

CITY OF ONTARIO
CITY COUNCIL, REDEVELOPMENT AGENCY,
AND HOUSING AUTHORITY
AGENDA
MARCH 1, 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 Closed Session and Closed Session Comment at 6:00 p.m., Public Comment at 6:30 p.m. immediately followed by the Regular Meeting and Public Hearings. No agenda item will be introduced for consideration after 10:00 p.m. except by majority vote of the City Council.

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

CALL TO ORDER (OPEN SESSION)

6:00 p.m.

ROLL CALL

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

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

CLOSED SESSION

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN 1048-472-11: 1131 E. Nocta; City/Agency/Authority Negotiator: Chris Hughes or his designee; Negotiating parties: Beryl I LLC; Under negotiation: Price and terms of payment.

In attendance: Dorst-Porada, Wapner, Mautz, Bowman, Mayor/Chairman Leon

PLEDGE OF ALLEGIANCE

Mayor pro Tem Dorst-Porada

INVOCATION

Reverend Larry Pitcher, First Church of the Nazarene

REPORT ON CLOSED SESSION

City Attorney

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.

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 February 1, 2011, and the special meeting of the City Council, Redevelopment Agency, Housing Authority on January 28, 2011, and approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

Bills January 2, 2011 through January 15, 2011 and **Payroll** January 2, 2011 through January 15, 2011, when audited by the Finance Committee.

3. A RESOLUTION IN SUPPORT OF THE CALIFORNIA-NEVADA INTERSTATE MAGNETIC LEVITATION (MAGLEV) PROJECT AND IN OPPOSITION TO THE DESERTXPRESS HIGH-SPEED TRAIN PROJECT

That the City Council adopt a resolution in support of the California-Nevada Interstate Magnetic Levitation ("Maglev") Project and in opposition to the DesertXpress High-Speed Train Project.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, IN SUPPORT OF THE CALIFORNIA-NEVADA INTERSTATE MAGNETIC LEVITATION (MAGLEV) PROJECT AND IN OPPOSITION TO THE DESERTXPRESS HIGH-SPEED TRAIN PROJECT.

4. CONSTRUCTION CONTRACT FOR THE 1010'-1 RESERVOIR IMPROVEMENTS PROJECT/J. COLON COATINGS, INC.

That the City Council approve the plans and specifications; reject the bid protest submitted by Advanced Industrial Services, Inc.; award Contract No. UT 0910-02, to J. Colon Coatings, Inc. of Alta Loma, California, for the 1010'-1 Reservoir Improvements Project for a bid amount of \$791,690 plus a 15% contingency of \$118,754 for a total contract amount of \$910,444; authorize the City Manager to execute said contract (on file with the Records Management Department) and file a notice of completion at the conclusion of all construction activities related to the project.

5. A RESOLUTION IN SUPPORT OF THE CDA PHASE 3 EXPANSION PROJECT AND APPROVAL OF AN AMENDED AND RESTATED WATER PURCHASE AGREEMENT WITH THE CHINO BASIN DESALTER AUTHORITY (CDA)

That the City Council adopt an Appropriator Resolution in support of the CDA Phase 3 Expansion Project; approve the Amended and Restated Water Purchase Agreement (on file with Records Management Department) with the Chino Basin Desalter Authority (CDA) subject to non-substantive changes; authorize the City Manager to execute said Agreement; and authorize the City Manager to approve expenditures required under the Amended and Restated Water Purchase Agreement.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, SUPPORTING THE COMPLETION OF FUTURE DESALTERS.

PUBLIC HEARINGS

6. CONSIDERATION OF AN ORDINANCE 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, AMEND THE ALTERNATIVE PROCESS, AND ADOPT A NEGATIVE DECLARATION

Item continued to meeting of April 5, 2011.

7. CONSIDERATION OF AN ORDINANCE GRANTING A ONE-YEAR TIME EXTENSION TO ALL DEVELOPMENT PLAN, CONDITIONAL USE PERMIT AND VARIANCE APPROVALS

That the City Council introduce and waive further reading of an ordinance granting a one year time extension to all Development Plan, Conditional Use Permit and Variance approvals which are due to expire on or before March 1, 2012.

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

Written communication.

Oral presentation.

Public hearing closed.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, GRANTING A ONE YEAR TIME EXTENSION TO ALL DEVELOPMENT PLAN, CONDITIONAL USE PERMIT AND VARIANCE APPROVALS WHICH ARE ACTIVE AND DUE TO EXPIRE ON OR BEFORE MARCH 1, 2012, AND MAKING FINDINGS IN SUPPORT THEREOF.

8. PUBLIC HEARING TO CONSIDER ADOPTION OF A RESOLUTION TO UPDATE AND MODIFY DEVELOPMENT IMPACT FEES

Item continued to meeting of March 15, 2011.

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

CLOSED SESSION REPORT

City Council / / Housing Authority / / Redevelopment Agency / /
Redevelopment Financing Agency / / Other / / (GC 54957.1)

March 1, 2011

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

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

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

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN: 1048-472-11: 1131 E. Nocta; City/Agency/Authority Negotiator:
Chris Hughes or his designee; Negotiating parties: Beryl I LLC; Under negotiation:
Price and terms of payment.

No Reportable Action	Continue	Approved
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/ /

/ /

/ /

Disposition: _____

Reported by: _____
City Attorney / City Manager / Executive Director

CITY OF ONTARIO

Agenda Report
March 1, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION IN SUPPORT OF THE CALIFORNIA-NEVADA INTERSTATE MAGNETIC LEVITATION (MAGLEV) PROJECT AND IN OPPOSITION TO THE DESERTXPRESS HIGH-SPEED TRAIN PROJECT

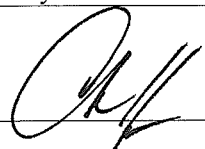
RECOMMENDATION: That the City Council adopt a resolution in support of the California-Nevada Interstate Magnetic Levitation ("Maglev") Project and in opposition to the DesertXpress High-Speed Train Project.

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 Growth and Evolution of the City's Economy

FISCAL IMPACT: The City of Ontario and the Ontario International Airport would reap benefits, both economic and environmental, from the Maglev Project far greater than any such benefits that would result from the DesertXpress Project. It is anticipated that the Maglev Project would create nearly 97,000 jobs, \$12 billion in economic output, and \$34 billion in household income with benefits to include the economic development impact of construction, operation and maintenance of the project, as well as commercial and residential development around stations or in the adjacent corridor. In contrast, the DesertXpress Project, which would connect Las Vegas only to the relatively remote and small Victorville (and eventually Palmdale), would achieve only a small part of the region-wide economic benefits which would otherwise accrue from construction and operation of the Maglev Project.

BACKGROUND: The proposed California-Nevada Maglev Project would construct a 269-mile high-speed magnetic levitation train line running from Anaheim to Las Vegas, through Ontario. It is estimated that by 2015 there will be 52 million people traveling between the urbanized areas of Southern California (including Orange, Los Angeles, and San Bernardino Counties) and the Las Vegas area of Southern Nevada. The existing highways and airports can accommodate approximately 38 million people, leaving 14 million with insufficient means of travel.

STAFF MEMBER PRESENTING: Chris Hughes, City Manager

Prepared by: Al Boling
Department: Citywide Administration
City Manager Approval: 

Submitted to Council/O.R.A./O.H.A. 03/01/2011
Approved: _____
Continued to: _____
Denied: _____

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The speed of a Maglev train can result in travel time for the full route between Anaheim and Las Vegas of less than 90 minutes, as opposed to the 3.5 to 8 hours it currently takes to drive the same route. The Maglev Project would accommodate up to 76,800 passengers per day, the equivalent number as an eight-lane freeway, while occupying less than 20% of the land required for such a freeway. Additionally, the City of Anaheim and Orange County Transportation Authority are currently developing the ARCTIC Project—an intermodal hub linking several transit modes including the proposed Maglev Project, the proposed San Francisco – Anaheim high-speed rail project, and existing Amtrak, Metrolink, and local and international bus routes. The route of the Maglev Project will include a segment which would carry passengers in 15 minutes from the ARCTIC Project to the Ontario International Airport, which would encourage additional use of the Ontario Airport by residents of Orange, Los Angeles, and San Bernardino Counties

Alternatively, the Federal Railroad Administration (“FRA”) is currently considering the so-called DesertXpress Project, a high-speed steel-on-rails project running from Victorville, California to Las Vegas, Nevada. The DesertXpress Project would travel at top speeds of 150 miles per hour, half the top speed of the Maglev, and would therefore take nearly as long to travel between Victorville and Las Vegas as the Maglev Project would take to travel the much greater distance between Anaheim and Las Vegas. Furthermore, passengers from the urban areas of Southern California would need to drive to Victorville – a highway trip of nearly an hour from Ontario – to catch the DesertXpress, which means that the DesertXpress, unlike the Maglev Project, would do relatively little to alleviate highway congestion in Southern California.

The DesertXpress would utilize an updated version of traditional steel-on-rails technology and achieve only a fraction of the environmental benefits of the Maglev Project since it would create railroad engine emissions and noise. Also, the DesertXpress Project would not provide a direct connection to the Ontario International Airport, and therefore would fail to provide the benefits of the Maglev Project to alleviate congestion at other regional airports. Connecting Las Vegas to the relatively remote and small Victorville (and eventually Palmdale) would achieve only a small part of the region-wide economic benefits which would accrue from construction and operation of the Maglev Project. Approval of the DesertXpress Project would effectively block approval of the Maglev Project, since the FRA has determined that the two projects, which would both use the I-15 corridor to Las Vegas, are “competitive” with one another, and that therefore there is no realistic scenario under which both the Maglev Project and the DesertXpress Project would be built.

The City of Ontario, and the Ontario International Airport, would achieve economic and environmental benefits from the Maglev Project in excess of those that would result from the DesertXpress Project. Accordingly, the City Council of the City of Ontario supports the Maglev Project and opposes the DesertXpress Project.

CITY OF ONTARIO

Agenda Report
March 1, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: CONSTRUCTION CONTRACT FOR THE 1010'-1 RESERVOIR IMPROVEMENTS PROJECT

RECOMMENDATION: That the City Council approve the plans and specifications; reject the bid protest submitted by Advanced Industrial Services, Inc.; award Contract No. UT 0910-02, to J. Colon Coatings, Inc. of Alta Loma, California, for the 1010'-1 Reservoir Improvements Project for a bid amount of \$791,690 plus a 15% contingency of \$118,754 for a total contract amount of \$910,444; authorize the City Manager to execute said contract (on file with the Records Management Department) 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, Street, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: The total recommended contract authorization of \$910,444 includes a 15% contingency (\$118,754). The Fiscal Year 2010-11 Capital Improvement Program for the Water Capital Fund includes \$620,819 under three related projects (Reservoir Recoat/Paint and Repair Project, Reservoir Piping Seismic Retrofits Project, and Facility Site Security Improvements). The remaining funds required (\$289,625) are available from the Dry-Year-Yield Wellhead Treatment Project which has been completed with budgetary savings of approximately \$569,000. There is no impact to the General Fund.

BACKGROUND: The recommended scope of work includes recoating, repainting, seismic retrofits, and site security improvements of the 1010'-1 reservoir. This reservoir is an above ground, 5.5 million gallon, circular, steel tank located at the southwest corner of Campus Avenue and Main Street. The interior and exterior coatings of the reservoir are the original coatings from when the reservoir was built in 1983, and they have outlasted their normal service life. An overall evaluation of the reservoir condition was conducted in 2007, and the recommended improvements were limited to recoating the interior only at that time. However, as a result of additional inspection, testing, and evaluation in 2010, the following additions to the original scope are recommended:

STAFF MEMBER PRESENTING: Mohamed El-Amamy, Utilities General Manager

Prepared by: Dennis Mejia
Department: Utilities/Engineering Division

Submitted to Council/O.R.A./O.H.A. 03/01/2011

Approved: _____

Continued to: _____

Denied: _____

City Manager
Approval: 

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- Paint the exterior of the reservoir
- Installation of a cathodic protection system
- Replace existing center vent
- Replace/modify interior and exterior ladders
- Improvements to interior steel rafters
- Installation of guardrails at roof hatches

Other improvements consist of retrofitting the reservoir inlet and outlet piping with the installation of flex joints and pipe supports as recommended in a 2008 Reservoir Seismic Vulnerability Evaluation; and installing an iron fence on top of the existing perimeter block wall to raise the perimeter barrier to a minimum height of eight feet as recommended in the 2003 Water System Security Vulnerability Assessment.

On January 18, 2011, eight (8) construction bids were received for Bid No. UT 0910-02. J. Colon Coatings, Inc. submitted the lowest bid. A bid summary table is shown below.

<u>Bidder (Location)</u>	<u>Bid Amount</u>
J. Colon Coatings, Inc. (Alta Loma, CA)	\$ 791,690
Advanced Industrial Services, Inc. (Los Alamitos, CA)	\$ 794,210
Paso Robles Tank, Inc. (Paso Robles, CA)	\$ 855,695
Blastco, Inc. (Downey, CA)	\$ 912,987
RPI Coating, Inc. (Santa Fe Springs, CA)	\$ 987,075
Olympus and Associates, Inc. (Reno, NV)	\$ 1,016,200
Utility Service Company, Inc. (Perry, GA)	\$ 1,037,575
Piana Construction and Painting, Inc. (Granada Hills, CA)	\$ 1,075,275

The City received a bid protest from Advanced Industrial Services, Inc. (AIS) regarding inclusion of a specific component of the project scope in the bid total. The protest contends that without this one aspect of the scope of work, AIS would be the apparent low bidder. At the recommendation of the City Attorney's Office, staff issued a response letter to AIS identifying the pertinent language in the Bid Specifications and Addendums for the Project where it states that this specific component of the project scope is to be included in the bid total. Therefore, staff recommends that the City Council reject the bid protest from AIS.

Staff recommends award to J. Colon Coatings, Inc. since they have performed this type of reservoir improvement in the past, they have the expertise and ability to perform the work in a timely manner, and are recommended by the design engineer, Harper & Associates Engineering, Inc.

CITY OF ONTARIO

Agenda Report
March 1, 2011

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION IN SUPPORT OF THE CDA PHASE 3 EXPANSION PROJECT AND APPROVAL OF AN AMENDED AND RESTATED WATER PURCHASE AGREEMENT WITH THE CHINO BASIN DESALTER AUTHORITY (CDA)

RECOMMENDATION: That the City Council adopt an Appropriator Resolution in support of the CDA Phase 3 Expansion Project; approve the Amended and Restated Water Purchase Agreement (on file with Records Management Department) with the Chino Basin Desalter Authority (CDA) subject to non-substantive changes; authorize the City Manager to execute said Agreement; and authorize the City Manager to approve expenditures required under the Amended and Restated Water Purchase Agreement.

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)
Pursue City's Goals and Objectives by Working with Other Governmental Agencies

FISCAL IMPACT: A Preliminary Design Report (PDR) for the CDA Desalter Facilities Expansion 3 Project has been completed and was approved by the CDA Board of Directors on January 6, 2011 with a revised cost estimate of \$116,470,000. The PDR cost estimate is approximately \$6,470,000 higher than the initial project cost estimate of \$110,000,000. However, additional grant funding in the amount of \$7,800,000 has recently been awarded, so approved grant funding for the project currently totals \$27,800,000.


The City of Ontario, Jurupa Communities Services District (JCSO), and Western Municipal Water District (WMWD) are equal partners in the Expansion 3 Project, which will be completed in multiple phases over the next four years. To date, Ontario's authorized appropriations towards the project cost is approximately \$5.6 million. The Fiscal Year 2008-09 Adopted Five-Year Capital Improvement Program included appropriations of \$29 million for the desalter expansion and appropriations for this continuing capital project were rolled into the current Fiscal Year 2010-11 Budget in the First Quarter Budget Report. Neither approval of the Amended and Restated Water Purchase Agreement nor

STAFF MEMBER PRESENTING: Mohamed El-Amamy, Utilities General Manager

Prepared by: Tim Mim Mack

Department: Utilities

City Manager

Approval: 

Submitted to Council/O.R.A./O.H.A. 03/01/2011

Approved: _____

Continued to: _____

Denied: _____

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adoption of the Appropriator Resolution will have an impact on the amount in the current City budget for this project.

BACKGROUND: The Desalter Facilities Expansion Project includes expanding the Desalter II treatment plant in terms of capacity and treatment technology, expanding the raw water well fields, and adding additional product water delivery facilities. Completion of the entire project will increase the total desalter water production from 24,600 to 35,200 acre-feet per year. As a result, the City's desalter water deliveries will increase from 5,000 to 8,533 acre-feet per year. The City Council approved a Water Purchase Agreement on February 5, 2002. The City Council approved an amendment to the existing Water Purchase Agreement with CDA on May 6, 2008, to allow member agencies the option to prepay and/or vary their share of the debt service payments related to bonds issued by the Authority.

The proposed amendments to the Water Purchase Agreement as set forth in the Amended and Restated Water Purchase Agreement are briefly summarized below:

- The definition of "Project" is expanded to include the original Chino I facilities, the Chino I expansion facilities, the Chino II facilities, and the Desalter Phase 3 Expansion facilities.
- Buy-In Costs in a specified amount are required to be paid by each of the Expansion Group members (Ontario, JCSD and WMWD) on or before a specified date and as a condition precedent to the effectiveness of the Amendment. Ontario's buy-in cost of \$1,352,612 is due upon approval of this WPA and is included in the current Fiscal Year 2010-11 Budget.
- Administrative Costs are separately defined and excluded from the definition of "Fixed O&M Costs." A specified amount of Administrative Costs reflecting the Expansion Group's share of Administrative Costs incurred by CDA prior to the date of the Amendment must be paid by each of the Expansion Group members on or before a specified date and as a condition precedent to the effectiveness of the Amendment. After the date of the Amendment, all CDA members (including the Expansion Group) must pay their share of Administrative Costs based on the Expanded Project Allotments.
- Fixed Project Costs and Fixed O&M Costs shall be paid by the original CDA members based on their existing Project Allotments until the Desalter Phase 3 Expansion project is complete and operating at a specified capacity, at which point all CDA members (including the Expansion group) shall pay Fixed Project Costs and Fixed O&M Costs calculated based on their Expanded Project Allotments.
- The Expansion Group members are required to pay to CDA the Fixed Project Costs for the Desalter Phase 3 Expansion Facilities not later than 30 days prior to the letting of each contract for the Desalter Phase 3 Expansion Project. If CDA does not receive such Desalter Phase 3 Expansion Facilities Fixed Project Costs, CDA may issue bonds for such Fixed Project Costs and charge the debt service for such bonds back to the defaulting party. The Expansion 3 Project is anticipated to include the award of at least twelve construction contracts and multiple professional services agreements to support design and construction activities.

- With respect to future Fixed Project Costs, other than Desalter Phase 3 Expansion Fixed Project Costs, CDA will provide notice of its intention to issue bonds at least 90 days prior to the proposed issuance date. If a member of CDA does not deposit its share of such Fixed Project Costs at least 30 days prior to the proposed issuance date, CDA will issue bonds to pay such future Fixed Project Costs and charge the debt service for such bonds back to any members that did not deposit their share of Fixed Project Costs with CDA.

Watermaster Resolution No. 10-04 in support of the Phase 3 Desalter Expansion project was approved by the Chino Basin Watermaster Board on October 28, 2010. Watermaster Board approval is contingent upon the approval of an Appropriator Resolution by all CDA Member Agencies that are also members of the Appropriative Pool. In the Appropriator Resolution each of the Appropriators to CDA, but not CDA itself, pledges to Watermaster their good faith and reasonable best efforts to support the completion of the Expansion Project, as approved by the CDA. This Resolution expresses the good faith and reasonable best efforts undertaken from each member of the CDA, other than WMWD who has already done so, to support the project. "Best efforts" means that each agency will do what is reasonable within its powers to support the completion of the project. The resolution will be used to demonstrate to the Court that there is unanimity of support by the individual members of the CDA for completion of the Expansion Project. The Court will be requested to approve the actions contained in the Watermaster resolution and order Watermaster to proceed as planned. The attached Resolution is conditioned upon all members of CDA executing the same Resolution and Court approval.

WMWD agreed to pursue the Phase 3 Expansion Project and exert good faith effort and reasonable best efforts to complete the project and meet the objectives of the Chino Basin Watermaster's court-ordered supplemental Optimum Basin Management Plan. There was no comparable commitment from the balance of CDA members with regard to the project. The attached Appropriator Resolution has been reviewed by all of the members of the CDA that participated in the process and their principals and counsel have reached recommendations to their various Boards and Councils. The Resolution expresses support by all individual members of the CDA, including Ontario, to complete the Expansion Project as it is approved by the CDA Board.

CITY OF ONTARIO

Agenda Report

March 1, 2011

**SECTION:
PUBLIC HEARINGS**

SUBJECT: CONSIDERATION OF AN ORDINANCE 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, AMEND THE ALTERNATIVE PROCESS, AND ADOPT A NEGATIVE DECLARATION

ITEM CONTINUED TO

APRIL 5, 2011

CITY OF ONTARIO

Agenda Report

March 1, 2011

SECTION: PUBLIC HEARINGS

SUBJECT: CONSIDERATION OF AN ORDINANCE GRANTING A ONE-YEAR TIME EXTENSION TO ALL DEVELOPMENT PLAN, CONDITIONAL USE PERMIT AND VARIANCE APPROVALS

RECOMMENDATION: That the City Council introduce and waive further reading of an ordinance granting a one year time extension to all Development Plan, Conditional Use Permit and Variance approvals which are due to expire on or before March 1, 2012.

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

FISCAL IMPACT: Adoption of the ordinance could result in the loss of fees for the processing of time extension requests (at the rate of \$490 per application). Conversely, future building permit fees, development impact fees and property tax revenues could be lost should current development applications be allowed to expire. Extending entitlement application approvals may assist developers to proceed with development projects delayed by the poor economy, thus increasing permit fees overall.

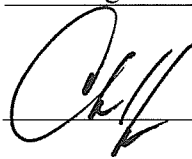
BACKGROUND: The Development Code establishes the regulatory framework for controlling the development and use of land in the City. These regulations generally require an applicant to submit and have approved, a Development Plan, and in some cases, a Conditional Use Permit and/or Variance application. City regulations further provide for the expiration of a Development Plan, Conditional Use Permit or Variance approval within a specified one- to two-year timeframe, unless a building permit is issued and construction is commenced, or the approved use has commenced.

To assist developers, landowners and business owners during the economic slowdown, on March 3, 2009, the City Council approved Ordinance No. 2910, extending the expiration date for Development Plan, Conditional Use Permit and Variance application approvals by one year. The ordinance affected applications that were active and due to expire on or before March 1, 2010.

STAFF MEMBER PRESENTING: Jerry L. Blum, Planning Director

Prepared by: Charles Mercier

Department: Planning

City Manager
Approval: 

Submitted to Council/O.R.A./O.H.A. 03/01/2011

Approved: _____

Continued to: _____

Denied: _____

On January 5, 2010, the City Council approved ordinance No. 2917, extending the expiration date for Development Plan, Conditional Use Permit and Variance application approvals by an additional year. The ordinance affected applications that were active and due to expire on or before March 1, 2011.

With the slow recovery in the economy, developers, and land and business owners face the prospect of having their Development Plan, Conditional Use Permit and Variance approvals expire before they can obtain financing. Therefore, staff is recommending the City Council grant an additional one-year time extension to all active Development Plan, Conditional Use Permit and Variance approvals, which are due to expire before March 1, 2012. This action would be consistent with the State Legislature and Governor's approval of Senate Bill No. 1185, which extends by 12 months, the expiration date of any tentative subdivision map that has not expired by January 1, 2011, and Assembly Bill No. 333, which extends the tentative subdivision map expiration an additional 12 months (for a total of 24 months), for any subdivision map that has not expired before January 1, 2012.

ENVIRONMENTAL REVIEW: The project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to § 15061(b) (3) of the CEQA Guidelines, which is the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

CITY OF ONTARIO

Agenda Report

March 1, 2011

**SECTION:
PUBLIC HEARINGS**

**SUBJECT: PUBLIC HEARING TO CONSIDER ADOPTION OF A RESOLUTION TO
UPDATE AND MODIFY DEVELOPMENT IMPACT FEES**

ITEM CONTINUED TO

MARCH 15, 2011