



San Bernardino County

Legislation Text

File #: 3613, Agenda Item #: 70

REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS OF THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT AND RECORD OF ACTION

February 9, 2021

FROM

BRENDON BIGGS, Chief Flood Control Engineer, Flood Control District

SUBJECT

Amendment to Common Use Agreement with the City of Ontario for a Recreational Multi-Use Community Trail along Cucamonga Creek

RECOMMENDATION(S)

Acting as the governing body of the San Bernardino County Flood Control District, approve Amendment No. 3 to Common Use Agreement No. 16-257 with the City of Ontario to include a portion of Cucamonga Channel in the recreational multi-use community trail system.

(Presenter: Melissa Walker, Deputy Director, 387-7906)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Improve County Government Operations.

Pursue County Goals and Objectives by Working with Other Agencies.

FINANCIAL IMPACT

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). The San Bernardino County Flood Control District (District) costs associated with this amendment are limited to administrative costs related to the approval of this amendment. Improvements to District land for the development of the trails will be financed solely by the City of Ontario (City). Although the District will not receive a fee from the City under the proposed Amendment No. 3 to the Common Use Agreement No. 16-257, the District will benefit from improved access roads and reduced maintenance costs for the areas that become part of the trail system pursuant to this amendment. Development, operation, and maintenance of the City's trail system is at the City's sole expense. Sufficient appropriation has been included in the District's 2020-21 budget (1910002518).

BACKGROUND INFORMATION

On October 23, 2012 (Item No. 80) the Board of Supervisors (Board) approved a Memorandum of Understanding (MOU) between the District and the City, Contract No. 12-773, for the development of a multi-use community trail system within portions of the District right-of-way. Among other things, the MOU required that the District and the City enter into a separate agreement for the development and construction of individual trail segments.

On May 24, 2016 (Item No. 190) the Board approved Common Use Agreement No.16-257 (Agreement) between the District and the City under which the City was granted authorization to use portions of the

District's right-of-way for County Line Channel and Cucamonga Channel, defined as the Area of Common Use, for recreational multi-use community trails. On April 21, 2020 (Item No. 78), the Board approved Amendment No. 1 to the Agreement to include a segment of a recreational multi-use community trail system along District's Cucamonga Channel, from Merrill Avenue, northerly to Eucalyptus Avenue. On July 28, 2020 (Item No. 69), the Board approved Amendment No. 2 to the Agreement to include a segment of a recreational multi-use community trail system along District's Cucamonga Channel, from Merrill Avenue to approximately 1,300 feet south of Merrill Avenue.

The City's community trail has enhanced the Area of Common Use with features such as paved channel access roads, slurry sealing of existing asphalt concrete channel access roads, lockable access gates, step-throughs and signing and striping, thereby making District's right-of-way aesthetically pleasing to the community. In accordance with the Agreement, development and operation of this trail system is at the City's sole expense and responsibility, and will not interfere or conflict with any structures, facilities, operations or uses which the District has, or intends to have, for this land.

The District and City desire to amend the Agreement to add an additional stretch of multi-use trail to Cucamonga Channel. Amending the existing Agreement will allow the City to add an approximately 0.47 mile segment to the City's multi-use trail system along the east side of the District's Cucamonga Channel, from Ontario Ranch Road, approximately 2,500 feet southerly along the channel. Development, operation, and maintenance of the City's trail system will continue to be at the City's sole expense.

The term of the Agreement is for 20 years from May 24, 2016, terminating May 24, 2036, but may be terminated earlier upon one-year advance written notice by either party. No other terms and conditions of the Agreement will be modified by this Amendment.

Accommodating the trail within the District's right-of-way will support the County and Chief Executive Officer's goals and objectives to improve County government operations, and working with other agencies.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Sophie A. Akins, Deputy County Counsel, 387-5455) on November 18, 2020; Finance (Jessica Trillo, Administrative Analyst, 387-4222) on January 19, 2021; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on January 24, 2021.