CITY OF MONTCLAIR

AGENDA FOR CITY COUNCIL, REDEVELOPMENT AGENCY, AND MONTCLAIR HOUSING CORPORATION MEETINGS

To be held in the Council Chambers
5111 Benito Street, Montclair, California

October 19, 2009

7:00 p.m.

As a courtesy please silence your cell phones, pagers, and other electronic devices while the meeting is in session. Thank you.

The CC/RDA/MHC meetings are now available in audio format on the City's website at www.ci.montclair.ca.us and can be accessed the day following the meeting after 10:00 a.m.

Page No.

I. **CALL TO ORDER** - City Council, Redevelopment Agency, and Montclair Housing Corporation

II. **INVOCATION**

In keeping with our long-standing tradition of opening our Council meetings with an invocation, this City Council Meeting may include a nonsectarian invocation. Such invocations are not intended to proselytize or advance any faith or belief or to disparage any faith or belief. Neither the City nor the City Council endorse any particular religious belief or form of invocation.

III. **PLEDGE OF ALLEGIANCE**

IV. **ROLL CALL**

V. **PRESENTATIONS** - None

VI. **PUBLIC COMMENT**

This section is intended to provide members of the public with an opportunity to comment on any subject that does not appear on this agenda. Each speaker will be afforded five minutes to address the City Council Members and Redevelopment Agency and Montclair Housing Corporation Boards of Directors. (Government Code Section 54954.3)

Under the provisions of the Brown Act, the Council/Agency/ MHC is prohibited from taking action on items not listed on the agenda.

VII. **PUBLIC HEARINGS** - None

VIII. **CONSENT CALENDAR**

A. Approval of Minutes - None

B. Administrative Reports

1. Consider Receiving and Filing of Treasurer's Report [CC] 4
2. Consider Approval of Warrant Register and Payroll Documentation [CC] 5
3. Consider Receiving and Filing of Treasurer's Report [RDA] 6
4. Consider Approval of Warrant Register [RDA] 7
5. Consider Receiving and Filing of Treasurer's Report [MHC] 8
6. Consider Approval of Warrant Register [MHC] 9

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7. Consider Setting a Public Hearing to Consider Ordinance No. 09-910 Amending Chapter 1.04 of the Montclair Municipal Code Related to the Issuance of Administrative Citations and Collection of Administrative Citation Fines [CC] 10

8. Consider Approval of the Proposed Fire Department Reorganization as Presented at the City Council Workshop on October 5, 2009 [CC] 16

9. Consider Approval of Filing of a Notice of Completion for City of Montclair Police Department Facility Bid Package No. 11-Dryall, Studs, Lath, and Plaster; Reduction of Faithful Performance Bond to 10 Percent; and Retention of Payment Bond for Six Months [CC]

   Consider Release of Retention 30 Days After Recordation of Notice of Completion [CC] 20

10. Consider Approval of Filing of a Notice of Completion for City of Montclair Police Department Facility Bid Package No. 16-Painting, Coatings, and Wallcovering; Reduction of Faithful Performance Bond to 10 percent; and Retention of Payment Bond for Six Months [CC]

    Consider Release of Retention 30 Days After Recordation of Notice of Completion [CC] 22

11. Consider "No Action" on Alcoholic Beverage Permit Application - Sushi Town [CC] 24

C. Agreements

1. Consider Approval of Agreement No. 09-97, an Option Agreement by and between the City of Montclair Redevelopment Agency and National Community Renaissance of California Regarding Property Located at 4113 Kingsley Street [CC] 25

2. Consider Approval of Agreement No. 09-98 Authorizing Mayor Eaton to Sign Amendment No. 3 to State Agreement No. 75GS6090 Extending the Expiration Date of the Subject Agreement to June 30, 2010 [CC] 28

3. Consider Authorization for City Manager McDougal to Award a Contract for the Construction of the Fremont Avenue Improvement Project to Kormx, Inc., in the Amount of $112,955 [CC]

   Consider Authorization for City Manager McDougal to Sign Agreement No. 09-99 with Kormx, Inc. [CC]

   Consider Authorization of a $15,000 Construction Contingency [CC] 31

D. Resolutions - None

IX. PULLED CONSENT CALENDAR ITEMS

X. RESPONSE - None

XI. COMMUNICATIONS

A. City Attorney/Agency Counsel

1. Oral Report on Written Decision in the Matter of the Appeal of Matthew Eaton

2. Closed Session Pursuant to Section 54956.8 of the Government Code Regarding Real Property Negotiations

   Property: 10307 Mills Avenue, Montclair

   Negotiating Parties: City of Montclair Redevelopment Agency, Montclair Family Housing Partners, L.P., and Len's Market

   Negotiators: Marilyn J. Staats, Director of Redevelopment/Public Works and Christine S. Caldwell, Assistant Director of Redevelopment, Alfredo Izmajtovich, Vice President of Acquisitions, National Community Renaissance of California (Property Owner), and Chris Choe, Business Owner, Len's Market

   Under Negotiation: Recommendations Regarding Purchase Price of Lease Interest

B. City Manager/Executive Director

C. Mayor/Chairman

D. Council/Agency Board

E. Committee Meeting Minutes *(For Informational Purposes Only)*

1. Minutes of the Public Works Committee Meeting of July 16, 2009 — 33

2. Minutes of the Personnel Committee Meeting of October 5, 2009 — 40

XII. COUNCIL/AGENCY WORKSHOP

A. Presentation of Annexation Fiscal Impact Study

(Council/Agency may consider continuing this item to an adjourned joint meeting on Monday, November 2, 2009, at 5:45 p.m. in the City Council Chambers).

XIII. ADJOURNMENT OF CITY COUNCIL AND MONTCLAIR HOUSING CORPORATION BOARD OF DIRECTORS

(At this time, the Redevelopment Agency will meet in Closed Session regarding real property negotiations).

XIV. CLOSED SESSION ANNOUNCEMENTS

XV. ADJOURNMENT OF REDEVELOPMENT AGENCY BOARD OF DIRECTORS

The next regularly scheduled City Council, Redevelopment Agency, and Montclair Housing Corporation meetings will be held on Monday, November 2, 2009, at 7:00 p.m. in the Council Chambers.

Reports, backup materials, and additional materials related to any item on this Agenda distributed to the City Council, Redevelopment Agency Board, or Montclair Housing Corporation Board after distribution of the Agenda packet are available for public inspection in the Office of the City Clerk located at 5111 Benito Street, Montclair, California, between 7:00 a.m. and 6:00 p.m., Monday through Thursday.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at (909) 625-9415. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title II)

I, Donna M. Jackson, City Clerk, hereby certify that I posted, or caused to be posted, a copy of this Agenda not less than 72 hours prior to this meeting on the bulletin board adjacent to the south door of Montclair City Hall on October 15, 2009.

AGENDA REPORT

SUBJECT:	CONSIDER RECEIVING AND FILING OF TREASURER'S REPORT	**DATE:**	October 19, 2009
		SECTION:	ADMIN. REPORTS
		ITEM NO.:	1
BUSINESS PLAN:	N/A	**FILE I.D.:**	FIN520
		DEPT.:	ADMIN. SVCS.

REASON FOR CONSIDERATION: State law requires the City Council to receive and file the Treasurer's Report.

BACKGROUND: Included in your agenda is a copy of the Treasurer's Report for the period ending September 30, 2009.

FISCAL IMPACT: Routine—report of City's cash and investments.

RECOMMENDATION: Staff recommends the City Council receive and file the Treasurer's Report for the month ending September 30, 2009.

Prepared by:		Reviewed and Approved by:	
Proofed by:	Kathy Dalton	Presented by:	

AGENDA REPORT

SUBJECT:	CONSIDER APPROVAL OF WARRANT REGISTER AND PAYROLL DOCUMENTATION	**DATE:**	October 19, 2009
		SECTION:	ADMIN. REPORT
		ITEM NO.:	2
		FILE I.D.:	FIN540
BUSINESS PLAN:	N/A	**DEPT.:**	ADMIN. SVCS.

REASON FOR CONSIDERATION: The City Council is requested to consider approval of the Warrant Register and Payroll Documentation.

BACKGROUND: Mayor Pro Tem Dutrey has examined the Warrant Register dated October 19, 2009, and Payroll Documentation dated August 2, 2009, finds them to be in order and recommends their approval.

FISCAL IMPACT: The Warrant Register dated October 19, 2009, totals $1,273,911.57. The Payroll Documentation dated August 2, 2009, totals $612,090.79, with $442,134.98 being the total cash disbursement.

RECOMMENDATION: Staff recommends the above-referenced Warrant Register and Payroll Documentation be approved as presented.

Prepared by:		Reviewed and Approved by:	
Proofed by:		Presented by:	

AGENDA REPORT

SUBJECT:	CONSIDER RECEIVING AND FILING OF TREASURER'S REPORT	**DATE:**	October 19, 2009
		SECTION:	ADMIN. REPORTS
		ITEM NO.:	3
		FILE I.D.:	FIN510
BUSINESS PLAN:	**N/A**	**DEPT.:**	REDEVELOPMENT

REASON FOR CONSIDERATION: State law requires the Agency Board of Directors to receive and file the Treasurer's Report.

BACKGROUND: Included in your agenda is a copy of the Treasurer's Report for the period ending September 30, 2009.

FISCAL IMPACT: Routine—report of the Agency's cash and investments.

RECOMMENDATION: Staff recommends the Agency Board of Directors receive and file the Treasurer's Report for the month ending September 30, 2009.

Prepared by:		Reviewed and Approved by:	
Proofed by:	Kathy Dacton	Presented by:	

AGENDA REPORT

SUBJECT:	CONSIDER APPROVAL OF WARRANT REGISTER	**DATE:**	October 19, 2009
		SECTION:	ADMIN. REPORTS
		ITEM NO.:	4
		FILE I.D.:	FIN530
BUSINESS PLAN:	N/A	**DEPT.:**	REDEVELOPMENT

REASON FOR CONSIDERATION: State law requires the Agency Board of Directors to receive and file the Warrant Register.

BACKGROUND: Vice Chairman Dutrey has examined the Warrant Register dated 09/01/09 - 09/30/09 in the amounts of $67,780.03 for Project I; $4,849.71 for Project II; $938,777.20 for Project III; $444,761.45 for Project IV; $35,068.17 for Project V; and $71,390.26 for Mission Boulevard Joint Redevelopment Project and finds it to be in order.

FISCAL IMPACT: Routine—report of Agency's obligations.

RECOMMENDATION: Vice Chairman Dutrey recommends approval of the Warrant Register for the period ending September 30, 2009.

Prepared by:		Reviewed and Approved by:	
Proofed by:	Kathy Dalton	Presented by:	

AGENDA REPORT

SUBJECT:	CONSIDER RECEIVING AND FILING OF TREASURER'S REPORT	**DATE:**	October 19, 2009
		SECTION:	ADMIN. REPORTS
		ITEM NO.:	5
BUSINESS PLAN:	N/A	**FILE I.D.:**	FIN525
		DEPT.:	MHC

REASON FOR CONSIDERATION: State law requires the Montclair Housing Corporation Board of Directors to receive and file the Treasurer's Report.

BACKGROUND: Included in your agenda is a copy of the Treasurer's Report for the period ending September 30, 2009.

FISCAL IMPACT: Routine—report of the Montclair Housing Corporation's cash and investments.

RECOMMENDATION: Staff recommends the Montclair Housing Corporation Board of Directors receive and file the Treasurer's Report for the month ending September 30, 2009.

Prepared by:		Reviewed and Approved by:	
Proofed by:	Kathy Dalton	Presented by:	

AGENDA REPORT

SUBJECT:	CONSIDER APPROVAL OF WARRANT REGISTER	**DATE:**	October 19, 2009
		SECTION:	ADMIN. REPORTS
		ITEM NO.:	6
		FILE I.D.:	FIN545
BUSINESS PLAN:	N/A	**DEPT.:**	MHC

REASON FOR CONSIDERATION: State law requires the Montclair Housing Corporation Board of Directors to receive and file the Warrant Register.

BACKGROUND: Vice Chairman Dutrey has examined the Warrant Register dated 09/01/09 - 09/30/09 in the amount of $125,943.78 for the Montclair Housing Corporation and finds it to be in order.

FISCAL IMPACT: Routine—report of Montclair Housing Corporation's obligations.

RECOMMENDATION: Vice Chairman Dutrey recommends approval of the Warrant Register for the period ending September 30, 2009.

Prepared by:		Reviewed and Approved by:	
Proofed by:	Kathy Dalton	Presented by:	

AGENDA REPORT

SUBJECT:	CONSIDER SETTING A PUBLIC HEARING TO CONSIDER ORDINANCE NO. 09-910 AMENDING CHAPTER 1.04 OF THE MONTCLAIR MUNICIPAL CODE RELATED TO THE ISSUANCE OF ADMINISTRATIVE CITATIONS AND COLLECTION OF ADMINISTRATIVE CITATION FINES	**DATE:**	October 19, 2009
		SECTION:	ADMIN. REPORTS
		ITEM NO.:	7
		FILE I.D.:	CDE010
		DEPT.:	FIRE
BUSINESS PLAN:	N/A		

REASON FOR CONSIDERATION: The City Council is requested to consider setting a public hearing to consider Ordinance No. 09-910 amending Chapter 1.04 of the Montclair Municipal Code (MMC) related to the issuance of administrative citations and collection of administrative citation fines.

BACKGROUND: On August 3, 1998, the City Council adopted Ordinance No. 98-779 (enacted as Chapter 1.04 of the MMC) that establishes a process for imposing administrative/civil fines for violators of the MMC (and other technical codes adopted therein) by means of an Administrative Citation. This process was created to ensure that responsible parties who were issued Administrative Citations pay the corresponding administrative fine to the City in a timely manner.

In August 2009, the Code Enforcement Committee directed staff to examine the current Administrative Citation Ordinance and recommended changes related to the recovery and collection of delinquent administrative fines.

Proposed Ordinance No. 09-910 utilizes all legal means available to the City to collect delinquent administrative fines and ensure that violators are adequately advised about available methods of payment for such fines.

FISCAL IMPACT: The cost to publish a Notice of Public Hearing related to Ordinance No. 09-910 should not exceed $300.

RECOMMENDATION: Staff recommends the City Council set a public hearing for Monday, November 2, 2009, at 7:00 p.m. in the Council Chambers to consider proposed Ordinance No. 09-910 amending Chapter 1.04 of the Montclair Municipal Code related to the issuance of administrative citations and collection of administrative citation fines.

Prepared by:		Reviewed and Approved by:	
Proofed by:		Presented by:	

ORDINANCE NO. 09-910

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR AMENDING CHAPTER 1.04 OF THE MONTCLAIR MUNICIPAL CODE RELATED TO THE ISSUANCE OF ADMINISTRATIVE CITATIONS AND COLLECTION OF ADMINISTRATIVE FINES

WHEREAS, on August 3, 1998, the City Council of the City of Montclair adopted Ordinance No. 98-779 (enacted as Chapter 1.04 of the Montclair Municipal Code) that establishes a process for imposing administrative/civil fines for violations of the Montclair Municipal Code (and other technical codes adopted therein) by means of an administrative citation; and,

WHEREAS, many of the responsible parties that are issued administrative citations fail to timely pay the corresponding administrative fines to the City; and

WHEREAS, the City would like to utilize all available legal means to collect delinquent administrative fines; and,

WHEREAS, the City would like to ensure that violators are adequately advised about available methods to the City for the collection of delinquent administrative fines.

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

SECTION I. Section 1.04.020 ("Administrative Citation") of Chapter 1.04 ("Administrative Citations") of Title 1 ("General Provisions") of the Montclair Municipal Code is hereby amended to read as follows:

1.04.020 Administrative citation.

A. Whenever an Enforcement Officer charged with the enforcement of any provision of this Code determines that a violation of that provision has occurred, the Enforcement Officer shall have the authority to issue an administrative citation to any person responsible for causing, creating, maintaining, suffering, or permitting the violation the violation (whether as an owner or tenant, or agent, manager, or representative of the owner or tenant, or otherwise).

B. In the event the Enforcement Officer determines that a violation constitutes a continuing violation that pertains to building, plumbing, electrical, or other similar structural or zoning issues which do not create an immediate danger to health or safety, the person responsible for such continuing violation shall be given a reasonable period of time, not to exceed 30 calendar days, to correct or otherwise remedy the violation prior to the imposition of administrative fines or penalties.

C. Each administrative citation shall contain the following information:

1. The date of the violation(s).

2. The name and address of the responsible person.

3. The address or a definite description of the location where the violation(s) occurred.

4. The section(s) of this Code or any other applicable State statute(s) violated and a brief description of the violation(s).

5. A description of the action(s) required to correct the violation(s), and, if applicable, any deadlines or time limitations for commencing and completing such actions.

6. The amount of the fine for each of the code violation(s).

7. A description of the fine payment process, including a description of the time within which and the place to which the fine shall be paid.

8. An order prohibiting the continuation or the repeated occurrence of the Code violation(s) described in the administrative citation.

9. A description of the administrative citation review process, including the time within which the administrative citation may be contested and the place from which a request for hearing form to contest the administrative citation may be obtained.

10. A statement that the failure to timely tender the fine(s) and other fees, costs, and/or charges imposed pursuant to this Chapter may result in the recordation of a lien and/or the delay in issuance or renewal of any City license and/or permit.

11. The name and signature of the citing Enforcement Officer.

SECTION II. Section 1.04.030 ("Amount of fine") of Chapter 1.04 ("Administrative Citations") of Title 1 ("General Provisions") of the Montclair Municipal Code is hereby amended to read as follows:

1.04.030 Imposition of administrative fine, late fees, interest charges, and reinspection fees.

A. The amount of the fine for Code violations imposed pursuant to this chapter shall be set forth in the schedule of fines established by resolution of the City Council.

B. The schedule of fines shall specify any increased fines for repeat violations of the same code provision by the same responsible person within a

36-month period of time, or, for those violations that would otherwise have constituted infractions, within a 12-month period of time.

C. The schedule of fines shall specify the amount of any late payment charges imposed for the payment of fines after its due date.

D. In addition to any fine imposed pursuant to this Chapter, a re-inspection fee shall be assessed against any responsible person in an amount established by resolution of the City Council if the responsible person does not timely and completely correct or abate a violation (with all requisite approvals, permits, licenses, and/or inspections) after having received notification from the City to correct or abate same.

SECTION III. Section 1.04.120 ("Recovery of administrative citation fines and costs") of Chapter 1.04 ("Administrative Citations") of Title 1 ("General Provisions") of the Montclair Municipal Code is hereby amended to read as follows:

1.04.120 Recovery of delinquent administrative fines, fees, and costs.

A. The City may collect any past due administrative fine or other associated fee or cost by use of all available legal means. Unpaid administrative fines and other charges, fees, or costs imposed in accordance with this Chapter shall constitute a debt that may be collected in any manner allowed by law, including, but not limited to the recordation of a lien (secured or unsecured) with the San Bernardino County Recorder's Office and/or with the California Franchise Tax Board "Inter-Agency Offset Program" (pursuant to Section 12419.10 of the California Government Code). The City may also recover its collection costs pursuant to Section 1.12.030 of this Code.

1. Notwithstanding any provision of this Code to the contrary, a Citee is not entitled to a hearing before the City Manager, Planning Commission, City Council, or other hearing officer prior to the recordation of a lien with the San Bernardino County Recorder's Office and/or with the California Franchise Tax Board "Inter-Agency Offset Program" for any delinquent administrative fine that has been deemed final. This section does not affect a Citee's ability to contest an administrative citation in accordance with Section 1.04.050 of this Code or to seek judicial review of an administrative citation in accordance with Section 1.04.130 of this Code.

B. The City may also withhold issuance or renewal of any license, permit, or other entitlement for any property or business whenever an administrative penalty resulting from a Code violation at said property or business remains unpaid.

C. The City shall be entitled to recover its attorney fees and costs arising from an action to collect an administrative fine and other chares, fees, or costs imposed in accordance with this Chapter if it is the prevailing party and provided it made the election to seek attorney fees at the commencement of the action. A Citee shall be entitled to recover his or her attorney fees if the City

made the election to seek attorney fees at the outset of the action and the Citee prevails thereon.

SECTION IV. Section 1.04.120 ("Notices") of Chapter 1.04 ("Administrative Citations") of Title 1 ("General Provisions") of the Montclair Municipal Code is hereby amended to read as follows:

1.04.140 Notices.

A. The administrative citation and all notices required to be given by this chapter shall be served on any person responsible for the violation in accordance with the provisions of Section 1.08.090 of this Code.

B. Failure to receive any notice specified in this chapter does not affect the validity of the proceedings conducted hereunder.

SECTION V. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional.

SECTION VI. Effective Date.

This Ordinance shall be in full force and effect thirty (30) days after passage.

SECTION VII. Posting.

The City Clerk shall certify to the passage of this Ordinance and cause the same to be posted pursuant to Government Code Section 36933.

APPROVED AND ADOPTED this XX day of XX, 2009.

_____
Mayor

ATTEST:

_____
City Clerk

I, Donna M. Jackson, City Clerk of the City of Montclair, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 09-910 of said City, which was introduced at a regular meeting of the City Council held on the XX day of XX, 2009, and finally passed not less than five (5) days thereafter on the XX day of XX, 2009, by the following vote, to-wit:

AYES: XX
NOES: XX
ABSTAIN: XX
ABSENT: XX

Donna M. Jackson
City Clerk

AGENDA REPORT

SUBJECT:	CONSIDER APPROVAL OF THE PROPOSED FIRE DEPARTMENT REORGANIZATION AS PRESENTED AT THE CITY COUNCIL WORKSHOP ON OCTOBER 5, 2009	**DATE:**	October 19, 2009
		SECTION:	ADMIN. REPORTS
		ITEM NO.:	8
BUSINESS PLAN:	N/A	**FILE I.D.:**	FRD240
		DEPT.:	FIRE

REASON FOR CONSIDERATION: The City Council is requested to consider approval of the proposed reorganization of the Fire Department as presented at the City Council Workshop on October 5, 2009. The proposed reorganization addresses current issues involving compromised emergency response levels and personnel costs. The plan includes downsizing the organizational safety personnel structure from 31 to 29, which would result in significant savings related to personnel benefit and wage-related costs. At the same time, it would restore adequate emergency response service levels.

BACKGROUND: At the direction of City Manager/Public Safety Director Lee C. McDougal, Fire Department command staff developed a reorganization plan that effectively reclassifies and reassigns personnel that would result in cost-reduction measures and improve levels of emergency response service to the community. This proposed plan was presented at the City Council Workshop on October 5, 2009.

Under the redefined safety personnel structure, the following changes would occur:

- ✓ **Reclassify and promote Division Chief Shiba to Deputy Chief position**

  This would broaden command hierarchy at a crucial time when depth is essential to meeting additional administrative responsibilities.

- ✓ **Reclassify three Division Chiefs from 4-10 schedule to 24-hour shift schedule**

  This would provide 24/7 in-station duty coverage and augment suppression manpower at the supervisory/command level, as well as allow for flexible personnel utilization and restoration of adequate emergency response capability.

- ✓ **Hiring freeze for three vacant Firefighter positions**

  This would provide significant personnel benefit and wage-related savings.

- ✓ **Implement one-half Paramedic stipend for Division Chief Jackson**

  This would address the added burden of paramedic duty responsibilities created by reductions in staffing.

Prepared by:	T. Aunt	Reviewed and Approved by:	T. Aunt
Proofed by:	Mara Bu	Presented by:	Lee C. McDougal

FISCAL IMPACT: Should the City Council approve the proposed reorganization of the Fire Department, which includes restructuring safety personnel management and placing a hiring freeze on three safety personnel positions at the Firefighter rank, it would produce an annual benefit and wage-related savings of approximately $143,000 to the City.

Before Proposed Reorganization
Costs (salary and benefits) 31 Personnel

Rank	Salary & Benefits
Deputy Chief	
Division Chief Step E	$186,000
Division Chief Step D	$178,084
Division Chief Step C	$176,000
Firefighter	$93,843
Firefighter	$93,843
Firefighter	$93,843
Total Costs	**$821,613**

After Proposed Reorganization
Costs (salary and benefits) 29 Personnel

Rank	Salary & Benefits
Deputy Chief Shiba	$189,000
Division Chief Jackson	$178,084
Division Chief (TBD)	$155,714
Division Chief (TBD)	$155,714
Firefighter (Hiring Freeze)	
Firefighter (Hiring Freeze)	
Firefighter (Hiring Freeze)	
Total Costs	**$678,512**

Cost with 31 Personnel	Cost with 29 Personnel	Total Personnel Cost Savings
$821,613	$678,512	**$143,101**

Current Salary Range for Division Chief	$7,817 - $ 9,501
Proposed Salary Range for Deputy Chief	$8,222 - $10,099*

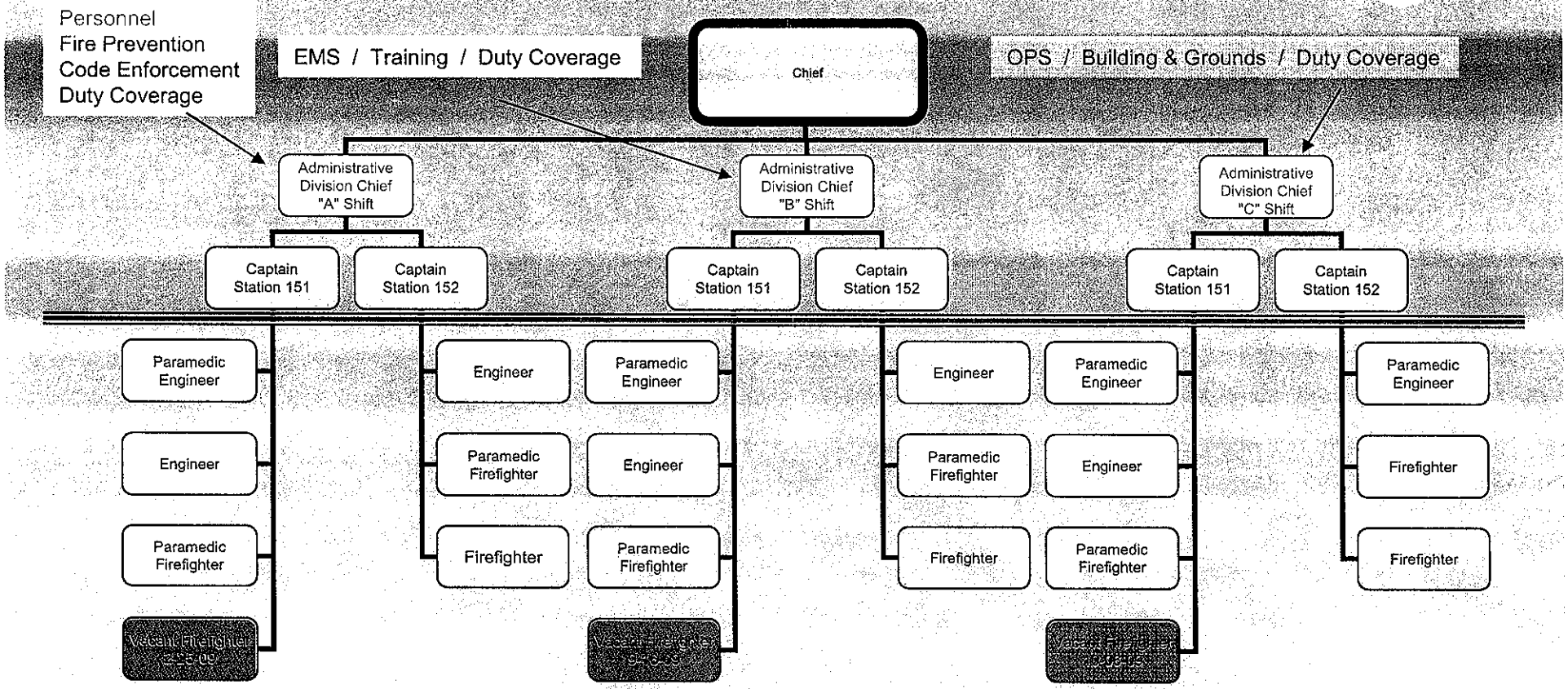
*Wage adjustment represents a 2.5 percent differential above Division Chief with paramedic stipend.

RECOMMENDATION: Staff recommends the City Council approve the proposed Fire Department reorganization as presented at the City Council Workshop on October 5, 2009.

Current Organization

(With Jump Staffing)

27 Suppression (24/7) **4** Administrative (4/10)



Fire Station One

OOS

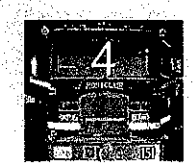
MS151

ME151

(4/10)

D1715

Fire Station Two



ME152

8- Shift Personnel

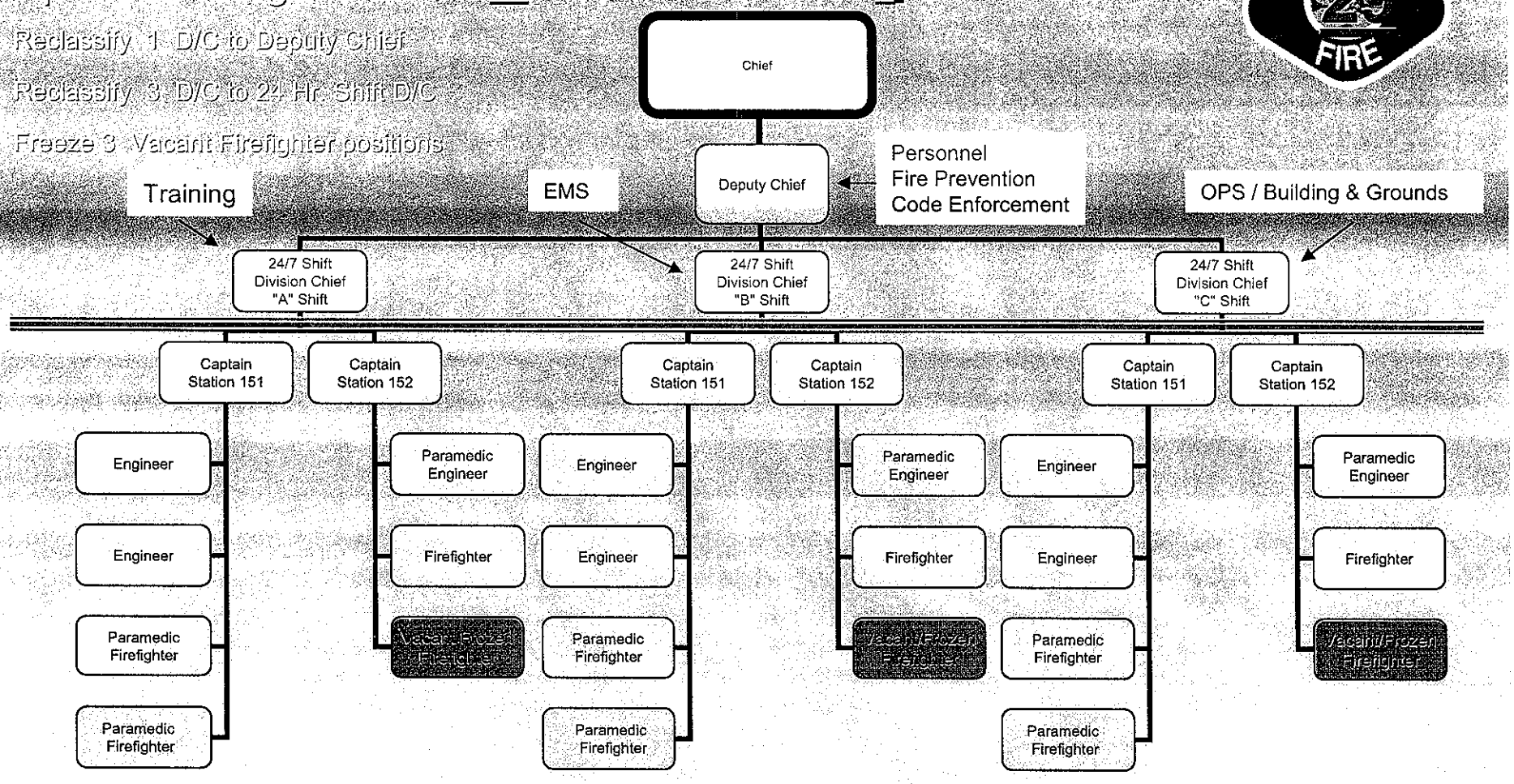
1- Admin. Chief with 24 hour duty all week

Proposed Reorganization 27 Suppression (24/7) 2 Administrative (4/10)

Reclassify 1 D/C to Deputy Chief

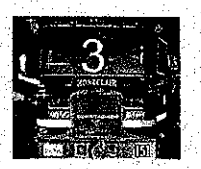
Reclassify 3 D/C to 24 Hr. Shift D/C

Freeze 3 Vacant Firefighter positions



Fire Station One

MS151



ME151

(24/7)

D1715

Fire Station Two

ME152

9 Shift Personnel

- Tactical Advantages
- Personnel Safety

Proposed

AGENDA REPORT

SUBJECT:	CONSIDER APPROVAL OF FILING OF A NOTICE OF COMPLETION FOR CITY OF MONTCLAIR POLICE DEPARTMENT FACILITY BID PACKAGE NO. 11-DRYWALL, STUDS, LATH, AND PLASTER; REDUCTION OF FAITHFUL PERFORMANCE BOND TO 10 PERCENT; AND RETENTION OF PAYMENT BOND FOR SIX MONTHS CONSIDER RELEASE OF RETENTION 30 DAYS AFTER RECORDATION OF NOTICE OF COMPLETION	**DATE:**	October 19, 2009
		SECTION:	ADMIN. REPORTS
		ITEM NO.:	9
		FILE I.D.:	PDT765
		DEPT.:	PUBLIC WORKS
BUSINESS PLAN:	**STRATEGIC PRIORITY NOS. 4 AND 5**		

REASON FOR CONSIDERATION: State law requires Notices of Completion to be recorded with the County Recorder upon acceptance of a public works project. Notices of Completion require City Council approval.

Approval of this Notice of Completion would satisfy a portion of Strategic Priority Nos. 4 and 5 as contained in Montclair's "Business Plan."

BACKGROUND: On September 5, 2006, the City Council awarded 20 of 22 separate construction contracts necessary to construct the City's new Police Department facility. Bid Package No. 11-Drywall, Studs, Lath, and Plaster was awarded to Rutherford Co., Inc. All word required under Bid Package No. 11 pursuant to Agreement No. 06-129 has been completed in a satisfactory manner. There have been no Stop Notices submitted against this project, nor are any expected.

FISCAL IMPACT: Bid Package No. 11-Drywall, Studs, Lath, and Plaster was awarded to Rutherford Co., Inc., in the amount of $2,660,000. Construction change orders totaling $330,346 were written for this contract, increasing the total contract amount to $2,990,346.

RECOMMENDATION: Staff recommends the City Council take the following actions:

1. Approve the filing of a Notice of Completion for City of Montclair Police Department Facility-Bid Package No. 11-Drywall, Studs, Lath, and Plaster.
2. Reduce Faithful Performance Bond to 10 percent.
3. Retain Payment Bond for six months.
4. Release retention 30 days after recordation of Notice of Completion.

Prepared by:		Reviewed and Approved by:	M. STAATS
Proofed by:		Presented by:	

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

City of Montclair, City Clerk's Office
5111 Benito Street/P. O. Box 2308
Montclair, CA 91763

APN NO. : 1007-711-07 (Space above this line for Recorder's Use)

NOTICE OF COMPLETION

NOTICE is hereby given that:

The undersigned is the owner of an interest of estate in the hereinafter described property, the nature of which said interest or estate is: fee

The full name and address of the undersigned is Michael C. Hudson, City Engineer
City of Montclair
5111 Benito Street
Montclair, CA 91763

The work was completed on that certain work known as Police Department Facility-Bid Package No. 11

for the undersigned City of Montclair, a Municipal Corporation, on the 24th day of September, 2009

The City accepted the job on the 19th day of October, 2009

The Contractor on said job was Rutherford Company
2107 Crystal Street
Los Angeles, CA 90039

The improvement consisted of Drywall, Studs, Lath and Plaster

The property upon which said work of improvement was completed is described as: 4870 Arrow Highway
Montclair, CA

VERIFICATION

I, the undersigned, say that I am agent for the owner of the aforesaid interest or estate in the property described in the above notice.

I have read the foregoing notice and know and understand the contents thereof, and the facts stated herein are true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: _____ at 5111 Benito Street, Montclair, California

_____
City Engineer, City of Montclair

NOC Form

AGENDA REPORT

SUBJECT:	CONSIDER APPROVAL OF FILING OF A NOTICE OF COMPLETION FOR CITY OF MONTCLAIR POLICE DEPARTMENT FACILITY BID PACKAGE NO. 16-PAINTING, COATINGS, AND WALLCOVERING; REDUCTION OF FAITHFUL PERFORMANCE BOND TO 10 PERCENT; AND RETENTION OF PAYMENT BOND FOR SIX MONTHS CONSIDER RELEASE OF RETENTION 30 DAYS AFTER RECORDATION OF NOTICE OF COMPLETION	**DATE:**	October 19, 2009
		SECTION:	ADMIN. REPORTS
		ITEM NO.:	10
		FILE I.D.:	PDT765
		DEPT.:	PUBLIC WORKS
BUSINESS PLAN:	**STRATEGIC PRIORITY NOS. 4 AND 5**		

REASON FOR CONSIDERATION: State law requires Notices of Completion to be recorded with the County Recorder upon acceptance of a public works project. Notices of Completion require City Council approval.

Approval of this Notice of Completion would satisfy a portion of Strategic Priority Nos. 4 and 5 as contained in Montclair's "Business Plan."

BACKGROUND: On September 5, 2006, the City Council awarded 20 of 22 separate construction contracts necessary to construct the City's new Police Department facility. Bid Package No. 16-Painting, Coatings, and Wallcovering was awarded to Western Painting and Wallcovering, Inc. All work required under Bid Package No. 16 pursuant to Agreement No. 06-134 has been completed in a satisfactory manner. There have been no Stop Notices submitted against this project, nor are any expected.

FISCAL IMPACT: Bid Package No. 16-Painting, Coatings, and Wallcovering was awarded to Western Painting and Wallcovering, Inc., in the amount of $209,459. Construction change orders totaling $76,390 were written for this contract, increasing the total contract amount to $285,849.

RECOMMENDATION: Staff recommends the City Council take the following actions:

1. Approve the filing of a Notice of Completion for City of Montclair Police Department Facility-Bid Package No. 16-Painting, Coatings, and Wallcovering.
2. Reduce Faithful Performance Bond to 10 percent.
3. Retain Payment Bond for six months.
4. Release retention 30 days after recordation of Notice of Completion.

Prepared by:		Reviewed and Approved by:	
Proofed by:		Presented by:	

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

City of Montclair, City Clerk's Office
5111 Benito Street/P. O. Box 2308
Montclair, CA 91763

APN NO. : 1007-711-07 (Space above this line for Recorder's Use)

NOTICE OF COMPLETION

NOTICE is hereby given that:

The undersigned is the owner of an interest of estate in the hereinafter described property, the nature of which said interest or estate is: fee

The full name and address of the undersigned is Michael C. Hudson, City Engineer
City of Montclair
5111 Benito Street
Montclair, CA 91763

The work was completed on that certain work known as Police Department Facility-Bid Package No. 16

for the undersigned City of Montclair, a Municipal Corporation, on the 24th day of September, 2009

The City accepted the job on the 19th day of October, 2009

The Contractor on said job was Western Painting & Wallcovering, Inc.
1925 S. Myrtle Ave.
Monrovia, CA 91016

The improvement consisted of Painting, Coatings, and Wall Covering

The property upon which said work of improvement was completed is described as: 4870 Arrow Highway
Montclair, CA

VERIFICATION

I, the undersigned, say that I am agent for the owner of the aforesaid interest or estate in the property described in the above notice.

I have read the foregoing notice and know and understand the contents thereof, and the facts stated herein are true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: _____ at 5111 Benito Street, Montclair, California

_____
City Engineer, City of Montclair

NOC Form

AGENDA REPORT

SUBJECT:	CONSIDER "NO ACTION" ON ALCOHOLIC BEVERAGE PERMIT APPLICATION - SUSHI TOWN	**DATE:**	October 19, 2009
		SECTION:	ADMIN. REPORTS
		ITEM NO.:	11
		FILE I.D.:	FLP025
BUSINESS PLAN:	N/A	**DEPT.:**	ADMIN. SVCS.

REASON FOR CONSIDERATION: Applications for Alcoholic Beverage Licenses are routinely presented to the City Council for review.

BACKGROUND: Michael and Sue Roybal have applied for an "On-Sale Beer and Wine" license for Sushi Town, 9047 Central Avenue, Montclair, California.

FISCAL IMPACT: No fiscal impact

RECOMMENDATION: Staff recommends the City Council take "No action" on the California Department of Alcoholic Beverage Control Application for Alcoholic Beverage License(s) for Sushi Town, 9047 Central Avenue, Montclair, California.

Prepared by: Donna M. Jackson Reviewed and Approved by:

Proofed by: Janet J. Kulbeck Presented by:

AGENDA REPORT

SUBJECT:	CONSIDER APPROVAL OF AGREEMENT NO. 09-97, AN OPTION AGREEMENT BY AND BETWEEN THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY AND NATIONAL COMMUNITY RENAISSANCE OF CALIFORNIA REGARDING PROPERTY LOCATED AT 4113 KINGSLEY STREET	**DATE:**	October 19, 2009
		SECTION:	AGREEMENTS
		ITEM NO.:	1
		FILE I.D.:	RDA720
		DEPT.:	REDEVELOPMENT
BUSINESS PLAN:	**Strategic Priority No. 2, Goal 3**		

REASON FOR CONSIDERATION: With the approval of the Exclusive Right to Negotiate Agreement (Agreement No. 09-84) on September 8, 2009, the Redevelopment Agency Board of Directors authorized staff to commence planning efforts with National Community Renaissance of California (National CORE) on an affordable housing project for persons with physical or developmental disabilities. The proposed housing project is located on Redevelopment Agency-owned property located at 4113 Kingsley Street. National CORE is now requesting that the Redevelopment Agency Board of Directors consider adoption of an Option Agreement for the purchase of the subject property. Execution of an Option Agreement between the Redevelopment Agency and National CORE would represent a necessary initial step in the process to obtain federal Housing and Urban Development (HUD) funds for development of the Special Needs Housing Project.

Adoption of Agreement No. 09-97 would satisfy a portion of Strategic Priority No. 2, Goal 3, as contained in Montclair's "Business Plan.".

BACKGROUND: As the Redevelopment Agency Board of Directors is aware, in 2003 the Housing Improvement Task Force identified the area generally located between Mills Avenue, Kingsley Street, Amherst Avenue, and Holt Boulevard as the San Antonio Gateway area. The Housing Improvement Task Force proposed various housing types and densities for the area. As a result of the City Council's approval of the recommendations of the Housing Improvement Task Force, the San Antonio Gateway area included land-use planning for multifamily housing, senior housing, and single-family housing. To date, the City has seen many of the proposed housing developments come to fruition. A 106-unit single-family housing project is being developed by Taylor Morrison. The Redevelopment Agency participated with National CORE in development of the 75-unit San Antonio Vista Apartment Project. National CORE is the in process of constructing the 85-unit senior project and applications for occupancy are now being accepted. In addition, an application for tax credits submitted to the California Tax Credit Allocation Committee for the affordable 50-unit multifamily project to be located on the southeast corner of Mills Avenue and Kingsley Street was approved.

The property at 4113 Kingsley Street is located in the San Antonio Gateway area at the

Prepared by: M. STAATS Reviewed and Approved by: M STAATS

Proofed by: Christine J. Valdez Presented by:

southwest corner of Kingsley Street and Pradera Avenue. The property serves as an entry corner for the Montclair Meadows Foundation Area and the San Antonio Vista Apartments. Furthermore, the property lies directly east of the site slated for construction of the 50-unit multifamily National CORE project. The Redevelopment Agency Board of Directors authorized the acquisition of the one-half acre property at 4113 Kingsley Street on January 20, 2009. At the time the property was acquired, staff held preliminary discussions with National CORE to determine its interest in considering the site for special needs housing. Development of a special needs housing project is of interest to National CORE. National CORE has developed similar projects in the past and has partnered with the Ontario Pomona Association for Retarded Citizens (OPARC) on previous occasions regarding tenancy and social service needs. National CORE is in discussions with both OPARC and United Cerebral Palsy (UPC) regarding partnership on this proposed project. On September 8, 2009, the Redevelopment Agency Board of Directors approved an Exclusive Right to Negotiate Agreement between the City of Montclair Redevelopment Agency and National CORE regarding the 4113 Kingsley Street site.

An Option Agreement regarding purchase of the 4113 Kingsley Street property has been negotiated and reviewed by Redevelopment Agency Special Counsel. Approval of the Option Agreement would provide National CORE with the ability to apply for United States Department of HUD Section 811 funding to finance the development of affordable housing for developmentally disabled persons. If the application for HUD Section 811 housing is approved, the Redevelopment Agency would conduct a public hearing regarding the proposed sale of property. In addition, the Redevelopment Agency and National CORE would consider entering into a Disposition and Development Agreement (DDA) to mutualize the terms of the property purchase and financial assistance.

The most salient terms of the Option Agreement include the following points:

- The term of the proposed option would commence on the date that National CORE learns it has received a reservation of funds under the HUD Section 811 program and extend for one year after the date of such approval or until December 31, 2011, whichever date is earlier.

- If the option is excercised, the purchase price for the property is the sum of $335,000. This amount constitutes the price of the property paid by the Redevelopment Agency for land at a fair market value.

- If National CORE does not exercise the option to purchase the property within the option period, or National CORE's application for funds has not been approved by December 31, 2010, or National CORE receives notice that the application for funding has been rejected by HUD, the option would automatically terminate.

- National CORE would be granted the right to make investigations, inspections, tests, or studies of the site to determine any environmental contamination during the option period. The tests would be conducted at the expense of National CORE.

- In granting the option, National CORE would agree to submit an application for the reservation of funds for the HUD Section 811 project.

- If the option is exercised by National CORE, mutually agreeable escrow instructions would be prepared. The escrow period would be 60 days. The purchase price would be delivered to the Agency through a promissory note from National CORE.

Escrow charges would be jointly shared.

- Prior to the close of escrow, the Agency and National CORE would have entered into a DDA containing the usual and customary terms of such agreements for affordable housing projects including provisions for the sale of the property which may include or supercede the provisions of the Option Agreement. The DDA would also provide for an Agency loan of approximately $1.3 million to National CORE for project costs, including those costs previously approved by the Redevelopment Agency Board of Directors in the Exclusive Right to Negotiate Agreement.

- The grant deed conveying the property to National CORE would contain a restriction that the property be owned, managed, and operated as an affordable housing project for a period of 55 years from the date the Certificate of Occupancy is issued by the City. The project would need to comply with all HUD income regulations, rental rates, and rental policies pursuant to the terms required by the HUD Section 811 program.

- The close of escrow would be subject to National CORE obtaining a firm commitment for Capital Advance funding from HUD and the commitment of any other funds required to proceed with construction of the project.

It is anticipated that National CORE would submit an application for Section 811 financing to HUD in November 2009. If the project is successful in obtaining a funding commitment, it would take approximately 12 months for processing the necessary documentation. Construction of the project would, therefore, not likely occur before June 2011. At this point, National CORE is proposing to construct 18 affordable units. Fifteen units would be one-bedroom, two units would be two-bedroom, and one unit would be reserved for the onsite manager.

FISCAL IMPACT: As previously indicated, National CORE plans to apply for the HUD Section 811 program to obtain the major portion of funding for the proposed Special Needs Housing Project. The project is anticipated to cost approximately $5 million. The Redevelopment Agency contribution toward the project would be approximately $1.6 million. The HUD Section 811 program would contribute $2.9 million and $500,000 would be requested from a County of San Bernardino Health Services program and/or a HOME Partnerships program. Approval of the Option Agreement would commit the Redevelopment Agency to selling the property at 4113 Kingsley Street to National CORE for the Special Needs Housing Project. However, the terms and conditions of the Redevelopment Agency's financial participation in the project would be fully detailed in a DDA to be presented to the Redevelopment Agency Board of Directors and City Council in the event National CORE receives a notice of project approval from HUD.

RECOMMENDATION: Staff recommends the Redevelopment Agency Board of Directors approve Agreement No. 09-97, an Option Agreement by and between the City of Montclair Redevelopment Agency and National Community Renaissance of California regarding property located at 4113 Kingsley Street.

AGENDA REPORT

SUBJECT:	CONSIDER APPROVAL OF AGREEMENT NO. 09-98 AUTHORIZING MAYOR EATON TO SIGN AMENDMENT NO. 3 TO STATE AGREEMENT NO. 75GS6090 EXTENDING THE EXPIRATION DATE OF THE SUBJECT AGREEMENT TO JUNE 30, 2010	**DATE:**	October 19, 2009
		SECTION:	AGREEMENTS
		ITEM NO.:	2
		FILE I.D.:	STA100
BUSINESS PLAN:	**STRATEGIC PRIORITY NO. 6**	**DEPT.:**	PUBLIC WORKS

REASON FOR CONSIDERATION: The state required the City to enter into State Agreement No. 75GS6090 for the use of California Public Utility Commission (CPUC) grade separation funds for the construction of the Ramona Avenue/Union Pacific Railroad Grade Separation Project. Amendment No. 3 to this Agreement extends the termination date of this Agreement to June 30, 2010. Agreements and amendments to agreements with the City require City Council approval.

Approval of Agreement No. 09-98 satisfies a portion of Strategic Priority No. 6 as contained in Montclair's "Business Plan."

BACKGROUND: The City entered into State Agreement No. 75GS6090 on April 19, 2004, for the construction of a grade separation between Ramona Avenue and the Union Pacific railroad tracks. The Agreement required that all payment disbursements be completed by October 9, 2009. Agreement No. 09-98 authorizes extending the expiration date of State Agreement No. 75GS6090 to June 30, 2010.

FISCAL IMPACT: To date, the City has been reimbursed $4,211,911.60 from the state CPUC grade separation program under State Agreement No. 75GS6090. A final payment request can be made for approximately $700,000 once the project has been completed, provided the Agreement has not expired.

RECOMMENDATION: Staff recommends the City Council approve Agreement No. 09-98 authorizing Mayor Eaton to sign Amendment No. 3 to State Agreement No. 75GS6090 extending the expiration date of the subject Agreement to June 30, 2010.

Prepared by:		Reviewed and Approved by:	M. STAATS
Proofed by:		Presented by:	

GRADE SEPARATION FUND
Ramona Avenue Overhead
Priority No.4, 1999-2000
GS-6090
Agreement No.75GS6090
Amendment No. 3

I hereby certify upon my own personal knowledge that budgeted funds are available for this encumbrance.						
				Accounting Officer	$	
Chapter	Statutes	Item	Fiscal Year	Program Code	Category	Fund Source

EA - 918304

AGREEMENT

THIS AGREEMENT AMENDMENT, made and entered into by and between the STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION, hereinafter referred to as "State", and the **CITY OF MONTCLAIR**, a political subdivision of the State of California, hereinafter referred to as "City".

WITNESSETH

WHEREAS, the State and City entered into Agreement No.75GS6090, dated April 19, 2004, for the construction of a grade separation at Ramona Avenue, over the tracks of the Union Pacific Railroad, hereinafter referred to as "Project"; and

WHEREAS, said Project and disbursements will not be completed by October 9, 2007, as previously ordered by the California Public Utilities Commission (CPUC); and

WHEREAS, the CPUC has granted an extension of that Order to Construct, and the City has not yet completed construction, and final accounting of funds for the Project, as stated in Agreement No.75GS6090, expiration should now be extended to June 30, 2010; and

NOW THEREFORE, in consideration of the premises and mutual undertakings of the parties hereto, as hereinafter set forth, State and City agree as follows:

1. This Amendment to Agreement No. 75GS6090 hereby extends the expiration date of Agreement No. 75GS6090 until June 30, 2010.

2. All other terms and conditions shall remain as stipulated in Agreement No. 75GS6090.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement in duplicate the day and year first above written.

APPROVAL RECOMMENDED

_____

Branch Chief

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

APPROVED AS TO FORM

BY

_____

KEN SOLAK - Acting Chief
Office of Rail Equipment
And Track Construction

CITY OF MONTCLAIR

By _____

Attest _____

AGENDA REPORT

SUBJECT:	CONSIDER AUTHORIZATION FOR CITY MANAGER MCDOUGAL TO AWARD A CONTRACT FOR CONSTRUCTION OF THE FREMONT AVENUE IMPROVEMENT PROJECT TO KORMX, INC., IN THE AMOUNT OF $112,955 CONSIDER AUTHORIZATION FOR CITY MANAGER MCDOUGAL TO SIGN AGREEMENT NO. 09-99 WITH KORMX, INC. CONSIDER AUTHORIZATION OF A $15,000 CONSTRUCTION CONTINGENCY	**DATE:**	October 19, 2009
		SECTION:	AGREEMENTS
		ITEM NO.:	3
		FILE I.D.:	STA650
		DEPT.:	PUBLIC WORKS
BUSINESS PLAN:	**STRATEGIC PRIORITY NO. 3, GOAL 3**		

REASON FOR CONSIDERATION: Award of contracts and agreements require City Council approval.

Construction of this project would satisfy a portion of Strategic Priority No. 3, Goal 3, as contained in Montclair's "Business Plan."

BACKGROUND: On July 20, 2009, the Montclair City Council authorized staff to advertise for bids for the Fremont Avenue Improvement Project. The project is intended to improve erosion and sediment issues associated with the lack of concrete curb and gutter along the east side of Fremont Avenue south of Saddleback Street. The improvements would consist of new concrete curb and gutter, sidewalks, drive approaches and would also include the relocation of fencing along the frontage of two properties.

Additional right-of-way was required from two property owners along the frontage of three properties. The gratis dedications were made in exchange for construction of the improvements along those frontages. The dedications were previously accepted by the City Council on July 20, 2009.

On August 20, 2009, the City Clerk received and opened 20 bids for the proposed improvement project. The bid results are shown on the following page.

Following the bid opening, all proposals were reviewed for completeness and accuracy. The bid proposal of the apparent low bidder, Kormx, Inc., provided all the required documents and was deemed the lowest responsible, responsive bidder for the project. After a reference check of Kormx, Inc., it appears as though the company has the personnel, equipment, and job experience necessary to complete this project in accordance with the plans and specifications.

Prepared by:		Reviewed and Approved by:	M. STAATS
Proofed by:		Presented by:	

The following bids were received:

Bidder	***Amount***
Kormx, Inc.	$112,955.00
FS Construction	$114,665.00
Gentry Brothers	$119,210.00
New Legacy Corp.	$123,405.00
Engineer's Estimate	***$125,000.00***
Wheeler Paving Inc.	$125,076.00
UST Development, Inc.	$125,950.00
Garcia Juarez	$127,050.00
Laird Construction Co., Inc.	$132,500.00
International Pavement Solutions	$135,200.00
Yakar	$137,175.00
HYM Engineering Inc.	$140,140.00
Elite Bobcat Service, Inc.	$147,300.00
Grand Pacific Contractors	$149,400.00
All American Asphalt	$154,000.00
CJ Construction, Inc.	$155,147.50
Ortiz Asphalt Paving, Inc.	$160,153.76
JDC Inc.	$161,840.00
Kalban Inc.	$175,806.77
Excel Paving Company	$181,550.00
Hardy & Harper, Inc.	$266,000.00

FISCAL IMPACT: The Fremont Avenue Improvement Project would receive funds from the recently approved San Bernardino Associated Governments (SANBAG) Local Stimulus Program. SANBAG required all cities requesting funding through the Local Stimulus Program to submit their projects for approval. SANBAG had further advised cities that projects would likely be approved by early October, but as yet, the approval has not been given. Approval is expected shortly, but rather than wait for the next Council meeting, staff recommends granting the authority to the City Manager to award the contract. As soon as the City receives written confirmation of approval from SANBAG, the City Manager can award the contract.

RECOMMENDATION: Staff recommends the City Council take the following actions:

1. Authorize City Manager McDougal to award a contract for construction of the Fremont Avenue Improvement Project to Kormx, Inc., in the amount of $112,955.

2. Authorize City Manager McDougal to sign Agreement No. 09-99 with Kormx, Inc.

3. Authorize a $15,000 construction contingency.

MINUTES OF THE REGULAR MEETING OF THE PUBLIC WORKS COMMITTEE HELD ON THURSDAY, JULY 16, 2009, AT 2:00 P.M. IN THE CITY HALL CONFERENCE ROOM, 5111 BENITO STREET, MONTCLAIR, CALIFORNIA

I. CALL TO ORDER

Mayor/Committee Member Eaton called the meeting to order at 2:00 p.m., noting Council Member Raft was substituting for Council Member/Committee Chair Paulitz.

II. ROLL CALL

Present: Chairman Paulitz: Mayor/Committee Member Eaton; Acting Police Chief Jones; City Engineer Hudson; Public Works Superintendent Orioli

Absent: Director of Redevelopment/Public Works Staats (vacation); Community Development Director Steve Lustro (meeting conflict)

III. APPROVAL OF MINUTES

A. Minutes of Regular Public Works Committee of July 16, 2009

The Public Works Committee approved the minutes of the Public Works Committee meeting of May 21, 2009.

IV. PUBLIC COMMENT - None

V. TRAFFIC SAFETY/CIRCULATION ISSUES

A. Ontario-Montclair School District Issues

There was nothing new to report. No OMSD representative was present.

B. Red Light Camera Enforcement

1. Red Light Camera Violations and Citations

Acting Police Chief Jones reported that 114 violations occurred in June 2009, with a total of 66 citations issued.

2. **Discussion of Nestor Automated Red Light Enforcement Contract Termination**

City Engineer Hudson reported that he had turned off power to the **Nestor Traffic Systems, Inc.**, equipment on June 30, 2009, at the request of **Nestor Traffic Systems, Inc.** The contract between the City and **Nestor Traffic Systems, Inc.**, has expired and the City has informed **Nestor Traffic Systems, Inc.**, that it will not be renewed. Acting Police Chief Jones informed the Committee that all **Nestor Traffic Systems, Inc.**, has retrieved all its equipment from the Police Department, and has removed some of its equipment from the intersections of Holt Boulevard/Central Avenue and Moreno Street/Central Avenue. Staff will write **Nestor Traffic Systems, Inc.**, to request the removal of the remaining equipment at these two locations as quickly as possible.

C. **Amherst Avenue Parking**

City Engineer Hudson reported that City Manager McDougal had asked him to discuss a perceived parking problem on Amherst Avenue between Holt Boulevard and Kingsley Street. A request had been made to consider residential parking permits. City Engineer Hudson and Public Works Superintendent Orioli explained that the City's typical method for establishing a residential parking district and issuing permits was to determine if there was a parking problem caused by non residential traffic (around a school or car dealership), whether regulating parking by permits would increase the number of parking spaces available to local residents, how many parking spaces were available for each residential unit, and how many vehicles were registered at a particular address. As an example, if a residential unit has a one-car garage off an alley, no driveway for vehicle storage, and three vehicles registered to that address, two permits would be issued. (It is assumed that that one vehicle can park in the garage and two would need permits.) City Engineer Hudson reported that applying our normal criteria would not reduce the number of vehicles parking on Amherst Avenue, primarily because all of the cars parking on Amherst Avenue belong to residents living in the area. There are no "outside interests" competing for parking spaces.

The Committee asked City Engineer Hudson to report back to the Committee as to how many residential units were on that segment of Amherst Avenue, how many cars were registered to addresses along Amherst Avenue, and how many parking spaces were available. In the meeting City Engineer Hudson asked Acting Police Chief Jones if it would be possible to get a list of vehicles registered to addresses on Amherst Avenue. Acting Police Chief Jones reported that it would be difficult.

(Subsequent investigation by City Engineer Hudson determined that there are approximately 100 residential units along this segment of Amherst Avenue. There are 25 lots with each lot containing a single unit in the front portion of the lot and a triplex in the rear. Each unit has a one-car garage, or 100 covered parking spaces. The street can accommodate parking for between 80 and 100 vehicles depending on the length of the car and how close they are parked. There are no drive approaches on the street. It may be assumed that not all the garages are used for parking, and that there are probably at least two vehicles per unit. Consequently, during normal non working hours, the likelihood of finding a parking space on Amherst is remote.)

VI. DEVELOPMENT PROJECTS UPDATE

A. Proposed Costco Driveway Modification

City Engineer Hudson reported that **Costco Wholesale, Inc.,** is still interested in modifying its signalized exit by adding an additional left-hand turn lane, and creating a median break on Central Avenue for a second left-hand turn access into the site to improve traffic circulation. Committee Member Paulitz voiced concerns and proposed that **Costco Wholesale, Inc.,** split the project into two phases to allow City staff to evaluate the traffic flow after the outbound lane is completed.

The Committee also discussed the possibility of **Costco Wholesale, Inc.,** adding an additional exit at the back of their property onto Carrillo Avenue. City Engineer Hudson stated that the conditions of approval for **Costco Wholesale, Inc.,** prohibited any connection between the parking lot and Carrillo Avenue or Palo Verde Street. Staff will pursue a survey of homeowners on Carrillo Avenue to determine how they feel about the potential additional traffic on their street.

VII. MAINTENANCE ACTIVITIES UPDATE FOR JULY

The Maintenance Projects Update for June 2009 was included in the agenda for review.

VIII. DISCUSSION REGARDING INSTALLATION OF "NO PARKING" SIGNS ON 4100 BLOCK OF HOWARD STREET ON STREET SWEEPING DAY

Public Works Superintendent Orioli informed the Committee that a request was received from **Mr. Ray Spangler** at the **Hacienda Mobile Home Park** for **'NO PARKING'** signs to be placed on Howard Street for street sweeping day. On Monday mornings, children are being dropped off for school on the north side of the street, causing a problem for the street sweeper to clean the entire street when cars are parked. The Committee approved for signs to be installed to allow the north side of

the street to be swept thoroughly. Parents will still be able to drop their children off for school on the south side of Howard Street.

IX. DISCUSSION REGARDING REQUEST FOR SIGNAGE AT CITY PARKS REGARDING THE AVAILABILITY OF RESTROOMS

Staff informed the Committee that a complaint was received from a resident who regularly visits Alma Hofman Park. He complained that there were no signs indicating when restrooms are available. The Committee agreed to install signs that indicated when restrooms would be available to park patrons.

X. DISCUSSION REGARDING PROPOSED INLAND EMPIRE UTILITIES AGENCY (IEUA) POLICY REVISION REGARDING THE PAYMENT AND COLLECTION OF CONNECTION FEES

City Engineer Hudson advised the Committee that developers have requested a change in policy regarding the time that **Inland Empire Utilities Agency** sewer connection fees are collected. Until recently, **IEUA** required contracting agencies (of which the City of Montclair is one of seven) to collect the connection fee at the time a building permit was issued. The connection fee is $4,766 per equivalent dwelling unit. The **Building Industry Association** has asked that the collection be delayed to time of occupancy. This could account for anywhere from a few months to a year and a half for some developments. The time of collection for the City of Montclair is specified in the Municipal Code as the time at which building permits are issued. Staff recommended that the current policy remain in place. The Committee agreed that no change is necessary at this time.

XI. DISCUSSION REGARDING THE USE OF LOCAL "IN LIEU STIMULUS FUNDING" FROM SANBAG

City Engineer Hudson informed the Committee about the "Local Stimulus Program" administered through **SAN BERNARDINO ASSOCIATED GOVERNMENTS (SANBAG)**. **SANBAG** has taken all the money provided by the federal stimulus plan to use for Interstate 215 improvements. To replace the funds that could have come to local agencies, **SANBAG** will distribute replacement funds based on population with no agency receiving less than $300,000. Staff estimates that the City of Montclair should receive approximately $550,000 with about $350,000 available soon with the remainder available after January 1, 2010. Staff recommended that the funds be used in place of the loss of gas tax funds and be utilized to make street improvements on Fremont Avenue north of Phillips Boulevard for curb, gutter, sidewalk, and pavement in an area that is affected by drainage from new developments to the north.

XII. DISCUSSION REGARDING SUNRISE PARK

A. Consider Closure of Pedestrian Access from Benson Avenue

Staff advised the Committee that the pedestrian access to Sunrise Park from Benson Avenue is a nuisance and attracts graffiti artists, homeless, and other unwanted activity. Complaints are received regularly from residents abutting the pedestrian access area about these problems. This issued was previously discussed by the Committee with direction to contact **Ontario Montclair School District** to determine if they had any issues with a closure. Assistant Public Works Superintendent Mendez discussed the proposed closure of the access with the Principal of Vernon Middle School. He is supportive of its closure even though some children use it as a shortcut to school. It is the site of occasion fights for which school personnel respond.

City Engineer Hudson advised the Committee that two residents have vehicular access to their property with one property owner having only this access to their garage. Staff suggests that the access be given to a property owner and install a locked gate at Benson Avenue for their personal access. Staff would be willing to negotiate modifications to the access for it to be given to the new owner.

B. Consider Expansion of the Park to the South

Staff informed the Committee that about ten years ago that, as a condition for approval of a lot split for property south of Sunrise Park, the property owner was required to dedicate a portion of the property being subdivided to the City for park expansion. City personnel have been trimming trees and cleaning this area for several years since the dedication was made, but the original south fence line of Sunrise Park was never relocated. It was recommended that the fence be relocated to the southerly line of the dedicated area, and that irrigation and landscaping be extended to this fence. The Committee concurred with staff recommendation.

C. Consider Possible Vacation of Harvard Street (dedicated but unimproved portion)

Concurrent with the lot split previously discussed, the City also required the dedication of street right-of-way for a future extension of Harvard Street. City Engineer Hudson reported that it was unlikely that the City would ever want to extend Harvard street easterly to Benson Avenue, and that if it was the intent of City staff ten years ago to do so at some point, it would require the acquisition of considerably more right-of-way to the east, including a house that would have to be demolished. It's possible also that the extension of the street would allow some of the larger, deeper

parcels fronting Benson Avenue to be split and have access to a public street through the Harvard Street extension. However, the likelihood of that occurring is remote, and in the interim, the City is responsible for weed abatement for that "paper" street. Staff proposed contacting the original property owner and determining if the property owner was interest in the City quitclaiming the property back.

XIII. DISCUSSION OF STREET VACATION FOR UNNAMED STREET SOUTH OF PALO VERDE STREET AND EAST OF CAMULOS

In 2004, a developer proposed a tract development in a triangularly shaped area generally bounded by Palo Verde Street on the north, the San Antonio Channel on the southeast, and an existing residential development fronting on Camulos Avenue to the west. The developer proposed a public street running south from Palo Verde Street. The area to be occupied by the street was owned at the time by **Chino Basin Water Conservation District (CBWCD).** The developer arranged **CBWCD** to convey sufficient property to the City for street purposes, which occurred in May 2004.

Although development entitlements were granted, the developer was unable to proceed with the work or, until recently, market the property to anyone else. **Monte Vista Water District (MVWD)** has now acquired the property with the intent of constructing a well on the property. **MVWD** has asked the City if it would be willing to convey title to the street previously acquired in May 2004 to **MVWD**. Inasmuch as **MVWD** now owns the surrounding property and does not need a public street for access, and that fee ownership of the once-proposed street is a potential liability for the City, staff recommended that fee title of the street be conveyed to **MVWD** at no cost, subject to any comments, caveats, or recommendations from the City Attorney. The Committee concurred with staff recommendation.

(Subsequent discussion with the City Attorney: The street has not been added to the City's street system, nor has it been identified as part of the Circulation Element of the General Plan. It has never been used as a public street. The City Attorney has no objection to quitclaiming the street to **MVWD**.)

XIV. CAPITAL PROJECTS UPDATE

A. Mission Boulevard Improvement Project

City Engineer Hudson reported that Phases 5 and 6 of the Mission Boulevard Improvements have been completed, except for landscape establishment/maintenance. Phase 7 design work has been completed, and staff is waiting for authorization to advertise from **Caltrans**. The design is complete for Phase 8 which extends east from Central Avenue to Benson Avenue, and Phase 9, which extends west from Pipeline Avenue to San Antonio Creek.

B. Ramona Avenue Grade Separation Project

City Engineer Hudson reported that this project is going well. There were no new issues discussed at the most recent construction meeting. This project is on schedule for completion in June 2010.

C. Monte Vista Avenue Grade Separation Project

City Engineer Hudson reported that all offers have been withheld for the time being as there are not enough funds to cover the cost of the remaining property acquisitions.

D. Youth/Senior Center Projects

City Engineer Hudson reported that the Youth Center Project is under construction and should be complete by September 2009.

Bids have been received for the Senior Center Project with the low bid coming in at $2.4 million which will be rejected as being non-responsive. The winning bid will likely go to **KPRS Construction Services, Inc.,** who is currently doing the work for the Youth Center.

E. Amherst Avenue Apartment Renovation Project

This project is located north of Holt Boulevard south of Kingsley Street. The rehab project is complete except for a few punch list items and landscape establishment/maintenance. Residents will be available to move in by August 1, 2009.

F. Montera Elementary School Soccer Field

The **Ontario-Montclair School District (OMSD)** recently received the Division State Architect's approval on its temporary facilities, which means that the City's project can now be approved. Several minor changes were requested by **OMSD** and have been completed. They are discussing options to have port-a-potties installed at the site.

XV. ADJOURNMENT

At 3:10 p.m., Mayor/Committee Member Eaton adjourned the Public Works Committee.

Submitted for Public Works Committee approval,

Jessica Smith

Jessica Smith
Transcribing Secretary

MINUTES OF THE MEETING OF THE MONTCLAIR PERSONNEL COMMITTEE HELD ON MONDAY, OCTOBER 5, 2009, AT 7:46 P.M. IN THE CITY ADMINISTRATIVE OFFICES, 5111 BENITO STREET, MONTCLAIR, CALIFORNIA

I. CALL TO ORDER

Mayor Eaton called the meeting to order at 7:46 p.m.

II. ROLL CALL

Present: Mayor Eaton; Council Member Ruh; City Manager McDougal; and Deputy City Manager/Director of Administrative Services Starr

III. APPROVAL OF MINUTES

A. Minutes of the Regular Personnel Committee Meeting of September 21, 2009.

Moved by Deputy City Manager/Administrative Services Director Starr, seconded by Council Member Ruh, and carried unanimously to approve the minutes of the Personnel Committee meeting of September 21, 2009.

IV. PUBLIC COMMENT - None

V. CLOSED SESSION

At 7:47 p.m., the Personnel Committee went into Closed Session regarding personnel matters related to appointments, resignations/ terminations, and evaluations of employee performance.

At 7:55 p.m., the Personnel Committee returned from Closed Session. Mayor Eaton stated that no announcements would be made at this time.

VI. ADJOURNMENT

At 7:55 p.m., Mayor Eaton adjourned the Personnel Committee.

Submitted for Personnel Committee approval,

Edward C Starr

Edward C. Starr by lgs
Deputy City Manager/
Director of Administrative Services