



CITY OF ONTARIO

Regular City Council/Housing Authority Meeting AUGUST 6, 2024

City Hall

303 East B Street, Ontario, CA 91764

MAYOR PAUL S. LEON • MAYOR PRO TEM DEBRA DORST-PORADA
COUNCIL MEMBERS ALAN D. WAPNER, JIM W. BOWMAN AND RUBEN VALENCIA

CITY CLERK SHEILA MAUTZ • TREASURER JAMES R. MILHISER
CITY MANAGER SCOTT OCHOA • CITY ATTORNEY RUBEN DURAN

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 in person 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. To comment by email, submit your comments no later than 4:00 p.m. on the day of the meeting by emailing your name, agenda item you are commenting on and your comments to publiccomments@ontarioca.gov. All comments received by the deadline will be forwarded to the City Council for consideration before action is taken on the matter and will be entered into the record.

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 the chamber will not be permitted. All those wishing to speak including Council and Staff need to be recognized by the Chair before speaking.

ACCOMODATIONS

If you need special assistance or accommodations to participate in this meeting, please contact the City Clerk's office at 909-395-2009. Notification of 48 hours prior to the meeting will help the City make reasonable arrangements. Equipment for the hearing impaired is available in the Records Management Office.

ORDER OF BUSINESS

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

CALL TO ORDER (OPEN SESSION)

ROLL CALL

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

CLOSED SESSION PUBLIC COMMENT

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

CLOSED SESSION

GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS:

Property: APNS: 1011-221-09 through 12; 1500-1506 West Mission Boulevard; City/Authority negotiator: Scott Ochoa or his designee; Negotiating parties: George Grigorian and Julie Grigorian; Under negotiation: Price and terms of payment

GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS:

Property: APN: 1011-221-13; 1514 West Mission Boulevard; City/Authority negotiator: Scott Ochoa or his designee; Negotiating parties: 4 Yogi Corp; Under negotiation: Price and terms of payment

GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS:

Property: APN: 1011-221-15; 1530 West Mission Boulevard; City/Authority negotiator: Scott Ochoa or his designee; Negotiating parties: Bright Star LP; Under negotiation: Price and terms of payment

GC 54956.9(d)(1), CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:

Frank Benavente, et al. v. City of Ontario, United States District Court for the Central District of California, Case No. 5:23-cv-00266-SSS-KK

ATTACHMENT: [20240806 Closed Session.docx](#)

PLEDGE OF ALLEGIANCE

Council Member Valencia

INVOCATION

Assistant Pastor Juan Velez, Montecito Baptist Church

REPORT ON CLOSED SESSION

City Attorney

PUBLIC COMMENTS

6:30 P.M.

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

To comment by email, submit your comments by email no later than 4:00 p.m. on the day of the meeting by emailing your name, agenda item you are commenting on and your comment to publiccomments@ontarioca.gov. All Comments received by the deadline will be forwarded to the City Council for consideration before action is taken on the matter and entered into the record. 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.

INFORMATION RELATIVE TO POSSIBLE CONFLICT OF INTEREST

Agenda item contractors, subcontractors and agents may require member abstentions due to conflict of interests and financial interests. Council Member abstentions shall be stated under this item for recordation on the appropriate item.

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 2 minutes.

1. **APPROVAL OF MINUTES**

Minutes for the regular meetings of the City Council and Housing Authority of June 18, 2024 and July 2, 2024, and approving same as on file in the Records Management Department.

ATTACHMENT: [20240618 Meeting Minutes \(Not Official Until Approved\).docx](#)

ATTACHMENT: [20240702 Meeting Minutes \(Not Official Until Approved\).docx](#)

2. **BILLS & PAYROLL**

Bills June 28, 2024 through July 18, 2024, and Payroll June 16, 2024 through June 29, 2024.

3. **AN ORDINANCE APPROVING A ZONE CHANGE FOR FILE NO. PZC23-004.**

That the City Council consider and adopt an Ordinance approving the Zone Change (File No. PZC23-004).

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC23-004, A ZONE CHANGE REQUEST TO CHANGE THE ZONING DISTRICT FOR [1] 134.42 ACRES FROM THE ARMSTRONG RANCH SPECIFIC PLAN TO OS-R (OPEN SPACE RECREATION) ZONING DISTRICT LOCATED SOUTH OF RIVERSIDE DRIVE, NORTH OF CHINO AVENUE, WEST OF UNIMPROVED RIGHT-OF-WAY FOR WHISPERING LAKES LANE, AND EAST OF THE UNIMPROVED RIGHT-OF-WAY FOR VINEYARD AVENUE; [2] 51.57 ACRES FROM THE ARMSTRONG RANCH SPECIFIC PLAN TO CCS (CONVENTION CENTER SUPPORT COMMERCIAL) ZONING DISTRICT GENERALLY LOCATED SOUTH OF RIVERSIDE DRIVE, NORTH OF CHINO AVENUE, EAST OF THE UNIMPROVED RIGHT-OF-WAY FOR WHISPERING LAKES LANE, AND WEST OF THE CUCAMONGA CREEK FLOOD CONTROL CHANNEL; [3] REMOVE THE AH (AFFORDABLE HOUSING OVERLAY ZONING DISTRICT ON 36.18 ACRES OF LAND LOCATED SOUTH OF

RIVERSIDE DRIVE, NORTH OF CHINO AVENUE, EAST OF THE UNIMPROVED RIGHT-OF-WAY FOR WHISPERING LAKES LANE, AND WEST OF THE UNIMPROVED RIGHT-OF-WAY FOR VINEYARD AVENUE, AND [4] ADD THE AH (AFFORDABLE HOUSING) OVERLAY ZONING DISTRICT ON 19.25 ACRES OF LAND WITHIN THE SP (SPECIFIC PLAN)/AG (AGRICULTURAL) OVERLAY LOCATED NORTH OF ONTARIO RANCH ROAD, SOUTH OF SCHAEFER AVENUE, EAST OF THE UNIMPROVED RIGHT-OF-WAY FOR VINEYARD AVENUE, AND WEST OF THE RIGHT-OF-WAY FOR HELLMAN AVENUE. (APNS: 218-101-01, 218-101-02, 218-101-03, 218-101-04, 218-101-05, 218-101-06, 218-101-07, 218-101-08, 218-102-10, 218-102-11, 218-111-04, 218-111-05, 218-111-06, 218-111-08, 218-111-09, 218-111-11, 218-111-12, 218-111-45, 218-111-49, 218-111-50, 218-181-02, AND 218-181-15.

ATTACHMENT: [File Nos. PGPA23-002 PZC23-004 ORSC PC - ZC 01^ORD^RM](#)

STAFF MATTERS

City Manager Ochoa

COUNCIL MATTERS

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

ADJOURNMENT

CITY OF ONTARIO
CLOSED SESSION REPORT
City Council // Housing Authority // Other // (GC 54957.1)
August 6, 2024

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

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

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

- GC GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS:
Property: APNS: 1011-221-09 through 12; 1500-1506 West Mission Boulevard;
City/Authority negotiator: Scott Ochoa or his designee; Negotiating parties: George Grigorian and Julie Grigorian; Under negotiation: Price and terms of payment

No Reportable Action	Continue	Approved
/ /	/ /	/ /

Disposition: _____

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

- GC GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS:
Property: APN: 1011-221-13; 1514 West Mission Boulevard; City/Authority negotiator:
Scott Ochoa or his designee; Negotiating parties: 4 Yogi Corp; Under negotiation: Price
and terms of payment

No Reportable Action	Continue	Approved
/ /	/ /	/ /

Disposition: _____

CITY OF ONTARIO
CLOSED SESSION REPORT
City Council // Housing Authority // Other // (GC 54957.1)
August 6, 2024
(Continued)

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

- GC GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS:
Property: APN: 1011-221-15; 1530 West Mission Boulevard; City/Authority negotiator:
Scott Ochoa or his designee; Negotiating parties: Bright Star LP; Under negotiation:
Price and terms of payment

No Reportable Action	Continue	Approved
/ /	/ /	/ /

Disposition: _____

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

- GC 54956.9(d)(1), CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:
Frank Benavente, et al. v. City of Ontario, United States District Court for the Central
District of California, Case No. 5:23-cv-00266-SSS-KK

No Reportable Action	Continue	Approved
/ /	/ /	/ /

Disposition: _____

Reported by:

City Attorney / City Manager / Executive Director

**ONTARIO CITY COUNCIL/
ONTARIO HOUSING AUTHORITY
MINUTES
June 18, 2024
(Not Official Until Approved)**

JOINT MEETINGS

The regular meetings of the Ontario City Council and the Housing Authority were held on Tuesday, June 18, 2024 at Ontario City Hall, 303 E. B Street Ontario, California.

OPEN MEETING CALLED TO ORDER

Mayor Leon called the joint meetings to order at 6:05 p.m.

ROLL CALL

PRESENT: Mayor/Chairman: Paul S. Leon
Mayor pro Tem/Vice Chair: Debra Porada
Council/Authority Members: Alan D. Wapner, and Jim W. Bowman

ABSENT: Council/Authority Members: Ruben Valencia

Also present were City Manager / Executive Director Scott Ochoa, City Attorney/Legal Counsel Ruben Duran, and City Clerk / Secretary Sheila Mautz.

INFORMATION RELATIVE TO POSSIBLE CONFLICTS OF INTEREST

There were no conflicts of interest announced by the City Council.

CLOSED SESSION

Mayor Leon inquired whether persons were present who wished to speak to the Closed Session items. Hearing no one, City Attorney Duran announced the matters for discussion as listed on the agenda and recessed to Closed Session at 6:06 p.m. for discussion of the following:

GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS: Property: APNs: 0110-321-29, 0110-321-74, 0110-321-75, 0110-321-76, 0110-321-77; 2350-2630 East Inland Empire Boulevard; Ikea Property, Inc; City/Authority negotiator: Scott Ochoa or his designee; Negotiating parties: Ikea Property, Inc. Under negotiation: Price and terms of payment.

OPEN MEETING CALLED TO ORDER

Mayor Leon reconvened the meetings at 6:34 p.m. for the regular session.

REPORT ON CLOSED SESSION

City Attorney Duran stated there was no reportable action.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor pro Tem Porada.

INVOCATION

The invocation was led by Mario Tavera of Alpha and Omega Ministries.

PUBLIC COMMENTS

Assistant City Clerk Isbell announced there were two written public comments:
Shannon Griffiths, regarding parking congestion and parking permitting.
Stephanie Diaz, regarding a personal matter involving a neighboring business.

Mayor Leon called upon the first speaker:

Brad Neumann, spoke regarding a personal matter involving his unemployment.
Cherryl Lemke, spoke regarding zoning and potential City development on Harvard Street.
Sheri Moody, spoke regarding Mountainview Storage ceasing business operations.
Detective N. Larraga, spoke regarding the Ontario Police Department's first place finish at the 2024 Baker to Vegas Race.
Sergeant J. Estrada, spoke regarding the presentation of the Ontario Police Department's Baker to Vegas Scholarship to three local high school students.
Anthony Pace, spoke regarding printer use and privacy at the Ovitt Family Library.
Kim Flores, spoke regarding an open invitation to the City Council involving the preservation of the Graber property located at 315 E 4th Street.
Mario Huante, spoke regarding his personal interpretation of the U.S. Constitution.

AGENDA REVIEW/ANNOUNCEMENTS

City Manager Ochoa made no announcements.

CONSENT CALENDAR

MOTION: Moved by Council Member Bowman, seconded by Mayor pro Tem Porada and carried by a unanimous vote 4-0, with Council Member Valencia absent, to approve the Consent Calendar as presented.

1. BILLS & PAYROLL

Approved bills May 17, 2024 through May 30, 2024, in the amount of \$24,928,439.31, and Payroll May 5, 2024 through May 18, 2024 in the amount of \$5,606,107.45.

2. A PROFESSIONAL SERVICES AGREEMENT WITH RAY KLEIN, INC. DBA

PROFESSIONAL CREDIT SERVICE FOR COLLECTION AGENCY SERVICES

The City Council authorized the City Manager, or his designee, to execute a Professional Services Agreement with Ray Klein Inc., dba Professional Credit Service of Vancouver, Washington, to perform collection agency services for delinquent accounts for a period of three years, with two optional one-year extensions to continue providing collection agency services for various City Agencies.

3. ANNUAL LEVY OF ASSESSMENTS WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICT NOS. 1, 2, 3 AND 4 FOR FISCAL YEAR 2024-25

The City Council adopted the following Resolutions:

- A. Resolution ordering the preparation of the Assessment Engineer's Reports for proceedings for the annual assessment levy within Ontario Parkway Maintenance Assessment District (OPMAD) Nos. 1, 2, 3 and 4;
- B. Resolution approving the Assessment Engineer's Reports for the annual levy of assessments within OPMAD Nos. 1, 2, 3 and 4; and
- C. Resolution for OPMAD Nos. 1, 2 and 3, and Resolution for OPMAD No. 4, declaring the City's intention to provide for an annual levy and collection of assessments for Fiscal Year 2024-25 and set the date of July 16, 2024, for a Public Hearing on each district in accordance with the Landscaping and Lighting Act of 1972.

RESOLUTION 2024-051 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE PREPARATION OF THE ASSESSMENT ENGINEER'S REPORTS PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, FOR PROCEEDINGS FOR THE ANNUAL ASSESSMENT LEVY WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2, 3 AND 4 FOR FISCAL YEAR 2024-25.

RESOLUTION 2024-052 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE ASSESSMENT ENGINEER'S REPORTS FOR THE ANNUAL LEVY OF ASSESSMENTS WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2, 3 AND 4 FOR FISCAL YEAR 2024-25.

RESOLUTION 2024-053 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2024-25 IN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2 AND 3, PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON.

RESOLUTION 2024-054 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2024-25 IN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICT NO. 4, PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON.

4. ANNUAL LEVY OF ASSESSMENTS WITHIN STREET LIGHTING MAINTENANCE DISTRICT NOS. 1 AND 2 FOR FISCAL YEAR 2024-25

The City Council adopted the following Resolutions:

- A. Resolution ordering the preparation of the Assessment Engineer's Reports for proceedings for the annual assessment levy within Street Lighting Maintenance District (SLMD) Nos. 1 and 2;
- B. Resolution approving the Assessment Engineer's Reports for the annual levy of assessments within SLMD Nos. 1 and 2; and
- C. Resolution for each district declaring the City's intention to provide for an annual levy and collection of assessments for Fiscal Year 2024-25 and set the date of July 16, 2024, for a Public Hearing on each district in accordance with the Landscaping and Lighting Act of 1972.

RESOLUTION 2024-055 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE PREPARATION OF THE ASSESSMENT ENGINEER'S REPORTS PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, FOR PROCEEDINGS FOR THE ANNUAL ASSESSMENT LEVY WITHIN ONTARIO STREET LIGHTING MAINTENANCE DISTRICTS NO. 1 AND NO. 2 FOR FISCAL YEAR 2024-25.

RESOLUTION 2024-056 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE ASSESSMENT ENGINEER'S REPORTS FOR THE ANNUAL LEVY OF ASSESSMENTS WITHIN ONTARIO STREET LIGHTING MAINTENANCE DISTRICTS NO. 1 AND NO. 2 FOR FISCAL YEAR 2024-25.

RESOLUTION 2024-057 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2024-25 IN ONTARIO STREET LIGHTING MAINTENANCE DISTRICT NO. 1 PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON.

RESOLUTION NO. 2024-058 A RESOLUTION OF THE CITY COUNCIL OF THE

CITY OF ONTARIO, CALIFORNIA, DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2024-25 IN ONTARIO STREET LIGHTING MAINTENANCE DISTRICT NO. 2, PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON.

5. RESOLUTIONS TO CALL AND GIVE NOTICE, CONSOLIDATE AND ADOPT REGULATIONS FOR CANDIDATE STATEMENTS FOR THE GENERAL MUNICIPAL ELECTION OF NOVEMBER 5, 2024

The City Council adopted the following Resolutions:

- A. A Resolution to call and set the date of the General Municipal Election as November 5, 2024;
- B. A Resolution to request the San Bernardino County Registrar of Voters to consolidate the election with the Presidential General Election; and
- C. A Resolution establishing regulations pertaining to Candidate Statements.

RESOLUTION 2024-059 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES.

RESOLUTION 2024-060 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BERNARDINO TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024, PURSUANT TO §10403 OF THE ELECTIONS CODE.

RESOLUTION 2024-061 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENT SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024.

6. AN AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT WITH GROUP DELTA FOR MONITORING AND REPORTING SERVICES AND AN AMENDMENT TO THE LANDSCAPE MAINTENANCE SERVICES AGREEMENT WITH NATURES IMAGE FOR THE MILL CREEK WETLANDS FACILITY

The City Council took the following actions:

- A. Approved and authorized the City Manager, or his designee, to execute an amendment with Group Delta Consultants, Inc. of Irvine, California, in the amount of \$151,544 for Fiscal Year 2024-25 Adopted Budget and extend the

agreement for up to three additional years with future amendments consistent with City Council approved budgets up to a total five-year not-to-exceed amount of \$716,474 to provide professional monitoring and reporting services for the Mill Creek Wetlands facility; and

- B. Approved and authorized the City Manager, or his designee, to execute an amendment with Natures Image of Lake Forest, California, in the amount of \$425,146 for Fiscal Year 2024-25 Adopted Budget and extend the agreement for up to three additional years with future amendments consistent with City Council approved budgets up to a total five-year not-to-exceed amount of \$2,315,380 to provide landscape maintenance services for the Mill Creek Wetlands facility.

7. A RESOLUTION APPROVING FINAL PARCEL MAP NO. 20587, LOCATED NEAR THE NORTHEAST CORNER OF EUCLID AVENUE AND 6TH STREET

The City Council adopted a Resolution approving Final Parcel Map No. 20587 located near the northeast corner of Euclid Avenue and 6th Street.

RESOLUTION 2024-062 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FINAL PARCEL MAP NO. 20587, LOCATED NEAR THE NORTHEAST CORNER OF EUCLID AVENUE AND 6TH STREET.

8. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING A SPECIAL TAX WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 65 (FALLONCREST)

The City Council considered and adopted an Ordinance authorizing the levy of special taxes within City of Ontario Community Facilities District No. 65 (Falloncrest). Introduction and first reading took place at a regular meeting of the City Council on June 4, 2024.

ORDINANCE NO. 3274 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 65 (FALLONCREST)

9. A CONSTRUCTION CONTRACT WITH MAMCO, INC. AND AN AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT WITH KLEINFELDER, INC. FOR ON-CALL GEOTECHNICAL AND MATERIAL TESTING SERVICES FOR THE SULTANA AVENUE STORM DRAIN, STREET, AND SEWER IMPROVEMENT PROJECTS

The City Council took the following actions:

- A. Awarded a Construction Contract with Mamco, Inc. dba Alabbasi of Perris, California, for the Sultana Avenue Storm Drain, Street and Sewer Improvement Project in the amount of \$16,939,393 plus a ten percent (10%)

contingency of \$1,693,939 for a total of \$18,633,332 and authorize the City Manager, or his designee, to execute said contract and all related documents, file a notice of completion at the conclusion of all construction activities; and

- B. Approved Amendment No. 6 to the Professional Services Agreement with Kleinfelder, Inc. of Ontario, California, to provide on-call geotechnical and material testing services for the Sultana Avenue Storm Drain, Street, and Sewer Improvement Projects in the amount of \$334,756 for a revised not-to-exceed total of \$1,351,242; and authorize the City Manager, or his designee, to execute said Agreement and future amendments within the authorization limits.

10. AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH ECLIPSE PRINTING AND GRAPHICS, LLC DBA JAMES LITHO, FOR PRINTING SERVICES

The City Council authorized the City Manager, or his designee, to execute Amendment No. 1 to the Professional Services Agreement with Eclipse Printing and Graphics, LLC dba James Litho in the amount of \$100,000 for a total not-to-exceed contract amount of \$300,000 and extend the contract term to June 30, 2026.

11. DESIGN SERVICES AGREEMENT FOR ON-CALL LANDSCAPE ARCHITECTURAL SERVICES

The City Council authorized the City Manager, or his designee, to execute the following three-year Agreements for on-call Landscape Architectural Services for a total compensation amount of \$1,000,000 over three (3) years and extend the agreements for up to two (2) additional one-year periods:

- A. A Design Services Agreement with Community Works Design Group, Inc., of Riverside, California, for a total contract amount not-to-exceed \$300,000;
- B. A Design Services Agreement with Gruen Associates, of Los Angeles, California for a total contract amount not-to-exceed \$100,000;
- C. A Design Services Agreement with RJM Design Group, Inc., of San Juan Capistrano, California, for a total contract amount not-to-exceed \$250,000;
- D. An As-Needed Professional Consultant Services Agreement (subject to minor revisions, if any, approved or directed by the City Attorney) with SWA Group of Laguna Beach, California, for a total contract amount not-to-exceed \$100,000; and
- E. A Design Services Agreement with Withers & Sandgren, Ltd., of Chatsworth, California, for a total contract amount not-to-exceed \$250,000.

12. A MAINTENANCE SERVICES AGREEMENT WITH GUARANTEED JANITORIAL SERVICES, INC. FOR CUSTODIAL MAINTENANCE SERVICES AT VARIOUS CITYWIDE LOCATIONS

The City Council authorized the City Manager, or his designee, to execute a

Maintenance Services Agreement with Guaranteed Janitorial Services, Inc., of Chino, California, to provide Custodial Maintenance Services for a total contract amount not-to-exceed \$1,888,790 for up to five (5) years.

13. A GOODS AND SERVICES AGREEMENT WITH CONSOLIDATED ELECTRICAL DISTRIBUTORS FOR THE PURCHASE OF STREETLIGHT POLES AND LUMINARIES

The City Council authorized the City Manager, or his designee, to execute a Goods and Services Agreement with Consolidated Electrical Distributors, of Ontario, California, for a total contract amount not-to-exceed \$1,398,485 for up to five (5) years.

14. A GOODS AND SERVICES AGREEMENT WITH SCP DISTRIBUTORS, LLC DBA LINCOLN AQUATICS FOR THE PURCHASE OF SWIMMING POOL CHEMICALS

The City Council authorized the City Manager, or his designee, to execute a Goods and Services Agreement with SCP Distributors, LLC dba Lincoln Aquatics, of Concord, California, for a total contract amount not-to-exceed \$500,000 for up to five (5) years.

15. A PROFESSIONAL SERVICES AGREEMENT WITH WEST YOST & ASSOCIATES INC. FOR ON- CALL CROSS-CONNECTION INSPECTION AND TESTING SERVICES

The City Council approved and authorized the City Manager, or his designee, to execute a one- year Professional Services Agreement with West Yost & Associates Inc., of Davis, California, for on-call cross-connection inspection and testing services in the amount of \$250,000 for Fiscal Year 2024-25, with the option to extend the Agreement for up to four successive one-year periods (Fiscal Year 2025-26 to Fiscal Year 2028-29), with up to a 5% increase per Fiscal Year, for a total not-to-exceed amount of \$1,250,000.

16. A PROFESSIONAL SERVICES AGREEMENT WITH NOSSAMAN LLP FOR LEGAL AND TECHNICAL SERVICES PERTAINING TO WATER AND WASTEWATER MATTERS

The City Council approved and authorized the City Manager, or his designee, to execute a two- year Professional Services Agreement with Nossaman LLP of Los Angeles, California, on file with the Records Management Department, for legal and technical services relating to water supply, water rights, and wastewater matters in the amount of \$1,200,000 for FY 2024-25 and \$1,200,000 for FY 2025-26 for a total not-to-exceed contract amount of \$2,400,000, and a term from July 1, 2024 thru June 30, 2026.

17. A RESOLUTION APPROVING FIRE DEPARTMENT CLASSIFICATIONS BE ADDED TO THE CALIFORNIA FIRE AND RESCUE MUTUAL AID SYSTEM

The City Council adopted a Resolution approving additional Fire Department classifications to the terms and conditions for Fire Department responses to the California Fire and Rescue Mutual Aid System requests to assist State of California and Federal Fire agencies.

RESOLUTION 2024-063 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE TERMS AND CONDITIONS FOR FIRE DEPARTMENT RESPONSE AWAY FROM THEIR OFFICIAL DUTY STATION AND ASSIGNED TO AN EMERGENCY INCIDENT.

PUBLIC HEARINGS

18. A PUBLIC HEARING TO CONSIDER A RESOLUTION REGARDING THE FORMATION OF THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 68 (RICH HAVEN INDUSTRIAL SERVICES); AND INTRODUCTION OF AN ORDINANCE LEVYING SPECIAL TAXES

The City Council considered and:

- A. Adopted a Resolution of Formation of Community Facilities District No. 68 (Rich Haven Industrial Services), proposing that the community facilities district be authorized to levy a special tax and proposing that an appropriations limit of the community facilities district be established;
- B. Adopted a Resolution calling a special election for City of Ontario Community Facilities District No. 68 (Rich Haven Industrial Services);
- C. Adopted a Resolution declaring the results of the special election and directing the recording of a Notice of Special Tax Lien; and
- D. Introduced and waived further reading of an ordinance levying special taxes within City of Ontario Community Facilities District No. 68 (Rich Haven Industrial Services).

RESOLUTION 2024-064 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF FORMATION OF THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 68 (RICH HAVEN INDUSTRIAL SERVICES), PROPOSING THAT THE COMMUNITY FACILITIES DISTRICT BE AUTHORIZED TO LEVY A SPECIAL TAX AND PROPOSING THAT AN APPROPRIATIONS LIMIT OF THE COMMUNITY FACILITIES DISTRICT BE ESTABLISHED.

RESOLUTION NO. 2024-065 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CALLING SPECIAL ELECTION FOR CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 68 (RICH HAVEN INDUSTRIAL SERVICES).

MOTION: Moved by Council Member Bowman, seconded by Mayor pro Tem Porada and carried by a unanimous vote 4-0, and with Council Member Valencia absent, to adopt Resolution Nos. 2024-064 and 2024-65.

Mayor Leon instructed Assistant City Clerk Isbell to reveal the results of the Special Election.

Assistant City Clerk Isbell announced that the ballot was in favor of the measure resulting in all propositions passing.

RESOLUTION NO. 2024-066 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.

MOTION: Moved by Mayor pro Tem Porada, seconded by Council Member Bowman and carried by a unanimous vote 4-0, with Council Member Valencia absent, to adopt Resolution No. 2024-66, and.

ORDINANCE NO. 3277 (FIRST READING) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING A SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 68 (RICH HAVEN INDUSTRIAL SERVICES).

MOTION: Moved by Mayor pro Tem Porada, seconded by Council Member Bowman and carried by a unanimous vote 4-0, with Council Member Valencia absent, to introduce and waive further reading of Ordinance No. 3277.

19. A PUBLIC HEARING TO CONSIDER AN ORDINANCE ADOPTING A DEVELOPMENT CODE AMENDMENT ESTABLISHING HISTORIC PRESERVATION - ADAPTIVE REUSE PLANS, FILE NO. PDCA24-002

The City Council introduced and waived further reading of the Ordinance Approving File No. PDCA24-002, a Development Code Amendment revising Table 2.02-1: Reviewing Matrix of Chapter 2 (Administration and Procedures) to include the Fire Marshal as an Approving Authority, and Chapters 4 (Permits Actions and Decision) and 7 (Historic Preservation) to establish Historic Preservation - Adaptive Reuse Plan of the City of Ontario Development Code.

ORDINANCE NO. 3278 (FIRST READING) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA24-002, A DEVELOPMENT CODE AMENDMENT REVISING TABLE 2.02-1: REVIEWING MATRIX OF CHAPTER 2 (ADMINISTRATION AND PROCEDURES) TO INCLUDE THE FIRE MARSHAL AS AN APPROVING AUTHORITY, AND CHAPTERS 4 (PERMITS ACTIONS AND DECISION) AND 7 (HISTORIC PRESERVATION) TO ESTABLISH HISTORIC PRESERVATION- ADAPTIVE REUSE PLAN OF THE CITY OF ONTARIO DEVELOPMENT CODE AND MAKING FINDINGS IN SUPPORT THEREOF. SERVICES).

Notice of public hearing was duly given and affidavits of compliance are on file in the Records Management Department. There were no written communications.

Mayor Leon inquired whether persons were present who wished to speak to the item. Hearing no one, Mayor Leon entertained council discussion.

MOTION: Moved by Mayor pro Tem Porada, seconded by Council Member Bowman and carried by a unanimous vote 4-0, with Council Member Valencia absent, to introduce Ordinance No. 3278.

20. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT (FILE NO. PDA21-010) BETWEEN THE CITY OF ONTARIO AND SL ONTARIO DEVELOPMENT COMPANY, LLC

The City Council introduced and waived further reading of an Ordinance approving a Development Agreement (File No. PDA21-010) between the City of Ontario and SL Ontario Development Company, LLC.

ORDINANCE NO. 3279 (FIRST READING) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDA21-010, A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND SL ONTARIO DEVELOPMENT COMPANY LLC, TO ESTABLISH THE TERMS AND CONDITIONS ASSOCIATED WITH TENTATIVE TRACT MAP 20562 (FILE NO. PMTT22-022), A 62.69 ACRE PROPERTY, LOCATED AT THE SOUTHEAST CORNER OF EUCALYPTUS AVENUE AND HAVEN AVENUE, WITHIN PLANNING AREA 32 (MIXED-RESIDENTIAL) AND PLANNING AREA 34 (SCHOOL) OF THE SUBAREA 29 SPECIFIC PLAN. (FILE NO. PSPA21-005), (APNS: 1073-171-04, 1073-171-08, 1073-171-09 AND 1073-171-10).

Notice of public hearing was duly given and affidavits of compliance are on file in the Records Management Department. There were no written communications.

Mayor Leon inquired whether persons were present who wished to speak to the item. Hearing no one, Mayor Leon entertained council discussion.

MOTION: Moved by Council Member Bowman, seconded by Mayor pro Tem Porada, and carried by a unanimous vote 4-0, with Council Member Valencia absent, to introduce and waive further reading of Ordinance No. 3279.

ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

21. A RESOLUTION AUTHORIZING THE ISSUANCE OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 35 (COUNTRYSIDE PHASE 2 SOUTH-FACILITIES) SPECIAL TAX BONDS, SERIES 2024 AND RELATED MATTERS

The City Council took the following actions:

- A. Considered and adopted a Resolution authorizing the issuance of City of Ontario Community Facilities District No. 66 (Olive and Oleander Facilities) Special Tax Bonds, Series 2024, in an aggregate principal amount not-to-exceed \$12 million, authorizing the execution and delivery of an Indenture, a Bond Purchase Agreement, a Continuing Disclosure Agreement, and an Amended and Restated Acquisition and Funding Agreement, authorizing the distribution of an Official Statement, authorizing the execution of necessary documents and certificates and related actions;
- B. Considered and adopted a Resolution of the City of Ontario Making a declaration of official intent to reimburse facilities expenditures with bond proceeds and related actions;
- C. Authorized the issuance of special tax bonds for public improvements required to facilitate the development of the Olive and Oleander Facilities project and the Ontario Ranch development;
- D. Approved the forms of the Indenture, the Bond Purchase Agreement, the Continuing Disclosure Agreement, the Amended and Restated Acquisition and Funding Agreement, and the Preliminary Official Statement;
- E. Authorized a negotiated sale of the special tax bonds to Samuel A. Ramirez & Co., in accordance with the terms of the Bond Purchase Agreement; and
- F. Authorized the execution of the Indenture, the Bond Purchase Agreement, the Continuing Disclosure Agreement, a deemed final certification in connection with the Preliminary Official Statement, a final Official Statement and other documents in connection with the issuance of the bonds by the City Manager or the other specified authorized officers.

RESOLUTION NO. 2024-067 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE ISSUANCE OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 66 (COUNTRYSIDE PHASE 2 SOUTH-FACILITIES) SPECIAL TAX BONDS, SERIES 2024, IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$12,500,000, AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDENTURE, A BOND PURCHASE AGREEMENT, A CONTINUING DISCLOSURE AGREEMENT AND AN AMENDED AND RESTATED ACQUISITION AND FUNDING AGREEMENT, AUTHORIZING THE DISTRIBUTION OF AN OFFICIAL STATEMENT IN CONNECTION THEREWITH AND AUTHORIZING THE EXECUTION OF NECESSARY DOCUMENTS AND CERTIFICATES AND RELATED ACTIONS.

RESOLUTION NO. 2024-068 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, MAKING A DECLARATION OF OFFICIAL INTENT TO REIMBURSE FACILITIES EXPENDITURES WITH BOND PROCEEDS AND RELATED ACTIONS.

Notice of public hearing was duly given and affidavits of compliance are on file in the Records Management Department. There were no written communications.

Mayor Leon inquired whether persons were present who wished to speak to the item. Hearing no one, Mayor Leon entertained council discussion.

MOTION: Moved by Council Member Bowman, seconded by Mayor pro Tem Porada and carried by a unanimous vote 4-0, to adopt both Resolution No. 2024-067 and Resolution No. 2024-068, and with Council Member Valencia absent.

STAFF MATTERS:

City Manager Ochoa made no announcements.

COUNCIL MATTERS:

Mayor pro Tem Porada provided a reminder regarding upcoming community events.

Council Member Bowman thanked City staff for their ongoing commitment to the public.

Council Member Wapner congratulated the Ontario Police Department for their first-place finish at the Baker to Vegas Race.

Mayor Leon gave a clarification on the governmental structure of the City.

ADJOURNMENT:

Mayor Leon adjourned the meetings of the Joint Agencies at 7:30 p.m. and announced the next regular meeting was scheduled for July 2, 2024.

Respectfully submitted,

SHEILA MAUTZ, CITY CLERK/SECRETARY

APPROVED:

PAUL S. LEON, MAYOR/CHAIRMAN

**ONTARIO CITY COUNCIL/
ONTARIO HOUSING AUTHORITY
MINUTES
JULY 2, 2024
(Not Official Until Approved)**

JOINT MEETINGS

The regular meetings of the Ontario City Council and the Housing Authority were held on Tuesday, July 2, 2024 at Ontario City Hall, 303 E. B Street Ontario, California.

OPEN MEETING CALLED TO ORDER

Mayor Leon called the joint meetings to order at 6:01 p.m.

ROLL CALL

PRESENT:	Mayor/Chairman:	Paul S. Leon
	Mayor pro Tem/Vice Chair:	Debra Porada
	Council/Authority Members:	Jim W. Bowman and Ruben Valencia

ABSENT: Council/Authority Members: Alan D. Wapner

Also present were City Manager / Executive Director Scott Ochoa, Assistant City Attorney/Legal Counsel Ryan Guiboa, and City Clerk / Secretary Sheila Mautz.

INFORMATION RELATIVE TO POSSIBLE CONFLICTS OF INTEREST

There were no conflicts of interest announced by the City Council.

CLOSED SESSION

Mayor Leon inquired whether persons were present who wished to speak to the Closed Session items. Hearing no one, Assistant City Attorney Guiboa announced the matters for discussion as listed on the agenda and recessed to Closed Session at 6:02 p.m. for discussion of the following:

GC 54956.9 (d)(2), CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - One Matter

OPEN MEETING CALLED TO ORDER

Mayor Leon reconvened the meetings at 6:30 p.m. for the regular session.

REPORT ON CLOSED SESSION

Assistant City Attorney Guiboa reported Council directed the initiation of litigation against Inyo Networks.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor pro Tem Porada.

INVOCATION

The invocation was led by Mr. Jeff Paulus, with the Christ Church Parish.

PUBLIC COMMENTS

Assistant City Clerk Isbell announced there were two written public comments:
Mai-Uyen Ma, regarding additional pickleball courts in the City.
Brandon Barbeau, regarding illegal fireworks.

Mayor Leon called upon the first speaker:

Jonas Nakas, expressed his gratitude for the retail popup program.

SPECIAL CEREMONIES

ONTARIO 5K REINDEER RUN & RUDOLPH'S DASH CHECK PRESENTATION TO ONTARIO-MONTCLAIR SCHOOLS FOUNDATION

The City Council presented the Ontario-Montclair Schools Foundation with a check \$79,880.90 from the proceeds of the 2023 Ontario 5K Reindeer Run & Rudolph's DASH. The Executive Director of the Ontario-Montclair Schools Foundation, Felix Melendez accepted the proceeds on behalf of the foundation and expressed his gratitude.

AGENDA REVIEW/ANNOUNCEMENTS

City Manager Ochoa noted Staff requested to pull Item No. 09 from the consent calendar to be brought back at a future meeting. Staff amended Exhibit A of the Resolution for Item No. 17, specifically Section No. 3 to include the following language, “applicants enrolled in Ontario middle and high schools will be given priority in the application process.”

CONSENT CALENDAR

MOTION: Moved by Council Member Bowman, seconded by Mayor pro Tem Porada and carried by a unanimous vote 4-0, with Council Member Wapner absent, to approve the Consent Calendar as amended.

1. APPROVAL OF MINUTES

Minutes for the regular meetings of the City Council and Housing Authority of June 4, 2024 and approving same as on file in the Records Management Department.

2. BILLS & PAYROLL

Approved bills May 31, 2024 through June 20, 2024, in the amount of \$87,660,566.63, and Payroll May 19, 2024 through June 1, 2024 in the amount of \$5,923,473.89.

3. A CONSTRUCTION CONTRACT WITH ALL AMERICAN ASPHALT FOR THE 2024 FALL PAVEMENT REHABILITATION PROJECT

The City Council awarded a construction contract with All American Asphalt of Corona, California, for the 2024 Fall Pavement Rehabilitation Project in the amount of \$4,958,888 plus a ten percent (10%) contingency of \$495,888 for a total of \$5,454,776; and authorized the City Manager, or his designee, to execute said contract and all related documents, and file a notice of completion at the conclusion of all construction activities.

4. ACCEPT WRITTEN PETITIONS TO CREATE A COMMUNITY FACILITIES DISTRICT; ADOPT A RESOLUTION OF INTENTION TO ESTABLISH CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 52 (SUNDANCE PARK) AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES; AND ADOPT A RESOLUTION DECLARING IT NECESSARY TO INCUR BONDED INDEBTEDNESS

The City Council considered and:

- A. Accepted written petitions from BrookCal Ontario LLC, KL LB BUY 1 LLC, Brookfield Row at SP LLC, and Brookfield Homes Southern California LLC ("Landowners"), to create a Community Facilities District, and to waived certain procedural matters, under the Mello-Roos Community Facilities Act of 1982;
- B. Adopted a Resolution of Intention to establish Community Facilities District proposed to be named City of Ontario Community Facilities District No. 52 (Sundance Park) and to authorized the levy of a special tax therein, and set a public hearing for the formation of the Community Facilities District as part of the regularly scheduled City Council meeting on Tuesday, August 20, 2024; and
- C. Adopted a Resolution Declaring It Necessary for the City of Ontario Community Facilities District No. 52 (Sundance Park) to Incur Bonded Indebtedness.

RESOLUTION NO. 2024-069 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. 52 (SUNDANCE PARK) AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES.

RESOLUTION NO. 2024-070 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING IT NECESSARY FOR CITY OF

ONTARIO COMMUNITY FACILITIES DISTRICT NO. 52 (SUNDANCE PARK) TO INCUR BONDED INDEBTEDNESS.

5. A PROFESSIONAL SERVICES AGREEMENT WITH BUCKNAM INFRASTRUCTURE GROUP INC. FOR THE UPDATE OF THE CITY'S PAVEMENT MANAGEMENT PROGRAM AND SIDEWALK SURVEY

The City Council authorized the City Manager, or his designee, to execute a Professional Services Agreement with Bucknam Infrastructure Group Inc., of Oceanside, California, for the update of the City's Pavement Management Program and sidewalk survey, for a total contract amount not-to-exceed \$694,500 for up to five (5) years.

6. A RESOLUTION ORDERING THE SUMMARY VACATION OF THE RIGHT-OF-WAY IN A PORTION OF EMORY LANE AND RECONVEYING ANY OF THE CITY'S INTERESTS THEREIN

The City Council adopted a Resolution ordering the summary vacation of the right-of-way in a portion of Emory Lane located within Tract Map No. 17564-1, near the northeast corner of Mill Creek Avenue and Chino Avenue and reconveyed any of the City's interest therein and authorized the City Manager, or his designee, to execute the documents necessary to evidence the vacation and the reconveyance of the City's interest.

RESOLUTION NO. 2024-071 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE SUMMARY VACATION OF RIGHT-OF-WAY IN A PORTION OF EMORY LANE AND RECONVEYING ANY OF THE CITY'S INTEREST THEREIN

7. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING A SPECIAL TAX WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 68 (RICH HAVEN INDUSTRIAL SERVICES)

The City Council considered and adopted an Ordinance authorizing the levy of special taxes within City of Ontario Community Facilities District No. 68 (Rich Haven Industrial Services). First reading and introduction took place at a regular meeting on June 18, 2024.

ORDINANCE NO. 3277 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING A SPECIAL TAX WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 68 (RICH HAVEN INDUSTRIAL SERVICES).

8. A DEVELOPMENT IMPACT FEE CREDIT AGREEMENT (FILE NO. PDIF23-004) BETWEEN THE CITY OF ONTARIO AND LANDSEA HOMES OF CALIFORNIA, LLC, FOR FACILITY CONSTRUCTION ASSOCIATED WITH TRACT MAP 20452 (FILE NO. PMTT21-017), LOCATED ON THE WEST SIDE OF HAVEN AVENUE, 1,300 FEET SOUTH OF RIVERSIDE DRIVE, WITHIN THE WEST HAVEN SPECIFIC PLAN

The City Council approved the Development Impact Fee Credit Agreement (File No. PDIF23-004) between the City of Ontario and Landsea Homes of California LLC, for the facility construction associated with Tract Map 20452 (File No. PMTT21-017), located on the west side of Haven Avenue, 1,300 feet south of Riverside Drive, within the Haven Specific Plan, and authorized the City Manager, or his designee, to execute the Agreement.

10. AN AMENDMENT TO THE AGREEMENT WITH CENTRALSQUARE TECHNOLOGIES, LLC., FOR 911 DISPATCH SYSTEM

The City Council authorized the City Manager or his designee to execute Amendment No. 2 to the Solutions Agreement with CentralSquare Technologies, LLC., of Lake Mary, Florida, for the use of Computer-Aided Dispatch (CAD) and Records Management Systems (RMS), used by the Police and Fire Departments to extend the terms for one year with an optional renewal period for two years in the amount not-to-exceed \$1,961,717.

11. A DEVELOPMENT IMPACT FEE CREDIT AGREEMENT (FILE NO. PDIF23-002) BETWEEN THE CITY OF ONTARIO AND KL LB BUY 1 LLC, FOR FACILITY CONSTRUCTION ASSOCIATED WITH TRACT MAP 20529 (FILE NO. PMTT22-010), LOCATED 400 FEET SOUTHWEST OF CHINO AVENUE AND MILL CREEK AVENUE, WITHIN THE RICH-HAVEN SPECIFIC PLAN

The City Council approved the Development Impact Fee Credit Agreement (File No. PDIF23-002) between the City of Ontario and KL LB BUY 1 LLC, for the facilities construction associated with Tract Map 20529 (PMTT22-010), located 400 feet southwest of Chino Avenue and Mill Creek Avenue, within the Rich-Haven Specific Plan, and authorized the City Manager, or his designee, to execute the Agreement.

12. AN ORDINANCE ADOPTING A DEVELOPMENT CODE AMENDMENT ESTABLISHING HISTORIC PRESERVATION - ADAPTIVE REUSE PLANS, FILE NO. PDCA24-002

The City Council considered and adopted an Ordinance approving File No. PDCA24-002, a Development Code Amendment revising Table 2.02-1: Reviewing Matrix of Chapter 2 (Administration and Procedures) to include the Fire Marshal as an Approving Authority, and Chapters 4 (Permits Actions and Decision) and 7 (Historic Preservation) to establish Historic Preservation - Adaptive Reuse Plan of the City of

Ontario Development Code. First reading and introduction took place at a regular meeting on June 18, 2024.

ORDINANCE NO. 3278 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA24-002, A DEVELOPMENT CODE AMENDMENT REVISING TABLE 2.02-1: REVIEWING MATRIX OF CHAPTER 2 (ADMINISTRATION AND PROCEDURES) TO INCLUDE THE FIRE MARSHAL AS AN APPROVING AUTHORITY, AND CHAPTERS 4 (PERMITS ACTIONS AND DECISION) AND 7 (HISTORIC PRESERVATION) TO ESTABLISH HISTORIC PRESERVATION-ADAPTIVE REUSE PLAN OF THE CITY OF ONTARIO DEVELOPMENT CODE, AND MAKING FINDINGS IN SUPPORT THEREOF.

13. AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH WINDSONG PRODUCTIONS, LLC. FOR VIDEO PRODUCTION SERVICES

The City Council authorized the City Manager, or his designee, to execute Amendment No. 3 to the Professional Services Agreement with Windsong Productions, LLC. to extend the contract term by one year and increase the contract amount by \$292,789 to cover the corresponding work for the year. The new not-to-exceed amount for the contract will be \$1,107,836.

14. A TELECOMMUNICATIONS MASTER CUSTOMER AGREEMENT WITH ZAYO GROUP LLC FOR THE LEASE OF DARK FIBER

The City Council authorized a Master Customer Agreement and Service Order, with Zayo Group LLC to establish a dark fiber connection from Ontario, California to One Wilshire in Los Angeles, California, in the amount of \$528,780, plus a 10% contingency in the amount of \$52,878, for a total-not-to-exceed amount of \$581,658; and authorized the City Manager, or his designee, to execute said Agreement and future amendments within the authorization limits.

15. AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT (FILE NO. PDA21-010) BETWEEN THE CITY OF ONTARIO AND SL ONTARIO DEVELOPMENT COMPANY, LLC

The City Council considered and adopted an Ordinance approving a Development Agreement (File No. PDA21-010) between the City of Ontario and SL Ontario Development Company, LLC. First reading and introduction took place at a regular meeting on June 18, 2024.

ORDINANCE NO. 3279 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDA21-010, A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND SL ONTARIO DEVELOPMENT COMPANY LLC, TO ESTABLISH THE TERMS AND

CONDITIONS ASSOCIATED WITH TENTATIVE TRACT MAP 20562 (FILE NO. PMTT22-022), A 62.69 ACRE PROPERTY, LOCATED AT THE SOUTHEAST CORNER OF EUCALYPTUS AVENUE AND HAVEN AVENUE, WITHIN PLANNING AREA 32 (MIXED-RESIDENTIAL) AND PLANNING AREA 34 (SCHOOL) OF THE SUBAREA 29 SPECIFIC PLAN. (FILE NO. PSPA21-005), (APNS: 1073-171-04, 1073-171-08, 1073-171-09 AND 1073-171-10).

16. STUDENT REPRESENTATIVE AND ALTERNATIVE APPOINTMENTS TO THE RECREATION & PARK COMMISSION FOR FY 2024-2025

The City Council confirmed Krisha Shah, Ontario resident and student at Colony High School as the Student Representative and Alyssa Marquez, Ontario resident and student at Chapey High School as the second Student Representative to the Recreation & Parks Commission for the term set to expires on June 30, 2025.

17. A RESOLUTION APPROVING THE ADMINISTRATIVE POLICY SETTING FORTH THE APPLICATION AND SELECTION PROCESS, TERM, AND DUTIES OF NON-VOTING STUDENT MEMBERS OF THE RECREATION & PARKS COMMISSION

The City Council approved the Administrative Policy setting forth the application and selection process, term, and duties of non-voting student members of the Recreation & Parks Commission.

RESOLUTION NO. 2024-072 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN ADMINISTRATIVE POLICY PERTAINING TO THE SELECTION AND PARTICIPATION OF NON-VOTING STUDENT REPRESENTATIVES ON THE RECREATION & PARKS COMMISSION.

18. AN AMENDMENT TO THE GOODS AND SERVICES AGREEMENT WITH LONG BEACH BMW MOTORCYCLES FOR PARTS AND REPAIRS OF POLICE MOTORCYCLES

The City Council authorized the City Manager or his designee to execute Amendment No. 5 to the Goods and Services Agreement with Long Beach BMW Motorcycles, of Long, California, for the procurement of parts and repairs for Police BMW Motorcycles in the amount of \$50,000, for a total not-to-exceed contract amount of \$300,000 and extended the agreement to June 30, 2025.

19. AN AMENDMENT TO THE GOODS AND SERVICES AGREEMENTS WITH CITRUS MOTORS ONTARIO, INC., MARK CHRISTOPHER CHEVROLET, INC., AND FORD OF UPLAND FOR FORD, GMC, AND CHEVROLET PARTS AND REPAIRS

The City Council took the following actions:

- A. Authorized the City Manager or his designee to execute Amendment No. 4 to the Goods and Services Agreement with Mark Christopher Chevrolet, Inc., of

Ontario, California, for the procurement of GMC and Chevrolet OEM parts in the amount of \$100,000, for a total not-to-exceed contract amount of \$460,000, and extend the agreement to June 30, 2025, and

- B. Authorized the City Manager or his designee to execute Amendment No. 6 to the Goods and Services Agreement with Citrus Motors Ontario, Inc., of Ontario, California, for the procurement of Ford Original Equipment Manufacturer (OEM) parts and repair services in the amount of \$300,000, for a total not-to-exceed contract amount of \$990,000, and extend the agreement to June 30, 2025; and
- C. Authorized the City Manager or his designee to execute Amendment No. 6 to the Goods and Services Agreement with Ford of Upland, of Upland, California, for the procurement of Ford original equipment manufacturer (OEM) parts and repair services in the amount of \$130,000, for a total not-to-exceed contract amount of \$500,000, and extend the agreement to June 30, 2025.

20. AN AMENDMENT TO THE GOODS AND SERVICES AGREEMENT WITH AMREP MANUFACTURING COMPANY FOR PARTS AND REPAIRS OF REFUSE TRUCK BODIES

The City Council authorized the City Manager or his designee to execute Amendment No. 4 to the Goods and Services Agreement with AMREP Manufacturing Company, of Ontario, California, for the procurement of parts and repairs of refuse truck bodies in the amount of \$500,000, for a total not-to-exceed contract amount of \$2,510,000 and extended the agreement to June 30, 2025.

PUBLIC HEARINGS

21. A PUBLIC HEARING TO CONSIDER A RESOLUTION REGARDING THE FORMATION OF THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 71 (NEUHOUSE PHASE 2); ADOPTION OF A RESOLUTION DEEMING IT NECESSARY TO INCUR BONDED INDEBTEDNESS; AND INTRODUCTION OF AN ORDINANCE LEVYING SPECIAL TAXES

The City Council considered and:

- A. Adopted a Resolution of Formation of Community Facilities District No. 71 (Neuhouse Phase 2), proposing that the community facilities district be authorized to levy a special tax and proposing that an appropriations limit of the community facilities district be established;
- B. Adopted a Resolution deeming it necessary for the district to incur bonded indebtedness within Community Facilities District No. 71 (Neuhouse Phase 2);
- C. Adopted a Resolution calling a special election for City of Ontario Community Facilities District No. 71 (Neuhouse Phase 2);
- D. Adopted a Resolution declaring the results of the special election and directing the recording of a Notice of Special Tax Lien;

- E. Introduced and waived further reading of an ordinance levying special taxes within City of Ontario Community Facilities District No. 71 (Neuhouse Phase 2); and
- F. Adopted a Resolution authorizing the execution and delivery of an acquisition and funding agreement with LS-ONTARIO II LLC, a Delaware limited liability company.

RESOLUTION NO. 2024-073 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF FORMATION CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 71 (NEUHOUSE PHASE 2), PROPOSING THAT THE COMMUNITY FACILITIES DISTRICT BE AUTHORIZED TO LEVY A SPECIAL TAX AND PROPOSING THAT AN APPROPRIATIONS LIMIT OF THE COMMUNITY FACILITIES DISTRICT BE ESTABLISHED.

RESOLUTION NO. 2024-074 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DEEMING IT NECESSARY FOR THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO.71 (NEUHOUSE PHASE 2) TO INCUR BONDED INDEBTEDNESS.

MOTION: Moved by Council Member Bowman, seconded by Mayor pro Tem Porada and carried by a unanimous vote 4-0, with Council Member Wapner absent, to adopt Resolution Nos. 2024-073 and 2024-074.

RESOLUTION NO. 2024-075 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CALLING SPECIAL ELECTION FOR CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO.71 (NEUHOUSE PHASE 2)

MOTION: Moved by Mayor pro Tem Porada, seconded by Council Member Bowman and carried by a unanimous vote 4-0, with Council Member Wapner absent, to adopt Resolution No. 2024-075.

Mayor Leon instructed Assistant City Clerk Isbell to reveal the results of the Special Election.

Assistant City Clerk Isbell announced that the ballots were in favor of the measure resulting in all propositions passing.

RESOLUTION NO. 2024-076 A RESOLUTION OF THE CITY OF COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING RESULTS OF SPECIAL ELECTION AND DIRECTING RECORDING OF NOTICE OF SPECIAL TAX LIEN.

RESOLUTION NO. 2024-077 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE EXECUTION AND DELIVERY OF AN ACQUISITION AND FUNDING AGREEMENT WITH LS-ONTARIO II LLC.

MOTION: Moved by Council Member Bowman, seconded by Mayor pro Tem Porada and carried by a unanimous vote 4-0, with Council Member Wapner absent, to adopt Resolution Nos. 2024-076 and 2024-077.

ORDINANCE NO. 3280 (FIRST READING) AN ORDINANCE OF THE CITY OF COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING A SPECIAL TAX WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO.71 (NEUHOUSE PHASE 2).

MOTION: Moved by Mayor pro Tem Porada, seconded by Council Member Bowman and carried by a unanimous vote 4-0, with Council Member Wapner absent, to introduce and waive further reading of Ordinance No. 3280.

22. A PUBLIC HEARING TO CONSIDER FILE NO. PUD23-004, A PLANNED UNIT DEVELOPMENT FOR 21.58 ACRES OF LAND GENERALLY LOCATED SOUTH OF E STREET, NORTH OF HOLT BOULEVARD, WEST OF EUCLID AVENUE, EAST OF PALM AVENUE AND THE NORTHERN PORTION OF THE BLOCK BETWEEN FERN AND PALM AVENUES AND C AND D STREETS

The City Council continued the item to the next regular meeting.

RESOLUTION NO. 2024-078 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO APPROVING A MITIGATED NEGATIVE DECLARATION IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND ADOPTING A RELATED MITIGATION MONITORING AND REPORTING PROGRAM FOR FILE NO. PUD23-004

ORDINANCE NO. 3281 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PUD23-004, A PLANNED UNIT DEVELOPMENT TO ESTABLISH PLANNING AND DESIGN PRINCIPLES, DEVELOPMENT REGULATIONS AND PERFORMANCE STANDARDS TO GOVERN FUTURE DEVELOPMENT OF 21.58 ACRES OF LAND, GENERALLY LOCATED SOUTH OF E STREET, NORTH OF HOLT BOULEVARD, WEST OF EUCLID AVENUE, EAST OF PALM AVENUE, AND THE NORTHERN PORTION OF THE BLOCK BETWEEN FERN AND PALM AVENUES AND C AND D STREETS, WITHIN THE LUA-1 (EUCLID AVENUE ENTERTAINMENT) OF THE MU-1 (DOWNTOWN MIXED USE) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 1048-566-08, 1048-566-09, 1048-566-10, 1048-566-02, 1048-566-01, 1048-566-03, 1048-566-04, 1048-566-06, 1048-566-07, 1048-561-07, 1048-561-08, 1048-561-09, 1048-561-10, 1048-561-12, 1048-561-13, 1048-562-01, 1048-562-02, 1048-565-01, 1048-565-04, 1048-565-05, 1048-565-06, 1048-566-06, 1048-566-07, 1048-354-04, 1048-354-05, 1048-354-06, 1048-354-07, 1048-354-08, 1048-353-13, 1048-353-14, 1048-354-01, 1048-354-02, 1048-354-03, 1048-565-14, 1048-566-05, 1048-566-11, 1048-561-11, 1048-562-03, 1048-562-06, 1048-562-07, 1048-563-01, 1048-563-02, 1048-563-03, 1048-563-04, 1048-563-05, 1048-576-01, 1048-576-02, 1048-563-07, 1048-563-08, 1048-564-07, 1048-564-11,

1048-564-12, 1048-564-13, 1048-564-14, 1048-565-02, 1048-565-03, 1048-563-06, 1048-563-07, 1048-563-08, 1048-563-09, 1048-563-10, 1048-565-07, 1048-565-08, 1048-565-09, 1048-565-10, 1048-565-11, 1048-565-12, 1048-565-13, 1048-563-11, 1048-564-01, 1048-564-02, 1048-564-03, 1048-564-04, 1048-564-05, 1048-564-06, 1048-564-08, 1048-564-09, 1048-564-10.

Notice of public hearing was duly given and affidavits of compliance are on file in the Records Management Department. There were no written communications.

Mayor Leon opened the public hearing and inquired whether persons were present who wished to speak to the item. Hearing no one, Mayor Leon closed the public hearing and entertained council discussion. Mayor pro Tem expressed concern and asked that the item be continued.

MOTION: Moved by Mayor pro Tem Porada, seconded by Council Member Bowman and carried by a unanimous vote 4-0, with Council Member Wapner absent, to continue the public hearing to the next meeting on July 16, 2024.

STAFF MATTERS:

City Manager Ochoa made no announcements.

COUNCIL MATTERS:

Council Member Valencia announced the upcoming Fourth of July parade.

Mayor Leon reminded residents the Fourth of July was starting on the west side of Euclid Avenue, and announced the Fireworks show at West Wind Community Center.

Council Member Bowman wished all a fun Fourth of July and encouraged people to be safe.

Mayor pro Tem Porada thanked the Chaffey Community Museum of Art Staff and wished all a happy Fourth of July.

ADJOURNMENT:

Mayor Leon adjourned the meetings of the Joint Agencies at 7:00 p.m. and announced the next regular meeting was scheduled for July 16, 2024.

Respectfully submitted,

SHEILA MAUTZ, CITY CLERK/SECRETARY

APPROVED:

PAUL S. LEON, MAYOR/CHAIRMAN

CITY OF ONTARIO

Agenda Report
August 6, 2024

SECTION:
CONSENT CALENDAR

Department: Planning
Prepared By: Kimberly Ruddins
Department: Planning
Prepared By: Kimberly Ruddins
Staff Member Presenting: Scott Murphy,
Executive Director Community Development
Reviewed By: Henry Noh, Rudy Zeledon, Scott
Murphy
Approved By: 

Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 3

SUBJECT: AN ORDINANCE APPROVING A ZONE CHANGE FOR FILE NO. PZC23-004.

RECOMMENDATION: That the City Council consider and adopt an Ordinance approving the Zone Change (File No. PZC23-004).

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:

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)

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: The redesignation of land use from residential to open space will have the impact of reducing future potential property tax revenue. Other properties, however, will be designated for higher densities and/or commercial uses, resulting in increased revenue opportunities. Further, the Ontario Sports Complex will also generate revenue as part of the complex operations, offsetting the loss in property taxes.

BACKGROUND & ANALYSIS: On July 16, 2024, the City Council introduced and waived further reading of an Ordinance Approving the Zone Change. The Ontario Regional Sports Complex (ORSC) Project site is comprised of approximately 199 acres of land located at the southeast corner of Vineyard Avenue and Riverside Drive within the Armstrong Ranch Specific Plan. The Project site is presently vacant and was previously used for agricultural purposes, such as livestock raising and dairy farming. The site is bounded by Riverside Drive to the north, Chino Avenue to the south, the future Vineyard Avenue to the west, and the Cucamonga Creek Flood Control Channel to the east. Additionally, the Project includes the Vineyard Avenue Corridor which proposes general plan

amendments and zone changes. The Vineyard Avenue Corridor is comprised of approximately 94 acres of land and is bounded to the north by Chino Avenue, to the south by Ontario Ranch Road, and on the east and west sides of Vineyard Avenue.

The Project site for the ORSC is located within the boundary of the Armstrong Ranch Specific Plan (ARSP). The ARSP and its related Environmental Impact Report (File No. PSP15-002) (State Clearinghouse No. 2006111009) were adopted by the City Council on December 5, 2017. The ARSP allowed for the development potential of up to 891 residential dwelling units consisting of a variety of single-family detached and attached dwellings and an elementary school. The ARSP proposed residential land use areas that were divided into six individual neighborhood planning areas linked by a network of street-separated sidewalks and trails that also connect the neighborhoods to a variety of park spaces, a proposed elementary school, and City master planned trail systems.

The proposed Zone Change will replace the Armstrong Ranch Specific Plan with Open Space Recreation (OS-R) and Convention Center Support Commercial (CCS) land use and zoning designations.

Ontario Regional Sports Complex (OSRC) — The ORSC would provide a variety of experiences, including a 6,000-capacity, minor league baseball stadium with supportive retail/hospitality uses, and a City regional park and community recreation facilities, including a recreation center, aquatics center, and baseball, softball, football and soccer fields. The land use plan for the ORSC encompasses seven planning areas that include the following:

- Planning Area 1: Baseball Stadium (PA 1) — The proposed ORSC will establish a 16-acre sports and entertainment hub, centered around a minor league baseball stadium generally located at the southwest corner of Riverside Drive and Ontario Avenue. The stadium is designed to meet league standards and will have a 6,000-person capacity with 4,500 fixed seats. The stadium will feature lighting for evening games, with lights typically activated at 5:00 pm on game days and turned off approximately one hour after the game ends. A sound system, including speaker arrays on light poles and canopies within the seating areas, provides communication and entertainment during events, starting with pregame music two hours prior to the start of the game and ending with the conclusion of the game. The stadium will host up to 71 home games per season along with 46 potential concerts and other events, totaling a maximum of 117 events annually. PA 1 includes Parking Structure A, a three-story parking structure containing approximately 1,600 parking spaces.
- Planning Area 2: Commercial Retail (PA 2) — PA 2 has a project area of 19.62 acres and is located at the southeast corner of Riverside Drive and Ontario Avenue. PA 2 is primarily dedicated to commercial uses and provides a total building area of 45,000 square feet including 1,500 surface parking spaces.
- Planning Area 3: Baseball Stadium Retail and Hospitality (PA 3) — PA 3 has a project area of 4.58 acres and is located along the eastern and southern boundaries of the baseball stadium and is designated for commercial and hospitality land uses. PA 3 includes the construction of a 21,000 square-foot retail building alongside a 70,000 square-foot hotel, featuring 100 rooms, meeting spaces, and a café. Parking for both the retail and hotel uses are intended to

be shared with the adjacent parking areas within PA 2, PA 4, and the Parking Structure A.

- Planning Area 4: Baseball Stadium Retail and Hospitality South (PA 4) — PA 4 is located south of the baseball stadium and is 8.54 acres in size and includes 114,000 square-feet of commercial/retail land uses. PA 4 proposes a 50,000 square-foot specialty restaurant use with an additional 50,000 square-feet of outdoor recreational space, including pickleball courts. PA 4 also includes 250 surface parking spaces.
- Planning Area 5: City Park Active Fields (PA 5) — PA 5 is located at the southeast corner of Riverside Drive and Vineyard Avenue and has a project area of 110.92 acres. PA 5 will provide 13 lighted multipurpose sports fields, 8 lighted baseball/softball/Little League fields, and a central park with picnic areas. The park will feature various amenities including playground areas, batting cages, support and concession buildings, paseos, trails, and other passive open space areas. These fields will primarily serve the American Youth Soccer Organization, with practices once or twice a week and games mostly on weekends. The 8 multiuse baseball/softball/Little League fields will be available for local softball leagues and Little League who will primarily use these fields during their respective seasons. During the off-season, the fields are available for use by any organized group with a permit/reservation. A total of approximately 2,000 parking spaces are proposed for PA 5 within the four-story, 1,000 space Parking Structure B located along the western portion of the planning area along Vineyard Avenue and an additional 1,000 surface parking spaces west of Ontario Avenue.
- Planning Area 6: City Park Indoor Athletic Facility (PA 6) — PA 6 is located at the northwest corner of Ontario Avenue and Chino Avenue and has a project area of 7.58 acres. PA 6 will include a two-story indoor athletic facility totaling 159,450 square-feet, including 388 parking spaces. The indoor athletic facility is 66,560 square-feet and can be utilized for either eight basketball courts or 16 volleyball courts. A total of 34,200 square-feet will be allocated for a dedicated sports performance area, incorporating a turf space for workouts/training and four pop-up batting cage/pitching tunnels. The remaining 58,690 square-feet includes a lobby and office space, locker and training rooms, restrooms, and a kitchen.
- Planning Area 7: Community Recreation Center (PA 7) — The community recreation center is located at the northeast corner of Ontario Avenue and Chino Avenue. PA 7 includes a 70,000 square-foot community center/administration building, a 13,000 square-foot aquatics facility with an outdoor pool, a Little League field, a 25,000 square-foot operator facility, maintenance yard, picnic shelter, 8 exercise stations, playground, outdoor skate park, and eight tennis and pickleball courts. Operating hours for the community center are Monday through Friday from 8:00 am to 11:00 pm, and Saturdays and Sundays from 8:00 am to 3:00 pm, hosting a total of 212 programs annually. Nighttime illumination is available until 10:00 pm for the baseball/Little League field, skate park, tennis courts and 525 parking spaces. Projected attendance aligns with existing Ontario facilities, estimating approximately 196,500 indoor participants and 196,300 outdoor participants, totaling 392,800 participants annually, with an average of 1,076 participants daily.

The primary access points to the ORSC will be from Riverside Drive to the north, Vineyard Avenue to the west, and Chino Avenue to the south. Ontario Avenue and the proposed Street A will serve as

the primary north-south connections, facilitating internal access and connectivity to all areas of the project site and providing access and connection between Riverside Drive and Chino Avenue. Off-site improvements associated with the ORSC project include street widening and intersection improvements on Vineyard Avenue, Riverside Drive, and Chino Avenue, consistent with the City's Circulation Plan. New pathways adjacent to the ORSC site include bicycle and pedestrian pathways, such as a Class I multi-use trail along Vineyard Avenue and Class II bike lanes along Riverside Drive. Improved pedestrian pathways that include new sidewalks and enhanced lighting will be provided throughout the ORSC site and aligns with TOP's Mobility Elements policies.

Development of the ORSC would require on- and off-site infrastructure improvements, including roadway widening, signalization, storm drains, new water and sewer lines, relocation and undergrounding of electrical poles, and connection to the City's fiber-optic network. Off-site improvements require the extension of a sewer line within the Vineyard Avenue right-of-way south of Chino Avenue to Eucalyptus Avenue. The proposed sewer line would be 12 to 20 inches in diameter and extends approximately 10,578 feet connecting to an existing line within Eucalyptus Avenue. The expansion of the sewer line expands opportunities for expedited future developments.

Zone Change (File No. PZC-23-004) — The ORSC site is located within the Armstrong Ranch Specific Plan. The Vineyard Avenue corridor area, south of the ORSC Project Area, is zoned SP/AG (Specific Plan/Agricultural Overlay). The ORSC project proposes to rescind the Armstrong Ranch Specific Plan and intends to rezone the following:

- Convert 134.43 acres from the Armstrong Ranch Specific Plan to the OS-R (Open Space Recreation) zoning district;
- Convert 51.57 acres from the Armstrong Ranch Specific Plan to CCS (Convention Center Support Commercial) zoning district generally located south of Riverside Drive and west of the Cucamonga Creek Flood Control Channel; and
- Remove the AH (Affordable Housing) overlay zoning district on 36.18 acres of land from within the Project and add the AH (Affordable Housing) Overlay zoning district to 19.25 acres of land within the SP (Specific Plan)/AG (Agricultural) Overlay generally located on the east side of Vineyard Avenue, south of Schaefer Avenue.

Compliance with SB 166 requires maintaining an inventory of suitable sites to fulfill low and very low RHNA obligations at all times. The ORSC site includes a total of 36.18 acres designated within the existing AH Overlay with a total capacity of 194 low to moderate units. To comply with SB 166, two parcels within the 94-acre Vineyard Avenue Corridor, totaling 19.25 acres with a capacity of 212 low to moderate units are identified for accommodating the residential unit capacity as a result of the ORSC project. The two parcels (APNs: 218-18-102 and 218-18-115) will be added to the Housing Element Sites Inventory.

Public Outreach — The outreach for the ORSC EIR has been influenced by several fact-gathering processes, used to gain information and insight from a broad range of persons, professions, and the public. The fact-gathering and public participation process was broad and inclusive and included the following elements:

- September 14, 2023 — The Notice of Preparation (“NOP”) for the Subsequent Environmental Impact Report (“SEIR”) for The Ontario Regional Sports Complex was posted to the City website and posted announcements on social media. The NOP solicits input on the scope and content of the environmental analysis ensuring that potential impacts and concerns are identified early in the planning process. The City mailed out 79 letters to individuals who requested notifications for environmental assessments.
- September 27, 2023 — The Planning Department hosted a Scoping Meeting for the ORSC at Westwind Recreation Center in response to the NOP. This Scoping Meeting was organized in conjunction with the NOP to introduce the Project and the Subsequent Environmental Impact Report (SEIR) process. It served as an occasion for outside agency representatives and the public to collaborate with the City in defining the scope and content of the environmental analysis for the EIR. There were 38 attendees at the Scoping Meeting that allowed an opportunity for the community to have an interactive discussion with city staff and the consultant team. During the Scoping Meeting, the items discussed included providing an overview of the ORSC project, CEQA processing, construction schedule, types of uses anticipated in the City Park, as well as transportation and infrastructure improvements. Community concerns included increased traffic and management strategies, lack of access to residential units located off of Riverside Drive, increases in post-construction truck and vehicle volumes, project site accessibility and safety concerns along Vineyard Avenue. Community members also highlighted the need for public outreach in the programming of the City Park.
- November 13, 2023 — A second Notice of Preparation (“NOP”) was released for an Environmental Impact Report (“EIR”) to due public’s request for a more thorough environmental assessment. It was posted to the City website and posted announcements on social media. The City mailed out 79 letters to individuals who requested notifications for environmental assessments.
- November 17, 2023 — In compliance with Senate Bill 18 and Assembly Bill 52 notification requirements (Tribal Consultation), the City mailed a separate project notice to 36 local tribes identified by the Native American Heritage Commission (NAHC). Two consultation requests were received during the requisite 90-day response period by the Gabrieleno Band of Mission Indians Kizh Nation and the Cahuilla Band of Indians.
- On December 6, 2023 — The Planning Department conducted a virtual second Scoping Meeting based on the revised environmental assessment for the full Environmental Impact Report (EIR) as a result of community input. The second meeting hosted 33 public attendees who raised concerns regarding environmental impacts, community engagement, and economic implications. Comments emphasized the importance of addressing air and water quality, traffic, historical resources, and the need for inclusive outreach, particularly within a one-mile radius of the project site. Additionally, questions were raised regarding project approval status, economic impacts, property ownership, and financial accountability.
- February 9, 2024 — Staff mailed letters with a notice of intent to 828 property owners within 600 feet of the Project site. The letter informed property owners of the project overview, including information on the sports complex, general plan amendment, and zone change. The

letter contained staff's contact info and encouraged property owners to contact staff if they had further questions.

- April 4, 2024 — The Notice of Availability ("NOA") for the draft Environmental Impact Report ("DEIR") for The Ontario Regional Sports Complex (State Clearing House No. 2023110328) was posted to the City website and posted announcements on social media. The NOA indicated that the SEIR was available for review and that the City would accept comments through May 20, 2024. Staff sent out 108 notification letters to real property addresses and 153 emails to persons requesting to be notified of city environmental assessments.
- June 5, 2024 —In compliance with the California Environmental Quality Act (CEQA) guidelines, the Project was publicly noticed in the Daily Bulletin newspaper and was posted to the City website. The notice was posted 20 days before the scheduled review, ensuring adequate time for public awareness and comment.
- June 18, 2024 — Staff sent out 7 flash drives containing the Final Environmental Impact Report and response to comments on the DEIR to the agencies and organizations that commented on the DEIR. The FEIR was posted to the City website.
- June 25, 2024 — The City of Ontario Planning Commission held a public hearing and considered the entire oral and written record for the project. A total of three comment letters were received the day of the Planning Commission hearing. A total of 15 members of the public provided comments and expressed that the project EIR requires more review time, concerns raised at the hearing included: insufficient analysis, air quality and greenhouse gas concerns, loss of agricultural land, loss of affordable housing, and infrastructure not supporting future development.
- July 16, 2024 - The City of Ontario City Council held a public hearing and considered the entire oral and written record for the project and certified the Final EIR (State Clearing House No. 2023110328) and approved the associated General Plan Amendment.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC-23-004, A ZONE CHANGE REQUEST TO CHANGE THE ZONING DISTRICT FOR [1] 134.42 ACRES FROM THE ARMSTRONG RANCH SPECIFIC PLAN TO OS-R (OPEN SPACE RECREATION) ZONING DISTRICT LOCATED SOUTH OF RIVERSIDE DRIVE, NORTH OF CHINO AVENUE, WEST OF UNIMPROVED RIGHT-OF-WAY FOR WHISPERING LAKES LANE, AND EAST OF THE UNIMPROVED RIGHT-OF-WAY FOR VINEYARD AVENUE; [2] 51.57 ACRES FROM THE ARMSTRONG RANCH SPECIFIC PLAN TO CCS (CONVENTION CENTER SUPPORT COMMERCIAL) ZONING DISTRICT GENERALLY LOCATED SOUTH OF RIVERSIDE DRIVE, NORTH OF CHINO AVENUE, EAST OF THE UNIMPROVED RIGHT-OF-WAY FOR WHISPERING LAKES LANE, AND WEST OF THE CUCAMONGA CREEK FLOOD CONTROL CHANNEL; [3] REMOVE THE AH (AFFORDABLE HOUSING) OVERLAY ZONING DISTRICT ON 36.18 ACRES OF LAND LOCATED SOUTH OF RIVERSIDE DRIVE, NORTH OF CHINO AVENUE, EAST OF THE UNIMPROVED RIGHT-OF-WAY FOR WHISPERING LAKES LANE, AND WEST OF THE UNIMPROVED RIGHT-OF-WAY FOR VINEYARD AVENUE, AND [4] ADD THE AH (AFFORDABLE HOUSING) OVERLAY ZONING DISTRICT ON 19.25 ACRES OF LAND WITHIN THE SP (SPECIFIC PLAN)/AG (AGRICULTURAL) OVERLAY LOCATED NORTH OF ONTARIO RANCH ROAD, SOUTH OF SCHAEFER AVENUE, EAST OF THE UNIMPROVED RIGHT-OF-WAY FOR VINEYARD AVENUE, AND WEST OF THE UNIMPROVED RIGHT-OF-WAY FOR HELLMAN AVENUE. (APNS: 218-101-01, 218-101-02, 218-101-03, 218-101-04, 218-101-05, 218-101-06, 218-101-07, 218-101-08, 218-102-10, 218-102-11, 218-111-04, 218-111-05, 218-111-06, 218-111-08, 218-111-09, 218-111-11, 218-111-12, 218-111-45, 218-111-49, 218-111-50, 218-181-02, AND 218-181-15.

WHEREAS, The Zoning Map amendment includes the following:

Rescind the Armstrong Ranch Specific Plan and rezone the following (see Exhibit A: Proposed Zone Change):

- Convert 134.42 acres from the Armstrong Ranch Specific Plan to OS-R (Open Space Recreation) zoning district located south of Riverside Drive, north of Chino Avenue, west of unimproved right-of-way for Whispering Lakes Lane, and east of the unimproved right-of-way for Vineyard Avenue.
- Convert 51.57 acres from the Armstrong Ranch Specific Plan to CCS (Convention Center Support Commercial) zoning district generally located south of Riverside Drive, north of Chino Avenue, east of Whispering Lakes Lane, and west of the Cucamonga Creek Flood Control Channel. and west of the Cucamonga Creek Flood Control Channel.

- Remove the AH (Affordable Housing) overlay zoning district on 36.18 acres of land located south of Riverside Drive, north of Chino Avenue, and east of the unimproved right-of-way for Vineyard Avenue.
- Add the AH (Affordable Housing) Overlay zoning district on 19.25 acres of land within the SP (Specific Plan)/AG (Agricultural) Overlay generally located north of Ontario Ranch Road, south of Schaefer Avenue and east of the unimproved right-of-way for Vineyard Avenue; and

WHEREAS, a Scoping Meeting, organized in conjunction with the Notice of Preparation ("NOP"), introduced the Project and the Subsequent Environmental Impact Report (SEIR) process was hosted by the Planning Department on Thursday, September 27, 2023, at the Westwind Recreation Center in response to the NOP. The meeting provided an opportunity for agency representatives and the public to collaborate with the City in defining the scope and content of the environmental analysis for the SEIR. Copies of the NOP were made available for public review at the City of Ontario Planning Department and the City's website; and

WHEREAS, an NOP for the Draft Environmental Impact Report ("Draft EIR") was reissued on November 14, 2023. The public review period extended from November 14, 2023, to December 15, 2023. The NOP was published in the Inland Valley Daily Bulletin on November 14, 2023. The NOP was posted at the San Bernardino County Clerk's office on November 14, 2023. Copies of the NOP were made available for public review at the City of Ontario Planning Department and the City's website; and

WHEREAS, a scoping meeting for the Draft EIR was held virtually on Wednesday December 6, 2023, at 6:00 pm. The notice of a public scoping meeting was included in the NOP; and

WHEREAS, preparation of a Draft EIR, which was made available for a 45-day public review period beginning April 4, 2024, and ending May 20, 2024. The scope of the Draft EIR was determined based on the State and Local California Environmental Quality Act ("CEQA") Guidelines, comments received in response to both NOPs, and comments received at the scoping meetings conducted by the City of Ontario. The Notice of Availability ("NOA") for the Draft EIR was sent on April 4, 2024 to interested persons and organizations, the State Clearinghouse for distribution to public agencies, posted at the San Bernardino County Clerk's office and the City of Ontario, and published in the Inland Valley Daily Bulletin. Additionally, copies of the Draft EIR were made available for review at City Hall, the Ovitt Family Community Library, as well as on the City's website; 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 ("ONT 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 proposed Project is located within the Airport Influence Area of Chino Airport, within the City of Ontario boundary, and is subject to, and must be consistent with, the policies criteria set forth in Reference I, Chino Airport Land Use Compatibility Plan (CNO ALUCP), which applies only to jurisdictions within City of Ontario, and addresses the safety, airspace protection, and overflight impacts of current and future airport activity; and

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

WHEREAS, Ontario Development Code Table 2.02-1 (Review Matrix) grants the Planning Commission the responsibility and authority to review and make recommendation to City Council 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, as the first action on the Project on June 25, 2024, the Planning Commission adopted a Resolution recommending the City Council certify the Final EIR (SCH# 2023110328) and approve the Mitigation Monitoring and Reporting Program and a Statement of Overriding Considerations prepared pursuant to CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

WHEREAS, on June 25, 2024, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

WHEREAS, on July 16, 2024, the City Council adopted a Resolution certifying the Final EIR (SCH# 2023110328) and approved the Mitigation Monitoring and Reporting Program and a Statement of Overriding Considerations prepared pursuant to CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

WHEREAS, on July 16, 2024, 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 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 Final EIR and supporting documentation. Based upon the facts and information contained in the Final EIR and supporting documentation, 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 the Ontario Regional Sports Complex ("OSRC") Final EIR (State Clearinghouse No. 2023110328) that was prepared; and
- (2) The Final EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and
- (3) The Final EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder, and the City of Ontario Local CEQA Guidelines; and
- (4) The Final EIR reflects the independent judgment of the City Council.

SECTION 2: *City Council Action.* Based on the entire record before the City Council and all written and oral evidence presented, the City Council finds the Final EIR complies with CEQA for the following reasons:

- (1) The Final EIR analyzes the environmental effects of the Project and finds that, if the OSRC is adopted as proposed by this plan, and with the implementation of proposed mitigation measures, the following impacts will still be significant and unavoidable: agricultural resources (loss of Prime Farmland soils), air quality (inconsistent with AQMP cumulative impacts for long-term regional operational emissions), greenhouse gasses emissions (inconsistent with plans adopted to reduce GHG emissions, magnitude of GHG emissions), noise (mobile source), and transportation (increase in vehicle miles traveled); and
- (2) The City Council further finds that the Findings of Facts and Statement of Overriding Considerations, demonstrates that the ORSC's benefits outweigh its significant and unavoidable impacts, and therefore the City would be justified in approving the ORSC notwithstanding said significant and unavoidable impacts.

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 TOP.

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.

- (1) On April 19, 2011, the City Council of the City of Ontario approved and adopted the ALUCP, establishing the Airport Influence Area for Ontario International Airport (hereinafter referred to as "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.
- (2) On August 2, 2022, the City Council of the City of Ontario approved and adopted a Development Code Amendment to establish the Chino Airport ("CNO") Overlay Zoning District ("OZD") and Reference I, Chino Airport Land Use Compatibility Plan ("CNO ALUCP"). The CNO OZD and CNO ALUCP established the Airport Influence Area for Chino Airport, solely within the City of Ontario, and limits future land uses and development within the Airport Influence Area, as they relate to safety, airspace protection, and overflight impacts of current and future airport activity. The CNO ALUCP is consistent with policies and criteria set forth within the Caltrans 2011 California Airport Land Use Planning Handbook. The proposed Project is located within the Airport Influence Area of Chino Airport and was evaluated and found to be consistent with the California Airport Land Use Planning Handbook and the CNO ALUCP. 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 CNO ALUCP compatibility factors, including Safety, Airspace Protection, Overflight. 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 California Airport Land Use Planning Handbook and the Chino 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.
- LU-1.6: 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 Zone Change will 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 environments.

- Goal LU2: Compatibility between a wide range of uses.
- LU-2.1: Land Use Decisions. We minimize adverse impacts on adjacent properties when considering land use and zoning requests.

Compliance: The proposed Zone Change reflects 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.
- LU-5.7: 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 Zone Change is consistent with the Ontario Airport ALUCP.

Safety Element — Noise Hazards:

- Goal S4: An environment where noise does not adversely affect the public's health, safety, and welfare.

- S-4.6: 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 City is proposing zone changes across the City, as illustrated in Exhibit A, to align with the TOP Vision. Furthermore, these zoning adjustments are an integral component of the City's continuous endeavors to influence and improve future development and land use patterns as outlined in The Ontario Plan; and

- (2) ***The proposed Zone Change would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.*** The proposed zoning changes are compatible with the existing zoning and land uses in the surrounding area. In addition, Land Use Policies LU-2.3, LU-2.4, LU-2.5, and LU-2.6 would reduce the amount of conflict between contradicting land uses; and
- (3) ***The proposed Zone Change will not adversely affect the harmonious relationship with adjacent properties and land uses.*** The implementation of the Project would not lead to physical improvements that could potentially divide an established community. Moreover, the Land Use Policies LU-2.3, LU-2.4, LU-2.5, and LU-2.6 would serve to minimize conflicts between conflicting land uses. As a result, no adverse impacts are anticipated; and
- (4) ***The subject site is physically suitable, including, but not limited to, parcel sizes, shapes, access, and availability of utilities, for the request and anticipated development.*** The proposed zone changes are aimed at facilitating the systematic development of the Project sites. This will be achieved by rezoning parcels that constitute the Project sites, rendering it physically conducive for any anticipated future development and associated permitted land 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 Application, as detailed in "Exhibit A" attached hereto and incorporated herein by this reference.

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: ***Effective Date.*** This ordinance takes effect immediately upon its adoption.

SECTION 9: ***Publication.*** The City Clerk shall either: (a) have this ordinance published in a newspaper of general circulation within 15 days after its adoption or (b)

have a summary of this ordinance published twice in a newspaper of general circulation, within 15 days after its adoption.

SECTION 10: This Severability. If any provision of this ordinance or its application to any person or circumstance is held to be invalid, such invalidity has no effect on the other provisions or applications of the ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this ordinance are severable. The City Council declares that it would have adopted this ordinance irrespective of the invalidity of any portion thereof.

SECTION 11: 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 twice, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 6th day of August, 2024.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3281 was duly introduced at a regular meeting of the City Council of the City of Ontario held July 16th, 2024 and adopted at the regular meeting held August 6, 2024 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. 3281 duly passed and adopted by the Ontario City Council at their regular meeting held August 6, 2024 and that Summaries of the Ordinance were published on _____ and _____, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)

Exhibit A: File No. PZC-23-004 Proposed Zone Change

