



CITY OF ONTARIO

Regular City Council/Housing Authority Meeting OCTOBER 3, 2023

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

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

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.

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: APN: 1048-481-29; City/Authority negotiator: Scott Ochoa or his designee; Negotiating parties: Dali III, LLC; Under negotiation: Price and terms of payment

ATTACHMENT: [20231003 Closed Session](#)

PLEDGE OF ALLEGIANCE

Council Member Bowman

INVOCATION

Pastor Victor Enoch Zesati, Victory Outreach Ontario Bilingual Church

REPORT ON CLOSED SESSION

City Attorney

SPECIAL CEREMONIES

PROCLAMATION OF OCTOBER 15-21, 2023 AS FRIENDS OF LIBRARIES WEEK

That the City Council proclaim the week of October 15-21, 2023 as Friends of Libraries Week.

ATTACHMENT: [20231003 - Friends of Library Week Proclamation^01_PROC.docx](#)

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.

CONSENT CALENDAR

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

Calendar for a separate vote.

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

1. APPROVAL OF MINUTES

Minutes for the regular meetings of the City Council and Housing Authority of September 5, 2023 and approving same as on file in the Records Management Department.

ATTACHMENT: [20230905 Minutes \(Not Official Until Approved\).docx](#)

2. BILLS & PAYROLL

Bills September 1, 2023 through September 14, 2023, and Payroll August 27, 2023 through September 9, 2023.

3. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 18916, LOCATED AT THE SOUTHWEST CORNER OF ARCHIBALD AVENUE AND CHINO AVENUE

That the City Council adopt a Resolution approving an Improvement Agreement, Improvement Security and Final Tract Map No. 18916 located at the southwest corner of Archibald Avenue and Chino Avenue.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 18916 LOCATED AT THE SOUTHWEST CORNER OF ARCHIBALD AVENUE AND CHINO AVENUE.

ATTACHMENT: [Tract Map 18916^01 EXH A.](#)

ATTACHMENT: [Tract Map 18916^02^RESO^RM](#)

4. A CONSTRUCTION CONTRACT FOR WATERPROOFING AND REPAIRS FOR THE ONTARIO MUSEUM OF HISTORY & ART WITH APPLIED RESTORATION, INC.

That the City Council take the following actions:

- A. Reject Preferred General Services Inc.'s protest against Applied Restoration Inc. for D&C23-012 Museum Waterproofing as non-responsive;
- B. Authorize the City Manager or his designee to complete and execute a Construction Contract D&C23-012 Museum Waterproofing (on file with the Records Management Department) with Applied Restoration, Inc., of El Cajon, California, for the Ontario Museum of History & Arts Exterior Waterproofing Project for a total not-to-exceed contract amount of \$557,000;
- C. Authorize a 20% contingency of \$111,400, for a total contract amount not-to-exceed \$668,400; and
- D. Authorize the City Manager or his designee to execute all documents required for the

completion of the project including, but not limited to agreements, assessments, easements, reduction of retention accounts, contract amendments within the authorization limits, and filing a notice of completion at the conclusion of all construction related activities.

5. **AUTHORIZE THE PURCHASE AND INSTALLATION OF FURNITURE AT 208 W. EMPORIA ST. 2ND FLOOR WITH INFO-COM BUSINESS PRODUCTS**

That the City Council take the following actions:

- A. Authorize a Cooperative Purchase Agreement for D&C23-008 208 W. Emporia St. 2nd Floor (on file with the Records Management Department) with Margaret C. Pett DBA Info-Com Business Products (Info-Com), of Altadena, California, for the purchase and installation of furniture in the amount of \$168,976 consistent with the terms and conditions of the OMNIA 2020 #R191817 and OMNIA 2022 #R221001; and
- B. Authorize a 10% contingency of \$16,898, for a total contract amount not-to-exceed \$185,874.

6. **AN AMENDMENT TO THE MAINTENANCE SERVICES AGREEMENT WITH GREENTECH LANDSCAPE, INC., FOR LANDSCAPE MAINTENANCE SERVICES FOR PARKWAYS AND MEDIANS IN THE ONTARIO RANCH AREA**

That the City Council authorize the City Manager or his designee to execute Amendment No. 4 to the Maintenance Services Agreement (on file with the Records Management) for Contract No. PM2021-2 with Greentech Landscape, Inc., of Whittier, California, to provide landscape maintenance services for a newly acquired Community Facilities District (CFD) located in the Ontario Ranch area in the amount of \$105,304 for a total not-to-exceed contract amount of \$1,300,918.

7. **A PROFESSIONAL SERVICES AGREEMENT WITH WEST YOST & ASSOCIATES INC. TO DETERMINE LEAD SERVICE LINE INVENTORY**

That the City Council approve and authorize the City Manager, or designee, to execute a Professional Services Agreement (on file in the Records Management Department) with West Yost & Associates Inc., of Davis, California, for Lead Service Line Inventory: Field Identification and Materials Classification Services in the total not-to-exceed amount of \$251,643 and a term from October 3, 2023 to June 30, 2024.

8. **A CONSTRUCTION CONTRACT WITH GENERAL PUMP COMPANY INC. FOR ON-CALL MAINTENANCE, REHABILITATION, INSPECTIONS, AND EMERGENCY WELL AND BOOSTER PUMP REPAIRS**

That the City Council approve and authorize the City Manager, or designee, to award a Construction Contract (on file in the Records Management Department) to General Pump Company Inc., of San Dimas, California, for on-call maintenance, rehabilitation, inspections, and emergency well and booster pump repairs in the amount of \$800,000 for Fiscal Year 2023-24, and authorize the cost of \$800,000, with up to a 5% increase per Fiscal Year (2024-25 to

2027-28) for a total not-to-exceed amount of \$4,420,505, with an initial term of one (1) year, and authorize the option to extend the Contract for up to four (4) consecutive one (1) year periods, at the set pricing levels per Bid No. 1672.

9. [A COMMUNITY GARDEN USE AGREEMENT WITH CAMEL CONNECTIONS FOR PROPERTY AT ANTHONY MUNOZ PARK](#)

That the City Council authorize the City Manager, or designee, to execute a Use Agreement with Caramel Connections Foundation (on file in the Records Management Department) for a portion of real property at Anthony Munoz Hall of Fame Park, generally located at 1240 W Fourth St (the Property) for agricultural purposes to enable community-supported healthy eating, active living, and education initiatives. The term of the Agreement is through October 1, 2028, with an additional five-year term option.

10. [AUTHORIZE THE PURCHASE OF AN X-TREME NINJA COURSE WITH GREENFIELDS OUTDOOR FITNESS FOR JOHN GALVIN PARK](#)

That the City Council authorize the cooperative purchase of an X-Treme Ninja Course with Greenfields Outdoor Fitness for John Galvin Park in the amount of \$578,640 plus a 10% contingency of \$57,864 to mitigate any unforeseen issues with supply chain surcharges and manufactory price increases for a total not-to-exceed contract amount of \$638,504 from Greenfields Outdoor Fitness, of Anaheim, California, consistent with the terms and conditions of the Sourcewell Cooperative Contract No. 010721-GRN.

ATTACHMENT: [Exhibit A_Ninja Course.docx](#)

PUBLIC HEARINGS

Pursuant to Government Code Section 65009, if you challenge the City's zoning, planning or any other decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the public hearing. Affidavits of posting compliance, for all items below, are on file with the Records Management Department.

11. [A PUBLIC HEARING REGARDING AN ECONOMIC DEVELOPMENT SUBSIDY REPORT AND OPERATING COVENANT AGREEMENT BETWEEN THE CITY OF ONTARIO AND RUSNAK/ONTARIO DBA GENESIS OF ONTARIO AND CONSIDERATION OF RESOLUTION](#)

That the City Council take the following actions:

- A. Adopt a resolution accepting the Economic Development Subsidy Report prepared pursuant to Government Code Section 53083.1 regarding an Operating Covenant Agreement (on file with the Records Management Department) with Rusnak/Ontario dba Genesis of Ontario;
- B. Adopt a resolution approving the Operating Covenant Agreement and authorizing the City Manager or his designee to execute the Agreement; and
- C. Direct City Staff to file a Notice of Exemption based upon the City Council's finding that

the impacts for this Agreement is not a project and subject to environmental review and that there is no possibility that the activity in question may have a significant effect on the environment.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACCEPTING THE ECONOMIC DEVELOPMENT SUBSIDY REPORT PREPARED PURSUANT TO GOVERNMENT CODE SECTION 53083 REGARDING AN OPERATING COVENANT AGREEMENT BY AND BETWEEN THE CITY OF ONTARIO AND RUSNAK/ONTARIO DBA GENESIS OF ONTARIO.

ATTACHMENT: [Genesis Operating Covenant Agreement^01^RESO^RM](#)

ATTACHMENT: [Genesis Economic Subsidy Report^02](#)

12. [A PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE ONTARIO DEVELOPMENT CODE, UPDATING REGULATIONS FOR THE SHORT-TERM RENTAL OF PROPERTY IN THE CITY AND ESTABLISHING FEES FOR SHORT TERM RENTALS](#)

That the City Council introduce, waive the first reading of an Ordinance amending subsections C, D, and I of Section 5.03.363 of the Ontario Development Code, relating to regulations of short-term rentals and approve the fee resolution for short-term rentals.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING SECTION 5.03.363, "SHORT TERM RENTALS," OF DIVISION 5.03 OF CHAPTER 5 OF THE ONTARIO DEVELOPMENT CODE, UPDATING REGULATIONS FOR THE SHORT-TERM RENTAL OF PROPERTY IN THE CITY.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ESTABLISHING A SHORT-TERM RENTAL PERMIT APPLICATION FEE UNDER ONTARIO DEVELOPMENT CODE SECTION 5.03.363(C).

ATTACHMENT: [Exhibits A & B Short term Rentals Ordinance Updating](#)

ATTACHMENT: [20231003 Short Term Rentals Ordinance Update.docx](#)

ATTACHMENT: [Resolution Establishing Short Term Rental Fee^RESO^RM](#)

ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

13. [AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING SECTION 4-6.1020 TO ARTICLE 10 OF CHAPTER 6 OF TITLE 4 OF THE ONTARIO MUNICIPAL CODE PERTAINING TO OVERSIZED VEHICLE PARKING ON PUBLIC STREETS](#)

That the City Council consider and take action in adopting an Ordinance to amend Section 4-6.1020 to Article 10 of Chapter 6 of Title 4 of the Ontario Municipal Code pertaining to standards for oversized vehicle parking on public streets.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING SECTION 4-6.1020 TO ARTICLE 10 OF CHAPTER 6 OF TITLE 4 OF THE ONTARIO MUNICIPAL CODE PERTAINING TO OVERSIZED VEHICLE PARKING ON PUBLIC STREETS.

ATTACHMENT: [Amendment to OMC Pertaining to Oversized Vehicle Parking^ORD^RM](#)

STAFF MATTERS

City Manager Ochoa

COUNCIL MATTERS

Board & Commission Appointment

Mayor Leon

Mayor pro Tem Dorst-Porada

Council Member Wapner

Council Member Bowman

Council Member Valencia

ADJOURNMENT

CITY OF ONTARIO
CLOSED SESSION REPORT
City Council // Housing Authority // Other // (GC 54957.1)
October 3, 2023

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

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

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

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN: 1048-481-29; City/Authority negotiator: Scott Ochoa or his designee;
Negotiating parties: Dali III, LLC; Under negotiation: Price and terms of payment.

No Reportable Action	Continue	Approved
/ /	/ /	/ /

Disposition: _____

Reported by:

City Attorney / City Manager / Executive Director

CITY OF ONTARIO

Agenda Report
October 3, 2023

SECTION:
SPECIAL CEREMONIES

Department: Library
Prepared By: Lacey A Rightmer
Staff Member Presenting:
Helen McAlary, Executive Director Community
Life and Culture
Approved By: 

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

SUBJECT: PROCLAMATION OF OCTOBER 15-21, 2023 AS FRIENDS OF LIBRARIES WEEK

RECOMMENDATION: That the City Council proclaim the week of October 15-21, 2023 as Friends of Libraries Week.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:

Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities

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

BACKGROUND & ANALYSIS: This year marks the 18th annual National Friends of Libraries Week, to be celebrated from October 15 to October 21, 2023. The purpose of this week is to honor and acknowledge the dedicated efforts of library supporters who generously volunteer their time and resources to bolster local libraries. It also serves as an opportunity to raise awareness about Friends of Libraries groups and encourage community engagement to support and enrich our local libraries.

Since its informal inception in 1968, the Friends of Ontario City Library (FOCL), a 501(c)(3) nonprofit organization, has been instrumental in advancing the mission of the Ontario City Library. The organization officially incorporated in 1973. Historically, FOCL has raised funds to support library programs and services by selling second-hand books. Within each library branch, a designated used book sale area is overseen by the FOCL Board of Directors and managed by dedicated library volunteers. Additionally, FOCL raises funds through membership dues, available as annual payments or a one-time "lifetime" membership.

Beyond their financial contributions, FOCL plays a vital role in nurturing a stronger bond between the Ontario City Library and the community, fostering increased public and private sector support. They actively advocate for the library within the community. The Friends of Ontario City Library frequently sponsors cultural and literacy programs, including author visits, to benefit the community.

In December 2022, a new board of directors was elected for FOCL. Board meetings are held at the Ovitt Family Community Library on the first Thursday of each month at 6:30 p.m. The board is comprised of 12 engaged community members, while the organization boasts a membership of more than 100 individuals and families.

FOCL has allocated over \$11,000 to support various Ontario City Library programs and services this year. These funds are earmarked for programs and initiatives such as Summer at Ontario City Library, essential support for the library's English as a Second Language (ESL) classes, and funding to sustain children's literacy programs.

A celebratory event marking the 50th Anniversary of FOCL will take place on November 4, 2023, at the Ovitt Family Community Library from 6:00 to 8:00 p.m. This occasion offers an opportunity for community members to join in commemorating the longstanding commitment of FOCL to the Ontario City Library's growth and success. Tickets are required for the event and can be purchased through FOCL.

Residents interested in learning more about FOCL can explore their official website at <https://friendsofontariocitylibrary.org>, email FOCL22@hotmail.com, or contact them by phone at (909) 395-2224.

Staff recommends that the City Council recognize and commend the Friends of Ontario City Library for their tireless efforts in supporting our local libraries. The City Council is also encouraged to spread awareness about the upcoming National Friends of Libraries Week and the various ways residents can engage with and contribute to enriching our library's resources.

PROCLAMATION OF OCTOBER 15-21, 2023, AS FRIENDS OF LIBRARIES WEEK

WHEREAS, Friends of Ontario City Library raise money that enables our library to move from good to great – providing resources for additional programing, special equipment, support for children’s literacy, and special events throughout the year; and

WHEREAS, the work of the Friends of Ontario City Library highlights an on-going basis the fact that our library is the cornerstone of the community providing opportunities for all to engage in the joy of life-long learning and connect with the thoughts and ideas of others from ages past to the present; and

WHEREAS, the Friends of Ontario City Library understand the critical importance of well-funded libraries and advocate to ensure that our library has the resources it needs to provide a wide variety of services to all ages including access to print and electronic materials, along with expert assistance in research, readers’ advisory, and children’s services; and

WHEREAS, the Friends’ gift of their time and commitment to the library sets an example for all in how volunteerism leads to positive civic engagement and the betterment of our community.

NOW THEREFORE, the City of Ontario, its City Council and staff members do declare the week of October 15-21, 2023, as **FRIENDS OF LIBRARIES WEEK** and urges everyone to join the Friends of Ontario City Library and thank them for all they do to make our library and community great.

**ONTARIO CITY COUNCIL/
ONTARIO HOUSING AUTHORITY
MINUTES
SEPTEMBER 5, 2023
(Not Official Until Approved)**

JOINT MEETINGS

The regular meetings of the Ontario City Council and the Housing Authority were held on Tuesday, September 5, 2023 at Ontario City Hall, 303 E. B Street Ontario, California.

CALL TO ORDER

Mayor Leon called the joint meetings to order at 5:32 p.m.

ROLL CALL

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

ABSENT: Council/Authority Members: None

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, at 5:34 p.m. the City Council recessed to Closed Session with all members present, with the exception of Council Member Wapner who arrived at 5:36 p.m. for discussion of the following:

GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION
City of Ontario v. Ashish Kumar Patel

GC 54956.9 CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION
Number of Cases: One Case

GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: APN: 1011-382-09; 801-805 South Mountain Avenue; City/Authority negotiator: Scott Ochoa or his designee; Negotiating parties: Peter Stuart Dejager and Michelle Julie Dejager; Under negotiation: Price and terms of payment

GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: APN: 1011-382-65; 1045 West Mission Boulevard; City/Authority negotiator: Scott Ochoa or his designee; Negotiating parties: Kalpesh P. Solanki; Under negotiation: Price and terms of payment

GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: APN: 1048-566-07; 301 North Euclid Avenue; City/Authority negotiator: Scott Ochoa or his designee; Negotiating parties: Overland Direct Inc.; Under negotiation: Price and terms of payment

GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: APN: 0110-081-06; 1619 East Holt Boulevard; City/Authority negotiator: Scott Ochoa or his designee; Negotiating parties: Joe Howard Combee & Cheryl Ellen Combee Revocable Trust; Under negotiation: Price and terms of payment

GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: APN: 0110-081-07; 1621-1623 East Holt Boulevard; City/Authority negotiator: Scott Ochoa or his designee; Negotiating parties: Anthony & Beverly Ditommaso Living Trust, Christopher F. Ditommaso Trust, Franklin J. Bruno Living Trust, and Deanna P. Brost Trust; Under negotiation: Price and terms of payment

GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: APN: 1048-574-07; 115 North Palm Avenue; City/Authority negotiator: Scott Ochoa or his designee; Negotiating parties: SNA Holdings, LLC; Under negotiation: price and terms of payment

GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: APN: 1048-574-08; 302 West Holt Boulevard; City/Authority negotiator: Scott Ochoa or his designee; Negotiating parties: SNA Holdings, LLC; Under negotiation: Price and terms of payment

MEETING RECONVENED – OPEN MEETING

Mayor Leon reconvened the meetings at 6:43 p.m. for the regular session.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Bowman.

INVOCATION

The invocation was led by Pastor Taylor Kern, Ontario United Reformed Church

REPORT ON CLOSED SESSION

City Attorney Duran reported City Council discussed all except the last two items pertaining to real property negotiations for APNs 1048-574-07 and 1048-574-08. Mr. Duran also noted that Council Member Bowman recused himself from discussion pertaining to APN 1048-566-07 out of an abundance of caution and not because of any existing conflicts.

SPECIAL CEREMONIES

PROCLAMATION OF SEPTEMBER 2023 AS NATIONAL PREPAREDNESS MONTH

The City Council proclaimed the month of September 2023 as National Preparedness Month in the City of Ontario.

PUBLIC COMMENTS

Assistant City Clerk Isbell announced there were no written public comments.

Mayor Leon called upon the first speaker:

Kiran Nakani, introduced Lifting Humanity, a refugee program in Ontario.

Maria Galvan, spoke regarding increasing cost of rent.

AGENDA REVIEW/ANNOUNCEMENTS

City Manager Ochoa made no announcements.

CONSENT CALENDAR

PUBLIC COMMENT

Item No. 6 - *Maria Galvan*, spoke in opposition of a Military Equipment Use Policy and requested more trees.

MOTION: Moved by Mayor pro Tem Dorst-Porada seconded by Council Member Bowman and carried by a unanimous vote 5-0, to approve the Consent Calendar as presented.

1. APPROVAL OF MINUTES

Approved minutes for the cancelled meetings of the City Council and Housing Authority of August 1, 2023, approving same as on file in the Records Management Department.

2. BILLS & PAYROLL

Approved bills July 28, 2023 through August 10, 2023 in the amount of \$16,436,164.62, and Payroll July 16, 2023 through August 12, 2023 in the amount of \$9,540,561.64.

3. AN AMENDMENT TO THE DESIGN SERVICES AGREEMENT WITH HMC GROUP DBA HMC ARCHITECTS

The City Council authorized the City Manager or his designee to execute the Amendment No. 3 to the Design Services Agreement with HMC Group dba HMC Architects to increase the not-to-exceed amount by \$450,848 from \$3,978,123 to \$4,428,971 and amend the scope of work.

4. A RESOLUTION ESTABLISHING PARKING RESTRICTIONS FOR STREET SWEEPING PURPOSES ON CERTAIN PORTIONS OF EAST HARVARD PLACE IN THE CITY OF ONTARIO

The City Council adopted a Resolution establishing parking restrictions for street sweeping purposes on certain portions of East Harvard Place in the City of Ontario.

RESOLUTION NO. 2023-135 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ESTABLISHING PARKING RESTRICTIONS FOR STREET SWEEPING PURPOSES ON CERTAIN PORTIONS OF EAST HARVARD PLACE IN THE CITY OF ONTARIO.

5. AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH HARRIS AND ASSOCIATES FOR ON-CALL ENGINEERING PLAN CHECK SERVICES

The City Council approved an Amendment to the Professional Services Agreement with Harris and Associates, of Irvine, California to provide on-call plan checking services for a revised annual authorized expenditure of \$2,250,000 in Fiscal Year 2023-24 and \$2,250,000 in FY 2024-25, for a total revised five-year contract not-to-exceed amount of \$9,900,000.

6. ADOPTION OF ORDINANCE APPROVING A MILITARY EQUIPMENT USE POLICY PURSUANT TO GOVERNMENT CODE SECTIONS 7070, ET. SEQ.

The City Council adopted an Ordinance adopting a Military Equipment Use Policy.

ORDINANCE NO. 3259 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING A MILITARY EQUIPMENT USE POLICY PURSUANT TO GOVERNMENT CODE §§ 7070, ET. SEQ.

7. A RESOLUTION DETERMINING THE CITY-OWNED PROPERTY AT 517/521/525 NORTH VIRGINIA AVENUE AS EXEMPT SURPLUS LAND, TRANSFER PROPERTY TO ONTARIO HOUSING AUTHORITY AND APPROVE AFFORDABLE HOUSING RESTRICTIONS

The City Council and the Ontario Housing Authority Board of Directors took the following actions:

- A. Adopted the Resolution declaring certain City-owned real property at 517, 521, and 525 North Virginia Avenue (APN: 1048-412-13) to be exempt surplus land;
- B. Adopted a Finding that no further CEQA analysis is necessary
- C. Authorized the transfer of the property to the Ontario Housing Authority to create affordable housing;
- D. Approved the Affordable Housing Regulatory Agreement establishing new affordable housing requirements; and
- E. Authorized the City Manager or designee to take all actions necessary with respect thereto.

RESOLUTION NO. 2023-136 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, PURSUANT TO GOVERNMENT CODE SECTION 54221 DECLARING THAT CERTAIN REAL PROPERTY (517, 521, AND 525 NORTH VIRGINIA AVENUE) IS EXEMPT SURPLUS LAND, AND FINDING THAT SUCH DECLARATION IS EXEMPT FROM ENVIRONMENTAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

RESOLUTION NO. 2023-137 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, TRANSFERRING THAT CERTAIN REAL PROPERTY COMMONLY REFERRED TO AS THE ASSISI HOUSE TO THE ONTARIO HOUSING AUTHORITY FOR TRANSITIONAL HOUSING OR AFFORDABLE HOUSING USE.

RESOLUTION NO. OHA-115 A RESOLUTION OF THE ONTARIO HOUSING AUTHORITY OF THE CITY OF ONTARIO, CALIFORNIA, ACCEPTING THE TRANSFER OF THAT CERTAIN REAL PROPERTY COMMONLY REFERRED TO AS THE ASSISI HOUSE FROM THE CITY OF ONTARIO FOR TRANSITIONAL HOUSING OR AFFORDABLE HOUSING USE.

8. AN AMENDMENT TO THE DESIGN SERVICES AGREEMENT WITH WITHERS AND SANDGREN, LTD. FOR STREETSCAPE IMPROVEMENTS FOR THE MISSION BOULEVARD MEDIAN IMPROVEMENTS PROJECT

The City Council authorized the City Manager or his designee to execute Amendment No. 1 to the Design Services Agreement with Withers & Sandgren Ltd., of Chatsworth, California, to provide design services for the Mission Boulevard Median Improvements Project in the amount of \$170,000 for a total not-to-exceed contract amount of \$235,800.

9. A PROFESSIONAL SERVICES AGREEMENT WITH INTERPERSONAL FREQUENCY, LLC., FOR WEBSITE REDESIGN SERVICES

The City Council authorized the City Manager or his designee to execute a Professional Services Agreement in the amount of \$1,001,975 with Interpersonal Frequency, LLC. for website redesign and 5 years of maintenance and support services.

10. APPROVAL OF THE SOLE SOURCE PURCHASE OF MERIDIAN BARRIERS FROM MERIDIAN RAPID DEFENSE GROUP

The City Council approved and authorized the City Manager or his designee to execute all documents necessary for the Sole Source purchase of meridian barriers in the amount of \$258,895 from Meridian Rapid Defense Group, of Pasadena, California.

11. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE SUBMITTAL OF APPLICATIONS FOR THE CALRECYCLE RUBBERIZED PAVEMENT GRANT PROGRAM

The City Council adopted a Resolution authorizing the submittal of applications for the Rubberized Pavement Grant Program to the Department of Resources Recycling and Recovery (CalRecycle); and authorize the City Manager, or his designee, to execute said applications and all related grant documents.

RESOLUTION NO. 2023-138 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE SUBMITTAL OF APPLICATIONS FOR THE CALRECYCLE RUBBERIZED PAVEMENT GRANT PROGRAM.

12. A SOLE SOURCE PURCHASE WITH MOTOROLA SOLUTIONS, INC FOR PORTABLE MOTOROLA RADIOS FOR POLICE STAFF

The City Council approved and authorized the City Manager or designee to execute all documents necessary for the sole source purchase of 300 Motorola N70 portable radios from Motorola Solutions, Inc., of Chicago, Illinois, for \$2,003,709 plus a \$496,291 contingency for a total not-to-exceed of \$2,500,000.

13. AN AMENDMENT WITH OPEX CORPORATION FOR MAIL EXTRACTION AND SCANNING WORKSTATION SOFTWARE

The City Council approved and authorized the City Manager, or designee to execute Amendment No. 1 to the Goods and Services Agreement with OPEX Corporation (OPEX) of Moorestown, New Jersey, for an increase to the existing Agreement of \$17,197, for a new total not-to-exceed amount of \$158,204, for mail extraction and scanning workstation software, and a term through September 6, 2025.

14. PURCHASE OF NETWORK FIREWALL AND ROUTER EQUIPMENT WITH SIDEPATH, INC., AND NTT AMERICA, INC.

The City Council took the following actions:

- A. Approved and authorized the City Manager, or his designee, to execute a Goods and Equipment Purchase Agreement with Sidepath, Inc. of Laguna Hills, California, for the purchase of carrier-grade Internet firewall equipment in the amount of \$231,143, plus a 10% contingency on the pre-tax amount of \$21,255 for Fiscal Year 2023-24, for a total not-to-exceed contract amount of \$252,398.
- B. Approved and authorized the City Manager, or his designee, to execute a Goods and Equipment Purchase Agreement with NTT America, Inc., of New York, New York for the purchase of carrier-grade Internet network router equipment in the amount of \$222,984, plus a 10% contingency on the pre-tax amount of \$21,475 for Fiscal Year 2023-24, for a total not-to-exceed contract amount of \$244,459.
- C. Authorized a total aggregate not-to-exceed contract amount of \$496,857 with Sidepath, Inc., and NTT America, Inc.

15. AUTHORIZE THE PURCHASE OF FLEET VEHICLES WITH PEORIA FORD AND NATIONAL AUTO FLEET GROUP

The City Council took the following actions:

- A. Awarded Bid No. 1685 and authorized the purchase and delivery of three (3) Ford F-150 pickup trucks from Peoria Ford, of Peoria, Arizona, in the amount of \$204,572 for the Fire Department;
- B. Awarded Bid No. 1684 and authorized the purchase and delivery of nine (9) Ford Explorer Sports Utility Vehicles (SUVs) from Peoria Ford, of Peoria, Arizona, in the amount of \$448,671 for the Police Department; and
- C. Authorized the cooperative purchase and delivery of 38 Dodge Durango Pursuit Vehicles for the Police Department in the amount of \$2,597,000 plus a 10% contingency of \$259,700 for a total amount not-to-exceed of \$2,856,700 from National Auto Fleet Group, of Watsonville, California, consistent with the terms and conditions of the Sourcewell Cooperative Contract No. 091521-NAF.

PUBLIC HEARINGS

16. A PUBLIC HEARING TO CONSIDER APPROVAL OF A DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE ONTARIO HOUSING AUTHORITY AND HDC CONSTRUCTION, INC. FOR THE DEVELOPMENT OF THREE SINGLE-FAMILY HOUSING UNITS LOCATED AT 1325-1329 SOUTH EUCLID AVENUE (APNS: 1049-531-01 AND 1049-531-02)

The Board of the Ontario Housing Authority (OHA):

- A. Adopted the attached Resolution approving the Disposition and Development Agreement (Agreement) between the Ontario Housing Authority and HDC Construction, Inc. (Developer); and
- B. Authorized the Executive Director or designee to sign all documents necessary to implement the Agreement.

RESOLUTION NO. OHA-116 A RESOLUTION OF THE ONTARIO HOUSING AUTHORITY OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE ONTARIO HOUSING AUTHORITY AND CALIFORNIA CAPITAL, INC. FOR THE DEVELOPMENT OF CERTAIN REAL PROPERTY LOCATED AT 1325/1329 SOUTH EUCLID AVENUE, ONTARIO (APNS: 1049-531-01 AND 1049-531-02).

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 if anyone was interested in speaking to the item. Hearing no one, Mayor Leon closed the public hearing and opened the item for Council discussion.

MOTION: Moved by Mayor pro Tem Dorst-Porada seconded by Council Member Bowman and carried by a unanimous vote 5-0, to adopt Resolution No. OHA-116.

ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

17. INTRODUCTION OF AN ORDINANCE AMENDING SECTION 5-11.02 OF CHAPTER 11 OF TITLE 5 OF THE ONTARIO MUNICIPAL CODE RELATING TO THE PUBLIC CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES ON OR IN PUBLIC FACILITIES

The City Council introduced, read by title only, and waive further reading of an Ordinance amending Section 5-11.02 of Chapter 11 of Title 5 of the Ontario Municipal Code relating to the public consumption and possession of alcoholic beverages on or in public facilities.

ORDINANCE NO. 3260 (FIRST READING) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING SECTION 5-11.02 OF CHAPTER 11 OF TITLE 5 OF THE ONTARIO MUNICIPAL CODE RELATING TO THE PUBLIC CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES ON OR IN PUBLIC FACILITIES.

There were no written communications. Mayor Leon inquired if anyone was interested in speaking to the item. Hearing no one, Mayor Leon and Council discussed the matter.

MOTION: Moved by Council Member Bowman seconded by Mayor pro Tem Dorst-Porada and carried by a unanimous vote 5-0, to introduce Ordinance No. 3260.

STAFF MATTERS

City Manager Ochoa made no comments.

COUNCIL MATTERS

There were no council matters.

ADJOURNMENT

Mayor Leon adjourned the meetings of the Joint Agencies at 7:02 p.m. and announced the next regular meeting was scheduled for September 19, 2023.

Respectfully submitted,

SHEILA MAUTZ, CITY CLERK/SECRETARY

APPROVED:

PAUL S. LEON, MAYOR/CHAIRMAN

CITY OF ONTARIO

Agenda Report
October 3, 2023

SECTION: CONSENT CALENDAR

Department: Engineering
Prepared By: Angela Truong
Staff Member Presenting:
Scott Murphy, Executive Director Community
Development
Reviewed By: Raymond Lee, Khoi Do
Approved By: 

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

SUBJECT: A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 18916, LOCATED AT THE SOUTHWEST CORNER OF ARCHIBALD AVENUE AND CHINO AVENUE

RECOMMENDATION: That the City Council adopt a Resolution approving an Improvement Agreement, Improvement Security and Final Tract Map No. 18916 located at the southwest corner of Archibald Avenue and Chino Avenue.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:

Invest in the Growth and Evolution of the City's Economy

Focus Resources in Ontario's Commercial and Residential Neighborhoods

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

Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch

FISCAL IMPACT: There is not a direct fiscal impact associated with this action. All public infrastructure improvements required will be constructed by the Developer at its sole cost.

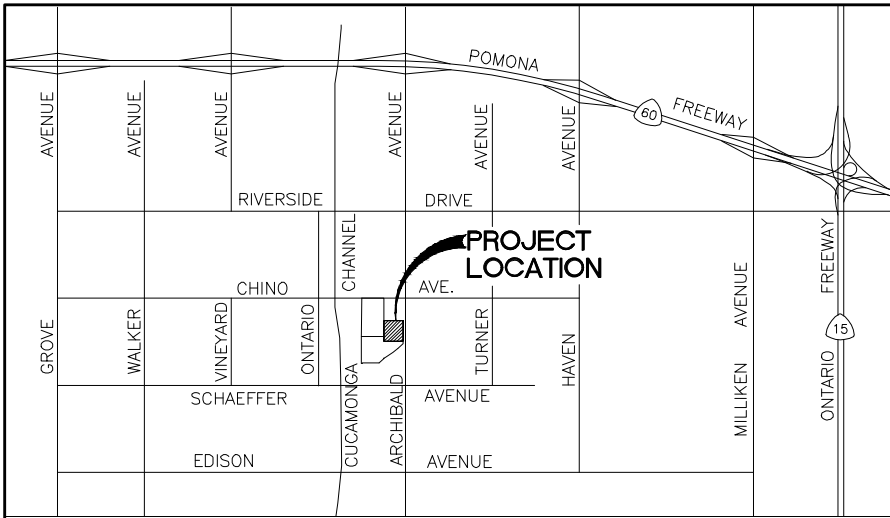
BACKGROUND & ANALYSIS: Final Tract Map No. 18916, consisting of 36 numbered lots and 14 lettered lots on approximately 11 acres of land, as shown on Exhibit A, has been submitted by the Developer, KB Home Coastal, Inc. Tentative Tract Map No. 18916 was approved by the Planning Commission on November 23, 2021.

Improvements will include streets, storm drain, sewer main, fiber optic conduits, streetlights, and parkway landscaping with irrigation. All landscape improvements will be consistent with current City approved drought measures.

The Developer has entered into an Improvement Agreement with the City for Final Tract Map No. 18916 and posted adequate security to ensure construction of the required improvements. This map meets all conditions of the Subdivision Map Act and the Ontario Municipal Code and has been

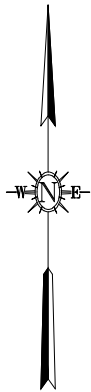
reviewed and approved by the City Engineer.

EXHIBIT A



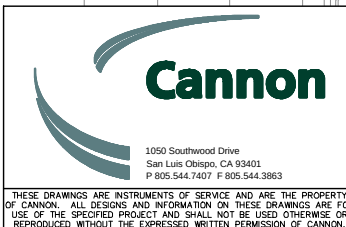
VICINITY MAP

NOT TO SCALE



0 150 300

1 INCH = 150 FEET
SHEET SIZE: 8.5" x 11"



TRACT 189816

CITY OF ONTARIO, CALIFORNIA

DRAWN BY	WGC	DATE	4/25/2023	CA JOB NO.	211214
CHECKED BY		SCALE	1" = 150'	SHEET	1 of 1

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 18916 LOCATED AT THE SOUTHWEST CORNER OF ARCHIBALD AVENUE AND CHINO AVENUE.

WHEREAS, Tentative Tract Map No. 18916 submitted for approval by KB Homes Coastal Inc was approved by the Planning Commission of the City of Ontario on November 23, 2021; and

WHEREAS, Tentative Tract Map No. 18916 consists of 36 numbered lots and 14 lettered lots, being a subdivision of a Portion of the east half of the northeast quarter of the southeast quarter of Section 10, Township 2 South, Range 7 West, San Bernardino Meridian, in the City of Ontario, County of San Bernardino, State of California, according to the Official Plat of said Land in the Office of the Bureau of Land Management, filed August 30, 1873 as described in grant deed recorded December 8, 2021 as Document No. 2021-0550417, in Official Records of said County; and

WHEREAS, to meet the requirements established as prerequisite to final approval of Tract Map No. 18916, KB Homes Coastal Inc has offered the Improvement Agreement together with good and sufficient improvement security, in conformance with the City Attorney's approved format, for approval and execution by the City; and

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

1. That said Improvement Agreement be, and the same is, approved and the City Manager is authorized to execute same on behalf of said City, and the City Clerk is authorized to attest thereto; and
2. That said Improvement Security is accepted as good and sufficient, subject to approval as to form and content thereof by the City Attorney; and
3. That Final Tract Map No. 18916 be approved and that the City Clerk be authorized to execute the statement thereon on behalf of said City.

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

PASSED, APPROVED, AND ADOPTED this 3rd day of October 2023.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST, BEST & KREIGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2023- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 3, 2023 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2023- duly passed and adopted by the Ontario City Council at their regular meeting held October 3, 2023.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
October 3, 2023

SECTION: CONSENT CALENDAR

Department: Public Works
Prepared By: Gil H Mars
Staff Member Presenting:
Tito Haes, Executive Director Public Works
Reviewed By: Bonnie Tam, Andrea Ampig
Approved By: 

Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 4

SUBJECT: A CONSTRUCTION CONTRACT FOR WATERPROOFING AND REPAIRS FOR THE ONTARIO MUSEUM OF HISTORY & ART WITH APPLIED RESTORATION, INC.

RECOMMENDATION: That the City Council take the following actions:

- A. Reject Preferred General Services Inc.'s protest against Applied Restoration Inc. for D&C23-012 Museum Waterproofing as non-responsive;
- B. Authorize the City Manager or his designee to complete and execute a Construction Contract D&C23-012 Museum Waterproofing (on file with the Records Management Department) with Applied Restoration, Inc., of El Cajon, California, for the Ontario Museum of History & Arts Exterior Waterproofing Project for a total not-to-exceed contract amount of \$557,000;
- C. Authorize a 20% contingency of \$111,400, for a total contract amount not-to-exceed \$668,400; and
- D. Authorize the City Manager or his designee to execute all documents required for the completion of the project including, but not limited to agreements, assessments, easements, reduction of retention accounts, contract amendments within the authorization limits, and filing a notice of completion at the conclusion of all construction related activities.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:

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

Operate in a Businesslike Manner

FISCAL IMPACT: The Fiscal Year 2023-24 Adopted Budget includes appropriations in the Capital Projects-Measure Q Fund for the waterproofing of the Ontario Museum of History & Arts (part of the Museum Master Plan Capital Improvement Project). The recommended contract award to Applied Restoration, Inc. is \$557,000, plus a 20% contingency of \$111,400 for a total not-to-exceed contract amount of \$668,400, funded by Measure Q.

BACKGROUND & ANALYSIS: The Ontario Museum of History & Arts has a history of water intrusion within the basement. After heavy rains this year, the issue has become a safety concern due to the floor mounted electrical panel situated within the basement. To prevent further water damage, unnecessary windows in the basement will be eliminated, walls will be inspected above and below grade for necessary repairs, and a waterproofing coating will be applied to the exterior walls and possibly the interior walls based on the extent of the repairs required.

On August 3, 2023, the City solicited proposals for waterproofing and necessary repairs at the Ontario Museum of History & Arts and three (3) proposals were received:

BIDDER	LOCATION	AMOUNT
Applied Restoration, Inc.	El Cajon, CA	\$557,000
Preferred General Services, Inc.	Apple Valley, CA	\$597,090
Guthrie General of California, Inc.	Newport Beach, CA	\$1,025,712

Preferred General Services, Inc. protested Applied Restoration, Inc. on the grounds that the Bid Bond was not signed by the contractor and form not complete. Applied Restoration, Inc. submitted two (2) sets of the bid bond package of which one did contain the appropriate signatures. Therefore, the protest has no merit as the failure to include a signed bid bond is not a fatal defect in the submittal and the bond issuer is bound by its terms regardless of whether its signed or not.

Applied Restoration, Inc., located in El Cajon, California, submitted the lowest responsive bid with a base cost of \$557,000. Based on the credentials, pricing, and favorable reference checks, Staff recommends awarding the Construction Contract to Applied Restoration, Inc. The project has an estimated completion date of May 15, 2024.

CITY OF ONTARIO

Agenda Report
October 3, 2023

SECTION: **CONSENT CALENDAR**

Department: Public Works
Prepared By: Gil H Mars
Staff Member Presenting:
Tito Haes, Executive Director Public Works
Reviewed By: Bonnie Tam, Andrea Ampig
Approved By: 

Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 5

SUBJECT: AUTHORIZE THE PURCHASE AND INSTALLATION OF FURNITURE AT 208 W. EMPORIA ST. 2ND FLOOR WITH INFO-COM BUSINESS PRODUCTS

RECOMMENDATION: That the City Council take the following actions:

- A. Authorize a Cooperative Purchase Agreement for D&C23-008 208 W. Emporia St. 2nd Floor (on file with the Records Management Department) with Margaret C. Pett DBA Info-Com Business Products (Info-Com), of Altadena, California, for the purchase and installation of furniture in the amount of \$168,976 consistent with the terms and conditions of the OMNIA 2020 #R191817 and OMNIA 2022 #R221001; and
- B. Authorize a 10% contingency of \$16,898, for a total contract amount not-to-exceed \$185,874.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:

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

FISCAL IMPACT: The Fiscal Year 2023-24 Adopted Budget includes appropriations in the General Fund for the purchase and installation of furniture at 208 W. Emporia St. 2nd Floor. The recommended contract amount with Info-Com is \$168,976 plus a 10% contingency of \$16,898 for a total not-to-exceed contract amount of \$185,874.

BACKGROUND & ANALYSIS: The Community Life & Culture Agency floor plan on the 2nd floor of 208 W. Emporia St. needs to be redesigned to accommodate operational and staffing needs due to departmental growth. To accommodate the Agency's needs, Info-Com will design and furnish new cubicle workstations and furniture. This new layout includes the design and installation of 22 new stations, seven (7) private office station modifications, an office reconfiguration to a conference room, and added furniture. This redesign will allow for projected personnel count and growth within the Community Life & Culture Agency.

In general conformation with the provisions of Government Code Section 54201 through 54204, Ontario Municipal Code Section 2-6.29 allows for the purchase of supplies and equipment through

cooperative purchasing programs, pursuant to California Government Code Section 6502 and City of Ontario Resolution No. 91-141.

OMNIA 2020 #R191817 and OMNIA 2022 #R221001 are contracts from approved vendors through the OMNIA cooperative purchasing program. OMNIA is an organization that provides cooperative purchasing, allowing governmental agencies to "piggyback" off of their bidding process. Staff is recommending to "piggyback" off of these contracts since Info-Com is also designing and furnishing other office spaces at 208 W. Emporia St., which will give the office spaces a streamlined appearance.

CITY OF ONTARIO

Agenda Report
October 3, 2023

SECTION:
CONSENT CALENDAR

Department: Public Works
Prepared By: Alfredo Banuelos
Staff Member Presenting:
Tito Haes, Executive Director Public Works
Reviewed By: Bonnie Tam, Gina Gomez
Approved By: 

Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 6

SUBJECT: AN AMENDMENT TO THE MAINTENANCE SERVICES AGREEMENT WITH GREENTECH LANDSCAPE, INC., FOR LANDSCAPE MAINTENANCE SERVICES FOR PARKWAYS AND MEDIANS IN THE ONTARIO RANCH AREA

RECOMMENDATION: That the City Council authorize the City Manager or his designee to execute Amendment No. 4 to the Maintenance Services Agreement (on file with the Records Management) for Contract No. PM2021-2 with Greentech Landscape, Inc., of Whittier, California, to provide landscape maintenance services for a newly acquired Community Facilities District (CFD) located in the Ontario Ranch area in the amount of \$105,304 for a total not-to-exceed contract amount of \$1,300,918.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:

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

Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch

FISCAL IMPACT: The recommended Amendment No. 4 will increase the contract amount by \$105,304 for a total contract amount not-to-exceed \$1,300,918. The Fiscal Year 2023-24 Adopted Budget includes appropriations in the General Fund for the maintenance cost of landscape maintenance services.

BACKGROUND & ANALYSIS: The City is responsible for the landscape maintenance of parkways and medians throughout the Ontario Ranch area. On July 1, 2021, the City Council authorized the City Manager to execute Amendment No. 3 to the three-year Maintenance Services Agreement with Greentech Landscape, Inc., to add five (5) additional CFD sites and increase the contract amount.

The Maintenance Services Agreement provides landscape maintenance services for parkways and medians located in the Ontario Ranch area. One new area in the Ontario Ranch area has recently been accepted by the City and needs to be added to the Maintenance Services Agreement. This includes the CFD area at the Esperanza Community located on the Southwest Corner of Eucalyptus Avenue and Hamner Avenue. The annual cost to include landscape maintenance services to the

parkway planters located in the Ontario Ranch area is \$105,304 for a total not-to-exceed contract amount of \$1,300,918.

CITY OF ONTARIO

Agenda Report
October 3, 2023

SECTION: **CONSENT CALENDAR**

Department: Utilities
Prepared By: Joline Neal
Staff Member Presenting:
Scott Burton, Utilities General Manager
Reviewed By: Dennice Raygoza, Albert G
Gastelum, Michael Sigsbee
Approved By: 

Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 7

SUBJECT: A PROFESSIONAL SERVICES AGREEMENT WITH WEST YOST & ASSOCIATES INC. TO DETERMINE LEAD SERVICE LINE INVENTORY

RECOMMENDATION: That the City Council approve and authorize the City Manager, or designee, to execute a Professional Services Agreement (on file in the Records Management Department) with West Yost & Associates Inc., of Davis, California, for Lead Service Line Inventory: Field Identification and Materials Classification Services in the total not-to-exceed amount of \$251,643 and a term from October 3, 2023 to June 30, 2024.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:

Operate in a Businesslike Manner

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

FISCAL IMPACT: The proposed Agreement is for a total-not-to-exceed amount of \$251,643. The term of the Agreement will be from October 3, 2023 to June 30, 2024. The Fiscal Year 2023-24 Adopted Budget includes appropriations from the Water Operating Fund for Lead Service Line Inventory: Field Identification and Materials Classification Services. The City and West Yost & Associates Inc. have agreed to fixed billing rates for each water service line identified and classified and will be compensated for completion of the scope of work at the approved billing rates. There is no impact to the General Fund.

BACKGROUND & ANALYSIS: The U.S. Environmental Protection Agency's 2021 Lead and Copper Rule requires the City to publish a lead service line inventory, identify all public and privately owned drinking water service lines and classify the pipe's material as lead or non-lead by October 16, 2024. As a result, the City must develop an inventory, field identify, and classify all service line pipe materials that deliver drinking water to its customers.

The City solicited for bids, however, no proposals were received for Bid No. 1667 for Lead Service Inventory: Field Identification and Materials Classification Services. West Yost & Associates Inc. was subsequently solicited and selected for this sole source Agreement as they meet the required

qualifications and have certified field staff to identify service lines and classify the pipe materials. West Yost & Associates Inc. is a current on-call contractor with the City for recycled water pipeline inspection and testing of potable and recycled water systems and have proven to reliably deliver high quality services.

CITY OF ONTARIO

Agenda Report
October 3, 2023

SECTION:
CONSENT CALENDAR

Department: Utilities

Prepared By: Chris Bonadurer

Staff Member Presenting:

Scott Burton, Utilities General Manager

Reviewed By: Dennice Raygoza, Michael Sigsbee

Approved By:



Submitted To: Council/OHA

Approved: _____

Continued To: _____

Denied: _____

Item No: 8

SUBJECT: A CONSTRUCTION CONTRACT WITH GENERAL PUMP COMPANY INC. FOR ON-CALL MAINTENANCE, REHABILITATION, INSPECTIONS, AND EMERGENCY WELL AND BOOSTER PUMP REPAIRS

RECOMMENDATION: That the City Council approve and authorize the City Manager, or designee, to award a Construction Contract (on file in the Records Management Department) to General Pump Company Inc., of San Dimas, California, for on-call maintenance, rehabilitation, inspections, and emergency well and booster pump repairs in the amount of \$800,000 for Fiscal Year 2023-24, and authorize the cost of \$800,000, with up to a 5% increase per Fiscal Year (2024-25 to 2027-28) for a total not-to-exceed amount of \$4,420,505, with an initial term of one (1) year, and authorize the option to extend the Contract for up to four (4) consecutive one (1) year periods, at the set pricing levels per Bid No. 1672.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:

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

FISCAL IMPACT: The Fiscal Year 2023-24 Adopted Capital Improvement Program Budget includes appropriations from the Water Capital Fund to cover the cost for on-call maintenance, rehabilitation, inspections, and emergency well and booster pump repairs. The total cost for the recommended action is \$4,420,505. The original term of the Contract will be from October 5, 2023 to June 30, 2024. At the City's discretion, up to four (4) additional one (1) year extensions may be executed. Pricing for each year will be negotiated and any increases will not exceed 5% per year. Actual expenses will be based on actual work performed and material billing rates in the bid pricing. There is no impact to the General Fund.

BACKGROUND & ANALYSIS: The City's water system utilizes twenty-one groundwater wells and sixteen booster pumps with motors ranging in size to 800 horsepower, and pumps capable of producing up to 3,500 gallons per minute. Each of these pumps and motors need to be rehabilitated periodically to ensure reliable operation and extend the useful life of the capital investment. In addition, this work maintains the energy efficiency of the facilities which result in lower energy usage for one of the largest operating costs of the City's water system.

The proposed Contract is for the planned maintenance and rehabilitation of wells and booster stations, along with inspections and emergency repairs due to sudden and unexpected well failures.

On August 3, 2023, bids were received through the City's electronic bid management system for Bid No. 1672, Water Well Rehabilitation and Repair. Companies that submitted bids are as follows:

<u>Bidder</u>	<u>Location</u>	<u>Amount</u>
General Pump Company Inc.	59 N. Acacia St., San Dimas, CA 91773	\$715,705
Layne Christensen Company	1717 West Park Ave. Redlands, CA 92373	\$2,189,335

Staff reviewed the bids for responsiveness and pricing. Staff recommends awarding the Contract to General Pump Company Inc. as they have performed this type of work in the past, including the previous annual contract and is familiar with the City's requirements, has the ability to perform the work in a timely manner, and has the expertise in well rehabilitation and repairs.

CITY OF ONTARIO

Agenda Report
October 3, 2023

SECTION: CONSENT CALENDAR

Department: Recreation & Community Services
Prepared By: Danielle Guevara
Staff Member Presenting:
Helen McAlary, Executive Director Community
Life and Culture
Reviewed By: Lacey A Rightmer, Nicholas S
Gonzalez
Approved By: 

Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 9

SUBJECT: A COMMUNITY GARDEN USE AGREEMENT WITH CARAMEL CONNECTIONS FOR PROPERTY AT ANTHONY MUNOZ PARK

RECOMMENDATION: That the City Council authorize the City Manager, or designee, to execute a Use Agreement with Caramel Connections Foundation (on file in the Records Management Department) for a portion of real property at Anthony Munoz Hall of Fame Park, generally located at 1240 W Fourth St (the Property) for agricultural purposes to enable community-supported healthy eating, active living, and education initiatives. The term of the Agreement is through October 1, 2028, with an additional five-year term option.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:

Focus Resources in Ontario's Commercial and Residential Neighborhoods

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

Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities

FISCAL IMPACT: The City shall pay for the maintenance of utility lines and water meter to the site for the life of the Agreement and pay for electric utility, water utility and waste disposal service for the Property which are included in the FY 2023-24 Annual Operating Adopted Budget. Caramel Connections will be responsible for any other capital improvements and ongoing maintenance costs associated with the day-to-day functions of the community garden.

BACKGROUND & ANALYSIS: On October 20, 2020, the City Council authorized a Community Garden Use Agreement with Caramel Connections to create a new community garden at Anthony Munoz Hall of Fame Park for three years. Due to the success of this community garden project, the Recreation & Community Services Department recommends the City enters into an Agreement with Caramel Connections to continue the partnership of a community garden at Anthony Munoz Hall of Fame Park.

Throughout the development and operations of this community garden, Caramel Connections has created thirty community gardening plots; built community through volunteers and stewards who support the maintenance and operations of the community garden; acquired grant funding to develop the space; and created new programming initiatives and educational opportunities for Ontario residents to enjoy. The community garden will remain open seven days a week during daylight hours. Caramel Connections may extend the hours for special events.

To ensure continued development, Staff recommends the City enter into a new Agreement for five years, with an option to renew for another five-year term. The longer-term Agreement will help Caramel Connections secure continued grant funding in the future.

CITY OF ONTARIO

Agenda Report
October 3, 2023

SECTION: CONSENT CALENDAR

Department: Recreation & Community Services
Prepared By: Danielle Guevara
Staff Member Presenting:
Helen McAlary, Executive Director Community
Life and Culture
Reviewed By: Nicholas S Gonzalez
Approved By: 

Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 10

SUBJECT: AUTHORIZE THE PURCHASE OF AN X-TREME NINJA COURSE WITH GREENFIELDS OUTDOOR FITNESS FOR JOHN GALVIN PARK

RECOMMENDATION: That the City Council authorize the cooperative purchase of an X-Treme Ninja Course with Greenfields Outdoor Fitness for John Galvin Park in the amount of \$578,640 plus a 10% contingency of \$57,864 to mitigate any unforeseen issues with supply chain surcharges and manufactory price increases for a total not-to-exceed contract amount of \$638,504 from Greenfields Outdoor Fitness, of Anaheim, California, consistent with the terms and conditions of the Sourcewell Cooperative Contract No. 010721-GRN.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:

Operate in a Businesslike Manner

Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities

FISCAL IMPACT: The Fiscal Year 2023-24 Adopted Budget includes appropriations from the Capital Projects-Measure Q funds for the purchase of an X-Treme Ninja Course from Greenfields Outdoor Fitness for John Galvin Park. The total cost of the fitness equipment recommended for purchase is \$636,504, funded by Measure Q. \$250,000 was approved in the Fiscal Year 2023-24 Adopted Budget; however, additional funding is needed due to the increased cost of rubberized surfacing and a shade canopy. The Recreation & Community Services Department was awarded a National Recreation & Parks Association (NRPA) 2022-Ninja Grant in the amount of \$40,000, which is included in the total cost. If approved, the additional funding will come out of the Recreation & Community Services and Community Life & Culture Agency budget.

BACKGROUND & ANALYSIS: The X-Treme Ninja Course is a fitness obstacle course that will be the first of its kind in the City of Ontario and the region. X-Treme Ninja Course 3 (Exhibit A) has 20 features and is Greenfields Outdoor Fitness' most challenging course. The selected course is also the longest the vendor offers and is designed in an S-shape. Some features include the rock wall for building grip strength, spider walk for core strength, and a finish wall to culminate the course with a spectacular finish. The selected fitness equipment vendor is Greenfields Outdoor Fitness.

In general conformation with the provisions of Government Code Section 54201 through 54204, Ontario Municipal Code Section 2-6.29 allows for the purchase of supplies and equipment through cooperative purchasing programs. Cooperative purchasing allows the City to pool its procurement power with other public agencies to obtain lower pricing than otherwise might be possible.

On August 28, 2023, the Recreation & Parks Commission approved the design for the X-Treme Ninja Course by Greenfields Outdoor Fitness to be installed at John Galvin Park with a vote of 6-0 and recommends that the City Council authorize the cooperative purchase.

Exhibit A



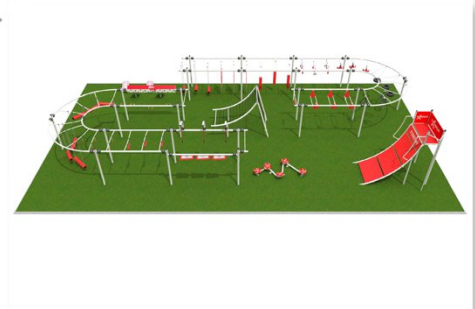
2023 X-TREME NINJA COURSE 3

CALIFORNIA - ONTARIO - JOHN GALVIN PARK
VERSION 2 - REVISION 1 - 08-03-2023



PROPOSED EQUIPMENT LEGEND

SGR105 X2 Customized Announcement Sign
X-Treme Ninja Ninja Course 3



Greenfields Outdoor Fitness | www.greenfieldsfitness.com | 888-315-9037

© 2023 Greenfields Outdoor Fitness

CITY OF ONTARIO

Agenda Report
October 3, 2023

SECTION:
PUBLIC HEARINGS

Department: Economic Development
Prepared By: Karla Tavera
Staff Member Presenting:
Jennifer McLain Hiramoto, Economic
Development Director
Approved By: 

Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 11

SUBJECT: A PUBLIC HEARING REGARDING AN ECONOMIC DEVELOPMENT SUBSIDY REPORT AND OPERATING COVENANT AGREEMENT BETWEEN THE CITY OF ONTARIO AND RUSNAK/ONTARIO DBA GENESIS OF ONTARIO AND CONSIDERATION OF RESOLUTION

RECOMMENDATION: That the City Council take the following actions:

- A. Adopt a resolution accepting the Economic Development Subsidy Report prepared pursuant to Government Code Section 53083.1 regarding an Operating Covenant Agreement (on file with the Records Management Department) with Rusnak/Ontario dba Genesis of Ontario;
- B. Adopt a resolution approving the Operating Covenant Agreement and authorizing the City Manager or his designee to execute the Agreement; and
- C. Direct City Staff to file a Notice of Exemption based upon the City Council's finding that the impacts for this Agreement is not a project and subject to environmental review and that there is no possibility that the activity in question may have a significant effect on the environment.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:

Invest in the Growth and Evolution of the City's Economy

Operate in a Businesslike Manner

Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: Pursuant to the terms of the proposed Operating Covenant Agreement (Agreement), the payment between the City and Genesis of Ontario is calculated based on Genesis's sales tax revenue during a computation quarter in an amount equal to the sum of fifty percent (50%) of the local sales tax revenue received in excess of \$100,000 for years 1 through 4 and \$125,000 for years 5 through 8.

Per the Economic Development Subsidy Report, the City anticipates that the operation of the Dealership will result in:

\$17,848,355 in sales tax to the City over 8 years commencing upon the effective date of the Agreement, and the total amount of the expenditure of public funds as a result of the economic development subsidy will not exceed \$800,000 over the 8-year-term. General Fund appropriations will be included in the quarterly budget update following the first computation quarter.

BACKGROUND & ANALYSIS: The Bradley-Burns Uniform Local Sales and Use Tax Law authorizes counties and cities to impose local sales and use taxes in conformity with the Sales and Use Tax Law. The City of Ontario receives one percent (1%) of all taxable sales generated within the City under this law. Sales and Use Tax revenues are an important source of revenue for the City, which are used to provide essential City services, such as police, fire, and infrastructure maintenance and community facilities.

Genesis of Ontario is an automobile retailer seeking to open a new dealership in the City of Ontario. They have identified a suitable property to locate their dealership at 2100 Inland Empire Blvd., Ontario, CA 91762. The operation of Genesis of Ontario within the City will result in the retention of jobs, allow for the potential increase in job opportunities, foster a business and civic environment that may attract additional businesses, investments and further increase the jobs/housing balance in the City. The automobile retailer will be staffed with 37 full-time employees. The automobile retailer location is used for sales, meetings, display of merchandise, managerial meetings and other sales functions. In light of the benefits Genesis of Ontario will have on the community, Staff recommends an Operating Covenant Agreement to incentivize Genesis of Ontario to operate in the City.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACCEPTING THE ECONOMIC DEVELOPMENT SUBSIDY REPORT PREPARED PURSUANT TO GOVERNMENT CODE SECTION 53083 REGARDING AN OPERATING COVENANT AGREEMENT BY AND BETWEEN THE CITY OF ONTARIO AND RUSNAK/ONTARIO D/B/A GENESIS OF ONTARIO.

WHEREAS, the City of Ontario ("City") and Rusnak/Ontario, a California corporation, d/b/a Genesis of Ontario ("Genesis") have negotiated an Operating Covenant Agreement ("Agreement") for the retention of an auto dealership within the City; and

WHEREAS, pursuant to that Agreement, Genesis is committed to continue operating an auto dealership in the City an eight (8) year period; and

WHEREAS, Genesis has also covenanted to, among other things, designate the City as the point of sale for certain transactions; and

WHEREAS, the City has agreed to purchase those covenants in an amount equal to fifty percent (50%) of all sales tax revenue above \$100,000 annually for years 1-4 and \$125,000 annually for years 5-8 that is generated by the Dealership for a period of up to eight (8) years, or a maximum amount of eight hundred thousand dollars (\$800,000), subject to the limitations set forth in the Agreement; and

WHEREAS, based on information provided by City staff, and other such written and oral evidence, as presented to the City, the City finds and determines that the allocation of funds to Genesis pursuant to the Agreement is reasonably related to a legitimate governmental purpose in that the retention of the auto dealership will provide numerous public benefits including:

- Generating substantial revenue for the City through additional Local Sales Tax Revenue which may be used by the City for the funding of necessary public services and facilities, including but not limited to, public safety services and facilities, public improvements and recreational opportunities that otherwise may not be available to the community for many years; and
- Genesis is a highly successful auto dealership who will be committed to maintaining the auto dealership in the City of Ontario which will ensure the retention and creation of jobs and provide opportunity for additional job growth throughout the term of this Agreement; and
- Entering into this Agreement and retaining the auto dealership may attract additional businesses and investment in the community due to increased services and economic activity in the area; and

- Retaining this business within the City will create jobs, maintain economic diversity in the community and stimulate the economic recovery of the Inland Empire by generating new opportunities for economic growth within the region; and
- Retaining Genesis' operations within the City will generate substantial revenue for the City, allow for the retention of jobs, and result in community and public improvements that might not otherwise be available to the community for many years; and

WHEREAS, in accordance with Government Code Section 53083, the City provided certain information in written form to the public and on its website, a copy of which is attached hereto as Exhibit A and incorporated herein by this reference, and held a noticed public hearing on October 3, 2023 to consider all written and oral comments on the Economic Development Subsidy Report; and

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

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

SECTION 1. Incorporation of Recitals. The foregoing recitals are true and correct, and are incorporated herein and made an operative part of this Resolution.

SECTION 2. Findings. The City Council additionally finds and determines that (a) there are identifiable public purposes fulfilled by the Agreement, as set forth in the Recitals, that outweigh the benefit to private persons; and (b) the findings set forth in this Resolution are based upon substantial written and oral evidence presented to the City Council.

SECTION 3. CEQA. The City Council hereby finds that pursuant to the California Environmental Quality Act ("CEQA") (Pub. Res. Code, § 21000 et seq.) and the State CEQA Guidelines (Cal. Code Regs, tit. 14 § 15000 et seq.), approval of the Agreement and acceptance of the Economic Development Subsidy Report is not a "project" for purposes of CEQA and therefore is not subject to CEQA review. The Agreement and acceptance of the Economic Development Subsidy Report is not a project pursuant to State CEQA Guidelines section 15378(b)(4), which states that government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant environmental impact are not subject to CEQA. Further, the Agreement and acceptance of the Economic Development Subsidy Report is not a project under State CEQA Guidelines section 15061(b)(3), which states that CEQA does not apply where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

In addition, the City Council will direct staff to file a categorical exemption with the County of San Bernardino for this location upon adoption of this Resolution.

SECTION 4. Acceptance of Economic Development Subsidy Report. The City Council finds and determines that this Economic Development Subsidy Report is in compliance with applicable law and specifically Government Code Section 53083.

SECTION 5. Severability. If any provision of this Resolution is held invalid, the remainder of this Resolution shall not be affected by such invalidity, and the provisions of this Resolution are severable.

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

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

PASSED, APPROVED, AND ADOPTED this 3rd day of October 2023.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2023- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 3, 2023 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2023- duly passed and adopted by the Ontario City Council at their regular meeting held October 3, 2023.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A
ECONOMIC DEVELOPMENT SUBSIDY REPORT

[Attached behind this cover page]

**ECONOMIC DEVELOPMENT SUBSIDY REPORT
PURSUANT TO GOVERNMENT CODE SECTION 53083
FOR OPERATING COVENANT AGREEMENT
BY AND BETWEEN
CITY OF ONTARIO
AND RUSNAK/ONTARIO
D/B/A GENESIS OF ONTARIO**

Pursuant to Government Code Section 53083, the City Council of the City of Ontario must hold a noticed public hearing and, prior to the public hearing, provide all of the following information in written form and available to the public and through the City's website, regarding a proposed economic development subsidy to be provided by the City pursuant to an Operating Covenant Agreement ("Agreement") by and between the City of Ontario ("City") and Rusnak/Ontario, a California corporation, d/b/a Genesis of Ontario. Notice was published in the local newspaper for a public hearing to be held on October 3rd, 2023.

The purpose of this report is to provide the information required pursuant to Government Code Section 53083 in regard to the Agreement. This report shall remain available to the public and posted on the City's website until the end date of the economic development subsidy, as further described in number 2 below.

1. The name and address of all corporations or any other business entities, except for sole proprietorships, that are the beneficiary of the economic development subsidy.

The Agreement is with Rusnak/Ontario, a California corporation, d/b/a Genesis of Ontario ("Company").

Rusnak/Ontario
77 St. John Avenue
Pasadena CA 91105

2. The start and end dates and schedule, if applicable, for the economic development subsidy.

The start date of this subsidy will occur only if the Operating Covenant Agreement is approved by the Ontario City Council, and will remain active for no more than 8 years after the effective date of the Operating Covenant Agreement.

3. A description of the economic development subsidy, including the estimated total amount of the expenditure of public funds by, or of revenue lost to, the local agency as a result of the economic development subsidy.

Company has requested from the City assistance for the operation costs associated with the a permanent full-service new Genesis automobile sales dealership in Ontario ("Dealership") in an amount equal to fifty percent (50%) of all sales tax revenue above \$100,000 annually for years 1-4 and \$125,000 annually for years 5-8 that is generated by the Dealership for a period of up to eight (8) years, or a maximum amount of eight

hundred thousand dollars (\$800,000), subject to the limitations set forth in the Operating Covenant Agreement.

4. A statement of the public purposes for the economic development subsidy.

The economic development subsidy will ensure that the Dealership plans to be and remain open for business within the City for a period of not less than 8 years.

The City has determined that Company's operation of the Business results in substantial benefits to the City and its citizens including, without limitation, the creation of significant new numbers of employment opportunities, property tax revenues, sales tax revenues and other ancillary benefits. Accordingly, the City has also determined that its entry into this Agreement serves a significant public purpose, while providing only incidental benefits to a private party.

Further, the covenanted operation of the Dealership serves the additional public purpose of fostering a business and civic environment that may attract additional businesses and investment in the community due to the availability of the increased public and private services and economic activity resulting therefrom, thereby assisting the City in its goal of furthering the development of the community. This Agreement furthers the policies of the City to be business friendly and support economic growth including meeting the goals of the Economic Development Element of the General Plan. The Economic Development Element calls upon the City to align its energies to realize the following goals of its Economic Development Strategy:

- Facilitate development projects within the community;
- Enhance the City's tax base;
- Promote job creation throughout the community;
- Plan and encourage economic development along the City's major transportation corridors;
- Operate as an "ombudsman" to promote and facilitate economic development; and
- Take a proactive role in regional economic development issues.

5. The projected tax revenue to the local agency as a result of the economic development subsidy.

The City anticipates that the operation of the Dealership will result in:

\$17,848,355 in sales tax to the City over 8 years (contract term)

\$42,000 increase in property taxes received by the City

\$ 287,120 in business license tax to the City over 8 years (contract term)

Additionally, the presence of auto dealership customers in town will result in additional patronage of other businesses in the City thereby creating additional sales tax generation.

- 6. The estimated number of jobs created by the economic development subsidy, broken down by full-time, part-time, and temporary positions.**

37 full-time employees; and **0** part-time employees.

CITY OF ONTARIO

Agenda Report
October 3, 2023

SECTION:
PUBLIC HEARINGS

Department: Planning
Prepared By: Gwen Berendsen
Staff Member Presenting:
Scott Murphy, Executive Director Community
Development
Approved By: 

Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 12

SUBJECT: A PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE ONTARIO DEVELOPMENT CODE, UPDATING REGULATIONS FOR THE SHORT-TERM RENTAL OF PROPERTY IN THE CITY AND ESTABLISHING FEES FOR SHORT TERM RENTALS

RECOMMENDATION: That the City Council introduce, waive the first reading of an Ordinance amending subsections C, D, and I of Section 5.03.363 of the Ontario Development Code, relating to regulations of short-term rentals and approve the fee resolution for short-term rentals.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:

Operate in a Businesslike Manner

Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: Stricter regulation of short-term rental operations pursuant to the Ontario Development Code may result in increased collection of permit fees and administrative fines, which are payable to the City. Staff does not anticipate any increased enforcement cost on the staffing side, as current staffing levels support the need for stricter regulation.

BACKGROUND & ANALYSIS: While short term rentals provide options to the traveling public and income to the affected host property owner or tenant, they can also impact the community. Over the past few years, there has been an increase in the number of properties in the City being offered on websites such as Airbnb, VRBO, and Homeaway. In December 2022, the City Council adopted Ordinance No. 3235, adding a new Section 5.03.363 to the Ontario Development Code to regulate short-term rentals in the City. The regulations adopted at that time:

- Established a requirement that operators obtain a short-term rental permit from the City;
- Set forth the process for permit applications, investigations, issuance, expiration, renewal, and revocation;
- Created an appeals procedure for aggrieved applicants;
- Established a series of operating requirements for short-term rentals, including limiting the locations where short-term rentals may be located (most residential zones, the Mixed-Use – Downtown zoning District and the Ontario Center Specific plan area, including Piemonte

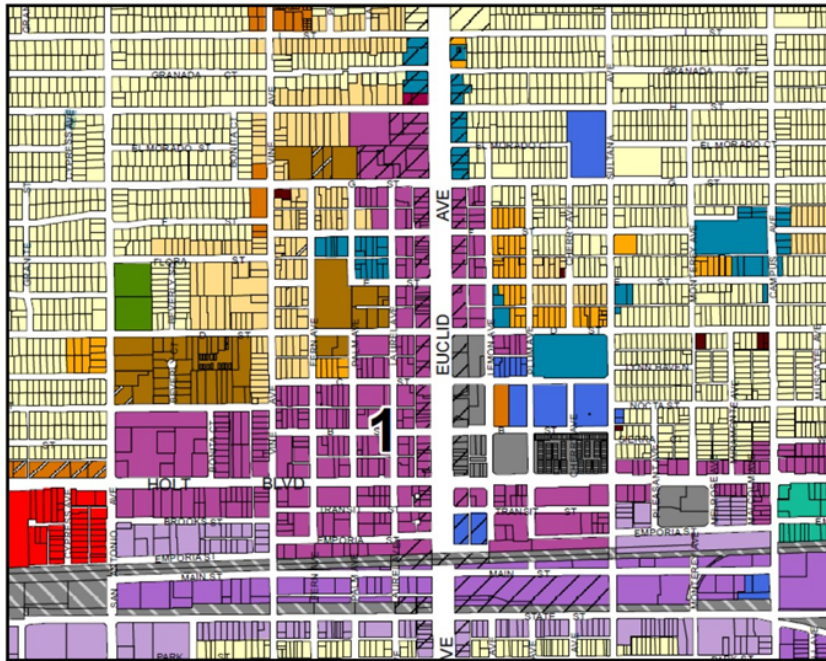
Overlay area, and within Planned Unit Development areas that are located within the Ontario Plan (Policy Plan) Mixed-Use – Downtown land use designation—see Exhibits A and B to this staff report);

- Established a series of requirements applicable to hosting platforms such as Airbnb and VRBO; and
- Clarified the City's procedures for enforcement of violations of the Ordinance.

The proposed updates to Section 5.03.363 will make minor updates to how the City processes permit applications; allow for short-term rental permit applications to be filed while the applicant is awaiting a pending business license; and clarify the limited areas of the City in which short-term rentals are allowed (all areas not specifically named in the Ordinance will not allow for short-term rentals). The proposed fee resolution establishes the fee for the short-term permit.

CONCLUSION: Staff and the City Attorney recommend approval for the first reading of the attached Ordinance Amendment and adoption of the Fee Resolution and will be available to answer questions or provide further information as the City Council may desire.

Exhibit A Mixed Use-Downtown



LEGEND

Residential

AR-2, Residential-Agricultural	MOR-11, Low-Medium Density Residential
RS-2, Rural Estate	MOR-15, Medium Density Residential
RS-4, Residential Estate	MOR-25, Medium-High Density Residential
LDR-5, Low Density Residential	MOR-45, High Density Residential

Mixed Use

1, Downtown	Bs, Mountain and Fourth
3, Centre West	Bs, West Hill
4, East Hill	Bs, Eglinton and Finch
	Bs, Eglinton and Warden

Retail/Service

CS, Corner Store	CCL, Convention Center Support Core
CH, Neighborhood Commercial	CL, Low Intensity Office
CC, Community Commercial	CH, High Intensity Office
CR, Regional Commercial	

Employment

BP, Business Park	IG, General Industrial
IP, Industrial Park	IH, Heavy Industrial
LI, Light Industrial	

Other

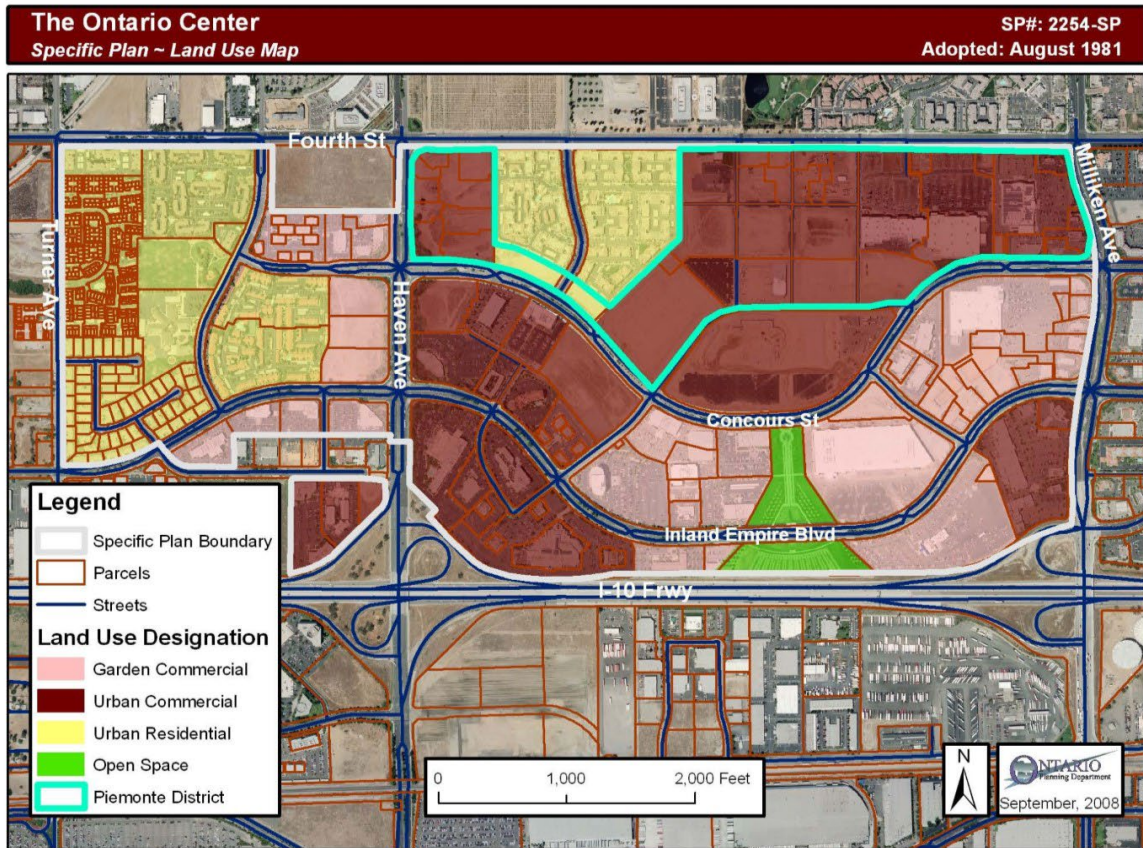
POD, Planned Urban Development	OS-C, Open Space-Cemetery
MHP, Mobile Home Park	VC, Urban Corridor
OIA, Ontario International Airport	IC, Rail Corridor
CH, Civic	SP, Specific Plan
OS-R, Open Space-Recreation	

Overlays

A-G, Agricultural	ICC, Interim Community Commercial
EA, Eglinton Avenue	ES, Emergency Shelter
MTC, Multimodal Transit Center	AH - Affordable Housing
	CHO (China Airport) Overlay



Exhibit B Ontario Center Specific Plan



ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO,
CALIFORNIA, AMENDING SECTION 5.03.363, "SHORT TERM
RENTALS," OF DIVISION 5.03 OF CHAPTER 5 OF THE ONTARIO
DEVELOPMENT CODE, UPDATING REGULATIONS FOR THE SHORT
TERM RENTAL OF PROPERTY IN THE CITY**

WHEREAS, the growing popularity of "home-sharing" and other short-term vacation rentals, through the use of websites such as Airbnb, VRBO, and Homeaway, allow individual homeowners, landlords, and tenants to list homes, apartments, and rooms for rent at the price and duration of their choosing; and

WHEREAS, on December 20, 2022, the City Council adopted Ordinance No. 3235, adding Section 5.03.363 to the Ontario Development Code to establish a regulatory framework applicable to all short-term rentals within the City; and

WHEREAS, the City has determined that certain minor clarifying revisions are necessary to Section 5.03.363, including an update to the areas of the City in which short-term rentals are expressly authorized; and

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

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ONTARIO DOES
ORDAIN AS FOLLOWS:**

SECTION 1. The recitals above are true and correct and are hereby incorporated herein by this reference.

SECTION 2. Amendment. Subsections C, D, and I of Section 5.03.363 ("Short Term Rentals") of the Ontario Development Code is hereby revised to read as follows (deletions shown in ~~striketrough~~, additions shown in underline):

"5.03.363: Short Term Rentals

...

C. Permit application

To apply for a short-term rental permit, a person seeking to become a host must file an application with the ~~director~~City, accompanied by a nonrefundable processing fee in an amount established by resolution of the city council. The application shall be in a form prescribed by the ~~director~~City and shall contain, at a minimum, the following:

1. The legal name, current address and telephone number of the applicant;
2. Address of the short-term rental property, and if applicable, location telephone number;

3. An index of all residents of the property with name and date of birth, juveniles may be listed by title and age only;
4. A diagram of the property indicating areas intended for use as short-term rental;
5. Documentation indicating the number of bedrooms within the dwelling unit, such as a record from the County Assessor's Office;
6. A parking plan indicating sufficient lawful parking on the property for all vehicles belonging to residents and one additional space for each bedroom of the house to be used for short-term rental;
7. A copy of a valid business license issued pursuant to Chapter 1 of Title 3 of the Ontario Municipal Code, or evidence of having applied for the same, if the application is still pending;
8. A home occupation permit pursuant to Section 5.03.240 of the Ontario Development Code is not required;
9. Emergency contact information for 24-hour response within 30 minutes;
10. Certification by the applicant that the information contained in the application is true to his or her knowledge and belief;
11. Documentation establishing that the dwelling unit proposed to be used as a short-term rental is the host's primary residence. Such documentation shall include at least two of the following and be in the name of the host: Motor vehicle registration, driver's license, voter registration, or tax documents showing the residential unit as the residence of the host;
12. Two passport size photographs of the applicant; and
13. Any other information required by regulations promulgated pursuant to this chapter or deemed necessary by the director.

D. Application investigation and criteria for approval or denial or permit

Upon receipt of a completed application, the ~~director, or his or her designee,~~ City shall cause an investigation of the applicant and the application as submitted. The investigation shall be completed in a timely manner as follows and the applicant shall be notified of the result in writing in a timely manner:

1. The applicant shall be required to pay the established fees for such service in addition to the permit fee.

2. Inspection of the property by city staff shall be scheduled within 30 days of application.

3. If, as a result of this investigation, the applicant is found to satisfy all of the requirements of Section 5.03.363.D., and no grounds for denial exist, the application shall be approved, and a short-term rental permit shall be issued to the applicant. The permit shall contain the name, address of the permittee, a description of the short-term rental to be offered, the date of issuance and term of the permit, photograph of the permittee, and the signature of the Planning Director~~director~~ or his or her designee.

4. A short-term rental permit application may be denied for any of the following reasons:

a. Information contained in the application, or supplemental information requested from the applicant, is false or misleading in any material detail;

b. The applicant failed to provide a complete application, after having been notified of the requirement to produce additional information or documents;

c. The applicant is delinquent in payment of any city or county taxes, fines, or penalties in relation to short-term rental;

d. The applicant has previously held a short-term rental permit which was revoked by the city during the year prior to the application;

e. The applicant has failed to pay any previous administrative fines, remediate any other violations, and/or complete any other alternative disposition associated with a previous violation of this chapter; or

f. The applicant has failed to demonstrate an ability to conform to the operating standards set forth in Section 5.03.363.I.

If the permit application is denied, written notice of such denial and the reasons therefore shall be provided to the applicant.

...

I. Operating requirements

Short-term rental hosts shall comply with the following requirements:

1. The host shall be:

a. The property owner or the spouse, parent, or adult child of the property owner.

b. A tenant of the property who has occupied the property as his or her primary residence prior to making application for a short-term rental permit and who has submitted written authorization from the property owner to operate short-term rental at the residence.

2. The dwelling unit shall be the primary residence of the host.

3. The dwelling unit ~~must~~shall be located within one of the following areas of the City (short term rentals are not permitted in any other area of the City): zones AR-2, RE-2, RE-4, LDR-5, MDR-11, MDR-18, MDR-25, HDR-45, MU-1, LUA-3, MU-2, and MU-11. Dwelling units are not permitted to be used as short-term rentals in any other zones.

a. The Mixed-Use – Downtown zoning District and the Ontario Center Specific plan area (including Piemonte Overlay area);

b. Within Planned Unit Development areas that are located within the Ontario Plan (Policy Plan) Mixed-Use – Downtown land use designation.

...

SECTION 3. If any section, subsection, subdivision, sentence, clause, or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid or ineffective.

SECTION 4. This Ordinance shall become effective thirty (30) days after its adoption by the City Council.

SECTION 5. The City Council finds that adoption of this Ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to Section 15358 (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Moreover, the City Council finds that this Ordinance is also exempt under CEQA pursuant to Guidelines Section 15061(b)(3) (there exists no possibility that the activity will have a significant adverse effect on the environment).

SECTION 6. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this ____th day of _____ 2023.

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. ____ was duly introduced at a regular meeting of the City Council of the City of Ontario held _____, 2023 and adopted at the regular meeting held _____, 2023 by the following roll call vote, to wit:

AYES: MAYOR/COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. ____ duly passed and adopted by the Ontario City Council at their regular meeting held _____, 2023 and that Summaries of the Ordinance were published on _____, 2023 and _____, 2023, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ESTABLISHING A SHORT-TERM RENTAL PERMIT APPLICATION FEE UNDER ONTARIO DEVELOPMENT CODE SECTION 5.03.363(c).

WHEREAS, pursuant to the provisions of the California Constitution, the laws of the State of California, and City ordinances, the City of Ontario is authorized to adopt and implement fees and charges for certain municipal services, provided the same do not exceed the estimated reasonable cost of providing such services; and

WHEREAS, the City of Ontario Development Code Section 5.03.363(c), adopted by the City Council on December 20, 2022, establishes that a person seeking to become a host of a short-term rental must file an application accompanied by a nonrefundable processing fee in an amount established by resolution of the City Council; and

WHEREAS, City staff has conducted a comprehensive review of the costs to provide such services related to the processing, review, and inspection of the short-term rental application using fully burdened rates of staff time involved; and

WHEREAS, the City Council hereby finds that the fees established and adopted hereby do not exceed the estimated reasonable cost of providing the services or materials involved; and

WHEREAS, pursuant to Government Code Section 66016, at least 10 days prior to the meeting at which this Resolution was adopted, the City has made available to the public data indicating the amount of cost, or estimated cost, required to provide the service for which the fee or service charge is levied and the revenue sources anticipated to provide the service, including General Fund revenues.

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

SECTION 1. The City Council hereby adopts the short-term rental permit application fee in the amount of \$456.00, pursuant to Title 5, Chapter 3 Section 5.03.363(c) of the Ontario Development Code, and authorizes its addition to the appropriate fee schedule. This fee will take effect on the date of adoption of this Resolution.

SECTION 2. Other previous City Council actions are hereby repealed to the extent that they are inconsistent herewith.

SECTION 3. The Mayor shall sign this Resolution and the City Clerk shall certify as to its adoption.

PASSED, APPROVED, AND ADOPTED this 3rd day of October 2023.

PAUL S. LEON, MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KREIGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2023- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 3, 2023 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2023- duly passed and adopted by the Ontario City Council at their regular meeting held October 3, 2023.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
October 3, 2023

SECTION: ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

Department: Police Department
Prepared By: Peak Approver
Staff Member Presenting:
Mike Lorenz, Chief of Police
Approved By: 

Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 13

SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING SECTION 4-6.1020 TO ARTICLE 10 OF CHAPTER 6 OF TITLE 4 OF THE ONTARIO MUNICIPAL CODE PERTAINING TO OVERSIZED VEHICLE PARKING ON PUBLIC STREETS

RECOMMENDATION: That the City Council consider and take action in adopting an Ordinance to amend Section 4-6.1020 to Article 10 of Chapter 6 of Title 4 of the Ontario Municipal Code pertaining to standards for oversized vehicle parking on public streets.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:

Maintain the Current High Level of Public Safety

Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: None.

BACKGROUND & ANALYSIS: 1. Oversized Vehicle Parking and Adoption of OMC Section 4-6.1020

On December 20, 2022, the City Council passed and adopted Ordinance No. 3231, adding Section 4-6.1020 to the Ontario Municipal Code to specifically address oversized vehicle parking on public streets. Since its adoption, the Ontario Police Department has found that OMC Section 4-6.1020 has inadvertently made certain large family sized vehicles (e.g. Chevrolet Suburban, Ford Excursion, Toyota Sequoia, etc.) subject to the prohibitions and enforcement of Section 4-6.1020 of the Ontario Municipal Code.

Consequently, an amendment of Section 4-6.1020 of the Ontario Municipal Code is necessary to correct this unintended result.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING SECTION 4-6.1020 TO ARTICLE 10 OF CHAPTER 6 OF TITLE 4 OF THE ONTARIO MUNICIPAL CODE PERTAINING TO OVERSIZED VEHICLE PARKING ON PUBLIC STREETS.

WHEREAS, California Vehicle Code Section 22507 authorizes the City of Ontario ("City") to restrict or prohibit the stopping, parking, or standing of vehicles on local streets during all or certain hours of the day; and

WHEREAS, the general provisions governing stopping, standing, or parking for certain purposes or in certain places within the City are set forth in Article 10 of Chapter 6 of Title 4 of the Ontario Municipal Code; and

WHEREAS, on December 20, 2022, the City Council passed and adopted Ordinance No. 3231, adding Section 4-6.1020 to the Ontario Municipal Code to specifically address oversized vehicle parking on public streets; and

WHEREAS, the Police Department has found that the current regulations related to oversized vehicle parking have inadvertently made certain large family sized vehicles (e.g. Chevrolet Suburban, Ford Excursion, Toyota Sequoia, etc.) subject to the prohibitions and enforcement of Section 4-6.1020 of the Ontario Municipal Code; and

WHEREAS, the City wishes to amend Section 4-6.1020 of the Ontario Municipal Code to correct this unintended result.

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

SECTION 1. The recitals above are true and correct and are hereby incorporated herein by this reference.

SECTION 2. Section 4-6.1020(b)(1) of the Ontario Municipal Code is hereby amended to state, in full, as follows:

"(1) Oversized Vehicle: Any vehicle, motorized or non-motorized, that exceeds 25 feet in length, or exceeds 8.5 feet in width, or exceeds 7 feet in height. Oversized vehicles shall include all buses, truck tractors, semitrailers, motor trucks, trailers, campers, camp trailers, house cars, trailer coaches, and other equipment or machinery, regardless of width, length, or height.

Notwithstanding the length, width, and height requirements for an oversized vehicle, the following vehicles shall also be considered oversized vehicles subject to the prohibitions contained in § 4-6.1020(a) of this article:

- (i) Buses as defined in the California Vehicle Code;
- (ii) Trailers, including boat trailers, and semitrailers, as these are defined in the California Vehicle Code, and standalone boats not connected to trailers;
- (iii) Trailer coaches as defined in the California Vehicle Code; and
- (iv) Recreational vehicles as defined in this article.”

SECTION 3. Posting of Notice. Pursuant to California Vehicle Code Section 22507, and relevant case law, the City Traffic Engineer is hereby directed to place, or cause to be placed appropriate signs and/or markings giving adequate notice of the parking restrictions contained within this Ordinance.

SECTION 4. If any section, subsection, subdivision, sentence, clause, or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid or ineffective.

SECTION 5. This Ordinance shall become effective thirty (30) days after its adoption by the City Council.

SECTION 6. CEQA. The City Council finds that adoption of this Ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to Section 15358 (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Moreover, the City Council finds that this Ordinance is also exempt under CEQA pursuant to Guidelines Section 15061(b)(3) (there exists no possibility that the activity will have a significant adverse effect on the environment).

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

PASSED, APPROVED, AND ADOPTED this day of October 2023.

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. _____ was duly introduced at a regular meeting of the City Council of the City of Ontario held October 3, 2023 and adopted at the regular meeting held _____, 2023 by the following roll call vote, to wit:

AYES: MAYOR/COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. _____ duly passed and adopted by the Ontario City Council at their regular meeting held _____, 2023 and that Summaries of the Ordinance were published on _____, 2023 and _____, 2023, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)