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

February 1, 2010

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.

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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.

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VII. PUBLIC HEARINGS

A. Consider Projects and Prioritization of Funding for the Fiscal Year 2010-11 Community Development Block Grant Program [CC] 5

B. Consider Making an Environmental Finding that the Proposed Splash Pad Project in Alma Hofman Park is Categorically Exempt from the California Environmental Quality Act [CC] 14

C. First Reading - Consider Adoption of Ordinance No. 10-912 Adding Chapter 1.16 to the Montclair Municipal Code Regarding Claims Against the City [CC] 15

VIII. CONSENT CALENDAR

A. Approval of Minutes

1. Minutes of Regular Joint Council/Agency/MHC Meeting of January 19, 2010 [CC/RDA/MHC]

B. Administrative Reports

1. Consider Amending the Fiscal Years 2009-2013 Capital Improvement Program Adding the Vernon Avenue Sidewalk Improvements-A Community Development Block Grant Project [CC]

Consider Authorization to Advertise for Bid Proposals for the Vernon Avenue Sidewalk Improvements-A Community Development Block Grant Project [CC]

Consider Authorizing the City Manager to Award and Sign a Construction Contract for the Vernon Avenue Sidewalk Improvements-A Community Development Block Grant Project to the Lowest Responsible, Responsive Bidder [CC] 20

2. Consider Amending the Fiscal Years 2009-2013 Capital Improvement Program Adding the Pedestrian Ramp and Sidewalk Improvements-A Community Development Block Grant Project [CC]

Consider Authorization to Advertise for Bid Proposals for the Pedestrian Ramp and Sidewalk Improvements-A Community Development Block Grant Project [CC]

Consider Authorizing the City Manager to Award and Sign a Construction Contract for the Pedestrian Ramp and Sidewalk Improvements-A Community Development Block Grant Project to the Lowest Responsible, Responsive Bidder [CC] 22

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3. Consider Approval of Warrant Register and Payroll Documentation [CC] 24

C. Agreements

1. Consider Redevelopment Agency Board of Directors' Approval of Agreement Nos. 10-01 through 10-04, Rehabilitation Grant Agreements by and between the City of Montclair Redevelopment Agency and Exterior Housing Improvement Program Participants [RDA] 25

D. Resolutions

1. Consider Adoption of Resolution No. 10-2826 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Charges [CC] 32

2. Consider Adoption of Resolution No. 10-2827 Supporting the State Route 57/State Route 60 Mixed Flow Interchange Improvements as Identified in the Los Angeles County Metro 2008 Long Range Transportation Plan and in the Southern California Association of Governments 2008 Regional Transportation Plan [CC] 40

IX. PULLED CONSENT CALENDAR ITEMS

X. RESPONSE

A. Response to City Council Discussion Regarding Residential Rental Units within the North Montclair Downtown Specific Plan [CC] 43

XI. COMMUNICATIONS

A. City Attorney/Agency Counsel

1. Closed Session Pursuant to Section 54956.9(a) of the Government Code Regarding Pending Litigation

Daniel Mangaroni v. City of Montclair

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 November 19, 2009 48

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2. Minutes of the Code Enforcement Committee Meeting of January 19, 2010 53

3. Minutes of the Personnel Committee Meeting of January 19, 2010 56

XII. COUNCIL/AGENCY WORKSHOP

A. Midyear Budget Review

(Council/Agency may consider continuing this item to an adjourned joint meeting on Tuesday, February 16, 2010, at 5:45 p.m. in the City Council Chambers).

XIII. ADJOURNMENT OF REDEVELOPMENT AGENGY AND MONTCLAIR HOUSING CORPORATION BOARDS OF DIRECTORS

(At this time, the City Council will meet in Closed Session regarding pending litigation.)

XIV. CLOSED SESSION ANNOUNCEMENTS

XV. ADJOURNMENT OF CITY COUNCIL

The next regularly scheduled City Council, Redevelopment Agency, and Montclair Housing Corporation meetings will be held on Tuesday, February 16, 2010, 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 January 28, 2010.

AGENDA REPORT

SUBJECT:	CONSIDER PROJECTS AND PRIORITIZATION OF FUNDING FOR THE FISCAL YEAR 2010-11 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM	**DATE:**	February 1, 2010
		SECTION:	PUBLIC HEARINGS
		ITEM NO.:	A
		FILE I.D.:	GRT050
BUSINESS PLAN:	N/A	**DEPT.:**	COMMUNITY DEV.

REASON FOR CONSIDERATION: Federal guidelines for the Community Development Block Grant (CDBG) Program require that each public agency conduct a public hearing to establish projects that will be funded in the upcoming 2010-11 fiscal year.

BACKGROUND: The total funding available for Montclair's Fiscal Year 2010-11 CDBG Program has tentatively been determined to be $441,844. This amount is based on the County of San Bernardino's grant amount from last year plus approximately 9 percent. The 2010 CDBG formula grant amounts have not yet been announced by the U.S. Department of Housing and Urban Development (HUD), so this estimate may change when HUD announces the actual grant amounts.

CDBG restrictions have historically limited the amount of funding for "public service" activities to 15 percent of the year's allocation. However, Montclair's public service allocation for Fiscal Year 2010-11 has been calculated using the total grant amount received from HUD by the County, resulting in a public service allocation of $86,742, which is almost double last year's allocation of $44,020. Staff has recommended a continuance of funding for public service uses that have been funded by the City of Montclair in the past to the extent possible by funding restrictions.

In addition to the City of Montclair project proposals, numerous outside agencies submitted project proposals directly to the County. A complete list of all proposals determined to be eligible for funding accompanies this report. The total requested by all applicants, including the City, for eligible proposals is $587,551, of which $338,099 is related to "public service" activities.

For the upcoming fiscal year, staff has identified one major capital project within the CDBG target area that can be implemented expeditiously in addition to continuing funding for three ongoing City programs. The increased amount of estimated CDBG grant money this year would allow increased funding levels for graffiti abatement and the senior transportation program (Golden Express), thereby reducing the impact on the City's General Fund. Staff recommends the City Council approve the projects and funding levels summarized as follows:

Prepared by:	Steve Lustro	Reviewed and Approved by:	Steve Lustro
Proofed by:	Diana Berke	Presented by:	

Resurfacing of Mills Avenue between Orchard Street and the Union Pacific Railroad right-of-way	$335,102
Code Enforcement	20,000
Graffiti Abatement	55,000*
Montclair Golden Express	31,742*
TOTAL	$441,844

*Total public service projects: $86,742

FISCAL IMPACT: The City expects to receive $441,844 for the Fiscal Year 2010-11 CDBG Program.

RECOMMENDATION: Staff recommends the City Council approve the above projects and prioritization of funding for the Fiscal Year 2010-11 Community Development Block Grant Program.

Montclair

2010-2011 CDBG Proposals by Benefit Area

Log No.	Primary Benefit Area/ Description:	Applicant: Activity Eligibility Benefit Eligibility	M&O Commit	Project/ Request/ Percent	Community	Request	Dist	Comments
36023	Montclair New - Provision of Rent/Mortgage Assistance and Motel Vouchers for Low Income Persons in Montclair - Inland Valley Council of Churches	Inland Valley Council of Churches Wytske G. Visser, Executive Director (909) 622-3806 1753 N. Park Avenue Pomona, CA 91768 24 CFR 204 24 CFR 208(a)(2)(i)(C)	N	$409,674 $10,000 2.0%	**Montclair** **Total**	**$10,000** **$10,000**	4	Public Service. Would require documentation of at least 51% low/mod income persons. Per to CFR 570.07b(4): Emerg. grant payments for a max of three months paid directly to the provider of such services, on behalf of individual or (family)
36024	Montclair Continuation of Emergency Food Distribution Program for Low Income and Homeless Families - Inland Valley Council of Churches.	Inland Valley Council of Churches Wytske G. Visser, Executive Director (909) 622-3806 1753 N. Park Avenue Pomona, CA 91768 24 CFR 201(e) 24 CFR 208(a)(2)(i)(B)	N	$409,674 $10,000 2.0%	**Montclair** Fourth District **Total**	**$5,000** $5,000 **$10,000**	4	CDH # 340-30227/2677 Public Service. Would require documentation of at least 51% low- and Moderate- Income households. Cumulative allocation $30,000; Current CDBG allocation $5,000 and Balance of unspent funds $5,000.
36033	Multi-District Continuation of Domestic Violence Shelter Program - House of Ruth	House of Ruth, Inc. Suzanne Aebischer, Executive Director (909) 868-8008 P.O. Box 459 Claremont, CA 91711 24 CFR 201(e) 24 CFR 208(a)(2)(i)(A)	N	$983,555 $35,000 3.0%	Fifth District Fourth District Second District **Montclair** **Total**	$10,000 $10,000 $10,000 **$5,000** **$35,000**	6	CDH# 340-15127/0808 Public Service. Would be limited to victims of domestic violence and their children. Cumulative CDBG allocation: $555,908.88; Current CDBG funding: $20,000; CDBG balance (as of 8/31/09): $20,000

San Bernardino County
Department of Community Development and Housing

Montclair

2010-2011 CDBG Proposals by Benefit Area

Log No.	Primary Benefit Area/ Description:	Applicant: Activity Eligibility Benefit Eligibility	M&O Commit	Project/ Request/ Percent	Community		Request	Dist	Comments
36090	Multi-District New - To Provide Emergency Housing Assistance to Low Income Families Caring for Disabled Persons - Another Way, Inland Regional Center	Another Way Susan Gomez, Executive Director (909) 890-3045 1365 S. Waterman Avenue San Bernardino, CA 92408 24 CFR 201(e) 24 CFR 208(a)(2)(i)(A)	N	$155,320 $50,000 32.0%	Bloomington West Fontana Yucaipa Colton Barstow Adelanto Mentone Oro Grande **Montclair** Town of Yucca Valley Needles	 **Total**	$8,500 $5,500 $5,000 $5,000 $5,000 $5,000 $4,000 $4,000 **$4,000** $2,500 $1,500 **$50,000**	6	Public Service. Services limited to severe disabled persons. Pursuant CFR 570.207(4) limited emergency grant payments over a period of up to 3 consecutive months directly to the provider of such items or services on behalf of an individual
36100	Montclair ∞ New - Construction of Street Improvements Along Mills Ave. Between Orchards St. to the Union Pacific	City of Montclair Steve Lustro, Community Development Director (909) 625-9477 5111 Benito Street Montclair, CA 91763 24 CFR 201(c) 24 CFR 208(a)(1)	y	$209,452 $209,452 100.0%	**Montclair** **Total**		**$209,452** **$209,452**	4	Davis-Bacon Wage Rate Requirements may increase costs.
36101	Montclair Continuation of Funding for Code Enforcement Activities in the Target Areas of the City of Montclair	City of Montclair Steve Lustro, Community Development Director (909) 625-9477 5111 Benito Street Montclair, CA 91763 24 CFR 202(c) 24 CFR 208(a)(1)	n	$57,000 $40,000 70.0%	**Montclair** **Total**		**$40,000** **$40,000**	4	Continuation funding for code enforcement activities. Code enforcement activities would be limited to target areas. (#108-18417/1002)
36102	Montclair Additional Funding for Transportation Services for Senior Citizens, Montclair	City of Montclair Steve Lustro, Community Development Director (909) 625-9477 5111 Benito Street Montclair, CA 91763 24 CFR 201(e) 24 CFR 208(a)(2)(i)(A)	n	$32,250 $10,000 31.0%	**Montclair** **Total**		**$10,000** **$10,000**	4	Public Service - continuation funding for transportation services for senior citizens (#108-27127/2220)

San Bernardino County
Department of Community Development and Housing

Montclair

2010-2011 CDBG Proposals by Benefit Area

Log No.	Primary Benefit Area/ Description:	Applicant: Activity Eligibility Benefit Eligibility	M&O Commit	Project/ Request/ Percent	Community	Request	Dist	Comments
36103	Montclair Additional Funding for Graffiti Eradication in Target Area, Montclair	City of Montclair Steve Lustro, Community Development Director (909) 625-9477 5111 Benito Street Montclair, CA 91763 24 CFR 201(e) 24 CFR 208(a)(1)	n	$55,220 $34,020 61.0%	**Montclair** **Total**	**$34,020** **$34,020**	4	Public Service - Continuation funding for graffiti eradication program in the City of Montclair's target area (#108-15317/0793)
36145	Montclair New - Youth Pregnancy Prevention Services - Fresh Start Ministries, Inc.	Fresh Start Ministries, Inc. Richard Hernandez, Executive Director (909) 630-2662 610-A N. Euclid Avenue Ontario, CA 91762 24 CFR 201(e) 24 CFR 208(a)(2)(i)(B)	N	$51,500 $20,000 38.0%	**Montclair** Fourth District **Total**	**$10,000** $10,000 **$20,000**	4	Public service. Requires documentation of at least 51% of clients from low-mod income households.
36194	Multi-District New - SAT Prep Workshop and Substance Abuse Awareness Program - Testing Made Simple, Chino Hills	Testing Made Simple (dba The Institute of MAAT) Khalif Rasshan, President/CEO (951) 415-9207 15208 Green Valley Drive Chino Hills, CA 91709 24 CFR 201(e) 24 CFR 208(a)(2)(i)(B)	N	$399,220 $303,020 75.0%	Fourth District North Norton Needles Adelanto Barstow Big Bear Lake Colton Grand Terrace Highland **Montclair** Twentynine Palms Yucaipa Town of Yucca Valley West Fontana Morongo Valley Morongo Basin (Multi Mentone Loma Linda **Total**	$30,302 $30,302 $15,151 $15,151 $15,151 $15,151 $15,151 $15,151 $15,151 **$15,151** $15,151 $15,151 $15,151 $15,151 $15,151 $15,151 $15,151 **$303,020**	6	Public Service. Would require documentation of at least 51% low/mod clientele.

San Bernardino County
Department of Community Development and Housing

Montclair

2010-2011 CDBG Proposals by Benefit Area

Log No.	Primary Benefit Area/ Description:	Applicant: Activity Eligibility Benefit Eligibility	M&O Commit	Project/ Request/ Percent	Community	Request	Dist	Comments
36202	Multi-District New - Drug Prevention Program at Ontario Christian Center, Ontario	Ontario Christian Center Tenicia Newton, Grant Coordinator (909) 983-5269 x220 1336 N. Baker Avenue Ontario, CA 91764 24 CFR 201(e) 24 CFR 208(a)(2)(i)(C)	n	$342,136 $297,136 86.0%	**Montclair** Loma Linda Fifth District Fourth District Third District Yucaipa Highland Grand Terrace Colton Big Bear Lake Barstow West Fontana **Total**	**$25,928** $25,928 $25,928 $25,928 $25,928 $23,928 $23,928 $23,928 $23,928 $23,928 $23,928 $23,928 **$297,136**	6	Public Service. Would require documentation of at least 51% low/mod income clientele or households.
36203	Multi-District New - Transportation Services Program at Ontario Christian Center, Ontario	Ontario Christian Center Tenicia Newton, Grant Coordinator (909) 983-5269 x220 1336 N. Baker Avenue Ontario, CA 91764 24 CFR 201(e) 24 CFR 208(a)(2)(i)(C)	n	$480,000 $380,000 79.0%	Colton Bloomington South Chino (4th Dist.) **Montclair** **Total**	$95,000 $95,000 $95,000 **$95,000** **$380,000**	6	Public Service. Would require documentation of at least 51% low/mod income clientele or households.
36204	Multi-District New - Child Care Service at Ontario Christian Center, Ontario	Ontario Christian Center Tenicia Newton, Grant Coordinator (909) 983-5269 x220 1336 N. Baker Avenue Ontario, CA 91764 24 CFR 201(e) 24 CFR 208(a)(2)(i)(B)	N	$207,000 $207,000 69.0%	Bloomington **Montclair** Colton **Total**	$69,000 **$69,000** $69,000 **$207,000**	6	Public Service. Would require at least 51% low/mod income clientele/households. Playground equipment not eligible for public service.
36205	Multi-District New - Youth Services Program for At-Risk Teenagers at Ontario Christian Center, Ontario	Ontario Christian Center Tenicia Newton, Grant Coordinator (909) 983-5269 x220 1336 N. Baker Avenue Ontario, CA 91764 24 CFR 201(e) 24 CFR 208(a)(2)(i)(B)	n	$300,000 $200,000 66.0%	Colton **Montclair** Grand Terrace Bloomington West Fontana **Total**	$50,000 **$50,000** $50,000 $25,000 $25,000 **$200,000**	6	Public Service. Would require documentation of at least 51% low/mod income clientele or households.

San Bernardino County
Department of Community Development and Housing

Montclair

2010-2011 CDBG Proposals by Benefit Area

Log No.	Primary Benefit Area/ Description:	Applicant: Activity Eligibility Benefit Eligibility	M&O Commit	Project/ Request/ Percent	Community	Request	Dist	Comments
36233	Multi-District Continuation for Free Health and Dental Care Services - Al - Shifa Clinic, Inc., Muscoy	Al-Shifa Clinic, Inc. Sahibzada Muzaffaruddin, Clinic Administrator (909) 473-0600 2034 B Mallory Street San Bernardino, CA 92407 24 CFR 201(e) 24 CFR 208(a)(2)(i)(B)	n	$100,000 $65,000 65.0%	Fifth District Second District Highland Colton Fourth District Yucaipa **Montclair** Loma Linda **Total**	$15,000 $10,000 $10,000 $10,000 $5,000 $5,000 **$5,000** $5,000 **$65,000**	6	CDH #215-25129/1897 Public service. Would require documentation of at least 51% low-mod income clientele. Cummulative CDBG allocation: $296,579.49; Current CDBG funding: $0; CDBG balance: $0

Totals for Montclair **Count: 15** **Amount: $587,551** **Proj Tot $1,870,628**

Community Based Organization (CBO) Proposal Rating System

Community Development and Housing (CDH) is introducing a new rating system to assist in the evaluation and prioritization of the 2010-2011 CDBG project proposals. The rating system does not rate City or County submitted proposals, only Community Based Organization (CBO) submitted proposals. The intent of the rating system is to assist you in making funding recommendations.

Two categories are rated; proposal criteria and past performance. Under the proposal criteria category four areas are evaluated; proposal completeness, leveraging of other funds, meeting priority community needs, and agency stability, for a maximum of twenty (20) points. The proposal criteria category was used to evaluate both CBO construction projects and public service program proposals. The second category that is rated is past performance. This category is only used to rate public service program providers that previously received CDBG funding and provided services in FY 2008-2009. The areas that are evaluated are: the level of services provided and the utilization of their CDBG funding for a maximum of ten (10) points.

Included in your package are both a CBO Proposal Rating Summary spreadsheet that summarizes the proposal ratings for your city and the actual proposal rating sheet which is attached to each CBO proposal.

If you require further information on the rating system, please call Bryan Anderson, Supervising ECD Analyst at (909) 388-0961.

CDBG Funding recommendations
1/6/10/MH

CBO PROPOSAL RATING SUMMARY
CITY OF MONTCLAIR
FY 2010 - 2011

PUBLIC SERVICE

Log #	Applicant	Project Description	Total Criteria Score Max Poss. Pts. 20	Total Past Performance Score Max. Poss. Pts. 10
36023	Inland Valley Council of Churches	New - To Provide Rent/Mortgage Assistance and Motel Vouchers for low income persons in Montclair - Inland Valley Council of Churches	19	NA
36024	Inland Valley Council of Churches	Continuation of Emergency Food Distribution Program for low income and homeless families - Inland Valley Council of Churches	19	10
36033	House of Ruth, Inc.	Continuation of Domestic Violence Shelter Program - House of Ruth	19	10
36090	Another Way	New - To Provide Emergency Housing Assistance to low income families caring for disabled persons - Inland Regional Center	19	NA
36145	Fresh Start Ministries, Inc.	New - Youth Pregnancy Prevention Services - Fresh Start Ministries	15	NA
36194	Testing Made Simple (dba The Institute of MATT)	New - SAT Prep Workshop and Substance Abuse Awareness Program - Testing Made Simple, Chino Hills	9	NA
36202	Ontario Christian Center	New - Drug Prevention Program at Ontario Christian Center, Ontario	15	NA
36203	Ontario Christian Center	New - Transportation Services Program at Ontario Christian Center, Ontario	14	NA
36204	Ontario Christian Center	New - Childcare Service and Playground Facility at Ontario Christian Center - Ontario	14	NA
36205	Ontario Christian Center	New - Youth Services Program for at risk teenagers at Ontario Christian Center, Ontario	15	NA
36233	Al-Shifa Clinic, Inc.	Continuation of Free Health and Dental Care Services - Al-Shifa Clinic, Inc., Muscoy	13	NA

CONSTRUCTION

Log #	Applicant	Project Description	Total Criteria Score Max Poss. Pts. 20	Total Past Performance Score Max. Poss. Pts. 10
NA	NA	NA	NA	NA

AGENDA REPORT

SUBJECT:	CONSIDER MAKING AN ENVIRONMENTAL FINDING THAT THE PROPOSED SPLASH PAD PROJECT IN ALMA HOFMAN PARK IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT	**DATE:**	February 1, 2010
		SECTION:	PUBLIC HEARINGS
		ITEM NO.:	B
		FILE I.D.:	ENV075
BUSINESS PLAN:	N/A	**DEPT.:**	COMMUNITY DEV.

REASON FOR CONSIDERATION: Projects that may have potential impacts on the environment are required to undergo environmental review in accordance with the California Environmental Quality Act (CEQA).

BACKGROUND: In late 2009, the City was contacted by Supervisor Gary Ovitt and County of San Bernardino staff regarding the County's desire to construct a "Splash Pad" at Alma Hofman Park. A Splash Pad is a zero-depth aquatic recreational feature that contains ground-mounted elements that spray water when activated by motion sensors connected to each of the individual elements. The County proposes to fund the entire cost of the 1,963-square-foot Splash Pad and related equipment, estimated to be approximately $750,000; however, it has been requested that the City Council make the CEQA environmental finding because the proposed project would be located on City property.

Based upon staff's review of the proposal, the project qualifies as a Class 3 Categorical Exemption from the provisions of CEQA pursuant to Section 15303(e), which exempts "limited number of new, small facilities or structures," including the installation of "Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences." Staff finds the scope and character of the Splash Pad and its support equipment to be consistent with this exemption as it would relate to the overall context and setting in Alma Hofman Park.

FISCAL IMPACT: Other than the cost to publish the Notice of Public Hearing, which should not exceed $400, there are no additional fiscal impacts to the City related to making an environmental finding for a Splash Pad in Alma Hofman Park.

RECOMMENDATION: Staff recommends the City Council find the proposed Splash Pad Project in Alma Hofman Park to be categorically exempt from the provisions of the California Environmental Quality Act pursuant to Section 15303(e), Class 3, and that staff prepare a DeMinimis finding of no impact on fish and wildlife.

Prepared by:	Steve Lantro	Reviewed and Approved by:	Steve Lantro
Proofed by:	Donna Berke	Presented by:	

AGENDA REPORT

SUBJECT: CONSIDER ADOPTION OF ORDINANCE NO. 10-912 ADDING CHAPTER 1.16 TO THE MONTCLAIR MUNICIPAL CODE REGARDING CLAIMS AGAINST THE CITY

FIRST READING

DATE: February 1, 2010

SECTION: PUBLIC HEARINGS

ITEM NO.: C

FILE I.D.: LIT025

DEPT.: ADMIN. SVCS.

BUSINESS PLAN: N/A

REASON FOR CONSIDERATION: The City Council is requested to consider adoption of Ordinance No. 10-912 adding Chapter 1.16 to the Montclair Municipal Code establishing procedures for presentation of claims against the City for money or damages that are not otherwise governed by the Government Claims Act, California Government Code Section 900 *et seq.*, or other state law.

BACKGROUND: The Government Claims Act, California Government Code Section 900 *et seq.*, establishes the general rule that public entities must be given notice of claims for money or damages. Claim presentation requirements facilitate prompt investigation and possible early settlement of claims. Early notice of claims also allows the City to make suitable budgetary adjustments and provides opportunities to take corrective measures to avoid reoccurrence and future liability.

California Government Code Section 905 lists several exceptions to the generally mandated claim requirements. However, under provisions of California Government Code Section 935, claims that are excepted under Section 905 are subject to the claim requirements and procedures that are established by ordinances adopted by local public entities, provided local claims requirements are similar to, and no more restrictive than, those established by the Government Claims Act (California Government Code Section 900 *et seq.*).

It is in the best interests of the City of Montclair to establish and codify clearly defined claim requirements and procedures for presentation of all claims against the City for money or damages. Proposed Ordinance No. 10-912 establishes policies and procedures for the presentation of claims. Specifically, the Ordinance requires the following:

1. All claims against the City for money or damages shall be presented within the time and in the manner prescribed by Part 3 of Division 3.7 of Title 1 of the California Government Code.

2. All claims shall be made in writing and verified.

Prepared by: _____ Reviewed and Approved by: _____

Proofed by: Kathy Dalton Presented by: _____

3. No claim may be filed on behalf of a class of persons unless verified by every member of that class.

4. All claims shall be responsive to California Government Code Section 910.

5. All claims shall be presented and acted upon as required by California Government Code Sections 935(b), 945.4, and 945.6.

6. Any action brought against the City upon any claim or demand shall conform to requirements of California Government Code Sections 940-949.

In addition to establishing policies and procedures for presentation of claims, including claims in connection with filing a notice of lien or stop notice and claims by the state or other local public entities, adoption of Ordinance No. 10-912 would reduce the City's exposure to certain claims including class actions.

FISCAL IMPACT: Minimal cost related to advertising a public hearing. There is no existing data from which to provide an estimate of the fiscal impact related to adoption of a claims process and any correlating reduction in liabilities. However, adopting specific requirements and procedures for all claims would limit the City's liability to one year from the date of accrual of a claim and could potentially reduce liabilities related to claims.

RECOMMENDATION: Staff recommends the City Council adopt the first reading of Ordinance No. 10-912 adding Chapter 1.16 to the Montclair Municipal Code regarding claims against the City.

ORDINANCE NO. 10-912

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR ADDING CHAPTER 1.16 TO THE MONTCLAIR MUNICIPAL CODE REGARDING CLAIMS AND DEMANDS AGAINST THE CITY

WHEREAS, early notice of claims against the City facilitates prompt investigation and possible early settlement of claims, allows the City to make reasonable and necessary fiscal adjustments, and provides opportunities to take corrective action to avoid repeat occurrences and future liability; and

WHEREAS, the City Council desires to establish and codify requirements for all claims for money or damages against the City not otherwise governed by the Government Claims Act, California Government Code Sections 900 *et seq.*; and

WHEREAS, such locally adopted claim requirements and procedures are authorized and enforceable pursuant to Government Code Section 935.

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

SECTION I. Chapter 1.16 (Claims) of the Montclair Municipal Code is hereby added to read as follows:

Chapter 1.16 Claims.

A. Authority. This Ordinance is enacted pursuant to Section 935 of the California Government Code.

B. Claims Presentation Procedures. All claims and demands against the City for money or damages not otherwise governed by the Government Tort Claims Act, California Government Code Section 900 *et seq.* or other state law (hereinafter "claims") shall be presented within the timeframe and in the manner prescribed by Part 3 of Division 3.6 of Title 1 of the California Government Code (commencing with Section 900 thereof), as those provisions now exist or shall hereafter be amended from time to time, and as further provided in this Chapter.

C. Form of Claim. All claims shall be made in writing and filed with the City Clerk or designee. All claims shall be verified by the claimant or by his/her guardian, conservator, executor, or administrator. No claim may be filed on behalf of a class of persons unless verified by every member of that class as required by this section. In addition, all claims shall contain the information required by California Government Code Section 910 *et seq.* The City may provide a claim form pursuant to Government Code Section 910.4 specifying the information to be contained in any claim against the City.

D. Audit. All claims shall be audited by the City Clerk or designee for compliance with this Chapter and submitted as required for approval or rejection as provided for in California Government Code Section 37202.

E. Claim Prerequisite to Suit. In accordance with California Government Code Sections 935(b), 945.4, and 945.6, all claims shall be presented as provided in this Chapter and acted upon by the City prior to the filing of any action on such claims; and no such action may be maintained by a person who has not complied with the requirements of this chapter.

F. Suit. Any legal action brought against the City upon any claim or demand shall conform to the requirements of Government Code Sections 940-949. Any action brought against any employee of the City shall conform to the requirements of California Government Code Sections 950-951.

SECTION II. Severability.

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

SECTION III. Effective Date; Transitional Clause.

This Ordinance shall be in full force and effect thirty (30) days after passage as provided by Government Code Section 36937, and its provisions shall be applicable to any claims subject to the provisions of this Chapter not otherwise time barred. If application of time periods established by this Chapter would extinguish an existing claim that is not otherwise time barred, then such claim shall be deemed to have been presented in compliance with this Chapter subject to the sooner of:

A. The date any applicable claims period would have expired; or

B. Six (6) months after the accrual of the cause of action for claims described in the first sentence of Government Code Section 911.2 or one (1) year after the accrual of the cause of action for claims described in the second sentence of that section. Nothing in this Chapter shall be construed to extend the time for the presentation of any claim, which time was established by statute, Ordinance, or other law in effect prior to the adoption of this Ordinance.

SECTION IV. 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, 2010.

_____
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. 10-912 of said City, which was introduced at a regular meeting of the City Council held on the XX day of XX, 2010, and finally passed not less than five (5) days thereafter on the XX day of XX, 2010, by the following vote, to-wit:

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

_____
Donna M. Jackson
City Clerk

AGENDA REPORT

SUBJECT: CONSIDER AMENDING THE FISCAL YEARS 2009-2013 CAPITAL IMPROVEMENT PROGRAM ADDING THE VERNON AVENUE SIDEWALK IMPROVEMENTS-A COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT

CONSIDER AUTHORIZATION TO ADVERTISE FOR BID PROPOSALS FOR THE VERNON AVENUE SIDEWALK IMPROVEMENTS-A COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT

CONSIDER AUTHORIZING THE CITY MANAGER TO AWARD AND SIGN A CONSTRUCTION CONTRACT FOR THE VERNON AVENUE SIDEWALK IMPROVEMENTS-A COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT TO THE LOWEST RESPONSIBLE, RESPONSIVE BIDDER

DATE: February 1, 2010

SECTION: ADMIN. REPORTS

ITEM NO.: 1

FILE I.D.: STA650

DEPT.: PUBLIC WORKS

BUSINESS PLAN: N/A

REASON FOR CONSIDERATION: Advertising for bid proposals is subject to City Council approval.

BACKGROUND: The Vernon Avenue Sidewalk Improvements-A Community Development Block Grant Project is intended to provide new sidewalk to an existing neighborhood generally located in the 10400 block of Vernon Avenue. The neighborhood currently has some uplifted and damaged sidewalk caused by City trees throughout the area. Several properties currently have no sidewalk. Improvements include tree removal; removal and replacement of the existing sidewalk; construction of concrete drive approaches and retaining curbs; and the installation of pedestrian ramps compliant with the Americans with Disabilities Act.

Because of the time required for advertising and the deadline for getting Community Development Block Grant funding for the project, staff is requesting the City Manager be authorized to award the construction contract to the lowest responsible, responsive bidder and sign the construction contract.

FISCAL IMPACT: Community Development Block Grant funds are being used to fund this project. The total project cost is estimated to be under $72,000. There is no local match requirement. The cost of advertising this project should not exceed $3,000.

Prepared by: _____ Reviewed and Approved by: _____

Proofed by: _____ Presented by: _____

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

1. Amend the Fiscal Years 2009-2013 Capital Improvement Program adding the Vernon Avenue Sidewalk Improvements-A Community Development Block Grant Project.

2. Authorize staff to advertise for bid proposals for the Vernon Avenue Sidewalk Improvements-A Community Development Block Grant Project.

3. Authorize the City Manager to award and sign the construction contract for the Vernon Avenue Sidewalk Improvements-A Community Development Block Grant Project to the lowest responsible, responsive bidder.

AGENDA REPORT

SUBJECT: CONSIDER AMENDING THE FISCAL YEARS 2009-2013 CAPITAL IMPROVEMENT PROGRAM ADDING THE PEDESTRIAN RAMP AND SIDEWALK IMPROVEMENTS-A COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT

CONSIDER AUTHORIZATION TO ADVERTISE FOR BID PROPOSALS FOR THE PEDESTRIAN RAMP AND SIDEWALK IMPROVEMENTS-A COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT

CONSIDER AUTHORIZING THE CITY MANAGER TO AWARD AND SIGN A CONSTRUCTION CONTRACT FOR THE PEDESTRIAN RAMP AND SIDEWALK IMPROVEMENTS-A COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT TO THE LOWEST RESPONSIBLE, RESPONSIVE BIDDER

DATE: February 1, 2010

SECTION: ADMIN. REPORTS

ITEM NO.: 2

FILE I.D.: STA650

DEPT.: PUBLIC WORKS

BUSINESS PLAN: N/A

REASON FOR CONSIDERATION: Advertising for bid proposals is subject to City Council approval.

BACKGROUND: The Pedestrian Ramp and Sidewalk Improvements-A Community Development Block Grant Project is intended to repair damaged sidewalk and construct new pedestrian ramps compliant with the Americans with Disabilities Act (ADA) throughout an existing neighborhood. The area is generally located between Central Avenue on the east, Fremont Avenue on the west, Kingsley Street in the north, and Bandera Street on the south. The neighborhood currently has some uplifted and damaged sidewalk caused by City trees and missing or out-of-compliance pedestrian ramps throughout the neighborhood.

Improvements include tree root removals; removal and replacement of the existing sidewalk, curb, and gutter; construction of concrete sidewalk; and the installation of pedestrian ramps compliant with Americans with Disabilities Act.

Because of the time required for advertising and the deadline for getting Community Development Block Grant funding for the project, staff is requesting the City Manager be authorized to award the construction contract to the lowest responsible, responsive bidder and sign the construction contract.

Prepared by: _____ Reviewed and Approved by: _____

Proofed by: _____ Presented by: _____

FISCAL IMPACT: Community Development Block Grant funds are being used to fund this project. The total project cost is estimated to be under $20,000. There is no local match requirement. The cost of advertising this project should not exceed $3,000.

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

1. Amend the Fiscal Years 2009-2013 Capital Improvement Program adding the Pedestrian Ramp and Sidewalk Improvements-A Community Development Block Grant Project.

2. Authorize staff to advertise for bid proposals for the Pedestrian Ramp and Sidewalk Improvements-A Community Development Block Grant Project.

3. Authorize the City Manager to award and sign the construction contract for the Pedestrian Ramp and Sidewalk Improvements-A Community Development Block Grant Project to the lowest responsible, responsive bidder.

AGENDA REPORT

SUBJECT:	CONSIDER APPROVAL OF WARRANT REGISTER AND PAYROLL DOCUMENTATION	**DATE:**	February 1, 2010
		SECTION:	ADMIN. REPORTS
		ITEM NO.:	3
		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 February 1, 2010, and Payroll Documentation dated December 20, 2009, finds them to be in order and recommends their approval.

FISCAL IMPACT: The Warrant Register dated February 1, 2010, totals $2,156,197.94. The Payroll Documentation dated December 20, 2009, totals $640,404.53, with $440,559.94 being the total cash disbursement.

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

Prepared by: Donna M Jackson Reviewed and Approved by:

Proofed by: Janet Kilpatrick Presented by:

AGENDA REPORT

SUBJECT: CONSIDER REDEVELOPMENT AGENCY BOARD OF DIRECTORS' APPROVAL OF AGREEMENT NOS. 10-01 THROUGH 10-04, REHABILITATION GRANT AGREEMENTS BY AND BETWEEN THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY AND EXTERIOR HOUSING IMPROVEMENT PROGRAM PARTICIPANTS

DATE: February 1, 2010

SECTION: AGREEMENTS

ITEM NO.: 1

FILE I.D.: RDA720

DEPT.: REDEVELOPMENT

BUSINESS PLAN: N/A

REASON FOR CONSIDERATION: The Redevelopment Agency Board of Directors is requested to consider approval of Rehabilitation Grant Agreement Nos. 10-01 through 10-04 by and between the City of Montclair Redevelopment Agency and participants in the Exterior Housing Improvement Program (EHIP). Information on the proposed EHIP participants is contained on Exhibit A to the agenda report.

Copies of Proposed Agreement Nos. 10-01 through 10-04 are included in the agenda packet for the Redevelopment Agency Board's review and consideration.

BACKGROUND: As the Agency Board will recall, EHIP was reviewed on September 8, 2009, and certain recommendations were approved. EHIP will now consist of offering two different landscape options. One choice involves the use of turf and the other choice involves only the use of drought-tolerant plantings. The first choice being the traditional EHIP is designed to provide rehabilitation grants in an amount up to $7,000 for owner-occupied residences and $3,000 for nonowner-occupied residences for exterior improvements to single-family homes. The second choice is designed to provide rehabilitation grants in an amount up to $10,000 for owner-occupied residences for exterior improvements to single-family homes. The moneys would allow the Agency to provide enhanced landscape plantings and incorporate hardscape for installation of a 100 percent drought-tolerant design. Participants of the second option would be required to complete landscape classes offered by Chino Basin Water Conservation District, Monte Vista Water District, or another program approved by staff. It should be noted that the $10,000 option plan agreement would include extending the Covenants, Conditions, and Restrictions (CC&Rs) from five years to seven years and would also incorporate a forgivable loan provision for the $3,000 additional funding. The amount of the loan repayment would decline by one seventh per year or approximately $429 per year for each year that the property is maintained.

Other significant improvements incorporated in both EHIP options include installation of rain sensors, use of only warm-season versus cool-season turf, and to discontinue installing EHIP landscaping during July, August, and September. These improvements

Prepared by: Cecilia Conard **Reviewed and Approved by:** M STATS

Proofed by: Kristine Caldwell **Presented by:**

were recommended while addressing the urgency of water conservation efforts and the guidelines for mandatory water conservation issued by Monte Vista Water District.

FISCAL IMPACT: The Agency Board approved funding for EHIP in the Fiscal Year 2009-10 Redevelopment Agency Budget.

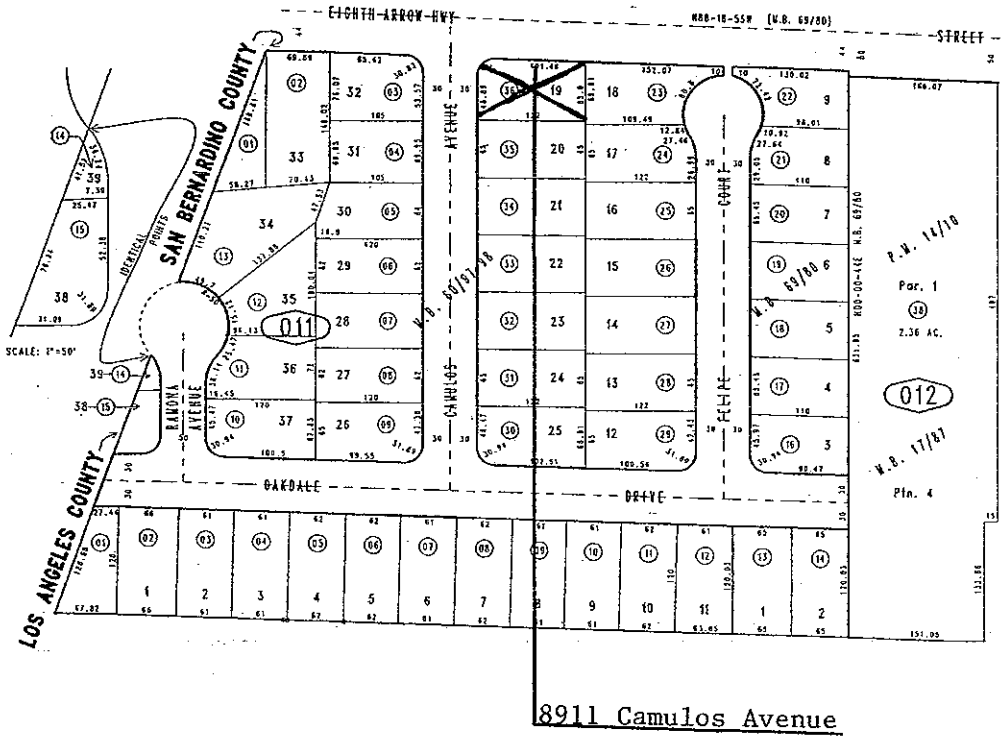
RECOMMENDATION: Agency staff recommends the Redevelopment Agency Board of Directors approve Agreement Nos. 10-01 through 10-04, Rehabilitation Grant Agreements by and between the City of Montclair Redevelopment Agency and EHIP participants.

EXHIBIT A

Agreement Nos. 10-01 through 10-04

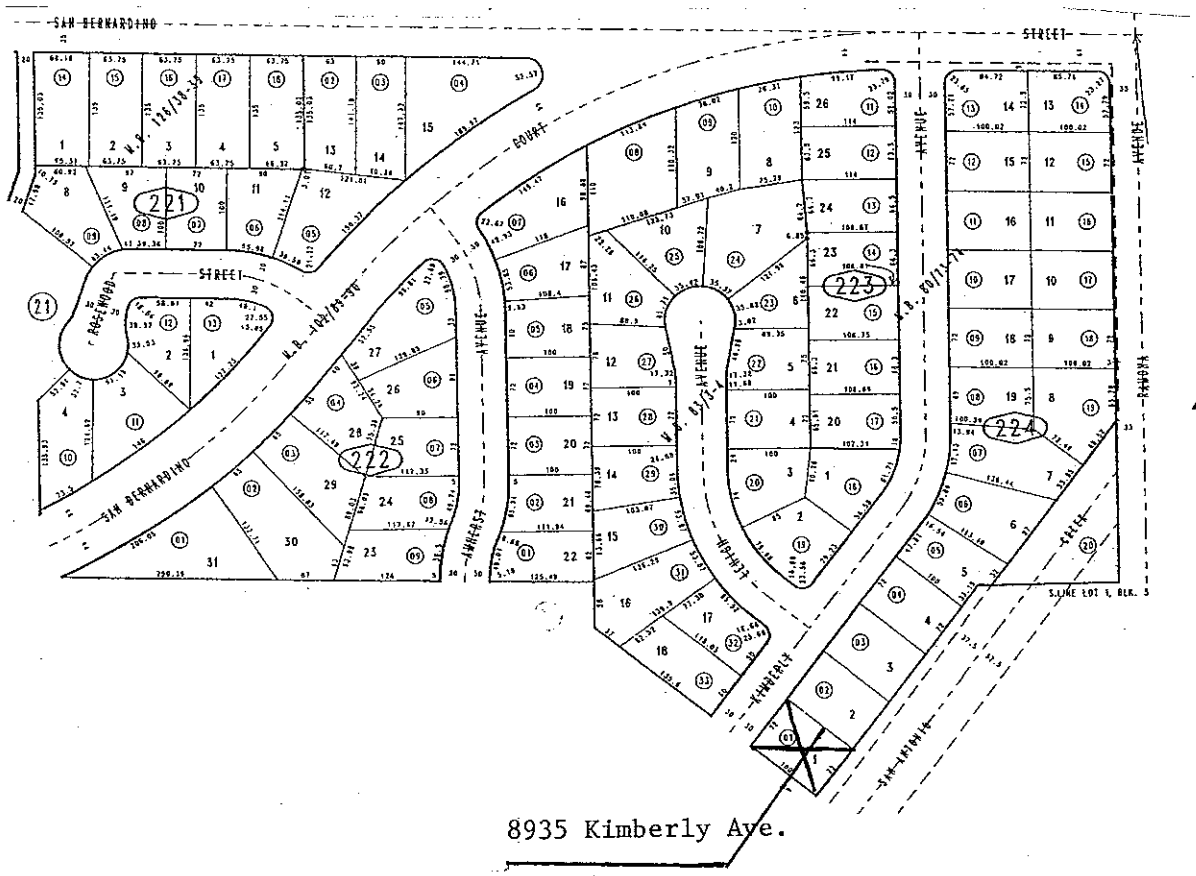
Agreement Number	*Applicant Name and Address*	*Option of Grant*
10-01	Helen V. Caster 8911 Camulos Avenue	$10,000 Exhibit B
10-02	Hyder Kazmi 9835 Kimberly Avenue	$10,000 Exhibit C
10-03	David and Sandra Casarez 5050 Orchard Street	$ 7,000 Exhibit D
10-04	Judith E. Pettella 5564 Princeton Street	$10,000 Exhibit E

EXHIBIT B



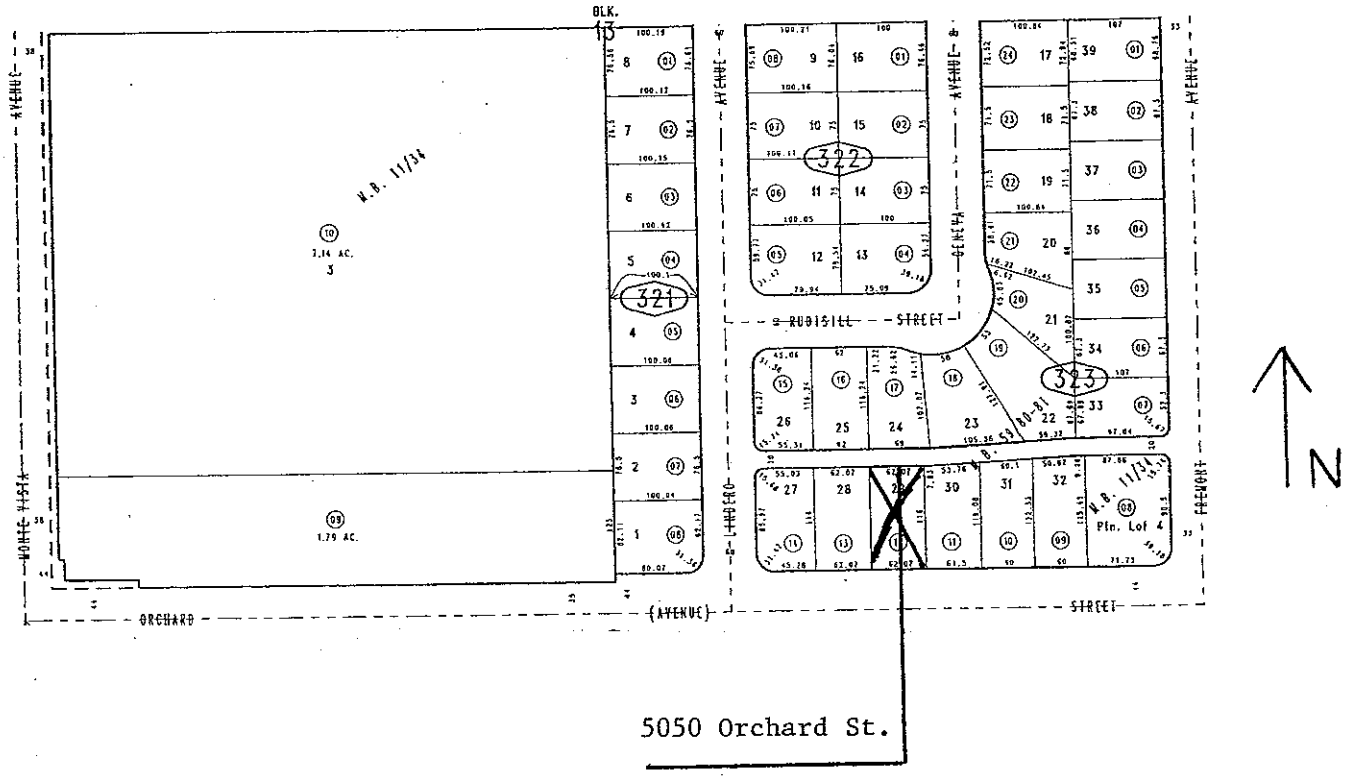
8911 Camulos Avenue

EXHIBIT C



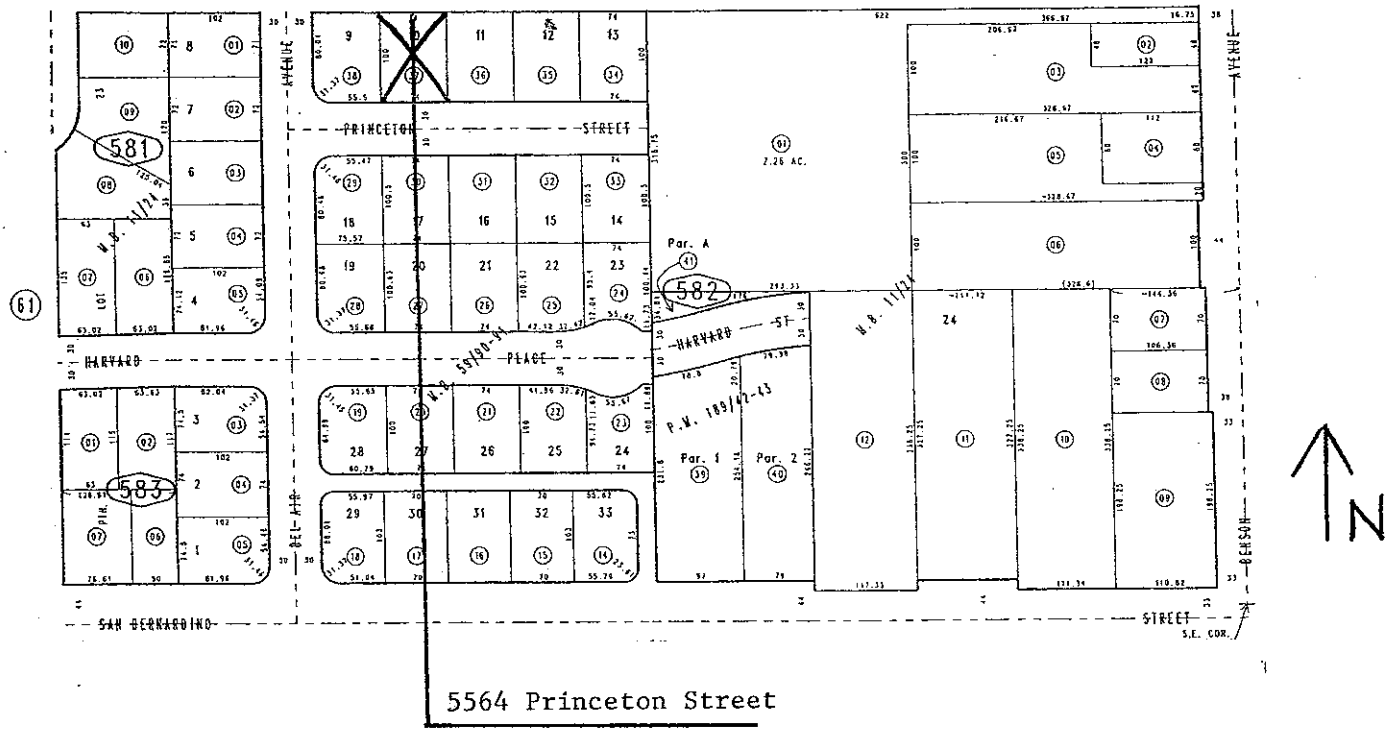
8935 Kimberly Ave.

EXHIBIT D



BLK.
13
AVENUE
MONTE VISTA
ORCHARD
(AVENUE)
STREET
RUDISILL
STREET
LINDERO
FREMONT
W.B. 11/34
3.14 AC.
1.79 AC.
321
322
323
Pln. Lot 4
N
5050 Orchard St.

EXHIBIT E



PRINCETON STREET
HARVARD PLACE
HARVARD ST
SAN BERNARDINO STREET
AVENUE
DEL AIR
BENSON
581
582
583
61
Par. A
Par. 1
Par. 2
2.26 AC.
P.M. 189/42-43
N
5564 Princeton Street

AGENDA REPORT

SUBJECT:	CONSIDER ADOPTION OF RESOLUTION NO. 10-2826 AUTHORIZING PLACEMENT OF LIENS ON CERTAIN PROPERTIES FOR DELINQUENT SEWER AND TRASH CHARGES	**DATE:**	February 1, 2010
		SECTION:	RESOLUTIONS
		ITEM NO.:	1
		FILE I.D.:	STB300-17
BUSINESS PLAN:	N/A	**DEPT.:**	ADMIN. SVCS.

REASON FOR CONSIDERATION: Staff has identified 215 sewer and trash accounts in the even-numbered-month billing cycle that are more than three billing periods delinquent. Pursuant to Montclair Municipal Code Chapter 1.12, these properties are subject to lien.

BACKGROUND: Ordinance No. 02-815 authorizes the placement of liens on properties on which delinquent civil debts have accrued and makes property owners responsible for delinquent sewer and trash charges accrued after the effective date of the Ordinance (March 1, 2002) for accounts in tenants' names. Prior to adoption of the Ordinance, property owners were responsible only for those accounts in their own names.

The 215 liens presented for approval are for accounts which are at least 90 days delinquent.

FISCAL IMPACT: Recoverable amount is $43,307.57 plus $10,750.00 in lien fees, for a total of $54,057.57.

RECOMMENDATION: Staff recommends the City Council adopt Resolution No. 10-2826 authorizing placement of liens on certain properties for delinquent sewer and trash charges as listed on Exhibit A of said Resolution.

Prepared by: Janet Kulbeck Reviewed and Approved by:

Proofed by: Kathy Stanton Presented by:

RESOLUTION NO. 10-2826

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR AUTHORIZING PLACEMENT OF LIENS ON CERTAIN PROPERTIES FOR DELINQUENT SEWER AND TRASH ACCOUNTS

WHEREAS, Chapter 1.12 of the Montclair Municipal Code authorizes the City to place liens on properties on which delinquent civil debts have accrued; and

WHEREAS, all owners of property in the City of Montclair were notified about the adoption of Ordinance No. 02-815 authorizing placement of liens on properties on which delinquent civil debts have accrued; and

WHEREAS, it has been determined that there are 215 sewer and/or trash accounts on which there are delinquencies in excess of 90 days; and

WHEREAS, the owners of these properties have received regular billing statements and late notices since the onset of such delinquencies; and

WHEREAS, the owners of these properties were notified on January 12, 2010, that their delinquent accounts are subject to causing a lien to be placed on their properties for settlement of such delinquencies; and

WHEREAS, the owners of these properties were again notified on January 21, 2010, and that such liens would be considered for approval by the Montclair City Council on Monday, February 1, 2010.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Montclair approve the placement of liens on the properties and in the amounts specified in Exhibit A, entitled *Report of Delinquent Civil Debts - February 2010,* attached hereto.

BE IT FURTHER RESOLVED that the City Clerk is authorized to provide the San Bernardino County Auditor/Controller-Recorder with the documents required to cause such liens to be placed.

APPROVED AND ADOPTED this XX day of XX, 2010.

_____
Mayor

ATTEST:

_____
City Clerk

I, Donna M. Jackson, City Clerk of the City of Montclair, DO HEREBY CERTIFY that Resolution No. 10-2826 was duly adopted by the City Council of said city and was approved by the Mayor of said city at a regular meeting of said City Council held on the XX day of XX, 2010, and that it was adopted by the following vote, to-wit:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____

Donna M. Jackson
City Clerk

Exhibit A to Resolution No. 10-2826
Report of Delinquent Civil Debts - February 2010

Service Address	Account Type	Delinquency	Lien Fee	Total Lien Amount
10208 Benson Avenue	Residential	$259.16	$50.00	$309.16
10161 Geneva Avenue	Residential	$158.96	$50.00	$208.96
10395 Vernon Avenue	Residential	$177.29	$50.00	$227.29
10231 Mills Avenue	Residential	$179.47	$50.00	$229.47
10236 Vernon Avenue	Residential	$154.71	$50.00	$204.71
4731 Manzanita Street	Residential	$110.19	$50.00	$160.19
5646 Kingsley Street	Residential	$143.66	$50.00	$193.66
10145 Bel Air Avenue	Residential	$244.26	$50.00	$294.26
11142 Amherst Avenue	Residential	$202.96	$50.00	$252.96
4449 Howard Street	Residential	$182.11	$50.00	$232.11
5171 Fauna Street	Residential	$254.80	$50.00	$304.80
4912 Canoga Street	Residential	$177.26	$50.00	$227.26
10221 Santa Anita Avenue	Residential	$177.34	$50.00	$227.34
4103 Howard Street	Residential	$178.21	$50.00	$228.21
4852 Fauna Street	Residential	$179.47	$50.00	$229.47
10254 Camarena Avenue	Residential	$144.26	$50.00	$194.26
10231 Coalinga Avenue	Residential	$179.47	$50.00	$229.47
10123 Fremont Avenue	Residential	$179.46	$50.00	$229.46
5121 Orchard Street	Residential	$158.92	$50.00	$208.92
5171 Orchard Street	Residential	$125.81	$50.00	$175.81
10124 Poulsen Avenue	Residential	$179.49	$50.00	$229.49
10154 Poulsen Avenue	Residential	$177.26	$50.00	$227.26
10201 Columbine Avenue	Residential	$254.78	$50.00	$304.78
10115 Vernon Avenue	Residential	$174.84	$50.00	$224.84
10186 Bel Air Avenue	Residential	$158.96	$50.00	$208.96
10198 Bel Air Avenue	Residential	$158.96	$50.00	$208.96
10148 Del Mar Avenue	Residential	$279.46	$50.00	$329.46
10168 Benson Avenue	Residential	$150.00	$50.00	$200.00
10218 Benson Avenue	Residential	$192.84	$50.00	$242.84
5476 Kingsley Street	Residential	$178.07	$50.00	$228.07
5051 Flora Street	Residential	$189.02	$50.00	$239.02
10282 Greenwood Avenue	Residential	$177.26	$50.00	$227.26
10289 Tudor Avenue	Residential	$179.47	$50.00	$229.47
10243 Tudor Avenue	Residential	$255.99	$50.00	$305.99
4752 Kingsley Street	Residential	$184.63	$50.00	$234.63
4668 Kingsley Street	Residential	$176.81	$50.00	$226.81
4738 Fauna Street	Residential	$166.26	$50.00	$216.26
10129 Galena Avenue	Residential	$275.08	$50.00	$325.08
10241 Camulos Avenue	Residential	$178.18	$50.00	$228.18
10252 Camulos Avenue	Residential	$173.08	$50.00	$223.08
4490 Kingsley Street	Residential	$176.02	$50.00	$226.02
4219 Fauna Street	Residential	$177.29	$50.00	$227.29
10159 Amherst Avenue	Residential	$169.05	$50.00	$219.05
4993 Manzanita Street	Senior	$171.56	$50.00	$221.56
10407 Camarena Avenue	Residential	$184.63	$50.00	$234.63
4949 Canoga Street	Residential	$177.03	$50.00	$227.03
4987 Canoga Street	Residential	$134.11	$50.00	$184.11
5019 Kingsley Street	Residential	$177.26	$50.00	$227.26

Service Address	Account Type	Delinquency	Lien Fee	Total Lien Amount
4595 Oakdale Street	Residential	$255.62	$50.00	$305.62
4846 Mane Street	Residential	$177.37	$50.00	$227.37
4426 Rodeo Street	Residential	$184.63	$50.00	$234.63
11158 Carriage Avenue	Residential	$178.07	$50.00	$228.07
4555 Saddleback Street	Residential	$184.63	$50.00	$234.63
5198 Kingsley Street	Multifamily	$358.96	$50.00	$408.96
8919-21 Felipe Avenue	Multifamily	$335.65	$50.00	$385.65
10360 Amherst Avenue	Multifamily	$531.78	$50.00	$581.78
10431 Amherst Avenue	Multifamily	$354.52	$50.00	$404.52
10421 Amherst Avenue	Multifamily	$354.52	$50.00	$404.52
10386 Kimberly Avenue	Multifamily	$635.85	$50.00	$685.85
4536 Yosemite Drive	Residential	$154.26	$50.00	$204.26
4505 Donner Court	Residential	$177.26	$50.00	$227.26
5103 Bandera Street	Residential	$244.26	$50.00	$294.26
4558 Humboldt Court	Residential	$179.50	$50.00	$229.50
4532 Yosemite Drive	Residential	$175.25	$50.00	$225.25
4515 Yosemite Drive	Residential	$177.26	$50.00	$227.26
5230 Howard Street	Residential	$131.25	$50.00	$181.25
5177 San Antonio Way	Residential	$244.26	$50.00	$294.26
11014 San Miguel Way	Residential	$135.88	$50.00	$185.88
11022 San Juan Way	Residential	$175.25	$50.00	$225.25
9201 Central Avenue	Commercial	$115.86	$50.00	$165.86
5206 Benito Street	Commercial	$150.17	$50.00	$200.17
5655 Palo Verde Street	Commercial	$223.63	$50.00	$273.63
9863 Central Avenue	Commercial	$193.35	$50.00	$243.35
10556 Mustang Circle	Residential	$158.96	$50.00	$208.96
4337 Clydesdale Way	Residential	$158.96	$50.00	$208.96
4315 Clydesdale Way	Residential	$177.22	$50.00	$227.22
4924 Canoga Street	Residential	$177.26	$50.00	$227.26
10310-12 Lehigh Avenue	Multifamily	$354.52	$50.00	$404.52
5105 Bandera Street	Residential	$139.07	$50.00	$189.07
10273 Monte Vista Avenue	Residential	$190.07	$50.00	$240.07
4552 Humboldt Court	Residential	$158.96	$50.00	$208.96
10290 Monte Vista Avenue	Senior	$191.08	$50.00	$241.08
10614 Oak Glen Avenue	Multifamily	$349.68	$50.00	$399.68
10963 San Juan Way	Residential	$383.82	$50.00	$433.82
10554 Oak Glen Avenue	Residential	$160.60	$50.00	$210.60
4843 Orchard Street	Residential	$158.96	$50.00	$208.96
10462 Calico Court	Residential	$186.35	$50.00	$236.35
10919 Fremont Avenue	Residential	$160.60	$50.00	$210.60
4722 Canoga Street	Multifamily	$305.44	$50.00	$355.44
4661 Mane Street	Residential	$186.30	$50.00	$236.30
10194 Coalinga Avenue	Senior	$140.06	$50.00	$190.06
10594 Oak Glen Avenue	Residential	$129.75	$50.00	$179.75
4999 Grand Avenue	Residential	$178.19	$50.00	$228.19
5505 Moreno Street	Commercial	$869.11	$50.00	$919.11
4865 Orchard Street	Residential	$244.26	$50.00	$294.26
5227 Barrington Way	Residential	$134.63	$50.00	$184.63
10493 Adobe Court	Residential	$244.26	$50.00	$294.26
5196 Benito Street	Commercial	$155.67	$50.00	$205.67
4674 Evart Street	Residential	$177.03	$50.00	$227.03

Service Address	Account Type	Delinquency	Lien Fee	Total Lien Amount
11076 Kimberly Avenue	Residential	$175.25	$50.00	$225.25
10236 Del Mar Avenue	Residential	$177.27	$50.00	$227.27
11263 Whitewater Avenue	Residential	$158.96	$50.00	$208.96
5180 San Clemente Way	Residential	$76.36	$50.00	$126.36
4371 Berkeley Street	Residential	$189.18	$50.00	$239.18
5425 Howard Street	Multifamily	$144.42	$50.00	$194.42
11151 Amherst Avenue	Residential	$175.20	$50.00	$225.20
4741 Arrow Highway #A	Commercial	$179.61	$50.00	$229.61
4528 Donner Court	Residential	$244.26	$50.00	$294.26
10462 Yosemite Drive	Residential	$179.49	$50.00	$229.49
5130 Kingsley Street	Residential	$244.26	$50.00	$294.26
10133 Santa Anita Avenue	Residential	$158.96	$50.00	$208.96
4785 Manzanita Street	Residential	$185.76	$50.00	$235.76
5202 Howard Street	Residential	$239.40	$50.00	$289.40
4267 Fauna Street	Residential	$166.71	$50.00	$216.71
10250 Poulsen Avenue	Residential	$177.33	$50.00	$227.33
11075 Kimberly Avenue	Residential	$175.25	$50.00	$225.25
5101 Bandera Street	Residential	$177.26	$50.00	$227.26
5572 Kingsley Street	Residential	$178.07	$50.00	$228.07
4612 Canoga Street	Multifamily	$180.08	$50.00	$230.08
10437 Camarena Avenue	Residential	$182.30	$50.00	$232.30
10582 Oak Glen Avenue	Residential	$244.26	$50.00	$294.26
10970 Shetland Avenue	Residential	$158.96	$50.00	$208.96
4555 Mane Street	Residential	$172.21	$50.00	$222.21
5229 Belvedere Way	Residential	$158.96	$50.00	$208.96
10236 Kimberly Avenue	Residential	$185.57	$50.00	$235.57
4234 Fauna Street	Residential	$177.34	$50.00	$227.34
10298 Santa Anita Avenue	Residential	$200.90	$50.00	$250.90
4780 Bandera Street	Multifamily	$273.67	$50.00	$323.67
5422 Orchard Street	Residential	$179.49	$50.00	$229.49
4997 Holt Boulevard	Residential	$145.04	$50.00	$195.04
8963 Ramona Avenue	Residential	$137.17	$50.00	$187.17
4592 Canoga Street	Multifamily	$707.83	$50.00	$757.83
10444 Felipe Lane	Residential	$68.98	$50.00	$118.98
10484 Calico Court	Residential	$198.12	$50.00	$248.12
10150 Helena Avenue	Residential	$177.23	$50.00	$227.23
9617 Central Avenue	Commercial	$378.95	$50.00	$428.95
4748 Fauna Street	Residential	$179.49	$50.00	$229.49
4919 Manzanita Street	Residential	$184.63	$50.00	$234.63
4224 Appaloosa Way	Residential	$177.25	$50.00	$227.25
4771 Evart Street	Residential	$144.26	$50.00	$194.26
10264 Camulos Avenue	Residential	$150.56	$50.00	$200.56
4535 Mane Street	Residential	$264.60	$50.00	$314.60
10195 Bel Air Avenue	Residential	$202.89	$50.00	$252.89
10259 Camulos Avenue	Residential	$177.26	$50.00	$227.26
5242 Monte Verde Street	Residential	$244.26	$50.00	$294.26
5533 Shirley Lane	Residential	$132.10	$50.00	$182.10
11178 Whitewater Avenue	Residential	$177.26	$50.00	$227.26
4780 Kingsley Street	Residential	$177.23	$50.00	$227.23
4975 Canoga Street	Residential	$177.27	$50.00	$227.27
11065 Kimberly Avenue	Residential	$175.25	$50.00	$225.25

Service Address	Account Type	Delinquency	Lien Fee	Total Lien Amount
10225 Lehigh Avenue	Residential	$177.25	$50.00	$227.25
4551 Monte Verde Street	Residential	$235.74	$50.00	$285.74
11169 Carrillo Avenue	Residential	$177.34	$50.00	$227.34
4538 Yosemite Drive	Residential	$226.09	$50.00	$276.09
10311 Kimberly Avenue	Residential	$283.11	$50.00	$333.11
5111 Bandera Street	Residential	$268.87	$50.00	$318.87
5014-16 Bandera Street	Multifamily	$317.92	$50.00	$367.92
11073 Monte Vista Avenue	Residential	$117.74	$50.00	$167.74
4230 Via Amore	Residential	$244.26	$50.00	$294.26
11246 Poulsen Avenue	Residential	$158.96	$50.00	$208.96
4534 Yosemite Drive	Residential	$179.49	$50.00	$229.49
11254 Poulsen Avenue	Residential	$244.26	$50.00	$294.26
10203 Vernon Avenue	Residential	$205.49	$50.00	$255.49
8912 Felipe Avenue	Residential	$179.49	$50.00	$229.49
4780 Howard Street	Residential	$177.26	$50.00	$227.26
11012 Shetland Avenue	Residential	$184.53	$50.00	$234.53
11020 San Pasqual Avenue	Residential	$177.34	$50.00	$227.34
10468 Calico Court	Residential	$99.98	$50.00	$149.98
4501 Donner Court	Residential	$179.47	$50.00	$229.47
4337 Appaloosa Way	Residential	$178.07	$50.00	$228.07
8961 Central Avenue	Commercial	$177.76	$50.00	$227.76
4909 Kingsley Street	Residential	$171.79	$50.00	$221.79
4596 Mane Street	Residential	$177.26	$50.00	$227.26
4737 Bandera Street	Residential	$244.26	$50.00	$294.26
10845 Pipeline Avenue	Residential	$151.85	$50.00	$201.85
10885 Pipeline Avenue	Residential	$151.86	$50.00	$201.86
4912 Carlton Street	Residential	$116.47	$50.00	$166.47
4980 Howard Street	Residential	$116.17	$50.00	$166.17
5022 Evart Street	Residential	$158.96	$50.00	$208.96
5271 Saddleback Street	Residential	$273.50	$50.00	$323.50
10984 San Miguel Way	Residential	$96.37	$50.00	$146.37
11184 Whitewater Avenue	Residential	$182.85	$50.00	$232.85
5003 Kingsley Street	Residential	$158.96	$50.00	$208.96
5181 Fauna Street	Residential	$177.07	$50.00	$227.07
10244 Bel Air Avenue	Residential	$175.25	$50.00	$225.25
4631 Kingsley Street	Multifamily	$167.74	$50.00	$217.74
10557 Morgan Circle	Residential	$179.47	$50.00	$229.47
10472 Yosemite Drive	Residential	$177.23	$50.00	$227.23
5015 Canoga Street	Residential	$121.55	$50.00	$171.55
10974 Buckingham Way	Senior	$209.53	$50.00	$259.53
11159 Essex Avenue	Residential	$180.63	$50.00	$230.63
4664 Evart Street	Residential	$177.22	$50.00	$227.22
10149 Galena Avenue	Residential	$112.17	$50.00	$162.17
10171 Canary Court	Residential	$177.34	$50.00	$227.34
5485 Applegate Street	Residential	$172.23	$50.00	$222.23
4703 Fauna Street	Residential	$182.75	$50.00	$232.75
5185 Flora Street	Residential	$221.80	$50.00	$271.80
11150 Poulsen Avenue	Residential	$119.10	$50.00	$169.10
10642 Oak Glen Avenue	Residential	$172.31	$50.00	$222.31
5206 Berkshire Way	Residential	$194.95	$50.00	$244.95
10964 Buckingham Way	Residential	$175.25	$50.00	$225.25

Service Address	Account Type	Delinquency	Lien Fee	Total Lien Amount
10158 Kimberly Avenue	Residential	$171.94	$50.00	$221.94
11206 Poulsen Avenue	Residential	$239.26	$50.00	$289.26
10255 Camarena Avenue	Residential	$139.01	$50.00	$189.01
4570 Howard Street	Residential	$288.87	$50.00	$338.87
11221 Greycliff Avenue	Residential	$179.50	$50.00	$229.50
4624 Bandera Street	Residential	$305.44	$50.00	$355.44
4701 Canoga Street	Multifamily	$635.85	$50.00	$685.85
5160 San Clemente Way	Residential	$252.80	$50.00	$302.80
9515 Central Avenue	Commercial	$202.47	$50.00	$252.47
4641 Huntington Drive	Residential	$145.04	$50.00	$195.04
10191 Columbine Avenue	Residential	$441.33	$50.00	$491.33
10416 Via Cara	Residential	$158.96	$50.00	$208.96
5049 Saddleback Street	Residential	$128.37	$50.00	$178.37
11003 Monte Vista Ave	Residential	$145.04	$50.00	$195.04
		$43,307.57	**$10,750.00**	**$54,057.57**

AGENDA REPORT

SUBJECT: CONSIDER ADOPTION OF RESOLUTION NO. 10-2827 SUPPORTING THE STATE ROUTE 57/STATE ROUTE 60 MIXED FLOW INTERCHANGE IMPROVEMENTS AS IDENTIFIED IN THE LOS ANGELES COUNTY METRO 2008 LONG RANGE TRANSPORTATION PLAN AND IN THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS 2008 REGIONAL TRANSPORTATION PLAN

DATE: February 1, 2010

SECTION: RESOLUTIONS

ITEM NO.: 2

FILE I.D.: TRN499

DEPT.: PUBLIC WORKS

BUSINESS PLAN: N/A

REASON FOR CONSIDERATION: The City of Diamond Bar has asked cities throughout the San Gabriel Valley and Inland Empire to support its request for interchange improvements to the State Route 57/State Route 60 interchange. A resolution in support of this request requires City Council approval. Resolution No. 10-2827 is attached for City Council review and consideration.

BACKGROUND: The City of Diamond is attempting to secure federal funding for the construction of interchange improvements at the State Route 57 and State Route 60 interchange. This interchange is a regional bottleneck that has been designated as the number one highway congestion chokepoint in Los Angeles County, affecting commuters in Los Angeles, San Bernardino, Orange, and Riverside Counties. By relieving an ever-worsening regional transportation bottleneck, the interchange project would directly facilitate a more efficient commuter goods movement corridor, linking the ports of Los Angeles and Long Beach with the national distribution centers of the Inland Empire. With over 40 percent of all U.S. imports entering the country at the ports of Los Angeles and Long Beach, the interchange project would provide significant improvements that are critically necessary to regional and national economic interests. The project also addresses key air quality, traffic congestion, and driver safety issues that impact the quality of life of all Californians.

The Public Works Committee discussed this item at its meeting on January 21, 2010, and recommends support of proposed Resolution No. 10-2827.

FISCAL IMPACT: There would be no fiscal impacts to the City of Montclair should the City Council adopt Resolution No. 10-2827 supporting the City of Diamond Bar's proposed State Route 57/State Route 60 interchange improvements.

RECOMMENDATION: Staff recommends the City Council adopt Resolution No. 10-2827 supporting the State Route 57/State Route 60 mixed flow interchange improvements as identified in the Los Angeles County Metro 2008 Long Range Transportation Plan and in the Southern California Association of Governments 2008 Regional Transportation Plan.

Prepared by: _____ Reviewed and Approved by: _____

Proofed by: _____ Presented by: _____

RESOLUTION NO. 10-2827

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR SUPPORTING THE STATE ROUTE 57/STATE ROUTE 60 MIXED FLOW INTERCHANGE IMPROVEMENTS AS IDENTIFIED IN THE LOS ANGELES COUNTY METRO 2008 LONG RANGE TRANSPORTATION PLAN AND IN THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS 2008 REGIONAL TRANSPORTATION PLAN

WHEREAS, the City of Montclair supports regional traffic congestion relief and national goods movement corridor enhancements; and

WHEREAS, over 40 percent of all U.S. imports enter the country at the ports of Los Angeles and Long Beach, generating billions of dollars in trade and millions of jobs; and

WHEREAS, 50-60 percent of all imports arriving in the ports are bound for points beyond the local area and must travel through Southern California's already congested transportation corridors; and

WHEREAS, State Route 60 is the heaviest traveled truck route in California and has been identified by the Global Gateways Development Program as a "key international trade corridor"; and

WHEREAS, the State Route 57/State Route 60 Freeway Interchange is at the heart of this national goods movement corridor and is a gateway to the distribution centers of the Inland Empire, while serving as a major commuter arterial between the counties of Los Angeles, Orange, Riverside, and San Bernardino; and

WHEREAS, the inefficient design of the State Route 57/60 Freeway Interchange causes perpetual gridlock for miles in all directions, delaying goods, increasing transportation costs to businesses, extending commute times, and harming air quality across the region; and

WHEREAS, significant improvements to this interchange are essential to protect economic and quality-of-life interests both regionally and nationally; and

WHEREAS, the construction of the State Route 57/60 Mixed Flow Interchange Project has been identified in the Los Angeles County Metro Long Range Transportation Plan and the Southern California Association of Governments Regional Transportation Plan.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Montclair does hereby find and determine as follows:

Section 1. The City of Montclair supports construction of the SR-57/60 Mixed Flow Interchange Project, recognizing its regional and national significance.

Section 2. The City of Montclair urges state and federal agencies to provide funding construction of the SR-57/60 Mixed Flow Interchange Project.

Section 3. A certified copy of this Resolution shall be forwarded to representative state and federal officials, the Los Angeles County Metropolitan Transportation Authority, the Southern California Association of Governments, and the City of Diamond Bar.

APPROVED AND ADOPTED this XX day of XX, 2010.

_____
Mayor

ATTEST:

_____
City Clerk

I, Donna M. Jackson, City Clerk of the City of Montclair, DO HEREBY CERTIFY that Resolution No. 10-2827 was duly adopted by the City Council of said city and was approved by the Mayor of said city at a regular meeting of said City Council held on the XX day of XX, 2010, and that it was adopted by the following vote, to-wit:

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

_____
Donna M. Jackson
City Clerk

AGENDA REPORT

SUBJECT:	RESPONSE TO CITY COUNCIL DISCUSSION REGARDING RESIDENTIAL RENTAL UNITS WITHIN THE NORTH MONTCLAIR DOWNTOWN SPECIFIC PLAN	**DATE:**	February 1, 2010
		SECTION:	RESPONSE
		ITEM NO.:	A
BUSINESS PLAN:	N/A	**FILE I.D.:**	LDU460
		DEPT.:	COMMUNITY DEV.

REASON FOR CONSIDERATION: During the "Communications" portion of the City Council meeting on January 19, 2010, Council Member Paulitz requested that an item be placed on this agenda to facilitate discussion regarding the prohibition of residential rental projects within the North Montclair Downtown Specific Plan.

Development within the boundaries of the North Montclair Downtown Specific Plan would satisfy a portion of Strategic Priority No. 2, as contained in Montclair's "Business Plan."

BACKGROUND: Between 2005 and 2008, staff reviewed three residential projects located within the boundaries of the North Montclair Downtown Specific Plan (NMDSP). The first proposal, a collaboration between Standard Pacific Homes and Brookfield Homes, consisted of a 270-unit "for-sale" condominium project on the site formerly occupied by Sam's Club and the Montclair Town Square commercial center at the northeast corner of Monte Vista Avenue and Moreno Street. After a year of meetings and discussions, the project was ready to be formally submitted for Planning Commission and City Council consideration. However, the residential market had begun to sour about the same time; so the development team made the decision to cease pursuing the project. On a virtually concurrent timeframe, staff was reviewing a proposal by LaingUrban for a 184-unit "for-sale" residential project on the north side of Arrow Highway, east of Monte Vista Avenue. The LaingUrban proposal was reviewed by the Planning Commission and recommended for approval in November 2006 with final approval being granted by Council on February 20, 2007. However, the deteriorating housing market forced the developer to abandon the project after commencing the plan-check process. In early 2007, M&H Properties, owner of the 15-acre Montclair Town Square site, assembled a team to revisit the Standard Pacific/Brookfield proposal and initiated meetings with staff. The number of units was increased slightly to 290, the architectural details were altered slightly, but the site plan remained largely the same as the original plan. The project was approved by the City Council on February 19, 2008. Over the next year, M&H attempted to find a developer to build the project but was unsuccessful, staff believes because of the condition of the housing market and the flagging economy in general. The Precise Plan of Design for the project expired on February 19, 2009.

Prepared by:	Steve Lustro	Reviewed and Approved by:	Steve Lustro
Proofed by:	Laura Berke	Presented by:	

Shortly thereafter, staff began meeting with members of a new development team from Merlone Geier Partners (MGP), which is the successor company to M&H Properties. (The name change occurred because of the retirement of one partner and the addition of a new partner). MGP and its completely reconstituted development team is proposing to construct a 385-unit apartment project on the subject site. At the outset of discussions with staff, it was communicated to the developer that the Council was not enamored with the idea of a residential rental project being one of the first developments in the NMDSP. The development team understood the concern but requested an opportunity to go forward because of their belief that staff, the Planning Commission, and City Council would find the proposal to be superlative and worthy of setting a high standard for North Montclair, irrespective of the fact that it was proposed as a rental project.

Indeed, staff is extremely pleased with the proposed project, which was recently christened "The Paseos." The development team is proposing high-quality architecture and details far superior to what was approved for the site in 2008. The proposal would be built to condominium standards to allow the owner the flexibility to convert the project in the future if and when it is prudent to do so. The development, which would be managed by an institutional quality professional management company with an onsite manager, is proposed to include first-class amenities, such as a signature community facility, pool, spa, outdoor meeting and recreation spaces, and a one-acre linear public park. A copy of the architectural plans for the project is included in the Council packets for reference.

Put simply, the developer is proposing a "for-rent" project at this time because purpose-built "for-sale" condominiums are not financially viable in the current economy. From a maintenance and appearance standpoint, it can be argued that a professionally managed apartment project may have fewer problems than a condominium development. Foreclosures caused by the economic downturn have resulted in many condominium projects being plagued by a shortfall in homeowners' association dues, which can create hardships for common area upkeep. A professionally managed, for-profit rental community has a built-in budget to keep up with property maintenance. Further, the owner/developer has a vested interest in keeping the property in pristine condition to be able to attract quality tenants. Attached to this report is a business plan prepared by the developer outlining its thoughts and goals for the project.

The NMDSP includes a form-based code, three distinct land use districts, and detailed design criteria to guide development. Virtually the entire plan area accommodates and encourages medium-to-high density residential development, almost all consisting of attached housing styles. However, the Plan is silent on whether housing should be "for sale" or "for rent." To that end, staff has ascertained from legal counsel that there does not appear to be any authority to support an outright prohibition on apartments or other rental housing. Council does have the ability to establish policy to make its desires known to developers regarding "for-sale" v. "for-rent" housing; however, imposing any restrictions vis-à-vis setting percentages or finite maximum numbers for either type of ownership is not allowed.

When the NMDSP was adopted by Council in May 2006, staff was charged with the task of ensuring that the first development in North Montclair be of the highest quality design and architecture, that it advance the goals set forth in the Plan for establishing an urban, transit-oriented "downtown," and that it set a gold standard for future development in North Montclair. Although the subject proposal is the first rental project reviewed for North Montclair, it is staff's opinion that it meets or exceeds the criteria outlined above. While staff agrees with the concern that approval of the subject proposal may encourage

the submission of additional rental projects, those proposals would be expected to meet or exceed the high standard established by The Paseos.

Staff acknowledges the concerns that have been raised by members of the Planning Commission and City Council regarding the longstanding problems in Montclair's multi-family neighborhoods. However, other than the fact the project currently being reviewed by staff is a "for-rent" development, it bears absolutely no similarity to the blocks of duplexes, triplexes, and fourplexes constructed during the early 1960s, most of which are owned and managed by unsophisticated, absentee landlords and have caused a significant drain on City resources in order to stem crime and help sustain a minimum quality of life for its residents.

At the Real Estate Committee meeting on January 25, 2010, the development team principals offered to conduct a brief workshop for Council to further discuss their project, followed by a mobile tour of apartment developments that possess the same qualities, amenities, and professional management characteristics proposed for the subject site. Staff will be following up with Council to ascertain a convenient date to schedule the workshop and tour.

FISCAL IMPACT: City Council discussion regarding issues related to ownership housing within the NMDSP or setting of policy related to the Plan would create no fiscal impact to the General Fund.

RECOMMENDATION: Staff recommends the City Council receive and file this report and, if desired, direct staff as to any policy(ies) it may wish to establish related to the North Montclair Downtown Specific Plan.

The Paseos
Montclair, California
Business Plan Summary

Merlone Geier/GLJ has designed and planned its 385-unit Paseos community to meet condominium standards and quality. The units will contain sub metered utilities, attached garages, large patios and decks, significant community amenities, and elegant Santa Barbara style Spanish Colonial Revival architecture. The land for the project is owned without debt by one of Merlone Geier's investment funds, and capital has been allocated within the fund to complete the construction of the asset. This same fund will own and operate the community for profit. Like all of MG's funds, this fund has an investment horizon of 10 – 13 years, so MG's intention is to hold the asset for profit for a period not to exceed 13 years. This investment will initially be operated as a for-rent multifamily community over the medium term (7 – 13 years) until it is possible and prudent to either sell to an institutional investor or to convert to for-sale condominiums.

We expect to rent to people who are renters by choice since we will be at the top of the market in terms of rental rates. Our customers will likely include: young families, young singles, whether they be students or young working professionals, singles/divorced in the 35 -50 age range (that may have school age children with them either full or part time) and empty nesters that have downsized and are again renters by choice. All of these potential customers will value the "lock and leave" nature of rental housing, as all of the maintenance is performed by GLJ's professional on-site management company. They will also be attracted to the innovative flat and townhouse floor plans, the attached garages, the excellent finishes, the copious amenities, the public park, the very attractive Santa Barbara architecture, and the very convenient location which allows them to walk to dining, shopping and entertainment. Proximity to the train and the I-10 Freeway will also be very attractive to potential residents.

The Paseos will be managed on-site by an institutional quality, professional property management company that will closely manage the property to ensure that it remains in excellent condition. The on-site manager will oversee all management and leasing functions including the preparation of new move-ins, as well as satisfying all current resident maintenance needs. This manager will also oversee management of a professional landscape maintenance and grounds company, who will be charged with keeping the landscaping and grounds looking pristine. Finally, the professional manager will ensure that the buildings and amenities look good and function as intended for the use and enjoyment of the residents.

It is MG/GLJ's intention to enter into an agreement with the city to professionally manage the maintenance and programming of the public park. MG/GLJ's investment surrounds this park, and it has a significant vested interest in the park remaining in good repair so as to support in a positive manner the property value of The Paseos.

MG/GLJ is bullish on this project now for several reasons:

1) Visibility: The site has excellent visibility to drive-by traffic from both Monte Vista and Moreno, which is a significant and reoccurring source of potential residents. Because our attractive architecture is typically our best marketing tool, such visibility is highly valued.
2) Access: The site has excellent vehicular access to both the 10 Freeway and the 210 Freeway, as well as pedestrian access to rail service, providing convenient access to downtown LA and its environs.
3) Proximity to shopping, dining and entertainment: the site has extremely convenient pedestrian access to multiple dining opportunities as well as shopping and entertainment at the Montclair Plaza.
4) Favorable construction costs: We are able to move forward with the project in an otherwise unfavorable economy due to our long term investment horizon. We also hope to take advantage of the favorable construction costs that are now available in the construction market place.
5) Early cycle returns: We have typically experienced the highest investment returns on projects executed early in the cycle, due to lower production costs and lack of competition.

MINUTES OF THE REGULAR MEETING OF THE PUBLIC WORKS COMMITTEE HELD ON THURSDAY, NOVEMBER 19, 2009, AT 2:00 P.M. IN THE CITY HALL CONFERENCE ROOM, 5111 BENITO STREET, MONTCLAIR, CALIFORNIA

CALL TO ORDER

Committee Chair Paulitz called the meeting to order at 2:00 p.m.

I. ROLL CALL

Present: Committee Chair Member Paulitz; Committee Member Mayor Eaton; Director of Redevelopment/Public Works Staats; Community Development Director Lustro; City Engineer Hudson; Public Works Superintendent Orioli; Building Maintenance Supervisor McGehee; Assistant Public Works Superintendent Mendez

Absent: Police Chief Jones; Ontario Montclair School District Representative Huyck

II. APPROVAL OF MINUTES

A. **Minutes of Regular Public Works Committee of October 15, 2009**

The Public Works Committee approved the minutes of the Public Works Committee meeting of October 15, 2009

III. PUBLIC COMMENT - None

IV. TRAFFIC SAFETY/CIRCULATION ISSUES

A. **Ontario-Montclair School District Issues** - None

B. **Traffic Safety** - None

V. POLICE DEPARTMENT UPDATES - None

VI. DEVELOPMENT PROJECT UPDATES

The vacant buildings at Holt Boulevard and Ramona Avenue have been demolished. The developer does not have any intent of moving forward with the commercial project at this time due to the economy.

VII. MAINTENANCE ACTIVITIES UPDATES - Maintenance report was included with agenda.

VIII. DISCUSS PARKING ON AMHERST AVENUE NORTH OF HOLT BOULEVARD - (Continued discussion from meeting of October 15, 2009)

At the Public Works Committee meeting of October 15, 2009, Alternate Committee Member Raft asked staff to review on street parking on Amherst Avenue north of Holt Boulevard. The street is heavily parked on weekends and at night, leaving few places for residents to park. Council Member Raft believes that the parking issue is related to tenants doubling up in the units. Staff investigated this issue. All of the apartment complexes contain four units and each unit has one onsite parking space. In some cases, this parking space is being used for storage (tenant or landlord), forcing tenants to park on the street.

The study was conducted by staff to determine how much parking was available, both onsite and offsite. Assuming parking capacity is two cars per unit, there is not enough capacity between on street and off street to park all the cars.

Staff also investigated permit parking. Several cities in Los Angeles County prohibit overnight parking, though some, like the City of La Verne, do issue permits for overnight parking. It was noted that many of the people parking on Kingsley Street at the north end of Amherst Avenue actually reside in a nearby mobile home park. They compete for parking on Kingsley Street with Amherst Avenue residents. Issuing permits to apartment tenants would be difficult and almost impossible to enforce. The Committee indicated that parking restrictions on the west side of Amherst Avenue between Holt Boulevard and the first alley north could be considered.

IX. DISCUSS LOCATION OF COUNTY-FUNDED SPLASH PAD AT ALMA HOFMAN PARK

County Supervisor Gary Ovitt has proposed constructing a splash pad at Alma Hofman Park. A splash pad is a water element that children can run through and it has spray heads. The water will not pool and the splash pad is designed to minimize the chance of slipping and falling. Staff met with County staff to discuss the splash pad and possible locations. There are two locations the County is proposing at Alma Hofman Park. One is near the new staff parking lot east of the Community Center and is away from the play area. The other location is where the shark is currently located; the shark would be relocated. Using the location where the shark is currently sited is the County of San Bernardino's preferred location. The City would be responsible for the maintenance of the splash pad. If the splash pad is used for four to five months out of the year the cost to maintain the electrical would cost the City approximately $40,000 - $45,000 a year. The splash pad will have a leaf basket similar to a pool that will have to be emptied on a daily basis. The Committee preferred the location near the play area and storage sheds and relocation of the shark.

X. CAPITAL PROJECT UPDATES

A. MISSION BOULEVARD IMPROVEMENT PROJECT

Mission Boulevard Phases 5 and 6, generally between Monte Vista Avenue and Central Avenue, are complete except for an extended landscape establishment/maintenance period. A Notice of Completion will be presented at the December Council meeting. The next phase will be Phase 7 which is centered around Pipeline Avenue. The Phase 7 contract has been awarded and the contractor plans on starting the work in December. Federal money will partially fund Phase 7. Phase 8, between Benson and Central Avenues, will be advertised soon. The request to advertise and award has been mailed to Caltrans for their approval. Phase 8 will use CDBG and Redevelopment Agency funds.

B. RAMONA GRADE SEPARATION PROJECT

On December 1, 2009, the stem walls and soffit for the Ramona Avenue Overhead will be poured. The contractor will be pouring approximately 800 cubic yards of concrete using two concrete pumpers. Work is expected to take approximately ten hours. Following the completion of this work, Southern California Edison will install conduit in the bridge for their undergrounding work. Edison work is scheduled for December 4, 2009. The scheduled completion date is May 5, 2010, as long as weather permits.

C. MONTE VISTA GRADE SEPARATION PROJECT

The City has closed escrow on most of the acquisitions necessary for implementation of the Monte Vista Avenue Grade Separation Project. Staff is waiting on Keith Ealy to move his equipment off site for his crane and dog businesses. Staff is working on tenant relocations for the Kessler property. Numerous self move agreements will be presented at the next City Council Meeting. The City will not have enough money to purchase two properties located at the northeast quadrant of Monte Vista Avenue. One property is a warehouse owned by Frank Lizzaraga and the other is just north of it. The City has some funding available through the High Priority Project money received through Congressman Dryer's office, but it cannot be used until the federal environmental clearance is completed. If no other funding source is available then the City will have to get the environmental completed. Between the environmental clearance and the acquisition, the City will use all the High Priority Project funds which will result in the project being ready for construction. San Bernardino Associated Governments will have federal money available for the construction costs. The environmental clearance will take about one and one

half years to complete so the project may be able to start in late 2011.

D. YOUTH/SENIOR CENTER FACILITIES

The contractor is more than likely going to be finished by the end of next week or the beginning of December except for some punch list items. The Information Technology Division would like to move the computers over to the Youth Center during the Christmas and New Year's break. Next Wednesday staff has a meeting with the contractor to get a realistic date on when the Youth Center will be open to the public.

The over excavation for the Senior Center should be completed by Monday. The grading contractor has removed all of the tree trunks and some of the roots and rocks. The next step will be trenching for the footings then the utilities will be installed.

E. MONTERA ELEMENTARY SCHOOL SOCCER FIELD

The project is out to bid and the bid opening is next Tuesday. The City Manager has the authority to award the contract since the contractor will have to do the work the last two weeks of December while the students are on Christmas break. The project includes fencing, concrete, handicap accessibility, striping, and installation of temporary goal posts. Once the project is completed the City will turn the project over to the School District so the City will not have any maintenance responsibilities. The City has to install a sign that states the project was funded by the Park Bond Act and the sign would have to stay in place for one to two years to comply with the grant.

F. Recycled Water Program

The City has converted most of the parks to recycled water. Public Works Superintendent Orioli's staff did most of the work and saved the City money. The City can receive reimbursement through the grant program with Metropolitan Water District and Chino Basin Water Conservation District. The City Hall landscaping is the only thing that has not been completed because of all the construction taking place at the Civic Center complex.

The City has been advised by Monte Vista Water District that additional grant money is available and the City can get up to $20,000. Alma Hofman Park has been converted but the landscaping north, west, and south of City Hall still need to be converted to recycled water. All of the city parks where recycled water is available have been converted. The City has some parks where recycled water is not available such as Moreno Vista Park and MacArthur Park. The median islands also have not been

converted to recycled water. The Redevelopment Agency has budgeted funds to change the median islands to recycled water starting at Holt Boulevard ending at the Interstate10 Freeway. Most of the elementary schools, one middle school and the high school have been converted to recycled water.

XI. ADJOURNMENT

Prior to adjournment it was reported that Committee Members would not be available for the scheduled December 17, 2009, meeting. Therefore, the next meeting of the Public Works Committee will be at 2:00 p.m. on January 21, 2010.

At 2:51 p.m., Committee Chair Paulitz adjourned the Public Works Committee.

Submitted for Public Works Committee approval,

Alicia Johnson
Transcribing Secretary

MINUTES OF THE MEETING OF THE MONTCLAIR CODE ENFORCEMENT COMMITTEE HELD ON TUESDAY, JANUARY 19, 2010, AT 6:00 P.M. IN THE CITY HALL CONFERENCE ROOM, 5111 BENITO STREET, MONTCLAIR, CALIFORNIA

I. CALL TO ORDER

Council Member Paulitz called the meeting to order at 5:59 p.m.

II. ROLL CALL

Present: Mayor Pro Tem Dutrey; Council Member Paulitz; City Manager McDougal; Deputy City Manager Starr; Fire Chief Ament; Police Chief Jones; Deputy Fire Chief Shiba; and City Attorney Robbins

III. APPROVAL OF MINUTES

A. **Minutes of Code Enforcement Committee Meeting of November 16, 2009.**

It was the consensus of the Code Enforcement Committee to approve the minutes of the Code Enforcement Committee meeting of November 16, 2009.

IV. PUBLIC COMMENT - None

V. OLD BUSINESS

A. Ordinance No. 09-910 amending Chapter 1.04 of the Montclair Municipal Code related to administrative citations and collection of fines was adopted by the City Council and will be effective for implementation within 30 days. City Prosecutor Eckart is currently preparing the supporting documents necessary to implement this Ordinance.

B. Ordinance No. 09-911 deleting Chapter 10.44, amending Chapter 7.02, and adding Chapter 7.24 to the Montclair Municipal Code related to public nuisances was adopted by the City Council and will be effective for implementation within 30 days. City Prosecutor Eckart is currently preparing the supporting documents necessary to implement this Ordinance.

VI. NEW BUSINESS

A. Council Member Paulitz inquired about the enforcement of abatement actions at unmaintained vacant and abandoned properties in the City. Fire Chief Ament reported that there are approximately 450 foreclosures in the City. The Code

Enforcement Unit has recently noticed that many foreclosed properties that were previously being maintained are now showing signs of being unkempt. Code Enforcement Officers are utilizing all available resources to enforce the abatement of violations at problem properties in the City.

VII. ROUNDTABLE DISCUSSION ON PROBLEM PROPERTIES

City Manager McDougal mentioned concern regarding the appearance of Larry's Burgers on Holt Boulevard. The landscape at this location is not being maintained and there is a large pothole at the end of the drive-thru before the sidewalk.

Fire Chief Ament informed the Committee that a portable trailer is parked on Arrow Highway west of Monte Vista Avenue. The owner of this trailer was issued a citation today for displaying a nonpermitted portable sign. Police Chief Jones also commented that the trailer may be removed because it is blocking the roadway and parked more than 18 inches from the curb.

Council Member Paulitz requested that the Code Enforcement Unit investigate the construction of a shed at the property located on the northeast corner of Poulsen Avenue and Kingsley Street.

Mayor Pro Tem Dutrey asked if C.A.U.T.I.ON. cleanups will be scheduled this year. The Committee advised that the costs associated with this program will need to be evaluated during the preparation of the Fiscal Year 2010-11 Budget, at which time this item may be readdressed.

Mayor Pro Tem Dutrey inquired about the number of administrative citations that have been issued since the updated Administrative Fine Code was adopted. Fire Chief Ament reported that from April 2009 through present the Code Enforcement Unit has issued administrative citations totaling $337,650.00 in fines. Mayor Pro Tem Dutrey also inquired about how the payments received for administrative citations are tracked. Fire Chief Ament replied that Assistant Finance Director Beltran is currently developing a system for tracking payments. Deputy City Manager Starr stated that while some payments have been received, there are many other citations that are being disputed. Fire Chief Ament commented that the citation dollar totals reported are strictly from Code Enforcement actions and the citations being contested are mainly from citations issued by the Police Department related to vehicle violations.

Mayor Pro Tem Dutrey informed the Committee that he and the other Council Members encourage aggressive enforcement of the Montclair Municipal Code. He also encouraged the public who do not agree with a certain matter and are exempt from an appeal process to address the City Council at a City Council meeting by filling out a *Speaker Information Card.*

VIII. NEXT MEETING

The Code Enforcement Committee will be dark in February and March.

The next meeting is scheduled for Monday, April 19, 2010, at 6:00 p.m.

IX. ADJOURNMENT

At 6:20 p.m., Council Member Paulitz adjourned the Code Enforcement Committee meeting.

Submitted for Code Enforcement Committee approval,

Angelic J. Bird

Angelic J. Bird
Receptionist/Office Specialist

MINUTES OF THE MEETING OF THE MONTCLAIR PERSONNEL COMMITTEE HELD ON TUESDAY, JANUARY 19, 2010, AT 8:05 P.M. IN THE CITY ADMINISTRATIVE OFFICES, 5111 BENITO STREET, MONTCLAIR, CALIFORNIA

I. CALL TO ORDER

Mayor Eaton called the meeting to order at 8:05 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 December 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 December 21, 2009.

IV. PUBLIC COMMENT - None

V. CLOSED SESSION

At 8:05 p.m., the Personnel Committee went into Closed Session regarding personnel matters related to appointments, resignations/ terminations, and evaluations of employee performance.

At 8:25 p.m., the Personnel Committee returned from Closed Session. Mayor Eaton stated that no announcements would be made at this time.

VI. ADJOURNMENT

At 8:25 p.m., Mayor Eaton adjourned the Personnel Committee.

Submitted for Personnel Committee approval,

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