

**CITY OF ONTARIO
CITY COUNCIL, REDEVELOPMENT AGENCY,
AND HOUSING AUTHORITY
AGENDA
APRIL 19, 2011**

Paul S. Leon
Mayor

Debra Dorst-Porada
Mayor pro Tem

Alan D. Wapner
Council Member

Sheila Mautz
Council Member

Jim W. Bowman
Council Member



Chris Hughes
City Manager

John E. Brown
City Attorney

Mary E. Wirtes, MMC
City Clerk

James R. Milhiser
Treasurer

WELCOME to a meeting of the Ontario City Council.

- All documents for public review are on file with the Records Management/City Clerk's Department located at 200 North Cherry Avenue, Ontario, CA 91764.
- Anyone wishing to speak during public comment or on a particular item will be required to fill out a blue slip. Blue slips must be turned in prior to public comment beginning or before an agenda item is taken up. The Clerk will not accept blue slips after that time.
- Comments will be limited to 3 minutes. Speakers will be alerted when they have 1 minute remaining and when their time is up. Speakers are then to return to their seats and no further comments will be permitted.
- In accordance with State Law, remarks during public comment are to be limited to subjects within Council's jurisdiction. Remarks on other agenda items will be limited to those items.
- Remarks from those seated or standing in the back of chambers will not be permitted. All those wishing to speak including Council and Staff need to be recognized by the Chair before speaking.

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

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

CALL TO ORDER (OPEN SESSION)

6:30 p.m.

ROLL CALL

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

PLEDGE OF ALLEGIANCE

Mayor pro Tem Dorst-Porada

INVOCATION

Pastor Carlos Gonzales, Inland Valley Church of Christ

PUBLIC COMMENTS

6:30 p.m.

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

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

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

SPECIAL CEREMONIES

RECOGNITION OF BEVERLY SPEAK, EXECUTIVE DIRECTOR/CEO, KIDS COME FIRST COMMUNITY CLINIC

CONSENT CALENDAR

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

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

1. APPROVAL OF MINUTES

Minutes for the regular meeting of the City Council, Redevelopment Agency and Housing Authority of March 15, 2011, and approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

Bills February 13, 2011 through February 26, 2011 and **Payroll** February 13, 2011 through February 26, 2011, when audited by the Finance Committee.

3. A RESOLUTION FOR PLACEMENT OF SPECIAL ASSESSMENTS ON COUNTY TAX ROLLS

That the City Council adopt a resolution for recovery of costs incurred in abating property and dangerous building violations as well as fees and penalties associated with property maintenance violations, and placing special assessments on County tax rolls.

RESOLUTION NO. _____

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

4. ARCHITECTURAL SERVICES AGREEMENT WITH RJM DESIGN GROUP, INC. FOR THE ONTARIO TOWN SQUARE PLAZA/RJM DESIGN GROUP, INC.

That the City Council authorize the City Manager to execute an Architectural Services Agreement (on file with the Records Management Department) to prepare the specifications, construction plans and provide limited project management related to the Ontario Town Square Plaza project with RJM Design Group, Inc. of San Juan Capistrano, California, in the amount of \$640,878 including a 15% contingency and allotment for reimbursable project expenditures.

5. CONSTRUCTION CONTRACT FOR 2011 PAVEMENT REHABILITATION PROGRAM PHASE A/SILVIA CONSTRUCTION, INC.

That the City Council approve the plans and specifications, and award a construction contract (on file in the Records Management Department) to Silvia Construction, Inc. of Rancho Cucamonga, California, for the 2011 Pavement Rehabilitation Program Phase A. This includes: rehabilitation of Archibald Avenue from SR 60 to Mission Boulevard (Project No.ST1002), San Antonio Avenue from Phillips Street to Francis Street (Project No.ST1007), Airport Drive from Commerce Parkway to Doubleday Avenue (Project No.ST1006), and Mountain Avenue from Holt Boulevard to Mission Boulevard (Project No.ST1008), for the bid amount of \$1,510,072 plus a fifteen (15%) percent contingency of \$226,511 for a total authorized expenditure of \$1,736,583; and authorize the City Manager to execute said contract and related documents, and file a notice of completion at the conclusion of all construction activities related to the project.

6. AWARD CONSTRUCTION CONTRACT TO AVI-CON, INC. DBA CA CONSTRUCTION FOR THE RENOVATION OF FIRE STATION NO. 5/AVI-CON, INC. DBA CA CONSTRUCTION

That the City Council award Contract No. PS1011-01 in the amount of \$1,353,550 (contract amount of \$1,177,000 plus a 15% contingency of \$176,550) to AVI-CON, Inc. dba CA Construction of Riverside, California, for the renovation of Fire Station No. 5; authorize the City Manager to execute the contract (on file in the Records Management Department); and authorize the filing of a Notice of Completion at the conclusion of all construction activities related to the project.

7. TWO-YEAR COST SHARING AGREEMENT WITH CHAFFEY JOINT UNION HIGH SCHOOL DISTRICT FOR THREE SCHOOL RESOURCE OFFICERS

That the City Council authorize the City Manager to execute a two-year cost-sharing agreement (on file in the Records Management Department) with the Chaffey Joint Union High School District for three school resource officers in the amount of \$439,664.

8. ACCEPTANCE OF A GRANT AWARD FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY AND THE CALIFORNIA EMERGENCY MANAGEMENT AGENCY

That the City Council authorize the City Manager to execute all documents necessary to accept a grant award in the amount of \$90,000 from the U.S. Department of Homeland Security (DHS) and the California Emergency Management Agency for the Homeland Security Grant Program.

9. BUREAU OF JUSTICE ASSISTANCE FY2011 SMART POLICING INITIATIVE GRANT

That the City Council authorize the City Manager to execute any and all documents necessary to apply for and accept a two-year grant award not to exceed \$250,000 from the Department of Justice (DOJ) Smart Policing Initiative for the institutionalization of evidence-based practices.

10. AN ORDINANCE APPROVING FILE NO. PADV07-008, AN AIRPORT LAND USE COMPATIBILITY PLAN FOR LA/ONTARIO INTERNATIONAL AIRPORT AND SURROUNDING LAND USES WITHIN THE AIRPORT INFLUENCE AREA; AMENDING THE ALTERNATIVE PROCESS; AND ADOPTING A NEGATIVE DECLARATION

That the City Council adopt an ordinance approving File No. PADV07-008, an airport land use compatibility plan for LA/Ontario International Airport and surrounding land uses within the airport influence area; amending the alternative process; and adopting a negative declaration.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION AND APPROVING FILE NO. PADV07-008, AN AIRPORT LAND USE COMPATIBILITY PLAN FOR LA/ONTARIO INTERNATIONAL AIRPORT, TO ESTABLISH COMPATIBILITY POLICIES BETWEEN LA/ONTARIO INTERNATIONAL AIRPORT AND SURROUNDING LAND USES WITHIN THE AIRPORT INFLUENCE AREA AND AMEND THE ALTERNATIVE PROCESS.

COUNCIL MATTERS

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

STAFF MATTERS

City Manager Hughes

ADJOURNMENT

CITY OF ONTARIO

Agenda Report
April 19, 2011

SECTION: CONSENT CALENDAR

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

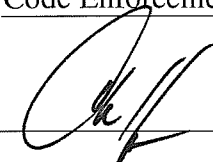
RECOMMENDATION: That the City Council adopt a resolution for recovery of costs incurred in abating property and dangerous building violations as well as fees and penalties associated with property maintenance violations, and placing special assessments on County tax rolls.

COUNCIL GOALS: Develop Strategies and Take Actions to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Operate in a Businesslike Manner

FISCAL IMPACT: The levy of special assessments will result in the recovery of \$46,162 in costs the City has expended for inspection or abatement as well as the collection of \$656,894 associated with civil penalties for continued violations for a total of \$703,056 related to 96 parcels. When received, reimbursements will be made to the General Fund (\$25,322), the Dangerous Building Fund (\$14,104) and the Abandoned & Distressed Property Fund (\$663,630).

BACKGROUND: The City has established revolving funds to cover City costs for abatement of property and dangerous building violations as a result of code enforcement activities as well as the generation of fees and penalties associated with the Abandoned and Distressed Property Programs. These costs, fees and penalties are recovered through placement of special tax assessments upon the properties. The placement of special assessments and collection of revenue is done under Ordinance 2553, Property Appearance, (Title 5, Chapter 22 of the Ontario Municipal Code), Chapter 9 of the Uniform Code for the Abatement of Dangerous Buildings and Ordinance 2920 for civil penalties for continued violations of the Ontario Municipal Code (Title 1, Chapter 2 of the Ontario Municipal Code). The City and the County currently have a contractual agreement regarding implementation of special assessments; however, a resolution authorizing the placement of the specific assessments is required.

STAFF MEMBER PRESENTING: Karen De Vrieze, Code Enforcement Director

Prepared by: Erin Bonett
Department: Code Enforcement Department
City Manager Approval: 

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

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This assessment cycle, the Code Enforcement Department has billed \$996,793 in costs for the abatement of violations and the issuance of registration fees and civil penalties associated with the Abandoned and Distressed Property Program on 698 parcels. Of this amount, \$260,874 has already been collected as a result of direct invoicing. Attached are itemized accountings of: 1) costs associated with inspection or abatement as shown in Exhibit A of the resolution; 2) civil penalties for continued violations as shown in Exhibit B of the resolution; and 3) total amounts assessed per parcel as shown in Exhibit C of the resolution. Upon approval by the City Council, the expenditure list, with any necessary corrections and adjustments, will be submitted to the County prior to August 2011 for placement on its 2011-2012 tax rolls. The uncollected balance of \$32,863 reflects funds expended on matters that are not yet resolved. Most often such matters are under the jurisdiction of the local Superior Court. When these matters are brought into court, the City becomes dependent on the court to award the abatement costs and attorney fees.

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

RESOLUTION NO. _____

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

WHEREAS, Ordinance No. 2553, Property Appearance, (Title 5, Chapter 22, of the Ontario Municipal Code) and Chapter 9 of the Uniform Code for the Abatement of Dangerous Buildings provide for the abatement of property nuisances by repair, rehabilitation, demolition or removal; and

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

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

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

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

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

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

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

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

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

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

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

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

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

PASSED, APPROVED, AND ADOPTED this 19th day of April 2011.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2011- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held April 19, 2011 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2011- duly passed and adopted by the Ontario City Council at their regular meeting held April 19, 2011.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

City of Ontario
Code Enforcement Department
2011/2012 Tax Roll Year Special Assessments
Exhibit A

Parcel Number	Property Address	Amount
0108-601-37	1506 NORTH GLENN AVENUE	220.00
0108-611-11	1418 EAST SEVENTH STREET	110.00
0110-333-06	1878 EAST ROSEWOOD COURT	110.00
0110-345-07	1018 NORTH NAPA AVENUE	110.00
0110-355-05	924 NORTH ORANGE AVENUE	110.00
0110-364-02	912 NORTH SACRAMENTO AVENUE	653.00
0110-374-20	821 NORTH VINEYARD AVENUE	1,549.00
0110-376-16	1875 EAST GRANADA COURT	795.30
0216-286-13	2822 SOUTH BAKER AVENUE	1,120.15
0218-862-05	3144 SOUTH CENTURION PLACE	541.33
1008-261-40	938 AND 938½ WEST SIXTH STREET	304.45
1008-292-12	1526 WEST SIXTH STREET	386.45
1008-422-11	1516 WEST FIFTH STREET	110.00
1008-492-24	823 WEST BONNIE BRAE COURT	6,344.80
1008-512-09	850 WEST HARVARD PLACE	351.95
1010-131-33	1240 WEST ROSEWOOD COURT	489.20
1010-435-17	1327 WEST E STREET	69.23
1011-412-85	923 SOUTH MOUNTAIN AVENUE	110.00
1011-412-94	939 SOUTH MOUNTAIN AVENUE	220.00
1011-521-03	1211 SOUTH BENSON AVENUE	110.00
1011-553-08	1031 SOUTH PALMETTO AVENUE UNIT U-3	55.00
1047-212-16	1534 NORTH MONTEREY AVENUE	1,155.76
1047-213-02	1549 NORTH MONTEREY AVENUE	935.85
1047-301-23	740 WEST LA DENEY DRIVE	465.35
1047-331-01	1361 NORTH EUCLID AVENUE	663.51
1047-353-15	331 EAST LA DENEY DRIVE	142.26
1047-394-22	808 EAST SIXTH STREET	110.00
1047-401-01	702 EAST HAWTHORNE STREET	1,194.88
1048-161-05	728 NORTH PARKSIDE AVENUE	110.00
1048-201-20	739 EAST G STREET	291.65
1048-203-09	735 NORTH ALLYN AVENUE	967.65
1048-241-13	312 EAST H STREET	475.14
1048-322-44	657 WEST F STREET	55.00
1048-412-11	750 EAST F STREET	821.82
1048-414-12	613 NORTH ALLYN AVENUE	279.85
1048-463-50	1188 EAST D STREET	148.45
1048-491-18	1048 EAST D STREET	317.15
1048-553-17	126 NORTH EUCLID AVENUE	485.81
1048-592-19	137 NORTH VINE AVENUE	110.00
1049-121-17	955 EAST MAIN STREET	70.09
1049-252-05	711 SOUTH EUCLID AVENUE	192.35
1049-254-06	722 SOUTH PLUM AVENUE	296.85

City of Ontario
Code Enforcement Department
2011/2012 Tax Roll Year Special Assessments
Exhibit A

Parcel Number	Property Address	Amount
1049-363-07	830 EAST CALIFORNIA STREET	4,443.35
1050-031-30	510 WEST LOCUST STREET	7,208.58
1050-041-60	544 WEST SONOMA COURT	110.00
1050-091-27	1442 SOUTH PLEASANT AVENUE	52.52
1050-242-12	1701 SOUTH PLEASANT AVENUE	1,264.88
1050-291-24	456 WEST FRANCIS STREET	1,649.20
1050-411-37	1952 SOUTH MONTEREY AVENUE	225.25
1050-441-09	1906 SOUTH BON VIEW AVENUE	462.34
1051-121-04	2202 SOUTH BON VIEW AVENUE	923.45
1051-181-26	2417 SOUTH GARFIELD PLACE	1,025.85
1051-201-20	571 EAST OAK HILL STREET	656.05
1051-281-25	207 EAST CHERRY HILL COURT	281.45
1051-311-79	2532 SOUTH CUCAMONGA AVENUE	437.65
1051-412-03	473 EAST DEERFIELD STREET	220.00
1051-581-19	2909 SOUTH GARFIELD AVENUE	939.59
1083-041-04	2540 EAST DUNES STREET	238.05
1083-142-19	3207 EAST CRYSTAL LAKE COURT	366.05
1083-201-41	2851 SOUTH CYPRESS POINT DRIVE	186.85
1083-251-36	3007 EAST MERION STREET	319.11
1083-251-60	2901 EAST COTTONWOOD COURT	161.25
1083-311-29	2702 SOUTH APPLEWOOD DRIVE	220.00
1083-402-59	3637 EAST SAN LORENZO RIVER ROAD	220.00
1083-481-14	3902 EAST YUBA RIVER DRIVE	196.05
1083-491-15	3914 EAST AMERICAN RIVER ROAD	1,195.00
Total		46,161.80

City of Ontario
Code Enforcement Department
2011/2012 Tax Roll Year Special Assessments
Exhibit B

Parcel Number	Property Address	Amount
0108-471-09	1812 NORTH LEEDS AVENUE	5,750.00
0108-481-05	1668 EAST EIGHTH STREET	19,250.00
0108-601-37	1506 NORTH GLENN AVENUE	20,000.00
0108-611-11	1418 EAST SEVENTH STREET	19,000.00
0110-333-06	1878 EAST ROSEWOOD COURT	1,000.00
0110-355-05	924 NORTH ORANGE AVENUE	1,000.00
0110-364-02	912 NORTH SACRAMENTO AVENUE	1,750.00
0110-376-16	1875 EAST GRANADA COURT	500.00
0110-412-09	1622 EAST FLORA STREET	750.00
0110-441-56	1105 NORTH SOLANO PRIVADO UNIT C	100.00
0218-771-14	3761 SOUTH PEACH TREE PLACE	1,000.00
1008-261-40	938 AND 938½ WEST SIXTH STREET	20,600.00
1008-292-12	1526 WEST SIXTH STREET	19,000.00
1008-422-11	1516 WEST FIFTH STREET	20,000.00
1008-492-06	840 WEST FIFTH STREET	20,000.00
1008-552-22	1305 WEST PRINCETON STREET	11,000.00
1008-553-18	1329 WEST HARVARD PLACE	17,000.00
1011-412-94	939 SOUTH MOUNTAIN AVENUE	6,500.00
1011-521-03	1211 SOUTH BENSON AVENUE	19,500.00
1011-542-13	1051 WEST SUNSONG COURT	5,500.00
1011-572-22	1246 SOUTH PALMETTO AVENUE	350.00
1014-551-10	1260 WEST PHILADELPHIA STREET	19,250.00
1047-301-23	740 WEST LA DENEY DRIVE	8,750.00
1047-581-20	644 WEST FOURTH STREET	250.00
1048-021-06	631 WEST FOURTH STREET	18,500.00
1048-091-13	547 EAST ROSEWOOD COURT	19,250.00
1048-102-23	725 EAST J STREET	20,000.00
1048-122-06	1011 EAST ORCHARD LANE	20,000.00
1048-161-05	728 NORTH PARKSIDE AVENUE	20,000.00
1048-414-12	613 NORTH ALLYN AVENUE	19,000.00
1048-414-16	823 EAST F STREET	19,750.00
1048-451-23	448 NORTH PARKSIDE AVENUE	19,500.00
1048-463-50	1188 EAST D STREET	19,000.00
1048-592-19	137 NORTH VINE AVENUE	1,000.00
1049-254-06	722 SOUTH PLUM AVENUE	19,000.00
1049-302-01	519 SOUTH CYPRESS AVENUE	1,000.00
1049-341-11	222 EAST CALIFORNIA STREET	1,000.00
1050-013-31	703 WEST MONTEZUMA COURT	19,000.00
1050-261-01	1608 SOUTH SULTANA AVENUE	11,000.00
1050-411-37	1952 SOUTH MONTEREY AVENUE	2,250.00
1050-542-29	2027 SOUTH CAMPUS AVENUE UNIT 30A	19,750.00
1050-551-34	644 EAST BIRCH COURT	13,500.00

**City of Ontario
Code Enforcement Department
2011/2012 Tax Roll Year Special Assessments
Exhibit B**

Parcel Number	Property Address	Amount
1050-565-18	548 EAST CEDAR STREET	5,600.00
1051-222-10	164 WEST GEYER COURT	1,000.00
1051-281-25	207 EAST CHERRY HILL COURT	19,718.55
1051-311-79	2532 SOUTH CUCAMONGA AVENUE	19,750.00
1051-391-67	617 EAST TAM O'SHANTER STREET	7,850.00
1051-412-03	473 EAST DEERFIELD STREET	20,000.00
1083-021-27	2608 SOUTH LEXINGTON PLACE	12,500.00
1083-142-19	3207 EAST CRYSTAL LAKE COURT	5,500.00
1083-142-21	3211 EAST CRYSTAL LAKE COURT	750.00
1083-251-36	3007 EAST MERION STREET	3,280.28
1083-251-60	2901 EAST COTTONWOOD COURT	19,000.00
1083-311-29	2702 SOUTH APPLEWOOD DRIVE	5,950.00
1083-402-59	3637 EAST SAN LORENZO RIVER ROAD	18,000.00
1083-452-53	3716 EAST STRAWBERRY CREEK WAY	195.00
1083-491-15	3914 EAST AMERICAN RIVER ROAD	17,500.00
Total		656,893.83

**City of Ontario
Code Enforcement Department
2011/2012 Tax Roll Year Special Assessments
Exhibit C**

Parcel Number	Property Address	Amount
0108-471-09	1812 NORTH LEEDS AVENUE	5,750.00
0108-481-05	1668 EAST EIGHTH STREET	19,250.00
0108-601-37	1506 NORTH GLENN AVENUE	20,220.00
0108-611-11	1418 EAST SEVENTH STREET	19,110.00
0110-333-06	1878 EAST ROSEWOOD COURT	1,110.00
0110-345-07	1018 NORTH NAPA AVENUE	110.00
0110-355-05	924 NORTH ORANGE AVENUE	1,110.00
0110-364-02	912 NORTH SACRAMENTO AVENUE	2,403.00
0110-374-20	821 NORTH VINEYARD AVENUE	1,549.00
0110-376-16	1875 EAST GRANADA COURT	1,295.30
0110-412-09	1622 EAST FLORA STREET	750.00
0110-441-56	1105 NORTH SOLANO PRIVADO UNIT C	100.00
0216-286-13	2822 SOUTH BAKER AVENUE	1,120.15
0218-771-14	3761 SOUTH PEACH TREE PLACE	1,000.00
0218-862-05	3144 SOUTH CENTURION PLACE	541.33
1008-261-40	938 AND 938½ WEST SIXTH STREET	20,904.45
1008-292-12	1526 WEST SIXTH STREET	19,386.45
1008-422-11	1516 WEST FIFTH STREET	20,110.00
1008-492-06	840 WEST FIFTH STREET	20,000.00
1008-492-24	823 WEST BONNIE BRAE COURT	6,344.80
1008-512-09	850 WEST HARVARD PLACE	351.95
1008-552-22	1305 WEST PRINCETON STREET	11,000.00
1008-553-18	1329 WEST HARVARD PLACE	17,000.00
1010-131-33	1240 WEST ROSEWOOD COURT	489.20
1010-435-17	1327 WEST E STREET	69.23
1011-412-85	923 SOUTH MOUNTAIN AVENUE	110.00
1011-412-94	939 SOUTH MOUNTAIN AVENUE	6,720.00
1011-521-03	1211 SOUTH BENSON AVENUE	19,610.00
1011-542-13	1051 WEST SUNSONG COURT	5,500.00
1011-553-08	1031 SOUTH PALMETTO AVENUE UNIT U-3	55.00
1011-572-22	1246 SOUTH PALMETTO AVENUE	350.00
1014-551-10	1260 WEST PHILADELPHIA STREET	19,250.00
1047-212-16	1534 NORTH MONTEREY AVENUE	1,155.76
1047-213-02	1549 NORTH MONTEREY AVENUE	935.85
1047-301-23	740 WEST LA DENEY DRIVE	9,215.35
1047-331-01	1361 NORTH EUCLID AVENUE	663.51
1047-353-15	331 EAST LA DENEY DRIVE	142.26
1047-394-22	808 EAST SIXTH STREET	110.00
1047-401-01	702 EAST HAWTHORNE STREET	1,194.88
1047-581-20	644 WEST FOURTH STREET	250.00
1048-021-06	631 WEST FOURTH STREET	18,500.00
1048-091-13	547 EAST ROSEWOOD COURT	19,250.00

**City of Ontario
Code Enforcement Department
2011/2012 Tax Roll Year Special Assessments
Exhibit C**

Parcel Number	Property Address	Amount
1048-102-23	725 EAST J STREET	20,000.00
1048-122-06	1011 EAST ORCHARD LANE	20,000.00
1048-161-05	728 NORTH PARKSIDE AVENUE	20,110.00
1048-201-20	739 EAST G STREET	291.65
1048-203-09	735 NORTH ALLYN AVENUE	967.65
1048-241-13	312 EAST H STREET	475.14
1048-322-44	657 WEST F STREET	55.00
1048-412-11	750 EAST F STREET	821.82
1048-414-12	613 NORTH ALLYN AVENUE	19,279.85
1048-414-16	823 EAST F STREET	19,750.00
1048-451-23	448 NORTH PARKSIDE AVENUE	19,500.00
1048-463-50	1188 EAST D STREET	19,148.45
1048-491-18	1048 EAST D STREET	317.15
1048-553-17	126 NORTH EUCLID AVENUE	485.81
1048-592-19	137 NORTH VINE AVENUE	1,110.00
1049-121-17	955 EAST MAIN STREET	70.09
1049-252-05	711 SOUTH EUCLID AVENUE	192.35
1049-254-06	722 SOUTH PLUM AVENUE	19,296.85
1049-302-01	519 SOUTH CYPRESS AVENUE	1,000.00
1049-341-11	222 EAST CALIFORNIA STREET	1,000.00
1049-363-07	830 EAST CALIFORNIA STREET	4,443.35
1050-013-31	703 WEST MONTEZUMA COURT	19,000.00
1050-031-30	510 WEST LOCUST STREET	7,208.58
1050-041-60	544 WEST SONOMA COURT	110.00
1050-091-27	1442 SOUTH PLEASANT AVENUE	52.52
1050-242-12	1701 SOUTH PLEASANT AVENUE	1,264.88
1050-261-01	1608 SOUTH SULTANA AVENUE	11,000.00
1050-291-24	456 WEST FRANCIS STREET	1,649.20
1050-411-37	1952 SOUTH MONTEREY AVENUE	2,475.25
1050-441-09	1906 SOUTH BON VIEW AVENUE	462.34
1050-542-29	2027 SOUTH CAMPUS AVENUE UNIT 30A	19,750.00
1050-551-34	644 EAST BIRCH COURT	13,500.00
1050-565-18	548 EAST CEDAR STREET	5,600.00
1051-121-04	2202 SOUTH BON VIEW AVENUE	923.45
1051-181-26	2417 SOUTH GARFIELD PLACE	1,025.85
1051-201-20	571 EAST OAK HILL STREET	656.05
1051-222-10	164 WEST GEYER COURT	1,000.00
1051-281-25	207 EAST CHERRY HILL COURT	20,000.00
1051-311-79	2532 SOUTH CUCAMONGA AVENUE	20,187.65
1051-391-67	617 EAST TAM O'SHANTER STREET	7,850.00
1051-412-03	473 EAST DEERFIELD STREET	20,220.00
1051-581-19	2909 SOUTH GARFIELD AVENUE	939.59

**City of Ontario
Code Enforcement Department
2011/2012 Tax Roll Year Special Assessments
Exhibit C**

Parcel Number	Property Address	Amount
1083-021-27	2608 SOUTH LEXINGTON PLACE	12,500.00
1083-041-04	2540 EAST DUNES STREET	238.05
1083-142-19	3207 EAST CRYSTAL LAKE COURT	5,866.05
1083-142-21	3211 EAST CRYSTAL LAKE COURT	750.00
1083-201-41	2851 SOUTH CYPRESS POINT DRIVE	186.85
1083-251-36	3007 EAST MERION STREET	3,599.39
1083-251-60	2901 EAST COTTONWOOD COURT	19,161.25
1083-311-29	2702 SOUTH APPLEWOOD DRIVE	6,170.00
1083-402-59	3637 EAST SAN LORENZO RIVER ROAD	18,220.00
1083-452-53	3716 EAST STRAWBERRY CREEK WAY	195.00
1083-481-14	3902 EAST YUBA RIVER DRIVE	196.05
1083-491-15	3914 EAST AMERICAN RIVER ROAD	18,695.00
	Total	703,055.63

CITY OF ONTARIO

Agenda Report
April 19, 2011

SECTION: CONSENT CALENDAR

SUBJECT: ARCHITECTURAL SERVICES AGREEMENT WITH RJM DESIGN GROUP, INC. FOR THE ONTARIO TOWN SQUARE PLAZA

RECOMMENDATION: That the City Council authorize the City Manager to execute an Architectural Services Agreement (on file with the Records Management Department) to prepare the specifications, construction plans and provide limited project management related to the Ontario Town Square Plaza project with RJM Design Group, Inc. of San Juan Capistrano, California, in the amount of \$640,878 including a 15% contingency and allotment for reimbursable project expenditures.

COUNCIL GOALS: Develop Strategies and Take Actions to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Invest in the City's Infrastructure (Water, Street, Sewers, Parks, Storm Drains & Public Facilities)
Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities

FISCAL IMPACT: The current Fiscal Year 2010-2011 Capital Improvement Program includes \$2,485,107 for the development of the Ontario Town Square Plaza. The recommended architectural services agreement is \$513,807 plus a 15% contingency of \$71,071 and an allotment for project reimbursables of \$50,000 for a total of \$640,878. Appropriations for this agreement are in the Park Development Fund.

BACKGROUND: The proposed agreement is for design plans to develop the Ontario Town Square Plaza on the property located between the former Bank of Italy along B Street and Wells Fargo Bank along C Street and between Euclid Avenue and Lemon Street. The proposed project includes an amphitheater stage with fabric shade canopy, grass viewing area, clock tower, pedestrian promenade, entry monuments, history wall, palm court, children's play garden with interactive water feature, rose garden with gazebo, picnic tables, benches, WiFi, parking lot improvements, lighting, security cameras and utilities.

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

Prepared by: Vern Stiner
Department: Community & Public Services

City Manager
Approval: 

Submitted to Council/O.R.A./O.H.A. _____

Approved: _____

Continued to: _____

Denied: _____

4

In January 2008, the City Council authorized a contract with RJM Design Group to finalize the Ontario Town Center Square design based upon a project scope that included approximately \$2.5 million of amenities and public improvements. The recommendation came based on the company's prior involvement in the conceptual planning on the project with the developer, City staff and other design professionals. Staff also recommended RJM due to their previous work with the City on other projects such as the Soccer Park and New Model Colony Park Planning; and RJM's pricing proposal was commensurate with the work performed on the other projects.

Currently, the City Ontario Town Center Square conceptual design is based upon funding from the State Prop 84 grant proposal of approximately \$5.3 million. In March 2011, RJM Design Group, Inc. submitted their proposal to finalize the conceptual design, compose the construction specifications, drawings and provide limited administrative project management based on the State Prop 84 grant proposal. RJM Design Group, Inc. is recommended based on their participation in the initial conceptual design process for the Ontario Town Square Plaza and on their successful design work, team expertise, cost of service and capability to perform work in a timely manner.

CITY OF ONTARIO

Agenda Report
April 19, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: CONSTRUCTION CONTRACT FOR 2011 PAVEMENT REHABILITATION PROGRAM PHASE A

RECOMMENDATION: That the City Council approve the plans and specifications, and award a construction contract (on file in the Records Management Department) to Silvia Construction, Inc. of Rancho Cucamonga, California, for the 2011 Pavement Rehabilitation Program Phase A. This includes: rehabilitation of Archibald Avenue from SR 60 to Mission Boulevard (Project No.ST1002), San Antonio Avenue from Phillips Street to Francis Street (Project No.ST1007), Airport Drive from Commerce Parkway to Doubleday Avenue (Project No.ST1006), and Mountain Avenue from Holt Boulevard to Mission Boulevard (Project No.ST1008), for the bid amount of \$1,510,072 plus a fifteen (15%) percent contingency of \$226,511 for a total authorized expenditure of \$1,736,583; and authorize the City Manager to execute said contract and related documents, and file a notice of completion at the conclusion of all construction activities related to the project.

COUNCIL GOALS: Develop Strategies and Take Actions to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: The current Fiscal Year 2010-11 budget includes appropriations of \$1,110,000 from Measure I funds and \$936,000 from Local Stimulus Program funds for a total budget of \$2,046,000. Silvia Construction Inc. submitted the lowest bid of \$1,736,583 (15% contingency included). A 15% contingency is recommended due to the pavement conditions of Archibald Avenue and the potential for additional repair work.

BACKGROUND: The scope of services for the 2011 Pavement Rehabilitation Program Phase A includes cold planing, removal and replacement of damaged pavement, construction of Asphalt Rubber Hot Mix (ARHM) overlay, construction of ADA compliant access ramps, and placement of traffic striping, pavement markings, and raised markers. Location maps are attached for reference. This project will extend the lifespan of the streets by 10 to 20 years. It is anticipated that construction will start in May 2011 and be completed by July 2011.

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

Prepared by: Bill Braun
Department: Engineering

City Manager
Approval: 

Submitted to Council/O.R.A./O.H.A. _____

Approved: _____

Continued to: _____

Denied: _____

5

In February 2011, the City solicited bids for this project; and six (6) bids were received. Silvia Construction Inc. submitted the lowest responsive bid. Silvia Construction Inc. has previously performed similar work for the City of Ontario in a satisfactory manner.

A summary of the bid results follows:

COMPANY	LOCATION	AMOUNT
Silvia Construction, Inc.	Rancho Cucamonga, CA	\$ 1,510,072
Hardy & Harper, Inc.	Santa Ana, CA	\$ 1,543,000
R.J. Noble Company	Orange, CA	\$ 1,558,894
All American Asphalt	Corona, CA	\$ 1,656,874
E.B.S.	Corona, CA	\$ 1,749,117
Excel Paving	Long Beach, CA	\$ 1,906,554

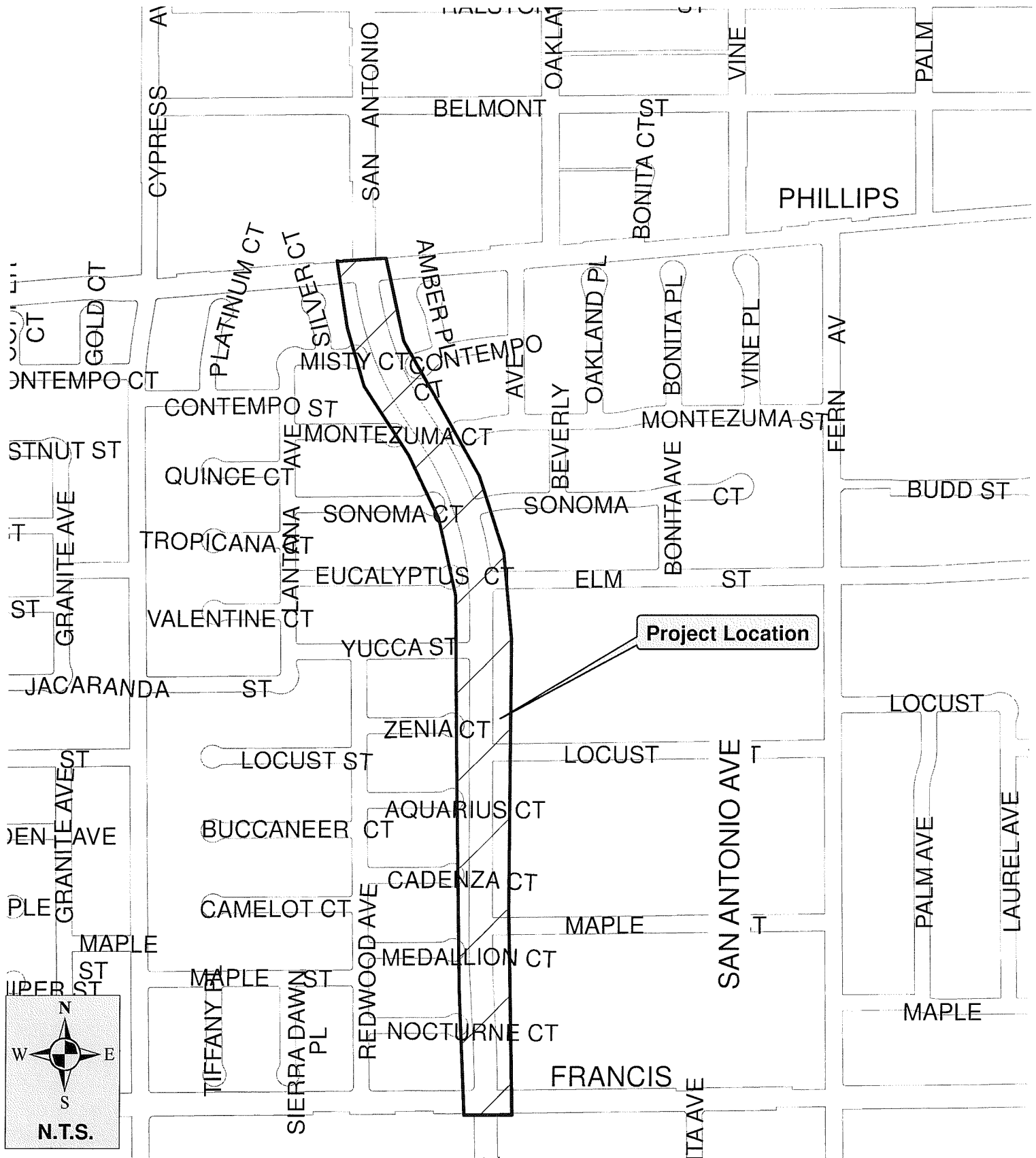
**ARCHIBALD AVENUE
PAVEMENT REHABILITATION
PROJECT NO. ST1002
SR 60 TO MISSION BOULEVARD**

1 OF 4



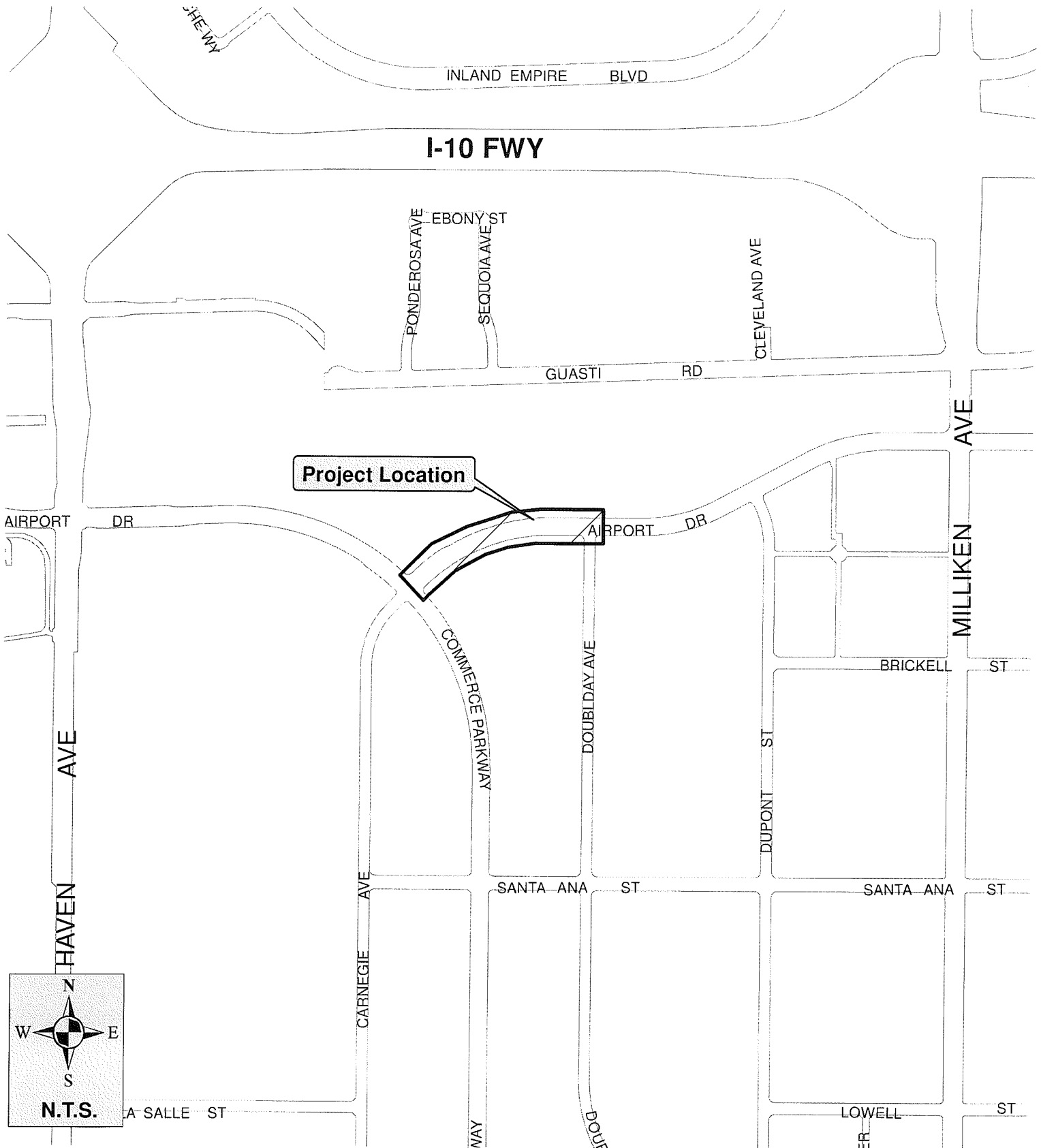
**SAN ANTONIO AVENUE
PAVEMENT REHABILITATION
PROJECT NO. ST1007
PHILLIPS ST. TO FRANCIS ST.**

2 OF 4



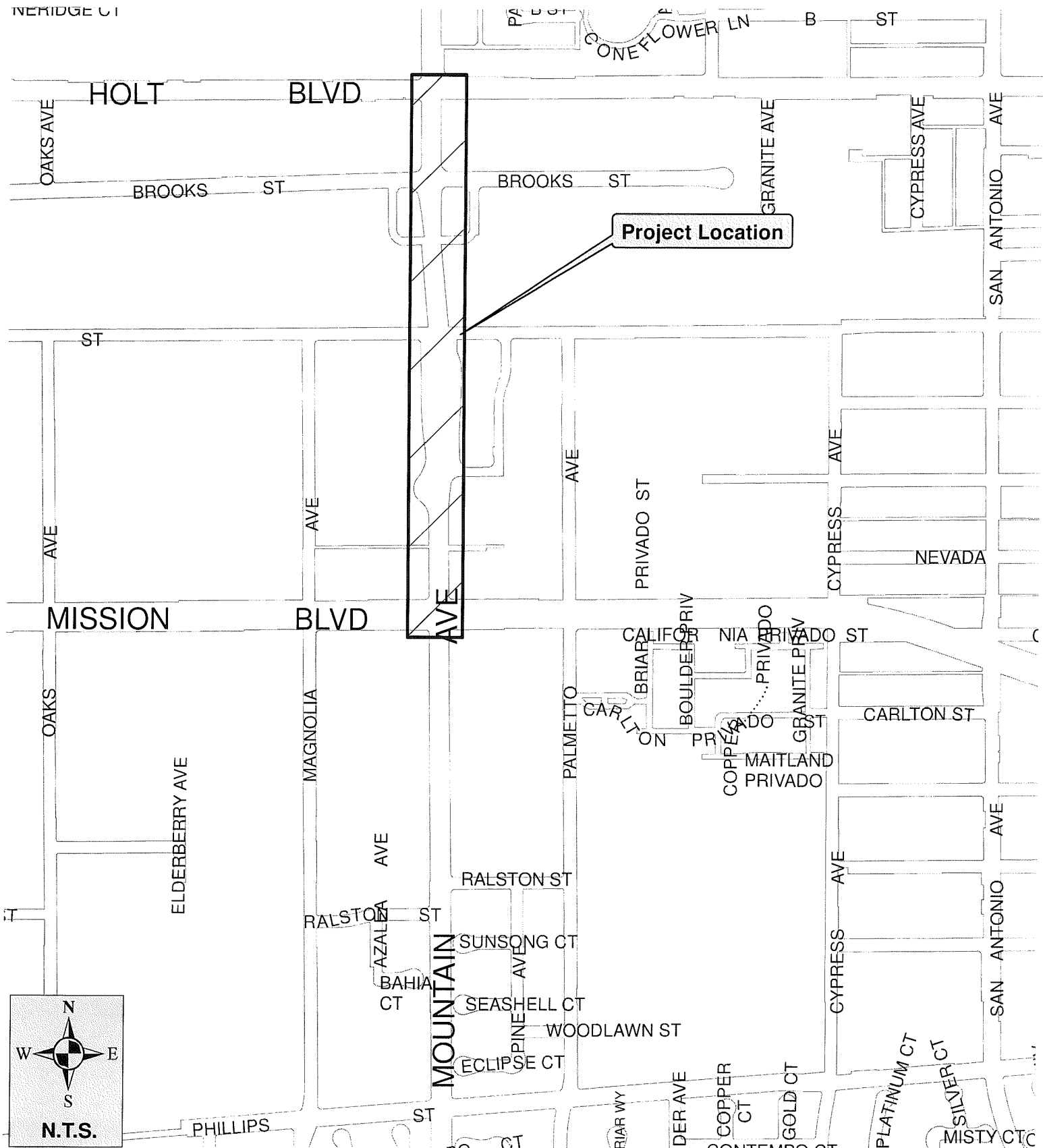
**AIRPORT DRIVE
PAVEMENT REHABILITATION
PROJECT NO. ST1006
COMMERCE PKWY TO DOUBLEDAY AVE**

3 OF 4



**MOUNTAIN AVENUE
PAVEMENT REHABILITATION
PROJECT NO. ST1008
HOLT BLVD. TO MISSION BLVD.**

4 OF 4



CITY OF ONTARIO

Agenda Report
April 19, 2011

SECTION: CONSENT CALENDAR

SUBJECT: AWARD CONSTRUCTION CONTRACT TO AVI-CON, INC. DBA CA CONSTRUCTION FOR THE RENOVATION OF FIRE STATION NO. 5

RECOMMENDATION: That the City Council award Contract No. PS1011-01 in the amount of \$1,353,550 (contract amount of \$1,177,000 plus a 15% contingency of \$176,550) to AVI-CON, Inc. dba CA Construction of Riverside, California, for the renovation of Fire Station No. 5; authorize the City Manager to execute the contract (on file in the Records Management Department); and authorize the filing of a Notice of Completion at the conclusion of all construction activities related to the project.

COUNCIL GOALS: Develop Strategies and Take Actions to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Maintain the Current High Level of Public Safety
Pursue City's Goals and Objectives by Working With Other Governmental Agencies
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: On February 16, 2010, the City Council approved the acceptance of a grant award of \$1,354,000 provided through FEMA's American Recovery and Reinvestment Act Assistance to Firefighters Station Construction Grants (ARRA-SCG) program. The Adopted FY 2010-11 Operating Budget includes appropriations for the full grant award along with a Redevelopment Agency (RDA) appropriation in the amount of \$411,000 to pay for renovation expenses not included or allowed through the grant. The total recommended contract authorization of \$1,353,550 includes a 15% contingency (\$176,550) for unforeseen and unexpected work.

BACKGROUND: The architectural design work for the station renovations has been completed. The plans include the complete renovation of the facility. This includes new electrical, plumbing, lighting, HVAC, flooring, interior and exterior paint, cabinets and counter tops, and appliances. There will be a new bathroom added, and the existing bathroom/locker-room will be reconfigured with all new fixtures and finishes. The dorms will be reconfigured and updated with all new finishes and cabinetry. The station will also have fire sprinklers installed throughout. The exterior of the station will receive all new

STAFF MEMBER PRESENTING: David A. Carrier, Fire Chief

Prepared by: Cathy Thomas
Department: Fire Department

City Manager
Approval:



Submitted to Council/O.R.A./O.H.A. _____

Approved: _____

Continued to: _____

Denied: _____

6

windows, roofing, apparatus bay doors, wrought iron fencing in the front, a new gate with opener, and some new concrete paving.

In March 2011, the City solicited bids; and seven (7) bids were received. All bids were reviewed for accuracy and compliance with the provisions contained in the project specifications. The lowest qualified bidder was CA Construction with a bid amount of \$1,177,000.

The bid results are:

Bidder	Location	Bid Amount
AVI-CON dba CA Construction	Riverside	\$ 1,177,000
DLE Construction Inc.	West Covina	\$ 1,210,743
Monet Construction Inc.	Sylmar	\$ 1,348,000
Broughton Construction Inc.	Rancho Cucamonga	\$ 1,364,183
Sea West Enterprises, Inc.	San Dimas	\$ 1,399,999
TLD Construction Inc.	Glendale	\$ 1,451,000
Fast-Track Construction Corp.	Culver City	\$ 1,499,000

Staff recommends contract award to CA Construction of Riverside, California.

CITY OF ONTARIO

Agenda Report
April 19, 2011

SECTION: CONSENT CALENDAR

SUBJECT: TWO-YEAR COST SHARING AGREEMENT WITH CHAFFEY JOINT UNION HIGH SCHOOL DISTRICT FOR THREE SCHOOL RESOURCE OFFICERS

RECOMMENDATION: That the City Council authorize the City Manager to execute a two-year cost-sharing agreement (on file in the Records Management Department) with the Chaffey Joint Union High School District for three school resource officers in the amount of \$439,664.

COUNCIL GOALS: Develop Strategies and Take Actions to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Maintain the Current High Level of Public Safety

FISCAL IMPACT: The City has assigned one School Resource Officer (SRO) at each of the following high schools: Chaffey High School, Colony High School, and Ontario High School. Chaffey Joint Union High School District (CJUHSD) has agreed to reimburse the City \$219,832 per fiscal year, which is the same annual amount as last year's agreement and approximately 46% of the cost of three officers (\$476,889) covering the periods of August 10, 2010 through May 25, 2011 and August 29, 2011 through May 23, 2012.

BACKGROUND: Similar to last year, contract negotiations were delayed due to CJUHSD's budget process challenges in responding to the State budget impacts. To prevent delays in next year's agreement, CJUHSD has agreed to enter into a two-year cost-sharing agreement in the amount of \$219,832 per fiscal year, which is the same as last year's annual contract amount. Despite the contracting delay, the Police Department has been providing SRO services at Chaffey, Colony, and Ontario High Schools since the beginning of the FY 2010-11 school year to maintain a safe and secure environment at these campuses.

STAFF MEMBER PRESENTING: Eric Hopley, Chief of Police

Prepared by: Lorena Villa
Department: Police

City Manager
Approval: 

Submitted to Council/O.R.A./O.H.A. _____

Approved: _____

Continued to: _____

Denied: _____

CITY OF ONTARIO

Agenda Report
April 19, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: ACCEPTANCE OF A GRANT AWARD FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY AND THE CALIFORNIA EMERGENCY MANAGEMENT AGENCY

RECOMMENDATION: That the City Council authorize the City Manager to execute all documents necessary to accept a grant award in the amount of \$90,000 from the U.S. Department of Homeland Security (DHS) and the California Emergency Management Agency for the Homeland Security Grant Program.

COUNCIL GOALS: Develop Strategies and Take Actions to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Maintain the Current High Level of Public Safety
Pursue City's Goals and Objectives by Working with Other Governmental Agencies

FISCAL IMPACT: The San Bernardino County Board of Supervisors, through the California Office of Emergency Services (pass-through agency for the Department of Homeland Security), is responsible for disbursing the FY2008 Homeland Security Grant Program (HSGP) funds. The City has been approved to receive \$90,000 and is not required to provide matching funds for this reimbursable grant. Staff does not anticipate any recurring costs for this project. If approved, the associated revenue and expenditure adjustments will be presented in the next quarterly budget report to the City Council.

BACKGROUND: On March 15, 2011, the Homeland Security Grant Approval Authority (comprised of a Public Health Officer, a County Fire Chief, a County Sheriff, a Police Chief and a Fire Chief) approved regional projects with unspent funds from the FY2008 HSGP. The City's appropriation of \$90,000 is for the purchase of a remote information sharing device. This project has been designated as a regional project with the Police Department named as the lead agency.

The remote information sharing device is a remote-controlled robotic device designed to improve communication among all agencies represented at a crisis scene.

STAFF MEMBER PRESENTING: Eric V. Hopley, Chief of Police

Prepared by: Donna Bailey
Department: Police

City Manager
Approval: 

Submitted to Council/O.R.A./O.H.A. _____

Approved: _____

Continued to: _____

Denied: _____

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The project scope is being coordinated with the Information Technology Department. The purchase of the robotic device includes a one-year warranty. With the device having an operational life of up to 10 years, staff does not anticipate any recurring costs other than minor repair costs when needed. The City is not obligated to continue with the program once staff determines the equipment is unusable. When this occurs, staff will work with the San Bernardino County Office of Emergency Services and the Department of Homeland Security to properly demobilize and surplus the equipment.

CITY OF ONTARIO

Agenda Report
April 19, 2011

SECTION: CONSENT CALENDAR

SUBJECT: BUREAU OF JUSTICE ASSISTANCE FY2011 SMART POLICING INITIATIVE GRANT

RECOMMENDATION: That the City Council authorize the City Manager to execute any and all documents necessary to apply for and accept a two-year grant award not to exceed \$250,000 from the Department of Justice (DOJ) Smart Policing Initiative for the institutionalization of evidence-based practices.

COUNCIL GOALS: Develop Strategies and Take Actions to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Maintain the Current High Level of Public Safety
Pursue City's Goals and Objectives by Working with Other Governmental Agencies

FISCAL IMPACT: This Department of Justice grant program provides awards up to \$300,000 to eligible organizations to combat, address, or otherwise respond to crime. The City will submit grant application documents and a spending plan totaling \$250,000 for the Police Responsiveness Integration with Social Media (PRISM) project. Future recurring costs of the program include maintenance and/or application hosting fees which are estimated to be \$10,000 per year. Those costs will be offset by the elimination of maintenance costs on existing data systems to be replaced by new technology. There is no local matching funds requirement. If successful in obtaining the grant award, revenue and associated expenditure adjustments will be included in the corresponding quarterly budget report to the City Council.

BACKGROUND: The Bureau of Justice Assistance provides grant funding to assist state and local law enforcement agencies in reducing crime and improving the criminal justice system. The Smart Policing Initiative Grant for FY2011 requires the enlistment of a local academic research partner to build upon data-driven, evidence based policing models. The Police Responsiveness Integration with Social Media (PRISM) project seeks to integrate current social media technologies (Facebook, Twitter, Nixle, etc.) and state-of-the-art crime analytic tools to meet several objectives.

STAFF MEMBER PRESENTING: Eric Hopley, Chief of Police

Prepared by: Darryl Polk
Department: Police

City Manager
Approval: 

Submitted to Council/O.R.A./O.H.A. _____

Approved: _____

Continued to: _____

Denied: _____

9

- Enhance crime related and homeland security intelligence gathering;
- Provide additional resources for criminal investigation and solvability;
- Enhance the City's current Area Command practices by soliciting community partnership on quality of life issues and specific neighborhood concerns;
- Develop new methods to receive community feedback and evaluation of Departmental practices and performance; and
- Provide continual updates of information to the community on Department activities, performance measures and projects.

The PRISM project will result in a continuous two-way communication using multiple media formats between the Ontario Police Department and the City's residents, businesses and visitors. The Police Department currently relies on traditional models of interaction with the community, much of which is based on telephone or in-person contact. By establishing new communication paths using social media, the Department will enhance responsiveness to individual concerns and build partnerships to deter criminal activity and improve the quality of life for the community. Social media technology will also allow for enhanced information and intelligence gathering, such as photographs and video, in near real-time from mobile devices. Social media tools can also be used to provide timely public alerts and information, enhancing the Department's ability to coordinate local and regional emergencies with community members.

The proposed spending plan is as follows:

• Research Partner Expenses	\$ 60,000
o (2) Graduate Student Research Assistants (salary and benefits), supplies and administrative costs	
• Equipment and Applications	\$150,000
o Real-time Proactive information-led policing application	
o Hosting or maintenance fees (3 years)	
o Hosted web based crime mapping software (3 years)	
o Servers (2)	
o Mobile Data Devices - Administrative Support	
• Training Costs	\$ 20,000
• Administrative Costs	<u>\$ 20,000</u>
TOTAL NOT TO EXCEED:	<u>\$250,000</u>

CITY OF ONTARIO

Agenda Report
April 19, 2011

SECTION: CONSENT CALENDAR

SUBJECT: AN ORDINANCE APPROVING FILE NO. PADV07-008, AN AIRPORT LAND USE COMPATIBILITY PLAN FOR LA/ONTARIO INTERNATIONAL AIRPORT AND SURROUNDING LAND USES WITHIN THE AIRPORT INFLUENCE AREA; AMENDING THE ALTERNATIVE PROCESS; AND ADOPTING A NEGATIVE DECLARATION

RECOMMENDATION: That the City Council adopt an ordinance approving File No. PADV07-008, an airport land use compatibility plan for LA/Ontario International Airport and surrounding land uses within the airport influence area; amending the alternative process; and adopting a negative declaration.

COUNCIL GOALS: Develop Strategies and Take Actions to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Invest in the Growth and Evolution of the City's Economy
Operate in a Businesslike Manner

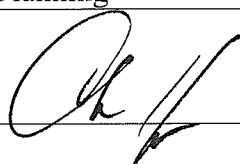
FISCAL IMPACT: The State requires an Airport Land Use Compatibility Plan be prepared for all public-use airports to protect the public health, safety, and welfare by ensuring orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards. Adopting land use measures and policies that are in line with future airport growth protects the viability of the airport and the economic benefits it brings to the City and the region, in addition to preventing future incompatible development.

BACKGROUND: At the meeting of April 5, 2011, the City Council introduced the ordinance to approve an Airport Land Use Compatibility Plan for LA/Ontario International Airport (ONT). LA/Ontario International Airport (ONT) is classified as a primary commercial service airport, owned by the City of Los Angeles and operated by Los Angeles World Airports (LAWA). The geographic scope of the Airport Land Use Compatibility Plan (ALUCP) is the Airport Influence Area (AIA), the area in which current or future airport-related noise, safety, airspace protection and/or overflight factors may affect land uses or necessitate restrictions on those uses (see Appendix A). The AIA includes portions of the cities of Ontario, Fontana, Upland, Montclair, Rancho Cucamonga, Chino, Pomona, Claremont

STAFF MEMBER PRESENTING: Jerry L. Blum, Planning Director

Prepared by: Lorena Mejia
Department: Planning

City Manager
Approval: _____



Submitted to Council/O.R.A./O.H.A. _____

Approved: _____

Continued to: _____

Denied: _____

10

and portions of Riverside and Los Angeles Counties and unincorporated portions San Bernardino County.

In most counties, the responsibility for the preparation and adoption of airport land use compatibility plans falls to the county airport land use commission. However, San Bernardino County and its cities elected to follow the Alternative Process after this option became available as a result of 1994 legislation (Assembly Bill 2831). An Alternative Process for San Bernardino County was established in 1995 by resolutions of the County Board of Supervisors and the city councils of cities affected by airports in the county. The Ontario City Council adopted an Alternative Process for ONT through Resolution No. 95-34 consistent with State law. The Airport Environs Section of the General Plan became the basis for airport land use compatibility planning. The California Division of Aeronautics approved the San Bernardino County Alternative Process in 1996. The approval of the Alternative Process designated the City of Ontario as the local jurisdiction responsible for airport land use compatibility planning for ONT.

The proposed ALUCP for ONT utilized two 2030 airport activity forecasts proposed in LAWA's preliminary Airport Master Plan. The "no project" forecast was constrained by the existing runway configuration. The "proposed project" forecast was based on a reconfigured runway that shifted both runways south and east of their existing locations to accommodate a higher volume of aircraft activity, consistent with the Southern California Association of Government's 2008 Regional Transportation Plan. State law requires airport land use compatibility plans to have at least twenty year horizons and be based on an Airport Master Plan or Airport Layout Plan. Since LAWA discontinued the Airport Master Plan, a simplified Airport Layout Plan was prepared showing the "no project" (existing) and "proposed project" (reconfigured) runway alignments. The simplified Airport Layout Plan was approved by the California Division of Aeronautics in July of 2009 and is used for the basis of this plan.

ALUCP COMPATIBILITY FACTORS: The ALUCP addresses compatibility in four categories which include safety, noise, airspace protection, and overflight impacts of current and future airport activity. These compatibility factors provided the basis for the development of compatibility policies. The City of Ontario will utilize the compatibility policies to evaluate future airport and land use plans, as well as individual development proposals, for consistency with the ALUCP. Affected Agencies will also utilize these compatibility policies to evaluate development proposal for consistency with the ALUCP.

ALUCP MODIFIED PROPOSED ALTERNATIVE PROCESS: The procedural policies within the ALUCP modify the Alternative Process previously established for ONT in 1995. The modified Alternative Process provides for participation by all jurisdictions in San Bernardino County impacted by existing and future ONT airport activity and for the optional participation of Riverside County. Representation by these jurisdictions will be accomplished through inter-agency collaboration (Technical Advisory Committee) and the formation of a Mediation Board to mediate disputes. Both of these processes are outlined within the proposed ALUCP and will be implemented through the establishment of Memoranda of Understanding (MOUs) between the City of Ontario and affected jurisdictions. The MOUs and Mediation Board appointments will be brought back at a later date for Council approval.

ENVIRONMENTAL REVIEW: The environmental documentation for this Project is available for review at the Planning Department public counter. The ALUCP is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") and an initial study has been prepared to determine possible environmental impacts. On the basis of the initial study, which indicated that all potential environmental impacts from the Project were less than significant, a Negative Declaration was prepared pursuant to CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines.

On March 22, 2011, the Planning Commission recommended City Council approval of the Airport Land Use Compatibility Plan for LA/Ontario International Airport, File No. PADV07-008 and Negative Declaration.

COMMENTS RECEIVED: As of March 11, 2011, the City of Ontario received two comment letters. Elaine and Don Franzen, residents of Edenglen, commenting on the ALUCP; and the City of Fontana commented on the environmental documentation prepared for the ALUCP. Copies of these letters are contained in Exhibit A of the attached Planning Commission Staff Report. The issues raised in the letters and staff's responses to these issues are summarized below.

Mr. and Mrs. Franzen raised concerns about the accuracy of the noise contours shown in the ALUCP. Staff response: *Noise contour information was based on LAWA's preliminary Airport Master Plan and uses state CNEL (Community Noise Equivalent Level) standards. CNEL is the cumulative measure of all aircraft noise levels from ONT on an average day of the year, taking into account the number of operations and aircraft type.*

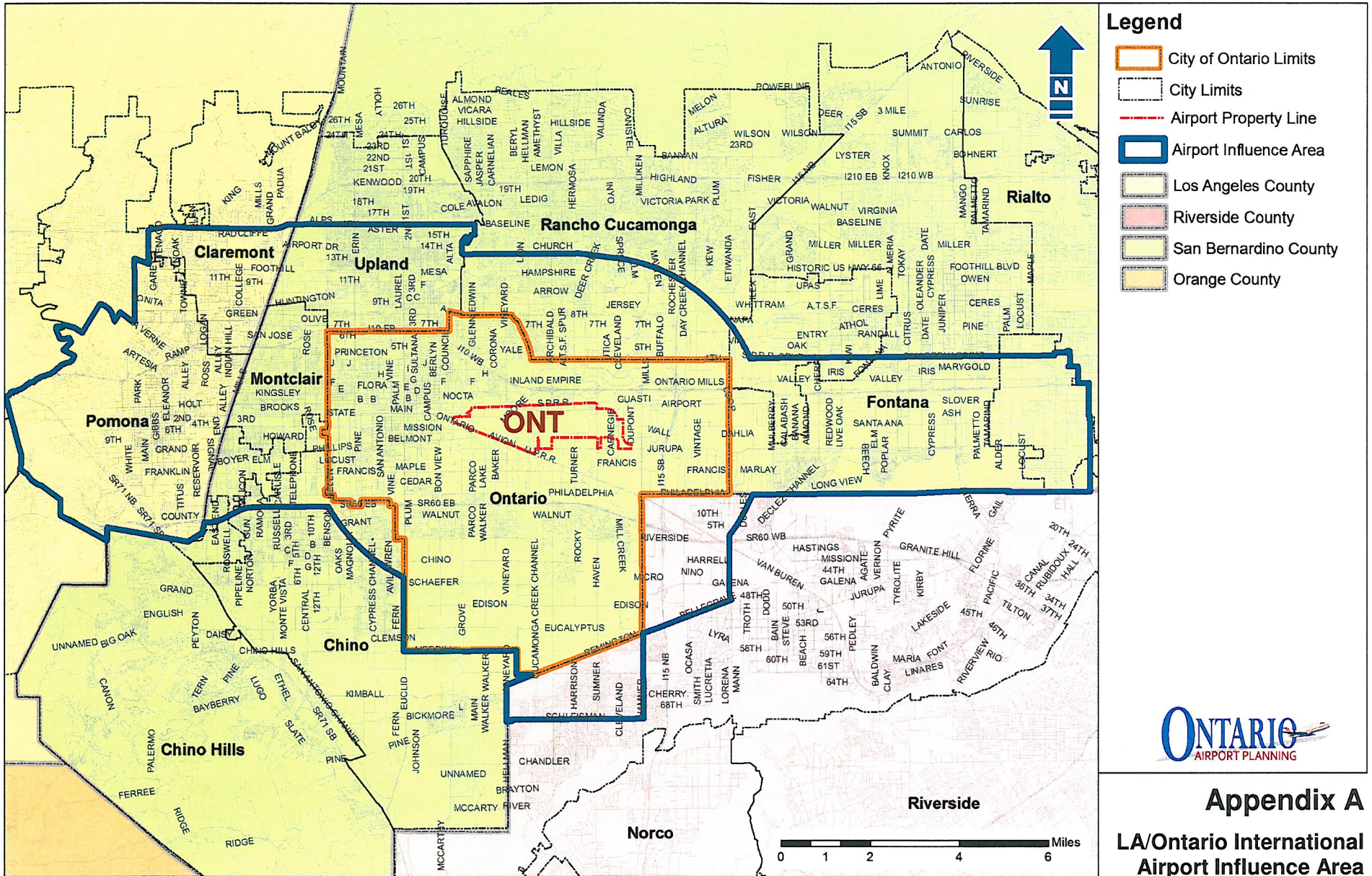
Mr. and Mrs. Franzen also raised concerns about the Environmental Impact Report prepared for the Edenglen Specific Plan. Staff response: *The EIR prepared for Edenglen analyzed airport impacts per state standards and was certified in 2005, well before the newly proposed ALUCP was contemplated.*

The City of Fontana generally supports the concept of establishing an ALUCP but questioned the project's CEQA compliance. Fontana stated that a scoping meeting should have been conducted for this project. Staff response: *Per CEQA, the ALUCP does not require a scoping meeting because it does not qualify as a project of areawide significance and a scoping meeting is not otherwise required for a Negative Declaration.*

Fontana stated that the CEQA document should have analyzed noise and land use impacts caused by the forecasted increase in airport activity and the proposed runway reconfiguration. Staff response: *Over the last two years, the City of Ontario conducted several ALUCP Technical Advisory Committee meetings with affected jurisdictions, the Division of Aeronautics, and the Federal Aviation Administration. Each affected jurisdiction provided the City with general plan land use data. The land use data was analyzed and found to be consistent with ALUCP policies. The City has no control or authority over ONT and is not proposing any kind of construction, increase in airport activity, runway reconfiguration, or any changes in land use designation. Therefore, the Negative Declaration does not analyze runway reconfigurations, impacts from airport or construction noise, nor impacts from changes in land use designation.*

Fontana disagrees with the use of LAWA's proposed runway reconfiguration as the basis for the ALUCP. Staff response: *LAWA's proposed runway reconfiguration is used for the purpose of compatibility planning to prevent the construction of future incompatible land uses and to protect the orderly expansion of the airport. Furthermore, state law requires an ALUCP to have a 20 year horizon*

and Southern California Association of Government's 2008 Regional Transportation Plan shows ONT growing to 30 million air passengers (MAP) which could not be achieved without the future runway configuration.



Appendix A

LA/Ontario International Airport Influence Area



PLANNING COMMISSION STAFF REPORT

March 22, 2011

SUBJECT: A request to recommend the adoption of an Airport Land Use Compatibility Plan (ALUCP) for LA/Ontario International Airport (ONT) (File No. PADV07-008). The function of an ALUCP is to promote compatibility between ONT and surrounding land uses. The proposed ALUCP consists of several components including: airport and land use information, compatibility policies and criteria, compatibility zone maps and procedural policies. The proposed ALUCP for ONT would supplement the Airport Environs section of The Ontario Plan (Ontario's General Plan), which currently serves as ONT's airport land use plan. The ALUCP policies address future land uses within the Airport Influence Area; it does not regulate existing uses.

City Council Action is required.

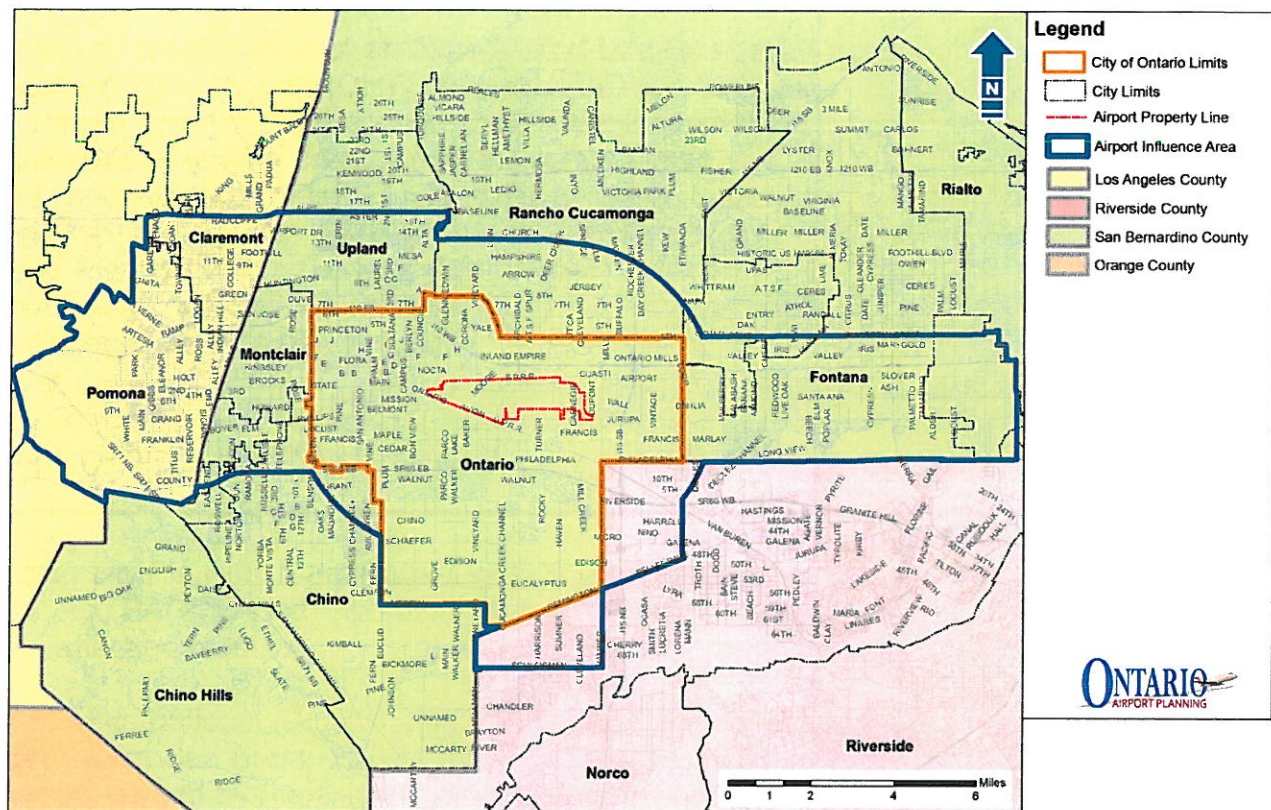
SUBMITTED BY: City of Ontario, Planning Department

RECOMMENDED ACTION: That the Planning Commission recommend approval of a Negative Declaration and File No. PADV07-008, pursuant to the facts and reasons contained in the staff report and attached resolution.

PROJECT SETTING: LA/Ontario International Airport (ONT) is centrally located within the City of Ontario within southwestern San Bernardino County. ONT is classified as a primary commercial service airport, owned by the City of Los Angeles and operated by Los Angeles World Airports (LAWA). The geographic scope of the Airport Land Use Compatibility Plan (ALUCP) is the Airport Influence Area (AIA), the area in which current or future airport-related noise, safety, airspace protection and/or overflight factors may affect land uses or impose restrictions on those uses. The AIA includes portions of the Cities of Ontario, Fontana, Upland, Montclair, Rancho Cucamonga, Chino, Pomona, and Claremont, the Counties of Riverside and Los Angeles and unincorporated portions of San Bernardino County. The Airport Influence Area for ONT is depicted in Figure 1 (on page two of this report) and Policy Map 2-1 of the ALUCP.

Case Planner: Lorena Mejia, Associate Planner	Hearing Body	Date	Decision	Action
Planning Director Approval: <i>Jerry L. Blum</i> <i>J.G.</i>	DAB	n/a	n/a	n/a
	ZA			
Submittal Date: n/a	PC	3-22-11		Recommend <i>Approved</i>
Hearing Deadline: n/a	CC	4-05-11		Recommend

Figure 1: Airport Influence Area



BACKGROUND:

At the February 22, 2011 Planning Commission meeting the City of Fontana submitted a comment letter. As a result the Planning Commission meeting was continued to March 22, 2011. The letter and responses are contained in Attachment A of this report.

The California State Aeronautics Act (Public Utilities Code, Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan (ALUCP) be prepared for all public-use airports in the state to “*protect the public health, safety, and welfare by ensuring orderly expansion of airports and the adoption of land use measures that minimize the public’s exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible land uses.*”

State law also requires local land use plans and individual development proposals to be consistent with policies set forth in ALUCPs. ALUCPs must have a 20-year horizon, taking into consideration regional growth projections and future airport expansion plans that would increase airport activity and associated impacts. ALUCPs are tailored to each airport’s specific land use impacts and issues. The statutes also require that local jurisdictions preparing ALUCPs “rely upon” the compatibility guidance provided by the California Airport Land Use Planning Handbook published by the California Department of Transportation (Caltrans), Division of Aeronautics in January 2002.

The basic function of the ALUCP for LA/Ontario International Airport (ONT) is to promote compatibility between ONT and the land uses that surround it. As required by state law, the ALUCP provides guidance to affected local jurisdictions with regard to airport land use compatibility matters involving ONT. The ALUCP is separate and distinct from the jurisdictions' other land use policy and regulatory documents—their general plans, specific plans, and zoning ordinances—yet all of the documents are expected to be made consistent with each other through incorporation of the compatibility policies into their land use policy documents.

The main objective of the ALUCP is to avoid future compatibility conflicts rather than to remedy existing incompatibilities. Also, the ALUCP is aimed at addressing future land uses and development, not airport activity. The ALUCP does not place any restrictions on the present and future role, configuration, or use of the airport.

In most counties, the responsibility for the preparation and adoption of airport land use compatibility plans falls to the county airport land use commission (ALUC). However, State law also provides for what is referred to as an "Alternative Process" wherein a county does not have to form an ALUC and the required compatibility planning responsibilities fall to local jurisdictions. San Bernardino County and its cities elected to follow the Alternative Process after this option became available with passing of Assembly Bill 2831 in 1994. As a result, the City of Ontario became responsible for implementing the Alternative Process for ONT and implementing Public Utilities Code Section 21670.1(c)(2) by fulfilling the following sections:

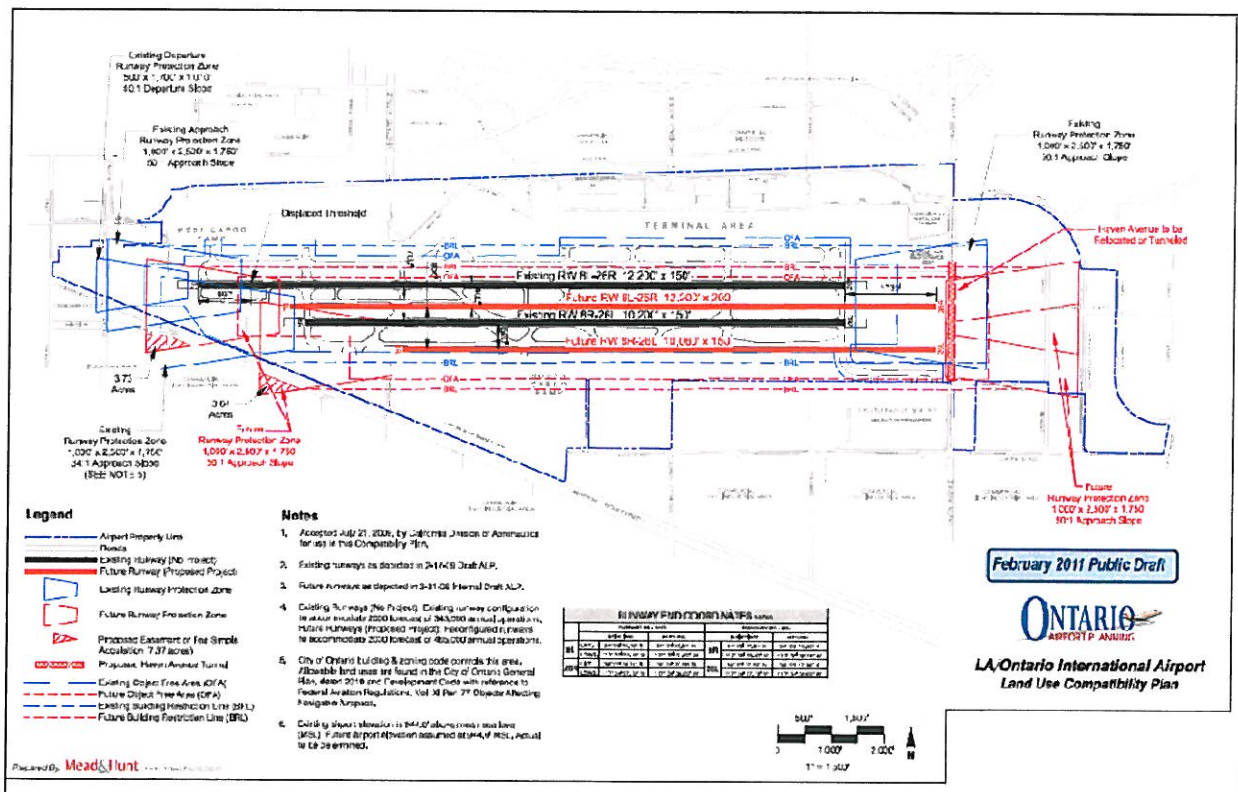
- (A) Adopt processes for the preparation, adoption, and amendment of the airport land use compatibility plan for each airport that is served by a scheduled airline or operated for the benefit of the general public.
- (B) Adopt processes for the notification of the general public, landowners, interested groups, and other public agencies regarding the preparation, adoption, and amendment of the airport land use compatibility plans.
- (C) Adopt processes for the mediation of disputes arising from the preparation, adoption, and amendment of the airport land use compatibility plans.
- (D) Adopt processes for the amendment of general and specific plans to be consistent with the airport land use compatibility plans.

The Alternative Process within San Bernardino County was established in 1995 by resolutions of the County Board of Supervisors and the city councils of cities affected by airports. Ontario City Council adopted the Alternative Process through Resolution No. 95-34 consistent with state law. In 1995 the AIA for ONT was contained within the City's boundaries and the Airport Environs Section of the 1992 General Plan was used as the basis for airport land use compatibility plan. The California Division of Aeronautics approved the San Bernardino County Alternative Process in 1996. The approval of the Alternative Process designated the City of Ontario as the local jurisdiction responsible for airport land use compatibility planning for ONT. If the City of Ontario and affected

agencies fail to comply with the Alternative Process, then the responsibility for airport land use compatibility planning would revert back to the County of San Bernardino. This would result in an extended entitlement process for project applicants and a loss of local control by affected agencies. Land use and entitlement decisions within the AIA would require San Bernardino Airport Land Use Commission review and approval prior to the affected agencies taking final action.

The future growth forecasts proposed by Los Angeles World Airports (LAWA) airport master plan efforts coupled with SCAG's Regional Transportation Plan projections assumed that current activity at the airport would more than triple by 2030. Since addressing future impacts on a 30 MAP airport covered areas outside of the City Limits, the City recognized that a standalone document should be prepared that would address compatibility concerns and modify the existing Alternative Process to include all jurisdictions affected by future growth of ONT.

State law dictates that airport land use compatibility plans have a 20 year horizon and be based upon an Airport Master Plan (AMP) or an Airport Layout Plan (ALP). However, before ONT's AMP could be completed and adopted, LAWA suspended work on the plans development in early 2009. Since the AMP was not completed an ALP drawing was prepared by the City of Ontario showing the existing and potential future runway alignments and served as the basis for the ALUCP for ONT. The ALP drawing was approved by the California Division of Aeronautics in July of 2009 (Exhibit 1-5 of ALUCP) and the ALP drawing is depicted on the following page and is Exhibit 1-6 of the ALUCP.



Simplified Airport Layout Drawing

ONT Future and Existing Activity Forecasts — The activity forecasts LAWA generated prior to the discontinuation of the AMP, explored several possible scenarios that the airport could experience. The ALUCP is focusing on two ultimate forecasts that were prepared. The “no project” and “proposed project” scenarios, as defined in the preliminary ONT AMP, represent the two levels of airport activity which could potentially be seen by 2030 depending on the ultimate configuration of the airport.

The “no project” forecast assumes that the airport configuration would remain as it is today. This lack of airfield change would limit the airport to approximately 343,000 annual aircraft operations. The preliminary ONT AMP anticipated that this level of demand would be reached by 2030.

The “proposed project” forecast is based on the ultimate reconfiguration of the airport which involved shifting both runways south and east of their present positions. In this configuration, the airfield will be able to accommodate approximately 465,000 operations. This forecast assumes roughly 33.4 million passengers and 3.26 million tons of air cargo enplaned and deplaned annually. The forecast of 33.4 million passengers is based on the assumption that any terminal expansion would be restricted to the north side of the airport provided that the airfield is capable of accommodating it. It is important to note that the 3.26 million tons of air cargo expected within the planning period includes both the off-airport United Parcel Service (UPS) activity, and the 1.6 million tons of air cargo served by the on-airport cargo facilities. UPS maintains a large sorting facility south of the airport with a through-the-fence access point. UPS aircraft land and take off on the ONT runways but UPS cargo is loaded and unloaded at the private UPS site.

The development of the ALUCP began in December of 2008 which included the participation of surrounding jurisdictions who served as the Technical Advisory Committee (TAC). Members of the TAC included representatives from, FAA, Caltrans Division of Aeronautics, LAWA, the cities of Rancho Cucamonga, Fontana, Upland, Chino, Montclair and the Counties of San Bernardino and Riverside. The TAC also included City of Ontario technical staff from various agencies. Throughout the process of developing the ALUCP there were a total of four TAC meetings in addition to one-on-one meetings with outside agencies. These meetings focused on three major areas: compatibility factors, policies relevant to their portions of the AIA and future plan implementation.

PROJECT ANALYSIS:

ALUCP Compatibility Factors - The ALUCP addresses four compatibility factors which include safety, noise, airspace protection, and overflight impacts. Affected agencies will utilize the compatibility policies to evaluate future airport plans, land use plans and new development proposals for consistency with the ALUCP for ONT. Each compatibility factor was evaluated in the ALUCP taking into consideration existing and ultimate runway configurations and forecast information and created compatibility policies and criteria. The ALUCP also identifies how each jurisdiction is affected by each compatibility factor as summarized in the table below.

Affected Jurisdictions					
Agency	Safety	Noise	Airspace Protection	Overflight	Comments
City of Ontario	X	X	X	X	All policies apply
City of Chino		X	X	X	
City of Fontana		X	X	X	
City of Montclair		X	X	X	
City of Rancho Cucamonga			X	X	
City of Upland			X	X	
County of San Bernardino		X	X	X	Policies are informational; Participating in Alternative Process on discretionary basis (see Chap. 2, Section 1.2.3 of ALUCP) Policies are informational (see Chap. 2, Section 1.2.3 of ALUCP) Policies are informational (see Chap. 2, Section 1.2.3 of ALUCP)
County of Riverside		X	X	X	
City of Pomona, Los Angeles County				X	
City of Claremont, Los Angeles County				X	

Generic Large Air Carrier Safety Zones

Note: where zone overlap, lower numbered zone takes precedence

LEGEND

Boundary Lines

- Airport Property Line
- County Line
- - - City Limits
- - - Street
- Existing Runways
- - - Future Runways

Policy Boundaries

- Airport Influence Area (beyond map view)

Safety Zones¹

- Zone 1 - Runway Protection Zone (RPZ)
- Zone 2 - Inner Approach/Departure Zone
- Zone 3 - Inner Turning Zone
- Zone 4 - Outer Approach/Departure Zone
- Zone 5 - Side Line Zone
- Overlay Safety Zone 1A²

Runway 8L-26R

Runway 8R-26L

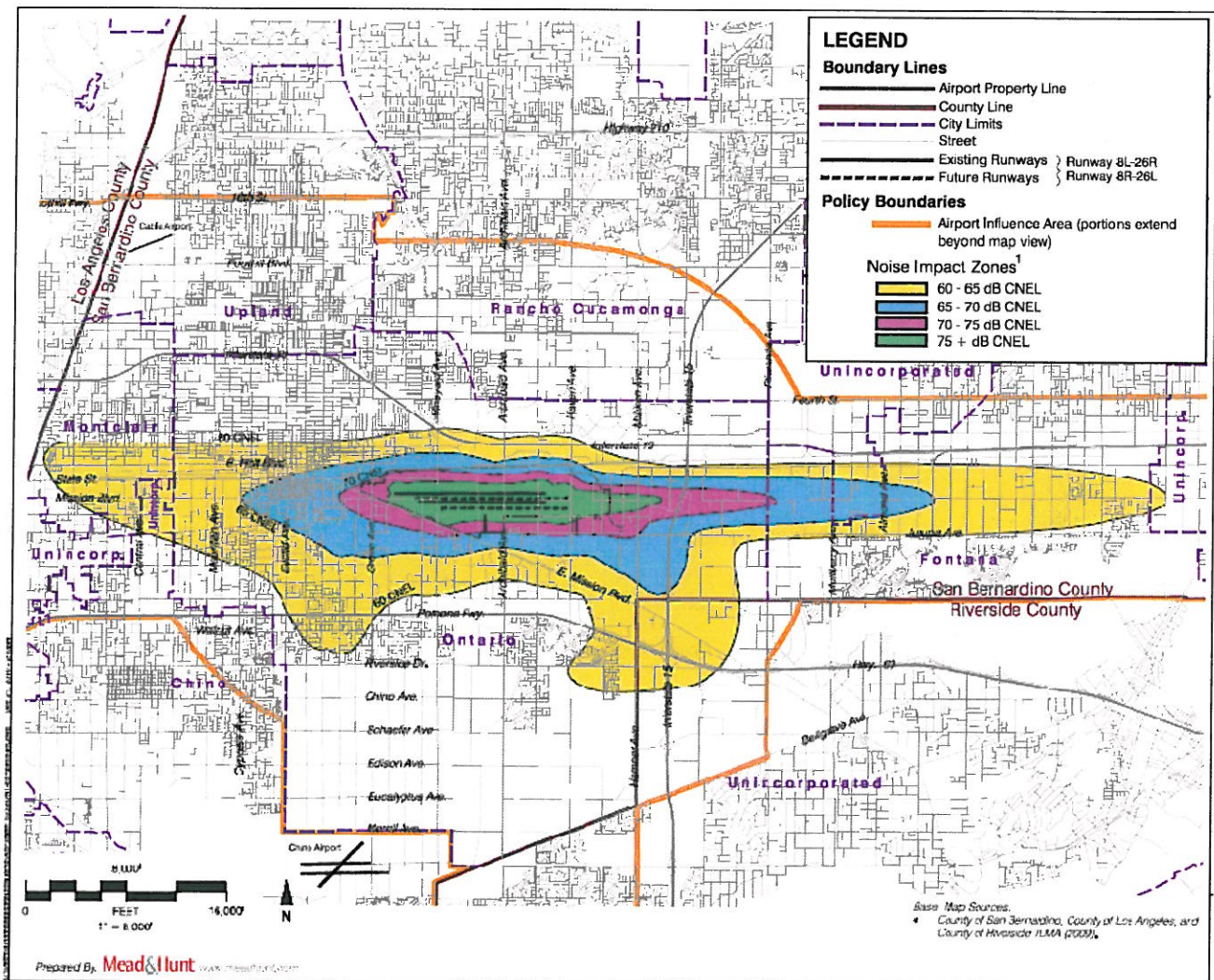
Scale: 1" = 3,000'

North Arrow: N

Map Labels: Rancho Cucamonga, Ontario, California, International Border, Airport Blvd, Main St, 60th St, 40th St, 20th St, 10th St, 5th St, 1st St, 1st Ave, 2nd Ave, 3rd Ave, 4th Ave, 5th Ave, 6th Ave, 7th Ave, 8th Ave, 9th Ave, 10th Ave, 11th Ave, 12th Ave, 13th Ave, 14th Ave, 15th Ave, 16th Ave, 17th Ave, 18th Ave, 19th Ave, 20th Ave, 21st Ave, 22nd Ave, 23rd Ave, 24th Ave, 25th Ave, 26th Ave, 27th Ave, 28th Ave, 29th Ave, 30th Ave, 31st Ave, 32nd Ave, 33rd Ave, 34th Ave, 35th Ave, 36th Ave, 37th Ave, 38th Ave, 39th Ave, 40th Ave, 41st Ave, 42nd Ave, 43rd Ave, 44th Ave, 45th Ave, 46th Ave, 47th Ave, 48th Ave, 49th Ave, 50th Ave, 51st Ave, 52nd Ave, 53rd Ave, 54th Ave, 55th Ave, 56th Ave, 57th Ave, 58th Ave, 59th Ave, 60th Ave, 61st Ave, 62nd Ave, 63rd Ave, 64th Ave, 65th Ave, 66th Ave, 67th Ave, 68th Ave, 69th Ave, 70th Ave, 71st Ave, 72nd Ave, 73rd Ave, 74th Ave, 75th Ave, 76th Ave, 77th Ave, 78th Ave, 79th Ave, 80th Ave, 81st Ave, 82nd Ave, 83rd Ave, 84th Ave, 85th Ave, 86th Ave, 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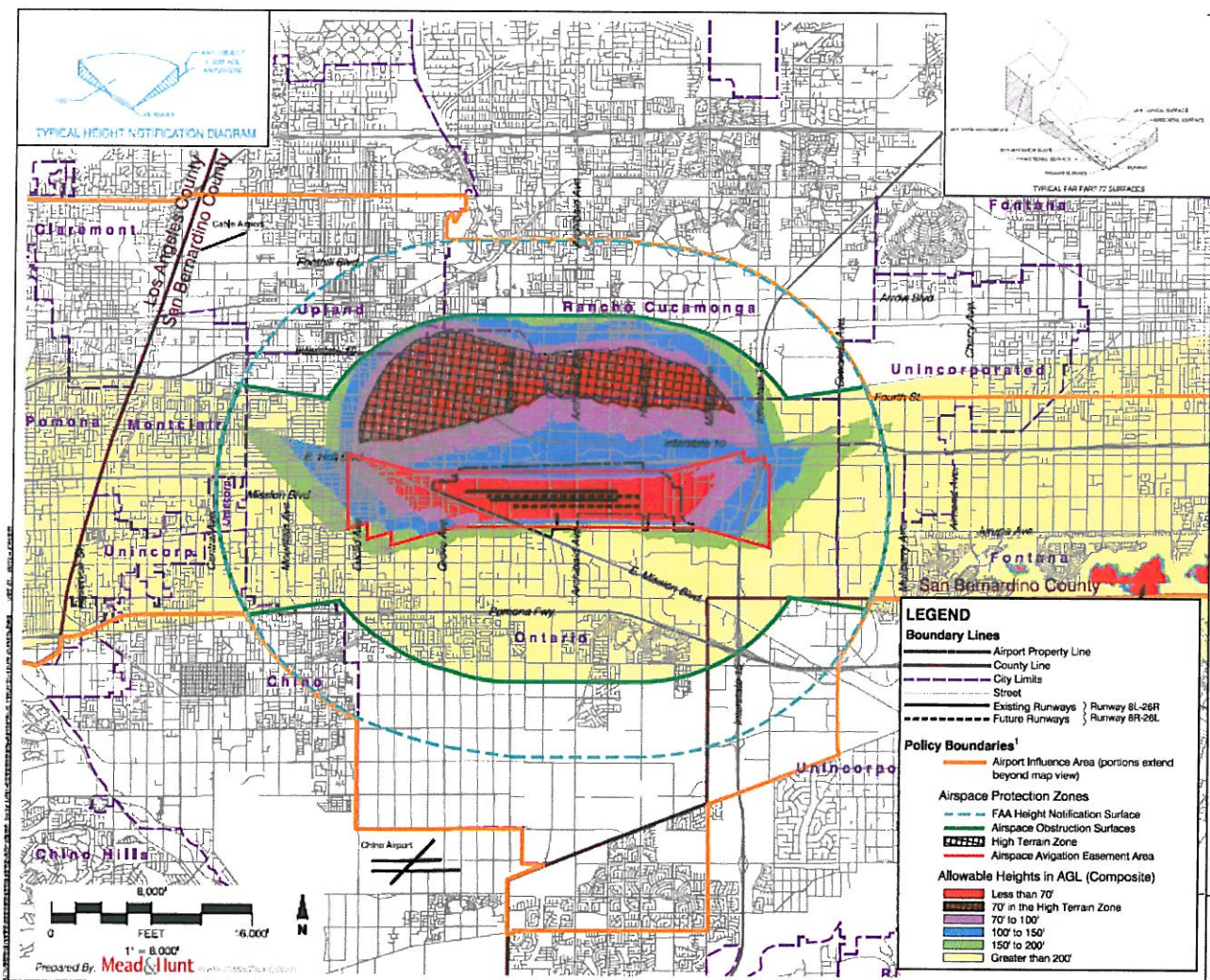
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Noise — The purpose of noise compatibility policies is to avoid the establishment of new noise-sensitive land uses within portions of the ONT AIA that will be exposed to significant levels of aircraft noise. The noise impact zones depicted below represent a composite of two sets of projected noise contours reflecting two forecast scenarios. The “No Project” scenario reflects the existing runway configuration with a 2030 forecast and the “Proposed Project” scenario reflects the ultimate runway configuration with a 2030 forecast. To minimize noise-sensitive development in noisy areas around ONT, new development will be evaluated in accordance with the policies set forth in the ALUCP. Land uses that are considered to be noise-sensitive are detailed within the ALUCP but the general plan land use designation of most concern is the development of new residential land uses within the 65 CNEL noise contour, which the ALUCP places restrictions on and prohibits in some areas.



Noise Impact Zones Policy Map

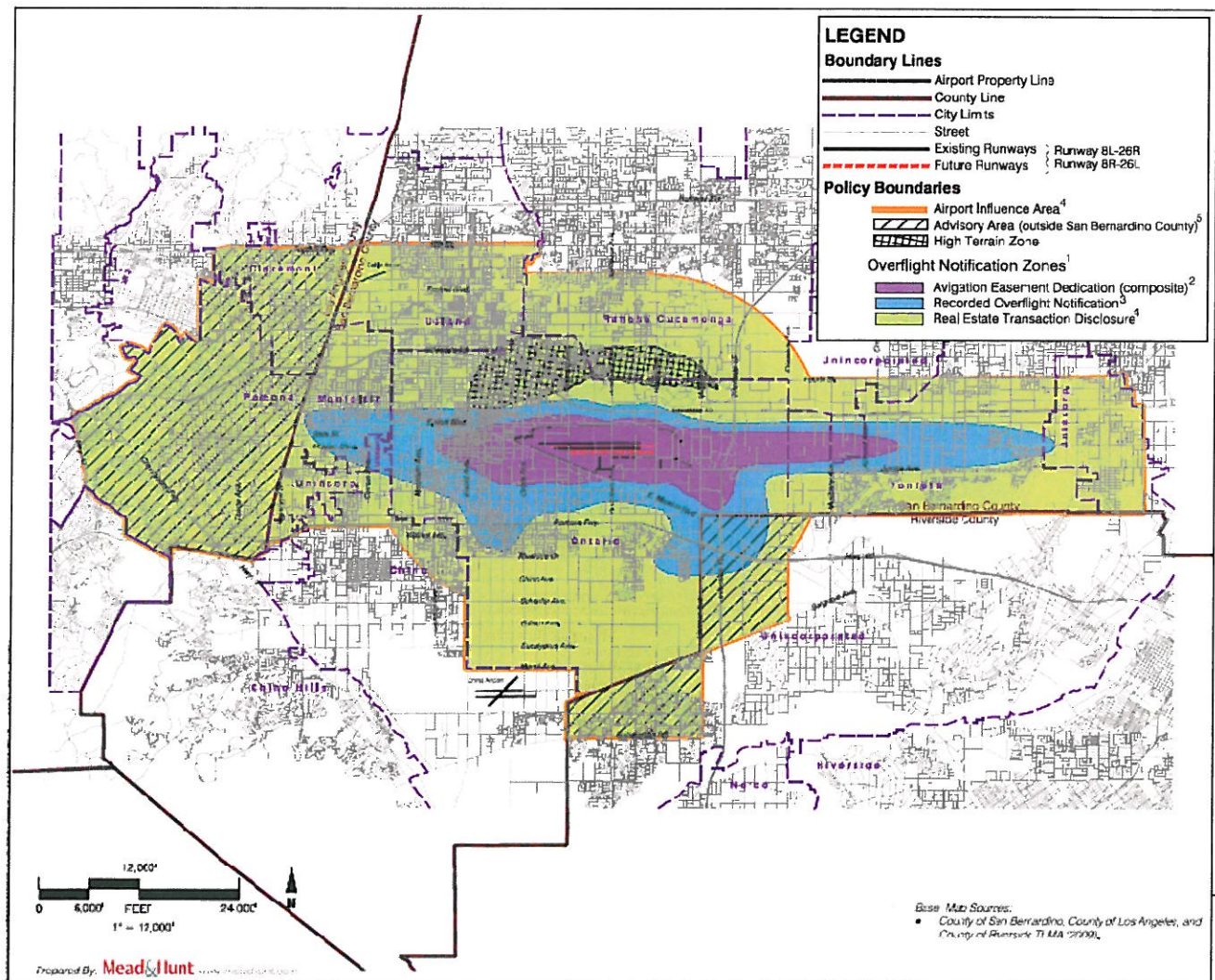
Airspace Protection — Airspace protection compatibility policies seek to prevent creation of land use features that can be hazards to aircraft in flight and have the potential for causing an aircraft accident to occur. Such hazards may be physical such as a building being built to high or lands uses on the ground that may cause visual or electronic hazards. The factors considered in setting airspace protection policies include: Federal Aviation Regulations (FAR) Part 77; the United States Standard for Terminal Instrument Procedures (TERPS); the One-Engine Inoperative (OEI) obstacle identification surface; and local topography which are detailed further within the ALUCP. To determine the allowable heights of future objects, the underlying ground elevation is compared with the elevation of the controlling portions of the FAR Part 77, TERPS, and OEI surfaces, which is depicted below and can be found in Chapter 2 of the ALUCP (Policy Map 2-4).



Airspace Protection Policy Map

Overflight — Noise from individual aircraft operations, can be intrusive and annoying in locations beyond the limits of the noise impacts zones. Sensitivity to aircraft overflights varies from one person to another. The purpose of overflight compatibility policies is to help notify people about the presence of overflights near airports so that they can make more informed decisions regarding acquisition or lease of property in the affected areas. Overflight compatibility is particularly important with regard to residential land uses.

The loudness of individual aircraft noise events is a key determinant of where airport proximity and aircraft overflight notification is warranted. The FAA has determined that overflight exposure is not significant where aircraft are flying at an altitude of 3,000 feet or more above ground level. The boundary of the overflight area for ONT, is depicted below and can be found in Chapter 2 of the ALUCP (Policy Map 2-5), is drawn to encompass locations where aircraft approaching and departing the airport typically fly at an altitude of 3,000 feet or less, together with locations underlying the airspace protection and height notification surfaces.



Overflight Policy Map

ALUCP AND GENERAL PLAN LAND USE CONSISTENCY: State Law requires General Plans and Specific Plans must be made consistent with adopted airport compatibility plans. Government Code Section 65302.3 requires that General Plans and any applicable Specific Plans “shall be consistent with” the Compatibility Plan and is reiterated in local agencies’ obligations under the Alternative Process (Public Utilities Code Section 21670.1(c)(2)(D)). General Plans do not need to be identical with the ALUCP in order to achieve consistency. Affected jurisdictions’ General Plans must do the following: (1) address compatibility planning issues, either directly or through reference to a zoning ordinance or other policy document; and (2) must avoid direct conflicts with the (ALUCP) development policies and criteria.

The consistency requirement pertains only to future land use development. Nothing in state law or the ALUCP requires that already existing development be removed or modified to eliminate incompatibilities that may already exist. Furthermore, General Plans and Specific Plans can show such land uses as continuing even though they would be nonconforming with the ALUCP criteria. Conflicts of this type do not constitute inconsistencies between a General Plan or Specific Plan and the ALUCP.

The preparation of the ALUCP included a General Plan Land Use Designation Consistency Analysis (GP Consistency Analysis) which evaluated the potential for conflicts with existing general plan land use designations that may result from implementing the proposed ALUCP policies within the AIA. All four compatibility factors (overflight, airspace protection, noise, safety) were evaluated as part of the GP Consistency Analysis. The GP Consistency analysis resulted in no inconsistencies within the AIA. The details of this analysis can be found in Appendix I of the ALUCP.

COMPLIANCE WITH THE ONTARIO PLAN: The proposed project is consistent with the principles, goals and policies contained within the six components that make up The Ontario Plan (TOP), including: (1) Vision, (2) Governance, (3) Policy Plan (General Plan), (4) City Council Priorities, (5) Implementation and (6) Tracking and Feedback. The policies set forth within the TOP specifically LU 5 are being complied with by the ALUCP.

- **Policy LU5-1** requires collaboration with FAA, Caltrans Division of Aeronautics, airport owners, neighboring jurisdictions, and other stakeholders in the preparation, update and maintenance of airport-related plans. *The ALUCP complied with Policy LU5-1 by establishing a Technical Advisory Committee with all the stakeholders mentioned above for the development of this plan.*
- **Policy LU5-2** requires the City coordinate with airport authorities to ensure The Ontario Plan is consistent with airport law and/or adopted master plans and land use compatibility plans for the ONT. *Policy LU5-2 will also be complied with by the adoption of the ALUCP, which incorporates relevant airport law and master plan efforts within the ALUCP.*
- **Policy LU5-3** requires the City to work with agencies to mitigate the impacts and hazards related to airport operations. *Policy LU5-3 will also be complied with by the adoption of the ALUCP, which includes language and establishes a process for working with other agencies.*

- **Policy LU5-4** requires the City fully comply with state statutes regarding the establishment of a City-administered Airport Land Use Commission for ONT. *Policy LU5-4 will also be complied with by the adoption of the ALUCP, which establishes a Mediation Board and Inter-Agency Notification Process which functions as an Airport Land Use Commission.*
- **Policy LU5-5** states the City supports and promotes an ONT that accommodates 30 million annual passengers and 1.6 million tons of cargo per year, as long as the impacts associated with that level of operations are planned for and mitigated. *Policy LU5-5 is complied with since ALUCP was developed to accommodate future growth of the airport by establishing policies and policy maps that incorporate future growth consistent with State Law.*

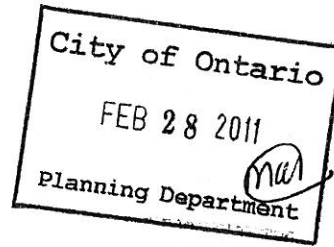
ALUCP MODIFIED PROPOSED ALTERNATIVE PROCESS: The procedural policies within the ALUCP modify the Alternative Process previously established for ONT in 1995. The modified Alternative Process provides for participation by all jurisdictions in San Bernardino County impacted by existing and future airport activity and for the optional participation of Riverside County. Representation by these jurisdictions will be accomplished through inter-agency collaboration and the formation of a Mediation Board to mediate disputes. Both these processes are outlined within the ALUCP and fulfill State Law requirements.

ENVIRONMENTAL REVIEW: The application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") and an initial study has been prepared to determine possible environmental impacts. On the basis of the initial study, which indicated that all potential environmental impacts from the Project were less than significant a Negative Declaration was prepared pursuant to CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines. The environmental documentation for this project is available for review at the Planning Department public counter and included in the ALUCP as Appendix H and I.

Elaine & Don Franzen
3017 S. Hampton Way
Ontario, CA 91761

February 27, 2011

City of Ontario
City Council
Ontario, CA



and

City of Ontario Planning Commission
Ontario, CA

To Whom It May Concern:

Re: Comments on the new Ontario Airport Land Use Commission Report currently in Public Comment Period

I am a resident of Phase 1 of the Edenglen Master Planned Community at 3017 S. Hampton Way, Ontario, CA 91761. My husband and I closed Escrow on April 30, 2008 and occupied the home on May 3, 2008. Prior to this land coming under the Sphere of Influence of the City of Ontario, the land was County Property and zoned for agricultural uses consisting of crops and dairy farms. The residents were crops and cows—not people. Needless to say, crops & cows don't care about their noise environment like people do. Give them food and water and they are happy. This is not the case with people. We, the people, need to be in a safe environment free of unwanted environmental factors such as night time airplane noise for us to be able to sleep and thrive.

The purpose of Environmental Impact Reports (EIRs) are to inform the public and investigate whether the environment will be "disturbed" by a project and if it will be disturbed, how can the disturbance be mitigated. EIRs are done to "investigate" and "discover" what, if anything, is involved to impact the environment surrounding a project. There are three main components: Investigation, Identification, and Mitigation.

In 1988, some 23 years ago, UPS conducted an EIR report which reported that a total of 40 flights would depart and arrive from Ontario International Airport daily; 20 arrivals and 20 departures. Of these 40 flights a total of 27 flights would depart or land after 9:00 p.m. at night or 66% of UPS flights. I suspect that other cargo carriers have a similar % of planes taking off and landing at night. According to this EIR, there is a "Noise Penalty Impact" 10 times the noise energy of a day time flight that is assessed. Therefore, night time flights carry a larger noise impact than day time flights for the purposes of figuring a noise contour and the noise associated with those night time flights in a 24-hour period v. the noise associated with day time flights in the same 24-hour period. ****Noise Contour Maps are developed by averaging the noise impacts of all the flights within a 24-hour period.****

FR1

Over the years, the number of night time flights has drastically increased. There have been consistently since 2007 until now over 200+ weekly night time flights taking off from Ontario International Airport in a contra-flow manner, that is taking off from west to east then circling back over the land to the south and east of the airport in order to travel north or west. The area over flown by the contra-flow motion is now known as the New Model Colony or "Edenglen" Master Planned Community. The problem is that none of this information was disclosed by either the City of Ontario or Brookfield Homes through the EIR process.

FR2

In June 1996, a "Sphere of Influence" General Plan and EIR was conducted regarding the Annexation of 160.6 acres of Lane within Subarea 7 of the New Model Colony (NMC). An Analysis of Existing Conditions and Trends report was created. The analysis **did not address any other airport-related issues surrounding the "Sphere of Influence" property other than those associated with the Chino Airport.** The EIR nor any of the reports associated with this Sphere of Influence annexation of Subarea 7, aka New Model Colony (NMC), of which the Edenglen Master Planned Community is a part of, discussed or identified night time over flights of the cargo aircraft over this property from **Ontario International Airport**, even though this property is only 2 miles away from this area and some 7 miles away from the much smaller Chino Airport that does not service UPS jumbo planes or Federal Express Jumbo jets. This, I believe, is highly **NEGLIGENT especially to the people who would someday buy homes and occupy this property!** Namely negligent to me and my husband!

FR3

In November 1999, the City of Ontario annexed the 8,200 acre Sphere of Influence as the New Model Colony. There are a total of 8 Specific Plans within the NMC and the Edenglen Specific Plan, sponsored by Brookfield Homes Southland, Inc. was the first to move forward by building and selling homes on this property.

On May 14, 2004, the California Environmental Quality Act (CEQA) Initial Study for Subarea 7 Specific Plan and General Plan Amendment was submitted. The Study sponsor was Brookfield Homes Southland, Inc. Within that Initial Study for CEQA, the Edenglen Project was identified as having "A portion of the project site **is located within two miles of Ontario International Airport.** An Airport Land Use Plan has not been adopted for this facility. The EIR will evaluate and describe any potential safety hazards related to the proposed development. The EIR will also recommend mitigation measures that may be required to reduce potentially significant impacts below the level of significance." (See Page 14 of the report.)

FR4

The Study further goes on to state, however, that **there is "NO NOISE IMPACT because the project isn't located within the 65, 70, or 75 dB noise contour lines of OIA (Ontario International Airport) based on a 4Q03 map issued by Los Angeles World Airports."** However, the report **DOES NOT** discuss or investigate the Counter Flow take off pattern of night time flights taking off from west to east, or flight paths of UPS/Federal Express or any other Cargo aircraft flying over this property. This, I believe, is also negligent. To consult a contour map and say there is no impact, while ignoring the fact that the airport is 2 miles away and there is a counter-flow night time flight pattern outside the normal operating flight path which is from east to west along the I-10 corridor, and review these "outside the norm" flight paths, number of flights, times of flights, and then to analyze this data to ensure the data being

FR5

offered is correct and to not request any independent studies to determine if there is an impact to the environment or for potential homeowners is negligent. What is to say the contour maps from the Los Angeles Airport are correct? Nothing. There was no data that was analyzed. The only thing done was to look at a outdated contour map.

As happens to be the case, there is a significant environmental impact especially for the NEW homeowners of the property. Since the property went from cows and crops to people residing on the property, consulting an old map that may or may not be viable is Negligent of the City of Ontario, the consultant, Michael Brandman Associates, and Brookfield Homes.

In September 2005, a Specific Plan (Edenglen) was developed by Brookfield Homes and adopted by the City of Ontario. Again, the Specific Plan relied on the EIR conducted for the Edenglen project in July 2005. The City of Ontario through Resolution approved the EIR without having the City of Ontario's Planning Department double-check the Consultant's report for accuracy or accurate measurements of the distance from the New Model Colony (NMC) to Ontario International Airport. As a matter of fact, the EIR for Edenglen did not fully describe the night time cargo plane flight noise or flight paths of night time cargo planes over the NMC from the Ontario International Airport. The EIR for the New Model Colony specifically stated the New Model Colony was not in the Airport Influence Area, a fact that is **not** correct, and that generally "Aircraft from OIA fly over the general project area in a southeasterly direction away from the airport." While this is a true statement, it is not the whole truth. The statement that the New Model Colony is not in the Airport Influence Area is **FALSE** and had the Planning Department bothered to check the Initial Study dated 5/14/04, the City would have found out that this property is within 2 miles of the Ontario International Airport. The whole truth is that fully loaded cargo jet planes under full acceleration to quickly gain altitude take off from Ontario International Airport in a counter-flow position going outside the normal flight pattern and then circle back over the New Model Colony at low altitudes multiple times throughout the night every night.

FR6

The **NEGLIGENCE** perpetuated by the City of Ontario, Brandman Associates, and Brookfield Homes based on all these facts and the history surrounding the Sphere of Influence annexation into the City of Ontario along with all the incomplete EIRs for UPS and Edenglen that do not adequately address the night time plane over flight of fully loaded cargo planes over this property, unfortunately for me, an unsuspecting homebuyer, placed me and all other initial property buyers within the Edenglen project in the position of not being made aware of all of these facts until after we purchased the home, moved in, and slept in the home. These facts were not disclosed and they should have been.

The City of Ontario and the builder, Brookfield Homes, had a duty to disclose these facts to us, but failed over the years to disclose the information and allowed new buyers of property to make an uninformed decision as to whether this night time plane over flight is acceptable. These facts were concealed.

The NMC is located 2 miles from the OIA when measuring from the closest property line of the airport to the closest property line the New Model Colony. This is a fact attested by measurements in the CEQA Initial Study. Not only that, but aircraft do not only fly over the

FR7

“general” project area in a southeasterly direction away from the airport, but aircraft especially large aircraft such as DC-10s, 747s, 767s, which are fully loaded with cargo, and a few “red eye” passenger planes take off from west to east in a contra-flow pattern then circle back in a westerly route directly over the New Model Colony nightly and directly over some of the homes, mine especially, at low altitudes and high trust, commencing after 9:00 p.m. and throughout the entire evening and early morning hours. This information was not mentioned in the New Model Colony EIR, the Specific Plan, the General Plan, or the Sphere of Influence reports.

FR7
Cont.

I have suffered innumerable nights of sleeplessness and I suffer from Sleep Deprivation.

Now, the City of Ontario is finally disseminating information through an Airport Land Use Plan which is in public comment period. This plan describes what I have just aforementioned about the night time over flight of aircraft over this property, revises the contour area to include a portion of the New Model Colony where my property is located, discloses the flight paths of the night time aircraft cargo flight patterns, and further discloses to the current property owners that we **MUST** disclose this information to any future buyers of these properties.

FR8

In other words, The City of Ontario and Brookfield Homes did not have to disclose this information to me and the other first-time owners of this property, but now we have to disclose this information to others. Had the public in general and I been protected by the City of Ontario through the EIR process by having **ALL** the correct information disseminated, some homeowners, including me, would not have purchased a highly night time noise-impacted home.

FR9

My husband and I believe the City of Ontario and Brookfield homes were not just negligent, but also fraudulently and with malice of forethought, tried to keep this information from the public. Why else would the Ontario International Airport not be mentioned in the Sphere of Influence Report for the annexation of this property when this airport is only two (2) miles away and has the heavy cargo operators such as UPS and Federal Express flying out of this airport in a counter-flow pattern that over flies the New Model Colony property.

People are free to purchase a home anywhere, but they should be made aware of everything, positive and negative, regarding the subject property under consideration for purchase. The EIR process is designed to keep everyone informed. In this instance, the City of Ontario, the Los Angeles Airport, Michael Brandman Associates, and Brookfield Homes failed in their duties to prospective residents of Ontario.

The City of Ontario should not be trusted to operate the Ontario International Airport and its reports should not be trusted for accuracy. There should be an independent, impartial task force/commission set up to investigate the fraudulent actions of the City of Ontario, Brandman Associates, and Brookfield Homes.

By copy of this letter and the corresponding copies of all of the information related to these EIRs, I am making a formal complaint to the City of Ontario and formal complaint to the Federal Aviation Association (FAA). I am also forwarding copies of my investigation to Senators Dutton, Negrete-McLeod, Amina Carter, Jeffries, Nestande, and Torres regarding SB 446.

Further, the EIR for the new Cargo Facility being considered for the airport property needs to be fully vetted to include the extreme additional night time over flight operations that will impact the homeowners in the first phase of the Edenglen project and to all property owners surrounding this new project.

Further, the mitigation measures of "extra" insulation and an 8' tall solid fence mentioned in the Mitigations for these properties did not come to fruition. Rather than the 8' tall fencing surrounding the property, there are long stretches of iron gate which allow traffic noise to permeate the neighborhood. The double-pane windows do nothing to thwart the loud traffic, street, freeway, and airplane noise.

FR10


In purchasing a home, I have the right to an uneventful and peaceful nights sleep—which I thought was included in my Purchase Agreement because nothing specific was disclosed to the contrary to me or my husband regarding the severely impacted airplane night time over flight of cargo jet noise which is outside the normal flight paths during the late evenings and throughout the early morning hours.

As a new resident purchasing a home in the City of Ontario, I should have had my rights to a peaceful nights sleep within my home upheld by every means possible including and especially by the vetting contained with the EIR reports. The noise impacts were continually concealed to the first time residents occupying the Edenglen Master Planned Community.

All those associated with this fraud and concealment should be held accountable for their actions. Those associated with this fraud include, but are not limited to:

The City Council, inclusive of all members since 1992
The Ontario Planning Department, inclusive of all members since 1992
Brookfield Homes
Michael Brandman Associates

Sincerely,



Don & Elaine Franzen

c: Senators Dutton, Negrete-McLeod, Amina Carter, Jeffries, Nestande, and Torres

Kevin Willis, Manager, Federal Aviation Administration, Airport Compliance Division (ACO-100), 800 Independence Avenue SW, Washington DC 20591, **Phone:** (202) 267-3085, **Fax:** (202) 267-5257

Ms. Dolores Corpus, FOIA Coordinator, FAA Western-Pacific Region, AWP-31, P.O. Box 92007, Los Angeles, CA 90009-2007, Phone: (310) 725-3809, Fax: (310) 725-6838



City of Fontana

C A L I F O R N I A

February 22, 2011

City of Ontario Planning Department
Richard Ayala, Senior planner
303 East "B" Street
Ontario, CA 91764-4105

Re: Response to the Notice of Intent to Adopt a Negative Declaration/Mitigated Negative Declaration for the proposed Airport Land Use Compatibility Plan (ALUCP) for LA/Ontario International Airport prepared by the City of Ontario.

Dear Mr. Ayala:

Thank you for the opportunity to respond to the proposed Negative Declaration (ND) for the above referenced ALUCP. The City of Fontana staff has been actively participating in the formulation of the ALUCP process as a member of your Technical Advisory Committee and in meetings with the Director of Planning for the City of Ontario to discuss the ramifications of the proposed ALUCP and the potential impacts to the City of Fontana. After meeting with Ontario staff and your consultants, it is fair to conclude that the City of Fontana generally supports the concept of establishing an ALUCP for the airport to ensure the safe operation of the airport, protect the public from hazards associated with the operation of the airport, and notify prospective property owners when a parcel is within an Airport Impact Area (AIA).

During the meetings with Ontario staff, the City of Fontana has emphasized the importance of community outreach and has requested that you and your consultants conduct a public meeting in Fontana to discuss the impacts of the ALUCP and to obtain input from the citizens as part of your CEQA process. The proposed ALUCP dictates that the City of Fontana modify its current General Plan and other City of Fontana plans to make the documents compatible with the provisions in the ALUCP. The ALUCP will also require, in conjunction with land use approvals within the City of Fontana, the recording of an Avigation Easement and/or an Overflight Notification on parcels within the City of Fontana, and real estate transaction disclosures on all property within the designated AIA identified in the ALUCP.

After review of the Notice of Intent (NOI) to Adopt a Negative Declaration and the associated CEQA Initial Study Checklist, the City of Fontana is concerned with the CEQA process used, the type of CEQA document proposed to address the environmental impacts associated with the project, and the lack of basic analysis for the conclusions in the Initial Study Checklist. The following comments are provided on the CEQA document:

- Given that the California Division of Aeronautics is a Responsible Agency for the project, we request that you provide the State Clearinghouse number for the NOI that was sent to the State.

Fon1

www.fontana.org

8353 SIERRA AVENUE FONTANA, CALIFORNIA 92335-3528 (909) 350-7600



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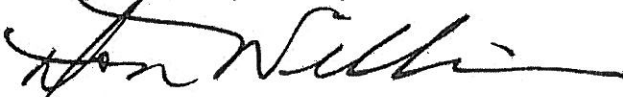
- This project qualifies as a project of areawide significance per Section 15206 of the CEQA Guidelines and therefore requires the City of Ontario to schedule a scoping meeting per Section 15082 of the CEQA Guidelines. Fon2
- The City of Ontario is proposing a Negative Declaration for the adoption of the ALUCP with a Planning Commission hearing date of February 22, 2011, and a subsequent City Council hearing date of March 1, 2011. The draft ALUCP and the CEQA Negative Declaration were distributed by email on January 31st, 6:30 pm and the documents were received on a disc on February 3rd (mailed February 1st). The public review period for the proposed Negative Declaration ends on the 1st of March (after the scheduled Planning Commission hearing) with comments received until 5:00 pm on the 1st of March. The City of Fontana is concerned that the Planning Commission of the City of Ontario is reviewing the ALUCP for a recommendation to the City Council (even though it is not a CEQA requirement it would show a spirit of cooperation with the public and the adjacent jurisdictions) prior to receiving comments on the ALUCP and the Negative Declaration or the responses generally prepared in relation to comments received. Fon3
- Section 10, Land Use and Planning, Page H-22 of the Initial study Checklist concludes that there will be no Land Use Planning impacts and/or that they will be less than significant. Given that the potential impacts of extending the airport runways further to the east and closer to Fontana with the resultant increase in noise and land use impacts is not evaluated in this document or any other CEQA document for the airport operation, it is premature, baseless, and editorial to conclude that there will not be a significant impact to Land Use Planning. Fon4
- Section 12, Noise, Page H-25 of the Initial Study Checklist concludes that there will be no Noise impacts or they will be less than significant. Extension and relocation of the existing runways to the east will extend the 65dB contour more than one additional mile into Fontana with a corresponding increase in the width of the noise contour. The potential impacts of this airport configuration were not evaluated in this proposed negative declaration or any other CEQA document. Given that the potential impacts of extending the airport runways further to the east and closer to Fontana, with the resultant increase in noise contours affecting more parcels and homes than with the current airport configuration, it is premature, baseless, and editorial to conclude that there will not be a significant noise impact within the City of Fontana. Fon5
- The City of Fontana staff does not support the conclusion in the proposed Negative Declaration for the ALUCP for the following reasons: 1) The City of Fontana, other affected jurisdictions, and the affected residents/property owners were not provided the opportunity to express their concerns at a scheduled scoping meeting; 2) The document doesn't address the impacts associated with a displacement of the existing runways closer to Fontana; and, 3) The document wasn't completed in accordance with the CEQA Guidelines. Fon6
- Given the inadequacy of the CEQA document that is presented, without any changes to the document, the City of Fontana staff is recommending that any compliance with the ALUCP should be limited to impacts from the existing airport operations and not projected impacts from a future airport configuration that may never occur. The City of Fontana should not require property owners to encumber their property with an Avigation Fon7

Easement based on future noise impacts that haven't been evaluated in an appropriate CEQA document and may never happen.

The City of Fontana requests, that the City of Ontario staff continue the public hearings on the ALUCP and (as we've requested in the past) conduct a community workshop within the City of Fontana, present the plan to the City of Fontana City Council, and prepare an appropriate CEQA document that addresses the full potential impacts of a proposed future runway configuration at Ontario Airport with increased air operations. We look forward to working with the City of Ontario to ensure that this plan is adopted to ensure that the public is informed of the airport operation, protect the health, safety, and welfare of all residents living within the airport environment, and prevent the construction of any hazards to aircraft operations at the Ontario Airport. Please contact me at 350-6723 or Charles Fahie, AICP, Senior Planner at 350-6724 if you have any questions.

Respectfully,

DEVELOPMENT SERVICES ORGANIZATION
Community Development Department

A handwritten signature in black ink, appearing to read "Don Williams", written over the typed name.

Don Williams, AICP
Director of Community Development

cc: Ken Hunt, City Manager
Debbie Brazill, Deputy City Manager
Charles Fahie, AICP, Senior Planner

PADV07-008 Planning Commission Report

Attachment A: Franzen Letter Response to Comments

- FR1. This section discusses flight information and noise contour information associated with the UPS Specific Plan EIR that was certified in 1989.

This comment is a statement regarding the certified UPS Specific Plan EIR and is not pertinent to the scope of the ALUCP.

- FR2. This section discusses UPS nighttime flight activity, and claims an increase of contra-flow operations since 2007 and a lack of disclosure regarding UPS night time operations as part of the Edenglen EIR.

The ALUCP did not rely upon information from the UPS Specific Plan EIR and is not pertinent to the scope of the ALUCP.

- FR3. This section refers to the New Model Colony (NMC) Sphere of Influence certified EIR claiming that airport-related impacts for ONT were not properly addressed.

The ALUCP did not rely upon information from the New Model Colony (NMC) Sphere of Influence certified EIR and is not pertinent to the scope of the ALUCP.

- FR4. This section refers to page 14 of the certified EIR for Edenglen, specifically the Initial Study, where the document states that a portion of the project site is located within two-miles of ONT and how the EIR will evaluate safety hazards related to the proposed development.

The ALUCP did not rely upon information from the Edenglen Specific Plan certified EIR and is not pertinent to the scope of the ALUCP.

- FR5. This section also refers to the certified EIR for Edenglen and disputes the statement “there is no noise impact” within the document and goes on to dispute that LAWA noise contour maps should not have been used since their maps do not include night time operations.

The ALUCP did not rely upon information from the Edenglen Specific Plan certified EIR and is not pertinent to the scope of the ALUCP.

- FR6. This section refers to the Edenglen Development Plans and how the environmental was not done properly since it relied upon the certified EIR for Edenglen.

The ALUCP did not rely upon information from the Edenglen Specific Plan certified EIR and is not pertinent to the scope of the ALUCP.

- FR7. This section refers to Edenglen’s proximity to ONT and how the certified EIRs for the NMC and Edenglen SP did not adequately analyze nighttime operations from ONT.

The ALUCP did not rely upon information from the NMC SOI certified EIR and Edenglen Specific Plan certified EIR and is not pertinent to the scope of the ALUCP.

- FR8. This section refers to ALUCP policies regarding overflight, which proposes a deed disclosure for residential development within the projected CNEL 60dB.

The projected CNEL 60dB within the ALUCP does encompass portions of Edenglen that would require deed disclosure for new residential development. The deed disclosure policy does not apply to existing development.

- FR9. This section explains that ALUCP policy for deed disclosure should have been incorporated into the Edenglen SP EIR.

The projected CNEL 60dB within the ALUCP does encompass portions of Edenglen that would require deed disclosure for new residential development. The deed disclosure policy does not apply to existing development.

- FR10. This section claims that mitigation measures of an 8 foot tall solid fence to protect Edenglen against street, freeway and airport noise were not developed.

The ALUCP did not rely upon information from the Edenglen Specific Plan certified EIR and is not pertinent to the scope of the ALUCP.

PADV07-008 Planning Commission Report

Attachment A Continued: Fontana Letter Response to Comments

Fon1. This section asks for the Project Clearinghouse number.

The Clearinghouse number is 2011011081.

Fon2. This section claims that the ALUCP is a project of areawide significance and cites Section 15206 of CEQA guidelines and therefore is required to have a scoping session per Section 15082 of CEQA guidelines.

The ALUCP does not qualify as a project of areawide significance under Section 15206 of the CEQA guidelines. The Initial Study identified a Negative Declaration as the appropriate level of review, it is not a general plan amendment, the project is not proposing new construction, it would not result in the cancellation of a Williams Act, the project is not located within an area of environmental sensitivity as listed in 15206 (4), and subsections (5) through (7) also do not apply to this project. For the following reasons listed above the ALUCP is not considered a project of areawide significance and therefore does not require a Scoping Session. Also, Section 15082 are preparation guidelines for an EIR and do not apply to this project.

Fon3. This section is requesting the Planning Commission and City Council meetings be continued to allow more time for review.

The City of Ontario Planning Commission opened the Public Hearing on February 22, 2011 and continued the project to March 22, 2011 and subsequently postponing the City Council meeting to the April 5, 2011(tentatively) which would allow the City of Fontana more time to review the draft ALUCP and Negative Declaration.

Fon4. This section is referencing page H-22 of the Initial Study Checklist and questioned the statement that the ALUCP would result in no land use impacts and/or less than significant impacts. The City of Fontana also questioned why the impacts from the proposed runway configurations shown in the ALUCP and associated noise contour projections were not evaluated.

The ALUCP has no control or authority over ONT and is not proposing the construction of the proposed runway configuration. CEQA does not require evaluation of an impact that the project does not create. The ALUCP is required to have a 20-year horizon taking into consideration regional growth projections which indicate ONT growing to a 31.6 Million Annual Passengers (MAP) by 2030 (Source: Southern California Association of Government's 2008 Regional Transportation Plan). The current runway configuration limits operations to a 19 MAP. The City of Ontario utilized data from LAWA's preliminary Airport Master Plan which included a proposed runway re-configuration to achieve consistency with regional growth projections. The ALUCP utilized this information as the basis for compatibility planning in order to protect the public health, safety, and welfare by ensuring orderly expansion of the airport and developed land use measures that would minimize the public's exposure to excessive noise and safety hazards within areas around ONT. These land use measures only apply to new development and not

existing development. ONT does not currently have an adopted Airport Master Plan. LAWA is responsible for preparing an Airport Master Plan for ONT. An Airport Master Plan is a long range plan for on-site airport improvements and is subject to NEPA and CEQA and would require environmental analysis for impacts associated with any runway re-configuration including but not limited to noise.

- Fon5. This section is referencing page H-25 of the Initial Study Checklist and questioned the statement that the ALUCP would result in no noise impacts and/or less than significant. The City of Fontana continued to raise concerns regarding the proposed runway configurations, projected noise contours and the lack of analysis of how many existing homes would be impacted by these noise projections.

Fon4 states the methodology for showing the proposed runway re-configuration within the ALUCP and further explained that an Airport Master Plan evaluates impacts associated with airport development. The ALUCP is not proposing the runway re-configuration but showing this information for purposes of Airport Land Use Compatibility Planning, a methodology that was approved by CALTRANS, Division of Aeronautics and included in the proposed ALUCP document.

- Fon6. In this section the City of Fontana describes why they do not support the conclusions of the Negative Declaration which include the lack of conducting a scoping session, the lack of analysis for the proposed runway relocation and for those reasons they conclude that proper CEQA guidelines were not followed for this project.

This project does follow proper CEQA guidelines for the ALUCP and the discussion regarding not holding a scoping session and not analyzing impacts associated with runway re-configuration are explained in Fon2, Fon4 and Fon5.

- Fon7. In this section the City of Fontana summarizes their opinion on CEQA compliance and asks that the document be limited to only imposing land use measures for the existing runway configuration and not consider the proposed runway re-configuration.

As discussed in Fon2 the ALUCP is required to have a 20-year horizon and take into consideration regional growth projections. In order for the ALUCP to comply with Southern California Association of Government's 2008 Regional Transportation Plan the proposed runway re-configuration must be considered.

RESOLUTION NO. PC11-018

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE THE AIRPORT LAND USE COMPATIBILITY PLAN FOR LA/ONTARIO INTERNATIONAL AIRPORT, FILE NO. PADV07-008, TO ESTABLISH COMPATIBILITY POLICIES BETWEEN LA/ONTARIO INTERNATIONAL AIRPORT AND SURROUNDING LAND USES WITHIN THE AIRPORT INFLUENCE AREA, AMEND THE ALTERNATIVE PROCESS, AND ADOPT A NEGATIVE DECLARATION.

WHEREAS, the City of Ontario ("Applicant") has filed an Application for the approval of an Airport Land Use Compatibility Plan for LA/Ontario International Airport, File No. PADV07-008, as described in the title of this Resolution (hereinafter referred to as "Project"); and

WHEREAS, the Resolution No. 95-34 established the City of Ontario as the responsible agency for land use compatibility planning for LA/Ontario International Airport; and

WHEREAS, the geographic scope of the Airport Land Use Compatibility Plan (ALUCP) is the Airport Influence Area (AIA), the area in which current or future airport-related noise, safety, airspace protection and/or overflight factors may affect future land uses or necessitate restrictions on those uses; and

WHEREAS, the Airport Influence Area which include portions of the Cities of Ontario, Fontana, Upland, Montclair, Rancho Cucamonga, Chino, Pomona and Claremont, portions of Riverside and Los Angeles Counties and unincorporated portions of San Bernardino; and

WHEREAS, the basic function of the project is to promote compatibility between LA/Ontario International Airport and the land uses that surround it and the main objective of the project is to avoid future compatibility conflicts rather than to remedy existing incompatibilities; and

WHEREAS, the Project is aimed at addressing future land uses and development, not airport activity and the project does not place any restrictions on the present and future role, configuration, or use of the airport; and

WHEREAS, the Project was based upon a Simplified Airport Diagram emphasizing both the existing and anticipated ultimate configurations of the runway system, runway protection zones (RPZ), setback requirements lateral to the runways and the airport property boundary. In accordance with State law, the Simplified Airport Diagram has been approved by the Division of Aeronautics as the basis for the Airport Land Use Compatibility Plan; and

WHEREAS, the project addresses all four compatibility factors (safety, noise, airspace protection and overflight) consistent with State law, the California Airport Land Use Planning Handbook (2002) and applicable Federal Regulations; and

WHEREAS, the procedural policies within the ALUCP modify the Alternative Process previously established for ONT in 1995. The modified Alternative Process provides for participation by all jurisdictions in San Bernardino County impacted by existing and future airport activity and for the optional participation of Riverside County. Representation by these jurisdictions will be accomplished through inter-agency collaboration. A Mediation Board will be formed to mediate disputes. Procedural policies do not apply to Los Angeles County and overflight notification policies are only informational.

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

WHEREAS, on the basis of the initial study, which indicated that all potential environmental impacts from the Project were less than significant, a Negative Declaration was prepared pursuant to CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines; and

WHEREAS, the Negative Declaration was made available to the public and to all interested agencies for a 30 day review and comment period pursuant to CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines; and

WHEREAS, on February 22, 2011, the Planning Commission of the City of Ontario conducted a hearing to consider the Negative Declaration, the initial study and the Project, and continued said hearing until March 22, 2011; and

WHEREAS, on March 22, 2011, the Planning Commission of the City of Ontario conducted a hearing to consider the Negative Declaration, the initial study and the Project, and concluded said hearing on that date; and

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

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

SECTION 1. As the recommending body for the Project, the Planning Commission has reviewed and considered the information contained in the Negative Declaration, the initial study and the administrative record for the Project, including all written and oral evidence provided during the comment period. Based upon the facts and information contained in the Negative Declaration, the initial study and the administrative record, including all written and oral evidence presented to the Planning Commission, the Planning Commission finds as follows:

a. The Negative Declaration, initial study and administrative record have been completed in compliance with CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines; and

b. The Negative Declaration and initial study contain a complete and accurate reporting of the environmental impacts associated with the Project and reflects the independent judgement of the Planning Commission; and

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

SECTION 2. Based upon the substantial evidence presented to the Planning Commission during the above-referenced hearing and upon the specific findings set forth in Section 1 above, the Planning Commission hereby concludes as follows:

a. The Project is consistent with the California State Aeronautics Act (Public Utilities Code, Section 21670 et seq.) that requires an Airport Land Use Compatibility Plan to be prepared for all public-use airports; and

b. The Project is consistent with State law and has a 20-year horizon, taking into consideration regional growth projections and future airport expansion plans that would increase airport activity and associated impacts; and

c. The Project was guided by the *California Airport Land Use Planning Handbook (2002)* published by the California Department of Transportation (Caltrans), Division of Aeronautics; and

d. The Project is consistent with Public Utilities Code Section 21670.1(c)(2) for implementing the Alternative Process.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the Planning Commission hereby takes the following action:

a. The Planning Commission recommends the City Council approve the Airport Land Use Compatibility Plan and adopt a Negative Declaration.

SECTION 4. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 5. The Secretary shall certify to the adoption of the Resolution.

APPROVED AND ADOPTED by the members of the Planning Commission of the City of Ontario this 22nd day of March 2011, by the following vote:

AYES: Downs, Gage, Hartley, Reyes, Willoughby, Delman, and Gregorek

NOES: None

ABSENT: None

ABSTAIN: None



Planning Commission Chairman

I, Jerry L. Blum, Secretary of the Planning Commission of the City of Ontario, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 22nd day of February 2011, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.



Planning Commission Secretary

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

I, MARY E. WIRTES, 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 April 5, 2011 and adopted at the regular meeting held _____, 2011 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

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

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION AND APPROVING FILE NO. PADV07-008, AN AIRPORT LAND USE COMPATIBILITY PLAN FOR LA/ONTARIO INTERNATIONAL AIRPORT, TO ESTABLISH COMPATIBILITY POLICIES BETWEEN LA/ONTARIO INTERNATIONAL AIRPORT AND SURROUNDING LAND USES WITHIN THE AIRPORT INFLUENCE AREA AND AMEND THE ALTERNATIVE PROCESS.

WHEREAS, the City of Ontario ("Applicant") has filed an Application for the approval of an Airport Land Use Compatibility Plan for LA/Ontario International Airport, File No. PADV07-008, as described in the title of this Ordinance (hereinafter referred to as "Project"); and

WHEREAS, the Resolution No. 95-34 established the City of Ontario as the responsible agency for land use compatibility planning for LA/Ontario International Airport; and

WHEREAS, the geographic scope of the Airport Land Use Compatibility Plan (ALUCP) is the Airport Influence Area (AIA), the area in which current or future airport-related noise, safety, airspace protection and/or overflight factors may affect future land uses or necessitate restrictions on those uses; and

WHEREAS, the Airport Influence Area which include portions of the Cities of Ontario, Fontana, Upland, Montclair, Rancho Cucamonga, Chino, Pomona and Claremont, portions of Riverside and Los Angeles Counties and unincorporated portions of San Bernardino; and

WHEREAS, the basic function of the project is to promote compatibility between LA/Ontario International Airport and the land uses that surround it and the main objective of the project is to avoid future compatibility conflicts rather than to remedy existing incompatibilities; and

WHEREAS, the Project is aimed at addressing future land uses and development, not airport activity and the project does not place any restrictions on the present and future role, configuration, or use of the airport; and

WHEREAS, the Project was based upon a Simplified Airport Diagram emphasizing both the existing and anticipated ultimate configurations of the runway system, runway protection zones (RPZ), setback requirements lateral to the runways and the airport property boundary. In accordance with State law, the Simplified Airport Diagram has been approved by the Division of Aeronautics as the basis for the Airport Land Use Compatibility Plan; and

WHEREAS, the project addresses all four compatibility factors (safety, noise, airspace protection and overflight) consistent with State law, the California Airport Land Use Planning Handbook (2002) and applicable Federal Regulations; and

WHEREAS, the procedural policies within the ALUCP modify the Alternative Process previously established for ONT in 1995. The modified Alternative Process provides for participation by all jurisdictions in San Bernardino County impacted by existing and future airport activity and for the optional participation of Riverside County. Representation by these jurisdictions will be accomplished through inter-agency collaboration. A Mediation Board will be formed to mediate disputes. Procedural policies do not apply to Los Angeles County and overflight notification policies are only informational.

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

WHEREAS, on the basis of the initial study, which indicated that all potential environmental impacts from the Project were less than significant, a Negative Declaration was prepared pursuant to CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines; and

WHEREAS, the Negative Declaration was made available to the public and to all interested agencies for a 30 day review and comment period pursuant to CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines; and

WHEREAS, on March 22, 2011, the Planning Commission of the City of Ontario conducted a duly noticed public hearing and issued Resolution No. PC11-018, recommending the City Council approve the application.

WHEREAS, on April 5, 2011, the City Council of the City of Ontario conducted a public hearing to consider the Negative Declaration, the initial study and the Project, and concluded said hearing on that date; and

WHEREAS, on April 19, 2011, the City Council of the City of Ontario conducted a public hearing to consider the Negative Declaration, the initial study and the Project, and concluded said hearing on that date; and

WHEREAS, the City Council has the authority to adopt Airport Land Use Compatibility Plans and any amendments; and

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

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

SECTION 1. As the decision-making body for the Airport Land Use Compatibility Plan, the City Council has reviewed and considered the information contained in the Negative Declaration, the initial study and the administrative record for

the Project, including all written and oral evidence provided during the comment period. Based upon the facts and information contained in the Negative Declaration, the initial study and the administrative record, including all written and oral evidence presented to the City Council, the City Council finds as follows:

a. The Negative Declaration, initial study and administrative record have been completed in compliance with CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines.

b. The Negative Declaration and initial study contain a complete and accurate reporting of the environmental impacts associated with the Project and reflects the independent judgement of the City Council;

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

SECTION 2. Based upon the substantial evidence presented to the City Council during the above-referenced hearing and upon the specific findings set forth in Section 1 above, the City Council hereby concludes as follows:

a. The Project is consistent with the California State Aeronautics Act (Public Utilities Code, Section 21670 et seq.) that requires an Airport Land Use Compatibility Plan to be prepared for all public-use airports; and

b. The Project is consistent with State law and has a 20-year horizon, taking into consideration regional growth projections and future airport expansion plans that would increase airport activity and associated impacts; and

c. The Project was guided by the *California Airport Land Use Planning Handbook (2002)* published by the California Department of Transportation (Caltrans), Division of Aeronautics; and

d. The Project is consistent Public Utilities Code Section 21670.1(c)(2) for implementing the Alternative Process.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council hereby takes the following action:

a. The City Council approves and adopts the Negative Declaration prepared for the Project.

SECTION 4. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, unconstitutional or otherwise struck-down by a court of competent jobs, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more portions of this ordinance might be declared invalid.

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

SECTION 6. 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 _____ 2011.

PAUL S. LEON, MAYOR

ATTEST:

MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO FORM:

JOHN E. BROWN, CITY ATTORNEY

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

I, MARY E. WIRTES, 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 April 19, 2011 and adopted at the regular meeting held _____, 2011 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

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

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)