions hereof shall not be deemed a waiver of such term, covenant or condition, nor shall any waiver or relinquishment of any rights or powers hereunder at any one time or more times be deemed a waiver or relinquishment of such other right or power at any other time or times.

4.17 Successors and Assigns. The terms, covenants and conditions of this Covenant Agreement shall be binding upon and inure to the benefit of the Parties hereto and their successors and assigns. Except as provided in this Section 4.16, Owner shall neither transfer nor convey Owner's interest in the Property or the Sales Office without the express written consent of the City, which shall not be unreasonably withheld, conditioned or delayed. In determining whether to approve of such a sale, transfer, conveyance or assignment of the Owner's interest in the Property, the City shall evaluate: (i) the financial ability of the proposed transferee to own

and operate the Sales Office, or portion so transferred, and to meet the Owner's obligations under this Covenant Agreement; (ii) the fitness and experience of the proposed transferee and its managerial personnel to own and operate the Sales Office or portion so transferred thereof; and (iii) the ability of the proposed transferee to maintain a level of quality and service comparable to that maintained by the Owner for the Sales Office. Notwithstanding anything to the contrary contained in this Covenant Agreement, however, Owner may assign, without the City's consent, this Covenant Agreement, its interest in the Property and/or the Sales Office to any assignee provided that: (a) such assignment is pursuant to a sale of all or substantially all of Owner's assets; and (b) the applicable assignee has a credit rating (as determined by Moody's Investor Service) equal to or better than Owner's as of the time of the Effective Date. Upon the permitted sale, transfer or conveyance by Owner of its interest therein, such owner shall thereupon be relieved of its obligations under this Covenant Agreement from and after the date of sale, transfer or conveyance except with respect to any defaults in the performance of its obligations hereunder or thereunder which occurred prior to such sale, transfer or conveyance, and the transferee shall thereafter be solely responsible for the performance of all of the duties and obligations of Owner under this Covenant Agreement.

4.18 No Third-Party Beneficiaries. The performance of the respective obligations of the City and Owner under this Covenant Agreement are not intended to benefit any party other than the City or Owner, except as expressly provided otherwise herein. No person or entity not a signatory to this Covenant Agreement shall have any rights or causes of action against any party to this Covenant Agreement as a result of that party's performance or non-performance under this Covenant Agreement, except as expressly provided otherwise herein.

4.19 No Effect on Eminent Domain Authority. Nothing in this Covenant Agreement shall be deemed to limit, modify, or abridge or affect in any manner whatsoever the City's or City's eminent domain powers with respect to the Property, the Sales Office, or any other property owned by Sales Office.

4.20 Warranty Against Payment of Consideration for Covenant Agreement. Owner warrants that it has not paid or given, and will not pay or give, any third-party any money or other consideration for obtaining this Covenant Agreement. Third-parties, for the purposes of this Section 4.19, shall not include persons to whom fees are paid for professional services if rendered by attorneys, financial consultants, accountants, engineers, architects and the like when such fees are considered necessary by Owner.

4.21 Severability. The City and Owner declare that the provisions of this Covenant Agreement are severable. If it is determined by a court of competent jurisdiction that any term, condition or provision hereof is void, voidable, or unenforceable for any reason whatsoever, then such term, condition or provision shall be severed from this Covenant Agreement and the remainder of the Covenant Agreement enforced in accordance with its terms.

4.22 Further Acts and Releases. The City and Owner each agree to take such additional acts and execute such other documents as may be reasonable and necessary in the performance of their obligations hereunder.

4.23 Estoppels. At the request of Owner, the City shall promptly execute and deliver to Owner or such holder a written statement of the City as to any of the following matters as to which Owner or such holder may inquire: (i) that no default or breach exists, or would exist with the passage of time, or giving of notice, or both, by Owner pursuant to this Covenant Agreement, if such be the case; (ii) the total amount of Covenant Payments made by the City to Owner pursuant to this Covenant Agreement prior to the date of such written statement; (iii) the amount of any Covenant Payments earned by or due and owing to Owner pursuant to this Covenant Agreement as of the date of such written statement; (iv) the Covenant Payments for a particular Computation Quarter; (v) if the City has determined that Owner is in default or breach hereunder, the nature of such default and the action or actions required to be taken by Owner to cure such default or breach; and (vi) any other matter affecting the rights or obligations of Owner hereunder as to which Owner or such holder may reasonably inquire. The form of any estoppel letter shall be prepared by Owner or such holder at its sole cost and expense and shall be reasonably acceptable in form and content to the City and Owner. The City may make any of the representations described above based on the actual current knowledge of the then-current City Manager.

4.24 Indemnity. Owner shall defend (using Counsel of the City's choosing), indemnify and hold harmless the City, its elected officials, officers, employees and agents from and against any and all third party claims, losses, proceedings, damages, causes of action, liability, cost and expense (including reasonable attorney's fees) arising from, in connection with or related to this Agreement or the functions or operations of the Sales Office (other than to the extent arising as a result of the City's active negligence or willful misconduct). The City shall fully cooperate in the defense of any such actions and upon written request of the Owner shall provide such documents and records that are relevant to such actions and not otherwise protected by law. Notwithstanding the foregoing, should any third party bring any such action or proceeding Owner shall have the right to terminate this Agreement, and as of such date of termination, all unaccrued liabilities of the parties under this Agreement shall cease except for Owner's obligation of indemnity owed to the City as provided in this Section 4.24. For purposes of clarification, should Owner exercise its termination right as provided in this Section 4.24, the same shall not be considered a Default and the City shall have no claims against Owner for liquidated damages.

4.25 State of California Legislation Impact on Covenant Payment. Owner acknowledges that the California legislature has in the past adopted certain legislation which diverted to the State of California a portion of the Sales Tax Revenues which were otherwise payable to the City. Owner acknowledges that it is possible that the legislature may enact similar legislation in the future which would cause a corresponding reduction of and/or delay in the payment of the Sales Tax Revenues and that such reduction will cause Owner a corresponding reduction and/or delay in the payment of the Covenant Payments due to Owner during such time as such legislation is in effect. Furthermore, Owner acknowledges that it is possible that the legislation described above, or some variant thereof, may be enacted and effective during one or more subsequent times during the Eligibility Period and may materially and negatively impact the amount of Sales Tax Revenues and, accordingly, Covenant Payments. The City does not make any representation, warranty or commitment concerning the future actions of the California legislature with respect to the allocation of Sales Tax Revenues to the City. Owner agrees that it

is undertaking its obligations under this Covenant Agreement after having considered, and is expressly assuming the risk of, the possibility of the enactment of such legislation.

The foregoing paragraph notwithstanding, City acknowledges that the California legislature may provide for the payment to City of other revenues for the purpose of offsetting any losses in Sales Tax Revenues resulting from the enactment of legislation of the type described in the immediately preceding paragraph. City agrees that, should the California legislature provide for such offsetting revenues, then for purposes of this Covenant Agreement and the computation of any Covenant Payments which may become due to Owner hereunder, City will consider any such offsetting revenues which are (i) indexed to Sales Tax and offset the loss of Sales Tax Revenues to the City on a dollar for dollar basis, (ii) actually received by the City, and (iii) not subject to any restrictions on use beyond those which are otherwise generally applicable to sales tax revenues received by California municipalities, to be Sales Tax Revenues within the meaning of this Covenant Agreement.

[Signatures on the following pages]

**SIGNATURE PAGE TO THE
CONCRETE HOLDING COMPANY OF CALIFORNIA, INC.
OPERATING COVENANT AGREEMENT**

CITY OF ONTARIO
a California municipal corporation

By: _____

ATTEST:

By: _____

APPROVED AS TO FORM:

By: _____
John Brown
City Attorney

**SIGNATURE PAGE TO THE
CONCRETE HOLDING COMPANY OF CALIFORNIA, INC.
OPERATING COVENANT AGREEMENT**

CONCRETE HOLDING COMPANY OF
CALIFORNIA, INC.,
a Delaware Corporation

By: _____
Signature

Name (Print)

Title (Print)

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

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

Exempt from Recording Fee per
Government Code §27383
(Space above for Recorder's Use)

**FIRST AMENDMENT
TO
OPERATING COVENANT AGREEMENT**

between

**THE CITY OF ONTARIO,
a California general law municipal corporation,**

and

**Concrete Holding Company of California, Inc.
a Delaware corporation**

[Effective _____, 2019]

1. PARTIES AND EFFECTIVE DATE.

1.1 **Parties to this First Amendment.** This First Amendment to Operating Covenant Agreement (“First Amendment”) is entered into between (i) the City of Ontario (“City”), a California general law municipal corporation, (ii) Concrete Holding Company of California, Inc. (“Concrete Holding Company”), a Delaware corporation, (iii) National Ready Mixed Concrete Sales LLC, a California limited liability company; (iv) Builders Concrete Sales LLC, a California limited liability company; (v) Viking Ready Mix Sales LLC, a California limited liability company with regard to that certain Operating Covenant Agreement by and between the City and Concrete Holding Company, dated December 18, 2018 (the “Agreement”).

1.2 **Effective Date.** The Effective Date of this First Amendment is _____, 2019. All initially capitalized terms used, but not otherwise defined, in this First Amendment shall have the meanings ascribed to them in the Agreement.

2. RECITALS AND REPRESENTATIONS.

2.1 Concrete Holding Company, a retailer of consumer products with retail sales in the United States of America and its territories located a sales office and/or a business location that participates in the sales process within the City of Ontario, California;

2.2 The City offered Concrete Holding Company a financial incentive in order to ensure Concrete Holding Company establishes a business location that participates in the sales process within the City, expands its operations within the City as appropriate and remains in the City for not less than 40 years;

2.3 The location of the Concrete Holding Company business in the City of Ontario placed new additional burdens on City resources including but not limited to police, fire and infrastructure services. However, the City determined that the establishment of a Concrete Holding Company business location that participates in the sales process within the City would generate substantial revenue for the City, create new jobs, revitalize an area of the City which has suffered a loss of jobs and businesses during the economic downturn of the mid-2000s, and result in community and public improvements that might not otherwise be available to the community for many years.

2.4 The City and Concrete Holding Company entered into the Agreement whereby Concrete Holding Company agreed to certain material obligations and Covenants in exchange for quarterly Covenant Payments from the City.

2.5 The City and Concrete Holding Company now desire to amend the Agreement to add three affiliates of Concrete Holding Company to the Agreement and the three affiliates desire to join the Agreement.

3. TERMS.

3.1 **Addition of Affiliates.** The City and Concrete Holdings LLC agree to add the following three affiliates of Concrete Holding Company to the Agreement: (i) National Ready Mixed Concrete Sales LLC, a California limited liability company; (ii) Builders Concrete Sales

LLC, a California limited liability company; (iii) Viking Ready Mix Sales LLC, a California limited liability company (together the "Affiliates"). Pursuant to Section 4.12 of the Agreement, Concrete Holding Company may request approval, in writing, from the City to locate the Affiliates in the City of Ontario and have any sales tax generated by the Affiliates included in the Sales Tax Revenues attributable to Owner for calculation of the Covenant Payment.

3.2 Addition of Affiliates Contingent Upon:

(a) Concrete Holding Company and the Affiliates shall and do make and attest to the following representations and warranties required by the Agreement:

(i) Concrete Holding Company is a duly formed Delaware Corporation, qualified and in good standing to do business under the laws of the State of California, and each Affiliate is a duly formed California corporation, qualified and in good standing to do business under the laws of the State of California;

(ii) The individual(s) executing this First Amendment to the Covenant Agreement is/are authorized to execute this First Amendment on behalf of Concrete Holding Company and each Affiliate;

(iii) Concrete Holding Company and each Affiliate has taken all actions required by law to approve the execution of this First Amendment;

(iv) Concrete Holding Company and each Affiliate's entry into this First Amendment and/or the performance of its obligations under this First Amendment and the Covenant Agreement do not violate any contract, agreement or other legal obligation of Concrete Holding Company and each Affiliate;

(v) Concrete Holding Company and each Affiliate's entry into this First Amendment and/or the performance of its obligations under this First Amendment or the Covenant Agreement does not constitute a violation of any state or federal statute or judicial decision to which Concrete Holding Company and each Affiliate is subject;

(vi) There are no pending lawsuits or other actions or proceedings which would prevent or impair the timely performance of Concrete Holding Company and each Affiliate's obligations under this First Amendment or the Covenant Agreement; and

(vii) Concrete Holding Company and each Affiliate has the legal right, power and authority to enter into this First Amendment to the Covenant Agreement and to consummate the transactions contemplated hereby, and the execution, delivery and performance of this First Amendment and the Covenant Agreement have been duly authorized and no other action by Concrete Holding Company and each Affiliate is requisite to the valid and binding execution, delivery and performance of this First Amendment, except as otherwise expressly set forth herein. Concrete Holding Company and each Affiliate covenants that nothing in this Agreement or the implementation thereof shall violate the provisions or intent of Government Code Section 53084.5.

(b) Concrete Holding Company is prohibited from sharing the Covenant Payment with the Affiliates and the Affiliates shall be prohibited from requesting that the City enter into a separate Operating Covenant Agreement with the Affiliates directly.

3.3 City's Obligations:

(a) The City shall only make a Covenant Payment to the Concrete Holding Company;

(b) The City shall have no liability to the Affiliates for the distribution of Covenant Payments.

3.4 Approval Process. This First Amendment must be submitted to the City Manager for review and consideration by the City Council, following any legally required notice and public hearings. Said review shall be in the City's sole and unfettered discretion.

3.5 Covenant Payment. The Covenant Payment by the City to Concrete Holding Company shall not be disbursed until the City Council approves this First Amendment. Notwithstanding the date of approval by the City Council or the Effective Date of this First Amendment, following approval of this First Amendment, City shall calculate a Covenant Payment for the third quarter of 2019 based upon the formula in Section 3.2.2 of the Operating Covenant Agreement for those Sales Tax Revenues received from the Affiliates. City shall make that payment pursuant to Section 3.2.3 of the Agreement.

(a) For purposes of calculating the Covenant Payment Amount, pursuant to Section 3.2.2, going forward, "Sales Tax Revenue" shall include Sales Tax attributable to the Affiliates and received by the City.

4. MISCELLANEOUS.

4.1 No Other Amendment. Except as hereinabove set forth, the Agreement is unmodified and remains in full force and effect. From and after the effective date of this First Amendment, whenever the term "Agreement" appears in the Agreement, such term or reference shall mean the Agreement as amended by this First Amendment.

4.2 Ratification; Warranty Regarding Absence of Defaults. The City and Concrete Holding Company each ratify, reaffirm and reauthorize each and every one of their respective rights and obligations arising under the Agreement, as modified by this First Amendment. Each Party represents and warrants to the other that there have been no written or oral modifications to the Agreement, other than those set forth in this First Amendment. Each Party represents and warrants to the other that the Agreement is currently an effective, valid and binding obligation.

4.3 Counterparts. This First Amendment may be executed in duplicate originals, each of which is deemed to be an original, but when taken together shall constitute but one and the same instrument.

[Signatures on the following page]

**SIGNATURE PAGE
TO
FIRST AMENDMENT
TO
OPERATING COVENANT AGREEMENT**

CITY:

CITY OF ONTARIO,
a California general law municipal corporation

By: _____
Scott Ochoa
City Manager

ATTEST:

By: _____
City Clerk

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP

By: _____
Special Counsel

**SIGNATURE PAGE
TO
FIRST AMENDMENT
TO
OPERATING COVENANT AGREEMENT**

CONCRETE HOLDING COMPANY:

Concrete Holding Company of California,
Inc., a Delaware corporation

By: _____
Pragati Kapoor
CFO

**SIGNATURE PAGE
TO
FIRST AMENDMENT
TO
OPERATING COVENANT AGREEMENT**

NATIONAL READY MIXED CONCRETE
SALES, LLC:

National Ready Mixed Concrete Sales, LLC, a
California limited liability corporation

By: _____
Pragati Kapoor
CFO

**SIGNATURE PAGE
TO
FIRST AMENDMENT
TO
OPERATING COVENANT AGREEMENT**

BUILDERS CONCRETE SALES, LLC:

Builders Concrete Sales, LLC, a California
limited liability corporation

By: _____
Pragati Kapoor
CFO

**SIGNATURE PAGE
TO
FIRST AMENDMENT
TO
OPERATING COVENANT AGREEMENT**

VIKING READY MIX SALES, LLC:

Viking Ready Mix Sales, LLC, a California
limited liability company

By: _____
Pragati Kapoor
CFO

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, _____, 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)

CITY OF ONTARIO

Agenda Report
August 20, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: RATIFICATION AND AMENDMENT OF REIMBURSEMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND THE SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY RELATED TO THE ONTARIO REDEVELOPMENT FINANCING AUTHORITY'S 2001 LEASE REVENUE BONDS

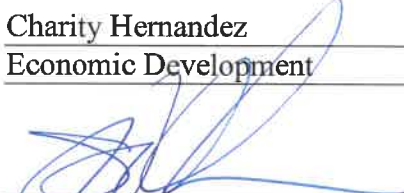
RECOMMENDATION: That the City Council and the Successor Agency to the Ontario Redevelopment Agency take the following actions:

- (A) City Council adopt a resolution approving the Ratification and Amendment of that certain Reimbursement Agreement between the City of Ontario and the Successor Agency to the Ontario Redevelopment Agency, and submit the Amendment to the Countywide Oversight Board for approval;
- (B) Successor Agency to the Ontario Redevelopment Agency adopt a resolution approving the Ratification and Amendment of that certain Reimbursement Agreement between the City of Ontario and the Successor Agency to the Ontario Redevelopment Agency, and submit the Amendment to the Countywide Oversight Board for approval; and
- (C) Authorize the City Manager and Executive Director, or his designee, to take all actions necessary to implement the Ratification and Amendment of that certain Reimbursement Agreement.

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)

FISCAL IMPACT: If approved by the City Council, Successor Agency, and the Countywide Oversight Board, the Reimbursement Agreement will be deemed an enforceable obligation and can be placed on the Recognized Obligation Payment Schedule by the Successor Agency, in order to allow for repayment to the City of the amounts owed under the Reimbursement Agreement.

STAFF MEMBER PRESENTING: John P. Andrews, Economic Development Director

Prepared by: Charity Hernandez
Department: Economic Development
City Manager Approval: 

Submitted to Council/O.H.A. 08/20/2019
Approved: _____
Continued to: _____
Denied: _____

15

BACKGROUND: The Ontario Redevelopment Agency (the “Redevelopment Agency”) was organized under Chapter 2 of the California Community Redevelopment Law (Health and Safety Code §§ 33000 et seq.) (the “Redevelopment Law”). Pursuant to the Redevelopment Law, the Redevelopment Agency was responsible for the redevelopment within project areas in the City, including Redevelopment Project Area No. 1 (the “Project Area”) in accordance with the Redevelopment Plan for Redevelopment Project No. 1 (the “Redevelopment Plan”).

Pursuant to Section 33445(a) of the Redevelopment Law, the Redevelopment Agency had authority to, with the consent of the Ontario City Council, pay all or part of the value of the land for and the cost of the installation and construction of any building, facility, structure, or other improvement which is publicly owned either within or outside a redevelopment project area, if the City Council made certain determinations. Further, pursuant to Section 33445(c) of the Redevelopment Law, when the value of the land or the cost of the installation and construction of the building, facility, structure or other improvement, or both, had been, or would be, paid or provided for initially by the City, the Redevelopment Agency had authority to enter into a contract with the City under which the Agency agreed to reimburse the City for all or part of the value of the land or all or a part of the cost of the building, facility, structure, or other improvement, or both.

The City and Redevelopment Agency previously established the Ontario Redevelopment Financing Authority (the “Authority”) for the purpose of issuing its bonds to provide financing for public capital improvements of the City and Redevelopment Agency.

On November 1, 2001, the Authority issued lease revenue bonds in the amount of Thirty-One Million Seven Hundred and Five Thousand Dollars (\$31,705,000) (the “2001 Bonds”), for the purpose of financing the acquisition, construction and installation of certain capital improvements, including public safety, city library, public recreation, and redevelopment improvements, facilities and equipment (the “Project”), payable from rental payments made by the City for the right to use certain real property and facilities pursuant to a Lease Agreement, also dated November 1, 2001, by and between the City, as lessee, and the Authority as lessor.

Pursuant to City Resolution 2001-101 and ORA Resolution ORA-673, the City and the Redevelopment Agency entered into that certain Reimbursement Agreement (the “Reimbursement Agreement”), whereby the Redevelopment Agency agreed to reimburse the City for the cost of financing the Project, to the extent paid or provided for by the City.

Assembly Bill 1X 26 (“AB 26”), enacted as part of the 2011-2012 State of California budget bill, and as modified by the Supreme Court of the State of California in the matter of *California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. S194861 (“Legal Action”), dissolved and set out procedures for the wind-down of all redevelopment agencies throughout the State effective February 1, 2012. In June 2012, the California Legislature adopted Assembly Bill 1484 (“AB 1484,” and collectively with AB 26, the “Dissolution Act”) further modifying some of the procedures set forth in AB 26, and adding certain other procedures and requirements for the dissolution and wind-down of redevelopment agencies.

The Successor Agency is the successor entity to the former Redevelopment Agency and, pursuant to the Dissolution Act, is responsible for the wind-down of the former Redevelopment Agency, including

without limitation the performance and repayment of all enforceable obligations of the former Redevelopment Agency.

Health and Safety Code Section 34171(d)(2), as modified by AB 1484, provides, with a few exceptions, that “enforceable obligation” does not include any agreements, contracts, or arrangements between the city, county, or city and county that created the redevelopment agency and the former redevelopment agency.

Health and Safety Code Section 34179.7, added by AB 1484, provides that upon completion of certain requirements and payment of certain amounts as required by Sections 34179.6 and 34183.5, the Department of Finance (“DOF”) shall issue, within five business days, a finding of completion of the requirements of Section 34179.6 to the successor agency. Health and Safety Code Section 34191.4, also added by AB 1484, provides in part that, following issuance of a finding of completion by DOF, and upon application by the successor agency and approval by the oversight board, loan agreements entered into between the redevelopment agency and the city, county or city and county that created the redevelopment agency shall be deemed to be enforceable obligations provided that the oversight board makes a finding that the loan was for legitimate redevelopment purposes.

City and Successor Agency staff have provided the following facts to support a finding that the Reimbursement Agreement was for legitimate redevelopment purposes:

- a. The amounts due to the City under the Reimbursement Agreement reflects amounts due and owing to the City as repayment for the Bonds purchased by the City to help the Redevelopment Agency finance the construction of Redevelopment Project No.1 in accordance with the Redevelopment Plan. Pursuant to Section 33445(a) of the Redevelopment Law, the Redevelopment Agency had authority to, with the consent of the Ontario City Council, pay all or part of the value of the land for and the cost of the installation and construction of any building, facility, structure, or other improvement which is publicly owned either within or outside a redevelopment project area, if the City Council made certain determinations. Further, pursuant to Section 33445(c) of the Redevelopment Law, when the value of the land or the cost of the installation and construction of the building, facility, structure or other improvement, or both, had been, or would be, paid or provided for initially by the City, the Redevelopment Agency had authority to enter into a contract with the City under which the Agency agreed to reimburse the City for all or part of the value of the land or all or a part of the cost of the building, facility, structure, or other improvement, or both.
- b. The Redevelopment Agency was established for the purpose of improving, rehabilitating and redeveloping the Project Area pursuant to the Redevelopment Plan, and the Redevelopment Agency entered into the Reimbursement Agreement with the City in order to finance development required to carry out its duties under the Redevelopment Law and Plan.
- c. Repayment to City of amounts loaned to or advanced on behalf of the Redevelopment Agency to further the Redevelopment Agency’s redevelopment activities.

In addition to establishing when a loan agreement will be deemed to be an enforceable obligation, Section 34191.4 further establishes certain restrictions and limitations on, among other things, the calculation of interest on the remaining principal amount of the loan, the amounts that can be repaid

from time to time under the loan agreement, and requires that twenty percent of any loan repayment shall be deducted from the loan repayment amount and shall be transferred to a Low and Moderate Income Housing Asset Fund.

The City and Successor Agency staff have prepared a Ratification and Amendment in order to ratify the existence and validity of the Reimbursement Agreement, and to establish their understanding and agreement as to the limitations and restrictions that will apply to the repayment to the City of all amounts due and owing the City by the former Redevelopment Agency under the Reimbursement Agreement pursuant to the Dissolution Act.

The Reimbursement Agreement does not commit the City to any action that may have a significant effect on the environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE RATIFICATION AND AMENDMENT OF REIMBURSEMENT AGREEMENT BETWEEN THE CITY AND THE SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY RELATED TO THE ONTARIO REDEVELOPMENT FINANCING AUTHORITY'S 2001 LEASE REVENUE BONDS.

WHEREAS, pursuant to the provisions of the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.), the City Council of the City of Ontario ("City") activated the Redevelopment Agency of City of Ontario ("Redevelopment Agency") and subsequently adopted the Redevelopment Plan for Redevelopment Project Area No. 1 ("Redevelopment Plan"); and

WHEREAS, pursuant to Section 33445(a) of the Redevelopment Law, the Redevelopment Agency had authority to, with the consent of the Ontario City Council, pay all or part of the value of the land for and the cost of the installation and construction of any building, facility, structure, or other improvement which is publicly owned either within or outside a redevelopment project area, if the City Council made certain determinations; and

WHEREAS, further, pursuant to Section 33445(c) of the Redevelopment Law, when the value of the land or the cost of the installation and construction of the building, facility, structure or other improvement, or both, had been, or would be, paid or provided for initially by the City, the Redevelopment Agency had authority to enter into a contract with the City under which the Agency agreed to reimburse the City for all or part of the value of the land or all or a part of the cost of the building, facility, structure, or other improvement, or both; and

WHEREAS, the City and Redevelopment Agency previously established the Ontario Redevelopment Financing Authority (the "Authority") for the purpose of issuing its bonds to provide financing for public capital improvements of the City and Redevelopment Agency; and

WHEREAS, on November 1, 2001, the Authority issued lease revenue bonds in the amount of Thirty-One Million Seven Hundred and Five Thousand Dollars (\$31,705,000.00) (the "2001 Bonds"), for the purpose of financing the acquisition, construction and installation of certain capital improvements, including public safety, city library, public recreation, and redevelopment improvements, facilities and equipment (the "Project"), payable from rental payments made by the City for the right to use certain real property and facilities pursuant to a Lease Agreement, also dated November 1, 2001, by and between the City, as lessee, and the Authority as lessor; and

WHEREAS, pursuant to City Resolution 2001-101 and ORA Resolution ORA-673, the City and the Redevelopment Agency entered into that certain Reimbursement Agreement (the "Reimbursement Agreement"), whereby the Redevelopment Agency

agreed to reimburse the City for the cost of financing the Project, to the extent paid or provided for by the City.

WHEREAS, Assembly Bill 1X 26 ("AB 26"), enacted as part of the 2011-2012 State of California budget bill, and as modified by the Supreme Court of the State of California in the matter of *California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. S194861, and further modified by Assembly Bill 1484 (collectively with AB 26, the "Dissolution Act"), dissolved and set out procedures for the wind-down of all redevelopment agencies throughout the State effective February 1, 2012; and

WHEREAS, the Successor Agency to the Redevelopment Agency of the City of Ontario ("Successor Agency") is the successor entity to the former Redevelopment Agency and, pursuant to the Dissolution Act, is responsible for the wind-down of the former Redevelopment Agency, including without limitation the performance and repayment of all enforceable obligations of the former Redevelopment Agency; and

WHEREAS, Health and Safety Code Section 34171(d)(2) provides, with a few exceptions, that "enforceable obligation" does not include any agreements, contracts, or arrangements between the city, county, or city and county that created the redevelopment agency and the former redevelopment agency; and

WHEREAS, Health and Safety Code Section 34179.7 provides that upon completion of certain requirements and payment of certain amounts as required by Sections 34179.6 and 34183.5, the Department of Finance ("DOF") shall issue, within five business days, a finding of completion of the requirements of Section 34179.6 to the successor agency; and

WHEREAS, Health and Safety Code Section 34191.4 provides in part that, following issuance of a finding of completion by DOF, and upon application by the successor agency and approval by the oversight board, loan agreements entered into between the redevelopment agency and the city, county or city and county that created the redevelopment agency shall be deemed to be enforceable obligations provided that the oversight board makes a finding that the loan was for legitimate redevelopment purposes; and

WHEREAS, the Successor Agency received a Finding of Completion pursuant to Health and Safety Code Section 34179.7 on December 15, 2015; and

WHEREAS, in addition to establishing when a loan agreement will be deemed to be an enforceable obligation, Section 34191.4 further establishes certain restrictions and limitations on, among other things, the calculation of interest on the remaining principal amount of the loan, the amounts that can be repaid from time to time under the loan agreement, and requires that twenty percent of any loan repayment shall be deducted from the loan repayment amount and shall be transferred to a Low and Moderate Income Housing Asset Fund; and

WHEREAS, the City and Successor Agency have prepared a Ratification and Amendment to Reimbursement Agreement (the "Amendment") in order to ratify the existence and validity of the Reimbursement Agreement, and to acknowledge the

limitations and restrictions that will apply to the repayment to the City of all amounts due and owing the City by the former Redevelopment Agency under the Reimbursement Agreement pursuant to the Dissolution Act.

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

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

SECTION 2. Finding. The City Council hereby finds and determines that the Reimbursement Agreement was for legitimate redevelopment purposes. This finding is based on the following facts:

a. The Parties acknowledge and agree that the amounts due to the City under the Reimbursement Agreement reflect amounts due and owing to the City as reimbursement for costs advanced by the City on behalf of the Redevelopment Agency to finance the purchase of land and the installation and construction of the Project within the Project Area in accordance with the Redevelopment Plan. Pursuant to Section 33445(a) of the Redevelopment Law, the Redevelopment Agency had authority to, with the consent of the Ontario City Council, pay all or part of the value of the land for and the cost of the installation and construction of any building, facility, structure, or other improvement which is publicly owned either within or outside a redevelopment project area, if the City Council made certain determinations. Further, pursuant to Section 33445(c) of the Redevelopment Law, when the value of the land or the cost of the installation and construction of the building, facility, structure or other improvement, or both, had been, or would be, paid or provided for initially by the City, the Redevelopment Agency had authority to enter into a contract with the City under which the Agency agreed to reimburse the City for all or part of the value of the land or all or a part of the cost of the building, facility, structure, or other improvement, or both.

b. The Redevelopment Agency was established for the purpose of improving, rehabilitating and redeveloping the Project Area pursuant to the Redevelopment Plan, and the Redevelopment Agency entered into the Reimbursement Agreement with the City in order to finance development required to carry out its duties under the Redevelopment Law and Redevelopment Plan.

c. Repayment to City of amounts loaned to or advanced on behalf of the Redevelopment Agency to further the Redevelopment Agency's redevelopment activities.

SECTION 3. Approval of Amendment. The City Council hereby approves the Amendment in substantially the form currently on file with the City Clerk.

SECTION 4. Transmittal of Amendment to Countywide Oversight Board. The City Manager is hereby authorized and directed to take any action necessary to carry out the purposes of this Resolution, including without limitation, cooperating with the Successor Agency to provide any documentation and evidence to the Countywide Oversight Board as necessary to obtain from the Countywide Oversight Board approval

of the Amendment, together with a finding that the loan of funds by the City to the former Redevelopment Agency under the Reimbursement Agreement was for legitimate redevelopment purposes.

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

SECTION 6. Effectiveness. This Resolution shall take effect immediately upon its adoption.

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

PASSED, APPROVED, AND ADOPTED this 20th day of August 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held August 20, 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 August 20, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE RATIFICATION AND AMENDMENT OF REIMBURSEMENT AGREEMENT BETWEEN THE CITY AND THE SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY RELATED TO THE ONTARIO REDEVELOPMENT FINANCING AUTHORITY'S 2001 LEASE REVENUE BONDS.

WHEREAS, pursuant to the provisions of the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.), the City Council of the City of Ontario ("City") activated the Redevelopment Agency of City of Ontario ("Redevelopment Agency") and subsequently adopted the Redevelopment Plan for Redevelopment Project Area No. 1 ("Redevelopment Plan"); and

WHEREAS, pursuant to Section 33445(a) of the Redevelopment Law, the Redevelopment Agency had authority to, with the consent of the Ontario City Council, pay all or part of the value of the land for and the cost of the installation and construction of any building, facility, structure, or other improvement which is publicly owned either within or outside a redevelopment project area, if the City Council made certain determinations; and

WHEREAS, further, pursuant to Section 33445(c) of the Redevelopment Law, when the value of the land or the cost of the installation and construction of the building, facility, structure or other improvement, or both, had been, or would be, paid or provided for initially by the City, the Redevelopment Agency had authority to enter into a contract with the City under which the Agency agreed to reimburse the City for all or part of the value of the land or all or a part of the cost of the building, facility, structure, or other improvement, or both; and

WHEREAS, the City and Redevelopment Agency previously established the Ontario Redevelopment Financing Authority (the "Authority") for the purpose of issuing its bonds to provide financing for public capital improvements of the City and Redevelopment Agency; and

WHEREAS, on November 1, 2001, the Authority issued lease revenue bonds in the amount of Thirty-One Million Seven Hundred and Five Thousand Dollars (\$31,705,000.00) (the "2001 Bonds"), for the purpose of financing the acquisition, construction and installation of certain capital improvements, including public safety, city library, public recreation, and redevelopment improvements, facilities and equipment (the "Project"), payable from rental payments made by the City for the right to use certain real property and facilities pursuant to a Lease Agreement, also dated November 1, 2001, by and between the City, as lessee, and the Authority as lessor; and

WHEREAS, pursuant to City Resolution 2001-101 and ORA Resolution ORA-673, the City and the Redevelopment Agency entered into that certain

Reimbursement Agreement (the "Reimbursement Agreement"), whereby the Redevelopment Agency agreed to reimburse the City for the cost of financing the Project, to the extent paid or provided for by the City; and

WHEREAS, Assembly Bill 1X 26 ("AB 26"), enacted as part of the 2011-2012 State of California budget bill, and as modified by the Supreme Court of the State of California in the matter of *California Redevelopment Association, et al. v. Ana Matosantòs, et al.*, Case No. S194861, and further modified by Assembly Bill 1484 (collectively with AB 26, the "Dissolution Act"), dissolved and set out procedures for the wind-down of all redevelopment agencies throughout the State effective February 1, 2012; and

WHEREAS, the Successor Agency to the Redevelopment Agency of the City of Ontario ("Successor Agency") is the successor entity to the former Redevelopment Agency and, pursuant to the Dissolution Act, is responsible for the wind-down of the former Redevelopment Agency, including without limitation the performance and repayment of all enforceable obligations of the former Redevelopment Agency; and

WHEREAS, Health and Safety Code Section 34171(d)(2) provides, with a few exceptions, that "enforceable obligation" does not include any agreements, contracts, or arrangements between the city, county, or city and county that created the redevelopment agency and the former redevelopment agency; and

WHEREAS, Health and Safety Code Section 34179.7 provides that upon completion of certain requirements and payment of certain amounts as required by Sections 34179.6 and 34183.5, the Department of Finance ("DOF") shall issue, within five business days, a finding of completion of the requirements of Section 34179.6 to the successor agency; and

WHEREAS, Health and Safety Code Section 34191.4 provides in part that, following issuance of a Finding of Completion by DOF, and upon application by the successor agency and approval by the oversight board, loan agreements entered into between the redevelopment agency and the city, county or city and county that created the redevelopment agency shall be deemed to be enforceable obligations provided that the oversight board makes a finding that the loan was for legitimate redevelopment purposes; and

WHEREAS, the Successor Agency received a Finding of Completion pursuant to Health and Safety Code Section 34179.7 on December 15, 2015; and

WHEREAS, in addition to establishing when a loan agreement will be deemed to be an enforceable obligation, Section 34191.4 further establishes certain restrictions and limitations on, among other things, the calculation of interest on the remaining principal amount of the loan, the amounts that can be repaid from time to time under the loan agreement, and requires that twenty percent of any loan repayment shall be deducted from the loan repayment amount and shall be transferred to a Low and Moderate Income Housing Asset Fund; and

WHEREAS, the City and Successor Agency have prepared a Ratification and Amendment to Reimbursement Agreement (the "Amendment") in order to ratify the existence and validity of the Reimbursement Agreement, and to acknowledge the limitations and restrictions that will apply to the repayment to the City of all amounts due and owing the City by the former Redevelopment Agency under the Reimbursement Agreement pursuant to the Dissolution Act.

NOW, THEREFORE, THE SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY DOES HEREBY RESOLVE AS FOLLOWS:

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

SECTION 2. Finding. The Successor Agency hereby finds and determines that the Reimbursement Agreement was for legitimate redevelopment purposes. This finding is based on the following facts:

a. The Parties acknowledge and agree that the amounts due to the City under the Reimbursement Agreement reflect amounts due and owing to the City as reimbursement for costs advanced by the City on behalf of the Redevelopment Agency to finance the purchase of land and the installation and construction of the Project within the Project Area in accordance with the Redevelopment Plan. Pursuant to Section 33445(a) of the Redevelopment Law, the Redevelopment Agency had authority to, with the consent of the Ontario City Council, pay all or part of the value of the land for and the cost of the installation and construction of any building, facility, structure, or other improvement which is publicly owned either within or outside a redevelopment project area, if the City Council made certain determinations. Further, pursuant to Section 33445(c) of the Redevelopment Law, when the value of the land or the cost of the installation and construction of the building, facility, structure or other improvement, or both, had been, or would be, paid or provided for initially by the City, the Redevelopment Agency had authority to enter into a contract with the City under which the Agency agreed to reimburse the City for all or part of the value of the land or all or a part of the cost of the building, facility, structure, or other improvement, or both.

b. The Redevelopment Agency was established for the purpose of improving, rehabilitating and redeveloping the Project Area pursuant to the Redevelopment Plan, and the Redevelopment Agency entered into the Reimbursement Agreement with the City in order to finance development required to carry out its duties under the Redevelopment Law and Redevelopment Plan.

c. Repayment to City of amounts loaned to or advanced on behalf of the Redevelopment Agency to further the Redevelopment Agency's redevelopment activities.

SECTION 3. Approval of Amendment. The Successor Agency hereby approves the Amendment in substantially the form currently on file with the Secretary.

SECTION 4. Transmittal of Amendment to Countywide Oversight Board. The Director of the Successor Agency is hereby authorized and directed to take any action necessary to carry out the purposes of this Resolution, including without limitation, cooperating with the Successor Agency to provide any documentation and evidence to the Countywide Oversight Board as necessary to obtain from the Countywide Oversight Board approval of the Amendment, together with a finding that the loan of funds by the City to the former Redevelopment Agency under the Reimbursement Agreement was for legitimate redevelopment purposes.

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

SECTION 6. Effectiveness. This Resolution shall take effect immediately upon its adoption.

SECTION 7. Certification. The City Clerk of the City of Ontario, acting on behalf of the Successor Agency as its Secretary, shall certify to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 20th day of August 2019.

PAUL S. LEON, CHAIRMAN

ATTEST:

SHEILA MAUTZ, AGENCY SECRETARY

APPROVED AS TO FORM:

AGENCY COUNSEL

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, in my official capacity as Secretary to the Successor Agency to the Ontario Redevelopment Agency, DO HEREBY CERTIFY that Resolution No. SA- was duly adopted by the Successor Agency to the Ontario Redevelopment Agency at a regular meeting held on August 20, 2019 by the following vote:

AYES: AGENCY MEMBERS:

NOES: AGENCY MEMBERS:

ABSENT: AGENCY MEMBERS:

SHEILA MAUTZ, AGENCY SECRETARY

(SEAL)

The foregoing is the original of Resolution No. SA- duly passed and adopted by the Successor Agency to the Ontario Redevelopment Agency at their regular meeting held August 20, 2019.

SHEILA MAUTZ, AGENCY SECRETARY

(SEAL)

CITY OF ONTARIO

Agenda Report
August 20, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: RATIFICATION AND AMENDMENT OF BOND PURCHASE AGREEMENT BETWEEN THE CITY OF ONTARIO AND THE SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY RELATED TO THE IMPLEMENTATION OF REDEVELOPMENT PROJECT NO. 1

RECOMMENDATION: That the following actions are taken:

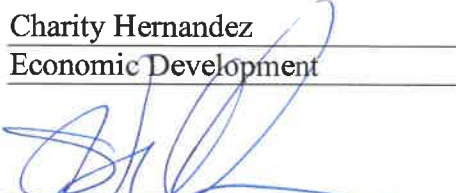
- (A) City Council adopt a resolution approving the Ratification and Amendment of that certain Bond Purchase Agreement between the City of Ontario and the Successor Agency to the Ontario Redevelopment Agency, and submit the Amendment to the Countywide Oversight Board for approval;
- (B) Successor Agency to the Ontario Redevelopment Agency adopt a resolution approving the Ratification and Amendment of that certain Bond Purchase Agreement between the City of Ontario and the Successor Agency to the Ontario Redevelopment Agency, and submit the Amendment to the Countywide Oversight Board for approval; and
- (C) Authorize the City Manager and Executive Director, or his designee, to take all actions necessary to implement the Ratification and Amendment of that certain Bond Purchase Agreement.

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)

FISCAL IMPACT: If approved by the City Council, Successor Agency, and the Countywide Oversight Board, the Agreement and Indenture will be deemed an enforceable obligation and can be placed on the Recognized Obligation Payment Schedule by the Successor Agency, in order to allow for repayment to the City of the amounts owed under the Agreement and Indenture.

BACKGROUND: The Ontario Redevelopment Agency (the "Redevelopment Agency") was a duly constituted redevelopment agency organized under Chapter 2 of the California Community

STAFF MEMBER PRESENTING: John P. Andrews, Economic Development Director

Prepared by: Charity Hernandez
Department: Economic Development
City Manager Approval: 

Submitted to Council/O.H.A. 08/20/2019
Approved: _____
Continued to: _____
Denied: _____

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Redevelopment Law (Health and Safety Code §§ 33000 et seq.) (the “Redevelopment Law”). Pursuant to the Redevelopment Law, the Redevelopment Agency was responsible for the redevelopment within project areas in the City, including Redevelopment Project Area No. 2 (the “Project Area”) in accordance with the Redevelopment Plan for Redevelopment Project No. 2 (the “Redevelopment Plan”).

On March 1, 2001, the Parties entered into an Indenture of Trust (the “Indenture”) providing for the issuance of tax allocation bonds by the Redevelopment Agency in the aggregate principal amount of Six Million Eight Hundred Ninety-Five Thousand Dollars (\$6,895,000) (the “Bonds”), the proceeds of which were used to finance the costs of implementing Redevelopment Project No. 1 in accordance with the Redevelopment Plan and the cost of issuing the bonds.

On March 9, 2001, the Parties entered into a Bond Purchase Agreement (the “Agreement”), whereby the City purchased the Bonds from the Redevelopment Agency pursuant to the Indenture for the purpose of helping the Redevelopment Agency implement Redevelopment Project No. 1 in accordance with the Redevelopment Plan.

Assembly Bill 1X 26 (“AB 26”), enacted as part of the 2011-2012 State of California budget bill, and as modified by the Supreme Court of the State of California in the matter of *California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. S194861 (“Legal Action”), dissolved and set out procedures for the wind-down of all redevelopment agencies throughout the State effective February 1, 2012. In June 2012, the California Legislature adopted Assembly Bill 1484 (“AB 1484,” and collectively with AB 26, the “Dissolution Act”) further modifying some of the procedures set forth in AB 26, and adding certain other procedures and requirements for the dissolution and wind-down of redevelopment agencies.

The Successor Agency is the successor entity to the former Redevelopment Agency and, pursuant to the Dissolution Act, is responsible for the wind-down of the former Redevelopment Agency, including without limitation the performance and repayment of all enforceable obligations of the former Redevelopment Agency.

Health and Safety Code section 34171(d)(2), as modified by AB 1484, provides, with a few exceptions, that “enforceable obligation” does not include any agreements, contracts, or arrangements between the city, county, or city and county that created the redevelopment agency and the former redevelopment agency.

Health and Safety Code section 34179.7, added by AB 1484, provides that upon completion of certain requirements and payment of certain amounts as required by sections 34179.6 and 34183.5, the Department of Finance (“DOF”) shall issue, within five business days, a finding of completion of the requirements of section 34179.6 to the successor agency. Health and Safety Code section 34191.4, also added by AB 1484, provides in part that, following issuance of a finding of completion by DOF, and upon application by the successor agency and approval by the oversight board, loan agreements entered into between the redevelopment agency and the city, county or city and county that created the redevelopment agency shall be deemed to be enforceable obligations provided that the oversight board makes a finding that the loan was for legitimate redevelopment purposes.

City and Successor Agency staff have provided the following facts to support a finding that the Agreement and Indenture were for legitimate redevelopment purposes:

- a. The amounts due to the City under the Agreement and Indenture reflect amounts due and owing to the City as repayment for the Bonds purchased by the City to help the Redevelopment Agency finance the construction of Redevelopment Project No.1 in accordance with the Redevelopment Plan. Health and Safety Code sections 33601 and 33640 specifically authorized the Redevelopment Agency to borrow money from any public or private source by a variety of methods, including, but not limited to, the issuance of bonds to finance redevelopment projects. Health and Safety Code section 33125 authorized the Redevelopment Agency to make and execute contracts necessary or convenient to the exercise of its powers.
- b. The Redevelopment Agency was established for the purpose of improving, rehabilitating and redeveloping the Project Area pursuant to the Redevelopment Plan, and the Redevelopment Agency entered into the Agreement and Indenture with the City in order to finance development required to carry out its duties under the Redevelopment Law and Redevelopment Plan.
- c. Repayment to City of amounts loaned to or advanced on behalf of the Redevelopment Agency to further the Redevelopment Agency's redevelopment activities.

In addition to establishing when a loan agreement will be deemed to be an enforceable obligation, section 34191.4 further establishes certain restrictions and limitations on, among other things, the calculation of interest on the remaining principal amount of the loan, the amounts that can be repaid from time to time under the loan agreement, and requires that twenty percent of any loan repayment shall be deducted from the loan repayment amount and shall be transferred to a Low and Moderate Income Housing Asset Fund.

The City and Successor Agency staff have prepared a Ratification and Amendment in order to ratify the existence and validity of the Agreement and Indenture, and to establish their understanding and agreement as to the limitations and restrictions that will apply to the repayment to the City of all amounts due and owing the City by the former Redevelopment Agency under the Agreement and Indenture pursuant to the Dissolution Act.

The Agreement and Indenture do not commit the City to any action that may have a significant effect on the environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE RATIFICATION AND AMENDMENT OF BOND PURCHASE AGREEMENT BY AND BETWEEN THE CITY AND THE SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY RELATED TO IMPLEMENTATION OF REDEVELOPMENT PROJECT NO. 1.

WHEREAS, pursuant to the provisions of the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.), the City Council of the City of Ontario ("City") activated the Redevelopment Agency of City of Ontario ("Redevelopment Agency") and subsequently adopted the Redevelopment Plan for Redevelopment Project Area No. 1 ("Redevelopment Plan"); and

WHEREAS, on March 1, 2001, the Parties entered into an Indenture of Trust (the "Indenture") providing for the issuance of tax allocation bonds by the Redevelopment Agency in the aggregate principal amount of Six Million Eight Hundred Ninety-Five Thousand Dollars (\$6,895,000) (the "Bonds"), the proceeds of which were used to finance the costs of implementing Redevelopment Project No. 1 in accordance with the Redevelopment Plan and the cost of issuing the bonds; and

WHEREAS, on March 9, 2001, the Parties entered into a Bond Purchase Agreement (the "Agreement"), whereby the City purchased the Bonds from the Redevelopment Agency pursuant to the Indenture for the purpose of helping the Redevelopment Agency implement Redevelopment Project No. 1 in accordance with the Redevelopment Plan; and

WHEREAS, Assembly Bill 1X 26 ("AB 26"), enacted as part of the 2011-2012 State of California budget bill, and as modified by the Supreme Court of the State of California in the matter of *California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. S194861, and further modified by Assembly Bill 1484 (collectively with AB 26, the "Dissolution Act"), dissolved and set out procedures for the wind-down of all redevelopment agencies throughout the State effective February 1, 2012; and

WHEREAS, the Successor Agency to the Redevelopment Agency of the City of Ontario ("Successor Agency") is the successor entity to the former Redevelopment Agency and, pursuant to the Dissolution Act, is responsible for the wind-down of the former Redevelopment Agency, including without limitation the performance and repayment of all enforceable obligations of the former Redevelopment Agency; and

WHEREAS, Health and Safety Code Section 34171(d)(2) provides, with a few exceptions, that "enforceable obligation" does not include any agreements, contracts, or arrangements between the city, county, or city and county that created the redevelopment agency and the former redevelopment agency; and

WHEREAS, Health and Safety Code Section 34179.7 provides that upon completion of certain requirements and payment of certain amounts as required by Sections 34179.6 and 34183.5, the Department of Finance (“DOF”) shall issue, within five business days, a finding of completion of the requirements of Section 34179.6 to the successor agency; and

WHEREAS, Health and Safety Code Section 34191.4 provides in part that, following issuance of a finding of completion by DOF, and upon application by the successor agency and approval by the oversight board, loan agreements entered into between the redevelopment agency and the city, county or city and county that created the redevelopment agency shall be deemed to be enforceable obligations provided that the oversight board makes a finding that the loan was for legitimate redevelopment purposes; and

WHEREAS, the Successor Agency received a Finding of Completion pursuant to Health and Safety Code Section 34179.7 on December 15, 2015; and

WHEREAS, in addition to establishing when a loan agreement will be deemed to be an enforceable obligation, Section 34191.4 further establishes certain restrictions and limitations on, among other things, the calculation of interest on the remaining principal amount of the loan, the amounts that can be repaid from time to time under the loan agreement, and requires that twenty percent of any loan repayment shall be deducted from the loan repayment amount and shall be transferred to a Low and Moderate Income Housing Asset Fund; and

WHEREAS, the City and Successor Agency have prepared a Ratification and Amendment to Reimbursement Agreement (the “Amendment”) in order to ratify the existence and validity of the Agreement and Indenture, and to acknowledge the limitations and restrictions that will apply to the repayment to the City of all amounts due and owing the City by the former Redevelopment Agency under the Agreement and Indenture pursuant to the Dissolution Act.

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

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

SECTION 2. Finding. The City Council hereby finds and determines that the Agreement and Indenture were for legitimate redevelopment purposes. This finding is based on the following facts:

a. The amounts due to the City under the Agreement and Indenture reflect amounts due and owing to the City as repayment for the Bonds purchased by the City to help the Redevelopment Agency finance the construction of Redevelopment Project No.1 in accordance with the Redevelopment Plan. Health and Safety Code Sections 33601 and 33640 specifically authorized the Redevelopment Agency to borrow

money from any public or private source by a variety of methods, including, but not limited to, the issuance of bonds to finance redevelopment projects. Health and Safety Code Section 33125 authorized the Redevelopment Agency to make and execute contracts necessary or convenient to the exercise of its powers.

b. The Redevelopment Agency was established for the purpose of improving, rehabilitating and redeveloping the Project Area pursuant to the Redevelopment Plan, and the Redevelopment Agency entered into the Agreement and Indenture with the City in order to finance development required to carry out its duties under the Redevelopment Law and Redevelopment Plan.

c. Repayment to City of amounts loaned to or advanced on behalf of the Redevelopment Agency to further the Redevelopment Agency's redevelopment activities.

SECTION 3. Approval of Amendment. The City Council hereby approves the Amendment in substantially the form currently on file with the Secretary.

SECTION 4. Transmittal of Amendment to Countywide Oversight Board. The City Manager is hereby authorized and directed to take any action necessary to carry out the purposes of this Resolution, including without limitation, cooperating with the Successor Agency to provide any documentation and evidence to the Countywide Oversight Board as necessary to obtain from the Countywide Oversight Board approval of the Amendment, together with a finding that the loan of funds by the City to the former Redevelopment Agency under the Agreement and Indenture were for legitimate redevelopment purposes.

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

SECTION 6. Effectiveness. This Resolution shall take effect immediately upon its adoption.

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

PASSED, APPROVED, AND ADOPTED this 20th day of August 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held August 20, 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 August 20, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE RATIFICATION AND AMENDMENT OF BOND PURCHASE AGREEMENT BETWEEN THE CITY AND THE SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY RELATED TO IMPLEMENTATION OF REDEVELOPMENT PROJECT NO. 1.

WHEREAS, pursuant to the provisions of the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.), the City Council of the City of Ontario ("City") activated the Redevelopment Agency of City of Ontario ("Redevelopment Agency") and subsequently adopted the Redevelopment Plan for Redevelopment Project Area No. 1 ("Redevelopment Plan"); and

WHEREAS, on March 1, 2001, the Parties entered into an Indenture of Trust (the "Indenture") providing for the issuance of tax allocation bonds by the Redevelopment Agency in the aggregate principal amount of Six Million Eight Hundred Ninety-Five Thousand Dollars (\$6,895,000) (the "Bonds"), the proceeds of which were used to finance the costs of implementing Redevelopment Project No. 1 in accordance with the Redevelopment Plan and the cost of issuing the bonds; and

WHEREAS, on March 9, 2001, the Parties entered into a Bond Purchase Agreement (the "Agreement"), whereby the City purchased the Bonds from the Redevelopment Agency pursuant to the Indenture for the purpose of helping the Redevelopment Agency implement Redevelopment Project No. 1 in accordance with the Redevelopment Plan; and

WHEREAS, Assembly Bill 1X 26 ("AB 26"), enacted as part of the 2011-2012 State of California budget bill, and as modified by the Supreme Court of the State of California in the matter of *California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. S194861, and further modified by Assembly Bill 1484 (collectively with AB 26, the "Dissolution Act"), dissolved and set out procedures for the wind-down of all redevelopment agencies throughout the State effective February 1, 2012; and

WHEREAS, the Successor Agency to the Redevelopment Agency of the City of Ontario ("Successor Agency") is the successor entity to the former Redevelopment Agency and, pursuant to the Dissolution Act, is responsible for the wind-down of the former Redevelopment Agency, including without limitation the performance and repayment of all enforceable obligations of the former Redevelopment Agency; and

WHEREAS, Health and Safety Code Section 34171(d)(2) provides, with a few exceptions, that "enforceable obligation" does not include any agreements, contracts, or arrangements between the city, county, or city and county that created the redevelopment agency and the former redevelopment agency; and

WHEREAS, Health and Safety Code Section 34179.7 provides that upon completion of certain requirements and payment of certain amounts as required by Sections 34179.6 and 34183.5, the Department of Finance (“DOF”) shall issue, within five business days, a finding of completion of the requirements of Section 34179.6 to the successor agency; and

WHEREAS, Health and Safety Code Section 34191.4 provides in part that, following issuance of a finding of completion by DOF, and upon application by the successor agency and approval by the oversight board, loan agreements entered into between the redevelopment agency and the city, county or city and county that created the redevelopment agency shall be deemed to be enforceable obligations provided that the oversight board makes a finding that the loan was for legitimate redevelopment purposes; and

WHEREAS, the Successor Agency received a Finding of Completion pursuant to Health and Safety Code section 34179.7 on December 15, 2015; and

WHEREAS, in addition to establishing when a loan agreement will be deemed to be an enforceable obligation, Section 34191.4 further establishes certain restrictions and limitations on, among other things, the calculation of interest on the remaining principal amount of the loan, the amounts that can be repaid from time to time under the loan agreement, and requires that twenty percent of any loan repayment shall be deducted from the loan repayment amount and shall be transferred to a Low and Moderate Income Housing Asset Fund; and

WHEREAS, the City and Successor Agency have prepared a Ratification and Amendment to Bond Purchase Agreement (the “Amendment”) in order to ratify the existence and validity of the Agreement and Indenture, and to acknowledge the limitations and restrictions that will apply to the repayment to the City of all amounts due and owing the City by the former Redevelopment Agency under the Agreement pursuant to the Dissolution Act.

NOW, THEREFORE, THE SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY DOES HEREBY RESOLVE AS FOLLOWS:

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

SECTION 2. Finding. The Successor Agency hereby finds and determines that the Agreement and Indenture were for legitimate redevelopment purposes. This finding is based on the following facts:

a. The amounts due to the City under the Agreement and Indenture reflect amounts due and owing to the City as repayment for the Bonds purchased by the City to help the Redevelopment Agency finance the construction of Redevelopment Project No.1 in accordance with the Redevelopment Plan. Health and Safety Code Sections 33601 and 33640 specifically authorized the Redevelopment Agency to borrow money from any public or private source by a variety of methods, including, but not limited

to, the issuance of bonds to finance redevelopment projects. Health and Safety Code Section 33125 authorized the Redevelopment Agency to make and execute contracts necessary or convenient to the exercise of its powers.

b. The Redevelopment Agency was established for the purpose of improving, rehabilitating and redeveloping the Project Area pursuant to the Redevelopment Plan, and the Redevelopment Agency entered into the Agreement and Indenture with the City in order to finance development required to carry out its duties under the Redevelopment Law and Redevelopment Plan.

c. Repayment to City of amounts loaned to or advanced on behalf of the Redevelopment Agency to further the Redevelopment Agency's redevelopment activities.

SECTION 3. Approval of Amendment. The Successor Agency hereby approves the Amendment in substantially the form currently on file with the Secretary.

SECTION 4. Transmittal of Amendment to Countywide Oversight Board. The Director of the Successor Agency is hereby authorized and directed to take any action necessary to carry out the purposes of this Resolution, including without limitation, cooperating with the Successor Agency to provide any documentation and evidence to the Countywide Oversight Board as necessary to obtain from the Countywide Oversight Board approval of the Amendment, together with a finding that the loan of funds by the City to the former Redevelopment Agency under the Agreement and Indenture was for legitimate redevelopment purposes.

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

SECTION 6. Effectiveness. This Resolution shall take effect immediately upon its adoption.

SECTION 7. Certification. The City Clerk of the City of Ontario, acting on behalf of the Successor Agency as its Secretary, shall certify to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 20th day of August 2019.

PAUL S. LEON, CHAIRMAN

ATTEST:

SHEILA MAUTZ, AGENCY SECRETARY

APPROVED AS TO FORM:

AGENCY COUNSEL

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, in my official capacity as Secretary to the Successor Agency to the Ontario Redevelopment Agency, DO HEREBY CERTIFY that Resolution No. SA- was duly adopted by the Successor Agency to the Ontario Redevelopment Agency at a regular meeting held on August 20, 2019 by the following vote:

AYES: AGENCY MEMBERS:

NOES: AGENCY MEMBERS:

ABSENT: AGENCY MEMBERS:

SHEILA MAUTZ, AGENCY SECRETARY

(SEAL)

The foregoing is the original of Resolution No. SA- duly passed and adopted by the Successor Agency to the Ontario Redevelopment Agency at their regular meeting held August 20, 2019.

SHEILA MAUTZ, AGENCY SECRETARY

(SEAL)

CITY OF ONTARIO

Agenda Report
August 20, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: RATIFICATION AND AMENDMENT OF REIMBURSEMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND THE SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY RELATED TO BAXTER HEALTHCARE CORPORATION

RECOMMENDATION: That the following actions are taken:

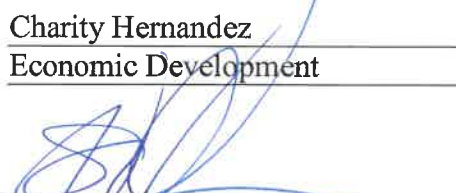
- (A) City Council adopt a resolution approving the Ratification and Amendment of that certain Reimbursement Agreement between the City of Ontario and the Successor Agency to the Ontario Redevelopment Agency, and submit the Amendment to the Countywide Oversight Board for approval;
- (B) Successor Agency to the Ontario Redevelopment Agency adopt a resolution approving the Ratification and Amendment of that certain Reimbursement Agreement between the City of Ontario and the Successor Agency to the Ontario Redevelopment Agency, and submit the Amendment to the Countywide Oversight Board for approval; and
- (C) Authorize the City Manager and Executive Director, or his designee, to take all actions necessary to implement the Ratification and Amendment of that certain Reimbursement Agreement.

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)

FISCAL IMPACT: If approved by the City, Successor Agency, and the Countywide Oversight Board, the Reimbursement Agreement will be deemed an enforceable obligation and can be placed on the Recognized Obligation Payment Schedule by the Successor Agency in order to allow for repayment to the City of the amounts owed under the Reimbursement Agreement.

BACKGROUND: The Ontario Redevelopment Agency (the "Redevelopment Agency") was organized under Chapter 2 of the California Community Redevelopment Law (Health and Safety Code §§ 33000 et

STAFF MEMBER PRESENTING: John P. Andrews, Economic Development Director

Prepared by: Charity Hernandez
Department: Economic Development
City Manager Approval: 

Submitted to Council/O.H.A. 08/20/2019
Approved: _____
Continued to: _____
Denied: _____

17

seq.) (the “Redevelopment Law”). Pursuant to the Redevelopment Law, the Redevelopment Agency was responsible for the redevelopment within project areas in the City, including Redevelopment Project Area No. 1 (the “Project Area”) in accordance with the Redevelopment Plan for Redevelopment Project No. 1 (the “Redevelopment Plan”).

On April 18, 1990, the Redevelopment Agency entered into a Disposition and Development Agreement (the “DDA”) with Lusk Ontario Industrial Partners II and Baxter Healthcare Corporation (“Baxter”), pursuant to which the Redevelopment Agency agreed to provide financial assistance for the sale, use, development and improvement of a portion of the Project Area in furtherance of the Redevelopment Plan.

Also on April 18, 1990, the City entered into a Development Incentive and Assistance Agreement (the “Development Agreement”) with Baxter, pursuant to which the City agreed to make payments to Baxter from available funds to partially finance the sale, use, development and improvement of the Project Area by Baxter pursuant to the DDA.

The intent of the DDA and Development Agreement (collectively, the “Agreements”) was for the Redevelopment Agency to reimburse the City for the funds advanced by the City to Baxter on behalf of the Redevelopment Agency in furtherance of the Redevelopment Plan. As such, on January 20, 1998, the City and Redevelopment Agency entered into a Reimbursement Agreement to set forth the terms and conditions of their aforementioned understanding and intent as to the Redevelopment Agency’s reimbursement of Three Million Five Hundred Thousand Dollars (\$3,500,000) of funds transferred from the City to Baxter pursuant to the Development Agreement (the “Reimbursement Agreement”).

Assembly Bill 1X 26 (“AB 26”), enacted as part of the 2011-2012 State of California budget bill, and as modified by the Supreme Court of the State of California in the matter of *California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. S194861 (“Legal Action”), dissolved and set out procedures for the wind-down of all redevelopment agencies throughout the State effective February 1, 2012. In June 2012, the California Legislature adopted Assembly Bill 1484 (“AB 1484,” and collectively with AB 26, the “Dissolution Act”) further modifying some of the procedures set forth in AB 26, and adding certain other procedures and requirements for the dissolution and wind-down of redevelopment agencies.

The Successor Agency is the successor entity to the former Redevelopment Agency and, pursuant to the Dissolution Act, is responsible for the wind-down of the former Redevelopment Agency, including without limitation the performance and repayment of all enforceable obligations of the former Redevelopment Agency.

Health and Safety Code Section 34171(d)(2), as modified by AB 1484, provides, with a few exceptions, that “enforceable obligation” does not include any agreements, contracts, or arrangements between the city, county, or city and county that created the redevelopment agency and the former redevelopment agency. Health and Safety Code Section 34179.7, added by AB 1484, provides that upon completion of certain requirements and payment of certain amounts as required by Sections 34179.6 and 34183.5, the Department of Finance (“DOF”) shall issue, within five business days, a finding of completion of the requirements of section 34179.6 to the successor agency. Health and Safety Code Section 34191.4, also added by AB 1484, provides in part that, following issuance of a finding of completion by DOF, and upon application by the successor agency and approval by the oversight board, loan agreements entered into between the redevelopment agency and the city, county or city and county that created the

redevelopment agency shall be deemed to be enforceable obligations provided that the oversight board makes a finding that the loan was for legitimate redevelopment purposes.

Health and Safety Code Section 34191.4(b)(2)(C) defines the term “loan agreement” to include an agreement between the former redevelopment agency and the city that created the former redevelopment agency where the city contracted with a third party on behalf of the former redevelopment agency for the development of infrastructure in connection with a redevelopment project and where the former redevelopment agency was obligated to reimburse the city for the payments made by the city to the third party.

City and Successor Agency staff have provided the following facts to support a finding that the Reimbursement Agreement was for legitimate redevelopment purposes:

- a. The amounts due to the City under the Reimbursement Agreement reflect amounts due and owing to the City as reimbursement for costs advanced by the City on behalf of the Redevelopment Agency to finance the sale, use, development and improvement of the redevelopment Project Area in accordance with the Redevelopment Plan. Health and Safety Code sections 33133 and 33600 authorized the Redevelopment Agency to accept financial assistance from the City to finance redevelopment projects. Health and Safety Code section 33125 authorized the Redevelopment Agency to make and execute contracts necessary or convenient to the exercise of its powers.
- b. The Redevelopment Agency was established for the purpose of improving, rehabilitating and redeveloping the Redevelopment Project Area pursuant to the Redevelopment Plan, and the Redevelopment Agency entered into the Reimbursement Agreement with the City in order to finance development required to carry out its duties under the Redevelopment Law and Redevelopment Plan. Repayment to City of amounts loaned to or advanced on behalf of the Redevelopment Agency to further the Redevelopment Agency’s redevelopment activities.
- c. Repayment to City of amounts loaned to or advanced on behalf of the Redevelopment Agency to further the Redevelopment Agency’s redevelopment activities.

In addition to establishing when a loan agreement will be deemed to be an enforceable obligation, section 34191.4 further establishes certain restrictions and limitations on, among other things, the calculation of interest on the remaining principal amount of the loan, the amounts that can be repaid from time to time under the loan agreement, and requires that twenty percent of any loan repayment shall be deducted from the loan repayment amount and shall be transferred to a Low and Moderate Income Housing Asset Fund.

The City and Successor Agency staff have prepared a Ratification and Amendment in order to ratify the existence and validity of the Reimbursement Agreement, and to establish their understanding and agreement as to the limitations and restrictions that will apply to the repayment to the City of all amounts due and owing the City by the former Redevelopment Agency under the Reimbursement Agreement pursuant to the Dissolution Act.

The Reimbursement Agreement does not commit the City to any action that may have a significant effect on the environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE RATIFICATION AND AMENDMENT OF REIMBURSEMENT AGREEMENT BETWEEN THE CITY AND SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY RELATED TO BAXTER HEALTHCARE CORPORATION.

WHEREAS, pursuant to the provisions of the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.), the City Council of the City of Ontario ("City") activated the Redevelopment Agency of City of Ontario ("Redevelopment Agency") and subsequently adopted the Redevelopment Plan for Redevelopment Project Area No. 1 ("Redevelopment Plan"); and

WHEREAS, on April 18, 1990, the Redevelopment Agency entered into that certain Disposition and Development Agreement (the "DDA") with Lusk Ontario Industrial Partners II and Baxter Healthcare Corporation ("Baxter"), pursuant to which the Redevelopment Agency agreed to provide financial assistance for the sale, use, development and improvement of a portion of the Project Area in furtherance of the Redevelopment Plan; and

WHEREAS, to assist the Redevelopment Agency in the implementation of the Redevelopment Plan and the sale, use, development and improvement of that portion of the Project Area to be developed by Baxter pursuant to the DDA, the City entered into that certain Development Incentive and Assistance Agreement by and between the City and Baxter dated as of April 18, 1990 (the "Development Agreement"), pursuant to which the City agreed to make payments to Baxter from available funds for the benefit of the Redevelopment Agency; and

WHEREAS, as of the date of the DDA and Development Agreement (collectively, the "Agreements"), it was the intent and understanding of the Parties that the Redevelopment Agency would reimburse the City for the funds advanced by the City to Baxter on behalf of the Redevelopment Agency in furtherance of the Redevelopment Plan; and

WHEREAS, on January 20, 1998, the City and Redevelopment Agency entered into a Reimbursement Agreement to set forth the terms and conditions of their aforementioned understanding and intent as to the Redevelopment Agency's reimbursement of Three Million Five Hundred Thousand Dollars (\$3,500,000.00) of funds transferred from the City to Baxter pursuant to the Development Agreement (the "Reimbursement Agreement"); and

WHEREAS, Assembly Bill 1X 26 ("AB 26"), enacted as part of the 2011-2012 State of California budget bill, and as modified by the Supreme Court of the State of California in the matter of *California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. S194861, and further modified by Assembly Bill 1484 (collectively with AB 26, the "Dissolution Act"), dissolved and set out procedures for the wind-down of all redevelopment agencies throughout the State effective February 1, 2012; and

WHEREAS, the Successor Agency to the Redevelopment Agency of the City of Ontario ("Successor Agency") is the successor entity to the former Redevelopment Agency and, pursuant to the Dissolution Act, is responsible for the wind-down of the former Redevelopment Agency, including without limitation the performance and repayment of all enforceable obligations of the former Redevelopment Agency; and

WHEREAS, Health and Safety Code Section 34171(d)(2) provides, with a few exceptions, that "enforceable obligation" does not include any agreements, contracts, or arrangements between the city, county, or city and county that created the redevelopment agency and the former redevelopment agency; and

WHEREAS, Health and Safety Code Section 34179.7 provides that upon completion of certain requirements and payment of certain amounts as required by Sections 34179.6 and 34183.5, the Department of Finance ("DOF") shall issue, within five business days, a finding of completion of the requirements of Section 34179.6 to the successor agency; and

WHEREAS, Health and Safety Code Section 34191.4 provides in part that, following issuance of a finding of completion by DOF, and upon application by the successor agency and approval by the oversight board, loan agreements entered into between the redevelopment agency and the city, county or city and county that created the redevelopment agency shall be deemed to be enforceable obligations provided that the oversight board makes a finding that the loan was for legitimate redevelopment purposes; and

WHEREAS, the Successor Agency received a Finding of Completion pursuant to Health and Safety Code Section 34179.7 on December 15, 2015; and

WHEREAS, in addition to establishing when a loan agreement will be deemed to be an enforceable obligation, Section 34191.4 further establishes certain restrictions and limitations on, among other things, the calculation of interest on the remaining principal amount of the loan, the amounts that can be repaid from time to time under the loan agreement, and requires that twenty percent of any loan repayment shall be deducted from the loan repayment amount and shall be transferred to a Low and Moderate Income Housing Asset Fund; and

WHEREAS, the City and Successor Agency have prepared a Ratification and Amendment to Reimbursement Agreement (the "Amendment") in order to ratify the existence and validity of the Agreement, and to acknowledge the limitations and restrictions that will apply to the repayment to the City of all amounts due and owing the City by the former Redevelopment Agency under the Agreement pursuant to the Dissolution Act.

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

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

SECTION 2. Finding. The City Council hereby finds and determines that the Reimbursement Agreement was for legitimate redevelopment purposes. This finding is based on the following facts:

a. Amounts due and owing to the City as reimbursement for costs advanced by the City on behalf of the Redevelopment Agency to finance the sale, use, development and improvement of the redevelopment Project Area in accordance with the Redevelopment Plan. Health and Safety Code sections 33133 and 33600 authorized the Redevelopment Agency to accept financial assistance from the City to finance redevelopment projects. Health and Safety Code section 33125 authorized the Redevelopment Agency to make and execute contracts necessary or convenient to the exercise of its powers.

b. The Redevelopment Agency was established for the purpose of improving, rehabilitating and redeveloping the Redevelopment Project Area pursuant to the Redevelopment Plan, and the Redevelopment Agency entered into the Reimbursement Agreement with the City in order to finance development required to carry out its duties under the Redevelopment Law and Redevelopment Plan.

c. Repayment to City of amounts loaned to or advanced on behalf of the Redevelopment Agency to further the Redevelopment Agency's redevelopment activities.

SECTION 3. Approval of Amendment. The City Council hereby approves the Amendment in substantially the form currently on file with the City Clerk.

SECTION 4. Transmittal of Amendment to Countywide Oversight Board. The City Manager is hereby authorized and directed to take any action necessary to carry out the purposes of this Resolution, including without limitation, cooperating with the Successor Agency to provide any documentation and evidence to the County Oversight Board as necessary to obtain from the County Oversight Board approval of the Amendment, together with a finding that the loan of funds by the City to the former Redevelopment Agency under the Agreement was for legitimate redevelopment purposes.

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

SECTION 6. Effectiveness. This Resolution shall take effect immediately upon its adoption.

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

PASSED, APPROVED, AND ADOPTED this 20th day of August 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER, LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held August 20, 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 August 20, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY OF THE CITY OF ONTARIO, CALIFORNIA, OF APPROVING THE RATIFICATION AND AMENDMENT OF REIMBURSEMENT AGREEMENT BETWEEN THE CITY AND SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY RELATED TO BAXTER HEALTHCARE CORPORATION.

WHEREAS, pursuant to the provisions of the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.), the City Council of the City of Ontario ("City") activated the Redevelopment Agency of City of Ontario ("Redevelopment Agency") and subsequently adopted the Redevelopment Plan for Redevelopment Project Area No. 1 ("Redevelopment Plan"); and

WHEREAS, on April 18, 1990, the Redevelopment Agency entered into that certain Disposition and Development Agreement (the "DDA") with Lusk Ontario Industrial Partners II and Baxter Healthcare Corporation ("Baxter"), pursuant to which the Redevelopment Agency agreed to provide financial assistance for the sale, use, development and improvement of a portion of the Project Area in furtherance of the Redevelopment Plan; and

WHEREAS, to assist the Redevelopment Agency in the implementation of the Redevelopment Plan and the sale, use, development and improvement of that portion of the Project Area to be developed by Baxter pursuant to the DDA, the City entered into that certain Development Incentive and Assistance Agreement by and between the City and Baxter dated as of April 18, 1990 (the "Development Agreement"), pursuant to which the City agreed to make payments to Baxter from available funds for the benefit of the Redevelopment Agency; and

WHEREAS, as of the date of the DDA and Development Agreement (collectively, the "Agreements"), it was the intent and understanding of the Parties that the Redevelopment Agency would reimburse the City for the funds advanced by the City to Baxter on behalf of the Redevelopment Agency in furtherance of the Redevelopment Plan; and

WHEREAS, on January 20, 1998, the City and Redevelopment Agency entered into a Reimbursement Agreement to set forth the terms and conditions of their aforementioned understanding and intent as to the Redevelopment Agency's reimbursement of Three Million Five Hundred Thousand Dollars (\$3,500,000) of funds transferred from the City to Baxter pursuant to the Development Agreement (the "Reimbursement Agreement"); and

WHEREAS, Assembly Bill 1X 26 ("AB 26"), enacted as part of the 2011-2012 State of California budget bill, and as modified by the Supreme Court of the State of California in the matter of *California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. S194861, and further modified by Assembly Bill 1484 (collectively with AB 26,

the “Dissolution Act”), dissolved and set out procedures for the wind-down of all redevelopment agencies throughout the State effective February 1, 2012; and

WHEREAS, the Successor Agency to the Ontario Redevelopment Agency (“Successor Agency”) is the successor entity to the former Redevelopment Agency and, pursuant to the Dissolution Act, is responsible for the wind-down of the former Redevelopment Agency, including without limitation the performance and repayment of all enforceable obligations of the former Redevelopment Agency; and

WHEREAS, Health and Safety Code Section 34171(d)(2) provides, with a few exceptions, that “enforceable obligation” does not include any agreements, contracts, or arrangements between the city, county, or city and county that created the redevelopment agency and the former redevelopment agency; and

WHEREAS, Health and Safety Code Section 34179.7 provides that upon completion of certain requirements and payment of certain amounts as required by Sections 34179.6 and 34183.5, the Department of Finance (“DOF”) shall issue, within five business days, a finding of completion of the requirements of Section 34179.6 to the successor agency; and

WHEREAS, Health and Safety Code Section 34191.4 provides in part that, following issuance of a finding of completion by DOF, and upon application by the successor agency and approval by the oversight board, loan agreements entered into between the redevelopment agency and the city, county or city and county that created the redevelopment agency shall be deemed to be enforceable obligations provided that the oversight board makes a finding that the loan was for legitimate redevelopment purposes; and

WHEREAS, the Successor Agency received a Finding of Completion pursuant to Health and Safety Code Section 34179.7 on December 15, 2015; and

WHEREAS, in addition to establishing when a loan agreement will be deemed to be an enforceable obligation, Section 34191.4 further establishes certain restrictions and limitations on, among other things, the calculation of interest on the remaining principal amount of the loan, the amounts that can be repaid from time to time under the loan agreement, and requires that twenty percent of any loan repayment shall be deducted from the loan repayment amount and shall be transferred to a Low and Moderate Income Housing Asset Fund; and

WHEREAS, the City and Successor Agency have prepared a Ratification and Amendment to Reimbursement Agreement (the “Amendment”) in order to ratify the existence and validity of the Agreement, and to acknowledge the limitations and restrictions that will apply to the repayment to the City of all amounts due and owing the City by the former Redevelopment Agency under the Agreement pursuant to the Dissolution Act.

NOW, THEREFORE, THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF ONTARIO DOES HEREBY RESOLVE AS FOLLOWS:

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

SECTION 2. Finding. The Successor Agency hereby finds and determines that the Reimbursement Agreement was for legitimate redevelopment purposes. This finding is based on the following facts:

a. Amounts due and owing to the City as reimbursement for costs advanced by the City on behalf of the Redevelopment Agency to finance the sale, use, development and improvement of the redevelopment Project Area in accordance with the Redevelopment Plan. Health and Safety Code sections 33133 and 33600 authorized the Redevelopment Agency to accept financial assistance from the City to finance redevelopment projects. Health and Safety Code section 33125 authorized the Redevelopment Agency to make and execute contracts necessary or convenient to the exercise of its powers.

b. The Redevelopment Agency was established for the purpose of improving, rehabilitating and redeveloping the Redevelopment Project Area pursuant to the Redevelopment Plan, and the Redevelopment Agency entered into the Reimbursement Agreement with the City in order to finance development required to carry out its duties under the Redevelopment Law and Redevelopment Plan.

c. Repayment to City of amounts loaned to or advanced on behalf of the Redevelopment Agency to further the Redevelopment Agency's redevelopment activities.

SECTION 3. Approval of Amendment. The Successor Agency hereby approves the Amendment in substantially the form currently on file with the Secretary.

SECTION 4. Transmittal of Amendment to Countywide Oversight Board. The Director of the Successor Agency is hereby authorized and directed to take any action necessary to carry out the purposes of this Resolution, including without limitation, cooperating with the Successor Agency to provide any documentation and evidence to the Countywide Oversight Board as necessary to obtain from the Countywide Oversight Board approval of the Amendment, together with a finding that the loan of funds by the City to the former Redevelopment Agency under the Agreement was for legitimate redevelopment purposes.

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

SECTION 6. Effectiveness. This Resolution shall take effect immediately upon its adoption.

SECTION 7. Certification. The City Clerk of the City of Ontario, acting on behalf of the Successor Agency as its Secretary, shall certify to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 20th day of August 2019.

PAUL S. LEON, CHAIRMAN

ATTEST:

SHEILA MAUTZ, AGENCY SECRETARY

APPROVED AS TO FORM:

AGENCY COUNSEL

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, in my official capacity as Secretary to the Successor Agency to the Ontario Redevelopment Agency, DO HEREBY CERTIFY that Resolution No. SA- was duly adopted by the Successor Agency to the Ontario Redevelopment Agency at a regular meeting held on August 20, 2019 by the following vote:

AYES: AGENCY MEMBERS:

NOES: AGENCY MEMBERS:

ABSENT: AGENCY MEMBERS:

SHEILA MAUTZ, AGENCY SECRETARY

(SEAL)

The foregoing is the original of Resolution No. SA- duly passed and adopted by the Successor Agency to the Ontario Redevelopment Agency at their regular meeting held August 20, 2019.

SHEILA MAUTZ, AGENCY SECRETARY

(SEAL)

CITY OF ONTARIO

Agenda Report
August 20, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: RATIFICATION AND AMENDMENT OF LOAN AGREEMENT BETWEEN THE CITY OF ONTARIO AND THE SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY RELATED TO OAKS MIDDLE SCHOOL

RECOMMENDATION: That the following actions are taken:

- (A) City Council adopt a resolution approving the Ratification and Amendment of Loan Agreement, Evidenced by Promissory Note, between the City of Ontario and the Successor Agency to the Ontario Redevelopment Agency, and submit the Amendment to the Countywide Oversight Board for approval;
- (B) Successor Agency to the Ontario Redevelopment Agency adopt a resolution approving the Ratification and Amendment of Loan Agreement, Evidenced by Promissory Note, between the City of Ontario and the Successor Agency to the Ontario Redevelopment Agency, and submit the Amendment to the Countywide Oversight Board for approval; and
- (C) Authorize the City Manager/Executive Director, or his designee, to take all actions necessary to implement the Loan Agreement.

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)

FISCAL IMPACT: If approved by the City, Successor Agency, and the Countywide Oversight Board, the Note will be deemed an enforceable obligation and can be placed on the Recognized Obligation Payment Schedule by the Successor Agency in order to allow for repayment to the City of the amounts owed under the Note.

BACKGROUND: The Ontario Redevelopment Agency (the "Redevelopment Agency") was organized under Chapter 2 of the California Community Redevelopment Law (Health and Safety Code §§ 33000 et

STAFF MEMBER PRESENTING: John P. Andrews, Economic Development Director

Prepared by: Charity Hernandez
Department: Economic Development

City Manager
Approval: 

Submitted to Council/O.H.A. 08/20/2019
Approved: _____
Continued to: _____
Denied: _____

18

seq.) (the “Redevelopment Law”). Pursuant to the Redevelopment Law, the Redevelopment Agency was responsible for the redevelopment within project areas in the City, including Redevelopment Project Area No. 2 (the “Project Area”) in accordance with the Redevelopment Plan for Redevelopment Project No. 2 (the “Redevelopment Plan”).

On November 30, 1994, the City Council of the City of Ontario (“City Council”), by Resolution No. 94-115, and the Redevelopment Agency, by Resolution No. ORA-502, approved a loan from the City to the Redevelopment Agency in the amount of Three Million Five Hundred Thousand Dollars (\$3,500,000.00), for the purpose of financing construction of the Oaks, North of Phillips Middle School within the Project Area in accordance with the Redevelopment Plan. On November 30, 1994, the Redevelopment Agency executed a Promissory Note in favor of the City in the principal amount of the loan (the “Note”).

Assembly Bill 1X 26 (“AB 26”), enacted as part of the 2011-2012 State of California budget bill, and as modified by the Supreme Court of the State of California in the matter of *California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. S194861 (“Legal Action”), dissolved and set out procedures for the wind-down of all redevelopment agencies throughout the State effective February 1, 2012. In June 2012, the California Legislature adopted Assembly Bill 1484 (“AB 1484,” and collectively with AB 26, the “Dissolution Act”) further modifying some of the procedures set forth in AB 26, and adding certain other procedures and requirements for the dissolution and wind-down of redevelopment agencies.

The Successor Agency is the successor entity to the former Redevelopment Agency and, pursuant to the Dissolution Act, is responsible for the wind-down of the former Redevelopment Agency, including without limitation the performance and repayment of all enforceable obligations of the former Redevelopment Agency.

Health and Safety Code Section 34171(d)(2), as modified by AB 1484, provides, with a few exceptions, that “enforceable obligation” does not include any agreements, contracts, or arrangements between the city, county, or city and county that created the redevelopment agency and the former redevelopment agency.

Health and Safety Code Section 34179.7, added by AB 1484, provides that upon completion of certain requirements and payment of certain amounts as required by Sections 34179.6 and 34183.5, the Department of Finance (“DOF”) shall issue, within five business days, a finding of completion of the requirements of Section 34179.6 to the successor agency. Health and Safety Code Section 34191.4, also added by AB 1484, provides in part that, following issuance of a finding of completion by DOF, and upon application by the successor agency and approval by the oversight board, loan agreements entered into between the redevelopment agency and the city, county or city and county that created the redevelopment agency shall be deemed to be enforceable obligations provided that the oversight board makes a finding that the loan was for legitimate redevelopment purposes.

City and Successor Agency staff have provided the following facts to support a finding that the Note was for legitimate redevelopment purposes:

- a. Amounts due and owing to the City as reimbursement for costs advanced by the City on behalf of the Redevelopment Agency to partially finance the construction of the Oaks, North of Phillips

Middle School within the Project Area in accordance with the Redevelopment Plan. Health and Safety Code sections 33133 and 33600 authorized the Redevelopment Agency to accept financial assistance from the City to finance redevelopment projects. Health and Safety Code section 33125 authorized the Redevelopment Agency to make and execute contracts necessary or convenient to the exercise of its powers.

- b. The Redevelopment Agency was established for the purpose of improving, rehabilitating and redeveloping the Project Area pursuant to the Redevelopment Plan, and the Redevelopment Agency entered into the Note with the City in order to finance development required to carry out its duties under the Redevelopment Law and Redevelopment Plan.
- c. Repayment to City of amounts loaned to or advanced on behalf of the Redevelopment Agency to further the Redevelopment Agency's redevelopment activities.

In addition to establishing when a loan agreement will be deemed to be an enforceable obligation, section 34191.4 further establishes certain restrictions and limitations on, among other things, the calculation of interest on the remaining principal amount of the loan, the amounts that can be repaid from time to time under the loan agreement, and requires that twenty percent of any loan repayment shall be deducted from the loan repayment amount and shall be transferred to a Low and Moderate Income Housing Asset Fund.

The City and Successor Agency staff have prepared a Ratification and Amendment in order to ratify the existence and validity of the Note, and to establish their understanding and agreement as to the limitations and restrictions that will apply to the repayment to the City of all amounts due and owing the City by the former Redevelopment Agency under the Note pursuant to the Dissolution Act.

The Note does not commit the City to any action that may have a significant effect on the environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE RATIFICATION AND AMENDMENT OF LOAN AGREEMENT EVIDENCED BY PROMISSORY NOTE BETWEEN THE CITY AND THE SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY RELATED TO OAKS MIDDLE SCHOOL.

WHEREAS, pursuant to the provisions of the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.), the City Council of the City of Ontario ("City") activated the Redevelopment Agency of City of Ontario ("Redevelopment Agency") and subsequently adopted the Redevelopment Plan for Redevelopment Project Area No. 2 ("Redevelopment Plan"); and

WHEREAS, On November 30, 1994, the City Council of the City of Ontario ("City Council"), by Resolution No. 94-115, and the Redevelopment Agency, by Resolution No. ORA-502, approved a loan from the City to the Redevelopment Agency in the amount of Three Million Five Hundred Thousand Dollars (\$3,500,000.00), for the purpose of partially financing construction of the Oaks, North of Phillips Middle School within the Project Area in accordance with the Redevelopment Plan. On November 30, 1994, the Redevelopment Agency executed a Promissory Note in favor of the City in the principal amount of the loan (the "Note"); and

WHEREAS, Assembly Bill 1X 26 ("AB 26"), enacted as part of the 2011-2012 State of California budget bill, and as modified by the Supreme Court of the State of California in the matter of *California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. S194861, and further modified by Assembly Bill 1484 (collectively with AB 26, the "Dissolution Act"), dissolved and set out procedures for the wind-down of all redevelopment agencies throughout the State effective February 1, 2012; and

WHEREAS, the Successor Agency to the Redevelopment Agency of the City of Ontario ("Successor Agency") is the successor entity to the former Redevelopment Agency and, pursuant to the Dissolution Act, is responsible for the wind-down of the former Redevelopment Agency, including without limitation the performance and repayment of all enforceable obligations of the former Redevelopment Agency; and

WHEREAS, Health and Safety Code Section 34171(d)(2) provides, with a few exceptions, that "enforceable obligation" does not include any agreements, contracts, or arrangements between the city, county, or city and county that created the redevelopment agency and the former redevelopment agency; and

WHEREAS, Health and Safety Code Section 34179.7 provides that upon completion of certain requirements and payment of certain amounts as required by Sections 34179.6 and 34183.5, the Department of Finance ("DOF") shall issue, within five business days, a finding of completion of the requirements of Section 34179.6 to the successor agency; and

WHEREAS, Health and Safety Code Section 34191.4 provides in part that, following issuance of a finding of completion by DOF, and upon application by the successor agency and approval by the oversight board, loan agreements entered into between the redevelopment agency and the city, county or city and county that created the redevelopment agency shall be deemed to be enforceable obligations provided that the oversight board makes a finding that the loan was for legitimate redevelopment purposes; and

WHEREAS, the Successor Agency received a Finding of Completion pursuant to Health and Safety Code Section 34179.7 on December 15, 2015; and

WHEREAS, in addition to establishing when a loan agreement will be deemed to be an enforceable obligation, Section 34191.4 further establishes certain restrictions and limitations on, among other things, the calculation of interest on the remaining principal amount of the loan, the amounts that can be repaid from time to time under the loan agreement, and requires that twenty percent of any loan repayment shall be deducted from the loan repayment amount and shall be transferred to a Low and Moderate Income Housing Asset Fund; and

WHEREAS, the City and Successor Agency have prepared a Ratification and Amendment to Loan Agreement Evidenced by Promissory Note (the "Amendment") in order to ratify the existence and validity of the Note, and to acknowledge the limitations and restrictions that will apply to the repayment to the City of all amounts due and owing the City by the former Redevelopment Agency under the Note pursuant to the Dissolution Act.

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

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

SECTION 2. Finding. The City Council hereby finds and determines that the Note was for legitimate redevelopment purposes. This finding is based on the following facts:

a. Amounts due and owing to the City as reimbursement for costs advanced by the City on behalf of the Redevelopment Agency to partially finance the construction of the Oaks, North of Phillips Middle School within the Project Area in accordance with the Redevelopment Plan. Health and Safety Code sections 33133 and 33600 authorized the Redevelopment Agency to accept financial assistance from the City to finance redevelopment projects. Health and Safety Code section 33125 authorized the Redevelopment Agency to make and execute contracts necessary or convenient to the exercise of its powers.

b. The Redevelopment Agency was established for the purpose of improving, rehabilitating and redeveloping the Project Area pursuant to the Redevelopment Plan, and the Redevelopment Agency entered into the Note with the City in order to finance development required to carry out its duties under the Redevelopment Law and Redevelopment Plan.

c. Repayment to City of amounts loaned to or advanced on behalf of the Redevelopment Agency to further the Redevelopment Agency's redevelopment activities.

SECTION 3. Approval of Amendment. The City Council hereby approves the Amendment in substantially the form currently on file with the City Clerk.

SECTION 4. Transmittal of Amendment to Countywide Oversight Board. The City Manager is hereby authorized and directed to take any action necessary to carry out the purposes of this Resolution, including without limitation, cooperating with the Successor Agency to provide any documentation and evidence to the Countywide Oversight Board as necessary to obtain from the Countywide Oversight Board approval of the Amendment, together with a finding that the loan of funds by the City to the former Redevelopment Agency under the Note was for legitimate redevelopment purposes.

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

SECTION 6. Effectiveness. This Resolution shall take effect immediately upon its adoption.

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

PASSED, APPROVED, AND ADOPTED this 20th day of August 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held August 20, 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 August 20, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE RATIFICATION AND AMENDMENT TO LOAN AGREEMENT EVIDENCED BY PROMISSORY NOTE BETWEEN THE CITY AND THE SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY RELATED TO OAKS MIDDLE SCHOOL.

WHEREAS, pursuant to the provisions of the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.), the City Council of the City of Ontario ("City") activated the Redevelopment Agency of City of Ontario ("Redevelopment Agency") and subsequently adopted the Redevelopment Plan for Redevelopment Project Area No. 2 ("Redevelopment Plan"); and

WHEREAS, On November 30, 1994, the City Council of the City of Ontario ("City Council"), by Resolution No. 94-115, and the Redevelopment Agency, by Resolution No. ORA-502, approved a loan from the City to the Redevelopment Agency in the amount of Three Million Five Hundred Thousand Dollars (\$3,500,000.00), for the purpose of partially financing construction of the Oaks, North of Phillips Middle School within the Project Area in accordance with the Redevelopment Plan. On November 30, 1994, the Redevelopment Agency executed a Promissory Note in favor of the City in the principal amount of the loan (the "Note"); and

WHEREAS, Assembly Bill 1X 26 ("AB 26"), enacted as part of the 2011-2012 State of California budget bill, and as modified by the Supreme Court of the State of California in the matter of *California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. S194861, and further modified by Assembly Bill 1484 (collectively with AB 26, the "Dissolution Act"), dissolved and set out procedures for the wind-down of all redevelopment agencies throughout the State effective February 1, 2012; and

WHEREAS, the Successor Agency to the Ontario Redevelopment Agency ("Successor Agency") is the successor entity to the former Redevelopment Agency and, pursuant to the Dissolution Act, is responsible for the wind-down of the former Redevelopment Agency, including without limitation the performance and repayment of all enforceable obligations of the former Redevelopment Agency; and

WHEREAS, Health and Safety Code Section 34171(d)(2) provides, with a few exceptions, that "enforceable obligation" does not include any agreements, contracts, or arrangements between the city, county, or city and county that created the redevelopment agency and the former redevelopment agency; and

WHEREAS, Health and Safety Code Section 34179.7 provides that upon completion of certain requirements and payment of certain amounts as required by Sections 34179.6 and 34183.5, the Department of Finance ("DOF") shall issue, within five business days, a finding of completion of the requirements of Section 34179.6 to the successor agency; and

WHEREAS, Health and Safety Code Section 34191.4 provides in part that, following issuance of a finding of completion by DOF, and upon application by the successor agency and approval by the oversight board, loan agreements entered into between the redevelopment agency and the city, county or city and county that created the redevelopment agency shall be deemed to be enforceable obligations provided that the oversight board makes a finding that the loan was for legitimate redevelopment purposes; and

WHEREAS, the Successor Agency received a Finding of Completion pursuant to Health and Safety Code Section 34179.7 on December 15, 2015; and

WHEREAS, in addition to establishing when a loan agreement will be deemed to be an enforceable obligation, Section 34191.4 further establishes certain restrictions and limitations on, among other things, the calculation of interest on the remaining principal amount of the loan, the amounts that can be repaid from time to time under the loan agreement, and requires that twenty percent of any loan repayment shall be deducted from the loan repayment amount and shall be transferred to a Low and Moderate Income Housing Asset Fund; and

WHEREAS, the City and Successor Agency have prepared a Ratification and Amendment to Loan Agreement Evidenced by Promissory Note (the "Amendment") in order to ratify the existence and validity of the Note, and to acknowledge the limitations and restrictions that will apply to the repayment to the City of all amounts due and owing the City by the former Redevelopment Agency under the Agreement pursuant to the Dissolution Act.

NOW, THEREFORE, THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF ONTARIO DOES HEREBY RESOLVE AS FOLLOWS:

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

SECTION 2. Finding. The Successor Agency hereby finds and determines that the Note was for legitimate redevelopment purposes. This finding is based on the following facts:

a. Amounts due and owing to the City as reimbursement for costs advanced by the City on behalf of the Redevelopment Agency to partially finance the construction of the Oaks, North of Phillips Middle School within the Project Area in accordance with the Redevelopment Plan. Health and Safety Code sections 33133 and 33600 authorized the Redevelopment Agency to accept financial assistance from the City to finance redevelopment projects. Health and Safety Code section 33125 authorized the Redevelopment Agency to make and execute contracts necessary or convenient to the exercise of its powers.

b. The Redevelopment Agency was established for the purpose of improving, rehabilitating and redeveloping the Project Area pursuant to the Redevelopment Plan, and the Redevelopment Agency entered into the Note with the City in order to finance development required to carry out its duties under the Redevelopment Law and Redevelopment Plan.

c. Repayment to City of amounts loaned to or advanced on behalf of the Redevelopment Agency to further the Redevelopment Agency's redevelopment activities.

SECTION 3. Approval of Amendment. The Successor Agency hereby approves the Amendment in substantially the form currently on file with the Secretary.

SECTION 4. Transmittal of Amendment to Countywide Oversight Board. The Director of the Successor Agency is hereby authorized and directed to take any action necessary to carry out the purposes of this Resolution, including without limitation, cooperating with the Successor Agency to provide any documentation and evidence to the Countywide Oversight Board as necessary to obtain from the Countywide Oversight Board approval of the Amendment, together with a finding that the loan of funds by the City to the former Redevelopment Agency under the Note was for legitimate redevelopment purposes.

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

SECTION 6. Effectiveness. This Resolution shall take effect immediately upon its adoption.

SECTION 7. Certification. The City Clerk of the City of Ontario, acting on behalf of the Successor Agency as its Secretary, shall certify to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 20th day of August 2019.

PAUL S. LEON, CHAIRMAN

ATTEST:

SHEILA MAUTZ, AGENCY SECRETARY

APPROVED AS TO FORM:

AGENCY COUNSEL

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, in my official capacity as Secretary to the Successor Agency to the Ontario Redevelopment Agency, DO HEREBY CERTIFY that Resolution No. SA- was duly adopted by the Successor Agency to the Ontario Redevelopment Agency at a regular meeting held on August 20, 2019 by the following vote:

AYES: AGENCY MEMBERS:

NOES: AGENCY MEMBERS:

ABSENT: AGENCY MEMBERS:

SHEILA MAUTZ, AGENCY SECRETARY

(SEAL)

The foregoing is the original of Resolution No. SA- duly passed and adopted by the Successor Agency to the Ontario Redevelopment Agency at their regular meeting held August 20, 2019.

SHEILA MAUTZ, AGENCY SECRETARY

(SEAL)

CITY OF ONTARIO

Agenda Report
August 20, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 20081 LOCATED AT THE NORTHEAST CORNER OF ONTARIO RANCH ROAD AND HAVEN AVENUE

RECOMMENDATION: That the City Council consider and adopt a resolution approving an improvement agreement, improvement security and Final Tract Map No. 20081 located at the northeast corner of Ontario Ranch Road and Haven Avenue within the Rich-Haven 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. 20081, consisting of seventy-five (75) residential lots and sixty-two (62) lettered lots on 44.98 acres, as shown on Exhibit A, has been submitted by BrookCal Ontario, LLC, a Delaware Limited Liability Company (Mr. Richard Cuoco, Vice President).

Tentative Tract Map No. 20081 was approved by the Planning Commission (7 to 0) on July 24, 2018 and is consistent with the adopted Rich-Haven Specific Plan.

Improvements will include AC pavement, new streets and road widening, curb & gutter, sidewalk, access ramps, parkway landscaping with irrigation, street lights, traffic signal, fire hydrants, water, sewer and storm drain systems. The improvements in the parkway landscaping will be consistent with current City approved drought measures.

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

Prepared by: Naiim Khoury
Department: Engineering

City Manager Approval: 

Submitted to Council/O.H.A. 08/20/2019

Approved: _____

Continued to: _____

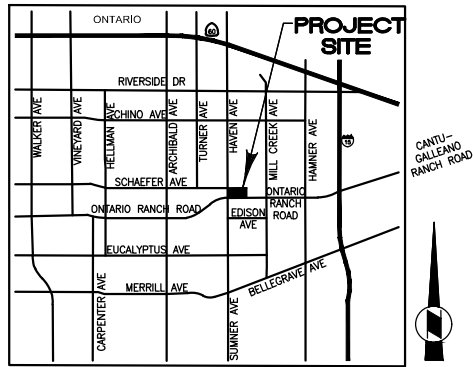
Denied: _____

19

The developer has entered into an improvement agreement with the City for Final Tract Map No. 20081 and has posted adequate security to ensure construction of the required improvements.

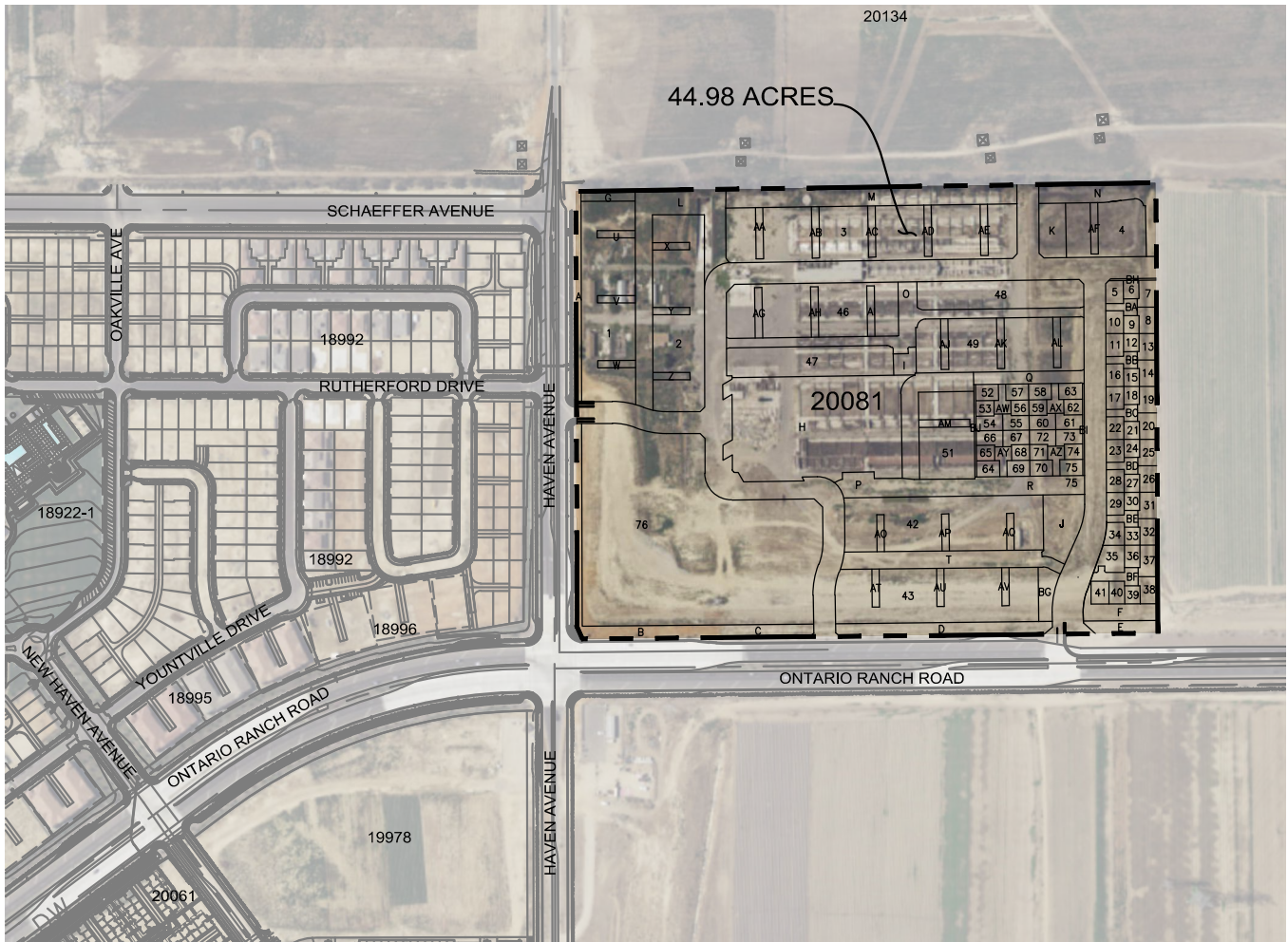
The map meets all conditions of the Subdivision Map Act and the Ontario Municipal Code and has been reviewed and approved by the City Engineer.

EXHIBIT A TM - 20081



VICINITY MAP

N.T.S.



PREPARED BY:

HUITT-ZOLLARS

Huitt-Zollars, Inc. Irvine
2603 MAIN STREET, SUITE 400 * IRVINE, CALIFORNIA 92614 * (949) 988-5815

COUNCIL EXHIBIT A FOR TM 20081

CITY OF ONTARIO
ENGINEERING DEPARTMENT

APPLICANT/OWNER:

BROOKCAL ONTARIO, LLC
A DELAWARE LIMITED LIABILITY COMPANY
3200 PARK CENTER DRIVE, SUITE 1000
COSTA MESA, CA 92626
PHONE: (714) 427-6868

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. 20081 LOCATED AT THE NORTHEAST CORNER OF ONTARIO RANCH ROAD AND HAVEN AVENUE.

WHEREAS, Tentative Tract Map No. 20081, submitted for approval by BrookCal Ontario, LLC, a Delaware Limited Liability Company (Mr. Richard Cuoco, Vice President) ("Subdivider"), was approved by the Planning Commission of the City of Ontario on July 24, 2018; and

WHEREAS, Tentative Tract Map No. 20081 consists of seventy five (75) residential lots and sixty two (62) lettered lots within Rich-Haven Specific Plan, being a subdivision of a portion of the northwest quarter of Section 13, Township 2 South, Range 7 West, San Bernardino Meridian, according to the official plat thereof, as described in that certain limited warranty deed recorded December 29, 2010, as Document No. 2010-0550989 of official records, in the Office of the Recorder of San Bernardino County; and

WHEREAS, to meet the requirements established as prerequisite to final approval of Final Tract Map No. 20081, said developer has offered an improvement agreement, together with good and sufficient security, in conformance with the City Attorney's approved format, for approval and execution by the City; and

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

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

1. That said Improvement Agreement be, and the same is, approved and the City Manager is authorized to execute same on behalf of said City, and the City Clerk is authorized to attest thereto; and
2. That said Improvement Security is accepted as good and sufficient, subject to approval as to form and content thereof by the City Attorney; and
3. That Final Tract Map No. 20081, 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 20th day of August 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 August 20, 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 August 20, 2019.

SHEILA MAUTZ, CITY CLERK

CITY OF ONTARIO

Agenda Report
August 20, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION RESCINDING RESOLUTION NO. 2009-087 AND AUTHORIZING THE CITY MANAGER TO EXECUTE VARIOUS STATE AND FEDERAL TRANSPORTATION PROGRAM DOCUMENTS REQUIRED FOR TRANSPORTATION PROJECTS INCLUDING STREET RIGHT-OF-WAY DOCUMENTS

RECOMMENDATION: That the City Council consider and adopt a resolution rescinding Resolution No. 2009-087 and authorizing the City Manager to execute various State and Federal transportation program documents required for State and Federal funded transportation projects including street right-of-way documents.

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

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

FISCAL IMPACT: None.

BACKGROUND: The Federal-Aid Highway Program and most local programs funded from the State Highway Account are reimbursable programs administered by the California Department of Transportation, and agreements must be executed in order for funds to be paid to the City. A Master Agreement is executed between the City and the State defining the general terms and conditions which must be met to receive funds from Federal-Aid Highway Program or State-only funded projects. Subsequently, a Program Supplement Agreement is executed to describe the phases, costs, and special conditions that apply to a specific project.

The City previously adopted Resolution 2009-087 delegating authorization to execute all master agreements, program supplemental agreements, fund exchange agreements, fund transfer agreements and right-of-way documents, and any amendments thereto, with the California Department of Transportation (Caltrans) to the City Manager. Caltrans requires that said resolution be updated every 10 years. Therefore, by approving the updated resolution and rescinding Resolution 2009-087, the City

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

Prepared by: Tricia Espinoza, P.E.

Department: Engineering

City Manager Approval: 

Submitted to Council/O.H.A. 08/20/2019

Approved: _____

Continued to: _____

Denied: _____

20

will remain eligible to receive Federal and State funding for transportation projects with continued delegation of authority to the City Manager to execute the specified documents.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, RESCINDING RESOLUTION NO. 2009-087, AUTHORIZING THE CITY MANAGER TO EXECUTE VARIOUS STATE AND FEDERAL TRANSPORTATION PROGRAM DOCUMENTS REQUIRED FOR TRANSPORTATION PROJECTS INCLUDING STREET RIGHT-OF-WAY DOCUMENTS.

WHEREAS, the City of Ontario is eligible to receive Federal and State funding for certain transportation projects through the California Department of Transportation; and

WHEREAS, master agreements, program supplemental agreements, fund exchange agreements, fund transfer agreements and right-of-way documents need to be executed with the California Department of Transportation before such funds can be claimed; and

WHEREAS, the City of Ontario wishes to delegate authorization to execute all master agreements, program supplemental agreements, fund exchange agreements, fund transfer agreements and right-of-way documents, and any amendments thereto, with the California Department of Transportation to the City Manager; and

WHEREAS, on December 15, 2009, Resolution 2009-087 was adopted, delegating authorization to execute all master agreements, program supplemental agreements, fund exchange agreements, fund transfer agreements and right-of-way documents, and any amendments thereto, with the California Department of Transportation to the City Manager; and

WHEREAS, the California Department of Transportation requires that said resolution be updated every 10 years; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Ontario, California, this Resolution shall update and supersede Resolution 2009-087 and hereby authorizes the City Manager of the City of Ontario to approve, execute and sign State and Federal documents required to receive Federal and/or State funding for various transportation projects, including but not limited to right-of-way documents on behalf of the City. Such documents, when duly executed by the City Manager, shall be binding upon the City as if separately approved by the City Council.

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

PASSED, APPROVED AND ADOPTED this 20th day of August 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 Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held August 20, 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 August 20, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
August 20, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH PROPERTY SPECIALISTS, INC. (CPSI) TO INCLUDE RIGHT-OF-WAY SERVICES FOR THE ATP CYCLE 4 PEDESTRIAN IMPROVEMENTS AROUND RICHARD HAYNES ELEMENTARY, VISTA GRANDE ELEMENTARY AND OAKS MIDDLE SCHOOL

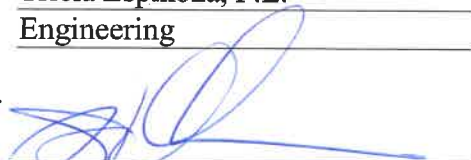
RECOMMENDATION: That the City Council approve an amendment to the Professional Services Agreement (on file in the Records Management Department) with Property Specialists, Inc. (CPSI) of Foothill Ranch, California, to provide right-of-way services for pedestrian improvements around three local schools, as part of Active Transportation Program (ATP) Cycle 4 for \$140,736 plus a 20% contingency of \$28,147 for a revised total authorized expenditure of \$263,883; and authorize the City Manager to execute said amendment and future amendments within the authorization limits.

COUNCIL GOALS: Maintain the Current High Level of Public Safety
Pursue City's Goals and Objectives by Working with Other Governmental Agencies
Focus Resources in Ontario's Commercial and Residential Neighborhoods
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: In May 2018, the City awarded a contract to Property Specialists, Inc. (CPSI) for on-call right-of-way services in the amount of \$95,000. The recommended action will add \$140,736 plus a 20% contingency of \$28,147 for a revised total authorized expenditure amount of \$263,883. The Adopted Fiscal Year 2019-20 Budget includes appropriations of \$841,000 in General Fund Grants to be reimbursed by the State of California for the right-of-way phase. There is no City match required for this phase of the project.

BACKGROUND: This amendment provides for additional right-of-way services including title, appraisal, and acquisition support specifically for the ATP Cycle 4 Pedestrian Improvements around Richard Haynes Elementary, Vista Grande Elementary and Oaks Middle School. This project requires both permanent easement dedications as well as temporary construction easements (TCE) related to 12 parcels.

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

Prepared by: Tricia Espinoza, P.E.
Department: Engineering
City Manager Approval: 

Submitted to Council/O.H.A. 08/20/2019
Approved: _____
Continued to: _____
Denied: _____

CITY OF ONTARIO

Agenda Report
August 20, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION DEDICATING A RIGHT-OF-WAY EASEMENT FOR PUBLIC ROAD AND UTILITY PURPOSES OVER A PORTION OF A CITY-OWNED PARCEL AT CAMELLIA AVENUE AND PRINCETON STREET (APN: 1008-541-01)

RECOMMENDATION: That the City Council consider and adopt a resolution dedicating a right-of-way easement (for public road and utility purposes) over a portion of a City-owned parcel at Camellia Avenue and Princeton Street; and authorize the City Manager to execute the easement deed.

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

FISCAL IMPACT: None. The City will not incur any costs for dedicating a right-of-way easement.

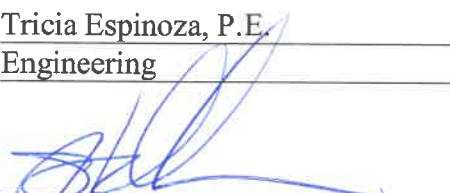
BACKGROUND: State law generally requires public streets to be within rights-of-way that have been dedicated for public road and utility purposes.

The City owns a parcel of land at Camellia Avenue and Princeton Street (Anthony Munoz Park), over which street improvements, including curb, sidewalk and landscaping, currently exist. However, these existing street improvements were built within the parcel's boundaries rather than upon dedicated public rights-of-way. It is in the City's best interest to dedicate affected portions of this parcel for roadway purposes. The current uses on the parcel will neither change nor be impacted by the dedication.

Portions of the City-owned property will be dedicated as a right-of-way easement as shown in Exhibit 1 and set forth in the proposed resolution. The resolution authorizes the execution of an easement deed that will ensure that San Bernardino County assessor maps will be updated to reflect the City's ultimate right-of-way needs.

The easement deed has been reviewed and approved as to form by the City Attorney.

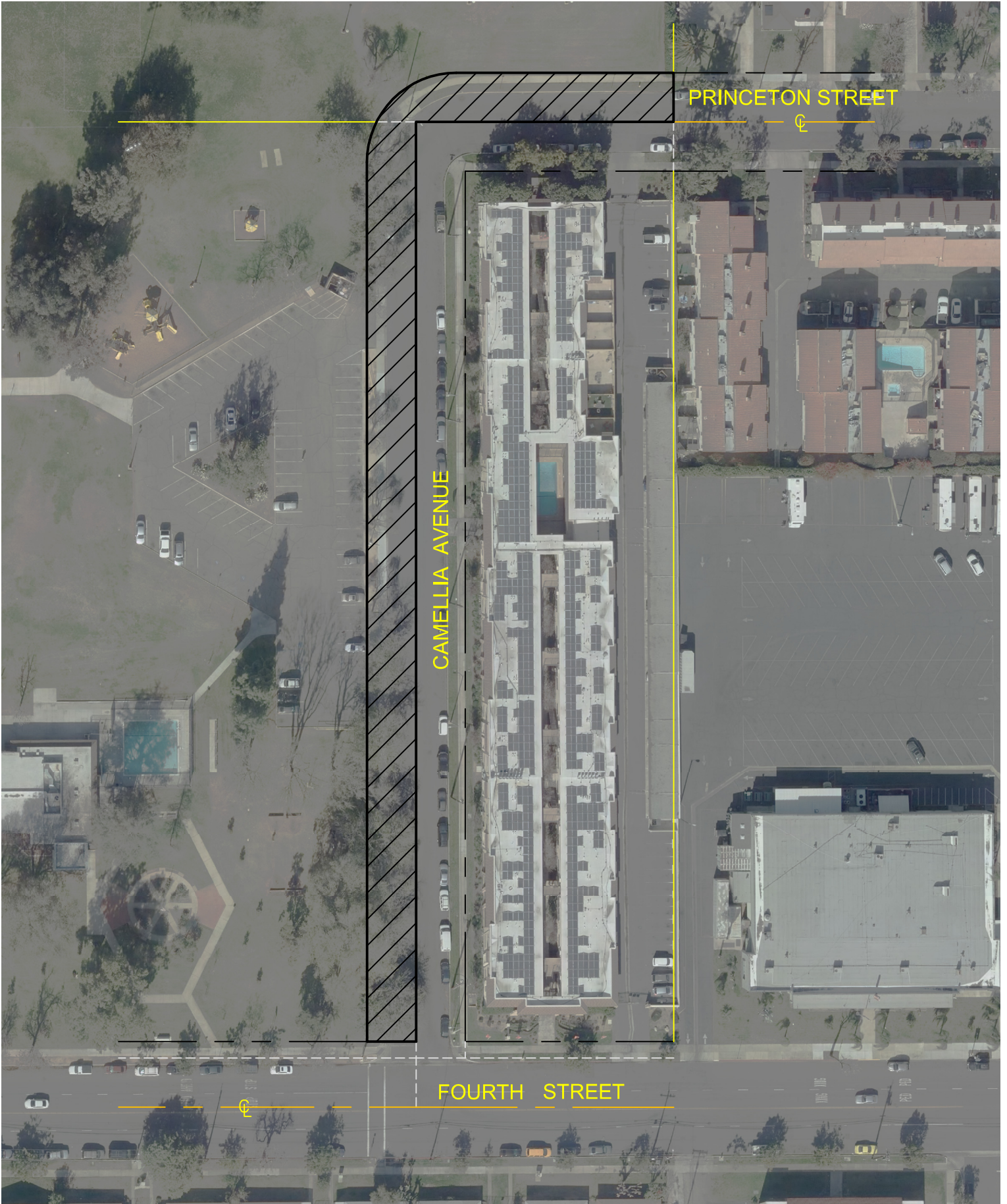
STAFF MEMBER PRESENTING: Scott Murphy, AICP, Executive Director Development Agency

Prepared by: Tricia Espinoza, P.E.
Department: Engineering
City Manager Approval: 

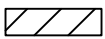
Submitted to Council/O.H.A. 08/20/2019
Approved: _____
Continued to: _____
Denied: _____

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EXHIBIT "I"



LEGEND



AREA TO BE DEDICATED FOR PUBLIC
ROAD AND PUBLIC UTILITY PURPOSES



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DEDICATING A RIGHT-OF-WAY EASEMENT FOR PUBLIC ROAD AND UTILITY PURPOSES OVER A PORTION OF A CITY-OWNED PARCEL (ANTHONY MUNOZ PARK) AT CAMELLIA AVENUE AND PRINCETON STREET – APN: 1008-541-01.

WHEREAS, in accordance with the City’s Master Plan of Streets and Highways, the existing City owned street at the southeast corner of parcel (APN: 1008-541-01) along Camellia Avenue and Princeton Street requires additional public street right-of-way width; and

WHEREAS, the City has all rights, title and interest to the parcel situated on the southeast corner of Camellia Avenue and Princeton Street as depicted on Exhibits “A” and “B” of the easement deed, from which necessary street right-of-way can be provided; and

WHEREAS, under state law, in order to improve a public road, the law generally requires a right-of-way dedication of property by its owner and acceptance by the City; and

WHEREAS, the City now seeks to dedicate a portion of said City-owned corner parcel as a right-of-way and utility easement; and

WHEREAS, the City Council now seeks to approve the use of the City’s property for this desired purpose in order to achieve the ultimate right-of-way required to accommodate City’s long-term transportation needs.

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

1. The City Council of the City of Ontario hereby dedicates as an easement for public road and utility purposes, the property as depicted in the attached easement deed.
2. The City Clerk shall cause the attached easement deeds, attested by the City Clerk under seal, to be executed and recorded in the office of the recorder of the County of San Bernardino. An additional purpose for the easement deed is to ensure that future County assessor maps reflect this new expanded right-of-way dedicated for roadway and utility purposes.
3. The City Manager is authorized to execute the attached easement deed for the purposes stated herein.

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

PASSED, APPROVED AND ADOPTED this 20th day of August 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 Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held August 20, 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 August 20, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

SHEET 1 OF 1

LEGAL DESCRIPTION

IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, BEING A PORTION OF LOT 784 AND LOT 789 OF MAP OF ONTARIO, AS PER MAP RECORDED IN BOOK 11 OF MAPS, PAGE 6, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE PRODUCED WESTERLY LINE OF THE LAND GRANTED TO THE CITY OF ONTARIO IN BOOK 4131, PAGE 53, OFFICIAL RECORDS OF SAID COUNTY AND THE CENTERLINE OF FOURTH STREET AS SHOWN ON THE RECORD OF SURVEY RECORDED IN BOOK 23, PAGE 66 OF RECORDS OF SURVEYS; THENCE ALONG SAID WESTERLY LINE, N00°00'30"W 44.00 FEET TO THE NORTHERLY LINE OF THE LAND GRANTED TO THE CITY OF ONTARIO IN BOOK 6800, PAGE 587-595 OF OFFICIAL RECORDS, BEING THE TRUE POINT OF BEGINNING.

THENCE WESTERLY ALONG SAID NORTHERLY LINE N89°59'45"W 33.00 FEET TO A LINE 33.00 FEET WESTERLY OF SAID WESTERLY LINE; THENCE ALONG SAID WESTERLY LINE N00°00'30"W 590.50 FEET TO A TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 60.00'; THENCE NORTHEASTERLY ALONG SAID CURVE A DELTA OF 90°00'30" AND AN ARC LENGTH OF 94.26 FEET TO A LINE TANGENT TO SAID CURVE AND 33.00 FEET NORTHERLY OF THE NORTHERLY LINE OF THE LAND GRANTED TO THE CITY OF ONTARIO IN SAID BOOK 4131, PAGE 53; THENCE ALONG SAID NORTHERLY LINE EAST 145.99 FEET TO THE EASTERLY LINE OF SAID LOT 784; THENCE SOUTHERLY ALONG SAID EASTERLY LINE S00°00'30"E 33.00 FEET TO SAID NORTHERLY LINE OF THE LAND GRANTED TO THE CITY OF ONTARIO; THENCE ALONG SAID NORTHERLY LINE WEST 173.00 FEET TO SAID WESTERLY LINE OF THE LAND GRANTED TO THE CITY OF ONTARIO; THENCE ALONG SAID WESTERLY LINE S00°00'30"E 617.51 FEET TO THE TRUE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 26,403 SQUARE FEET (.606 ACRES), MORE OR LESS.

ALL AS SHOWN ON EXHIBIT "B" ATTACHED HERETO AND MADE A PART THEREOF.

THIS REAL PROPERTY DESCRIPTION HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYOR'S ACT.



RICHARD C. MAHER, P.L.S. 7564 (CA)
THIS DOCUMENT IS PRELIMINARY UNLESS SIGNED

6/6/2019

DATE



EXHIBIT "B"

PLAT TO ACCOMPANY LEGAL DESCRIPTION

MAP OF ONTARIO
BOOK 11, PAGE 6 OF MAPS

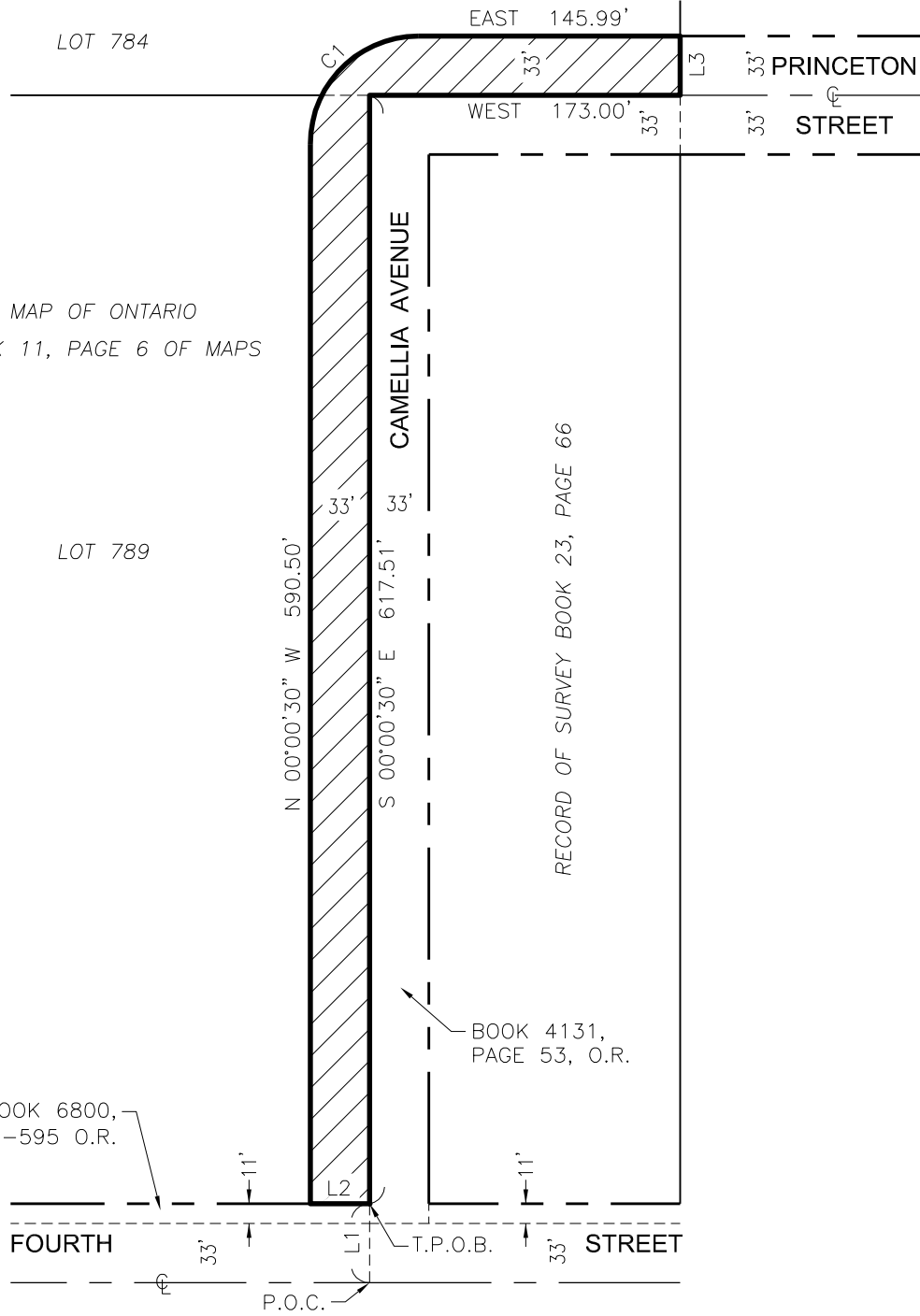
LOT 789

LOT 784






BOOK 6800,
PAGE 587-595 O.R.

BOOK 4131,
PAGE 53, O.R.

RECORD OF SURVEY BOOK 23, PAGE 66



LEGEND

-  BOUNDARY OF DESCRIPTION
-  AREA OF DESCRIPTION (26,403 S.F.±)
-  CENTERLINE
-  P.O.C.
-  T.P.O.B.

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 00°00'30" W	44.00'
L2	N 89°59'45" W	33.00'
L3	S 00°00'30" E	33.00'

CURVE TABLE

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE
C1	94.26'	60.00'	90°00'30"

Atlas Sheet: F-12
File:
Prepared By: KDM Meridian (sub-consultant: Harris and Associates)
Checked By: Arij Baddour
No. of Parcels Involved: 1
Assessor's Parcel #: 1008-541-01

Recording requested by City of Ontario,

WHEN RECORDED RETURN TO:

CITY OF ONTARIO
Attn: Khoi Do, City Engineer
303 E. B Street,
Ontario, CA 91764

EXEMPT RECORDING FEES GOVERNMENT CODE SECTION 6103 & 27383 (SPACE ABOVE THIS LINE FOR RECORDER'S USE)

EASEMENT DEED OF RIGHT-OF-WAY DEDICATION

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

City of Ontario, a municipal corporation

GRANTOR(S)

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Grantor(s) hereby grant(s) to the City of Ontario, a political subdivision of the State of California, for public street and public utilities purposes, a right-of-way easement in, over, under, upon, and across all that real property situated in the City of Ontario, County of San Bernardino, State of California, described as follows:

SEE ATTACHED EXHIBITS A AND B

SIGNATURE(S) OF GRANTOR(S) (NOTE: ATTACH NOTARY ACKNOWLEDGMENT)

Scott Ochoa, City Manager

Date

This is to certify that the interest in real property conveyed by the within instrument to the City of Ontario, California ("Grantee"), a municipal corporation, is hereby accepted by the undersigned officer pursuant to authority conferred by Resolution 2007-148 of the City Council adopted on December 18th, 2007, and the Grantee consents to the recordation thereof by its duly authorized officer.

CITY OF ONTARIO: _____
Khoi Do P.E. / City Engineer / Date

ATTEST: _____
City Clerk

NOTARY ACKNOWLEDGMENT

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

State of California

County of _____

On _____ before me, _____, 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)

Document: Easement Deed of Right-of-Way Dedication

A.P.N. 1008-541-01

CITY OF ONTARIO

Agenda Report
August 20, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: PROFESSIONAL SERVICES AGREEMENT FOR DEVELOPMENT OF COST ALLOCATION PLAN AND INTERNAL SERVICE FUNDS COST OF SERVICE RATE PLANS

RECOMMENDATION: That the City Council award a professional services agreement (on file in the Records Management Department) for development of cost allocation plan and internal service funds cost of service rate plans to Capital Accounting Partners, LLC, Sacramento, California, for a three-year term for an amount not to exceed \$205,000 with the option to extend the agreement for one additional two-year term at \$125,000; and authorize the City Manager to execute the agreement.

COUNCIL GOALS: Operate in a Businesslike Manner

FISCAL IMPACT: The recommended agreement with Capital Accounting Partners, LLC is for an amount not to exceed \$205,000 for the first three-year term (\$68,333 average per year), with the option to extend the agreement for one additional two-year term for \$125,000 (\$62,500 average per year).

Funding in the amount of \$80,000 was previously appropriated in the FY 2018-19 Operating Budget. This amount was unspent and will be carried forward to the FY 2019-20 Budget in the First Quarter Budget Update. Appropriations for subsequent fiscal years will be requested during the annual budget process. Future funding is contingent upon City Council approval and budget adoption.

BACKGROUND: The purpose of a cost allocation plan is to recover overhead costs from enterprise funds, special revenue funds and internal service funds. The City may also recover indirect costs on federal and state grants and awards under the Federal Office of Management and Budget (OMB) Circular A-87 guidelines, which are now codified in the Code of Federal Regulations (CFR) at 2 CFR Part 200. A formal cost allocation plan certified by a third party supports a fair and defensible cost recovery program for the General Fund.

In addition to a cost allocation plan, the City allocates internal service fund (ISF) costs—via chargeback rates—to various funds which include enterprise funds, special revenue funds, the General Fund, and other

STAFF MEMBER PRESENTING: Armen Harkalyan, Executive Director of Finance

Prepared by: Jason M. Jacobsen
Department: Financial Services Agency

City Manager
Approval: 

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Approved: _____
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internal service funds. The cost allocation consultant will develop ISF cost of service plans for Workers' Compensation & Liability, Facilities Maintenance, Fleet Services, and Information Technology funds.

In July 2019, staff issued a request for proposals for Cost Allocation, OMB and Internal Service Funds Rate Plans. Staff received proposals from the following vendors:

<u>Vendor (alphabetical order)</u>	<u>Location</u>
Capital Accounting Partners, LLC	Sacramento, CA
Matrix Consulting Group	Mountain View, CA
MGT Consulting Group	Sacramento, CA

Each proposal was screened by a selection committee comprised of staff from the Financial Services Agency who evaluated the proposals based on criteria listed in the RFP including qualifications and experience with similar projects, capacity and technical capabilities, proposed work plan, cost, and references. Of the three proposals received, the committee selected Capital Accounting Partners, LLC as the preferable choice. Upon staff's decision to recommend award to Capital Accounting Partners, LLC, the selection committee contacted the vendor and negotiated a price reduction for a savings of 25% (\$69,020) over the first three-year term, and 24% (\$44,640) over the optional two-year extension.

Capital Accounting Partners, LLC has over 18 years of experience preparing cost allocation plans and cost of service rate studies. The firm has a reputation state-wide for its expertise in preparing federally compliant, certified OMB plans and has previously provided cost allocation services to the City. Capital Accounting Partners is a duly licensed California small business/majority woman-owned business.

CITY OF ONTARIO

Agenda Report
August 20, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: EXTENSION OF PROCUREMENT AUTHORITY WITH LIFE-ASSIST, INC. FOR THE ROUTINE PURCHASE OF PARAMEDIC SUPPLIES

RECOMMENDATION: That the City Council authorize the extension of procurement authority for up to two years under the same terms and conditions of Bid No. 787 awarded to Life-Assist, Inc., of Rancho Cordova, California, for the continued routine purchase of paramedic supplies with an estimated annual cost of \$45,000.

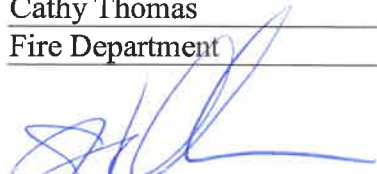
COUNCIL GOALS: Maintain the Current High Level of Public Safety
Operate in a Businesslike Manner

FISCAL IMPACT: Annual costs for the purchase of paramedic supplies is approximately \$45,000, and the two-year total is estimated to be \$90,000. Appropriations are included in the Fire Department's annual baseline operating budget for these recurring annual expenses.

BACKGROUND: EMS paramedic supplies consist of small implements and supplies needed to respond to basic and advanced life support incidents. Generalized supply categories include: airway/suction, infection control, patient monitoring, splinting, pharmaceuticals and I.V. therapy products. In order to maintain and manage required Fire Department inventory levels it is imperative that these supplies are available when ordered and that delivery is prompt.

Through the City's public bid process, Bid No. 787 was awarded to Life-Assist, Inc., as primary supplier for paramedic supplies used by the Ontario Fire Department's EMS personnel. Under the City Manager's spending authority, an annual purchase order was issued in September 2017 with a term that expired on June 30, 2018. Through a second purchase order, the City exercised its right to extend purchases for the Fiscal Year ended June 30, 2019. Based upon these prior purchase orders' activities plus the estimated annual cost for paramedic supplies for the current fiscal year, the cumulative expenses have nearly reached the City Manager's spending authority of \$100,000. In accordance with Bid No. 787 terms and conditions, the City has the sole discretion and option to extend its purchase arrangement with Life-Assist, Inc. for up to two additional fiscal years. To ensure continuity of service

STAFF MEMBER PRESENTING: Ray Gayk, Fire Chief

Prepared by: Cathy Thomas
Department: Fire Department
City Manager Approval: 

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and availability of paramedic supplies to the public, staff recommends that the City Council authorize the extension of procurement authority for up to two years, subject to City Council approved budget amounts for next fiscal year.

Life-Assist, Inc. has provided timely product delivery, and has been responsive and attentive to the City's operational requirements. Life Assist has also agreed to generally hold their pricing at the 2017 levels with the exception of a small percentage of items in which the manufacturer's price increase will be passed along to the City.

CITY OF ONTARIO

Agenda Report
August 20, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: PROFESSIONAL SERVICES AGREEMENTS FOR ON-CALL TITLE/ESCROW, APPRAISAL, ENVIRONMENTAL, LAND ACQUISITION, RELOCATION AND PROPERTY MANAGEMENT SERVICES

RECOMMENDATION: That the City Council (“City”) and the Ontario Housing Authority Board (“Authority”) authorize the City Manager/Executive Director to execute the Professional Services Agreements (on file with the Records Management Department) with the selected consultants listed below; and to extend the agreements for up to two (2) additional one (1) year terms consistent with City Council and Authority Board approved budgets.

Title/Escrow	Appraisal	Environmental	Land Acquisition, Relocation and Property Management
Stewart Title (Riverside, CA)	R.P. Laurain & Associates (Long Beach, CA)	Converse Consultants (Rancho Cucamonga, CA)	CPSI (Foothill Ranch, CA)
	Ellis Group, Inc. dba Integra Realty Resources – Los Angeles (Encino, CA)	EFI Global (Riverside, CA)	Overland, Pacific, and Cutler (Riverside, CA)

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

FISCAL IMPACT: Each firm will be compensated at the rates set forth in their respective agreements on an on-call basis for three (3) years, with an option to extend for up to two (2) additional one-year

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

Prepared by: Melinda Kwan
Department: Housing & Neighborhood Preservation

City Manager Approval: 

Submitted to Council/O.H.A. 08/20/2019

Approved: _____

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terms. The total compensation paid by the City or Authority under the original term and any subsequent term extensions shall not exceed the amount allocated in their budgets for the respective fiscal year.

BACKGROUND: The City and the Authority are currently working on projects that require the need for land valuation estimates, appraisal reports, environmental assessments, property acquisition activities, and title and escrow services. To retain qualified consultants for on-going and future projects related to these services, staff initiated the procurement process to ensure that the City and Authority continue to have these services readily available.

On April 8, 2019, the City and Authority solicited proposals for on-call professional title/escrow, appraisal, environmental, land acquisition and property management services. The City and Authority received a total of sixteen (16) proposals, one (1) from title/escrow firm, six (6) from appraisal firms, seven (7) from environmental firms, and two (2) from land acquisition, relocation and property management firms. Below are the sixteen firms who submitted a response.

Title/Escrow Services

Consulting Firm	Location
Stewart Title	Riverside, CA

Appraisal Services

Consulting Firm	Location
R.P. Laurain & Associates	Long Beach, CA
Ellis Group, Inc. dba Integra Realty Resources – Los Angeles	Encino, CA
Santolucito Dore Group, Inc.	Canyon Lake, CA
Curtis-Rosenthal, Inc	Los Angeles, CA
Frazier Capital Valuation	Los Angeles, CA
CBRE	Newport Beach, CA

Environmental Services

Consulting Firm	Location
Converse Consultants	Rancho Cucamonga, CA
EFI Global	Riverside, CA
Dudek	Riverside, CA
Terracon	Colton, CA
Group Delta Consultants	Ontario, CA
Hana Resources	Lake Forest, CA
Leighton Consulting	Irvine, CA

Land Acquisition, Relocation and Property Management

Consulting Firm	Location
CPSI	Foothill Ranch, CA
Overland, Pacific, and Cutler	Riverside, CA

Each proposal was screened and scored by a panel of City staff from Economic Development, Development, and Housing and Neighborhood Preservation according to the scoring criteria outlined in the RFP. The selection was made based on the firm’s experience, knowledge and qualifications. Staff is recommending on-call contracts with Stewart Title for Title/Escrow Services; R.P. Laurain & Associates and Ellis Group, Inc. dba Integra Realty Resources – Los Angeles for Appraisal Services; Converse

Consultants and EFI Global for Environmental Services; and CPSI and Overland, Pacific, and Cutler for Land Acquisition, Relocation and Property Management Services.

CITY OF ONTARIO

Agenda Report
August 20, 2019

SECTION:
CONSENT CALENDAR

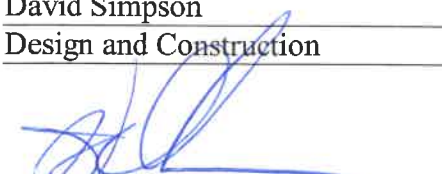
SUBJECT: CONSTRUCTION CONTRACTS FOR THE DEVELOPMENT OF INTERIM FIRE STATION NO. 9

RECOMMENDATION: That the City Council take the following actions:

- (A) Reject AID Builders' bid for D&C19-005-FS09-Station as being nonresponsive;
- (B) Authorize the City Manager to execute a Construction Contract (on file with the Records Management Department) for Contract No. D&C19-005-FS09 – Station with R.C. Construction located in Rialto, California, for the Interim Fire Station No. 9 dorm/administrative office building and garage in the amount of \$623,227;
- (C) Authorize the City Manager to execute a Construction Contract (on file with the Records Management Department) for Contract No. D&C19-005-FS09 – Site Work and Utilities with R.C. Construction, located in Rialto, California, for the Interim Fire Station No. 9 installation of utilities and site work in the amount of \$525,884;
- (D) Authorize a 15% contingency of \$172,367 to address any unforeseen issues that may arise during construction; and
- (E) Authorize the City Manager or his designee to execute all documents required for the completion of the project including, but not limited to, contracts, agreements, easements, reduction of retention accounts, and filing a notice of completion at the conclusion of all construction related activities.

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

STAFF MEMBER PRESENTING: Tito Haes, Executive Director Public Works

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

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FISCAL IMPACT: The Fiscal Year 2018-19 Budget included appropriations totaling \$1,247,447 million for the Interim Fire Station No. 9 project from the New Model Colony Fire Impact Fund, which will be included and carried forward as part of the Fiscal Year 2019-20 First Quarter Budget Update Report to the City Council. The total estimated project budget for the Interim Fire Station No. 9 is \$1,457,778 which includes the following: \$50,300 for design cost; \$86,000 for furniture; and \$1,321,478 (\$1,149,111 plus a fifteen percent contingency of \$172,367) for the purchase and construction of prefabricated dorm/administrative office, garage structures and site/utility work. Additional appropriations of \$210,331 from the New model Colony Fire Impact Fund is required to fully fund the project and if approved will be included in the next quarterly budget update report to the City Council.

BACKGROUND: In February 2019, the Ontario Fire Department conducted research to determine the need for providing fire and emergency medical services to Ontario Ranch area. The data showed that due to extended response times and the construction period needed to complete the permanent Fire Station No. 9, a temporary fire facility was required to meet the area's needs. Temporary Fire Station No. 9 will be located on the northeast corner of Eucalyptus Avenue and Turner Avenue and will house a four-person medic engine. The medic engine, along with a ladder truck responding out of Fire Station No. 6, will provide the residents of Ontario Ranch with fire, rescue, and emergency medical services consistent with City standards.

Following is the summary of the proposal results:

(A) D&C19-005-FS09 – Station

In July 2019, the City solicited proposals for prefabricated dorm/administrative office and garage structures. On August 9, 2019 AID Builders was the sole bidder. After reviewing their submission, meeting with their representatives, and contacting several references, their bid was found to be non-responsive.

<u>Vendor</u>	<u>Location</u>	<u>Amount</u>
AID Builders	Los Alamitos, CA	\$895,440

After reviewing all bid responses, staff determined that it is in the best interest of the City to reject all bids in accordance with Ontario Municipal Code Section 2-6.20(a) and obtain an informal proposal for services in accordance with Ontario Municipal Code Section 2-6.20(c) which authorizes the City Council to make purchases without following the standard purchasing procedures whenever (1) bids presented can be more economically performed by employees or negotiated contract, and/or (2) no additional bids are received through the formal procedure such that the project may be performed by a negotiated contract without further compliance with re-advertising through a competitive process. The sole bidder was notified via the City's electronic bid management system of staff's recommendation to the City Council as well as the date of this City Council meeting.

In August 2019, R.C. Construction located in Rialto, California, submitted a proposal that met all the required bid specifications with a cost of \$623,227. Pursuant to the City's purchasing regulations and the proposal being more economically beneficial for the project, staff recommends award of a Construction Contract to R.C. Construction.

(B) D&C19-005-FS09 – Site Work and Utilities

In July 2019, the City solicited proposals for the site work and utility installation. Five proposals were received. All of them met the bid criteria and standards necessary to perform the work.

<u>Vendor</u>	<u>Location</u>	<u>Amount</u>
R.C. Construction	Rialto, CA	\$525,884
Cornerstone	Upland, CA	\$770,667
Single Source	Mira Loma, CA	\$947,900
MVC Enterprises	Temecula, CA	\$1,248,000
Aid Builders	Los Alamitos, CA	\$1,325,000

R.C. Construction located in Rialto, California, submitted a proposal that met all the required specifications with a base cost of \$525,884. Based on their proposals, credentials, pricing and favorable reference checks, staff recommends awarding Construction Contracts D&C19-005-FS09-Station and D&C19-005-FS09-Site Work to R.C. Construction.

Once these contracts are awarded, staff anticipates Interim Fire Station No. 9 becoming operational by mid-November 2019.

CITY OF ONTARIO

Agenda Report
August 20, 2019

SECTION:
CONSENT CALENDAR

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

RECOMMENDATION: That the City Council authorize the City Manager to approve the procurement of concrete, asphalt and aggregate materials for a period of one year at set pricing per Bid Invitation #1146 with Holliday Rock Co. of Upland, California; All American Asphalt of Corona, California; and Pit Sand & Gravel, Inc. of Corona, California; Ultimate Recycle, LLC of Monrovia, California; and Vulcan of Irwindale, California; in total amounts consistent with City Council approved budgets; and authorize the option to execute any necessary agreements and related documents for delivery services.


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

FISCAL IMPACT: The Fiscal Year 2019-20 Adopted Operating Budget includes appropriations of \$405,634 from the General Fund, \$906,382 from Gas Tax funds, and \$290,000 from the Water Operating Fund for a total budget of \$1,602,016 related to the purchase of asphalt, concrete and aggregate materials for street overlay and sidewalk repairs and maintenance work. The suppliers will be compensated for materials ordered for the City's projects and programs on an as-needed basis, based upon the fee structures and material billing rates set forth in the respective one-year purchasing agreements.

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

In July 2019, the City solicited bids for concrete, asphalt and aggregate materials. Staff received three (3) responses which met all the required specifications: All American Asphalt, Pit Sand & Gravel, Inc. and Ultimate Recycle, LLC. Based on the bid responses, credentials, pricing, favorable product

STAFF MEMBER PRESENTING: Tito Haes, Executive Director Public Works

Prepared by: Stacy Orton
Department: Parks and Maintenance
City Manager Approval: 

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availability and service, staff recommends the award to each of the suppliers. Due to no response for the concrete and some aggregate materials, staff recommends Holliday Rock Co. and Vulcan Materials Co. as suppliers for the City to provide these materials.

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

CITY OF ONTARIO

Agenda Report
August 20, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A ZONE CHANGE REQUEST (FILE NO. PZC18-003) TO CHANGE THE ZONING DESIGNATION ON 1.02 ACRES OF LAND FROM CC (COMMUNITY COMMERCIAL) TO MDR-11 (LOW-MEDIUM DENSITY RESIDENTIAL) AND TO CHANGE THE ZONING DESIGNATION ON 0.46 ACRES OF LAND FROM CC (COMMUNITY COMMERCIAL) TO CCS (CONVENTION CENTER SUPPORT), LOCATED AT THE SOUTH WEST CORNER OF G STREET AND CORONA AVENUE


RECOMMENDATION: That City Council consider and adopt an ordinance approving a zone change (File No. PZC18-003) to create consistency between the zoning and the proposed General Plan land use designations of the subject properties.

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

FISCAL IMPACT: No fiscal impacts are anticipated with the proposed zone change from CC (Community Commercial) to CCS (Convention Center Support) which provides for similar uses and is currently developed with a commercial use. The proposed zone change from CC to MDR-11 (Low-Medium Density Residential) on 1.02 acres of vacant land would result in a long-term fiscal impact to the City. The potential of up to 11 residential units would increase ongoing operations and maintenance services (police, fire, maintenance, etc.) that are necessary to serve the future residential development. However development impact fees and property tax revenues from future residential development will help to offset the anticipated expenditures. The elimination of 1.02 acres of CC-zoned land would result in the loss of 17,772 square feet of potential commercial space (based on a 0.40 FAR). The loss of 17,772 square feet of commercial space represents less than 0.0005% of the over 33 million square feet of commercial (retail/office) properties that are existing and planned throughout the City of Ontario.

BACKGROUND: On July 16, 2019, the City Council introduced and waived further reading of an ordinance approving the Zone Change. LHL Investment Group, LLC, "Applicant" initially requested a

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

Prepared by: Clarice Burden
Department: Planning
City Manager Approval: 

Submitted to Council/O.H.A. 08/20/2019
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General Plan Amendment (File No.: PGPA18-009) and Zone Change (File No. PZC18-003) for the 0.76 acre parcel situated in the middle of a group three commercial properties located at the south west corner of G Street and Corona Avenue. The request was to change the General Plan land use designation to Low-Medium Density Residential and to change the zoning district to MDR-11 (Low-Medium Density Residential) for this single parcel in order to facilitate future multi-family residential development. In analyzing the request, the City expanded the request to include the parcels to the immediate east and west of the initial parcel to avoid spot zoning and to encourage orderly development of the area.

The Zone Change as currently proposed is designed to coordinate the land use designations with the surrounding area for 3 properties located at the south west corner of G Street and Corona Avenue that total approximately 1.5 acres and currently fall within the CC, Community Commercial zoning district. As shown in Exhibit "A", the Zone Change proposes to change the zoning on the westerly two undeveloped parcels to MDR-11 to accommodate future residential development. The parcel located directly on the corner of G Street and Corona Avenue is developed with a single story office building and its zoning is proposed to change to CCS to coordinate with the properties to the north and east. The Zone Change, as shown in Exhibit "A" of the attached ordinance, is proposed in order for the zoning to be consistent with the proposed land use designation changes per the accompanying General Plan Amendment request (File No. PGPA18-009) to change the land use designations to Low-Medium Density Residential and Hospitality.

The Planning Commission reviewed the proposed Zone Change on June 25, 2019, including the written and oral arguments presented at the public hearing. The Planning Commission voted 7 to 0, recommending that City Council approve the project as presented.

AIRPORT LAND USE COMPATIBILITY: The project site is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) Ontario.

ENVIRONMENTAL REVIEW: The application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA"). The environmental impacts of this project were reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) adopted by City Council on January 27, 2010 in conjunction with File No. PGPA06-001. This Application introduces no new significant environmental impacts not previously analyzed in the Environmental Impact Report. All previously adopted mitigation measures are a condition of project approval and are incorporated herein by reference. The environmental documentation for this project is available for review at the Planning Department public counter.

Exhibit A: File No. PZC18-003 Proposed Zone Change

ZONING Legend:

	AR-2, Residential-Agricultural		PUD, Planned Development Unit		BP, Business Park		OS-R, Open Space - Recreation
	RE-2, Rural Estate		MU, Mixed Use 1 - Downtown, 2-East Holt, 11-Francis&Euclid		IP, Industrial Park		OS-C, Open Space-Cemetery
	RE-4, Residential Estate		CS, Corner Store		IL, Light Industrial		UC, Utilities Corridor
	LDR-5, Low Density Residential		CN, Neighborhood Commercial		IG, General Industrial		SP, Specific Plan
	MDR-11, Low-Medium Density Residential		CC, Community Commercial		IH, Heavy Industrial		SP(AG), Specific Plan with Agricultural Overlay
	MDR-18, Medium Density Residential		CCS, Convention Center Support		ONT, Ontario Int'l Airport		ES, Emergency Shelter Overlay
	MDR-25, Medium-High Density Residential		OL, Low Intensity Office		CIV, Civic		MTC, Multimodal Transit Center Overlay
	HDR-45, High Density Residential		OH, High Intensity Office		RC, Rail Corridor		ICC, Interim Community Commercial Overlay

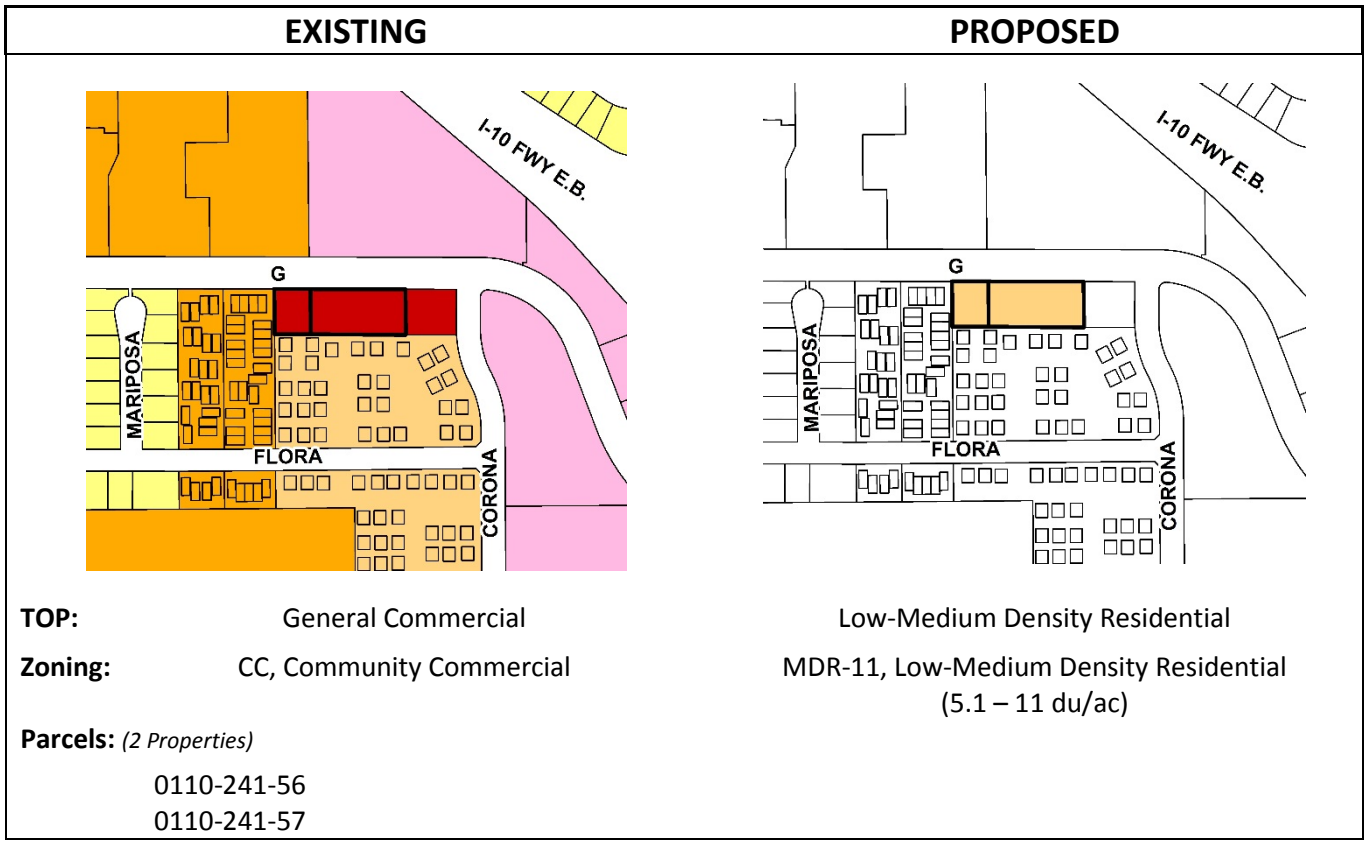
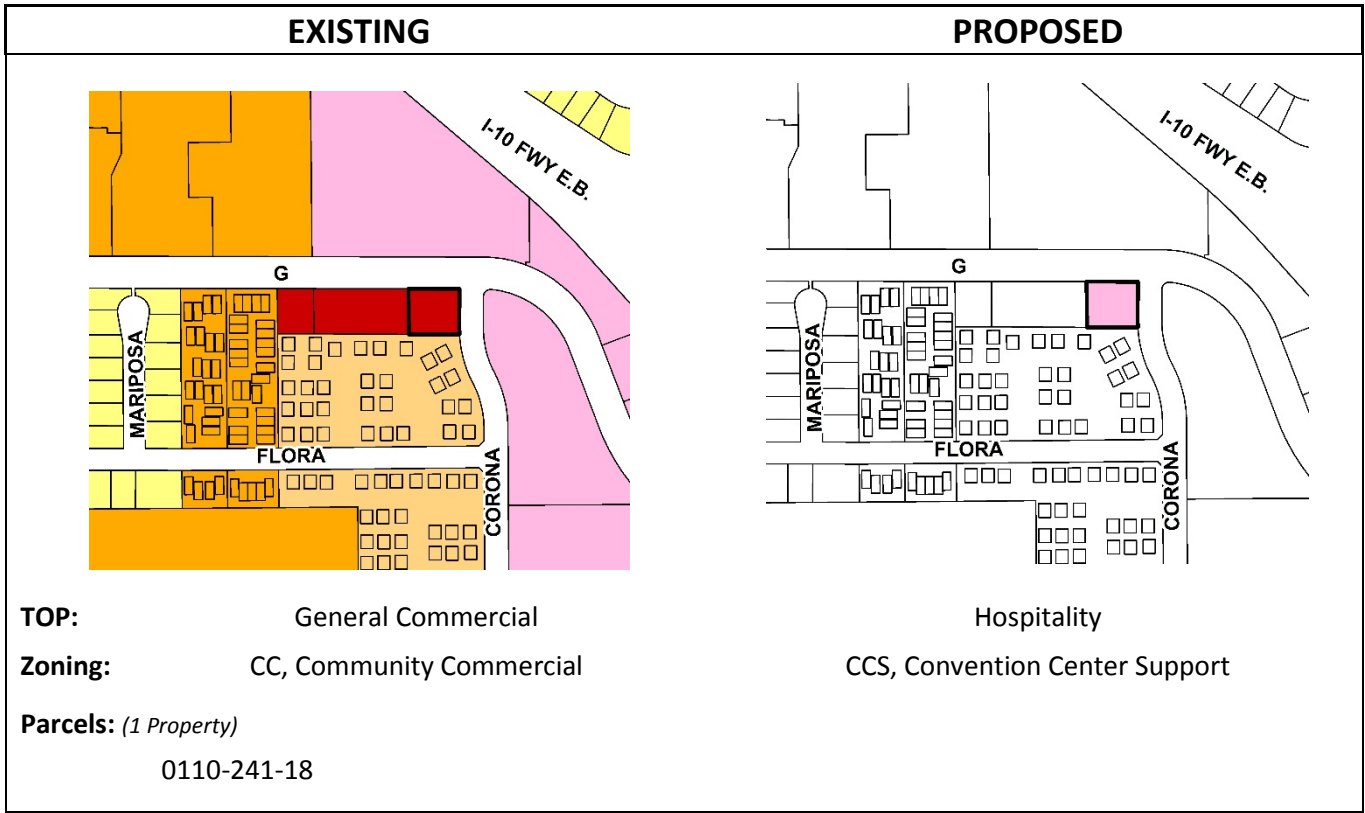


Exhibit A: (cont.)



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC18-003, A ZONE CHANGE REQUEST TO CHANGE THE ZONING DESIGNATION ON 1.02 ACRES OF LAND FROM CC, COMMUNITY COMMERCIAL, TO MDR-11, LOW-MEDIUM DENSITY RESIDENTIAL (5.1-11 DU/AC), AND TO CHANGE THE ZONING DESIGNATION ON 0.46 ACRES OF LAND FROM CC, COMMUNITY COMMERCIAL TO CCS, CONVENTION CENTER SUPPORT, LOCATED AT THE SOUTHWEST CORNER OF G STREET AND CORONA AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 0110-241-18, 0110-241-56 & 0110-241-57.

WHEREAS, LHL Investments Group, LLC ("Applicant") has filed an Application for the approval of a Zone Change, File No. PZC18-003, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 3 parcels totaling 1.48 acres of land generally located at the south west corner of G Street and Corona Avenue, within the CC, Community Commercial zone, 1.02 acres of which is proposed to change to MDR-11, Low-Medium Density Residential (5.1-11 du/ac) and 0.46 acres of which is proposed to change to CCS, Convention Center Support. Two of the parcels are undeveloped and one parcel contains a single story office building; and

WHEREAS, the properties to the north of the Project site are within the MDR-18, Medium Density Residential (11.1-18 du/ac) and the CCS, Convention Center Support zoning districts, and are developed with multi-family residential units and a Hotel. The property to the east is within the CCS, Convention Center Support zoning district, and is undeveloped land. The property to the south is within the MDR-11, Low-Medium Density Residential (5.1-11 du/ac) zoning district, and is developed with multi-family residential units. The property to the west is within the MDR-18, Medium Density Residential (11.1-18 du/ac) zoning district, and is developed with multi-family residential units; and

WHEREAS, a related General Plan Amendment (File No. PGPA18-009) is being processed concurrently with this application to change the General Plan land use designation on 1.02 acres of land from General Commercial to Low-Medium Density Residential and to change 0.46 acres of land from General Commercial to Hospitality; and

WHEREAS, the Project has been reviewed for consistency with the Housing Element of the Policy Plan component of The Ontario Plan, as State Housing Element law (as prescribed in Government Code Sections 65580 through 65589.8) requires that development projects must be consistent with the Housing Element, if upon consideration of all its aspects, it is found to further the purposes, principals, goals, and policies of the Housing Element; and

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

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

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

WHEREAS, on June 25, 2019, the Planning Commission conducted a public hearing and approved Resolution No. PC19-042, recommending the City Council approve a Resolution adopting an Addendum to the TOP Environmental Impact Report (SCH# 2008101140), certified by the City Council on January 27, 2010, in conjunction with File No. PGPA06-001. The Addendum finds that the proposed project introduces no new significant environmental impacts. Furthermore, all mitigation measures previously adopted with the Certified Environmental Impact Report are incorporated into the Project by reference; and

WHEREAS, on June 25, 2019, the Planning Commission of the City of Ontario conducted a hearing to consider the Addendum and the Project, and concluded said hearing on that date, voting to issue Resolution No. PC19-044, recommending the City Council approve the Application; and

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

WHEREAS, as the first action on the Project, on July 16, 2019, the City Council approved a resolution adopting an Addendum to a previous Certified EIR prepared pursuant to CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines, which indicated that all potential environmental impacts from the Project were less than significant or could be mitigated to a level of significance; 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 reviewed in conjunction with an Addendum to TOP Environmental Impact Report, certified by the City of Ontario City Council on January 27, 2010, in conjunction with File No. PGPA06-001.

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

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

(4) The Addendum contains a complete and accurate reporting of the environmental impacts associated with the Project, and reflects the independent judgment of the DAB; and

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

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

SECTION 2. *Additional Environmental Review Not Required.* Based on the Addendum, all related information presented to the City Council, and the specific findings set forth in Section 1, above, the City Council finds that the preparation of a subsequent or supplemental 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. Housing Element Compliance. Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the recommending body for the Project, the Planning Commission finds that based upon the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.

SECTION 4. Ontario International Airport Land Use Compatibility Plan (“ALUCP”) Compliance. The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan (“ALUCP”), establishing the Airport Influence Area for Ontario International Airport (“ONT”), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the decision-making body for the Project, the 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 5. *Concluding Facts and Reasons.* Based upon the substantial evidence presented to the City Council during the above-referenced hearing, and upon the specific findings set forth in Section 1 through 4, above, the City Council hereby concludes as follows:

(1) The proposed Zone Change 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 as follows:

Land Use Element:

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

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

Compliance: The proposed General Plan Amendment and Zone Change reflect the existing uses of the properties or closely coordinates with land use designations in the surrounding area, and provides opportunities for choice in living and working environments.

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

- LU2-1: *Land Use Decisions.* We minimize adverse impacts on adjacent properties when considering land use and zoning requests.

Compliance: The proposed General Plan Amendment and Zone Change reflect the existing uses of the properties or closely coordinates with land use designations in the surrounding area, and will not create adverse impacts on adjacent properties.

- Goal LU5: Integrated airport systems and facilities that minimize negative impacts to the community and maximize economic benefits.

- LU5-7: *ALUCP Consistency with Land Use Regulations.* We comply with state law that requires general plans, specific plans and all new development be consistent with the policies and criteria set forth within an Airport Land Use Compatibility Plan for any public use airport.

Compliance: The proposed General Plan Amendment and Zone Change are consistent with the adopted Airport Land Use Compatibility Plan for both Ontario International Airport and Chino Airport.

Safety Element — Noise Hazards

▪ Goal S4: An environment where noise does not adversely affect the public's health, safety, and welfare.

➤ S4-6: Airport Noise Compatibility. We utilize information from Airport Land Use Compatibility Plans to prevent the construction of new noise sensitive land uses within airport noise impact zones.

Compliance: The subject property is located within the 60 to 65 CNEL Noise Impact area and the proposed Low-Medium Density Residential and Hospitality/Convention Center Support land use designations are compatible with the Noise Impact area.

(2) The proposed Zone Change would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City because the proposed zoning designations are compatible with the zoning and land uses in the surrounding area.

(3) The proposed Zone Change will not adversely affect the harmonious relationship with adjacent properties and land uses because the surrounding properties to the south, and east have the same land use designations and the properties to the north and west has a coordinating land use designations. The allowed uses of the properties will be similar to other properties in the area.

(4) The subject site is physically suitable, including, but not limited to, parcel sizes, shapes, access, and availability of utilities, for the requested zoning change from CC, Community Commercial to MDR-11, Low-Medium Density Residential and CCS, Convention Center Support and to the anticipated future development with allowable uses.

SECTION 6. ***City Council Action.*** Based upon the findings and conclusions set forth in Sections 1 through 5, above, the City Council hereby APPROVES the herein described Zone Change, as shown in "Exhibit A," attached hereto and incorporated herein by this reference.

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

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

SECTION 9. Severability. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The People of the City of Ontario hereby declare that they would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

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

SECTION 11. Publication and Posting. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within 15 days following the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 20th day of August 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. 3138 was duly introduced at a regular meeting of the City Council of the City of Ontario held July 16, 2019 and adopted at the regular meeting held August 20, 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. 3138 duly passed and adopted by the Ontario City Council at their regular meeting held August 20, 2019 and that Summaries of the Ordinance were published on July 23, 2019 and August 27, 2019, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)

Exhibit A: File No. PZC18-003 Proposed Zone Change

ZONING Legend:

	AR-2, Residential-Agricultural		PUD, Planned Development Unit		BP, Business Park		OS-R, Open Space - Recreation
	RE-2, Rural Estate		MU, Mixed Use 1 - Downtown, 2-East Holt, 11-Francis&Euclid		IP, Industrial Park		OS-C, Open Space- Cemetery
	RE-4, Residential Estate		CS, Corner Store		IL, Light Industrial		UC, Utilities Corridor
	LDR-5, Low Density Residential		CN, Neighborhood Commercial		IG, General Industrial		SP, Specific Plan
	MDR-11, Low-Medium Density Residential		CC, Community Commercial		IH, Heavy Industrial		SP(AG), Specific Plan with Agricultural Overlay
	MDR-18, Medium Density Residential		CCS, Convention Center Support		ONT, Ontario Int'l Airport		ES, Emergency Shelter Overlay
	MDR-25, Medium-High Density Residential		OL, Low Intensity Office		CIV, Civic		MTC, Multimodal Transit Center Overlay
	HDR-45, High Density Residential		OH, High Intensity Office		RC, Rail Corridor		ICC, Interim Community Commercial Overlay

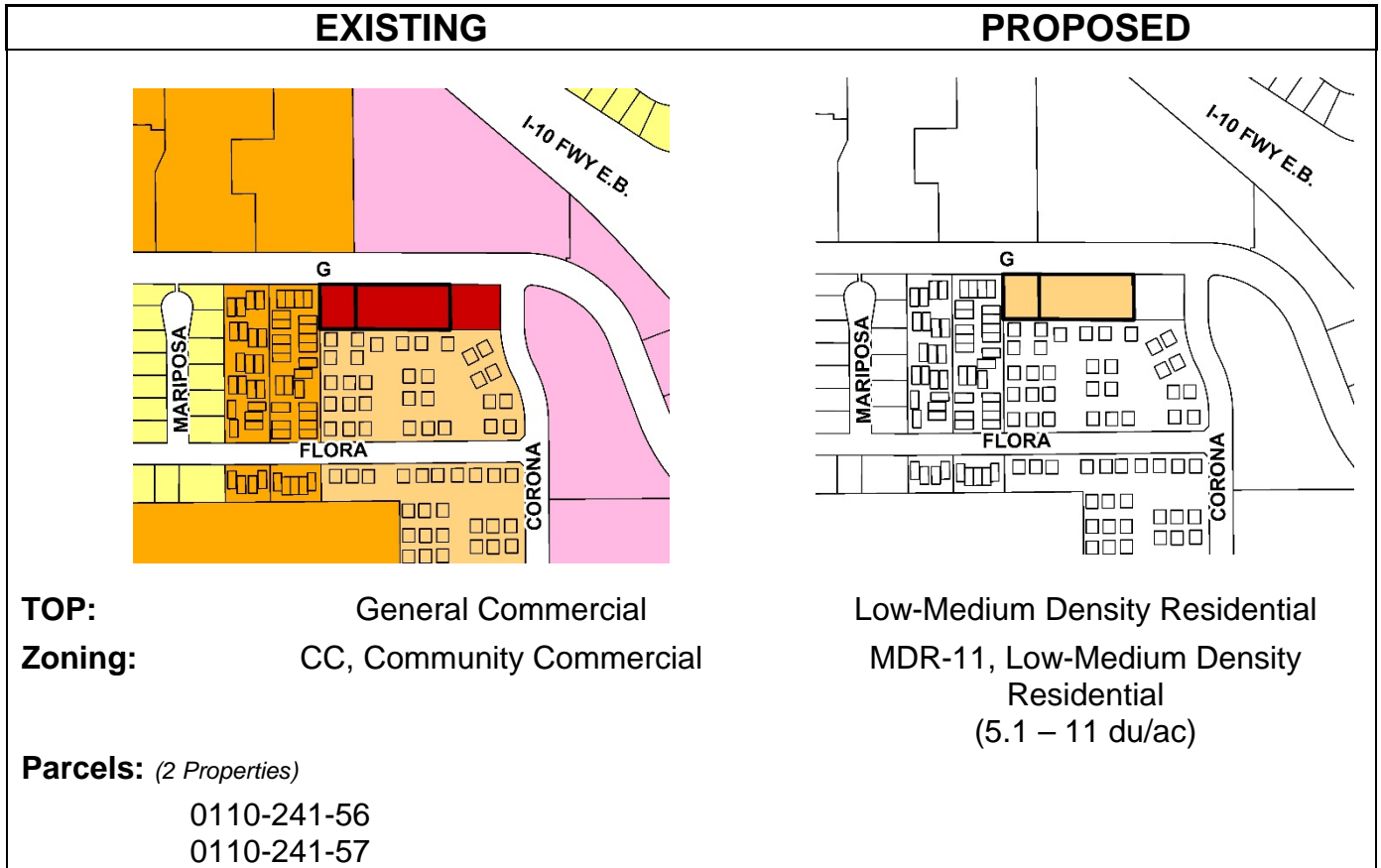
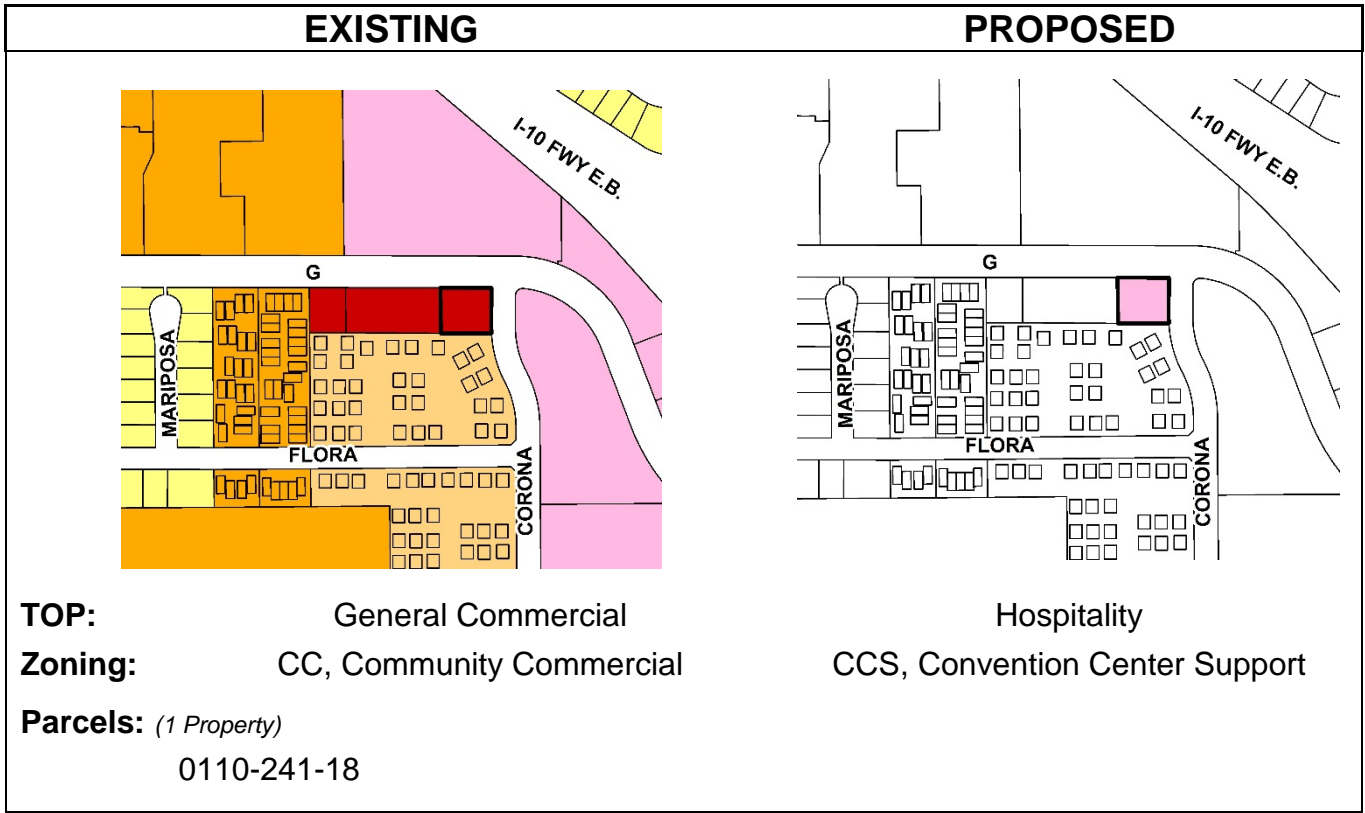


Exhibit A: (cont.)



CITY OF ONTARIO

Agenda Report
August 20, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION SUPPORTING THE 2020 U.S. CENSUS COMPLETE COUNT

RECOMMENDATION: That the City Council consider and adopt a resolution supporting the 2020 U.S. Census Complete Count.

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

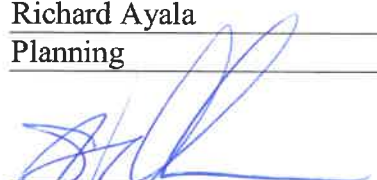
FISCAL IMPACT: None.

BACKGROUND: Every 10 years, the U.S. Constitution requires a count of the nation's population to determine the number of congressional representatives for each state. The government also uses census data to distribute an estimated \$600 billion in federal funding annually.

California cities can play an active role in helping to make the 2020 U.S. Census fair and accurate, especially for historically undercounted populations; racial and ethnic minorities, young children and renters. The 2010 census undercounted 95,000 (or 0.26 percent of) California residents. Though the overall count was an improvement from the previous undercounts (2.74 percent in 1990 and 1.52 percent in 2000), the rate of undercounted populations remains consistently high, and that has many cities concerned about getting an accurate account in the upcoming census. One of the main implications of a miscount is the loss of annual federal and state funding for local government, as well as philanthropic funding for social programs and services. In addition, one or more Congressional seats given to California could be lost.

Obtaining an accurate and complete count poses challenges due to several factors. The housing affordability crisis has forced more Californians to move into hard-to-count, unconventional housing and overcrowded dwellings or to become homeless. For the first time, the Census is a digital census and more than 75 percent of California households will be receiving an invitation to complete their census form online, even though many households lack broadband or digital literacy.

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

Prepared by: Richard Ayala
Department: Planning
City Manager Approval: 

Submitted to Council/O.H.A. 08/20/2019
Approved: _____
Continued to: _____
Denied: _____

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The 2020 Census is important because it advocates more resources for community members. The Census provides funding opportunities for public safety, planning and construction of new schools and hospitals, and for the creation jobs. Every Californian counts, it is about redistricting, fair representation and fair share of funding. The U.S. Census Bureau cannot share the data with immigration or law enforcement agencies, or allow it to determine eligibility for governmental benefits.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO,
CALIFORNIA, SUPPORTING THE 2020 U.S. CENSUS COMPLETE
COUNT.

WHEREAS, the U.S. Census Bureau is required by Article I, Section 2, of the U.S. Constitution, to conduct an accurate count of the population every ten years; and

WHEREAS, the next enumeration will be April 1, 2020 and will be the first to rely heavily on online responses; and

WHEREAS, the primary and perpetual challenge facing the U.S. Census Bureau is the undercount of certain population groups; and

WHEREAS, that challenge is amplified in California, given the size of the state and the diversity of communities; and

WHEREAS, California has a large percentage of individuals that are considered traditionally hard to count; and

WHEREAS, these diverse communities and demographic populations are at risk of being missed in the 2020 Census; and

WHEREAS, California receives nearly \$77 billion in federal funding that relies, in part, on census data; and

WHEREAS, a complete and accurate count of California's population is essential; and

WHEREAS, the data collected by the decennial Census determines the number of seats each state has in the U.S. House of Representatives and is used to distribute billions of dollars in federal funds to state and local governments; and

WHEREAS, the data is also used in the redistricting of state legislatures, county boards of supervisors, and city councils; and

WHEREAS, the decennial census is a massive undertaking that requires cross-sector collaboration and partnership in order to achieve a complete and accurate count; and

WHEREAS, California's leaders have dedicated a historic amount of funding and resources to ensure every California is counted once, only once, and in the right place; and

WHEREAS, this includes coordination between tribal, city, county, state governments, community-based organizations, education, and many more; and

WHEREAS, U.S. Census Bureau is facing several challenges with Census 2020, including constrained fiscal environment, rapidly changing use of technology, declining response rates, increasingly diverse and mobile population, thus support from partners and stakeholders is critical; and

WHEREAS, California kicked off its outreach and engagement efforts in April 2019 for the 2020 Census; and

WHEREAS, the City of Ontario, in partnership with other local governments, the State, and community based organizations, is committed to support robust outreach and communication strategies, focusing on reaching the hardest-to-count individuals.

NOW, THEREFORE, the City Council of the City of Ontario ("City") hereby resolves as follows:

SECTION 1. City Council Action. Based upon the findings and conclusions set forth above, The City recognizes the importance of the 2020 U.S. Census and supports helping to ensure a complete, fair, and accurate count of all Californians.

SECTION 2. 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 3. Certification to Adoption. The City Clerk shall certify to the adoption of the Resolution.

PASSED, APPROVED, AND ADOPTED this 20th day of August 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 Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held August 20, 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 August 20, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
August 20, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: ACQUISITION OF POLICE DEPARTMENT FRONTLINE PATROL EQUIPMENT

RECOMMENDATION: That the City Council approve and authorize the sole source purchase of training and duty equipment for frontline police personnel, not to exceed \$237,080, from San Diego Police Equipment Co., Inc. of San Diego, California.


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 \$179,080 from the General Fund and \$58,000 from Asset Seizure Funds for the purchase of the required supplies.

BACKGROUND: The sole source procurement includes the replacement of firearms ammunition inventory which will continue to maintain compliance with Department policy, the California Commission on Peace Officers and Standard Training (P.O.S.T.), and established best practices. San Diego Police Equipment, Co., Inc. is the only factory-authorized law enforcement distributor for the specified firearm ammunition.

Ontario Municipal Code Section 2-6.23(b) and 2-6.23(c) authorizes the Purchasing Officer to make sole source purchases whenever (1) the goods can be obtained from only one source, and/or (2) a breakdown in machinery, equipment or an essential service which requires an immediate purchase of supplies and equipment to protect public health, safety and welfare generates circumstances that a competitive process would be unavailing or would not produce an advantage, and the advertisement for competitive bid would thus be undesirable, impractical, or impossible.

STAFF MEMBER PRESENTING: Derek Williams, Chief of Police

Prepared by: Donna Bailey
Department: Police
City Manager Approval: 

Submitted to Council/O.H.A. 08/20/2019
Approved: _____
Continued to: _____
Denied: _____

CITY OF ONTARIO

Agenda Report
August 20, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: PRE-AUTHORIZED LIST OF VENDORS TO PROVIDE MAINTENANCE SERVICE AND PARTS FOR ONTARIO POLICE DEPARTMENT HELICOPTERS

RECOMMENDATION: That the City Council approve the attached list of pre-authorized vendors to provide maintenance service, equipment, parts and tools for the Ontario Police Department helicopters.

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

FISCAL IMPACT: None. The designation of pre-authorized vendors to provide services and parts for the police helicopters does not affect appropriations and does not commit the City to any specific level of future expenditures with these vendors.

BACKGROUND: The Police Department Air Support Unit maintains three (3) Airbus Helicopters for air patrol. To ensure that the helicopters are safe to operate and readily available to support police, fire and departmental services, maintenance and repairs are necessary on a regular basis; and undue time delays affect the City's ability to provide services to the community. Due to specialized parts used on the helicopters, there is a limited number of authorized vendors that can provide them. In many cases, there is only a single authorized vendor that is qualified or authorized to provide the part or service.

For these reasons, it is not cost-effective for the City to follow its standard purchasing procedures to solicit bids or requests for proposals. Establishing a pre-authorized list of vendors will facilitate the following:

- Ensure that the helicopters are serviced and repaired when needed;
- Service is performed by qualified vendors familiar with Airbus helicopters; and
- Better maintenance because vendors will be familiar with the service and repair history of the helicopters.

STAFF MEMBER PRESENTING: Derek Williams, Chief of Police

Prepared by: Zina Hullings
Department: Police
City Manager Approval: 

Submitted to Council/O.H.A. 08/20/2019
Approved: _____
Continued to: _____
Denied: _____

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The attached list was developed using vendors authorized and/or recommended by Airbus Helicopters Inc. and the City's past experience using previously Council-approved vendors. If approved by the City Council purchase orders (within approved budget amount), will be issued to each vendor without quotes for individual parts or specific services.

Ontario Municipal Code Section 2-6.23(b) and 2-6.23(c) authorizes the Purchasing Officer to make purchases without following the standard purchasing procedures whenever (1) the goods can be obtained from only one source, and/or (2) a breakdown in machinery, equipment or an essential service which requires an immediate purchase of supplies and equipment to protect public health, safety and welfare generates circumstances that a competitive process would be unavailing or would not produce an advantage, and the advertisement for competitive bid would thus be undesirable, impractical, or impossible.

**APPROVED LIST OF AUTHORIZED VENDORS
FOR SERVICE AND MAINTENANCE OF POLICE HELICOPTER**

Sole Source Vendors

Service/Maintenance Performed

Aerospace Services
28840 Phantom Trail
Saugus, CA 91390

Starter/Generator and electric motor sales,
repair and overhaul

Airbus Helicopters Inc.
2701 Forum Drive
Grand Prairie, TX 75052
(Formerly American Eurocopter Corp.)

Aircraft manufacturer and Airbus Helicopter
parts distribution, repair, paint & service

CNC Technologies
4980 Vanderbilt St., Suite #102
Ontario, CA 91761

Mission equipment consultation and microwave
Downlink service

Flightdocs, II, LLC
27598 Riverview Center Blvd.
Bonita Springs, FL 34134

Annual helicopter software subscription and
maintenance tracking inventory system

Hangar One Avionics, Inc.
2026 Palomar Airport Road
Carlsbad, CA 92011

Avionic and mission equipment installation
& completion, paint, & ongoing maintenance

Heli-Mart, Inc.
3184 Airway Ave. # E
Costa Mesa, CA 92626

Airbus Helicopter parts, supplies and service

Helitender Inc.
10300 Airpark Way, Hangar 3
Pacoima, CA 91331

Airbus Helicopter service & maintenance

Spectrolab Inc.
12500 Gladstone
Sylmar, CA 91345

Nightsun (spotlight) manufacturer repair
& parts services

Safran Helicopter Engines USA Inc.
2709 Forum Drive
Grand Prairie, TX 75052
(Formerly Turbomeca Corp.)

Turbomeca engine manufacture parts, overhauls
& repairs

Standard Aero Helicopter Services Inc.
4551 Agar Drive
Richmond, B.C.
Canada V7B 1A4
(Formerly Vector Aerospace)

Engine overhauls, main & tail rotor gear boxes
& overhaul helicopter components

**APPROVED LIST OF AUTHORIZED VENDORS
FOR SERVICE AND MAINTENANCE OF POLICE HELICOPTER**

Sole Source Vendors

Wescam Inc.
649 North Service Road West
Burlington, Ontario, L7P 5B9 Canada
(Formerly L3 Wescam)

Service/Maintenance Performed

Wescam (infrared camera) manufacturer repair
& parts services

Non-Sole Source Vendors

Aircraft Spruce & Specialty Co.
225 Airport Circle
Corona, CA 92878-4000

Supplies, Parts, Tools & Hardware

Miscellaneous aircraft supplies & hardware

McMaster Carr
9360 Norwalk Blvd.
Santa Fe Springs, CA 90670

Miscellaneous aircraft supplies & hardware

CITY OF ONTARIO

Agenda Report
August 20, 2019

SECTION:
CONSENT CALENDAR

SUBJECT: AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH WESTIN TECHNOLOGY SOLUTIONS FOR PROJECT MANAGEMENT SUPPORT ON CIS INFINITY UTILITY BILLING IMPLEMENTATION

RECOMMENDATION: That the City Council authorize the City Manager to execute Amendment No. 2 adding \$159,300 to the existing agreement (on file with the Records Management Department) with Westin Technology Solutions, of Milwaukee, Wisconsin, for project management support on the CIS Infinity Utility Billing Implementation for a revised not-to-exceed limit of \$354,680.

COUNCIL GOALS: Operate in a Businesslike Manner

FISCAL IMPACT: This amendment increases the total authorized contract amount from \$195,380 to \$354,680. The Fiscal Year 2018-19 Capital Improvement Program includes appropriations in the amount of \$159,300 in the Information Technology Fund for these services, which will be carried over to Fiscal Year 2019-20 as part of the First Quarter Budget Update Report to the City Council.

BACKGROUND: In February 2018, the City retained the services of Westin Technology Solutions to assist and support the City with the CIS Infinity Utility Billing Implementation, which includes the Planning, Design and Test phases. Westin's expertise in the Planning and Design phases added value and helped the project stay on track by recommending tighter milestones and deliverable dates for the vendor, Advanced Utilities Systems (AUS), and providing valuable input for mobile (paperless field orders) and customer self-service information design, along with interface development for Finance, GIS, and parts and equipment inventories. The Test Phase of the project continues to assist the Project Team with Implementation Management and Test Preparation Management support in evaluating current "best practices" in utilities; offer testing scenario recommendations; and provide project management support.

On July 2, 2019, Amendment No. 1 was approved by the City Council to increase the not-to-exceed contract amount to \$195,380; however, due to a recent vacancy in the CIS Implementation Project Team, staff recommends expanding Westin Technology's services to include Go-Live and Post-Live support.

STAFF MEMBER PRESENTING: Armen Harkalyan, Executive Director of Finance

Prepared by: Armen Harkalyan
Department: Financial Services
City Manager Approval: 

Submitted to Council/O.H.A. 08/20/2019
Approved: _____
Continued to: _____
Denied: _____

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Westin Technology Solutions has been a key project partner, and extending their work scope will ensure continuity during the CIS system implementation.

CITY OF ONTARIO

Agenda Report
August 20, 2019

SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER RESOLUTIONS REGARDING THE FORMATION OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 49 (AVENUE 176 SERVICES) AND INTRODUCTION OF AN ORDINANCE LEVYING SPECIAL TAXES

RECOMMENDATION: That the City Council consider and:

- (A) Adopt a resolution establishing Community Facilities District No. 49 (Avenue 176 Services), authorizing the levy of special taxes within the community facilities district, and establishing an appropriations limit for the community facilities district;
- (B) Adopt a resolution calling a special election for City of Ontario Community Facilities District No. 49 (Avenue 176 Services);
- (C) Adopt a resolution declaring the results of the special election and directing the recording of a Notice of Special Tax Lien; and
- (D) Introduce and waive further reading of an ordinance levying 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 in the Avenue 176 project is projected to generate approximately \$297,000 per year, at build out, to fund City services. As proposed, the maximum annual tax rate on each of the project's 176 single-family detached units is \$1,687. The use of Mello-Roos financing is critical in achieving the City Council's goal to "Ensure the Development of a

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. 08/20/2019
Approved: _____
Continued to: _____
Denied: _____

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Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch.” The use of Mello-Roos financing for the Avenue 176 development will not generate funds for facilities, and bonds will not be issued as part of this formation. The CFD is being formed pursuant to the provisions of the landowner’s development agreement and the First Amended and Restated Construction Agreement between the City and NMC Builders, LLC. 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 governments, with the consent from a majority of the property owners, the authority to establish community facilities districts for the purpose of levying special taxes to finance various kinds of public infrastructure facilities and government services. Government services that may be included in a community facilities district include police protection services, fire protection and suppression services, ambulance and paramedic services, maintenance and lighting of parks, parkways, streets, roads, open space and flood and storm drain protection services, and maintenance and operation of any real property or tangible property with an estimated useful life of five or more years that is owned by the governmental entity.

On July 16, 2019, the City Council approved Resolution No. 2019-097, a Resolution of Intention, to establish City of Ontario Community Facilities District No. 49 (Avenue 176 Services) and to authorize the levy of special taxes within the district. The Avenue 176 project addresses the development of approximately 27.1 acres located north of Ontario Ranch Road, south of La Avenida Drive, west of Turner Avenue, and generally east of Archibald Avenue. At build-out, the development is projected to include 176 single-family detached units.

The community facilities district is being formed pursuant to the provisions of the landowner’s Development Agreement, and the First Amended and Restated Construction Agreement between the City and NMC Builders. Included, as part of the Resolution of Intention, is the proposed Rate and Method of Apportionment of Special Tax for City of Ontario Community Facilities District No. 49 (Avenue 176 Services). The terms of the Rate and Method of Apportionment of Special Tax are consistent with the City Council’s adopted Mello-Roos local goals and policies, and City staff have discussed the proposed Rate and Method of Apportionment of Special Tax with the landowner. The Resolution of Intention set the public hearing on the establishment of the community facilities district for August 20, 2019. In accordance with requirements of the resolution, the City Clerk has published a notice of the time and place of this hearing pursuant to Section 53322 of the California Government Code at least seven days before the hearing.

Attached are three resolutions and an ordinance. The first resolution establishes the community facilities district, with the rate and method of apportionment of special tax, and authorizes the levy of special tax within the district. The second resolution calls for a special landowner election to be held on August 20, 2019. The third resolution declares the results of the election and includes a statement from the City Clerk as to the canvass of ballots, and directs the recording of the Notice of Special Tax Lien. The ordinance authorizes the levying of special taxes within the district. As noted, the issuance of bonds is not being contemplated for this project, so there is no resolution to issue bonds as part of this formation.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF FORMATION OF THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 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.

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" (the "Resolution of Intention"), stating its intention to establish a community facilities district (the "Community Facilities District") proposed to be named City of Ontario Community Facilities District No. 49 (Avenue 176 Services), to authorize the levy of special taxes within the Community Facilities District to finance certain services and setting the date for a public hearing to be held on the establishment of the Community Facilities District; and

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

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

WHEREAS, pursuant to the Resolution of Intention, each officer of the City who is or will be responsible for providing one or more of the proposed types of services was directed to study, or cause to be studied, the proposed Community Facilities District and, at or before said public hearing, file a report with the City Council containing a brief description of the services by type that will in his or her opinion be required to adequately meet the needs of the Community Facilities District, and his or her estimate of the cost of providing such services, and such officers were also directed to estimate the fair and reasonable cost of the incidental expenses proposed to be paid; and

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

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

WHEREAS, written protests against the establishment of the Community Facilities District, the furnishing of any specified type or types of services within the

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

WHEREAS, there has been filed with the City Clerk of the City a letter from the Registrar of Voters of the County of San Bernardino indicating that no persons were registered to vote within the territory of the proposed Community Facilities District as of July 24, 2019, and, accordingly, that 12 or more persons have not been registered to vote within the territory of the proposed Community Facilities District for each of the 90 days preceding the close of said public hearing;

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

SECTION 1. The foregoing recitals are true and correct.

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

SECTION 3. The Community Facilities District is hereby named "City of Ontario Community Facilities District No. 49 (Avenue 176 Services)."

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

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

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

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

SECTION 7. The name, address and telephone number of the office that will be responsible for preparing annually a current roll of special tax levy obligations by assessor's parcel number and that will be responsible for estimating further special tax levies pursuant to Section 53340.2 of the Act are as follows: Management Analyst, General Services, City of Ontario, 303 East B Street, Ontario, California 91764, (909) 395-2341.

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

SECTION 9. The boundary map of the Community Facilities District has been recorded in San Bernardino County in Book 88 at Page 36 of Maps of Assessments and Community Facilities Districts in the San Bernardino County Recorder's Office (Document No. 2019-0246484).

SECTION 10. The annual appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, of the Community Facilities District is hereby established at \$15,000,000.

SECTION 11. Pursuant to the provisions of the Act, the levy of the special tax and a proposition to establish the appropriations limit specified above shall be subject to the approval of the qualified electors of the Community Facilities District at a special election. The City Council hereby finds and determines that that no persons were registered to vote within the territory of the proposed Community Facilities District as of July 24, 2019, and that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of the public hearing held by the City Council on the establishment of the Community Facilities District. Accordingly, pursuant to Section 53326 of the Act, the vote shall be by the landowners of the Community Facilities District and each person who is the owner of land as of the close of said public hearings, or the authorized representative thereof, shall have one vote for each acre or portion of an acre that he or she owns within the Community Facilities District not exempt from the special tax. The voting procedure shall be by mailed or hand-delivered ballot.

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

SECTION 13. The officers, employees and agents of the City are hereby authorized and directed to take all actions and do all things which they, or any of them, may deem necessary or desirable to accomplish the purposes of this Resolution and not inconsistent with the provisions hereof.

SECTION 14. This Resolution shall take effect immediately upon its adoption.

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

PASSED, APPROVED, AND ADOPTED this 20th day of August 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 Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held August 20, 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 August 20, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A

SERVICES AND INCIDENTAL EXPENSES

Services

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

Incidental Expenses

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

EXHIBIT B

PROPOSED RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

**CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT No. 49
(AVENUE 176 SERVICES)**

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax shall be levied on all Assessor's Parcels in the City of Ontario Community Facilities District No. 49 (Avenue 176 Services) ("CFD No. 49") and collected each Fiscal Year commencing in Fiscal Year 2019-20, in an amount determined by the City Council of the City of Ontario through the application of the Rate and Method of Apportionment, as described below. All of the real property in CFD No. 49, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent, and in the manner herein provided.

A. DEFINITIONS

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

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 of Part 1 of Division 2 of Title 5 of the California Government Code.

"Administrative Expenses" means the following actual or reasonably estimated costs directly related to the administration of CFD No. 49: the costs of computing the Special Taxes and preparing the annual Special Tax collection schedules (whether by the City or CFD No. 49 or both); the costs of collecting the Special Taxes (whether by the County or otherwise); the costs associated with preparing Special Tax disclosure statements and responding to public inquiries regarding the Special Taxes; the costs of the City or CFD No. 49 related to an appeal of the Special Tax; the City's administration fees and third party expenses; the costs of City staff time and reasonable overhead related to CFD No. 49; and amounts estimated or advanced by the City or CFD No. 49 for any other administrative purposes of CFD No. 49, including attorney's fees and other costs related to commencing and pursuing to completion any foreclosure of delinquent Special Taxes.

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

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

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

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

“**CFD No. 49**” means City of Ontario Community Facilities District No. 49 (Avenue 176 Services).

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

“**City Council**” means the City Council of the City, acting as the legislative body of CFD No. 49.

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

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

“**Gated Apartment Community Dwelling Unit**” means a Unit within any residential building containing two or more dwelling units (including attached condominiums, townhouses, duplexes, triplexes, and apartments) within a gated community that, within such community, is primarily served by private interior streets.

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

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

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

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

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

“**Property Owner Association Property**” means, for each Fiscal Year, property within the boundaries of CFD No. 49 that was owned by a property owner association, including any master or sub-association, as of January 1 of the prior Fiscal Year.

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

“**Public Property**” means, for each Fiscal Year, property within the boundaries of CFD No. 49 that is (a) owned by, irrevocably offered to, or dedicated to the federal government, the State, the County, the City, or any local government or other public agency or (b) encumbered by an easement for purposes of public or utility right-of-way that makes

impractical its use for any purpose other than that set forth in such easement, provided that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act shall be taxed and classified according to its use.

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

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

“Services” means the services authorized to be financed, in whole or in part, by CFD No. 49, including: police protection services; fire protection and suppression services; ambulance and paramedic services; maintenance and lighting of parks, parkways, streets, roads, and open space; flood and storm protection services; and maintenance and operation of any real property or other tangible property with an estimated useful life of five or more years that is owned by the City.

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

“Special Tax” means the special tax authorized by the qualified electors of CFD No. 49 to be levied within the boundaries of CFD No. 49.

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

“Square Footage” or **“Sq. Ft.”** means, with respect to a building of Non-Residential Property, the gross floor area square footage reflected on the original construction building permit, or as set forth in other official records maintained by the City’s Building Department or other appropriate means selected by CFD No. 49, for such building, plus any square footage subsequently added to a building of Non-Residential Property after issuance of a building permit for expansion or renovation of such building.

“State” means the State of California.

“Taxable Property” means, for each Fiscal Year, all Assessor’s Parcels of Residential Property and Non-Residential Property within the boundaries of CFD No. 49 which are not exempt from the Special Tax pursuant to law or Section E below.

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

B. ASSIGNMENT TO LAND USE CATEGORIES

Each Fiscal Year, beginning with Fiscal Year 2019-20, all Taxable Property within CFD No. 49 shall be classified as Residential Property (Single Family Detached Dwelling Unit, Multiple Family Dwelling Unit, or Gated Apartment Community Dwelling Unit) or Non-Residential Property and shall be subject to Special Taxes in accordance with the Rate and Method of Apportionment as determined pursuant to Sections C and D below.

C. MAXIMUM SPECIAL TAX

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

**TABLE 1
MAXIMUM SPECIAL TAX**

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

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

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

D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX

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

E. EXEMPTIONS

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

F. APPEALS

Any property owner may file a written appeal of the Special Tax with CFD No. 49 claiming that the amount or application of the Special Tax is not correct. The appeal must be filed not later than one calendar year after having paid the Special Tax that is disputed, and the appellant must be current in all payments of Special Taxes. In addition, during the term of the appeal process, all Special Taxes levied must be paid on or before the payment date established when the levy was made.

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

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

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

G. MANNER OF COLLECTION

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

H. TERM OF SPECIAL TAX

The Special Tax shall continue to be levied indefinitely on an annual basis on all Taxable Property in CFD No. 49.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO,
CALIFORNIA, CALLING SPECIAL ELECTION FOR CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 49 (AVENUE 176 SERVICES).

WHEREAS, on this date, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 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"), establishing City of Ontario Community Facilities District No. 49 (Avenue 176 Services) (the "Community Facilities District"), authorizing the levy of a special tax within the Community Facilities District and establishing an appropriations limit for the Community Facilities District; and

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

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

WHEREAS, there has been filed with the City Clerk a letter from the Registrar of Voters of the County of San Bernardino indicating that no persons were registered to vote within the territory of the proposed Community Facilities District as of July 24, 2019, and, accordingly, that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of the public hearings on the establishment of the Community Facilities District; and

WHEREAS, there has been filed with the City Clerk consents and waivers of all of the landowners of record in the Community Facilities District waiving any time limit specified by Section 53326 of the Act and any requirement pertaining to the conduct of said special election, including any time limit or requirement applicable to an election pursuant to Article 5 of the Act (commencing with Section 53345 of the Act), consenting to the holding of said special election on August 20, 2019 and waiving any impartial analysis, arguments or rebuttals, as set forth in Sections 53326 and 53327 of the Act; and

WHEREAS, the City Clerk has concurred in said waivers and has concurred in holding said special election on August 20, 2019.

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

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

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

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

SECTION 4. The City Council hereby finds and determines that no persons were registered to vote within the territory of the proposed Community Facilities District as of July 24, 2019, and that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of the public hearings heretofore held by the City Council on the establishment of the Community Facilities District. Accordingly, pursuant to Section 53326 of the Act, the vote shall be by the landowners of the Community Facilities District and each person who is the owner of land as of the close of said public hearings, or the authorized representative thereof, shall have one vote for each acre or portion of an acre that he or she owns within the Community Facilities District not exempt from the special tax.

SECTION 5. The City Council hereby finds and determines that the qualified electors of the Community Facilities District have unanimously consented (a) to the waiver of any time limit specified by Section 53326 of the Act and any requirement pertaining to the conduct of said election, (b) to the holding of said election on August 20, 2019, and (c) to the waiver of any impartial analysis, arguments or rebuttals, as set forth in Sections 53326 and 53327 of the Act. The City Council hereby finds and determines that the City Clerk has concurred in said waivers and has concurred in holding said election on August 20, 2019.

SECTION 6. The City Council hereby calls a special election to submit to the qualified electors of the Community Facilities District the combined proposition to levy a special tax within the Community Facilities District and to establish an appropriations limit for the Community Facilities District, which election shall be held at 303 East B Street, Ontario, California, on August 20, 2019. The City Council has caused to be provided to the City Clerk, as the official to conduct said election, the Resolution of Formation, a certified map of sufficient scale and clarity to show the boundaries of the Community Facilities District, and a sufficient description to allow the City Clerk to determine the boundaries of the Community Facilities District.

The voted ballots shall be returned to the City Clerk not later than 7:30 p.m. on August 20, 2019; provided, however, that if all of the qualified electors have voted prior to such time, the election may be closed with the concurrence of the City Clerk.

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

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

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

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

SECTION 9. The City Clerk shall accept the ballots of the qualified electors in the office of the City Clerk at 303 East B Street, Ontario, California, to and including 7:30 p.m. on August 20, 2019, whether said ballots be personally delivered or received by mail. The City Clerk shall have available ballots which may be marked at said location on the election day by said qualified electors.

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

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

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

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

PASSED, APPROVED, AND ADOPTED this 20th day of August 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 Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held August 20, 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 August 20, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A

OFFICIAL BALLOT

CITY OF ONTARIO
AUGUST 20, 2019

SPECIAL ELECTION

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

INSTRUCTIONS TO VOTERS:

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

CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 49
(AVENUE 176 SERVICES)

MEASURE SUBMITTED TO VOTE OF VOTERS: Shall the City of Ontario Community Facilities District No. 49 (Avenue 176 Services) (the "Community Facilities District") be authorized to levy a special tax in order to finance certain services and shall the annual appropriations limit of the Community Facilities District be established in the amount of \$15,000,000, all as specified in the Resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 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," adopted by the City Council of the City of Ontario on August 20, 2019?

Yes:

No:

RESOLUTION NO. _____

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

WHEREAS, on August 20, 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, Calling Special Election for City of Ontario Community Facilities District No. 49 (Avenue 176 Services)" (the "Resolution Calling Election"), calling for a special election of the qualified electors within City of Ontario Community Facilities District No. 49 (Avenue 176 Services) (the "Community Facilities District"); and

WHEREAS, pursuant to the terms of the Resolution Calling Election and the provisions of the Act, the special election was held on August 20, 2019; and

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

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

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

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

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

SECTION 4. The officers, employees and agents of the City are hereby authorized and directed to take all actions and do all things which they, or any of them, may deem necessary or desirable to accomplish the purposes of this Resolution and not inconsistent with the provisions hereof.

SECTION 5. This Resolution shall take effect immediately upon its adoption.

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

PASSED, APPROVED, AND ADOPTED this 20th day of August 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 Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held August 20, 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 August 20, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A

CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 49
(AVENUE 176 SERVICES)

CANVASS AND STATEMENT OF RESULTS OF ELECTION

I hereby certify that on August 20, 2019, I canvassed the returns of the special election held on August 20, 2019, for the City of Ontario Community Facilities District No. 49 (Avenue 176 Services), that the total number of ballots cast in said Community Facilities District and the total number of votes cast for and against the proposition are as follows and that the totals as shown for and against the proposition are true and correct:

	Qualified Landowner Votes	Votes Cast	YES	NO
City of Ontario Community Facilities District No. 49 (Avenue 176 Services) Special Election, August 20, 2019	28	—	—	—

MEASURE SUBMITTED TO VOTE OF VOTERS: Shall the City of Ontario Community Facilities District No. 49 (Avenue 176 Services) (the "Community Facilities District") be authorized to levy a special tax in order to finance certain services and shall the annual appropriations limit of the Community Facilities District be established in the amount of \$15,000,000, all as specified in the Resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 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," adopted by the City Council of the City of Ontario on August 20, 2019?

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND this 20th day of August, 2019.

By: _____
Sheila Mautz, City Clerk

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 _____ day of _____ 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. _____ 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 _____, 2019 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

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

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
August 20, 2019

SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER RESOLUTIONS REGARDING THE FORMATION OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 51 (ONTARIO RANCH LOGISTICS CENTER SERVICES) AND INTRODUCTION OF AN ORDINANCE LEVYING SPECIAL TAXES


RECOMMENDATION: That the City Council consider and:

- (A) Adopt a resolution establishing 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;
- (B) Adopt a resolution calling a special election for City of Ontario Community Facilities District No. 51 (Ontario Ranch Logistics Center Services);
- (C) Adopt a resolution declaring the results of the special election and directing the recording of the Notice of Special Tax Lien; and
- (D) Introduce and waive further reading of an ordinance levying 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: In accordance with the City Council's long standing direction that development of the Ontario Ranch generate sufficient revenues to fund its required City services without reliance on the financial resources of the existing City, the use of Mello-Roos financing in connection with the Ontario

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. 08/20/2019
Approved: _____
Continued to: _____
Denied: _____

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Ranch Logistics Center development is projected to generate approximately \$900,000 per year, at build-out, to fund City services. As proposed, the maximum annual tax rate is \$.31 per square foot for the project's anticipated 2,905,510 square feet of industrial development. The use of Mello-Roos financing is critical in achieving the City Council's goal of "Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch". The use of Mello-Roos financing for the Ontario Ranch Logistics Center development will not generate funds for facilities, 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 for the purpose of levying special taxes to finance various kinds of public infrastructure facilities and government services. Government services that may be included in a community facilities district include police protection services, fire protection and suppression services, ambulance and paramedic services, maintenance and lighting of parks, parkways, streets, roads, open space and flood and storm drain protection services, and maintenance and operation of any real property or tangible property with an estimated useful life of five or more years that is owned by the governmental entity.

On April 16, 2019, the City Council approved Resolution No. 2019-033, a Resolution of the City of Ontario, California, of Intention to Establish City of Ontario Community Facilities District No. 51 (Ontario Ranch Logistics Center Services) and to Authorize the Levy of Special Taxes within the district (Resolution of Intention). The Ontario Ranch Logistics Center project addresses the development of approximately 131.9 gross acres located south of Eucalyptus Avenue, north of Merrill Avenue, east of Carpenter Avenue, and west of the Cucamonga Creek Channel.

The community facilities district is being formed pursuant to the provisions of the landowner's Development Agreement, and the First Amended and Restated Construction Agreement between the City and NMC Builders. Included, as part of the Resolution of Intention, is the proposed Rate and Method of Apportionment of Special Tax for City of Ontario Community Facilities District No. 51 (Ontario Ranch Logistics Center Services). The terms of the Rate and Method of Apportionment of Special Tax are consistent with the City Council's adopted Mello-Roos Local Goals and Policies, and City staff have discussed the proposed Rate and Method of Apportionment of Special Tax with the landowner. The Resolution of Intention set the public hearing on the establishment of the community facilities district for June 4, 2019. City Council opened the hearing on June 4, 2019, and continued the hearing to this date.

Attached are three resolutions and an ordinance. The first resolution establishes the community facilities district, with the rate and method of apportionment of special tax, authorizes the levy of special tax within the district, and establishes an appropriation limit. The second resolution calls for a special landowner election to be held on August 20, 2019. The third resolution declares the results of the election and includes a statement from the City Clerk as to the canvass of ballots, and directs the recording of the Notice of Special Tax Lien. The ordinance authorizes the levying of special taxes within the district. As noted, the issuance of bonds is not being contemplated for this project, so there is no resolution to issue bonds as part of this formation.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF FORMATION OF THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 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.

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" (the "Resolution of Intention"), stating its intention to establish a community facilities district (the "Community Facilities District") proposed to be named City of Ontario Community Facilities District No. 51 (Ontario Ranch Logistics Center Services), to authorize the levy of special taxes within the Community Facilities District to finance certain services and setting the date for a public hearing to be held on the establishment of the Community Facilities District; and

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

WHEREAS, on June 4, 2019, the City Council opened said public hearing and continued said public hearing to this date;

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

WHEREAS, pursuant to the Resolution of Intention, each officer of the City who is or will be responsible for providing one or more of the proposed types of services was directed to study, or cause to be studied, the proposed Community Facilities District and, at or before said public hearing, file a report with the City Council containing a brief description of the services by type that will in his or her opinion be required to adequately meet the needs of the Community Facilities District, and his or her estimate of the cost of providing such services, and such officers were also directed to estimate the fair and reasonable cost of the incidental expenses proposed to be paid; and

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

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

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

WHEREAS, there has been filed with the City Clerk of the City a letter from the Registrar of Voters of the County of San Bernardino indicating that no persons were registered to vote within the territory of the proposed Community Facilities District as of July 24, 2019, and, accordingly, that 12 or more persons have not been registered to vote within the territory of the proposed Community Facilities District for each of the 90 days preceding the close of said public hearing;

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

SECTION 1. The foregoing recitals are true and correct.

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

SECTION 3. The Community Facilities District is hereby named "City of Ontario Community Facilities District No. 51 (Ontario Ranch Logistics Center Services)."

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

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

SECTION 6. Except where funds are otherwise available, a special tax sufficient to pay for all Services, secured by recordation of a continuing lien against all nonexempt real property in the Community Facilities District, will be annually levied within the Community Facilities District. The rate and method of apportionment of the special tax (the "Rate and Method"), in sufficient detail to allow each landowner within the proposed Community Facilities District to estimate the maximum amount that he or she will have to pay, is described in Exhibit B attached hereto, which is by this reference incorporated herein. The obligation to pay the special tax may not be prepaid

and permanently satisfied. The special tax will be collected in the same manner as ordinary *ad valorem* property taxes or in such other manner as the City Council shall determine, including direct billing of the affected property owners.

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

SECTION 7. The name, address and telephone number of the office that will be responsible for preparing annually a current roll of special tax levy obligations by assessor's parcel number and that will be responsible for estimating further special tax levies pursuant to Section 53340.2 of the Act are as follows: Management Analyst, General Services, City of Ontario, 303 East B Street, Ontario, California 91764, (909) 395-2341.

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

SECTION 9. The boundary map of the Community Facilities District has been recorded in San Bernardino County in Book 88 at Page 25 of Maps of Assessments and Community Facilities Districts in the San Bernardino County Recorder's Office (Document No. 2019-0125377).

SECTION 10. The annual appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, of the Community Facilities District is hereby established at \$40,000,000.

SECTION 11. Pursuant to the provisions of the Act, the levy of the special tax and a proposition to establish the appropriations limit specified above shall be subject to the approval of the qualified electors of the Community Facilities District at a special election. The City Council hereby finds and determines that that no persons were registered to vote within the territory of the proposed Community Facilities District as of July 24, 2019, and that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of the public hearing held by the City Council on the establishment of the Community Facilities District. Accordingly, pursuant to Section 53326 of the Act, the vote shall be by the landowners of the Community Facilities District and each person who is the owner of land as of the close of said public hearings, or the authorized representative thereof, shall have one vote for each acre or portion of an acre that he or she owns within the Community Facilities District not exempt from the special tax. The voting procedure shall be by mailed or hand-delivered ballot.

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

SECTION 13. The officers, employees and agents of the City are hereby authorized and directed to take all actions and do all things which they, or any of them, may deem necessary or desirable to accomplish the purposes of this Resolution and not inconsistent with the provisions hereof.

SECTION 14. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED this 20th day of August 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 Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held August 20, 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 August 20, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A

SERVICES AND INCIDENTAL EXPENSES

Services

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

Incidental Expenses

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

EXHIBIT B

PROPOSED RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

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

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

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

A. DEFINITIONS

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

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

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

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

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

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

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

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

“City” means the City of Ontario, California.

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

“County” means the County of San Bernardino.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“State” means the State of California.

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

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

B. ASSIGNMENT TO LAND USE CATEGORIES

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

C. MAXIMUM SPECIAL TAX

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

**TABLE 1
MAXIMUM SPECIAL TAX**

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

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

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

D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX

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

E. EXEMPTIONS

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

F. APPEALS

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

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

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

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

G. MANNER OF COLLECTION

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

H. TERM OF SPECIAL TAX

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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CALLING SPECIAL ELECTION FOR CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 51 (ONTARIO RANCH LOGISTICS CENTER SERVICES).

WHEREAS, on this date, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 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"), establishing City of Ontario Community Facilities District No. 51 (Ontario Ranch Logistics Center Services) (the "Community Facilities District"), authorizing the levy of a special tax within the Community Facilities District and establishing an appropriations limit for the Community Facilities District; and

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

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

WHEREAS, there has been filed with the City Clerk a letter from the Registrar of Voters of the County of San Bernardino indicating that no persons were registered to vote within the territory of the proposed Community Facilities District as of July 24, 2019, and, accordingly, that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of the public hearings on the establishment of the Community Facilities District; and

WHEREAS, there has been filed with the City Clerk consents and waivers of all of the landowners of record in the Community Facilities District waiving any time limit specified by Section 53326 of the Act and any requirement pertaining to the conduct of said special election, including any time limit or requirement applicable to an election pursuant to Article 5 of the Act (commencing with Section 53345 of the Act), consenting to the holding of said special election on August 20, 2019 and waiving any impartial analysis, arguments or rebuttals, as set forth in Sections 53326 and 53327 of the Act; and

WHEREAS, the City Clerk has concurred in said waivers and has concurred in holding said special election on August 20, 2019.

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

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

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

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

SECTION 4. The City Council hereby finds and determines that no persons were registered to vote within the territory of the proposed Community Facilities District as of July 24, 2019, and that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of the public hearings heretofore held by the City Council on the establishment of the Community Facilities District. Accordingly, pursuant to Section 53326 of the Act, the vote shall be by the landowners of the Community Facilities District and each person who is the owner of land as of the close of said public hearings, or the authorized representative thereof, shall have one vote for each acre or portion of an acre that he or she owns within the Community Facilities District not exempt from the special tax.

SECTION 5. The City Council hereby finds and determines that the qualified electors of the Community Facilities District have unanimously consented (a) to the waiver of any time limit specified by Section 53326 of the Act and any requirement pertaining to the conduct of said election, (b) to the holding of said election on August 20, 2019, and (c) to the waiver of any impartial analysis, arguments or rebuttals, as set forth in Sections 53326 and 53327 of the Act. The City Council hereby finds and determines that the City Clerk has concurred in said waivers and has concurred in holding said election on August 20, 2019.

SECTION 6. The City Council hereby calls a special election to submit to the qualified electors of the Community Facilities District the combined proposition to levy a special tax within the Community Facilities District and to establish an appropriations limit for the Community Facilities District, which election shall be held at 303 East B Street, Ontario, California, on August 20, 2019. The City Council has caused to be provided to the City Clerk, as the official to conduct said election, the Resolution of Formation, a certified map of sufficient scale and clarity to show the boundaries of the Community Facilities District, and a sufficient description to allow the City Clerk to determine the boundaries of the Community Facilities District.

The voted ballots shall be returned to the City Clerk not later than 7:30 p.m. on August 20, 2019; provided, however, that if all of the qualified electors have voted prior to such time, the election may be closed with the concurrence of the City Clerk.

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

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

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

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

SECTION 9. The City Clerk shall accept the ballots of the qualified electors in the office of the City Clerk at 303 East B Street, Ontario, California, to and including 7:30 p.m. on August 20, 2019, whether said ballots be personally delivered or received by mail. The City Clerk shall have available ballots which may be marked at said location on the election day by said qualified electors.

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

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

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

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

PASSED, APPROVED, AND ADOPTED this 20th day of August 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 Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held August 20, 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 August 20, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A

OFFICIAL BALLOT

**CITY OF ONTARIO
AUGUST 20, 2019**

SPECIAL ELECTION

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

INSTRUCTIONS TO VOTERS:

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

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

MEASURE SUBMITTED TO VOTE OF VOTERS: Shall the City of Ontario Community Facilities District No. 51 (Ontario Ranch Logistics Center Services) (the "Community Facilities District") be authorized to levy a special tax in order to finance certain services and shall the annual appropriations limit of the Community Facilities District be established in the amount of \$40,000,000, all as specified in the Resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 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," adopted by the City Council of the City of Ontario on August 20, 2019?

Yes:

No:

RESOLUTION NO. _____

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

WHEREAS, on August 20, 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, Calling Special Election for City of Ontario Community Facilities District No. 51 (Ontario Ranch Logistics Center Services)" (the "Resolution Calling Election"), calling for a special election of the qualified electors within City of Ontario Community Facilities District No. 51 (Ontario Ranch Logistics Center Services) (the "Community Facilities District"); and

WHEREAS, pursuant to the terms of the Resolution Calling Election and the provisions of the Act, the special election was held on August 20, 2019; and

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

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

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

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

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

SECTION 4. The officers, employees and agents of the City are hereby authorized and directed to take all actions and do all things which they, or any of them, may deem necessary or desirable to accomplish the purposes of this Resolution and not inconsistent with the provisions hereof.

SECTION 5. This Resolution shall take effect immediately upon its adoption.

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

PASSED, APPROVED and ADOPTED this 20th day of August 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 Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held August 20, 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 August 20, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A

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

CANVASS AND STATEMENT OF RESULTS OF ELECTION

I hereby certify that on August 20, 2019, I canvassed the returns of the special election held on August 20, 2019, for the City of Ontario Community Facilities District No. 51 (Ontario Ranch Logistics Center Services), that the total number of ballots cast in said Community Facilities District and the total number of votes cast for and against the proposition are as follows and that the totals as shown for and against the proposition are true and correct:

	Qualified Landowner Votes	Votes Cast	YES	NO
City of Ontario Community Facilities District No. 51 (Ontario Ranch Logistics Center Services) Special Election, August 20, 2019	116	—	—	—

MEASURE SUBMITTED TO VOTE OF VOTERS: Shall the City of Ontario Community Facilities District No. 51 (Ontario Ranch Logistics Center Services) (the "Community Facilities District") be authorized to levy a special tax in order to finance certain services and shall the annual appropriations limit of the Community Facilities District be established in the amount of \$40,000,000, all as specified in the Resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 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," adopted by the City Council of the City of Ontario on August 20, 2019?

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND this 20th day of August, 2019.

By: _____
Sheila Mautz, City Clerk

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 _____ day of _____ 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. _____ 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 _____, 2019 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

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

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
August 20, 2019

SECTION:
PUBLIC HEARINGS

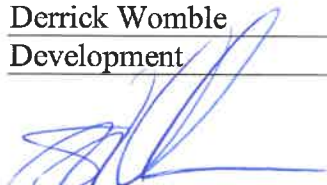
SUBJECT: A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING A FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT (FILE NO. PDA17-001) BETWEEN THE CITY OF ONTARIO AND RONALD AND KRISTINE PIETERSMA FAMILY TRUST AND LOYOLA PROPERTIES I L.P., TO MODIFY CERTAIN PROVISIONS RELATED TO THE SECOND INSTALLMENT OF THE 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 introduce and waive further reading of 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

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. 08/20/2019
Approved: _____
Continued to: _____
Denied: _____

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permitting fees. No General Fund revenue will be used to support the development, as 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.

BACKGROUND: 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.

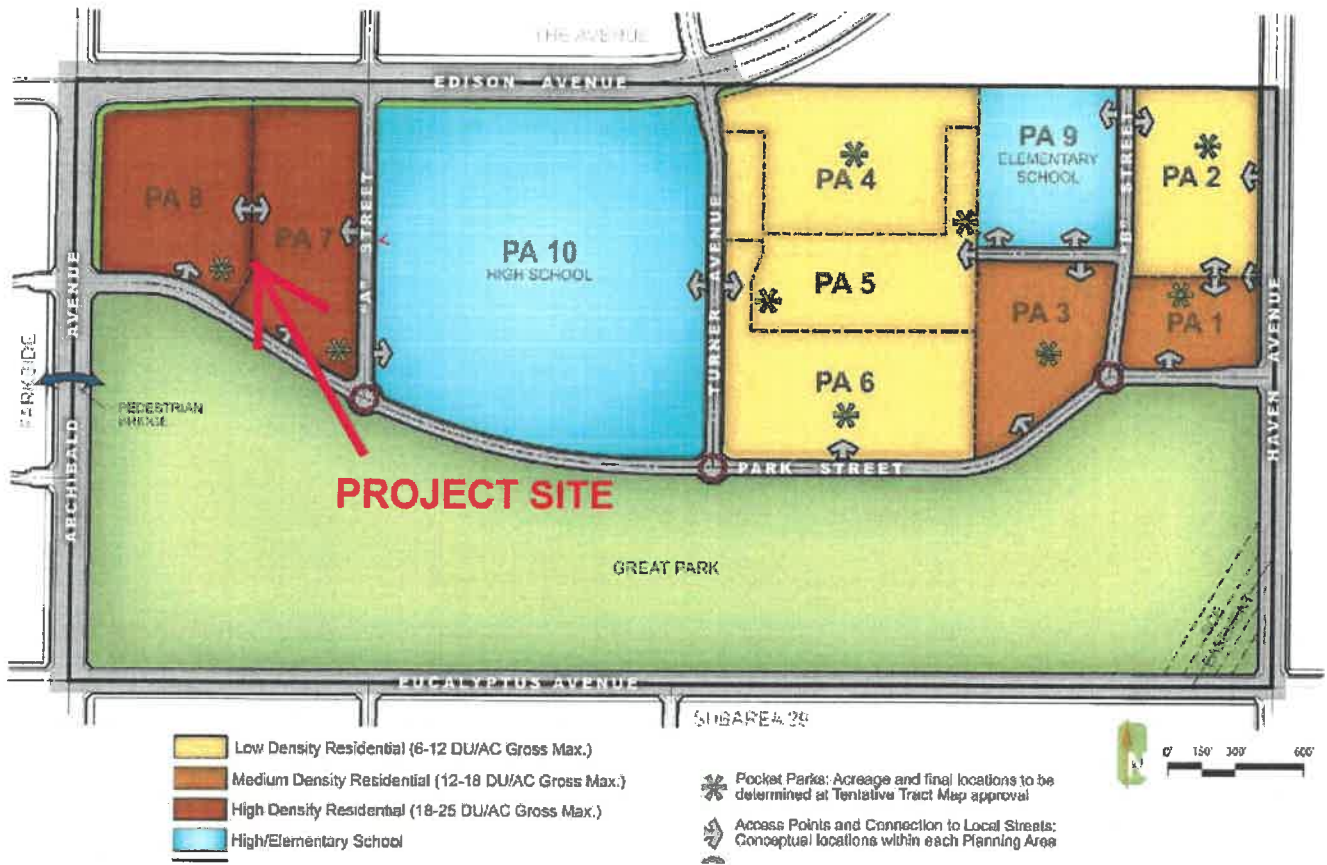
HOUSING ELEMENT COMPLIANCE: The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element 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 ____ day of _____ 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. _____ 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 _____, 2019 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

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

SHEILA MAUTZ, CITY CLERK

(SEAL)

ATTACHMENT A:

File No. 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

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
August 20, 2019

SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE ONTARIO GATEWAY SPECIFIC PLAN, FILE NO. PSPA18-010, TO CHANGE THE LAND USE DESIGNATION ON 3.9 ACRES OF LAND, FROM OFFICE TO MIXED-USE, AND REDUCE THE REAR PARKING/LANDSCAPE SETBACK ADJACENT TO THE SOUTHERN PACIFIC RAILROAD RIGHT-OF-WAY, FROM 20-FEET TO 10-FEET, AFFECTING 15.12 ACRES OF LAND, GENERALLY LOCATED AT THE SOUTHEAST CORNER OF HAVEN AVENUE AND GUASTI ROAD (APNS:0210-212-56 AND 0210-212-57)

RECOMMENDATION: That the City Council consider and adopt:


- (A) A resolution approving an addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140), certified by the City of Ontario City Council on January 27, 2010, in conjunction with File No. PSPA06-001; and
- (B) A resolution approving an amendment to the Ontario Gateway Specific Plan (File No. PSPA18-010), to change the land use designation on 3.9 acres of land, from Office to Mixed-Use, and reduce the rear parking/landscape setback adjacent to the Southern Pacific Railroad right-of-way, from 20-feet to 10-feet.

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

FISCAL IMPACT: None.

BACKGROUND: Approved in 2007, The Ontario Gateway Specific Plan established land use designations and development standards and guidelines over a 41-acre site generally located at the southeast corner of Haven Avenue and I-10 Freeway. The land use and site development concept for the Ontario Gateway Specific Plan recognizes the Specific Plan area's potential for commercial, office,

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

Prepared by: Luis E. Batres
Department: Planning
City Manager Approval: 

Submitted to Council/O.H.A. 08/20/2019
Approved: _____
Continued to: _____
Denied: _____

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business park, and institutional uses, and takes advantage of the excellent freeway access and proximity to Ontario International Airport. The land use and development site concept provides for visitor and freeway-serving commercial uses, medical-related uses, hospitality uses, business park uses, and office uses, completing the transition of the Specific Plan area from a manufacturing and distribution use, to a vibrant hospitality and retail area.

In order to allow for development flexibility, the Specific Plan is divided into four different planning areas, with each area having a specific listing of allowed uses. The land use and development site concept envisioned in the Ontario Gateway Specific Plan includes the following five planning area categories:

- Mixed Use Planning Area;
- Entertainment Planning Area;
- Office Planning Area I;
- Office Planning Area II; and
- Auto Planning Area.

The Applicant, Prime A. Investment, LLC, has proposed an amendment to The Ontario Gateway Specific Plan to: 1) change the land use designation on a 3.9-acre portion of the Specific Plan, located at the southeast corner of the Specific Plan area, from Office to Mixed Use (See Exhibit B: Proposed Ontario Gateway Specific Plan Land Use Map); and 2) reduce the required rear parking/landscape setback adjacent to the Southern Pacific Railroad right-of-way, from 20 feet to 10 feet.

Located on the south side of Guasti Road, the Specific Plan's Mixed Use land use district extends south, to the Southern Pacific Railroad right-of-way, and east approximately 500 east of Haven Avenue. The proposed land use change from Office to Mixed Use over the 3.9-acre site would allow for a variety of retail and commercial office uses that currently would not be permitted in the Office designation, including large-box retail users. The land use change would allow the Applicant to move forward with their development of a 136,342 square foot retail building (Costco Business Center).

The request to reduce the required rear parking/landscape setback adjacent to the railroad right-of-way, from 20-feet to 10-feet, will allow the proposed developments to maximize the buildable area and comply with all parking and setback requirements. The original intent of the 20-foot setback along the railroad right-of-way (south property line), was to provide a buffer between the railroad right-of-way and adjacent land uses. A 10-foot landscaped setback will provide a sufficient buffer along the south property line, provide greater flexibility within the interior of the site and focus improvements where they have a greater impact – within the parking area and along the street.

On July 23, 2019, the Planning Commission conducted a public hearing and voted unanimously (5-0) to recommend that the City Council approve the proposed Specific Plan Amendment.

AIRPORT LAND USE COMPATIBILITY: The Proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan.

ENVIRONMENTAL REVIEW: The application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") and an initial study has been prepared to determine possible environmental impacts. On the basis of the initial study, which indicated

that all potential environmental impacts from the Project were less than significant and an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) prepared in conjunction with File No. PGPA06-001 and adopted by City Council on January 27, 2010, was prepared pursuant to CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines. This Application introduces no new significant environmental impacts. All previously adopted mitigation measures are to be a condition of project approval and are incorporated herein by this reference. The environmental documentation for this project is available for review at the Planning Department public counter.

Exhibit A: Existing Ontario Gateway Specific Plan Land Use Map

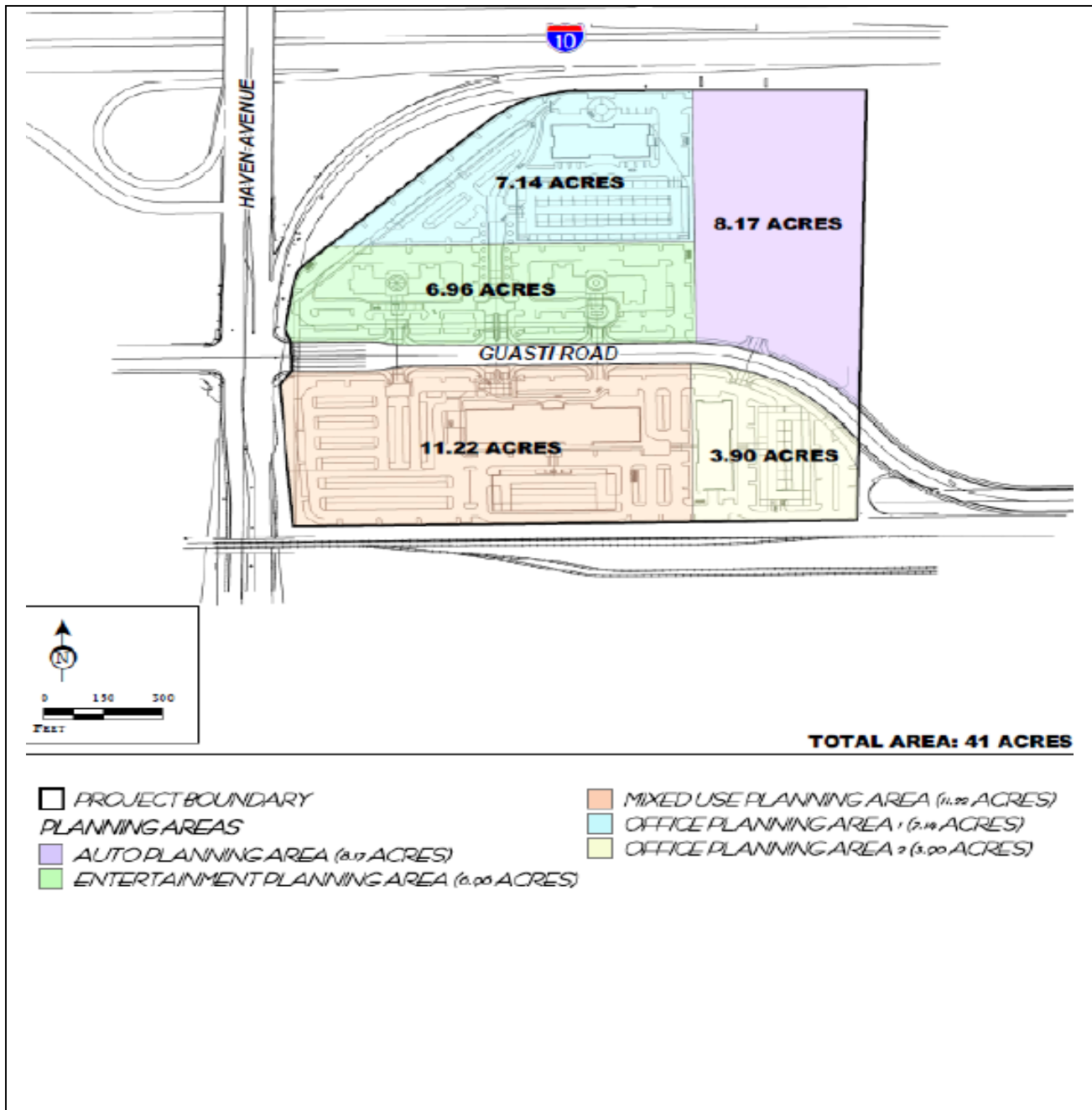
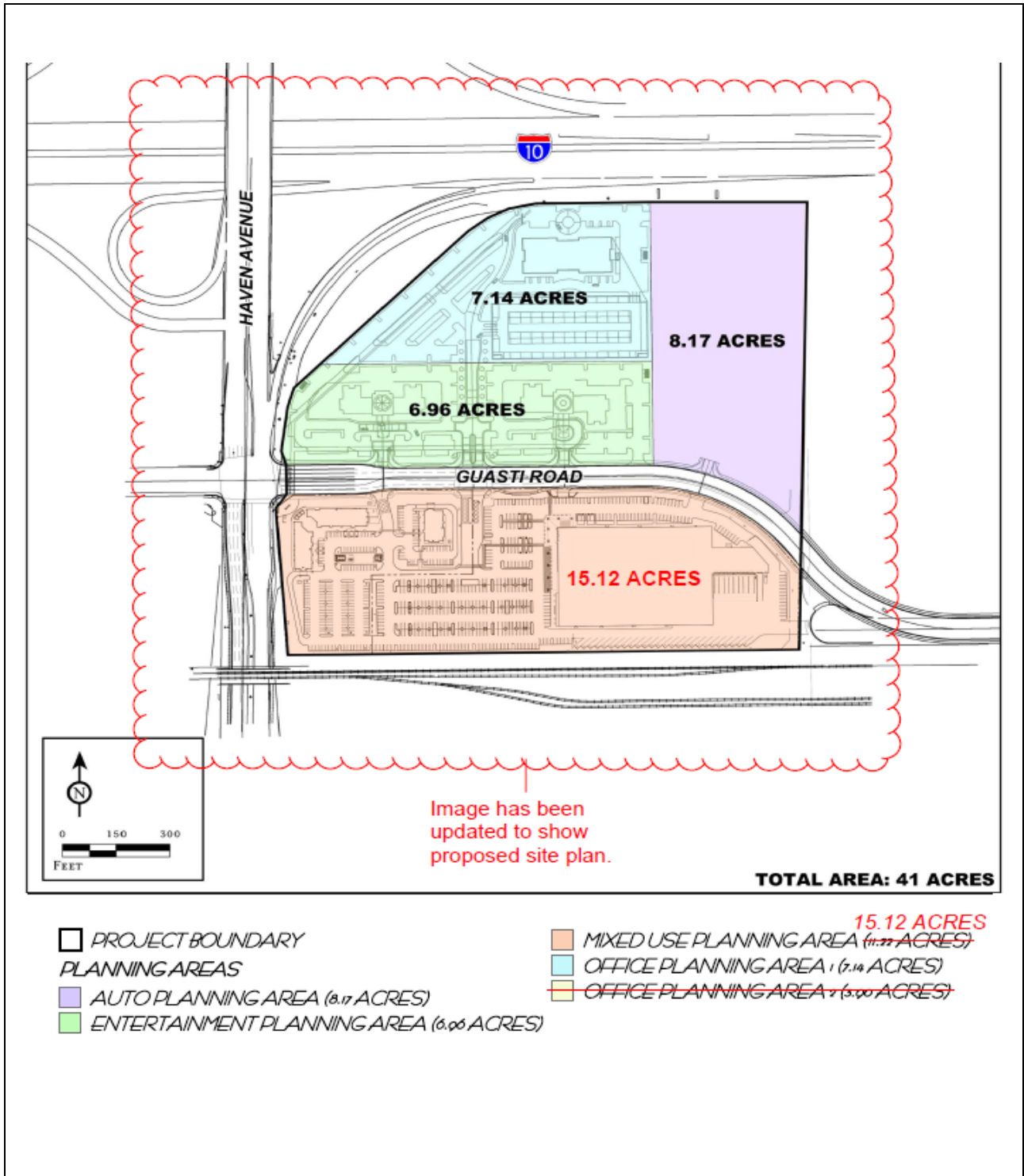


Exhibit B: Proposed Ontario Gateway Specific Plan Land Use Map



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN ADDENDUM TO THE THE ONTARIO PLAN ENVIRONMENTAL IMPACT REPORT, FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, FOR FILE NO. PSPA18-010, APN: 0210-212-56.

WHEREAS, prior to the adoption of this Resolution, the Planning Director of the City of Ontario prepared and approved for attachment to the certified Environmental Impact Report, an addendum to the Ontario Plan Environmental Impact Report — State Clearinghouse No. 2008101140 — for File No. PSPA18-010 (hereinafter referred to as “EIR Addendum”), all in accordance with the requirements of the California Environmental Quality Act of 1970, together with State and local guidelines implementing said Act, all as amended to date (collectively referred to as “CEQA”); and

WHEREAS, File No. PSPA18-010 analyzed under the EIR Addendum, consists of an Amendment to The Ontario Gateway Specific Plan to change the land use designation on 3.9 acres of land from Office to Mixed-Use, and reduce the rear parking/landscape setback adjacent to the Southern Pacific Rail Road right-of-way, from 20-feet to 10-feet, affecting property generally located at the southeast corner of Haven Avenue and Guasti Road, in the City of Ontario, California (hereinafter referred to as the "Project"); and

WHEREAS, the EIR Addendum concluded that implementation of the Project could result in a number of significant effects on the environment and identified mitigation measures that would reduce each of those significant effects to a less-than-significant level; and

WHEREAS, The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140), including the related Mitigation Monitoring Program, was certified by the City Council of the City of Ontario on July 27, 2010, (hereinafter referred to as “Certified EIR”), in which development and use of the Project site was discussed; and

WHEREAS, pursuant to California Environmental Quality Act ("CEQA") Guidelines Section 15164(a), a lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary to a project, but the preparation of a subsequent or supplemental EIR is not required; and

WHEREAS, the City determined that none of the conditions requiring preparation of a subsequent or supplemental EIR would occur from the Project, and that preparation of an addendum to the EIR was appropriate; and

WHEREAS, the City of Ontario is the lead agency on the Project, and the City Council is the decision-making authority for the requested approval to construct and otherwise undertake the Project; and

WHEREAS, the City Council has reviewed and considered the Initial EIR Addendum for the Project, has concluded that none of the conditions requiring preparation of a subsequent of supplemental EIR have occurred, and intends to take actions on the Project in compliance with CEQA and state and local guidelines implementing CEQA; and

WHEREAS, the EIR Addendum for the Project are on file in the Planning Department, located at 303 East B Street, Ontario, CA 91764, are available for inspection by any interested person at that location and are, by this reference, incorporated into this Resolution as if fully set forth herein; and

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

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

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

(1) The environmental impacts of this project were reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140), certified by the Ontario City Council on January 27, 2010, in conjunction with File No. PGPA06-001; and

(2) The EIR Addendum and administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

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

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

(5) The EIR Addendum contains a complete and accurate reporting of the environmental impacts associated with the Project, and reflects the independent judgment of the City Council; and

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

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

(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. *City Council Action.* Based upon the findings and conclusions set forth in Sections 1 and 2, above, the City Council hereby finds that, based upon the entire record of proceedings before it, and all information received, there is no substantial evidence that the Project will constitute substantial changes to the Certified EIR, and does hereby approve the EIR Addendum to the Certified EIR, incorporated herein by this reference.

SECTION 4. *Indemnification.* The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

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

SECTION 6. ***Certification to Adoption.*** The City Clerk shall certify to the adoption of the Resolution.

PASSED, APPROVED, AND ADOPTED this 20th day of August 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 Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held August 20, 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 August 20, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PSPA18-010, AN AMENDMENT TO THE ONTARIO GATEWAY SPECIFIC PLAN, CHANGING THE LAND USE DESIGNATION ON 3.9 ACRES OF LAND FROM OFFICE TO MIXED USE, AND REDUCING THE REAR PARKING/LANDSCAPE SETBACK ADJACENT TO THE SOUTHERN PACIFIC RAILROAD RIGHT-OF WAY, FROM 20-FEET TO 10-FEET, AFFECTING 15.12 ACRES OF LAND, GENERALLY LOCATED AT THE SOUTHEAST CORNER OF GUASTI ROAD AND HAVEN AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 0210-212-56 AND 0210-212-57.

WHEREAS, Prime A. Investment, LLC, (hereinafter referred to as "Applicant") has filed an Application for the approval of an Amendment to the Ontario Gateway Specific Plan, File No. PSPA18-010, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 15.12 acres of land generally located at the southeast corner of Haven Avenue and Guasti Road, within the Mixed Use and Office land use designations of the Ontario Gateway Specific Plan, and is presently vacant; and

WHEREAS, the properties to the north of the project site are developed with an existing Fletcher Jones Mercedes Benz auto dealer, an Embassy Suites hotel, and a Springhill Suites hotel, all located within the Entertainment and Auto land use districts of the Ontario Gateway Specific Plan. The properties to the south are developed with a Park-N-Fly airport parking lot and existing industrial warehouse, and are located within the Commercial/Food/Hotel land use district of the California Commerce Center Specific Plan. The property to the west is developed with an office building, and is located within the Office land use district of the Centrelake Specific Plan. The property to the east is located within the IL (Light Industrial) zoning district, and is developed with an industrial trucking operation; and

WHEREAS, in conjunction with the proposed Specific Plan Amendment, the applicant has also submitted two Development Plan applications, File Nos. PDEV18-039 and PDEV18-040, to construct a 136,342-square foot retail building (Costco Business Center) on a 10.9-acre portion of the project site, and to construct three retail buildings totaling 19,000 square feet in area on a 4.3-acre portion of the project site, respectively; and

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with File No. PGPA06-001, a General Plan Amendment for which an Environmental Impact Report (State Clearinghouse No. 2008101140) was adopted by the City Council on January 27, 2010, (hereinafter referred to as "Certified EIR") 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 the California Environmental Quality Act — Public Resources Code Section 21000 et seq. — (hereinafter referred to as "CEQA") 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 has been reviewed for consistency with the Housing Element of the Policy Plan component of The Ontario Plan, as State Housing Element law (as prescribed in Government Code Sections 65580 through 65589.8) requires that development projects must be consistent with the Housing Element, if upon consideration of all its aspects, it is found to further the purposes, principals, goals, and policies of the Housing Element; and

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

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

WHEREAS, on July 23, 2019, the Planning Commission of the City of Ontario conducted a public hearing and approved Resolution No. PC19-056, recommending the City Council approve a Resolution adopting an Addendum to the TOP Environmental Impact Report (SCH# 2008101140), certified by the City Council on January 27, 2010, in conjunction with File No. PGPA06-001. The Addendum finds that the proposed project introduces no new significant environmental impacts. Furthermore, all mitigation measures previously adopted with the Certified Environmental Impact Report are incorporated into the Project by reference; and

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

WHEREAS, as the first action on the Project, on August 20, 2019, the City Council approved a resolution adopting an Addendum to the Certified EIR, prepared pursuant to CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines, which indicated that all potential environmental impacts from the Project were less than significant or could be mitigated to a level of significance; and

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

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

SECTION 1. *Environmental Determination and Findings.* As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the 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 reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report Environmental Impact Report (State Clearinghouse No. 2008101140), certified by the City of Ontario City Council on January 27, 2010, in conjunction with File No. PSPA06-001.

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

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

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

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

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

SECTION 2. *Additional Environmental Review Not Required.* Based on the Addendum, all related information presented to the City Council, and the specific findings set forth in Section 1, above, the City Council finds that the preparation of a subsequent or supplemental 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. *Housing Element Compliance.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making body for the Project, the City Council finds that based upon the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.

SECTION 4. *Ontario International Airport Land Use Compatibility Plan (“ALUCP”) Compliance.* The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan (“ALUCP”), establishing the Airport Influence Area for Ontario International Airport (“ONT”), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts

of current and future airport activity. As the decision-making body for the Project, the 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 5. Concluding Facts and Reasons. Based upon the substantial evidence presented to the City Council during the above-referenced hearing, and upon the specific findings set forth in Section 1 through 4, above, the City Council hereby concludes as follows:

(1) ***The proposed Specific Plan, or amendment thereto, is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.*** The proposed amendment to the Ontario Gateway Specific Plan will change the land use designation for 3.9 acres of land from Office to Mixed-Use and reduce the rear parking/landscape setback adjacent to the railroad tracks from 20-feet to 10-feet. The proposed amendment is consistent with the following Policy Plan (General Plan) goals and polies. In order to take advantage opportunities or remove impediments to achieving our Vision, we need the ability to quickly respond to changing market needs. TOP Policy LU3-3 TOP Land Use Flexibility, encourages the consideration of uses not typically permitted within a land use if doing so improves the livability, gathering places and activity nodes; and

(2) ***The proposed Specific Plan, or amendment thereto, would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.*** With the proposed amendments to the Ontario Gateway Specific Plan, the proposed land use change and setback reduction will be in conformance with The Ontario Plan (TOP) Policy Plan Land Use Plan and will comply with the Policy Plan goals and policies applicable to the Specific Plan. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or general welfare of the City because it will provide a convenience to the surrounding area that is surrounded by uses that include hospitality, auto and office uses and has limited commercial, retail and food uses to serve the project area; and

(3) ***In the case of an application affecting specific property(ies), the proposed Specific Plan, or amendment thereto, will not adversely affect the harmonious relationship with adjacent properties and land uses.*** The project site is located in an area that will be developed with commercial and office land uses that will be complimentary and harmonious to the surrounding area. Furthermore, the project site will provide additional commercial, retail and food opportunities to the surrounding area that currently has limited commercial retail and food uses; and

(4) ***In the case of an application affecting specific property(ies), the subject site is physically suitable, including, but not limited to, parcel size, shape, access, and availability of utilities, for the request and anticipated development.***

The proposed amendment of the Ontario Gateway Specific Plan will permit the development of a large retail use (Costco Business Center) within the Mixed Use land use designation and it will allow other proposed developments to maximize the buildable area of the site. With the approval of the amendment, a convenience of retail uses will be possible for the surrounding developed community.

SECTION 6. City Council Action. Based upon the findings and conclusions set forth in Sections 1 through 5, above, the City Council hereby APPROVES the herein described Amendment to the Ontario Gateway Specific Plan, attached hereto as "Attachment A," and incorporated herein by this reference.

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

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

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

PASSED, APPROVED, AND ADOPTED this 20th day of August 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 Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held August 20, 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 August 20, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

ATTACHMENT A:

**File No. PSPA18-010;
Amendment to the Ontario Gateway Specific Plan**

(Document follows this page)

CITY OF ONTARIO

Agenda Report
August 20, 2019

SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER 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 introduce and waive further reading of 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: 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. 08/20/2019
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 ____ day of _____ 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. ___ 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 _____ by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

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

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
August 20, 2019

SECTION:
ADMINISTRATIVE REPORTS/
DISCUSSION/ACTION

SUBJECT: A RESOLUTION AUTHORIZING THE ISSUANCE OF SPECIAL TAX BONDS FOR COMMUNITY FACILITIES DISTRICT NO. 26 (PARK PLACE FACILITIES PHASE III)

RECOMMENDATION: That the City Council consider and adopt a resolution authorizing the issuance of special tax bonds for Community Facilities District No. 26 (Park Place Facilities Phase III). The resolution:

- (A) Authorizes the issuance of special tax bonds for public improvements required to facilitate the development of the Park Place Facilities Phase III project;
- (B) Approves the forms of the Indenture of Trust, the Bond Purchase Agreement, the Continuing Disclosure Agreement, and the Preliminary Official Statement;
- (C) Authorizes a negotiated sale of the special tax bonds to Stifel, Nicolaus & Company, Incorporated (the "Underwriter") in accordance with the terms of the Bond Purchase Agreement; and
- (D) Authorizes the execution of the Indenture of Trust, the Bond Purchase Agreement, the Continuing Disclosure Agreement, and the Preliminary Official Statement by the City Manager, or his designee.

COUNCIL GOALS: Operate in a Businesslike Manner


Focus Resources in Ontario's Commercial and Residential Neighborhoods

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

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

FISCAL IMPACT: The use of Mello-Roos financing for public facilities in the residential development of the Park Place Phase III project is estimated to generate approximately \$9 million, based

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. 08/20/2019
Approved: _____
Continued to: _____
Denied: _____

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on current market interest rates, which will be used to help fund a portion of the public infrastructure improvements that will serve the project. The resolution authorizing the issuance of special tax bonds for Community Facilities District No. 26 (“District”) limits the principal amount of the bonds to \$11 million. The City expects the bonds to be sold no later than September of 2019. Since Mello-Roos bonds are not a direct obligation of the City, and are paid from special taxes levied on each taxable parcel in the district, there is no General Fund impact from the issuance of Mello-Roos bonds. 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 for the purpose of levying special taxes to fund governmental services and to finance various kinds of public infrastructure facilities. Under the Mello-Roos Act, the initial steps in the formation of a community facilities district to finance public improvements are adopting a resolution declaring the City’s intention to establish a community facilities district and levy special taxes, and a resolution to issue bonds. On December 5, 2017, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of the District with the adoption of Resolution No. 2017-145, declaring the City’s intention to establish the District and to authorize the levy of special taxes. On January 16, 2018, the City Council adopted Resolution No. 2018-005 forming the District, and Resolution No. 2018-006 deeming it necessary to incur bonded indebtedness. Based on a successful property owner election held on January 16, 2018, the City Council adopted Ordinance No. 3088 on February 6, 2018, authorizing the levy of special taxes within the District to finance public improvements related to the Park Place Phase III project.

The Park Place Phase III project addresses the residential development of approximately 34 gross acres located generally East of Celebration Avenue, generally west of Haven Avenue, south of Parkview Street and north of Merrill Avenue. At build out, the development is projected to include 279 detached single-family units.

The proposed resolution references several bond documents and other matters related to the proposed issuance of bonds for the District. These documents are listed below and are on file with the Records Management Department.

- Indenture of Trust
- Bond Purchase Agreement
- Continuing Disclosure Agreement
- Preliminary Official Statement

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE ISSUANCE OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 26 (PARK PLACE FACILITIES PHASE III) SPECIAL TAX BONDS, SERIES 2019, IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$11,000,000, AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDENTURE, A BOND PURCHASE AGREEMENT AND A CONTINUING DISCLOSURE AGREEMENT, AUTHORIZING THE DISTRIBUTION OF AN OFFICIAL STATEMENT IN CONNECTION THEREWITH AND AUTHORIZING THE EXECUTION OF NECESSARY DOCUMENTS AND CERTIFICATES AND RELATED ACTIONS.

WHEREAS, the City Council (the "City Council") of the City of Ontario (the "City") has formed the City of Ontario Community Facilities District No. 26 (Park Place Facilities Phase III) (the "Community Facilities District") under the provisions of the Mello-Roos Community Facilities Act of 1982 (the "Act"); and

WHEREAS, the Community Facilities District is authorized under the Act to levy special taxes (the "Special Taxes") to pay for the costs of certain public facilities (the "Facilities") and to issue bonds payable from the Special Taxes; and

WHEREAS, in order to provide funds to finance certain of the Facilities, the Community Facilities District proposes to issue its City of Ontario Community Facilities District No. 26 (Park Place Facilities Phase III) Special Tax Bonds, Series 2019 (the "Series 2019 Bonds"), in the aggregate principal amount of not to exceed \$11,000,000; and

WHEREAS, in order to provide for the authentication and delivery of the Series 2019 Bonds, to establish and declare the terms and conditions upon which the Series 2019 Bonds are to be issued and secured and to secure the payment of the principal thereof, premium, if any, and interest thereon, the Community Facilities District proposes to enter into an Indenture with Zions Bancorporation, National Association, as trustee (the "Trustee") (such Indenture, in the form presented to this meeting, with such changes, insertions and omissions as are made pursuant to this Resolution, being referred to herein as the "Indenture"); and

WHEREAS, Stifel, Nicolaus & Company, Incorporated (the "Underwriter"), has presented the Community Facilities District with a proposal, in the form of a Bond Purchase Agreement, to purchase the Series 2019 Bonds from the Community Facilities District (such Bond Purchase Agreement, in the form presented to this meeting, with such changes, insertions and omissions as are made pursuant to this Resolution, being referred to herein as the "Purchase Agreement"); and

WHEREAS, Rule 15c2-12 promulgated under the Securities Exchange Act of 1934 (“Rule 15c2-12”) requires that, in order to be able to purchase or sell the Series 2019 Bonds, the underwriter thereof must have reasonably determined that the Community Facilities District has, or one or more appropriate obligated persons have, undertaken in a written agreement or contract for the benefit of the holders of the Series 2019 Bonds to provide disclosure of certain financial information and certain listed events on an ongoing basis; and

WHEREAS, in order to cause such requirement to be satisfied, the Community Facilities District desires to enter into a Continuing Disclosure Agreement with the Trustee (such Continuing Disclosure Agreement, in the form presented to this meeting, with such changes, insertions and omissions as are made pursuant to this Resolution, being referred to herein as the “Continuing Disclosure Agreement”); and

WHEREAS, a form of the Preliminary Official Statement to be distributed in connection with the public offering of the Series 2019 Bonds has been prepared (such Preliminary Official Statement, in the form presented to this meeting, with such changes, insertions and omissions as are made pursuant to this Resolution, being referred to herein as the “Preliminary Official Statement”); and

WHEREAS, there have been prepared and submitted to this meeting forms of:

- (a) the Indenture;
- (b) the Purchase Agreement;
- (c) the Continuing Disclosure Agreement; and
- (d) the Preliminary Official Statement; and

WHEREAS, Harris Realty Appraisal has prepared and provided to the Community Facilities District an appraisal report, dated June 10, 2019 (the “Appraisal”), providing an opinion of value of the property in the Community Facilities District, which has been submitted to this meeting; and

WHEREAS, Section 5852.1 of the California Government Code requires that the City Council obtain from an underwriter, financial advisor or private lender and disclose, in a meeting open to the public, prior to authorization of the issuance of the Series 2019 Bonds, good faith estimates of (a) the true interest cost of the Series 2019 Bonds, (b) the sum of all fees and charges paid to third parties with respect to the Series 2019 Bonds, (c) the amount of proceeds of the Series 2019 Bonds expected to be received net of the fees and charges paid to third parties and any reserves or capitalized interest paid or funded with proceeds of the Series 2019 Bonds, and (d) the sum total of all debt service payments on the Series 2019 Bonds calculated to the final maturity of the Series 2019 Bonds plus the fees and charges paid to third parties not paid with the proceeds of the Series 2019 Bonds; and

WHEREAS, in compliance with Section 5852.1 of the California Government Code, the City Council has obtained from CSG Advisors Incorporated, as the Community Facilities District's municipal advisor, in consultation with the Underwriter, the required good faith estimates and such estimates are disclosed and set forth in Exhibit A attached hereto; and

WHEREAS, the Community Facilities District desires to proceed to issue and sell the Series 2019 Bonds and to authorize the execution of such documents and the performance of such acts as may be necessary or desirable to effect the offering, sale and issuance of the Series 2019 Bonds; and

WHEREAS, the City Council is the legislative body of the Community Facilities District; and

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

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. Subject to the provisions of Section 3 hereof, the issuance of the Series 2019 Bonds, in an aggregate principal amount of not to exceed \$11,000,000, on the terms and conditions set forth in, and subject to the limitations specified in, the Indenture, be and the same is hereby authorized and approved. The Series 2019 Bonds shall be dated, shall bear interest at the rates, shall mature on the dates, shall be subject to call and redemption, shall be issued in the form and shall be as otherwise provided in the Indenture, as the same shall be completed as provided in this Resolution.

SECTION 3. The Indenture, in substantially the form submitted to this meeting and made a part hereof as though set forth herein, be and the same is hereby approved. Each of the Mayor of the City, and such other member of the City Council as the Mayor may designate, the City Manager of the City, the Assistant City Manager of the City, the Executive Director of Finance of the City, the General Services Director of the City, and such other officer or employee of the City as the City Manager may designate (the "Authorized Officers") is hereby authorized, and any one of the Authorized Officers is hereby directed, for and in the name of the Community Facilities District, to execute and deliver the Indenture in the form submitted to this meeting, with such changes, insertions and omissions as the Authorized Officer executing the same may require or approve, such requirement or approval to be conclusively evidenced by the execution of the Indenture by such Authorized Officer; provided, however, that such changes, insertions and omissions shall not authorize an aggregate principal amount of Series 2019 Bonds in excess of \$11,000,000, shall not result in a final maturity date of the Series 2019 Bonds later than September 1, 2050, and shall not result in a true interest cost for the Series 2019 Bonds in excess of 6.50%.

SECTION 4. The Purchase Agreement, in substantially the form submitted to this meeting and made a part hereof as though set forth in full herein, be and the same is hereby approved. Each of the Authorized Officers is hereby authorized, and any one

of the Authorized Officers is hereby directed, for and in the name of the Community Facilities District, to execute and deliver the Purchase Agreement in the form presented to this meeting, with such changes, insertions and omissions as the Authorized Officer executing the same may require or approve, such requirement or approval to be conclusively evidenced by the execution of the Purchase Agreement by such Authorized Officer; provided, however, that such changes, insertions and omissions shall not result in an aggregate underwriter's discount (not including any original issue discount) from the principal amount of the Series 2019 Bonds in excess of 1.50% of the aggregate principal amount of the Series 2019 Bonds. The City Council hereby finds and determines that the sale of the Series 2019 Bonds at negotiated sale as contemplated by the Purchase Agreement will result in a lower overall cost.

SECTION 5. The Continuing Disclosure Agreement, in substantially the form submitted to this meeting and made a part hereof as though set forth in full herein, be and the same is hereby approved. Each of the Authorized Officers is hereby authorized, and any one of the Authorized Officers is hereby directed, for and in the name of the Community Facilities District, to execute and deliver the Continuing Disclosure Agreement in the form presented to this meeting, with such changes, insertions and omissions as the Authorized Officer executing the same may require or approve, such requirement or approval to be conclusively evidenced by the execution of the Continuing Disclosure Agreement by such Authorized Officer.

SECTION 6. The Preliminary Official Statement, in substantially the form presented to this meeting and made a part hereof as though set forth in full herein, with such changes, insertions and omissions therein as may be approved by an Authorized Officer, be and the same is hereby approved, and the use of the Preliminary Official Statement in connection with the offering and sale of the Series 2019 Bonds is hereby authorized and approved. The Authorized Officers are each hereby authorized to certify on behalf of the Community Facilities District that the Preliminary Official Statement is deemed final as of its date, within the meaning of Rule 15c2-12 (except for the omission of certain final pricing, rating and related information as permitted by Rule 15c2-12).

SECTION 7. The preparation and delivery of a final Official Statement (the "Official Statement"), and its use in connection with the offering and sale of the Series 2019 Bonds, be and the same is hereby authorized and approved. The Official Statement shall be in substantially the form of the Preliminary Official Statement, with such changes, insertions and omissions as may be approved by an Authorized Officer, such approval to be conclusively evidenced by the execution and delivery thereof. Each of the Authorized Officers is hereby authorized, and any one of the Authorized Officers is hereby directed, for and in the name of the Community Facilities District, to execute the final Official Statement and any amendment or supplement thereto.

SECTION 8. Based upon the property values within the Community Facilities District reported in the Appraisal and the value-to-lien information set forth in the Preliminary Official Statement, the City Council, for purposes of Section 53345.8 of the Act, hereby finds and determines that the value of the real property that would be subject to the Special Tax to pay debt service on the Series 2019 Bonds will be at least

three times the principal amount of the Series 2019 Bonds to be sold and the principal amount of all other bonds outstanding that are secured by a special tax levied pursuant to the Act on property within the Community Facilities District or a special assessment levied on property within the Community Facilities District.

SECTION 9. The officers, employees and agents of the City are hereby authorized and directed to take all actions and do all things which they, or any of them, may deem necessary or desirable to accomplish the purposes of this Resolution and not inconsistent with the provisions hereof.

SECTION 10. This Resolution shall take effect immediately upon its adoption.

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

PASSED, APPROVED, AND ADOPTED this 20th day of August 2019.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held August 20, 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 August 20, 2019.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A

GOOD FAITH ESTIMATES

The good faith estimates set forth herein are provided with respect to the Series 2019 Bonds in accordance with Section 5852.1 of the California Government Code. Such good faith estimates have been provided to the Community Facilities District by CSG Advisors Incorporated, the Community Facilities District's municipal advisor (the "Municipal Advisor"), in consultation with Stifel, Nicolaus & Company, Incorporated, the Underwriter.

Principal Amount. The Municipal Advisor has informed the Community Facilities District that, based on the Community Facilities District's financing plan and current market conditions, its good faith estimate of the aggregate principal amount of the Series 2019 Bonds to be sold is \$8,685,000 (the "Estimated Principal Amount"), which excludes approximately \$861,000 of net premium estimated to be generated based on current market conditions. Net premium is generated when, on a net aggregate basis for a single issuance of bonds, the price paid for such bonds is higher than the face value of such bonds.

True Interest Cost of the Series 2019 Bonds. The Municipal Advisor has informed the Community Facilities District that, assuming that the Estimated Principal Amount of the Series 2019 Bonds is sold, and based on market interest rates prevailing at the time of preparation of such estimate, its good faith estimate of the true interest cost of the Series 2019 Bonds, which means the rate necessary to discount the amounts payable on the respective principal and interest payment dates to the purchase price received for the Series 2019 Bonds, is 3.87%.

Finance Charge of the Series 2019 Bonds. The Municipal Advisor has informed the Community Facilities District that, assuming that the Estimated Principal Amount of the Series 2019 Bonds is sold, and based on market interest rates prevailing at the time of preparation of such estimate, its good faith estimate of the finance charge for the Series 2019 Bonds, which means the sum of all fees and charges paid to third parties (or costs associated with the Series 2019 Bonds), is \$347,000.

Amount of Proceeds to be Received. The Municipal Advisor has informed the Community Facilities District that, assuming that the Estimated Principal Amount of the Series 2019 Bonds is sold, and based on market interest rates prevailing at the time of preparation of such estimate, its good faith estimate of the amount of proceeds expected to be received by the Community Facilities District for sale of the Series 2019 Bonds, less the finance charge of the Series 2019 Bonds, as estimated above, and any reserves or capitalized interest paid or funded with proceeds of the Series 2019 Bonds, is \$8,658,000.

Total Payment Amount. The Municipal Advisor has informed the Community Facilities District that, assuming that the Estimated Principal Amount of the Series 2019 Bonds is sold, and based on market interest rates prevailing at the time of preparation of such estimate, its good faith estimate of the total payment amount, which means the sum total of all payments the Community Facilities District will make to pay debt service

on the Series 2019 Bonds, plus the finance charge for the Series 2019 Bonds, as described above, not paid with the proceeds of the Series 2019 Bonds, calculated to the final maturity of the Series 2019 Bonds, is \$16,158,000, which excludes any reserves or capitalized interest funded or paid with proceeds of the Series 2019 Bonds (which may offset such total payment amount).

The foregoing estimates constitute good faith estimates only and are based on market conditions prevailing at the time of preparation of such estimates. The actual principal amount of the Series 2019 Bonds issued and sold, the true interest cost thereof, the finance charges thereof, the amount of proceeds received therefrom and total payment amount with respect thereto may differ from such good faith estimates due to (a) the actual date of the sale of the Series 2019 Bonds being different than the date assumed for purposes of such estimates, (b) the actual principal amount of Series 2019 Bonds sold being different from the Estimated Principal Amount, (c) the actual amortization of the Series 2019 Bonds being different than the amortization assumed for purposes of such estimates, (d) the actual market interest rates at the time of sale of the Series 2019 Bonds being different than those estimated for purposes of such estimates, (e) other market conditions, or (f) alterations in the Community Facilities District's financing plan, or a combination of such factors. The actual date of sale of the Series 2019 Bonds and the actual principal amount of Series 2019 Bonds sold will be determined by the Community Facilities District based on the timing of the need for proceeds of the Series 2019 Bonds and other factors. The actual interest rates borne by the Series 2019 Bonds will depend on market interest rates at the time of sale thereof. The actual amortization of the Series 2019 Bonds will also depend, in part, on market interest rates at the time of sale thereof. Market interest rates are affected by economic and other factors beyond the control of the Community Facilities District.