

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 7, 2011

7:00 p.m.

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

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

Page No.

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

II. INVOCATION

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

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL

V. PRESENTATIONS

- A. Presentation of a \$2500 Donation by the Montclair Chamber of Commerce to Chaffey College for Its Online to College Program

VI. PUBLIC COMMENT

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

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

VII. PUBLIC HEARINGS

- A. Consider Adoption of Resolution No. 11-2875 Establishing Community Facilities District No. 2011-1 (Maintenance and Public Safety Services) of the City of Montclair, County of San Bernardino, State of California, and the Boundaries Thereof [CC]

(Continued on next page)

Consider Adoption of Resolution No. 11-2876 Calling a Special Election and Submitting to the Voters of Community Facilities District No. 2011-1 (Maintenance and Public Safety Services) of the City of Montclair a Proposition With Respect to the Annual Levy of Special Taxes Within Said Community Facilities District to Pay the Costs of Certain Services to Be Provided by the Community Facilities District and a Proposition With Respect to Establishing an Appropriations Limit for Said Community Facilities District [CC]

Consider Adoption of Resolution No. 11-2877 Declaring the Results of the Special Election for Community Facilities District No. 2011-1 (Maintenance and Public Safety Services) of the City of Montclair, County of San Bernardino, State of California, on the Propositions With Respect to (I) the Annual Levy of Special Taxes to Pay the Costs of Certain Services to Be Provided by the Community Facilities District and (II) Establishing an Appropriations Limit [CC]

First Reading - Consider Adoption of Ordinance No. 11-920 Levying Special Taxes to be Collected During Fiscal Year 2011-12 to Pay the Annual Costs of the Maintenance and Lighting of Parks, Parkways, Streets, Roads, and Open Space and the Operation and Maintenance of Storm Drainage Systems and Public Safety Services Including Fire Protection and Suppression Services and Police Protection With Respect to Community Facilities District No. 2011-1 (Maintenance and Public Safety Services) of the City of Montclair [CC]

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VIII. CONSENT CALENDAR

A. Approval of Minutes

1 Minutes of Regular Joint Council/Agency/MHC Meeting of January 18, 2011 [CC/RDA/MHC]

B. Administrative Reports

1 Consider Setting a Public Hearing to Prioritize Funding for Fiscal Year 2011-12 Community Development Block Grant Projects [CC]

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2 Consider Setting a Public Hearing to Consider Ordinance No. 11 921 Amending Section 9.20 and Replacing Section 9.20 700 of the Montclair Municipal Code Related to the City Community Sewer System and Certain Water-Softening Devices [CC]

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3 Consider Authorization to Receive \$12,154 From a Federal Emergency Management Agency Grant to Purchase Washer-Extractor Systems From Continental Girbau-West [CC]

Consider Authorization of a \$1,350 Appropriation From the Contingency Account to Pay the 10 Percent Match Required by the Federal Emergency Management Agency to Purchase Washer-Extractor Systems [CC]

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4 Consider Giving City Manager the Authority to Award Construction Contract, Including a 10 Percent Construction Contingency, and Execute an Agreement With the Lowest Responsible, Responsive Bidder for the Alma Hofman Park Landscape and Lighting Project [CC]

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5	Consider Declaring Certain City Property and Unclaimed Property in Police Custody as Surplus and Available for Auction [CC]	58
6	Consider Receiving and Filing of Alcoholic Beverage Permit Application - Paradise Family Restaurant [CC]	61
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2	Consider Adoption of Resolution No. 11-2878 Opposing the Brown Administration's Proposal to Eliminate Redevelopment Agencies in California [CC]	69
3	Consider Adoption of Resolution No. 11-2879 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Charges [CC]	73
IX. PULLED CONSENT CALENDAR ITEMS		
X. RESPONSE		
XI. COMMUNICATIONS		
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E. Committee Meeting Minutes (<i>For Informational Purposes Only</i>)		
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XII. COUNCIL/AGENCY/MHC WORKSHOP		
A. Midyear Budget Review		
(Council/Agency Board/MHC Board may consider continuing this item to an adjourned joint meeting on Tuesday, February 15, 2011, at 6:00 p.m. in the City Council Chambers.)		

**XIII. ADJOURNMENT OF CITY COUNCIL AND REDEVELOPMENT
AGENCY AND MONTCLAIR HOUSING CORPORATION BOARDS OF
DIRECTORS**

The next regularly scheduled City Council, Redevelopment Agency, and Montclair Housing Corporation meetings will be held on Tuesday, February 22, 2011, 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 February 3, 2011

AGENDA REPORT

SUBJECT: CONSIDER ADOPTION OF RESOLUTION NO 11-2875 ESTABLISHING COMMUNITY FACILITIES DISTRICT NO 2011-1 (MAINTENANCE AND PUBLIC SAFETY SERVICES) OF THE CITY OF MONTCLAIR, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AND THE BOUNDARIES THEREOF

DATE: February 7, 2011

SECTION: PUBLIC HEARINGS

ITEM NO.: A

FILE I.D.: CFD050

DEPT.: PUBLIC WORKS/
ADMIN. SVCS.

CONSIDER ADOPTION OF RESOLUTION NO 11-2876 CALLING A SPECIAL ELECTION AND SUBMITTING TO THE VOTERS OF COMMUNITY FACILITIES DISTRICT NO 2011-1 (MAINTENANCE AND PUBLIC SAFETY SERVICES) OF THE CITY OF MONTCLAIR A PROPOSITION WITH RESPECT TO THE ANNUAL LEVY OF SPECIAL TAXES WITHIN SAID COMMUNITY FACILITIES DISTRICT TO PAY THE COSTS OF CERTAIN SERVICES TO BE PROVIDED BY THE COMMUNITY FACILITIES DISTRICT AND A PROPOSITION WITH RESPECT TO ESTABLISHING AN APPROPRIATIONS LIMIT FOR SAID COMMUNITY FACILITIES DISTRICT

CONSIDER ADOPTION OF RESOLUTION NO 11-2877 DECLARING THE RESULTS OF THE SPECIAL ELECTION FOR COMMUNITY FACILITIES DISTRICT NO 2011-1 (MAINTENANCE AND PUBLIC SAFETY SERVICES) OF THE CITY OF MONTCLAIR, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ON THE PROPOSITIONS WITH RESPECT TO (I) THE ANNUAL LEVY OF SPECIAL TAXES TO PAY THE COSTS OF CERTAIN SERVICES TO BE PROVIDED BY THE COMMUNITY FACILITIES DISTRICT AND (II) ESTABLISHING AN APPROPRIATIONS LIMIT

CONSIDER ADOPTION OF ORDINANCE NO 11-920 LEVYING SPECIAL TAXES TO BE COLLECTED DURING FISCAL YEAR 2011-12 TO PAY THE ANNUAL COSTS OF THE MAINTENANCE AND LIGHTING OF PARKS, PARKWAYS, STREETS, ROADS, AND OPEN SPACE AND THE OPERATION AND MAINTENANCE OF STORM DRAINAGE SYSTEMS AND PUBLIC SAFETY SERVICES INCLUDING FIRE PROTECTION AND SUPPRESSION SERVICES AND POLICE PROTECTION WITH RESPECT TO COMMUNITY FACILITIES DISTRICT NO 2011-1 (MAINTENANCE AND PUBLIC SAFETY SERVICES) OF THE CITY OF MONTCLAIR

FIRST READING

BUSINESS

PLAN: STRATEGIC PRIORITY NO. 1. GOAL 2

Prepared by: M. STARRS
Proofed by: Yvonne L. Smith

Reviewed and Approved by: M. STARRS
Presented by: [Signature]

REASON FOR CONSIDERATION: At the January 3, 2011 meeting of the City Council, the Council adopted a Resolution of Intent to form Community Facilities District No. 2011-1 (CFD). The Resolution set February 7, 2011, as the date to conduct the public hearing and election regarding implementation of the proposed CFD for The Paseos Project located within the boundaries of the North Montclair Downtown Specific Plan.

As the City Council knows, the formation of community facilities districts has been proposed by staff for projects within the North Montclair Downtown Specific Plan because the Plan contains a variety of public improvements, such as parks, public open space, and median islands. The City is responsible for seeing that these public improvements are constructed and maintained after construction. It is beyond the capabilities of the City General Fund to finance these improvements and their maintenance. Therefore, the City Council is considering formation of a community facilities district as a method to finance certain maintenance and public safety costs. Community Facilities District No. 2011-1 would be the first such district implemented in North Montclair and the City. The district would be located on the property owned by Montclair I MGP, LLC. This site, generally located on the northeast corner of Moreno Street and Monte Vista Avenue, is anticipated to be the first residential project developed as a part of the North Montclair Downtown Specific Plan. It is the location of the former Sam's Club shopping center.

Adoption of Resolution Nos. 11-2875, 11-2876, 11-2877, and adoption of Ordinance No. 11-920 will satisfy a portion of Strategic Priority No. 1, Goal 2.

BACKGROUND: Developments within the North Montclair Downtown Specific Plan area will contain a variety of public improvements that will require maintenance. In addition, public safety protection costs will be increased by new development. The City General Fund is not in a position to support the additional maintenance costs and public safety costs associated with new development. Therefore, staff has proposed that the City Council consider establish a Mello-Roos Community Facility District to support certain costs related to development within North Montclair Downtown Specific Plan area. A description of the proposed CFD and the process to adopt and implement a CFD will be described below.

Proposed CFD 2011-1

A Mello-Roos Community Facilities District is authorized to provide for the construction of and maintenance of public improvements and services. However, the CFD proposed for The Paseos Project would only finance maintenance costs of certain public improvements and certain costs for public safety. A community facilities district cannot be formed without a two-thirds majority vote of the residents living within the proposed boundaries of the district. If there are fewer than 12 residents, the vote is conducted among current property owners. The district may include a single property owner, which is the case with The Paseos Project where Montclair 1 MGP, LLC., is the only property owner.

A document called the "City of Montclair Community Facilities District No. 2011-1 (Maintenance and Public Safety Services)" (Report) is included in the agenda packet for review by the City Council. This Report estimates the cost of the proposed CFD and describes the proposed rate and method of apportionment of the special tax. Proposed CFD 2011-1 would finance the maintenance costs and lighting of parks, parkway, streets, roads, and the operation and maintenance of storm drain systems serving the proposed CFD. In addition, the proposed CFD would finance fire and police protection services. The

estimated cost of these services is approximately \$105,000 annually. It is anticipated that the CFD would also fund the estimated \$15,000 annual cost to administer the CFD.

When a community facilities district is formed, a special tax may be levied on each parcel of taxable land with the district to pay for the authorized improvements or services. The special tax must be apportioned in a reasonable manner; however, the tax may not be apportioned on an ad valorem basis. When more than one type of land use is present within a community facilities district, several criteria may be considered when apportioning the special tax. Generally, these criteria are based on building square footage, acreage, and land use. Categories based on the above-mentioned criteria are established to differentiate between parcels of property. These categories are a direct result of the projected product mix and are reflective of the proposed land use types within the district. Specific special tax levels are assigned to each land use class with all the parcels within a land use class assigned the same special tax rate.

The Mello-Roos Community Facilities Act does not require special taxes be apportioned to individual parcels based on benefit received. However, in order to ensure fairness and equity, a benefit principle has been incorporated in establishing the special tax rates for CFD No. 2011-1. The major assumption inherent in the special tax rates set forth in proposed CFD 2011-1 is that the level of benefit received from the proposed public services is a function of land use and residential unit size. Seven land use classes have been established in proposed CFD No. 2011-1. The residential property is assigned a classification based on the number of units and square footage of the floor area of units. Nonresidential property is assigned to land use class seven. Exhibit B of the Report provides the list of classifications for maximum special taxes for developed property in the CFD. Undeveloped property is not subject to the special tax. Based on the public service costs proposed for inclusion in CFD 2011-1, the assignment of taxes is generally proportionate to the relative benefit received by them and can be considered fair and reasonable.

It should be noted that the special tax imposed by the CFD shall be increased by an amount equal to the Consumer Price Index (CPI) with a maximum annual increase of six percent and a minimum annual increase of two percent. Although the special tax shall be increased annually by a minimum of two percent, the City Council retains the authority to determine if and what amount of the special tax is levied pursuant to the established parameters. The City Council must conduct a public hearing annually to determine the amount of the special tax to be levied and hear any protest.

Public Hearing Procedures

Certain procedures dictated by law must be followed when forming and implementing a community facilities district. These procedures include the following:

- Opening the public hearing and receiving public testimony.
- Receiving any written protests.
- Determining if there are registered voters within the boundaries of the proposed CFD. If not, the election is conducted with the owners of all taxable property within the boundaries of the CFD. Each owner has one vote per acre. (In the formation of CFD 2011-1, the property owners have waived time limits and certain procedural matters regarding the special election and have consented to hold the election on February 7, 2011.)

- Determining if the property owners have consented to a special election.
- Closing the public hearing.
- City Council consideration of a Resolution establishing the Community Facilities District and consideration of a Resolution calling for a special election regarding the levy of taxes and appropriations limit.
- Conducting a special election by the City Clerk and canvass of the votes cast.
- City Council consideration of a Resolution declaring the results of the special election.
- City Council consideration of first reading of the Ordinance authorizing the levy of special taxes within the Community Facilities District.

Resolutions and Ordinance

After the conduct of the public hearing, the City Council is requested to consider adoption of certain Resolutions and conduct the first reading of an Ordinance. A brief description of the Resolutions and Ordinance submitted for consideration by the City Council are provided

- Resolution No. 11-2875: This Resolution establishes CFD 2011-1 and identifies the services to be financed by the CFD. In addition, the voting procedures for a special election to regarding formation of the CFD are established.
- Resolution No. 11-2876: This Resolution calls for the election on the special tax within the CFD and details the election process. It also establishes an annual appropriations limit of \$2 million. This amount was established because the CFD is anticipated to an indefinite time into the future (50+ years).
- Resolution No. 11-2877. Because the property owner has waived certain election procedures, the City Clerk conducts and receives ballots from the property owner. As the property owner has requested formation of the CFD, it is surmised that the ballots should affirm imposition of the special tax for the CFD. The Resolution declares the results of the election on the CFD and establishes the appropriations limit.
- Ordinance No. 11-920. This Ordinance levies the special tax to be collected during the 2011-12 Fiscal Year to pay for the identified maintenance costs and public safety costs within CFD 2011-1.

FISCAL IMPACT: Adoption of CFD 2011-1 has been proposed to mitigate the financial impacts of public works maintenance and safety services on General Fund revenues. The estimated annual cost of maintenance, safety, and administrative costs associated with The Paseos Project is approximately \$120,000. CFD No. 2011-1 would generate approximately \$120,000 annually to offset the maintenance, safety, and administrative costs. As previously indicated, the special tax imposed by the CFD shall be increased by the cost of the CPI with a maximum annual increase of six percent and a minimum annual increase of two percent. However, the City Council holds a public hearing every year to hear protests and to set the actual tax levy.

RECOMMENDATION: Staff recommends that the City Council adopt the following:

- Resolution No. 11-2875 establishing Community Facilities District No. 2011-1 (Maintenance and Public Safety Services) of the City of Montclair, County of San Bernardino, State of California, and the boundaries thereof.
- Resolution No. 11-2876 calling a special election and submitting to the voters of Community Facilities District No. 2011-1 (Maintenance and Public Safety Services) of the City of Montclair a proposition with respect to the annual levy of special taxes within said Community Facilities District to pay the costs of certain services to be provided by the Community Facilities District and a proposition with respect to establishing an appropriations limit for said Community Facilities District.
- Resolution No. 11-2877 declaring the results of the special election for Community Facility District No. 2011-1 (Maintenance and Public Safety Services) of the City of Montclair, County of San Bernardino, State of California, on the propositions with respect to (I) the annual levy of special taxes to pay the costs of certain services to be provided by the Community Facilities District and (II) establishing an appropriations limit.
- The first reading of Ordinance No. 11-920 levying special taxes to be collected during Fiscal Year 2011-12 to pay the annual costs of the maintenance and lighting of parks, parkways, streets, roads, and open space and the operation and maintenance of storm drainage systems and public safety services including fire protection and suppression services with respect to Community Facilities District No. 2011-1 (Maintenance and Public Safety Services) of the City of Montclair.

RESOLUTION NO. 11-2875

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR ESTABLISHING COMMUNITY FACILITIES DISTRICT NO. 2011-1 (MAINTENANCE AND PUBLIC SAFETY SERVICES) OF THE CITY OF MONTCLAIR, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AND THE BOUNDARIES THEREOF

WHEREAS, the City Council (the "City Council") of the City of Montclair (the "City") has heretofore adopted Resolution No. 11-2873 stating that a community facilities district to be known as "Community Facilities District No. 2011-1 of the City of Montclair, County of San Bernardino, State of California" (the "Community Facilities District") is proposed to be established under the provisions of Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5 of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), and fixing the time and place for a public hearing on the formation of the Community Facilities District; and

WHEREAS, notice was published and mailed to the owners of property in the Community Facilities District as required by law relative to the intention of the City Council to establish the Community Facilities District and the levy of the special taxes therein to provide certain services and of the time and place of said public hearing; and

WHEREAS, on February 7, 2011, at the time and place specified in said published and mailed notices, the City Council opened and held a public hearing as required by law relative to the formation of the Community Facilities District, the levy of the special taxes therein, and the provision of services by the Community Facilities District; and

WHEREAS, prior to the commencement of said public hearing on February 7, 2011 there was filed with the City Council a report (the "Report") containing a description of the services being financed within and for the Community Facilities District and an estimate of the cost of providing such services, as required by Section 53321.5 of the California Government Code; and

WHEREAS, at the public hearing, all persons desiring to be heard on all matters pertaining to the formation of the Community Facilities District, the levy of the special taxes, and the provision of services therein were heard, and a full and fair hearing was held; and

WHEREAS, the City Council may therefore proceed to establish the Community Facilities District.

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

Section 1. Findings. The City Council finds as follows: (i) all of the preceding recitals are correct; (ii) at its meeting on February 7, 2011, pursuant to notice

thereof duly given as provided by law, the City Council conducted the public hearing with respect to the formation of the Community Facilities District and the annual levying of specified special taxes on the taxable property within the Community Facilities District to pay the costs of services for the Community Facilities District which are described in Section 3 hereof; (iii) the boundary map of the Community Facilities District was recorded, pursuant to Sections 3111 and 3113 of the California Streets and Highways Code, on January 11, 2011, at page 1 of Book 85 of Maps of Assessment and Community Facilities Districts, and as Document No. 2011-0013151, in the official records of the County of San Bernardino; (iv) no written protests were received at or prior to the time of said hearing against the formation of the Community Facilities District or the levying of said special taxes by the Community Facilities District; and said special taxes have, therefore, not been limited by majority protest pursuant to Section 53324 of the California Government Code, (v) all prior proceedings with respect to the formation of the Community Facilities District conducted by the City Council were valid and in conformity with the requirements of Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5 of the California Government Code; (vi) the City Council is, therefore, authorized to adopt a Resolution of Formation pursuant to Section 53325.1 of the California Government Code for the formation of Community Facilities District No. 2011-1 of the City of Montclair, County of San Bernardino, State of California, and the Community Facilities District should be established, and (vii) less than 12 persons have been registered to vote within the territory of the Community Facilities District during the 90 days preceding the close of the public hearing and, pursuant to Section 53326 of the California Government Code, the vote in the special election provided for in Section 7 hereof shall, therefore, be by the landowners of the Community Facilities District whose property would be subject to the special taxes if they were levied at the time of the election, and each landowner shall have one vote for each acre, or portion thereof, which he or she owns within the Community Facilities District.

Section 2. Formation of District. Community Facilities District No. 2011-1 of the City of Montclair, County of San Bernardino, State of California, is hereby established. The boundaries of the Community Facilities District are described and shown on the map entitled "Boundaries of Community Facilities District No. 2011-1 of the City of Montclair, County of San Bernardino, State of California" which is on file with the City Clerk, and said boundaries are hereby established.

Section 3. Types of Services; Incidental Expenses. The Community Facilities District shall provide and finance.

Maintenance Services. (i) the costs of the maintenance and lighting of parks, parkways, streets, roads, and open space within the proposed Community Facilities District; and (ii) the operation and maintenance of storm drainage systems serving the property within the proposed Community Facilities District and in the surrounding area

Public Safety Services: (i) fire protection and suppression services; and (ii) police protection services.

The Community Facilities District shall also finance costs associated with the determination of the amount of and the levy and collection of special taxes, which are

levied to provide such services and costs otherwise incurred in order to carry out the authorized purposes of the Community Facilities District.

Section 4. Special Taxes. Except where funds are otherwise available, special taxes sufficient to pay the costs of services provided in Section 3 above and the annual administrative expenses of the City and the Community Facilities District in determining, apportioning, levying, and collecting such special taxes shall be annually levied within the Community Facilities District. The rates and method of apportionment of said special taxes shall be as set forth in Exhibit "A" attached hereto and by this reference made a part hereof.

Under no circumstances shall the special tax levied against any parcel subject to the levy of the special tax pursuant to the rates and methods of apportionment be increased as a consequence of delinquency or default by the owner of any other parcel or parcels within the Community Facilities District by more than ten (10) percent.

Pursuant to Section 53340 of the California Government Code, the special taxes shall be collected in the same manner as ordinary ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure, sale, and lien priority in case of delinquency as is provided for ad valorem taxes.

Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the California Streets and Highways Code, a continuing lien to secure each levy of the special tax shall attach to all nonexempt real property in the Community Facilities District; and that lien shall continue in full force and effect until the special tax obligation is prepaid and permanently satisfied and the lien canceled in accordance with law or until collection of the special tax ceases. The Public Works Department of the City of Montclair, 5111 Benito Street, Montclair, California, is designated as the office responsible for preparing annually a current roll of special tax levy obligations by Assessor's parcel numbers and for estimating future special tax levies pursuant to Section 53340.1 of the California Government Code.

Section 5. Exempt Properties. Pursuant to Section 53340 of the California Government Code, properties of entities of the state, federal, and local governments shall be exempt from the levy of special taxes of the proposed community facilities district.

Section 6. Report. The Report is hereby approved and is made a part of the record of the public hearing regarding the formation of the Community Facilities District and is ordered to be kept on file with the City Clerk as part of the transcript of these proceedings.

Section 7. Description of Voting Procedures. The voting procedures to be followed in conducting the special election on (i) the proposition with respect to the levy of special taxes on taxable property within the Community Facilities District to pay the costs of the services to be provided by the Community Facilities District; and (ii) the proposition with respect to establishing an appropriations limit for the Community Facilities District in the amount of \$2,000,000 (the "special election") shall be as follows:

(a) Except as otherwise provided below, the special election shall be conducted by the City Clerk pursuant to the California Elections Code governing mail ballot elections of cities, and in particular, the provisions of Division 4 (commencing with Section 4000) of said Code, insofar as they may be applicable.

(b) The special election shall be held on the earliest date, following the adoption by the City Council of this Resolution and a Resolution pursuant to Section 53326 of the California Government Code submitting the propositions with respect to (i) the levy of special taxes to pay the costs of the services to be provided by the Community Facilities District; and (ii) establishing an appropriations limit therefor to the qualified electors of the Community Facilities District, upon which such election can be held pursuant to said Section 53326 which may be selected by the City Council, or such earlier date as the owners of land within the Community Facilities District and the City Clerk agree and concur is acceptable.

(c) Pursuant to said Section 53326, the special election may be held earlier than 90 days following the close of the public hearing if the qualified electors of the Community Facilities District waive the time limits for conducting the election set forth in said Section 53326 by unanimous written consent and the City Clerk concurs in such earlier election date as shall be consented to by the qualified electors.

(d) Pursuant to said Section 53326, ballots for the special election shall be distributed to the qualified electors by the City Clerk by mail with return postage prepaid, or by personal service.

(e) Pursuant to applicable sections of the California Elections Code governing the conduct of mail ballot elections of cities, and specifically Division 4 (commencing with Section 4000) of the California Elections Code with respect to elections conducted by mail, the City Clerk shall mail or deliver to each qualified elector an official ballot in a form specified by the City Council in the Resolutions calling the election and shall also mail or deliver to all such qualified electors a ballot pamphlet and instructions to voter, including a sample ballot identical in form to the official ballot but identified as a sample ballot; a statement pursuant to Section 9401 of said Code; an impartial analysis by the City Attorney pursuant to Section 9280 of said Code with respect to the ballot propositions contained in the official ballot; arguments and rebuttals, if any, pursuant to Sections 9281 to 9287, inclusive, and 9295 of said Code, a return identification envelope with prepaid postage thereon addressed to the City Clerk for the return of voted official ballots; and a copy of Resolution No. 11-2873 provided, however, that such statement, analysis, and arguments may be waived with the unanimous consent of all the landowners.

(f) The official ballot to be mailed or delivered by the City Clerk to each landowner voter shall have printed or typed thereon the name of the landowner-voter and the number of votes to be voted by the landowner-voter and shall have appended to it a certification to be signed by the person voting the official ballot, which shall certify that the person signing the certification is the person who voted the official ballot and if the landowner-voter is other than a natural person, that he or she is an officer of or other person affiliated with the landowner-voter entitled to vote such official ballot, that he or she has been authorized to vote such official ballot on behalf of the landowner-voter, that in voting such official ballot it was his or her intent, as



well as the intent of the landowner-voter, to vote all votes to which the landowner-voter is entitled based on its land ownership on the propositions set forth in the official ballot as marked thereon in the voting square opposite each such proposition, and further certifying as to the acreage of the landowner-voter's land ownership within the Community Facilities District.

(g) The return identification envelope mailed or delivered by the City Clerk to each landowner-voter shall have printed or typed thereon the following: (i) the name of the landowner; (ii) the address of the landowner; (iii) a declaration under penalty of perjury stating that the voter is the landowner or the authorized representative of the landowner entitled to vote the enclosed ballot and is the person whose name appears on the identification envelope; (iv) the printed name and signature of the voter; (v) the address of the voter; (vi) the date of signing and place of execution of said declaration; and (vii) a notice that the envelope contains an official ballot and is to be opened only by the City Clerk.

(h) The instruction to voter form to be mailed or delivered by the City Clerk to the landowner-voters shall inform them that the official ballots shall be returned to the City Clerk properly voted as provided thereon and with the certification appended thereto properly completed and signed in the sealed return identification envelope with the certification thereon completed and signed and all other information to be inserted thereon properly inserted by 5:00 p.m. on the date of the election.

(i) Upon receipt of the return identification envelopes; which are returned prior to the voting deadline on the date of the election, the City Clerk shall canvass the votes cast in the special election and shall file a statement with the City Council as to the results of such canvass and the election on each proposition set forth in the official ballot.

The procedures set forth in this Section for conducting the special election, if it is held, may be modified as the City Council may determine to be necessary or desirable by a Resolution subsequently adopted by the City Council.

APPROVED AND ADOPTED this XX day of XX, 2011.

Mayor

ATTEST:

City Clerk

I, Donna M. Jackson, City Clerk of the City of Montclair, DO HEREBY CERTIFY that Resolution No. 11-2875 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, 2011, and that it was adopted by the following vote, to-wit:

AYES: XX
NOES: XX
ABSTAIN: XX
ABSENT XX

Donna M. Jackson
City Clerk

EXHIBIT "A"

**RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX
COMMUNITY FACILITIES DISTRICT NO. 2011-1
OF THE CITY OF MONTCLAIR**

**RATE AND METHOD OF APPORTIONMENT FOR
CITY OF MONTCLAIR
COMMUNITY FACILITIES DISTRICT NO. 2011-1
(MAINTENANCE AND PUBLIC SAFETY SERVICES)**

A Special Tax as hereinafter defined shall be levied on all Assessor's Parcels in the City of Montclair Community Facilities District No. 2011-1 (Maintenance and Public Safety Services) ("CFD No. 2011-1") and collected each Fiscal Year commencing in Fiscal Year 2011-2012, in an amount determined by the CFD Administrator, according to the method of apportionment set forth herein. All of the real property in CFD No. 2011-1, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent and in the manner herein provided. All Special Taxes collected hereunder shall only be used for the Special Tax A Requirement or Special Tax B Requirement, as hereinafter defined, and for no other purpose.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Acre" or "Acreage" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable final map, parcel map, condominium plan, or other recorded County parcel map.

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Division 2 of Title 5 of the Government Code of the State of California.

"Administrative Expenses" means the actual or reasonably estimated costs directly related to the formation and administration of CFD No. 2011-1 including, but not limited to: the costs of computing the Special Taxes and preparing the annual Special Tax collection schedules (whether by the City or designee thereof or both); the costs of collecting the Special Taxes (whether by the County or otherwise); the costs to the City, CFD No. 2011-1 or any designee thereof of complying with City or CFD No. 2011-1 disclosure requirements; the costs associated with responding to public inquiries regarding the Special Taxes; the costs of the City, CFD No. 2011-1 or any designee thereof related to an appeal of the Special Tax; and the City's annual administration fees and third party expenses. Administrative Expenses shall also include amounts estimated or advanced by the City or CFD No. 2011-1 for any other administrative purposes of CFD No. 2011-1, including attorney's fees and other costs related to commencing and pursuing to completion any foreclosure of delinquent Special Taxes.

"Assessor's Parcel" means any real property to which an Assessor's parcel number is assigned as shown on an Assessor's Parcel Map.

"Assessor's Parcel Map" means an official map of the County Assessor of the County designating parcels by Assessor's parcel number.

"Authorized Maintenance Services" means the (i) maintenance and lighting of parks, parkways, streets, roads, and open space within CFD No. 2011-1 and (ii) the operation and maintenance of storm drainage systems serving the property within CFD No. 2011-1

"Authorized Public Safety Services" means (i) fire protection and suppression services and (ii) police protection services.

"CFD Administrator" means the official of the City, or designee thereof, responsible for determining the Special Tax A Requirement and Special Tax B Requirement and providing for the levy and collection of the Special Taxes.

"CFD No. 2011-1" means the City of Montclair Community Facilities District No. 2011-1 (Maintenance and Public Safety Services).

"City" means the City of Montclair.

"Consumer Price Index" means the Consumer Price Index published by the U.S. Bureau of Labor Statistics for "All Urban Consumers" in the Los Angeles - Riverside - Orange County Area, measured as of the month of December in the calendar year which ends in the previous Fiscal Year. In the event this index ceases to be published, the Consumer Price Index shall be another index as determined by the CFD Administrator that is reasonably comparable to the Consumer Price Index for the Los Angeles - Riverside - Orange County Area.

"Council" means the City Council of the City, acting as the legislative body of CFD No. 2011-1.

"County" means the County of San Bernardino.

"Developed Property" means, for each Fiscal Year, all Taxable Property for which a building permit for new construction was issued as of January 1 of the previous Fiscal Year.

"Fiscal Year" means the period starting July 1 and ending on the following June 30.

"Land Use Class" means any of the classes listed in Table 1 below.

"Maximum Special Tax" means the Maximum Special Tax A and/or Maximum Special Tax B, as applicable.

"Maximum Special Tax A" means the Maximum Special Tax A, determined in accordance with Section C.1 below, that can be levied in any Fiscal Year on any Assessor's Parcel of Developed Property within CFD No. 2011-1.

"Maximum Special Tax B" means the Maximum Special Tax B, determined in accordance with Section C.1 below, that can be levied in any Fiscal Year on any Assessor's Parcel of Developed Property within CFD No. 2011-1.

"Non-Residential Property" means all Assessor's Parcels of Developed Property for which a building permit(s) was issued for a non-residential use.

"Property Owner Association Property" means, for each Fiscal Year, any property within the boundaries of CFD No. 2011-1 that was owned by a property owner association, including any master or sub-association, as of January 1 of the prior Fiscal Year.

"Proportionately" means, for Developed Property, that the ratio of the actual Special Tax A levy to the Maximum Special Tax A is equal for all Assessor's Parcels of Developed Property and that the ratio of the actual Special Tax B levy to the Maximum Special Tax B is equal for all Assessor's Parcels of Developed Property

"Public Property" means, for each Fiscal Year, (i) any property within the boundaries of CFD No. 2011-1 that was owned by or irrevocably offered for dedication to the federal government, the State, the City or any other public agency as of January 1 of the previous Fiscal Year; provided however that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act shall be taxed and classified in accordance with its use; and (ii) any property within the boundaries of CFD No. 2011-1 that was encumbered, as of January 1 of the previous Fiscal Year, by an unmanned utility easement making impractical its utilization for other than the purpose set forth in the easement.

"Residential Floor Area" means all of the square footage of living area within the perimeter of a residential dwelling unit, not including any carport, walkway, garage, overhang, patio, enclosed patio, or similar area. The determination of Residential Floor Area shall be made by reference to the building permit(s) issued for such Assessor's Parcel, or if the square footage is not available from this source, as otherwise determined by the CFD Administrator based on a recorded condominium plan or other available documents.

"Residential Property" means all Assessor's Parcels of Developed Property for which a building permit has been issued for purposes of constructing one or more residential dwelling units.

"Services Cost Budget" means that certain budget prepared by the City or an entity performing the Authorized Maintenance Services under agreement with the City for a particular Fiscal Year. The Services Cost Budget for the upcoming Fiscal Year shall be provided to the CFD Administrator by May 31 of each year and the amounts set forth therein shall reflect a reasonable estimate of the costs of providing the Authorized Maintenance Services for the next Fiscal Year based on current and anticipated costs. If no Services Cost Budget is provided, the CFD Administrator shall determine the Services Cost Budget.

"Special Tax" means the Special Tax A and/or Special Tax B, as applicable.

"**Special Tax A**" means the annual special tax to be levied in each Fiscal Year on each Assessor's Parcel of Developed Property to fund the Special Tax A Requirement.

"**Special Tax B**" means the annual special tax to be levied in each Fiscal Year on each Assessor's Parcel of Developed Property to fund the Special Tax B Requirement.

"**Special Tax A Requirement**" means that amount required in any Fiscal Year for CFD No. 2011-1 to: (i) pay for Authorized Maintenance Services based on the Services Cost Budget; (ii) pay a share of Administrative Expenses as determined by the CFD Administrator; (iii) pay for reasonably anticipated Special Tax A delinquencies based upon the historical delinquency rate for CFD No. 2011-1; less (iv) a credit for funds available to reduce the annual Special Tax A levy, as determined by the CFD Administrator.

"**Special Tax B Requirement**" means that amount required in any Fiscal Year for CFD No. 2011-1 to: (i) pay for Authorized Public Safety Services; (ii) pay a share of Administrative Expenses as determined by the CFD Administrator; (iii) pay for reasonably anticipated Special Tax B delinquencies based upon the historical delinquency rate for CFD No. 2011-1; less (iv) a credit for funds available to reduce the annual Special Tax B levy, as determined by the CFD Administrator.

"**State**" means the State of California.

"**Taxable Property**" means all of the Assessor's Parcels within the boundaries of CFD No. 2011-1 which are not exempt from the Special Tax pursuant to law or Section E below.

"**Undeveloped Property**" means, for each Fiscal Year, all Taxable Property not classified as Developed Property.

B. ASSIGNMENT TO LAND USE CATEGORIES

Each Fiscal Year, all Taxable Property within CFD No. 2011-1 shall be classified as Developed Property or Undeveloped Property, and shall be subject to Special Taxes in accordance with the rate and method of apportionment determined pursuant to Sections C and D below. Developed Property shall be classified as Residential Property and Non-Residential Property. Residential Property shall be assigned to Land Use Classes 1 through 6. Non-Residential Property shall be assigned to Land Use Class 7

The Maximum Special Tax for Residential Property shall be based on the Residential Floor Area of the dwelling unit(s) located on the Assessor's Parcel, as specified in Table 1 below. The Maximum Special Tax for Non-Residential Property shall be based on the Acreage of the Assessor's Parcel.

C. MAXIMUM SPECIAL TAX

1. Developed Property

The Fiscal Year 2011-12 Maximum Special Tax A and Maximum Special Tax B for each Assessor's Parcel classified as Developed Property shall be the amount shown below in Table 1.

**TABLE 1
Maximum Special Tax
for Developed Property**

Land Use Class	Description	Residential Floor Area	FY 2011-2012 Maximum Special Tax A	FY 2011-2012 Maximum Special Tax B
1	Residential Property	≥ 2,300 s.f.	\$410.42 per unit	\$127.45 per unit
2	Residential Property	1,900 – 2,299 s.f.	\$363.06 per unit	\$112.74 per unit
3	Residential Property	1,500 – 1,899 s.f.	\$315.71 per unit	\$98.04 per unit
4	Residential Property	1,100 – 1,499 s.f.	\$268.35 per unit	\$83.33 per unit
5	Residential Property	700 – 1,099 s.f.	\$221.00 per unit	\$68.63 per unit
6	Residential Property	< 700 s.f.	\$173.64 per unit	\$53.92 per unit
7	Non-Residential Property	NA	\$13,752.25 per Acre	\$4,270.46 per Acre

(a) Increase in the Maximum Special Tax

On each July 1, commencing on July 1, 2012, the Maximum Special Tax A and Maximum Special Tax B shall be increased based on the percentage increase in the Consumer Price Index with a maximum annual increase of six percent (6%) and a minimum annual increase of two percent (2%) per Fiscal Year.

(b) Multiple Land Use Classes

In some instances an Assessor's Parcel of Developed Property may contain more than one Land Use Class. The Maximum Special Tax that can be levied on an Assessor's Parcel shall be the sum of the Maximum Special Tax that can be levied for each Land Use Class located on that Assessor's Parcel.

For an Assessor's Parcel that contains more than one land use, the Acreage of such Assessor's Parcel shall be allocated to each type of property based on the amount of Acreage designated for each land use as determined by reference to the site plan approved for such Assessor's Parcel. The CFD Administrator's allocation to each type of property shall be final.

2. Undeveloped Property

Neither the Special Tax A nor the Special Tax B shall be levied on Undeveloped Property.

D. APPORTIONMENT OF THE SPECIAL TAX

1. **SPECIAL TAX A**

Commencing with Fiscal Year 2011-2012 and for each following Fiscal Year, the Council shall levy the Special Tax A so that the amount of the Special Tax A equals the lesser of the Special Tax A Requirement or the Maximum Special Tax A. The Special Tax A shall be levied Proportionately on each Assessor's Parcel of Developed Property at up to 100% of the applicable Maximum Special Tax A.

To the extent that the Special Tax A Requirement is greater than the aggregate Maximum Special Tax A, the Special Tax A collected shall first be allocated to pay Administrative Expenses not funded through the Special Tax B Requirement and then to pay for Authorized Maintenance Services.

2. **SPECIAL TAX B**

Commencing with Fiscal Year 2011-2012 and for each following Fiscal Year, the Council shall levy the Special Tax B so that the amount of the Special Tax B equals the lesser of the Special Tax B Requirement or the Maximum Special Tax B. The Special Tax B shall be levied Proportionately on each Assessor's Parcel of Developed Property at up to 100% of the applicable Maximum Special Tax B.

To the extent that the Special Tax B Requirement is greater than the aggregate Maximum Special Tax B, the Special Tax B collected shall first be allocated to pay Administrative Expenses not funded through the Special Tax A Requirement and then to pay for Authorized Public Safety Services.

Notwithstanding the above, under no circumstances will the Special Tax be levied against any Assessor's Parcel of Residential Property for which an occupancy permit for private residential use has been issued be increased as a consequence of delinquency or default by the owner of any other Assessor's Parcel within CFD No. 2011-1 by more than ten percent above the amount that would have been levied in that Fiscal Year had there never been any such delinquencies or defaults.

E. EXEMPTIONS

Neither the Special Tax A nor the Special Tax B shall be levied on Property Owner Association Property or Public Property. However, should an Assessor's Parcel no longer be classified as Property Owner Association Property or Public Property, its tax-exempt status will be revoked.

F. APPEALS AND INTERPRETATIONS

Any landowner or resident may file a written appeal of the Special Tax on his/her property with the CFD Administrator, provided that the appellant is current in his/her payments of Special Taxes. During the pendency of an appeal, all Special Taxes must be paid on or before the payment date established when the levy was made. The appeal must specify the reasons why the appellant claims the Special Tax is in error. The CFD Administrator shall review the appeal, meet with the appellant if the CFD Administrator deems necessary, and advise the appellant of its determination. If the CFD Administrator agrees with the appellant, the CFD Administrator shall eliminate or reduce the Special Tax on the appellant's property and/or provide a refund to the appellant. If the CFD Administrator disagrees with the appellant and the appellant is dissatisfied with the determination, the appellant then has 30 days in which to appeal to the Council by filing a written notice of appeal with the City Clerk, provided that the appellant is current in his/her payments of Special Taxes. The second appeal must specify the reasons for its disagreement with the CFD Administrator's determination.

Interpretations may be made by the Council by ordinance or resolution for purposes of clarifying any vagueness or ambiguity in this Rate and Method of Apportionment.

G. MANNER OF COLLECTION

The Special Tax will be collected in the same manner and at the same time as ordinary *ad valorem* property taxes; provided, however, that CFD No. 2011-1 may directly bill the Special Tax, may collect the Special Tax at a different time or in a different manner if necessary to meet its financial obligations, and may covenant to foreclose and may actually foreclose on delinquent Assessor's Parcels as permitted by the Act.

H. TERM OF SPECIAL TAX

The Special Tax A shall be levied as long as necessary to meet the Special Tax A Requirement. The Special Tax B shall be levied as long as necessary to meet the Special Tax B Requirement.

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RESOLUTION NO. 11-2876

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR CALLING A SPECIAL ELECTION AND SUBMITTING TO THE VOTERS OF COMMUNITY FACILITIES DISTRICT NO. 2011-1 (MAINTENANCE AND PUBLIC SAFETY SERVICES) OF THE CITY OF MONTCLAIR A PROPOSITION WITH RESPECT TO THE ANNUAL LEVY OF SPECIAL TAXES WITHIN SAID COMMUNITY FACILITIES DISTRICT TO PAY THE COSTS OF CERTAIN SERVICES TO BE PROVIDED BY THE COMMUNITY FACILITIES DISTRICT AND A PROPOSITION WITH RESPECT TO ESTABLISHING AN APPROPRIATIONS LIMIT FOR SAID COMMUNITY FACILITIES DISTRICT

WHEREAS, pursuant to Section 53325.1 of the California Government Code, the City Council (the "City Council") of the City of Montclair ("the City") has adopted a resolution establishing Community Facilities District No. 2011-1 (Maintenance and Public Safety Services) of the City of Montclair, County of San Bernardino, State of California (the "Community Facilities District") and the boundaries thereof; and

WHEREAS, pursuant to Section 53326 of said Code, it is necessary that the City Council submit to the voters of the Community Facilities District the annual levy of special taxes on the property within the Community Facilities District to pay the costs of providing services described in Resolution No. 11-2873, the Resolution of Intention with respect to the formation of the Community Facilities District ("Resolution No. 11-2873"); and

WHEREAS, pursuant to Section 53325.7 of said Code, the City Council may also submit to the voters of the Community Facilities District a proposition with respect to establishing an appropriations limit for the Community Facilities District.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Montclair hereby determines and orders as follows:

Section 1. Findings. The City Council finds that: (i) the foregoing recitals are correct; (ii) less than 12 persons have been registered to vote within the territory of the Community Facilities District during the 90 days preceding the close of the public hearing on February 7, 2011; (iii) pursuant to Section 53326 of the California Government Code, as a result of the findings set forth in clause (ii) above, the vote in the special election called by this Resolution shall be by the landowners of the Community Facilities District whose property would be subject to the special taxes if they were levied at the time of the election, and each landowner shall have one vote for each acre, or portion thereof, which he or she owns within the Community Facilities District which would be subject to the proposed special taxes if they were levied at the time of the election, (iv) Montclair I MGP, LLC, the owner of all of the land in the Community Facilities District has by written consent (a) waived the time limits set forth in said Section 53326 for holding the election called by this Resolution, (b) consented to the holding of said election on February 7, 2011, (c) waived notice

and mailed notice of the time and date of said election, and (d) waived an impartial analysis by the City Attorney of the ballot propositions pursuant to Section 9280 of the California Elections Code and arguments and rebuttals pursuant to Sections 9281 to 9287, inclusive, and 9295 of said Code; and (v) the City Clerk of the City has consented to the holding of said election on February 7, 2011.

Section 2. Call of Election. The City Council hereby calls and schedules a special election for February 7, 2011 on the proposition with respect to the annual levy of special taxes within the Community Facilities District for paying the cost of the services to be provided within and for the benefit of the Community Facilities District and on the proposition with respect to establishing an appropriations limit for the Community Facilities District.

Section 3. Propositions. The propositions to be submitted to the voters of the Community Facilities District at such special election shall be as follows.

First Proposition

Shall special taxes be levied annually on taxable property within Community Facilities District No. 2011-1 (Maintenance and Public Safety Services) of the City of Montclair; County of San Bernardino, State of California, to pay the costs of (i) maintenance and lighting of parks, parkways streets, roads and open space within the proposed community facilities district; and (ii) the operation and maintenance of storm drainage systems serving the property within the proposed community facilities district and in the surrounding area, and also public safety services including (iii) fire protection and suppression services and (iv) police protection services within the community facilities district, to pay expenses incidental thereto and to pay costs associated with the determination of the amount of and the levy and collection of the special taxes, at the special tax rates and pursuant to the method of apportioning such special taxes set forth in Exhibit "A" to Resolution No. 11-2873 adopted by the City Council of the City of Montclair on January 3, 2011?

Second Proposition

Shall an appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, be established for Community Facilities District No. 2011-1 (Maintenance and Public Safety Services) of the City of Montclair, County of San Bernardino, State of California, in the amount of \$2,000,000?

Section 4. Conduct of Election. Except as otherwise provided in Section 5 hereof, said election shall be conducted by the City Clerk of the City pursuant to the California Elections Code governing mail ballot elections of cities, and in particular, the provisions of Division 4 (commencing with Section 4000) of said Code, insofar as they may be applicable.

Section 5. Election Procedures. The procedures to be followed in conducting the special election on (a) the proposition with respect to the levy of

special taxes on the land within the Community Facilities District to pay the costs of (i) maintenance and lighting of parks, parkways streets, roads and open space within the proposed community facilities district, and (ii) the operation and maintenance of storm drainage systems serving the property within the proposed community facilities district and in the surrounding area, and also public safety services including (iii) fire protection and suppression services and (iv) police protection services, and (b) the proposition with respect to establishing an appropriations limit for the Community Facilities District in the amount of \$2,000,000 (the "special election") shall be as follows:

(a) Pursuant to said Section 53326 of the California Government Code, ballots for the special election shall be distributed to the qualified electors by the City Clerk by mail with return postage prepaid, or by personal service.

(b) Pursuant to applicable sections of the California Elections Code governing the conduct of mail ballot elections of cities, and specifically Division 4 (commencing with Section 4000) of the California Elections Code with respect to elections conducted by mail, the City Clerk shall mail or deliver to each qualified elector an official ballot in a form specified by the City Council in the resolution calling the special election, and shall also mail or deliver to all such qualified electors a ballot pamphlet and instructions to voter, including a sample ballot identical in form to the official ballot but identified as a sample ballot, a return identification envelope with prepaid postage thereon addressed to the City Clerk for the return of voted official ballots, and a copy of Resolution No., 11-2873, provided, however, that such statement, analysis and arguments may be waived with the unanimous consent of all the landowners.

(c) The official ballot to be mailed or delivered by the City Clerk to each landowner-voter shall have printed or typed thereon the name of the landowner-voter and the number of votes to be voted by the landowner-voter and shall have appended to it a certification to be signed by the person voting the official ballot which shall certify that the person signing the certification is the person who voted the official ballot, and if the landowner-voter is other than a natural person, that he or she is an officer of or other person affiliated with the landowner-voter entitled to vote such official ballot, that he or she has been authorized to vote such official ballot on behalf of the landowner-voter, that in voting such official ballot it was his or her intent, as well as the intent of the landowner-voter, to vote all votes to which the landowner-voter is entitled based on its land ownership on the propositions set forth in the official ballot as marked thereon in the voting square opposite each such proposition, and further certifying as to the acreage of the landowner-voter's land ownership within the Community Facilities District.

(d) The return identification envelope mailed or delivered by the City Clerk to each landowner-voter shall have printed or typed thereon the following: (i) the name of the landowner; (ii) the address of the landowner; (iii) a declaration under penalty of perjury stating that the voter is the landowner or the authorized representative of the landowner entitled to vote the enclosed ballot and is the person whose name appears on the identification envelope, (iv) the printed name and signature of the voter; (v) the address of the voter; (vi) the date of signing and place

of execution of said declaration; and (vii) a notice that the envelope contains an official ballot and is to be opened only by the City Clerk.

(e) The instruction to voter form to be mailed or delivered by the City Clerk to the landowner-voters shall inform them that the official ballots shall be returned to the City Clerk properly voted as provided thereon and with the certification appended thereto properly completed and signed in the sealed return identification envelope with the certification thereon completed and signed and all other information to be inserted thereon properly inserted by 5:00 p.m. on February 7, 2011.

(f) Upon receipt of the return identification envelopes which are returned prior to the voting deadline on the date of the election, the City Clerk shall canvass the votes cast in the special election, and shall file a statement with the City Council as to the results of such canvass and the election on each proposition set forth in the official ballot.

APPROVED AND ADOPTED this XX day of XX, 2011.

Mayor

ATTEST:

City Clerk

I, Donna M. Jackson, City Clerk of the City of Montclair, DO HEREBY CERTIFY that Resolution No. 11-2876 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, 2011, and that it was adopted by the following vote, to-wit:

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

Donna M. Jackson
City Clerk

EXHIBIT "A"

OFFICIAL BALLOT

SPECIAL ELECTION FOR
COMMUNITY FACILITIES DISTRICT NO. 2011-1
OF THE CITY OF MONTCLAIR
COUNTY OF SAN BERNARDINO
STATE OF CALIFORNIA
February 7, 2011

To vote, mark a cross (+) in the voting square after the word "YES" or after the word "NO". All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void.

If you wrongly mark, tear, or deface this ballot, return it to the City Clerk of the City of Montclair and obtain another.

PROPOSITION A: Shall special taxes be levied annually on taxable property within Community Facilities District No. 2011-1 (Maintenance and Public Safety Services) of the City of Montclair, County of San Bernardino, State of California, to pay the costs of (i) maintenance and lighting of parks, parkways streets, roads and open space within the proposed community facilities district, and (ii) the operation and maintenance of storm drainage systems serving the property within the proposed community facilities district and in the surrounding area, and also public safety services including (iii) fire protection and suppression services and (iv) police protection services within the community facilities district, to pay expenses incidental thereto and to pay costs associated with the determination of the amount of and the levy and collection of the special taxes, at the special tax rates and pursuant to the method of apportioning such special taxes set forth in Exhibit "A" to Resolution No. 11-2873 adopted by the City Council of the City of Montclair on January 3, 2011?

YES	
NO	

PROPOSITION B: Shall an appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, be established for Community Facilities District No. 2011-1 (Maintenance and Public Safety Services) of the City of Montclair, County of San Bernardino, State of California, in the amount of \$2,000,000?

YES	
NO	

RESOLUTION NO. 11-2877

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR DECLARING THE RESULTS OF THE SPECIAL ELECTION FOR COMMUNITY FACILITIES DISTRICT NO. 2011-1 (MAINTENANCE AND PUBLIC SAFETY SERVICES) OF THE CITY OF MONTCLAIR, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ON THE PROPOSITIONS WITH RESPECT TO (I) THE ANNUAL LEVY OF SPECIAL TAXES TO PAY THE COSTS OF CERTAIN SERVICES TO BE PROVIDED BY THE COMMUNITY FACILITIES DISTRICT; AND (II) ESTABLISHING AN APPROPRIATIONS LIMIT

WHEREAS, on February 7, 2011, the City Council (the "City Council") of the City of Montclair (the "City") adopted a Resolution calling a special election on the propositions with respect to the annual levy of special taxes on taxable property within Community Facilities District No. 2011-1 (Maintenance and Public Safety Services) (the "Community Facilities District") to pay the costs of certain services to be provided by the Community Facilities District and establishing an appropriations limit for the Community Facilities District (the "Election Resolution"); and

WHEREAS, the City Council has received a statement from the City Clerk, who pursuant to the Election Resolution was authorized to conduct the special election and act as the election official therefor, with respect to the canvass of the ballots returned in and the results of the special election, certifying that more than two thirds of the votes cast upon the propositions submitted to the voters in the special election were cast in favor of all such propositions.

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

Section 1. Findings. The City Council finds that: (i) there were less than 12 persons registered to vote within the boundaries of the Community Facilities District at the time of the close of the protest hearing on February 7, 2011, and pursuant to Section 53326 of the California Government Code ("Section 53326") the votes in the special election were, therefore, to be by the landowners owning land within the Community Facilities District, with each landowner having one vote for each acre or portion of an acre of land that he or she owned within the Community Facilities District which would have been subject to the special tax if levied at the time of the special election; (ii) pursuant to Section 53326 and the Election Resolution, the City Clerk delivered a ballot for the special election to Montclair I MGP, LLC, the owner of all of the land within the Community Facilities District (the "Property Owner"); (iii) the Property Owner waived the time limits for holding the special election and the election dates specified in Section 53326, and consented to the calling and holding of the special election on February 7, 2011, (iv) the special election has been properly conducted in accordance with all statutory requirements and the provisions of Election Resolution, (v) pursuant to Section 53326, the Property Owner, which owned approximately 15.1 acres, was entitled to a total of 16 votes; (vi) the ballot was returned by the Property Owner to the City Clerk prior to 5:00 p.m. on February 7, 2010; (vii) the ballot returned to the City Clerk by the Property Owner voted all votes

to which it was entitled in favor of all propositions set forth therein; (viii) more than two thirds of the votes cast in the special election on each such proposition were cast in favor thereof, and pursuant to Section 53328 of the California Government Code, all such propositions carried; (ix) the City Council, as the legislative body of the Community Facilities District, is therefore authorized to take the necessary action to annually levy special taxes on taxable property within the Community Facilities District in amounts sufficient to pay the costs of services to be provided by the Community Facilities District; and (x) an appropriations limit for the Community Facilities District has been established in the amount of \$2,000,000.

Section 2. Declaration of Results. All votes voted in the special election on the propositions with respect to the annual levy of special taxes on taxable property within the Community Facilities District to pay the costs of the services to be provided by the Community Facilities District and the establishment of an appropriations limit in the amount of \$2,000,000 for the Community Facilities District were voted in favor thereof, and such propositions carried.

Section 3. Effect of Election. The effect of the results of the special election, as specified in Section 2 hereof, is that the City Council, as the legislative body of the Community Facilities District, is authorized to annually levy special taxes on taxable property within the Community Facilities District in an amount sufficient to pay the costs of the services to be provided by the Community Facilities District at the special tax rates and pursuant to the methodology for determining and apportioning such special taxes which are set forth in Exhibit "A" to Resolution No. 11-2873 adopted by the City Council on January 3, 2011, and an appropriations limit has been established for the Community Facilities District in the amount of \$2,000,000.

APPROVED AND ADOPTED this XX day of XX, 2011.

Mayor

ATTEST:

City Clerk

I, Donna M. Jackson, City Clerk of the City of Montclair, DO HEREBY CERTIFY that Resolution No. 11-2877 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, 2011, and that it was adopted by the following vote, to-wit:

AYES XX
NOES: XX
ABSTAIN: XX
ABSENT: XX

Donna M. Jackson
City Clerk

ORDINANCE NO. 11-920

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR LEVYING SPECIAL TAXES TO BE COLLECTED DURING FISCAL YEAR 2011-12 TO PAY THE ANNUAL COSTS OF THE MAINTENANCE AND LIGHTING OF PARKS, PARKWAYS, STREETS, ROADS, AND OPEN SPACE AND THE OPERATION AND MAINTENANCE OF STORM DRAINAGE SYSTEMS AND PUBLIC SAFETY SERVICES INCLUDING FIRE PROTECTION AND SUPPRESSION SERVICES AND POLICE PROTECTION SERVICES WITH RESPECT TO COMMUNITY FACILITIES DISTRICT NO. 2011-1 (MAINTENANCE AND PUBLIC SAFETY SERVICES) OF THE CITY OF MONTCLAIR

WHEREAS, the City Council (the "City Council") of the City of Montclair (the "City") has heretofore adopted Resolution No. 11-2873, stating that a community facilities district to be known as "Community Facilities District No. 2011-1 of the City of Montclair, County of San Bernardino, State of California" (the "Community Facilities District"), is proposed to be established under the provisions of Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5 of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), and fixing the time and place for a public hearing on the formation of the Community Facilities District; and

WHEREAS, notice was published and mailed to the owner of all of the property in the Community Facilities District as required by law relative to the intention of the City Council to establish the Community Facilities District and the levy of the special taxes therein to provide certain services, and of the time and place of said public hearing; and

WHEREAS, on February 7, 2011, at the time and place specified in said published and mailed notice, the City Council opened and held a public hearing as required by law relative to the formation of the Community Facilities District, the levy of the special taxes therein and the provision of services by the Community Facilities District; and

WHEREAS, at the public hearing all persons desiring to be heard on all matters pertaining to the formation of the Community Facilities District, the levy of the special taxes and the provision of services therein were heard, and a full and fair hearing was held; and

WHEREAS, subsequent to said hearing, the City Council adopted Resolutions entitled "Resolution of the City Council of the City of Montclair Establishing Community Facilities District No. 2011-1 (Maintenance and Public Safety Services) of the City of Montclair, County of San Bernardino, State of California, and the Boundaries Thereof" (the "Resolution of Formation") and "Resolution of the City Council of the City of Montclair Calling a Special Election and Submitting to the Voters of Community Facilities District No. 2011-1 (Maintenance and Public Safety Services) of the City of Montclair a Proposition With Respect to the Annual Levy of Special Taxes Within the

Community Facilities District for Paying the Cost of Certain Services to be Provided by the Community Facilities District and a Proposition With Respect to Establishing an Appropriations Limit for Said Community Facilities District," which Resolutions established the District, authorized the levy of a special tax within the District, and called an election within the District on the proposition of levying a special tax, and establishing an appropriations limit within the District, respectively; and

WHEREAS, an election was held within the District in which the sole eligible landowner elector approved said propositions by more than the two-thirds vote required by the Act.

THE CITY COUNCIL OF THE CITY OF MONTCLAIR DOES ORDAIN AS FOLLOWS:

SECTION I. Findings. It is necessary that the City Council of the City of Montclair levy special taxes pursuant to Section 53340 of the Government Code for the payment of the annual costs of the maintenance of certain types of services, including the maintenance and lighting of parks, parkways, streets, roads and open space, and the operation and maintenance of storm drainage systems serving the property within the proposed community facilities district, and public safety services including fire protection and suppression services and police protection services, within Community Facilities District No. 2011-1 of the City of Montclair, County of San Bernardino, State of California (the "District") and in the surrounding area, and for the payment of administrative expenses incurred in connection with the levy and collection of said special taxes.

SECTION II. Levy of Special Taxes. Special taxes shall be and are hereby levied for the Fiscal Year 2011-12, and each fiscal year thereafter, on all parcels of real property within the District which are subject to taxation, which are identified in Exhibit "A" attached hereto, and in the amount set forth for each such parcel in said Exhibit "A." Pursuant to said Section 53340, such special taxes shall be collected in the same manner as ordinary ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure, sale, and lien priority in case of delinquency as is provided for ad valorem taxes.

SECTION III. Transmittal to County. The City Clerk shall immediately following adoption of this Ordinance transmit a copy hereof to the Board of Supervisors and the County Auditor of the County of San Bernardino together with a request that the special taxes as levied hereby be collected on the tax bills for the parcels identified in Exhibit "A" hereto along with the ordinary ad valorem property taxes to be levied on and collected from the owners of said parcels.

SECTION IV. Severability.

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

the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional.

SECTION V. Effective Date.

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

SECTION VI. Authorization to Publish Ordinance.

The Mayor shall sign this Ordinance and the City Clerk shall attest thereto and shall, within fifteen days of its adoption, cause it or a summary of it to be published in the INLAND VALLEY DAILY BULLETIN.

APPROVED AND ADOPTED this XX day of XX, 2011.

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. 11-920 of said City, which was introduced at a regular meeting of the City Council held on the XX day of XX, 2011, and finally passed not less than five (5) days thereafter on the XX day of XX, 2011, by the following vote, to-wit:

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

Donna M. Jackson
City Clerk

EXHIBIT "A"

**COMMUNITY FACILITIES DISTRICT NO. 2011-1
(MAINTENANCE AND PUBLIC SAFETY SERVICES)**

**SPECIAL TAX LEVY
FISCAL YEAR 2011-12**

Assessor's Parcel Number

1008-011-23

1008-011-27

1008-011-28

1008-161-19

1008-161-20

1008-161-24

1008-161-25

1008-161-26

AGENDA REPORT

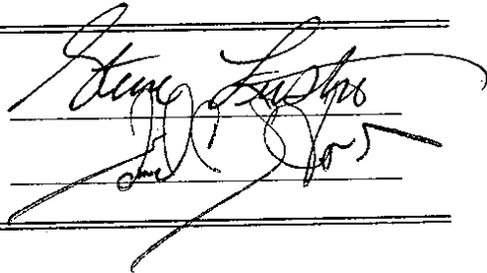
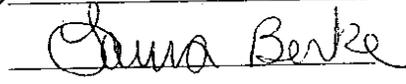
SUBJECT:	CONSIDER SETTING A PUBLIC HEARING TO PRIORITIZE FUNDING FOR FISCAL YEAR 2011-12 COMMUNITY DEVELOPMENT BLOCK GRANT PROJECTS	DATE:	February 7, 2011
		SECTION:	ADMIN. REPORTS
		ITEM NO.:	1
BUSINESS PLAN:	N/A	FILE I.D.:	GRT050
		DEPT.:	COMMUNITY DEV

REASON FOR CONSIDERATION: Each fiscal year, the City of Montclair is required to conduct a public hearing to prioritize funding for various competing Community Development Block Grant (CDBG) projects. This hearing is conducted in compliance with requirements of the Department of Housing and Urban Development and the County of San Bernardino Department of Community Development and Housing (CDH).

BACKGROUND: In January, staff submitted its applications for CDBG funding to the County of San Bernardino. CDH has compiled a list of proposals eligible for funding from Montclair's annual CDBG allocation, including those submitted by staff and outside agencies, for consideration by the City Council. Details of the eligible proposals, along with the proposed Fiscal Year 2011-12 funding, will be provided to the Council for reference and consideration prior to the public hearing.

FISCAL IMPACT: The cost to publish a Notice of Public Hearing related to prioritizing funding for Fiscal Year 2011-12 CDBG projects should not exceed \$400.

RECOMMENDATION: Staff recommends the City Council set a public hearing for Tuesday, February 22, 2011, at 7.00 p.m. in the City Council Chambers to prioritize funding for Fiscal Year 2011-12 CDBG projects.

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

AGENDA REPORT

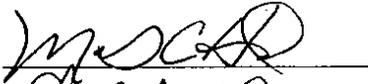
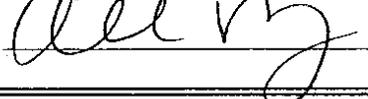
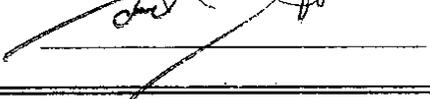
SUBJECT: CONSIDER SETTING A PUBLIC HEARING TO CONSIDER ORDINANCE NO 11-921 AMENDING SECTION 9.02 AND REPLACING SECTION 9.20 700 OF THE MONTCLAIR MUNICIPAL CODE RELATED TO THE CITY COMMUNITY SEWER SYSTEM AND CERTAIN WATER-SOFTENING DEVICES	DATE: February 7, 2011 SECTION: ADMIN REPORTS ITEM NO.: 2 FILE I.D.: ENV400 DEPT.: PUBLIC WORKS
BUSINESS PLAN: N/A	

REASON FOR CONSIDERATION: The City Council is requested to consider approval of certain revisions to the Municipal Code as it relates to the City Sewer System and regulations pursuant to new requirements of the Santa Ana Regional Water Quality Control Board. Proposed Ordinance No. 11-921 detailing these revisions is attached for the City Council's review and consideration.

BACKGROUND: The State Legislature has found that elevated levels of salinity in community sewer systems can hinder needed water recycling projects, and discharges from those systems may impair groundwater resources and surface waters of the state. By Resolution No. R8-2004-0001, the California Regional Water Quality Control Board, Santa Ana Region (Regional Board), has determined that the Santa Ana River Basin, including the Chino Basin, faces water quality challenges due to salinity pollution resulting from historical agricultural and other activities. The Regional Board has adopted the 2004 Basin Plan Amendment, which sets water quality objectives that protect beneficial uses and provide maximum benefit to the users of the Santa Ana River Basin and to the State of California.

Producing high-quality recycled water is imperative to the regional initiative within Inland Empire Utility Agency's (IEUA's) service area to maximize beneficial reuse of recycled water through landscape irrigation, industrial reuse, and groundwater recharge. Reuse of recycled water is a critical component of the regional plans to reliably meet current and future water needs for the City of Montclair as well as the communities served by the IEUA.

In accordance with Section 13148(e) of the California Water Code, the Regional Board, through Order No. R8-2010-0008, has found that the control of residential use of self-regenerating water softeners will contribute to the achievement of the water quality objectives approved in the 2004 Basin Plan Amendment. This finding is based on evidence demonstrating that salinity input from residential use of self-regenerating water softeners is a significant source of controllable total dissolved solids within IEUA's sewer system and that significant regional economic impacts will result if residential use of self-regenerating water softeners is not controlled.

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

The Montclair Municipal Code currently allows two types of water-softening devices: exchange units and self-regenerating units. Proposed Ordinance No. 11-921 would prohibit the installation, replacement, or enlargement of the self-regenerating units. The proposed Ordinance would not impact businesses or residences currently using self-regenerating units as it does not require their removal or prohibit their use. Essentially, anyone currently using a self-regenerating water softener within the City would be "grandfathered" in.

FISCAL IMPACT: The cost to publish a Notice of Public Hearing related to proposed Ordinance No. 11-921 should not exceed \$400.

RECOMMENDATION: Staff recommends the City Council set a public hearing for Tuesday, February 22, 2011, at 7:00 p.m. in the City Council Chambers to consider Ordinance No. 11-921 amending Section 9.02 and replacing Section 9.20.700 of the Montclair Municipal Code related to the City Community Sewer System and certain water-softening devices.

ORDINANCE NO. 11-921

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR AMENDING CHAPTER 9.02 AND REPLACING CHAPTER 9.20.700 OF THE MONTCLAIR MUNICIPAL CODE RELATED TO THE CITY'S COMMUNITY SEWER SYSTEM AND CERTAIN WATER-SOFTENING DEVICES

THE CITY COUNCIL OF THE CITY OF MONTCLAIR DOES ORDAIN AS FOLLOWS:

Section 1. Amend Chapter 9.02, "Acronyms and Definitions," to include the following:

City means the City of Montclair.

Community Sewer System shall mean all facilities owned, controlled, or operated by the City of Montclair for the purpose of collecting and conducting sewage to a Delivery Point, including collector sewers conducting sewage from the originating premises, trunk sewers conveying sewage from tributary collector sewers or other trunk sewers, and any facilities appurtenant to the foregoing.

Self-regenerating water softening appliance shall mean a water-softening device located within the City of Montclair that discharges to a Community Sewer System that is tributary to the Regional Sewer System owned and operated by IEUA, whereby the capability of the appliance to remove hardness from water is renewed by the onsite application of a salt-containing brine solution to the active softening or conditioning material contained therein followed by a subsequent rinsing of the active softening or conditioning material.

Regional Board shall mean the California Water Quality Control Board, Santa Ana Region, created and exercising its powers pursuant to the Porter-Cologne Water Quality Control Act, California Water Code Sections 13000, *et seq.*

Regional Sewer System shall mean all facilities owned, controlled, or operated by IEUA and any interest or capacity rights of IEUA in facilities owned, controlled, or operated by others for purpose of transmitting, treating, and disposing of sewage, including interceptor sewers, sewage treatment and disposal plants, outfall sewers, facilities for the disposal of effluent and solid waste residuals, and any facilities appurtenant to the foregoing. The Regional Sewer System shall not include any recycling facilities or portions of recycling facilities that are operated by or for the benefit of IEUA to meet obligations under the judgment entered in the action entitled Orange County Water District v City of Chino, *et al.* (Case No. 117628, Superior Court, County of Orange) or to meet the requirements of contracting agencies exercising the right of first purchase of recycled effluent, provided that the Regional Sewer System shall include all other Disposal Facilities that are required to meet the requirements

requirements of the NPDES Permit or Permits or Waste Discharge Requirements issued to IEUA by the Regional Water Quality Control Board, Santa Ana Region, for the operation of the Regional Treatment Plants.

Section II. Amendment to Code. Chapter 9.20.700 of Title 9 of the Montclair Municipal Code is hereby replaced as follows:

Sec. 9.20.700 Residential water-softening appliances.

A. Statutory Authorization.

This Ordinance is enacted pursuant to authority contained in Section 13148 of the California Water Code and exercises authority conferred by law including, but not limited to, Chapter 5, Part 12, Division 104 of the Health and Safety Code and Order No. R8-2010-0008 of the California Regional Water Quality Control Board, Santa Ana Region, and Ordinance No. 921 of the Inland Empire Utilities Agency.

B. Purpose.

The purpose of this Ordinance is to protect the quality of the waters of the State including, but not limited to, protecting beneficial uses of the Chino Basin and the entire Santa Ana watershed, and to allow for the effective recycling of water to meet the water supply of the residents of the community.

C. Findings.

1. The State Legislature has found and declared that elevated levels of salinity in community sewer systems can hinder needed water recycling projects, and discharges from those systems may impair groundwater resources and surface waters of the state.

2. The California Regional Water Quality Control Board, Santa Ana Region (Regional Board), has determined that the Santa Ana River Basin, including the Chino Basin, faces water quality challenges due to salinity pollution resulting from historical agricultural and other activities. (Resolution No. R8-2004-0001)

3. The Regional Board has adopted the 2004 Basin Plan Amendment, which sets water quality objectives that protect beneficial uses and provide maximum benefit to the users of the Santa Ana River Basin and to the State of California. (Resolution No. R8-2004-0001)

4. Producing high-quality recycled water is imperative to the regional initiative within Inland Empire Utility Agency's (IEUA) service area to maximize beneficial reuse of recycled water through landscape irrigation, industrial reuse, and groundwater recharge.

5. Reuse of recycled water is a critical component of the regional plans to reliably meet current and future water needs for the City of Montclair as well as the communities served by the IEUA.

6. In accordance with Section 13148(e) of the California Water Code, the Regional Board has found that the control of residential use of self-regenerating water softeners will contribute to the achievement of the water quality objectives approved in the 2004 Basin Plan Amendment. This finding

is based on evidence demonstrating that salinity input from residential use of self-regenerating water softeners is a significant source of controllable total dissolved solids within IEUA's sewer system and that significant regional economic impacts will result if residential use of self-regenerating water softeners is not controlled. (Order No. R8-2010-0008)

D. Prohibition.

It is unlawful to install or cause to be installed, replace, or enlarge any self-regenerating water softening appliance that is used for softening all or any part of the water supply to any premises when such appliance is regenerated by the onsite application of a salt-containing brine solution with the regenerated wastes being discharged to the City's Community Sewer System.

This Section shall not apply to any portable exchange water softener of the type that is regenerated offsite at a lawfully regulated location.

Section II. Severability.

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

Section III. Effective Date.

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

Section IV. Posting.

The Deputy 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, 2011.

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. 11-921 of said City, which was introduced at a regular meeting of the City Council held on the XX day of XX, 2011, and finally passed not less than five (5) days thereafter on the XX day of XX, 2011, by the following vote, to-wit:

AYES	XX
NOES	XX
ABSTAIN	XX
ABSENT	XX

Donna M. Jackson
City Clerk

AGENDA REPORT

SUBJECT: CONSIDER AUTHORIZATION TO RECEIVE \$12,154 FROM A FEDERAL EMERGENCY MANAGEMENT AGENCY GRANT TO PURCHASE WASHER-EXTRACTOR SYSTEMS FROM CONTINENTAL GIRBAU-WEST

CONSIDER AUTHORIZATION OF A \$1,350 APPROPRIATION FROM THE CONTINGENCY ACCOUNT TO PAY THE 10 PERCENT MATCH REQUIRED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY TO PURCHASE WASHER-EXTRACTOR SYSTEMS

DATE: February 7, 2011

SECTION: ADMIN. REPORTS

ITEM NO.: 3

FILE I.D.: EQS215-05

DEPT.: FIRE

BUSINESS PLAN: N/A

REASON FOR CONSIDERATION: The City Council is requested to consider authorizing the Fire Department to receive \$12,154 from a Federal Emergency Management Agency (FEMA) grant to purchase washer-extractor systems from Continental Girbau-West and a \$1,350 appropriation from the Contingency Account to pay the 10 percent match required by FEMA.

BACKGROUND: It is critical that the Fire Department properly clean soiled turnout gear to prevent firefighters and those they serve from carcinogen, particulate, and biohazard exposure. Turnout gear demands specific laundering care to remove contaminants and prevent fabric damage. Currently, the Fire Department does not meet nationally recognized guidelines for care and maintenance of protective apparel. New technologically advanced front-load washer-extractor systems would provide the Fire Department with the ability to effectively launder and remove hazardous contaminants from firefighting turnout gear while preserving its protective integrity from damage.

The FEMA grant would be used to purchase and install washer-extractor systems at both Fire stations. The new washer-extractor systems are commonly used in fire service, would meet the current and future needs of the Department, and meet or exceed regulatory standards outlined in National Fire Protection Association 1851. The recommended washer-extractor systems include the following:

- One 40-pound hard-mount washer-extractor unit and 6-inch base
- One 20-pound free-standing washer-extractor and dryer combination unit

Prepared by: T. Gust Reviewed and Approved by: T. Gust

Proofed by: Marie B... Presented by: [Signature]

Bid quotations received from three vendors that responded to staff's bid request for washer-extractor systems are as follows:

<i>Vendor</i>	<i>Bid Amount</i>
Continental Girbau-West	\$13,504
L.N. Curtis & Sons	\$16,001
Bestway Laundry Solutions	\$21,724

The Fire Department is recommending the washer-extractor systems be purchased from Continental Girbau-West as the apparent low bidder because the bid amount includes installation and necessary facility modification and permits.

FISCAL IMPACT: The cost to purchase the washer-extractor systems from Continental Girbau-West is \$13,504. Should the City Council approve this item, 90 percent of the cost (\$12,154) would be covered by a FEMA Firefighters Assistance Grant. The 10 percent FEMA match of \$1,350 would be appropriated from the Contingency Account.

RECOMMENDATION: Staff recommends the City Council take the following actions related to purchase of turnout gear washer-extractor systems for Fire Station Nos. 1 and 2

1. Authorize the Fire Department to receive \$12,154 from a Federal Emergency Management Agency grant.
2. Authorize a \$1,350 appropriation from the Contingency Account to pay the 10 percent match required by the Federal Emergency Management Agency.

CITY OF MONTCLAIR BID QUOTATION FORM

Department Fire Date Jan. 5, 2011

Purchase Requisition No. _____

Item(s) Description: One (1) washer extractor for station 151 and one (1) stackable washer extractor/dryer unit for station 152

Reason for Purchase: To replace old worn out units and comply with NFPA recommendations for the proper care and cleaning of turnout uniforms

Employee Obtaining Quotes Division Chief Baldwin

VENDORS CONTACTED

BID QUOTES*

				(1)	
(1) NAME	<u>Continental Girbau - West</u>			Subtotal	<u>10,233.09</u>
ADDRESS	<u>9830 Alburtis Ave, Santa Fe Springs, Ca. 90670</u>			Tax	<u>920.99</u>
PHONE NO.	<u>(562) 205-0140</u>	NAME OF REP.	<u>Robert Spiers</u>	Shipping	<u>0.00</u>
COMMENTS				Labor	<u>2,350.00</u>
				Total	<u>13,504.08</u>
				(2)	
(2) NAME	<u>Bestway Laundry Solutions</u>			Subtotal	<u>11,433.70</u>
ADDRESS	<u>1035 East Third St., Corona, Ca. 92879</u>			Tax	<u>1,110.03</u>
PHONE NO.	<u>(818) 846-7242</u>	NAME OF REP.	<u>Debby</u>	Shipping	<u>900.00</u>
COMMENTS	<u>Price is not competitive</u>			Labor	<u>1,780.00</u>
				Total	<u>21,723.73</u>
				(3)	
(3) NAME	<u>L.N. Curtis & Sons</u>			Subtotal	<u>14,679.95</u>
ADDRESS	<u>2600 East 8th st., Los Angeles, Ca. 90023</u>			Tax	<u>1,321.20</u>
PHONE NO.	<u>(323) 780-0254</u>	NAME OF REP.	<u>Roger Curtis</u>	Shipping	
COMMENTS	<u>Price is not competitive</u>			Labor	
				Total	<u>16,001.15</u>

*Quotations are to include tax and delivery charges

RECOMMENDED VENDOR AND JUSTIFICATION

Continental Girbau - West. This company has provided a combination of the best service, price, product quality and Departmental needs.



9830 Alburtils Ave., Santa Fe Springs, CA 90670
 562.205.0140 • toll-free 866.950.2449 • fax 562.205.0147
 www.continentalgearwest.com

Sales Agreement	
Quote #:	QT004306
Page #:	2/2
Customer #:	MONT002

BILL TO:
 Montclair Fire Department
 Division Chief Richard Baldwin
 8901 Monte Vista Avenue
 PO Box 2308
 Montclair, CA 91763

SHIP TO:
 Montclair Fire Department
 Division Chief Richard Baldwin
 8901 Monte Vista Avenue
 Station #1
 Montclair, CA 91763
 P:(909) 447-3547
 F:(909) 621-5261

DATE	FOB	VIA	REQUESTED DEL DATE	TERMS	
10/12/2010	DEL/INS	DELIVERY	10/12/2010	NET 30	
QTY	ITEM NUMBER	DESCRIPTION	Unit Price	DISCOUNT	AMOUNT
1	EM040L11021110	Hard mount Washer Extractor, 40lb Capacity, Logi Control, Gravity, Top Dispenser, External Dosing, 208-240/60/1 Voltage	\$5,584.45	\$500.00	\$5,084.45
1	EM040-6"	6" Base for EM40	\$336.64	\$0.00	\$336.64
150	FF	Factory Freight, manufacture to CG West warehouse	\$1.00	\$0.00	\$150.00

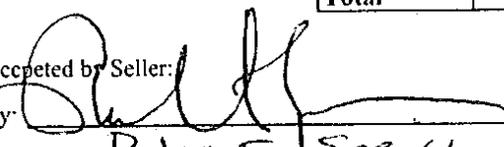
** Please see
 INSULATION
 AGREEMENT.*

Quote valid for: 60 days
 Prepared by: bs

THE TERMS AND CONDITIONS ATTACHED ARE INCORPORATED INTO THE TERMS OF THIS AGREEMENT

Subtotal	\$5,571.09
Tax	\$501.40
Installation	\$1,350.00 *
Freight	\$0.00
Total	\$7,422.49

Purchaser:
 By: _____
 Print Name: _____
 Title: _____

Accepted by Seller:
 By: 
 Print Name: Robert Speiri
 Title: Site

Continental Girbau, Inc.-West, a California corporation (hereinafter "Seller"), upon written acceptance of this Agreement, agrees to sell to Purchaser (as named on the reverse side) and Purchaser agrees to buy from Seller the equipment described on the reverse side (the "Equipment") for the price and terms shown on the reverse side, and on the following terms and conditions.

1. Invoice(s): Late Charges. Individual items may be delivered and invoiced separately and payment shall be made for each individual item in accordance with the particular invoice, unless financing is specified as below. Time of payment for each item is of the essence of this Agreement LATE FEES ON ANY OVERDUE ACCOUNT SHALL BE PAID AT 1-1/2% PER MONTH FROM THE DUE DATE.

2. Risk of Loss. Risk of loss or damage to the Equipment shall pass to Purchaser upon delivery of the Equipment to Purchaser or to a freight carrier at the factory or Seller's place of business for transportation to Purchaser.

3. Purchase Price: Payment. The purchase price specified on the reverse side includes all manufacturer's rebates, promotion and discount of any kind, (and applicable freight, storage and handling charges, insurance and taxes). The purchase price shall be paid as follows:

Deposit upon sign: \$ _____ Due on Delivery: \$ _____ Net 30 Days: \$ 7422.49

4. Security Interest in Equipment. Purchaser does hereby grant to Seller a security interest in and to the Equipment, including any additions and accessions to the Equipment. The security interest secures the payment of all obligations of Purchaser to Seller whether existing at the time of this agreement or arising in the future. Purchaser authorizes Seller to file financing statements and other documents with appropriate governmental bodies for the purpose of perfecting its security interest. Seller shall also have the right to give notice of its security interest to other parties. Purchaser represents that it is organized under the laws of the State of CA. Purchaser agrees to maintain and protect the collateral by avoiding misuse, abuse, waste and deterioration, except for ordinary wear and tear, to insure the collateral against all expected risks to which it is exposed and those risks designated by Seller, with policies acceptable to Seller and payable to both Purchaser and Seller for so long as any amount remains due and owing from Purchaser to Seller, to keep the collateral at the business address of the Purchaser or such other address as notified to Seller in advance in writing, except for its temporary removal in connection with its ordinary use; and not to sell, transfer or dispose of the collateral or allow it to become subject to any unpaid charge or lien, including tax obligations. Purchaser represents that there is no security interest or other lien on the collateral, except for the security interest created by this agreement. The security interest created by this instrument is intended to be and shall be a purchase money security interest under the Uniform Commercial Code and the Seller shall have all rights of a holder of a purchase money security interest under the Uniform Commercial Code. Purchaser agrees to take all action hereafter as may be required to effectuate the terms hereof. If Purchaser does not make payments in accordance with this Agreement, or fails to perform any obligation with regard to the protection of the collateral, or has made any misrepresentation in this instrument or in any other instrument prepared in connection with this transaction, Purchaser shall be in default, and Seller may repossess and remove the collateral and may resort to all legal and equitable remedies. Purchaser agrees that the Equipment shall not, in any event, become part of the real estate and shall at all times remain personal property. Purchaser agrees that it shall not remove the Equipment from its premises without the advance written notice of Seller until the purchase price has been paid in full.

5. Delivery. A quoted delivery date is a best estimate and not a guaranteed delivery date. Seller shall have no liability to Purchaser for any alleged damages caused by late delivery. UNDER NO CIRCUMSTANCES WILL SELLER BE RESPONSIBLE FOR OR PURCHASER ENTITLED TO CONSEQUENTIAL OR INCIDENTAL DAMAGES ARISING OUT OF OR OWING TO ANY DELAYS IN DELIVERY WHATSOEVER. Seller shall not be liable for its failure to perform hereunder due to acts of God, public enemy, governmental agency, fires, floods, epidemics, strikes, work stoppages, freight embargoes, disruption of electrical or computer service, weather, war, hostilities, riot, rebellion, transportation delays, material shortage or other delay beyond its control.

6. Warranty. ALL EQUIPMENT SOLD HEREUNDER SHALL CARRY ONLY THE MANUFACTURER'S LIMITED WARRANTY, IF ANY THERE IS NO OTHER WARRANTY EXPRESS OR IMPLIED, INCLUDING ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, OR ANY OTHER WARRANTY UNDER THE UNIFORM COMMERCIAL CODE, OR OTHERWISE. PURCHASER ACKNOWLEDGES THE RECEIPT OF SUCH LIMITED WARRANTY

7. Taxes. Purchaser shall be responsible for paying all local, state and federal sales, use, property and excise taxes and all other regulatory fees and charges imposed by the applicable governing authority in connection with the sale and use of the Equipment, whether or not included in the purchase price set forth on the reverse side.

8. Disclaimer. This Agreement, including the reverse side hereof, is a complete and exclusive statement of the understanding of the parties, there are no promises, agreements, covenants or understanding beyond those stated in this Agreement.

9. Limitation of Damages. In the event of any breach of this contract by Seller, Purchaser shall not be entitled to consequential, punitive, special or incidental damages of any kind, all of such damages shall be deemed disclaimed and waived by Purchaser.

10. Indemnification. Purchaser agrees to indemnify and hold Seller, its agents, employees, representatives, successors and assigns, harmless against loss, claim, liabilities, costs and expenses, including reasonable attorneys' fees, arising out of, in connection with, or resulting from the use, operation or condition of the Equipment. Purchaser shall provide Seller with prompt notice of any proceeding involving Seller or this indemnification, and shall provide Seller with any documents, including pleadings, related to such proceedings. Seller, in its discretion, shall have the right to intervene in any such proceedings.

11. Governing Law, Jurisdiction and Venue. The validity, interpretation and performance of this Agreement shall be governed by the laws of the State of Illinois including Article 2 of the Uniform Commercial Code, without reference to its principles of conflicts of law rules. Any legal action brought by any party shall be instituted in, and be determined only by the Circuit Courts for Winnebago County, Wisconsin. Purchaser irrevocably consents to jurisdiction and venue of the Circuit Courts for Winnebago County, Wisconsin in connection with any action or proceeding arising out of or related to the transactions contemplated hereby.

12. Costs of Collection. In the event of default by Purchaser of its obligations to Seller, Seller shall be entitled to receive from Purchaser any and all costs and expenses incurred by Seller in enforcing its rights hereunder, including but not limited to, all costs of collection including actual attorneys' fees.

13. Severability. If any term or provision of this Agreement is for any reason held to be invalid, illegal or unenforceable in any respect, such term or provision will be enforced to the maximum extent possible, and such invalidity, illegality or unenforceability will not affect any other term or provision of this Agreement. This Agreement will be interpreted and construed as if such severable term or provision, to the extent which it is invalid, illegal or unenforceable, had never been contained in this Agreement.

CONDITIONS: The price and terms of this Agreement are not subject to verbal changes or other agreements unless approved in writing by the home office of the Seller. Prices are based on costs and conditions existing on date on the reverse side, and are subject to change by the Seller before final acceptance as evidenced by Seller's receipt of this fully executed Agreement. Typographical and stenographic errors are subject to correction. Purchaser assumes liability for patent and copyright infringement when goods are made to Purchaser's specification. Condition not specifically stated herein shall be governed by established trade customs. Terms inconsistent with those stated herein which may appear on Purchaser's formal order will not be binding on the Seller.

Seller's Initials: [Signature]

Purchaser's Initials: [Signature]

[Handwritten mark]



Montclair Fire Department Station # 1

DELIVERY AND INSTALLATION

QUOTE # 4306 DATED: 10-12-10

(*) **WARRANTIES:** INSTALLATION INCLUDES NINETY (90) DAYS MECHANICAL LABOR WARRANTY. WASHERS INCLUDE FIVE (5) YEARS LIMITED PARTS AND THREE (3) YEARS ON ALL PARTS INCLUDING RUBBER & PLASTIC ITEMS. DRYERS INCLUDE THREE (3) YEARS ON ALL PARTS INCLUDING RUBBER & PLASTIC ITEMS. Fuses are the exception and are not covered under warranty.

THE FOLLOWING IS THE RESPONSIBILITY OF CONTINENTAL WEST;

(*) Installation includes local delivery to job site. Removal of existing equipment and haul away, if required. Uncrate new equipment, set in place provided there is ample access for the equipment to pass into the laundry area easily without the removal of doors, door jams, walls, and/or partitions. The existing standpipe drain will be modified (lowered) to accommodate the gravity drain on the washer and the existing hot water tank pressure valve drain will be reconnected to the modified drain. We will use the existing hot and cold water hose bibs and use the existing electrical outlet from the existing electric dryer to connect the power to the washer. Continental West will perform all final utility connections, level, bolt and grout per manufactures specifications, perform start up and staff training in operation and maintenance.

Exclusions;
Relocating the existing electric dryer.
Upgrade and/or modification of any utilities unless noted above.
Modifications to the existing folding door.

Acceptance

The above specifications and conditions above are satisfactory and are hereby accepted. You are authorized to do the work as specified.

PURCHASER SIGNATURE: _____ DATE: _____
CONTINENTAL WEST SIGNATURE: [Signature] DATE: 11-4-10



9830 Alburtils Ave., Santa Fe Springs, CA 90670
 562.205.0140 • toll-free 866.950.2449 • fax 562.205.0147
 www.continentalgirbauwest.com

Sales Agreement	
Quote #	QT004351
Page #	2/2
Customer #	MONT002

BILL TO:

Montclair Fire Department
 Division Chief Richard Baldwin
 8901 Monte Vista Avenue
 PO Box 2308
 Montclair, CA 91763

SHIP TO:

Montclair Fire Department
 Division Chief Richard Baldwin
 10825 Monte Vista Avenue
 Station #2
 Montclair, CA 91763
 P:(909) 447-3547
 F:(909) 621-5261

DATE	FOB	VIA	REQUESTED DEL DATE	TERMS	
10/22/2010	DELIVERY	DELIVERY	10/22/2010	NET 30	
QTY	ITEM NUMBER	DESCRIPTION	Unit Price	DISCOUNT	AMOUNT
1	EH020LA1024122	Free Standing Washer Extractor, 20lb Capacity, Logi Control, Pump, Front Dispenser, External Dosing, 120/60/1 Voltage	\$3,828.00	\$1,000.00	\$2,828.00
1	KFEG17NF	OPL Dryer, 240/60/1 - OPL Mode MDC Front Control Electric	\$1,594.00	\$200.00	\$1,394.00
1	SBKF	8 K Series Base/Incl. 4ea 150193 & 4 ea 322891	\$320.00	\$0.00	\$320.00
120	FF	Factory Freight, manufacture to CG West warehouse	\$1.00	\$0.00	\$120.00

** PLEASE SEE
 INSTALLATION
 AGREEMENT*

Quote valid for: 60 days

Prepared by: bs

THE TERMS AND CONDITIONS ATTACHED ARE INCORPORATED INTO THE TERMS OF THIS AGREEMENT

Subtotal	\$4,662.00
Tax	\$419.59
Installation	\$1,000.00 *
Freight	\$0.00
Total	\$6,081.59

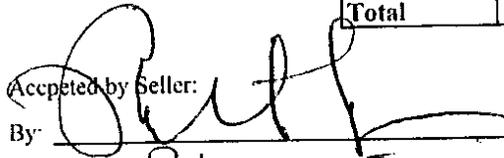
Purchaser:

By: _____

Print Name: _____

Title: _____

Accepted by Seller:

By: 

Print Name: Robert Spewi

Title: Sales

QUOTE # 4351

Continental Girbau, Inc.-West, a California corporation (hereinafter "Seller"), upon written acceptance of this Agreement, agrees to sell to Purchaser (as named on the reverse side) and Purchaser agrees to buy from Seller the equipment described on the reverse side (the "Equipment") for the price and terms shown on the reverse side, and on the following terms and conditions.

1. Invoice(s): Late Charges. Individual items may be delivered and invoiced separately and payment shall be made for each individual item in accordance with the particular invoice, unless financing is specified as below. Time of payment for each item is of the essence of this Agreement. LATE FEES ON ANY OVERDUE ACCOUNT SHALL BE PAID AT 1-1/2% PER MONTH FROM THE DUE DATE.

2. Risk of Loss. Risk of loss or damage to the Equipment shall pass to Purchaser upon delivery of the Equipment to Purchaser or to a freight carrier at the factory or Seller's place of business for transportation to Purchaser.

3. Purchase Price: Payment. The purchase price specified on the reverse side includes all manufacturer's rebates, promotion and discount of any kind, and applicable freight, storage and handling charges, insurance and taxes). The purchase price shall be paid as follows:

Deposit upon sign: \$ _____ Due on Delivery: \$ _____ Net 30 Days: \$ ~~5,457.87~~ \$6,081.59

4. Security Interest in Equipment. Purchaser does hereby grant to Seller a security interest in and to the Equipment, including any additions and accessions to the Equipment. The security interest secures the payment of all obligations of Purchaser to Seller whether existing at the time of this agreement or arising in the future. Purchaser authorizes Seller to file financing statements and other documents with appropriate governmental bodies for the purpose of perfecting its security interest. Seller shall also have the right to give notice of its security interest to other parties. Purchaser represents that it is organized under the laws of the State of CA. Purchaser agrees to maintain and protect the collateral by avoiding misuse, abuse, waste and deterioration, except for ordinary wear and tear, to insure the collateral against all expected risks to which it is exposed and those risks designated by Seller, with policies acceptable to Seller and payable to both Purchaser and Seller for so long as any amount remains due and owing from Purchaser to Seller; to keep the collateral at the business address of the Purchaser or such other address as notified to Seller in advance in writing, except for its temporary removal in connection with its ordinary use; and not to sell, transfer or dispose of the collateral or allow it to become subject to any unpaid charge or lien, including tax obligations. Purchaser represents that there is no security interest or other lien on the collateral, except for the security interest created by this agreement. The security interest created by this instrument is intended to be and shall be a purchase money security interest under the Uniform Commercial Code and the Seller shall have all rights of a holder of a purchase money security interest under the Uniform Commercial Code. Purchaser agrees to take all action hereafter as may be required to effectuate the terms hereof. If Purchaser does not make payments in accordance with this Agreement, or fails to perform any obligation with regard to the protection of the collateral, or has made any misrepresentation in this instrument or in any other instrument prepared in connection with this transaction, Purchaser shall be in default, and Seller may repossess and remove the collateral and may resort to all legal and equitable remedies. Purchaser agrees that the Equipment shall not, in any event, become part of the real estate and shall at all times remain personal property. Purchaser agrees that it shall not remove the Equipment from its premises without the advance written notice of Seller until the purchase price has been paid in full.

5. Delivery. A quoted delivery date is a best estimate and not a guaranteed delivery date. Seller shall have no liability to Purchaser for any alleged damages caused by late delivery. UNDER NO CIRCUMSTANCES WILL SELLER BE RESPONSIBLE FOR OR PURCHASER ENTITLED TO CONSEQUENTIAL OR INCIDENTAL DAMAGES ARISING OUT OF OR OWING TO ANY DELAYS IN DELIVERY WHATSOEVER. Seller shall not be liable for its failure to perform hereunder due to acts of God, public enemy, governmental agency, fires, floods, epidemics, strikes, work stoppages, freight embargoes, disruption of electrical or computer service, weather, war, hostilities, riot, rebellion, transportation delays, material shortage or other delay beyond its control.

6. Warranty. ALL EQUIPMENT SOLD HEREUNDER SHALL CARRY ONLY THE MANUFACTURER'S LIMITED WARRANTY, IF ANY THERE IS NO OTHER WARRANTY EXPRESS OR IMPLIED, INCLUDING ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, OR ANY OTHER WARRANTY UNDER THE UNIFORM COMMERCIAL CODE, OR OTHERWISE. PURCHASER ACKNOWLEDGES THE RECEIPT OF SUCH LIMITED WARRANTY.

7. Taxes. Purchaser shall be responsible for paying all local, state and federal sales, use, property and excise taxes and all other regulatory fees and charges imposed by the applicable governing authority in connection with the sale and use of the Equipment, whether or not included in the purchase price set forth on the reverse side.

8. Disclaimer. This Agreement, including the reverse side hereof, is a complete and exclusive statement of the understanding of the parties, there are no promises, agreements, covenants or understanding beyond those stated in this Agreement.

9. Limitation of Damages. In the event of any breach of this contract by Seller, Purchaser shall not be entitled to consequential, punitive, special or incidental damages of any kind, all of such damages shall be deemed disclaimed and waived by Purchaser.

10. Indemnification. Purchaser agrees to indemnify and hold Seller, its agents, employees, representatives, successors and assigns, harmless against loss, claim, liabilities, costs and expenses, including reasonable attorneys' fees, arising out of, in connection with, or resulting from the use, operation or condition of the Equipment. Purchaser shall provide Seller with prompt notice of any proceeding involving Seller or this indemnification, and shall provide Seller with any documents, including pleadings, related to such proceedings. Seller, in its discretion, shall have the right to intervene in any such proceedings.

11. Governing Law, Jurisdiction and Venue. The validity, interpretation and performance of this Agreement shall be governed by the laws of the State of Illinois including Article 2 of the Uniform Commercial Code, without reference to its principles of conflicts of law rules. Any legal action brought by any party shall be instituted in, and be determined only by the Circuit Courts for Winnebago County, Wisconsin. Purchaser irrevocably consents to jurisdiction and venue of the Circuit Courts for Winnebago County, Wisconsin in connection with any action or proceeding arising out of or related to the transactions contemplated hereby.

12. Costs of Collection. In the event of default by Purchaser of its obligations to Seller, Seller shall be entitled to receive from Purchaser any and all costs and expenses incurred by Seller in enforcing its rights hereunder, including but not limited to, all costs of collection including actual attorneys' fees.

13. Severability. If any term or provision of this Agreement is for any reason held to be invalid, illegal or unenforceable in any respect, such term or provision will be enforced to the maximum extent possible, and such invalidity, illegality or unenforceability will not affect any other term or provision of this Agreement. This Agreement will be interpreted and construed as if such severable term or provision, to the extent which it is invalid, illegal or unenforceable, had never been contained in this Agreement.

CONDITIONS: The price and terms of this Agreement are not subject to verbal changes or other agreements unless approved in writing by the home office of the Seller. Prices are based on costs and conditions existing on date on the reverse side, and are subject to change by the Seller before final acceptance as evidenced by Seller's receipt of this fully executed Agreement. Typographical and stenographic errors are subject to correction. Purchaser assumes liability for patent and copyright infringement when goods are made to Purchaser's specification. Condition not specifically stated herein shall be governed by established trade customs. Terms inconsistent with those stated herein which may appear on Purchaser's formal order will not be binding on the Seller.

Seller's Initials: JP

Purchaser's Initials: JB

2



Montclair Fire Department Station # 2

DELIVERY AND INSTALLATION

QUOTE # 4351 DATED: 10-22-10

(*) **WARRANTIES:** INSTALLATION INCLUDES NINETY (90) DAYS MECHANICAL LABOR WARRANTY. WASHERS INCLUDE FIVE (5) YEARS LIMITED PARTS AND THREE (3) YEARS ON ALL PARTS INCLUDING RUBBER & PLASTIC ITEMS. DRYERS INCLUDE THREE (3) YEARS ON ALL PARTS INCLUDING RUBBER & PLASTIC ITEMS. Fuses are the exception and are not covered under warranty.

THE FOLLOWING IS THE RESPONSIBILITY OF CONTINENTAL WEST;

(*) Installation includes local delivery to job site. Removal of existing equipment and haul away, if required. Uncrate new equipment, set in place provided there is ample access for the equipment to pass into the laundry area easily without the removal of doors, door jams, walls, and/or partitions. We will use the existing hot and cold water hose bibs, electrical and drain. Continental West will perform all final utility connections, level per manufactures specifications, perform start up and staff training in operation and maintenance.

Exclusions;

Removal or relocating the existing cabinets on the wall above the existing washer and dryer.
Upgrade and/or modification of any utilities unless noted above.

Acceptance

The above specifications and conditions above are satisfactory and are hereby accepted. You are authorized to do the work as specified.

PURCHASER SIGNATURE: _____ DATE: _____
CONTINENTAL WEST SIGNATURE: [Signature] DATE: 11-9-10

Bestway Laundry Solutions

Corporate Office: 1035 East Third Street
 Corona CA 92879-7476
 (951) 734-9430 (800) 542-6166
 FAX (951) 734-9434



DATE	QUOTATION #	PAGE
09/13/10	Q104973	1

BILL TO:	ACCOUNT #: FSM800	SHIPPED TO:
MONTCLAIR FIRE STATION 151 ATTENTION ACCOUNTS PAYABLE 8901 MONTE VISTA AVENUE MONTCLAIR, CA 91763		MONTCLAIR FIRE STATION 151 8901 MONTE VISTA AVENUE MONTCLAIR, CA 91763

CUSTOMER P.O. NUMBER	QUOTE DATE 09/13/10	REQUESTED BY RICH	QUOTE # Q104973	SHIPPED VIA COMPANY TRUCK	EST SHIP DATE	F.O.B. SOURCE
-----------------------------	-------------------------------	-----------------------------	---------------------------	-------------------------------------	----------------------	----------------------

BILLING TERMS C O D	SLSM 04	SOURCE CODE	SPECIAL INSTRUCTIONS	QUOTE VALID FOR 30 DAYS
-------------------------------	-------------------	--------------------	-----------------------------	--------------------------------

ORDERED	SHIPPED	B/O	PART # AND DESCRIPTION	UNIT PRICE	EXTENSION
1	1		EQUIPMENT PRICE GUARANTEE!! BESTWAY WILL BEAT ANY PRICE ON COMPARABLE EQUIPMENT - GUARANTEED!! IF YOU RECEIVE A LOWER PRICE THEN FAX A COPY OF THAT QUOTATION AND WE WILL BEAT THEIR PRICE, GUARANTEED 01UC-40B2Y WASHER-EXT, CABINET 208-240/60/1 2W UNIMAC, M9-CYCLE COMPUTER, 2-SPEED MOTOR, 470 RPM, 82 "G" FORCE ***NEW FACTORY MODEL UC40H2Y*** NFPA 1851 COMPLIANT WASHER-EXTRACTOR	8011 00 EA	5,607 70
1	1		17-UC4006 BASE FRAME UC35/40 6" RISE UNIMAC UW UC UX WASHER-EXT WARRANTY 30-DAY LABOR, 3-YEAR ANY PART AND 5 YEAR FRAME, CYLINDER, SHAFT AND BEARING SEAL ASSEMBLY * * * * * PLEASE NOTE * * * * * TERMS 25% DEPOSIT OF PURCHASE ORDER IS REQUIRED WITH ORDER DISCOUNT IS BASED ON C O D PAYMENT REMAINING BALANCE DUE AT TIME OF DELIVERY AND/OR INSTALLATION OF EQUIPMENT INITIAL _____ ALL UTILITIES TO BE WITHIN 5 FEET OF THE EQUIPMENT WITH PROPER HOOK-UPS* **INSTALLATION INCLUDES DELIVERY OF EQUIPMENT AND PLACEMENT INTO LAUNDRY ROOM BOLT DOWN, GROUT & HOOK-UP OF EQUIPMENT TO TORQUE UTILITIES**	300 00 EA	225 00

Bestway Laundry Solutions By: _____ Laundry Equipment Consultant	SALES CONTRACT Buyer's acceptance of this quotation acknowledges this to be a sales contract entered into at Corona, CA on the date specified hereof AND INCLUDES THE ADDITIONAL TERMS AND CONDITIONS PAGE FAXED HERewith. BUYER ACKNOWLEDGES RECEIPT OF THE TERMS AND CONDITIONS PAGE	TOTAL	CONTINUED
	ACCEPTED BY (Business Name) _____ X _____ Authorized Signature _____ Printed Signature _____ Date _____		

Bestway Laundry Solutions

Corporate Office 1035 East Third Street
 Corona, CA 92879-7476
 (951) 734-9430 (800) 542-6166
 FAX (951) 734-9434



DATE	QUOTATION #	PAGE
09/13/10	Q104973	2

BILL TO:		ACCOUNT #: FSM800		SHIPPED TO:			
MONTCLAIR FIRE STATION 151 ATTENTION ACCOUNTS PAYABLE 8901 MONTE VISTA AVENUE MONTCLAIR, CA 91763				MONTCLAIR FIRE STATION 151 8901 MONTE VISTA AVENUE MONTCLAIR CA 91763			
CUSTOMER P O NUMBER		QUOTE DATE	REQUESTED BY	QUOTE #	SHIPPED VIA	EST. SHIP DATE	F.O.B SOURCE
		09/13/10	RICH	Q104973	COMPANY TRUCK		
BILLING TERMS		SLSM	SOURCE CODE	SPECIAL INSTRUCTIONS			QUOTE VALID FOR 30 DAYS
C.O.D.		04					

ORDERED	SHIPPED	B/O	PART # AND DESCRIPTION	UNIT PRICE	EXTENSION
			PERFORM START-UP AND OPERATIONAL TEST OF EQUIPMENT		
			TRAIN PERSONNEL AS TO USE AND MAINTENANCE OF EQUIPMENT - TRAINING CERTIFICATE AVAILABLE UPON REQUEST		
			INBOUND FREIGHT HANDLING-TAXABLE		450 00
1	1		FE DEL, BOLT DOWN, GROUT, HOOK UP	890 00 EA	890 00
			TAXABLE SALES SUBTOTAL		6,282 70
			SALES TAX @ 9 %		565 44
			NON-TAXABLE SALES SUBTOTAL		890 00

Bestway Laundry Solutions By _____ Laundry Equipment Consultant	SALES CONTRACT Buyer's acceptance of this quotation acknowledges this to be a sales contract entered into at Corona, CA on the date specified hereof AND INCLUDES THE ADDITIONAL TERMS AND CONDITIONS PAGE FAXED HERewith BUYER ACKNOWLEDGES RECEIPT OF THE TERMS AND CONDITIONS PAGE	TOTAL	7,738.14
	ACCEPTED BY (Buyer's Name) _____ X _____ Authorized Signature		_____ Printed Signature

Bestway Laundry Solutions

Corporate Office: 1035 East Third Street
 Corona, CA 92879-7476
 (951) 734-9430 (800) 542-6166
 FAX (951) 734-9434



DATE	QUOTATION #	PAGE
09/13/10	Q104972	1

BILL TO:		ACCOUNT #:		SHIPPED TO:	
MONTCLAIR FIRE STATION 152 ATTENTION ACCOUNTS PAYABLE 10825 MONTE VISTA AVENUE MONTCLAIR, CA 91763		FSM900		MONTCLAIR FIRE STATION 152 10825 MONTE VISTA AVENUE MONTCLAIR, CA 91763	
CUSTOMER P O NUMBER	QUOTE DATE	REQUESTED BY	QUOTE #	SHIPPED VIA	EST. SHIP DATE
	09/13/10	RICH	Q104972	COMPANY TRUCK	09/13/10
BILLING TERMS	SLSM	SOURCE CODE	SPECIAL INSTRUCTIONS		
C O D	04		QUOTE VALID FOR 30 DAYS		

ORDERED	SHIPPED	B/O	PART # AND DESCRIPTION	UNIT PRICE	EXTENSION
1	1		<p>EQUIPMENT PRICE GUARANTEE!! BESTWAY WILL BEAT ANY PRICE ON COMPARABLE EQUIPMENT - GUARANTEED!! IF YOU RECEIVE A LOWER PRICE THEN FAX A COPY OF THAT QUOTATION AND WE WILL BEAT THEIR PRICE, GUARANTEED</p> <p>01UC-40B20 WASHER-EXT, CABINET 208-240/60/3 3W UNIMAC, M9-CYCLE COMPUTER, 2-SPEED MOTOR, 470 RPM, 82 "G" FORCE ***NEW FACTORY MODEL UC40H2O*** NFPA 1851 COMPLIANT WASHER EXTRACTOR</p>	7680 00 EA	5,376 00
1	1		<p>17 UC4006 BASE FRAME UC35/40 6" RISE</p> <p>UNIMAC UW UC UX WASHER-EXT WARRANTY 30-DAY LABOR, 3-YEAR ANY PART AND 5-YEAR FRAME, CYLINDER, SHAFT AND BEARING/SEAL ASSEMBLY</p> <p>***** PLEASE NOTE ***** TERMS 25% DEPOSIT OR PURCHASE ORDER IS REQUIRED WITH ORDER DISCOUNT IS BASED ON C O D PAYMENT REMAINING BALANCE DUE AT TIME OF DELIVERY AND/OR INSTALLATION OF EQUIPMENT</p> <p>INITIAL _____</p> <p>ALL UTILITIES TO BE WITHIN _____ FEET OF THE EQUIPMENT WITH PROPER HOOK-UPS*</p> <p>**INSTALLATION INCLUDES DELIVERY OF EQUIP- MENT AND PLACEMENT INTO LAUNDRY ROOM BOLT-DOWN GROUT & HOOK-UP OF EQUIPMENT TO JOBSITE UTILITIES**</p>	300 00 EA	225 00

Bestway Laundry Solutions By _____ Laundry Equipment Consultant	SALES CONTRACT Buyer's acceptance of this quotation acknowledges this to be a sales contract entered into at Corona, CA on the date specified hereof AND INCLUDES THE ADDITIONAL TERMS AND CONDITIONS PAGE FAXED HERewith. BUYER ACKNOWLEDGES RECEIPT OF THE TERMS AND CONDITIONS PAGE	T O T A L	CONTINUED
	ACCEPTED BY (Business Name) _____ X _____ Authorized Signature		
	_____ Printed Signature		
	_____ Date		

Bestway Laundry Solutions

Corporate Office, 1035 East Third Street
 Corona CA 92879-7476
 (951) 734-9430 (800) 542-6166
 FAX (951) 734-9434



DATE	QUOTATION #	PAGE
09/13/10	Q104972	2

BILL TO:		ACCOUNT #: FSM900		SHIPPED TO:	
MONTCLAIR FIRE STATION 15C ATTENTION ACCOUNTS PAYABLE 10825 MONTE VISTA AVENUE MONTCLAIR, CA 91763				MONTCLAIR FIRE STATION 152 10825 MONTE VISTA AVENUE MONTCLAIR, CA 91763	
CUSTOMER P O NUMBER	QUOTE DATE	REQUESTED BY	QUOTE #	SHIPPED VIA	EST SHIP DATE
	09/13/10	RICH	Q104972	COMPANY TRUCK	09/13/10
BILLING TERMS		SLSM	SOURCE CODE	SPECIAL INSTRUCTIONS	
C O D		04			
					QUOTE VALID FOR 30 DAYS

ORDERED	SHIPPED	B/O	PART # AND DESCRIPTION	UNIT PRICE	EXTENSION
			PERFORM START-UP AND OPERATIONAL TEST OF EQUIPMENT		
			TRAIN PERSONNEL AS TO USE AND MAINTENANCE OF EQUIPMENT - TRAINING CERTIFICATE AVAILABLE UPON REQUEST		
			SUB-CONTRACTOR LABOR, SUPPLIES		1,500 00
			SUB-CONTRACTOR LABOR/SUPPLIES CONSTRUCTION TO INCLUDE ADDITION OF WATER AND ELECTRICAL LINES TO NEW WASHER-EXT PRICE INCLUDES ALL LABOR, SUPPLIES, AND CLEAN UP		5,000 00
			INBOUND FREIGHT, HANDLING-TAXABLE		450 00
			+B DEL, BOLT DOWN, GROUT, HOOK-UP	890 00 EA	890 00
			TAXABLE SALES SUBTOTAL		6,051 00
			SALES TAX @ 9 %		544 59
			NON TAXABLE SALES SUBTOTAL		7,390 00

Bestway Laundry Solutions By _____ Laundry Equipment Consultant	SALES CONTRACT Buyer's acceptance of this quotation acknowledges this to be a sales contract entered into at Corona, CA on the date specified hereof AND INCLUDES THE ADDITIONAL TERMS AND CONDITIONS PAGE FAXED HERewith. BUYER ACKNOWLEDGES RECEIPT OF THE TERMS AND CONDITIONS PAGE	TOTAL	13,985 59
	ACCEPTED BY (Business Name) _____ X _____ Authorized Signature		
	_____ Printed Signature		
	_____ Date		

(phone) 323-780-0254
 (toll free) 866-557-0254
 (fax) 323-780-1484
 lasales@lncurtis.com

L.N.CURTIS & SONS

TOOLS FOR HEROES® since 1929

Pacific South Division
 2600 East 8th Street
 Los Angeles, California 90023
 www.LNCURTIS.com

QUOTATION

DATE 12/17/10	TERMS NET 30 DAYS	F.O.B. DEST	QUOTATION NO. 6025776-01
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TO: CITY OF MONTCLAIR FD
 ATTN: DIVISION CHIEF BALDWIN
 8901 MONTE VISTA
 MONTCLAIR, CA 91763

This quotation subject to acceptance within 30 days. Shipment contingent upon strikes, fire, accidents or other delays beyond reasonable control for the company. L.N. Curtis and Sons retains ownership and title to all equipment until fully paid for in legal money of the United States of America. All prices quoted subject to applicable Federal, State, County or City Taxes and Licenses

L.N. CURTIS AND SONS

By ROGER CURTIS

QUANTITY	UNIT	PART NUMBER	DESCRIPTION	UNIT PRICE	TOTAL PRICE
1	EA	01UW-35TVX UNIMAC	WASHER-EXTRACTOR UW 35 LB. MODEL * 200-240/50-60/1-3 3W UNIMAC * UNILINC GRAPHICAL MICRO PROCESSOR * 8-SPEED MOTOR * ULTRASOFT WASH * SPRAY RINSE * 898 RPM 300 "G" FORCE * NEW FACTORY MODEL UW35T3V * UNIMAC UW UC UX WASHER-EXT WARRANTY: 30-DAY LABOR, 3-YEAR ANY PART AND 5-YEAR FRAME, CYLINDER, SHAFT, AND BEARING/SEAL ASSEMBLY	11998.00	11998.00
1	EA	01LTUA7AN UNIMAC	UNIMAC, STACK WASHER/ DRYER ELECTRIC WITH FRONT LOAD WASHER	2681.95	2681.95
1	EA	ADDITIONAL DESCRIPTION AS BELOW	ABOVE PRICING INCLUDES: BOLT DOWN, GROUT AND HOOK-UP OF EQUIPMENT TO JOBSITE UTILITIES. PERFORM START-UP AND OPERATIONAL TEST OF EQUIPMENT AND TRAIN PERSONNEL AS TO USE AND MAINTENANCE OF EQUIPMENT. ** PLEASE NOTE: FIRE DEPARTMENT IS RESPONSIBLE FOR HAVING ALL UTILITIES INSTALLED WITHIN 5 FEET OF THE EQUIPMENT WITH PROPER HOOK-UPS. L.N. CURTIS & SONS PAYS FOR THE TRANSPORTATION. PLEASE ALLOW 3-5 WEEKS FOR DELIVERY. PRICING VALID THROUGH 1/17/11. THANK YOU FOR THE OPPORTUNITY TO QUOTE!	0.00	0.00
Sub Total					14679.95
Sales Tax					1321.20
Total					16001.15

AGENDA REPORT

SUBJECT: CONSIDER AUTHORIZING CITY MANAGER TO AWARD CONSTRUCTION CONTRACT, INCLUDING A 10 PERCENT CONSTRUCTION CONTINGENCY, AND EXECUTE AN AGREEMENT WITH THE LOWEST RESPONSIBLE, RESPONSIVE BIDDER FOR THE ALMA HOFMAN PARK LANDSCAPE AND LIGHTING PROJECT	DATE: February 7, 2011 SECTION: ADMIN REPORTS ITEM NO.: 4 FILE I.D.: PRK200 DEPT.: PUBLIC WORKS
BUSINESS PLAN: STRATEGIC PRIORITY NO. 3, GOAL 3	

REASON FOR CONSIDERATION: Award of construction contracts are subject to City Council approval.

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

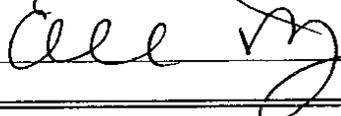
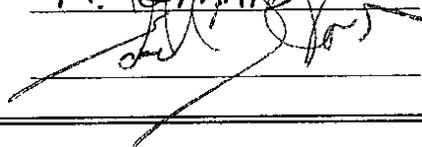
BACKGROUND: On July 19, 2010, the City Council authorized staff to advertise the Alma Hofman Park Landscape and Lighting Project. The project is currently advertised for public bid with a bid opening scheduled for Thursday, February 17, 2011. This project is partially funded with Roberti-Z'berg-Harris (RZH) Block Grant funds, with any shortfall under \$100,000 being required from the Park Development Fund. The engineer's estimate for the project is \$205,000.

Because of time constraints related to the grant funding, time is of the essence to fully recover state funding for the project. By giving the City Manager the authority to award the project and include the 10 percent construction contingency, staff could complete the project within the designated time allowance for construction and reimbursement.

This project is intended to replace the old park irrigation system with new irrigation and landscaping surrounding the new Human Services parking lot and the existing south parking lot.

FISCAL IMPACT: Funding for this project includes \$129,000 of RZH Block Grant funds made available through the State Department of Parks and Recreation. The project must be completed by March 31, 2011, to qualify for these funds. Remaining costs would be funded by the Park Development Fund.

RECOMMENDATION: Staff recommends the City Council authorize the City Manager to award a construction contract, including a 10 percent construction contingency, and execute an agreement with the lowest responsible, responsive bidder for the Alma Hofman Park Landscape and Lighting Project.

Prepared by: <u></u>	Reviewed and Approved by:	<u></u>
Proofed by: <u></u>	Presented by:	<u></u>

AGENDA REPORT

SUBJECT: CONSIDER DECLARING CERTAIN CITY PROPERTY AND UNCLAIMED PROPERTY IN POLICE CUSTODY AS SURPLUS AND AVAILABLE FOR AUCTION

DATE: February 7, 2011

SECTION: ADMIN. REPORTS

ITEM NO.: 5

FILE I.D.: EQS051/052

BUSINESS PLAN: N/A

DEPT.: POLICE

REASON FOR CONSIDERATION: The City Council is requested to consider declaring certain City property and unclaimed property in Police custody as surplus so it may be made available for auction.

BACKGROUND: The items included on the attached lists are surplus City property or unclaimed property in police custody. Upon being declared as surplus by the City Council, the items would be available for auction.

FISCAL IMPACT: There is no estimation as to the proceeds to be received through auction of these items.

RECOMMENDATION: Staff recommends the City Council declare certain City property and unclaimed property in police custody as surplus and available for auction.

Prepared by:

Sharon Ajjan

Reviewed and Approved by:

H. O. [Signature]

Proofed by:

Judy [Signature]

Presented by:

**CITY OF MONTCLAIR
SURPLUS PROPERTY LIST
JANUARY 2011**

Montclair Police Department

<u>Tag No.</u>	<u>Quantity</u>	<u>Description</u>	<u>Serial No.</u>	<u>CR#</u>	<u>Notation</u>
1	1	GOLD NECKLACE WITH CLEAR STONES		10-0237	1129-000296
2	1	GOLD BABY RING		08-5495	1129-000297
3	1	SILVER RING WITH FISH ENGRAVINGS		10-1160	1129-000298
4	1	BROKEN GOLD RING		10-1785	1129-000299
5	1	TENNIS BRACELET WITH CLEAR STONES		10-1785	1129-000300
6	1	WEDDING RING WITH CLEAR STONE		10-1785	1129-000301
7	1	GOLD RING WITH RED STONE		10-0585	1129-000302
8	1	SILVER RING WITH BLACK STONE		10-0585	1129-000303
9	1	GOLD RING		10-0585	1129-000304
10	1	GOLD BRACELET WITH STONE INSETS		10-0585	1129-000305
11	1	GOLD BRACELET WITH SQUARE GOLD INSETS		10-0585	1129-000306
12	1	GOLD CROSS		10-0585	1129-000307
13	1	WHITE PACKAGE SOCKS		10-0916	1129-000308
14	1	MAC COSMETIC CASE AND 3 BRUSHES		05-2206	1129-000309
15	5	MISC COSTUME JEWELRY		05-5944	1129-000310
16	1	BLACK AND SILVER BROACH		05-5944	1129-000311
17	1	TIMEX WATCH		05-5944	1129-000312
18	1	PINK NINTENDO DSI WITH POWER CORD	TW425313778	10-3369	1129-000313
19	1	ROLEX WATCH		10-2318	1129-000314
20	38	GOLD ELECTROPLATE ON SILVER INGOTS		10-2318	1129-000315
21	1	HP LAPTOP COMPUTER (NO HARD DRIVE)	CNFS423J5P	10-2318	1129-000316
22	1	PLANAR MONITOR		10-2318	1129-000317
23	1	DELL COMPUTER TOWER (NO HARD DRIVE)		10-2318	1129-000318
24	1	PIXMA INK JET PRINTER		10-2318	1129-000319

**CITY OF MONTCLAIR
SURPLUS PROPERTY LIST
JANUARY 2011**

Montclair Police Department

Tag No.	Quantity	Description	Serial No.	CR#	Notation
25	1	SILVER RING WITH CLEAR STONES		10-4794	1129-000321
26	1	GOODYEAR TEMPORARY TIRE		10-0407	1129-000320
27	1	GOODYEAR TEMPORARY TIRE		10-0407	1129-000322
28	1	ICE CREAM PUSH CART		10-4299	1129-000323
29	1	DISNEY SWEATSHIRT		09-6688	1129-000324
30	1	GREEN 2 PIECE DRESS		09-6688	1129-000325
31	1	BLACK SHIRT		09-6688	1129-000326
32	1	BLACK SHIRT		09-6688	1129-000327
33	1	BLACK SHIRT		09-6688	1129-000328
34	1	WHITE FLORAL DISNEY SHIRT		09-6688	1129-000329
35	1	PINK DRESS		10-2608	1129-000330
36	1	GREEN DRESS		10-2608	1129-000331
37	1	SAMSUNG T-MOBILE CELL PHONE	35552702-4521976	09-1356	1129-000332
38	1	PINK NINTENDO DS LITE		10-4224	1129-000333
39	1	MINOLTA RIVA CAMERA	17203886	07-1980	1129-000334
40	1	POLAROID CAMERA WITH MINOLTA CASE		02-6731	1129-000335
41	1	BABY STROLLER		07-7794	1129-000336
42	1	CAR RADIO WITH AM FM/ MP3/ CD PLAYER	5298479	07-3770	1129-000337
43	1	EFX SUBWOOFER	05150000312	09-1773	1129000338
44	1	PLANET AUDIO AMPLIFIER		09-1773	1129-000339
45	1	INSIGNIA PORTABLE DVD PLAYER		08-4536	1129-000340

AGENDA REPORT

SUBJECT: CONSIDER RECEIVING AND FILING OF ALCOHOLIC BEVERAGE PERMIT APPLICATION - PARADISE FAMILY RESTAURANT

DATE: February 7, 2011

SECTION: ADMIN. REPORTS

ITEM NO.: 6

BUSINESS

PLAN: N/A

FILE I.D.: FLP025

DEPT.: ADMIN. SVCS.

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

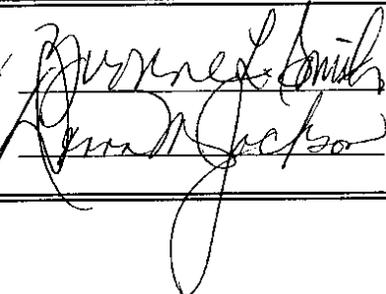
BACKGROUND: Shefget Rexhepi has applied for a Type 41 - "On-Sale Beer and Wine" Alcoholic Beverage License to serve beer and wine in conjunction with the service of meals at the new Paradise Family Restaurant, 10220 Central Avenue, Montclair, California.

The request is consistent with the Conditional Use Permit previously approved for the subject site that allows the service of beer and wine in conjunction with bona fide restaurant use.

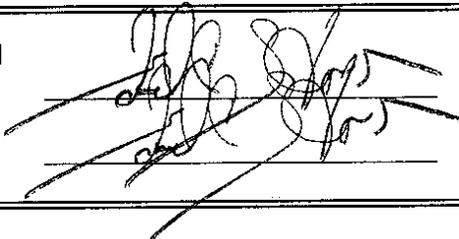
FISCAL IMPACT: No fiscal impact

RECOMMENDATION: Staff recommends the City Council receive and file this item.

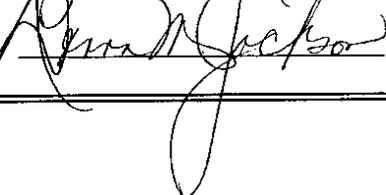
Prepared by:



Reviewed and Approved by:



Proofed by:



Presented by:



AGENDA REPORT

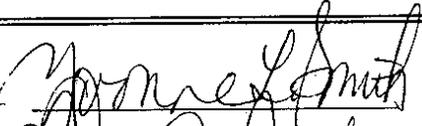
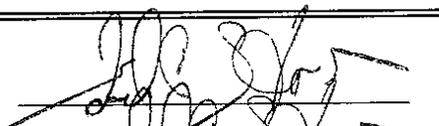
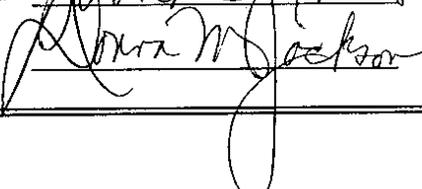
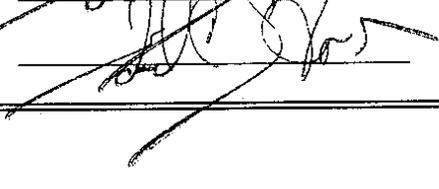
SUBJECT: CONSIDER APPROVAL OF WARRANT REGISTER AND PAYROLL DOCUMENTATION	DATE: February 7, 2011
	SECTION: ADMIN. REPORTS
	ITEM NO.: 7
BUSINESS PLAN: N/A	FILE I.D.: FIN540
	DEPT.: ADMIN. SVCS.

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

BACKGROUND: Mayor Pro Tem Raft has examined the Warrant Register dated February 7, 2011, and Payroll Documentation dated December 19, 2010; finds them to be in order; and recommends their approval.

FISCAL IMPACT: The Warrant Register dated February 7, 2011, totals \$1,578,484.94. The Payroll Documentation dated December 19, 2010, totals \$632,726.64, with \$451,975.12 being the total cash disbursement.

RECOMMENDATION: Staff recommends the City Council approve the above referenced Warrant Register and Payroll Documentation as presented.

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

AGENDA REPORT

SUBJECT: CONSIDER ADOPTION OF RESOLUTION NO. 11-01, A RESOLUTION OF THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY APPROVING AGREEMENT NO. 11-18, THE SECOND AMENDMENT TO AGREEMENT NO. 08-01, AN AFFORDABLE HOUSING AGREEMENT BY AND BETWEEN THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY AND MILLS FAMILY HOUSING PARTNERS, L.P. (NATIONAL COMMUNITY RENAISSANCE OF CALIFORNIA)

DATE: February 7, 2011
SECTION: RESOLUTIONS
ITEM NO.: 1
FILE I.D.: RDA735
DEPT.: REDEVELOPMENT

BUSINESS

PLAN: Strategic Priority No. 2, Goal 3

REASON FOR CONSIDERATION: Mills Family Housing Partners, L.P. (National Community Renaissance of California or National CORE) is requesting the Redevelopment Agency Board of Directors consider amending the Affordable Housing Agreement between the Redevelopment Agency and Mills Family Housing Partners, L.P. (National CORE). The agency Board's adoption of proposed Resolution 11-01 approving the proposed Second Amendment would allow National CORE to receive a larger allocation of developer's fees than authorized in the Affordable Housing Agreement. In considering this matter, National CORE will be reducing the amount of its Redevelopment Agency loan by \$2 million.

Copies of Affordable Housing Agreement (Agreement No. 08-01), the First Amendment (Agreement No. 09-67), and the Second Amendment (Agreement No. 11-18) are included in the agenda packet for information and consideration.

Adoption of Resolution No. 11-01, approving the Second Amendment to the Affordable Housing Agreement by and between the City of Montclair Redevelopment Agency and Mill Family Housing Partners, L.P. (National CORE) will satisfy a portion of Strategic Priority No. 2, Goal 3, as contained in Montclair's Business Plan.

BACKGROUND: The Redevelopment Agency Board of Directors approved an Affordable Housing Agreement (Agreement No. 08-01) with National CORE on January 22, 2008. Under the terms of the agreement, National CORE was obligated to construct a 50-unit affordable family housing development at 10307 Mills Avenue. The Mills Avenue location previously consisted of a commercial strip center constructed in 1965. Pursuant to the Agreement, the Redevelopment Agency loaned National CORE \$3,650,000 for predevelopment and acquisition costs. The costs to finance the project were estimated to be \$18 million.

In 2008, National CORE proposed to finance the Mills Family Project with a combination of 9 Percent Low Income Housing Tax Credits (LIHTC), Redevelopment Agency acquisition

Prepared by: M. STAATS
Proofed by: Juanne L. Smith

Reviewed and Approved by: M. STAATS
Presented by: [Signature]

and predevelopment assistance, Federal Home Loan Bank Affordable Housing Program (AHP) funds, and County of San Bernardino HOME funds. In order to submit an application to the State of California Tax Credit Allocation Committee, all sources of financing, other than the tax credits, must be committed. Shortly before the deadline for submittal of LIHTC applications National CORE learned that its \$2 million request for County of San Bernardino HOME loan funds had been unsuccessful. National CORE staff immediately began investigating other sources of financing for the proposed 50-unit project. In the interest of submitting a competitive application to the TCAC, National CORE requested that the Redevelopment Agency Board of Directors consider providing an additional loan for the project in the amount of \$2.65 million. The \$650,000 represented release of a deposit held by the Agency to National CORE for undergrounding improvements. Therefore, the First Amendment to the Affordable Housing Agreement (Agreement No. 09-67) increased the amount of the loan made by the Redevelopment Agency to National CORE from \$3,650,000 to \$6,300,000. National CORE executed an amended Promissory Note and a Modification to the Deed of Trust adding the \$2,650,000 to the residual receipts loan. Fortunately, with the additional Redevelopment Agency commitment, the LIHTC application submitted by National CORE was approved.

In June 2010, National CORE was awarded a \$2 million HOME loan from the County of San Bernardino under the provisions of the HOME Investment Partnership Act. As a result of the award of the HOME loan, National CORE will be repaying the Redevelopment Agency \$2 million to reduce the balance of their Agency loan.

LIHTC rules allow a developer to take up to a 15 percent fee based on the permanent financing costs. As a necessary part of the tax credit process, the Affordable Housing Agreement was approved prior to submittal of the LIHTC application. The Affordable Housing Agreement allowed National CORE to take a fee of \$1.1 million pending the developers qualification for and receipt of other funding sources. Based on a refined estimate of permanent financing costs, National CORE would have been permitted to accept a developers fee of \$1.4 million in conjunction with the Mills Family Project. National CORE would like to receive a developer fee in the amount of \$1,350,000 for the project. This amounts to an increase of \$250,000 over the amount stated in the Affordable Housing Agreement. This \$250,000 amount also corresponds to an amount that National CORE had to pay "out of pocket" for the 85 unit affordable Senior Project when it was discovered that City staff had inadvertently miscalculated sewer fee charges.

The Second Amendment to the Affordable Housing Agreement would allow the developer fee in the Affordable Housing Agreement to be raised from \$1.1 million to \$1.35 million. The fee would be paid from LIHTC sources.

The City Council Real Estate Committee recommended this item be submitted for Redevelopment Agency Board of Directors approval on January 18, 2011.

FISCAL IMPACT: The Agency Board's adoption of proposed Resolution No. 11-01 and the subsequent approval of proposed Agreement No. 11-18 would create no additional financial liabilities for the Redevelopment Agency. The increase in the developer fee would be paid from revenue derived from the sale of tax credits.

The long-term implications of the increase in the developer fee means that it may take slightly longer for the Redevelopment Agency to see repayment of its residual receipts loan. However, the Redevelopment Agency does have the benefit of a lower balance on the residual receipts loan because National CORE would be making a \$2 million loan repayment.

RECOMMENDATION: Staff recommends the Redevelopment Agency Board of Directors adopt Resolution No. 11-01, a Resolution of the City of Montclair Redevelopment Agency approving Agreement No. 11-18, the Second Amendment to Agreement No. 08-01, an Affordable Housing Agreement by and between the City of Montclair Redevelopment Agency and Mills Family Housing Partners, L.P. (National Community Renaissance of California).

RESOLUTION NO. 11-01

A RESOLUTION OF THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY APPROVING AGREEMENT NO. 11-18, THE SECOND AMENDMENT TO AGREEMENT NO. 08-01, AN AFFORDABLE HOUSING AGREEMENT BY AND BETWEEN THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY AND MILLS FAMILY HOUSING PARTNERS, L.P. (NATIONAL COMMUNITY RENAISSANCE)

WHEREAS, California Health and Safety Code Sections 33334.2 and 33334.6 authorize and direct the City of Montclair Redevelopment Agency (the "Agency") to expend a certain percentage of all taxes that are allocated to the Agency pursuant to Section 33670 for the purposes of increasing, improving, and preserving the community's supply of low- and moderate-income housing available at affordable housing cost to persons and families of low and moderate income, lower income, and very low income; and

WHEREAS, pursuant to applicable law, the Agency has established a Low- and Moderate-Income Housing Fund (the "Housing Fund"), and

WHEREAS, pursuant to Health and Safety Code Section 33334.2(e), in carrying out its affordable housing activities, the Agency is authorized to provide subsidies to or for the benefit of very low-income and lower income households, or persons and families of low or moderate income, to the extent those households cannot obtain housing at affordable costs on the open market and to provide financial assistance for the construction and rehabilitation of housing that will be made available at an affordable housing cost to such persons, and

WHEREAS, the "Participant," which consists of Mills Family Housing Partners, L.P. (National Community Renaissance of California), collectively, has proposed to enter into an agreement, entitled, "The Second Amendment to Affordable Housing Agreement," in the form submitted herewith (the "Amended Agreement"), under which the Agency will authorize the Participant to increase the developer fee regarding the 50-unit affordable family housing project at 10307 Mills Avenue (the "Site"), which units shall be used as rental housing and rented to lower and very low-income households at an affordable rent, all as more particularly provided in the Affordable Housing Agreement (Agreement No. 08-01). The 50-unit affordable family housing project by Participant constitutes the "Project"; and

WHEREAS, in order to carry out and implement the Redevelopment Plan for the Agency's Redevelopment Projects and the affordable housing requirements thereof, the Agency has provided certain funds to the Participant; and

WHEREAS, the Project is located within the project area boundaries of Redevelopment Project Area No. V (the "Project Area" and the "Redevelopment Project," respectively) and the construction and operation of the Project pursuant to the Affordable Housing Agreement and The First Amendment to the Agreement and the Second Amendment to the Agreement would benefit the Project Area by providing

affordable housing for persons who currently live and work within the Project Area; and

WHEREAS, the Agency has adopted an Implementation Plan pursuant to Health and Safety Code Section 33490, which sets forth the objective of providing housing to satisfy the needs and desires of various constituent elements of the community; and

WHEREAS, the Second Amendment to the Agreement furthers the goals of the Agency set forth in the Implementation Plan as it will facilitate the operation of affordable housing that will serve the residents of the neighborhood and the City; and

WHEREAS, the Agency has duly considered all terms and conditions of the proposed Second Amendment to the Agreement and finds its provisions allowable within applicable State and local law requirements; and

WHEREAS, the Participant has submitted to the Agency and the City Council of the City of Montclair (the "City Council") copies of the Second Amendment to the Affordable Housing Agreement substantially in the form submitted herewith; and

WHEREAS, all actions required by all applicable law with respect to the proposed Amended Agreement have been taken in an appropriate and timely manner; and

WHEREAS, the City Council has previously determined, in its adoption of the Ordinance approving the Redevelopment Project, that the Site is a portion of a blighted area, and is underutilized, as further set forth in the Implementation Plan as previously adopted and amended by the Agency; and

WHEREAS, the Agency has duly considered all of the terms and conditions of the proposed Second Amendment to the Affordable Housing Agreement and believes the redevelopment of the Site pursuant to the Affordable Housing Agreement has been in the best interests of the City and the health, safety, and welfare of its residents and in accord with the public purposes and provisions of applicable state and local laws and requirements.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the City of Montclair Redevelopment Agency hereby finds and determines as follows:

Section 1. The Amended Agreement is consistent with the provisions and goals of the Implementation Plan.

Section 2. The Agency hereby approves the Second Amendment to the Affordable Housing Agreement in substantially the form presented to the Agency, subject to such revisions as may be made by the Executive Director of the Agency or his or her designee. The Chairman of the Agency is hereby authorized to execute the Second Amendment to the Affordable Housing Agreement (including without limitation all attachments thereto) on behalf of the Agency, together with any instruments necessary or convenient to implement the Amended Agreement. A copy of the Second Amendment to the Affordable Housing Agreement shall, when executed by the Agency, be placed on file in the office of the Secretary of the Agency.

Section 3. The Executive Director of the Agency (or his or her designee) is hereby authorized, on behalf of the Agency, to make revisions to the Second Amendment to the Affordable Housing Agreement that do not materially or substantially increase the Agency's obligations thereunder or materially or substantially change the uses or development permitted on the Site, to sign all documents, to make all approvals and take all actions necessary or appropriate to carry out and implement the Affordable Housing Agreement and the Second Amendment to the Affordable Housing Agreement and to administer the Agency's obligations, responsibilities and duties to be performed under the Affordable Housing Agreement and the Second Amendment to the Affordable Housing Agreement and related documents.

APPROVED AND ADOPTED this XX day of XX, 2011.

Chairman

ATTEST:

Secretary

I, Donna M. Jackson, Secretary of the City of Montclair Redevelopment Agency, DO HEREBY CERTIFY that Resolution No. 11-01 was duly adopted by the Redevelopment Agency Board of Directors at a regular meeting thereof held on the XX day of XX, 2011, and that it was adopted by the following vote, to-wit:

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

Donna M. Jackson
Secretary

AGENDA REPORT

SUBJECT: CONSIDER ADOPTION OF RESOLUTION NO. 11-2878 OPPOSING THE BROWN ADMINISTRATION'S PROPOSAL TO ELIMINATE REDEVELOPMENT AGENCIES IN CALIFORNIA

DATE: February 7, 2011

SECTION: RESOLUTIONS

ITEM NO.: 2

FILE I.D.: STG200

BUSINESS PLAN: N/A

DEPT.: REDEVELOPMENT

REASON FOR CONSIDERATION: At the January 18, 2011 regular joint meeting, Council Member Dutrey requested that staff place a Resolution on the agenda opposing Governor Jerry Brown's proposal to eliminate redevelopment agencies in California.

BACKGROUND: As part of his Fiscal Year 2011-12 State of California budget proposal, Governor Brown proposed a complete elimination of redevelopment in California. It is the opinion of the League of California Cities and the California Redevelopment Association that this proposal violates the Constitution and would destroy local economic growth and jobs.

Elimination of redevelopment agencies would cause a substantial job loss to both government and many direct and indirect private sector jobs. Redevelopment across California supports 304,000 full- and part-time private sector jobs a year including 170,600 construction jobs. Redevelopment contributes over \$40 billion annually to California's economy, and construction activities generate \$2 billion in state and local taxes a year. Redevelopment agencies are also the second largest funder of affordable homes in California after the federal government.

The elimination would stifle economic growth throughout the state and would slow economic recovery. In the City of Montclair alone, the negative effects would be felt immensely if redevelopment agencies were eliminated as illustrated below:

- Over 600 jobs supported through the activities of the Montclair Redevelopment Agency would be lost.
- Planned affordable housing developments would be impacted and the Rehabilitation Home Loan Program for qualifying residents, Senior Repair Program, and the Exterior Housing Improvement Program would be terminated.
- Business development and attraction efforts to provide assistance to new and existing businesses would be eliminated.

Prepared by: Miguel Garcia Reviewed and Approved by: M. [Signature]
Proofed by: June L. Smith Presented by: [Signature]

FISCAL IMPACT: There would be no fiscal impact to the City should the City Council adopt proposed Resolution No. 11-2878.

RECOMMENDATION: Staff recommends the City Council adopt Resolution No. 11-2878 opposing the Brown Administration's proposal to eliminate redevelopment agencies in California.

RESOLUTION NO. 11-2878

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF MONTCLAIR OPPOSING THE BROWN
ADMINISTRATION'S PROPOSAL TO ELIMINATE
REDEVELOPMENT AGENCIES IN CALIFORNIA**

WHEREAS, as part of his 2011-12 budget proposal, Governor Jerry Brown has proposed permanently eliminating California's more than 400 local redevelopment agencies, and

WHEREAS, this proposal represents more of the same misguided and illegal state budget raids of local government funds that voters have repeatedly sought to end, most recently in November 2010 when an overwhelming 61 percent of voters elected to stop state raids of local government funds including redevelopment funds; and

WHEREAS, this proposal will bring very little financial benefit to the state. According to the State Controller's Office, redevelopment agencies have more than \$87 billion in bond and other contractual obligations that legally must be repaid before revenues are available to any other purpose. In fact, according to the State Department of Finance's own budget documents, there would be zero state savings in out years from shutting down redevelopment; and

WHEREAS, this proposal will destroy local economic development including hundreds of thousands of jobs and billions of dollars in local economic activity throughout California. In fact, in the City of Montclair, eliminating redevelopment would destroy 663 local jobs supported through redevelopment activities, terminate the Rehabilitation Home Loan Program, terminate the Senior Repair Grant Program, terminate the Exterior Housing Improvement Program (E-HIP), negatively impact current Montclair Housing Corporation contracts and other affordable housing developments, severely hinder the implementation of the North Montclair Downtown Specific Plan, devastate business development and attraction efforts to provide assistance to new and existing businesses; and

WHEREAS, throughout California, redevelopment activities support 304,000 jobs annually, including 170,600 construction jobs, contribute over \$40 billion annually to California's economy in the generation of goods and services, and generate more than \$2 billion in state and local taxes in a typical year; and

WHEREAS, eliminating redevelopment would destroy the development of affordable housing in California. Redevelopment agencies are the second largest funder of affordable housing, behind only the federal government, responsible for over 98,000 units of affordable housing since 1993; and

WHEREAS, shutting down redevelopment agencies is a violation of multiple state and federal constitutional provisions

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Montclair does hereby formally oppose Governor Brown's proposal to eliminate redevelopment in California.

BE IT FURTHER RESOLVED that the City Council authorize staff to communicate its opposition to this proposal to the Governor, the Legislature, business groups, and residents.

APPROVED AND ADOPTED this XX day of XX, 2011.

Mayor

ATTEST:

City Clerk

I, Donna M. Jackson, City Clerk of the City of Montclair, DO HEREBY CERTIFY that Resolution No. 11-2878 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, 2011, 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: CONSIDER ADOPTION OF RESOLUTION
NO 11-2879 AUTHORIZING PLACEMENT
OF LIENS ON CERTAIN PROPERTIES FOR
DELINQUENT SEWER AND TRASH CHARGES

DATE: February 7, 2011

SECTION: RESOLUTIONS

ITEM NO.: 3

**BUSINESS
PLAN:** N/A

FILE I.D.: STB300-17

DEPT.: ADMIN. SVCS.

REASON FOR CONSIDERATION: Staff has identified 224 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 the City Council's adoption of the Ordinance, property owners were responsible only for those accounts in their own names.

The 224 liens presented for approval are for accounts that are at least 90 days delinquent.

FISCAL IMPACT: Recoverable amount is \$39,355.75 plus \$10,550.00 in lien fees for a total of \$49,905.75.

RECOMMENDATION: Staff recommends the City Council adopt Resolution No. 11-2879 authorizing placement of liens on certain properties for delinquent sewer and trash charges as listed on Exhibit A of said Resolution.

Prepared by: Jared Kullbeck Reviewed and Approved by:

Proofed by: Kathy Dalton Presented by:

RESOLUTION NO. 11-2879

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MONTCLAIR AUTHORIZ-
ING 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 224 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 18, 2011, that their delinquent accounts are subject to causing liens to be placed on their properties for settlement of such delinquencies; and

WHEREAS, the owners of these properties were again notified on January 27, 2011, and that such liens would be considered for approval by the Montclair City Council on Monday, February 7, 2011.

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 2011*, 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, 2011.

Mayor

ATTEST:

City Clerk

I, Donna M. Jackson, City Clerk of the City of Montclair, DO HEREBY CERTIFY that Resolution No. 11-2879 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, 2011, and that it was adopted by the following vote, to-wit:

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

Donna M. Jackson
City Clerk

Exhibit A to Resolution No. 11-2879
Report of Delinquent Civil Debts - February 2011

Service Address	Account Type	Delinquency	Lien Fee	Total Lien Amount
10208 Benson Avenue	Residential	\$179.75	\$50.00	\$229.75
10231 Mills Avenue	Residential	\$179.52	\$50.00	\$229.52
10236 Vernon Avenue	Residential	\$254.50	\$50.00	\$304.50
10145 Bel Air Avenue	Residential	\$179.75	\$50.00	\$229.75
11142 Amherst Avenue	Residential	\$205.39	\$50.00	\$255.39
10422 Benson Avenue	Residential	\$134.50	\$50.00	\$184.50
5171 Fauna Street	Residential	\$179.75	\$50.00	\$229.75
4912 Canoga Street	Residential	\$154.41	\$50.00	\$204.41
10221 Santa Anita Avenue	Residential	\$179.75	\$50.00	\$229.75
4103 Howard Street	Residential	\$179.75	\$50.00	\$229.75
4852 Fauna Street	Residential	\$179.75	\$50.00	\$229.75
10231 Coalinga Avenue	Residential	\$179.75	\$50.00	\$229.75
4909 Orchard Street	Residential	\$117.10	\$50.00	\$167.10
5035 Orchard Street	Residential	\$145.50	\$50.00	\$195.50
5171 Orchard Street	Residential	\$179.75	\$50.00	\$229.75
10124 Poulsen Avenue	Residential	\$179.75	\$50.00	\$229.75
10201 Columbine Avenue	Residential	\$179.75	\$50.00	\$229.75
10115 Vernon Avenue	Residential	\$111.10	\$50.00	\$161.10
10186 Bel Air Avenue	Residential	\$179.75	\$50.00	\$229.75
10166 Santa Anita Avenue	Residential	\$170.50	\$50.00	\$220.50
10221 Del Mar Avenue	Residential	\$162.10	\$50.00	\$212.10
10168 Benson Avenue	Residential	\$128.70	\$50.00	\$178.70
5476 Kingsley Street	Residential	\$179.75	\$50.00	\$229.75
5051 Flora Street	Residential	\$189.07	\$50.00	\$239.07
10208 Monte Vista Avenue	Residential	\$179.75	\$50.00	\$229.75
10282 Greenwood Avenue	Residential	\$179.75	\$50.00	\$229.75
10289 Tudor Avenue	Residential	\$179.75	\$50.00	\$229.75
10192 Tudor Avenue	Senior	\$129.83	\$50.00	\$179.83
4752 Kingsley Street	Residential	\$253.72	\$50.00	\$303.72
4628 Evert Street	Residential	\$202.14	\$50.00	\$252.14
4693 Flora Street	Residential	\$246.14	\$50.00	\$296.14
10129 Galena Avenue	Residential	\$179.75	\$50.00	\$229.75
10140 Galena Avenue	Residential	\$215.11	\$50.00	\$265.11
10241 Camulos Avenue	Residential	\$179.52	\$50.00	\$229.52
10252 Camulos Avenue	Residential	\$179.75	\$50.00	\$229.75
4533 Evert Street	Senior	\$177.95	\$50.00	\$227.95
10217 Oak Glen Avenue	Residential	\$205.39	\$50.00	\$255.39
4219 Fauna Street	Residential	\$179.75	\$50.00	\$229.75
4244 Fauna Street	Residential	\$173.70	\$50.00	\$223.70
4385 Kingsley Street #2	Residential	\$161.44	\$50.00	\$211.44
10445 Tudor Avenue	Residential	\$189.91	\$50.00	\$239.91
10407 Camarena Avenue	Residential	\$179.75	\$50.00	\$229.75

Service Address	Account Type	Delinquency	Lien Fee	Total Lien Amount
4949 Canoga Street	Residential	\$254.50	\$50.00	\$304.50
5019 Kingsley Street	Residential	\$179.75	\$50.00	\$229.75
4595 Oakdale Street	Residential	\$162.10	\$50.00	\$212.10
4766 Rodeo Street	Residential	\$208.77	\$50.00	\$258.77
4381 Howard Street	Residential	\$254.50	\$50.00	\$304.50
4327 Clair Street	Residential	\$112.09	\$50.00	\$162.09
11241 Big Sky Avenue	Residential	\$107.84	\$50.00	\$157.84
11239 Carriage Avenue	Residential	\$152.42	\$50.00	\$202.42
11158 Carriage Avenue	Residential	\$179.75	\$50.00	\$229.75
10140 Geneva Avenue	Residential	\$254.50	\$50.00	\$304.50
8919-21 Felipe Avenue	Multifamily	\$359.48	\$50.00	\$409.48
10360 Amherst Avenue	Multifamily	\$539.23	\$50.00	\$589.23
10431 Amherst Avenue	Multifamily	\$359.48	\$50.00	\$409.48
10421 Amherst Avenue	Multifamily	\$359.48	\$50.00	\$409.48
4548 Yosemite Drive	Residential	\$179.75	\$50.00	\$229.75
4505 Donner Court	Residential	\$179.75	\$50.00	\$229.75
10467 Yosemite Drive	Residential	\$134.50	\$50.00	\$184.50
4515 Yosemite Drive	Residential	\$179.75	\$50.00	\$229.75
5177 San Antonio Way	Residential	\$179.75	\$50.00	\$229.75
11014 San Miguel Way	Residential	\$179.75	\$50.00	\$229.75
11022 San Juan Way	Residential	\$179.75	\$50.00	\$229.75
11032 San Juan Way	Residential	\$189.07	\$50.00	\$239.07
4315 Clydesdale Way	Residential	\$179.75	\$50.00	\$229.75
4924 Canoga Street	Residential	\$179.75	\$50.00	\$229.75
10310-12 Lehigh Avenue	Multifamily	\$359.48	\$50.00	\$409.48
4329 Clydesdale Way	Residential	\$106.29	\$50.00	\$156.29
4552 Humboldt Court	Residential	\$162.10	\$50.00	\$212.10
5212 Berkshire Way	Senior	\$189.38	\$50.00	\$239.38
10290 Monte Vista Avenue	Senior	\$193.73	\$50.00	\$243.73
4843 Orchard Street	Residential	\$179.75	\$50.00	\$229.75
5205 Canoga Street	Multifamily	\$387.40	\$50.00	\$437.40
10235 Monte Vista Avenue	Residential	\$254.50	\$50.00	\$304.50
10463 Yosemite Drive	Residential	\$175.35	\$50.00	\$225.35
10919 Fremont Avenue	Residential	\$129.79	\$50.00	\$179.79
10594 Oak Glen Avenue	Residential	\$115.90	\$50.00	\$165.90
5636 Bandera Street	Residential	\$162.10	\$50.00	\$212.10
10244 Ramona Avenue	Residential	\$162.10	\$50.00	\$212.10
10234 Camulos Avenue	Residential	\$115.90	\$50.00	\$165.90
11076 Kimberly Avenue	Residential	\$179.75	\$50.00	\$229.75
5554 Vernon Court	Residential	\$179.75	\$50.00	\$229.75
11476 Cumberland Lane	Residential	\$105.48	\$50.00	\$155.48
10236 Del Mar Avenue	Residential	\$179.75	\$50.00	\$229.75
11263 Whitewater Avenue	Residential	\$254.50	\$50.00	\$304.50
4697 Bandera Street	Residential	\$263.74	\$50.00	\$313.74
11151 Amherst Avenue	Residential	\$179.75	\$50.00	\$229.75

Service Address	Account Type	Delinquency	Lien Fee	Total Lien Amount
10462 Yosemite Drive	Residential	\$179.75	\$50.00	\$229.75
5242 Kingsley Street	Residential	\$179.75	\$50.00	\$229.75
10133 Santa Anita Avenue	Residential	\$179.75	\$50.00	\$229.75
11049 Fremont Avenue	Residential	\$179.75	\$50.00	\$229.75
4267 Fauna Street	Residential	\$259.34	\$50.00	\$309.34
4612 Canoga Street	Multifamily	\$685.96	\$50.00	\$735.96
10985 Roswell Avenue	Residential	\$147.19	\$50.00	\$197.19
4555 Mane Street	Residential	\$179.75	\$50.00	\$229.75
4990 Bandera Street	Residential	\$179.75	\$50.00	\$229.75
10236 Kimberly Avenue	Residential	\$179.75	\$50.00	\$229.75
4234 Fauna Street	Residential	\$179.75	\$50.00	\$229.75
5422 Orchard Street	Residential	\$179.75	\$50.00	\$229.75
4705 Evert Street	Residential	\$179.75	\$50.00	\$229.75
4534 Bodega Court	Residential	\$160.11	\$50.00	\$210.11
5162 Canoga Street	Multifamily	\$348.40	\$50.00	\$398.40
5272 Saddleback Street	Residential	\$276.28	\$50.00	\$326.28
4651 Kingsley Street	Multifamily	\$308.82	\$50.00	\$358.82
9617 Central Avenue	Commercial	\$102.82	\$50.00	\$152.82
4521 Mane Street	Residential	\$254.50	\$50.00	\$304.50
4535 Mane Street	Residential	\$203.90	\$50.00	\$253.90
4855 Mane Street	Residential	\$179.75	\$50.00	\$229.75
10259 Camulos Avenue	Residential	\$133.08	\$50.00	\$183.08
5242 Monte Verde Street	Residential	\$189.91	\$50.00	\$239.91
4502 Donner Court	Residential	\$179.75	\$50.00	\$229.75
5533 Shirley Lane	Residential	\$162.10	\$50.00	\$212.10
11195 Whitewater Avenue	Residential	\$162.10	\$50.00	\$212.10
4551 Kingsley Street	Multifamily	\$324.21	\$50.00	\$374.21
10205 Monte Vista Avenue	Residential	\$162.10	\$50.00	\$212.10
4831-33 Kingsley Street	Multifamily	\$154.96	\$50.00	\$204.96
11169 Carrillo Avenue	Residential	\$179.75	\$50.00	\$229.75
4538 Yosemite Drive	Residential	\$315.00	\$50.00	\$365.00
10311 Kimberly Avenue	Residential	\$179.75	\$50.00	\$229.75
11073 Monte Vista Avenue	Residential	\$115.90	\$50.00	\$165.90
5239 Monte Verde Street	Residential	\$179.56	\$50.00	\$229.56
5150 Howard Street	Residential	\$359.44	\$50.00	\$409.44
10865 Pipeline Avenue #B	Residential	\$208.93	\$50.00	\$258.93
10865 Pipeline Avenue #A	Residential	\$149.01	\$50.00	\$199.01
5223 Howard Street	Residential	\$179.75	\$50.00	\$229.75
11238 Poulsen Avenue	Residential	\$179.75	\$50.00	\$229.75
10238 Monte Vista Avenue	Residential	\$179.75	\$50.00	\$229.75
10244 Oak Glen Avenue	Residential	\$290.91	\$50.00	\$340.91
8912 Felipe Avenue	Residential	\$179.75	\$50.00	\$229.75
4780 Howard Street	Residential	\$179.75	\$50.00	\$229.75
11020 San Pasqual Avenue	Residential	\$179.75	\$50.00	\$229.75
10468 Calico Court	Residential	\$179.75	\$50.00	\$229.75

Service Address	Account Type	Delinquency	Lien Fee	Total Lien Amount
4501 Donner Court	Residential	\$179.75	\$50.00	\$229.75
4337 Appaloosa Way	Residential	\$179.75	\$50.00	\$229.75
4909 Kingsley Street	Residential	\$179.75	\$50.00	\$229.75
10805 Pipeline Avenue	Residential	\$126.96	\$50.00	\$176.96
10835 Pipeline Avenue	Residential	\$208.93	\$50.00	\$258.93
10845 Pipeline Avenue	Residential	\$208.93	\$50.00	\$258.93
10885 Pipeline Avenue	Residential	\$208.93	\$50.00	\$258.93
10815 Pipeline Avenue	Residential	\$107.81	\$50.00	\$157.81
4912 Carlton Street	Residential	\$115.90	\$50.00	\$165.90
5358 Orchard Street	Residential	\$189.65	\$50.00	\$239.65
5003 Kingsley Street	Residential	\$179.75	\$50.00	\$229.75
5392 Orchard Street	Residential	\$201.09	\$50.00	\$251.09
4631 Kingsley Street	Multifamily	\$327.26	\$50.00	\$377.26
10557 Morgan Circle	Residential	\$179.75	\$50.00	\$229.75
10472 Yosemite Drive	Residential	\$179.75	\$50.00	\$229.75
5015 Canoga Street	Residential	\$179.75	\$50.00	\$229.75
11159 Essex Avenue	Residential	\$179.75	\$50.00	\$229.75
5013 Howard Street	Residential	\$254.50	\$50.00	\$304.50
10149 Galena Avenue	Residential	\$129.00	\$50.00	\$179.00
10171 Canary Court	Residential	\$179.75	\$50.00	\$229.75
4703 Fauna Street	Residential	\$179.75	\$50.00	\$229.75
4525 Yosemite Drive	Residential	\$104.50	\$50.00	\$154.50
5185 Flora Street	Residential	\$254.50	\$50.00	\$304.50
10642 Oak Glen Avenue	Residential	\$179.75	\$50.00	\$229.75
11352 Cumberland Lane	Residential	\$105.48	\$50.00	\$155.48
11336 Marquette Lane	Residential	\$105.48	\$50.00	\$155.48
11442 Marquette Lane	Residential	\$105.48	\$50.00	\$155.48
11339 Brunswick Lane	Residential	\$105.48	\$50.00	\$155.48
11334 Fairfax Lane	Residential	\$105.48	\$50.00	\$155.48
11356 Fairfax Lane	Residential	\$105.48	\$50.00	\$155.48
11373 Dartmouth Lane	Residential	\$105.48	\$50.00	\$155.48
11363 Dartmouth Lane	Residential	\$105.48	\$50.00	\$155.48
11322 Dartmouth Lane	Residential	\$105.48	\$50.00	\$155.48
11442 Rockford Lane	Residential	\$105.48	\$50.00	\$155.48
11367 Kingston Lane	Residential	\$105.48	\$50.00	\$155.48
11335 Halifax Lane	Residential	\$105.48	\$50.00	\$155.48
11347 Chandler Lane	Residential	\$105.48	\$50.00	\$155.48
11458 Millstone Lane	Residential	\$105.48	\$50.00	\$155.48
11469 Cumberland Lane	Residential	\$105.48	\$50.00	\$155.48
10141 Canary Court	Residential	\$174.14	\$50.00	\$224.14
4624 Bandera Street	Multifamily	\$309.92	\$50.00	\$359.92
9515 Central Avenue	Commercial	\$224.82	\$50.00	\$274.82
11003 Monte Vista Ave	Residential	\$208.93	\$50.00	\$258.93
10446 Via Palma	Residential	\$154.50	\$50.00	\$204.50
5415 Orchard Street	Residential	\$162.10	\$50.00	\$212.10

Service Address	Account Type	Delinquency	Lien Fee	Total Lien Amount
4674 Evert Street	Residential	\$179.75	\$50.00	\$229.75
10196 Bolton Avenue	Residential	\$185.20	\$50.00	\$235.20
11053 Wesley Avenue	Residential	\$253.69	\$50.00	\$303.69
10263 Bel Air Avenue	Residential	\$179.75	\$50.00	\$229.75
5081 Bandera Street	Residential	\$108.59	\$50.00	\$158.59
4745 Rodeo Street	Residential	\$129.75	\$50.00	\$179.75
4145 Evert Street	Residential	\$190.92	\$50.00	\$240.92
4303 Clydesdale Way	Residential	\$180.65	\$50.00	\$230.65
10780 Fremont Avenue	Residential	\$113.96	\$50.00	\$163.96
11052 San Juan Way	Residential	\$178.91	\$50.00	\$228.91
4737 Bandera Street	Residential	\$202.40	\$50.00	\$252.40
11206 Poulsen Avenue	Residential	\$231.03	\$50.00	\$281.03
10875 Pipeline Avenue	Senior	\$123.58	\$50.00	\$173.58
10227 Amherst Avenue	Senior	\$136.71	\$50.00	\$186.71
4542 Yosemite Drive	Residential	\$149.72	\$50.00	\$199.72
5225 Belvedere Way	Residential	\$189.07	\$50.00	\$239.07
11342 Halifax Lane	Residential	\$118.72	\$50.00	\$168.72
5226 Berkshire Way	Residential	\$105.88	\$50.00	\$155.88
11075 Kimberly Avenue	Residential	\$179.75	\$50.00	\$229.75
5100 Howard Street	Commercial	\$218.22	\$50.00	\$268.22
5232 Hanover Way	Residential	\$585.83	\$50.00	\$635.83
10150 Helena Avenue	Residential	\$152.47	\$50.00	\$202.47
10191 Saratoga Avenue	Residential	\$230.70	\$50.00	\$280.70
11154 Marion Avenue	Residential	\$279.50	\$50.00	\$329.50
10244 Bel Air Avenue	Residential	\$356.14	\$50.00	\$406.14
3752 Hampton Drive	Residential	\$105.48	\$50.00	\$155.48
3765 Peachwood Drive	Residential	\$105.48	\$50.00	\$155.48
11343 Hartford Lane	Residential	\$105.48	\$50.00	\$155.48
11418 Hartford Lane	Residential	\$105.48	\$50.00	\$155.48
11340 Fairfax Lane	Residential	\$105.48	\$50.00	\$155.48
11441 Rockford Lane	Residential	\$105.48	\$50.00	\$155.48
11339 Hickory Lane	Residential	\$105.48	\$50.00	\$155.48
11331 Hickory Lane	Residential	\$105.48	\$50.00	\$155.48
11447 Chandler Lane	Residential	\$105.48	\$50.00	\$155.48
		\$39,355.75	\$10,550.00	\$49,905.75

**MINUTES OF THE REGULAR MEETING OF THE
MONTCLAIR PUBLIC WORKS COMMITTEE
HELD ON THURSDAY, OCTOBER 21, 2010, AT
2:00 P.M. IN THE CITY HALL CONFERENCE
ROOM, 5111 BENITO STREET, MONTCLAIR,
CALIFORNIA.**

I. CALL TO ORDER

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

II. ROLL CALL

Present: Chairman Paulitz; Committee Member Eaton; Director of Redevelopment/Public Works Staats, Director of Community Development Lustro, City Engineer Hudson; Facilities and Grounds Superintendent McGehee; Police Chief Jones; Public Works Superintendent Mendez; City Planner Diaz

Absent: Ontario-Montclair School District Representative Huyck

III. APPROVAL OF MINUTES

A. Minutes of Regular Public Works Committee Meeting of August 19, 2010

It was the consensus of the Public Works Committee to approve the minutes of the Public Works Committee meeting of August 19, 2010.

IV. PUBLIC COMMENT - None

V. TRAFFIC SAFETY/CIRCULATION ISSUES

A. Ontario-Montclair School District Issues - None

B. Traffic Safety

The City Council will be presented with a three-party agreement between the cities of Ontario and Montclair and the Ontario-Montclair School District at the next regular joint meeting to consider sharing in the cost to provide a crossing guard at San Bernardino Street and Benson Avenue. Each party would be responsible for one third the cost; Montclair's share is anticipated to be approximately \$4,000 a year.

VI. POLICE DEPARTMENT UPDATES/ITEMS

The inmate workers have been washing City vehicles and are beginning to wax cars. They wash about 14 to 15 cars per day. The inmate workers are only here Monday and Tuesday.

VII. COMMUNITY DEVELOPMENT DEPARTMENT UPDATES/ITEMS

Director of Community Development Lustro reported the following:

The Paseos at Montclair North is a 385-unit residential community at Moreno Street and Monte Vista Avenue (the old Sam's Club site). A public linear park that is just under an acre will be located in the middle of the site. The owners are developing an agreement to build a public park in lieu of paying park development fees. The agreement would cover all the requirements of the park's development. Construction and grading plans have been submitted. Park trees would include Coast Live Oak (*quercus agrifolia*), California Sycamore (*platanus racemosa*), Engelmann Oak (*quercus engelmannii*), and California Fan Palm, (*washingtonia filifera*). Park agreement plans are proposed to be submitted to the City Council for consideration at the November 15, 2010 regular joint meeting. The park would be maintained by a community facilities district, and the maintenance contract will go out to bid.

Community Development Director Lustro received a call from the Planet Fitness health club. The company thus far has health clubs in 40 states and has several locations in Northern California and a few in Orange County. Planet Fitness has expressed an interest in the former Office Depot site. The main issue in locating a Planet Fitness to that site would be parking because parking requirements for a health club are stricter than for general retail. Planet Fitness is going to submit a parking analysis.

Sports Authority is planning to vacate the center in January 2011 and move to Ontario Mills. Islands Restaurant is also not renewing its lease and will be out next month. Islands' reasons for leaving involve slower business at its Montclair location than at other outlets and the general vacant condition of the surrounding area.

The Building Division received tenant improvement plans from Chipotle Mexican Grill (which is going into the Jennifer's Convertible space right next to Men's Warehouse and McDonalds). Staff feels it should be a good draw to that shopping center.

Panera Bread is interested in the former Texaco gas station site at the corner of Monte Vista Avenue and San Jose Street just south of the Olive Garden. On Tuesday, Panera Bread submitted preliminary site plans. The company's site plans will have numerous corrections, but it still seems committed to that site.

The Community Development Block Grant (CDBG) plan amendment that the City Council approved a number of weeks ago was approved by the San Bernardino County Board of Supervisors. The amendment allows CDBG money to be used for the Community Center restrooms and to change the remaining two entrances from storefront swinging doors to automatic doors like City Hall. The plans will be drawn up this fiscal year, and a request will be submitted for additional Fiscal Year 2011-12 CDBG funds. The project would be completed in Fiscal Year 2011-12 and funded entirely with CDBG funds. The other piece of the plan amendment was to transfer about \$116,000 from an alley renovation project to the Mills Avenue (between the Union Pacific Railroad tracks and Orchard Street) rehabilitation program. The pavement in the north and southbound lanes would be renovated, and the City would be required to redo all of the handicap accessible ramps at all of the intersections to meet current ADA standards. The plans need to be drawn, and the project will go out to bid. Block Grant funds can only be used in the target areas determined by the County of San Bernardino. The County gives the City a map showing which areas qualify based on census income information.

VIII. PUBLIC WORKS DEPARTMENT-MAINTENANCE ACTIVITIES UPDATES/ ITEMS

Public Works Superintendant Mendez informed the Committee that his staff will begin sealing cracks in the pavement resulting from the drop in temperature. New street sweeping signs have been installed from Kingsley Street to Holt Boulevard and from Mills Avenue to Ramona Avenue.

The grid trimming for District 1 for this fiscal year will begin in the spring of 2011 to get all the new growth. Tree trimming has historically been done between November and December, when it is difficult to determine which branches are dead, and many dead branches are left behind. The schedule has changed to make it easier for staff to trim the dead wood.

The GIS inventory has started for all the trees in the City.

IX. PUBLIC WORKS DEPARTMENT ENGINEERING DIVISION UPDATES/ITEMS

A. Traffic Counts on Fauna Street (Between Felipe and Tudor Streets)

A complaint was received from Mr. José Maldonado related to speeding on Fauna Street after school hours and the significant amount of traffic. He requested speed bumps be installed on his street. Some traffic counters were placed on Fauna Street to determine the number of vehicles and at what speed they travel through the area. Fauna Street is 36 feet wide; pursuant to the Vehicle Code, it is considered a local residential street with a maximum speed of 25 miles per hour whether or not the speed is

posted. The critical speed that was found during the traffic count was 29 miles per hour, which is not unreasonable. There is a daily average of about 400 vehicles traveling on Fauna Street, which is somewhat high for a local street, though Fauna Street tends to function as a collector street with several other local streets feeding it. Thus, there is not an unreasonable amount of traffic on the street. The highest hourly volume of cars occurs around the time school lets out.

B. Sunrise Park Connector Pathway

Staff received a complaint from a resident living next to Sunrise Park regarding constant commotion and graffiti in the connector walkway between Benson Avenue and Sunrise Park. The connector has been closed off on both ends. An unintended consequence of the closure is that individuals are climbing on the block wall and peeping into the windows of the houses on the other side of the fence. One option of resolving the issue would be to acquire a portion of a property that is currently not being used to expand the park and remove the wall. Staff is in the process of having the property appraised. The appraisal will be submitted for City Council approval to make an offer on a portion of the property to expand the park. The affected property owner would be supportive of the project depending on the offering price. If the property owner accepts the offer price, a new wall could be constructed on the new southern property line; and the existing wall would be torn down. A temporary solution would be to place a post against the wall and a smaller mesh screen along the wall to block the view. Staff received a quote from Landmark Fence for this purpose for just under \$5,000. The Committee suggested waiting for the appraisal and to find out if the property owner will accept the offer before \$5,000 is spent on the screening solution. The Committee authorized an appraisal on the property.

X. CAPITAL PROJECT UPDATES

City Engineer Hudson reported the status of the following capital improvement projects:

A. Mission Boulevard Improvement Project

Phase 8 construction is about two-thirds complete. Most of the undergrounding is complete in front of Arco station and Farmer Boys at the southwest corner of Mission Boulevard and Central Avenue. The last bit of conduit is being installed along the west side of Central Avenue. Once the conduit is completed, Southern California Edison can start pulling cable. Some of the decorative pavement in the Central Avenue and Mission Boulevard intersection has been completed. It is being done in phases to allow for traffic flow. The project should be completed shortly after Thanksgiving.

The Phase 9 (from Pipeline Avenue to the County line) right-of-way certification has been approved and signed by the Mayor. The California Department of Transportation (Caltrans) has received the right-of-way certification, and staff will begin developing the Request for Authorization (RFA) to advertise and award the project. According to Caltrans, the turnaround time is usually 45 days. It is hoped the RFA could be approved by the end of the year, so the project can go out to bid in January 2011. Phase 9 will complete the Mission Boulevard Improvement Project.

B. Monte Vista Avenue Grade Separation Project

An offer has been accepted by Basin Ventures for conversion of a drainage easement to a fee title. The Purchase and Sale Agreement has been sent to Basin Ventures for signature and should be returned by the end of the month. A second offer has been accepted but the Purchase and Sale Agreement cannot be completed until terms are agreed upon for the third and last parcel. An offer has been presented to the new owners, Evans and Dodds, of the property that was owned by Zions First National Bank. To make the agreement work, staff has to wait for an agreement on the Foreman property at the southeast corner of Brooks Street and Monte Vista Avenue. The driveway would be located on the property, and the owners would be losing one or two service bays. It is anticipated these last two properties could be acquired by the end of the year. The federal environmental process will begin once all acquisitions have been made. The process will take a minimum of two years to complete and perhaps as long as three. There is a property maintenance issue now that certain properties are vacant: There have been break-ins, vandalism, and problems with the homeless. City Engineer Hudson will find funding to demolish all the properties and install temporary fencing. The City would need to front the money but would be reimbursed through a Public Utility Commission grant or Traffic Congestion Relief Program funds. City Engineer Hudson received a quote of \$20,000 for asbestos testing on everything. There may be some abatement costs associated with the demolition.

C. Youth/Senior/Community Center Facilities

The Youth Center had two major issues that the contractor was working on. One issue was the HVAC units on the roof that were installed too close to each other, making it difficult to service. The problem has now been resolved by reversing the units, which allows more space for service. The other issue is the rollup doors inside the Youth Center. The contractor used motors for the doors that were not as specified by the contract documents. The electrician is currently working on the transformer installation, and hopefully, the doors should be operational in another week or so. There are a few minor punch list items that still need to be

addressed; but by the end of the year, a Notice of Completion should be able to be filed.

The Senior Center dedication ceremony was yesterday. Facilities and Ground Superintendent McGhee walked the facility today with the contractor, Construction Manager, and Architect, to do a punch list on the interior and exterior of the building.

Improvements will be done in Community Center Meeting Room A, where the nutrition class is currently held. The architect has determined that the room has adequate space to house a restroom, so it will be converted into ADA-compliant restrooms with CDBG funding. The current restrooms may be converted to either storage or another meeting room.

D. Fremont Avenue Improvement Project - Phase II

This project involves the construction of curb, gutter, and sidewalk. Staff has received the legal descriptions for the right-of-way that needs to be acquired to do the improvements.

E. Intersection Improvement Project - Phase II

This project is the follow up to the last intersection project. The three locations that will be worked on are Holt Boulevard and Ramona Avenue, Palo Verde Street and Central Avenue, and Monte Vista Avenue and Arrow Highway.

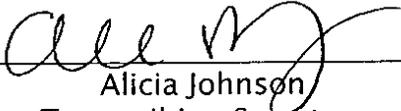
F. Police Impound Yard

The civil design is nearing completion, there is disagreement on how the driveway should look. City Engineer Hudson met with the consultant earlier in the week and came to an agreement as to what needed to be done, so the consultant is making some revisions to the plans. The electrical design is ongoing and should be completed in a few weeks.

XI. ADJOURNMENT

At 3:06 p.m., Chairman Paulitz adjourned the Public Works Committee.

Submitted for Public Works Committee approval,


Alicia Johnson
Transcribing Secretary

**MINUTES OF THE MONTCLAIR REAL ESTATE
COMMITTEE MEETING HELD ON TUESDAY,
JANUARY 18, 2011, AT 7:02 A.M. IN THE CITY
HALL CONFERENCE ROOM, 5111 BENITO
STREET, MONTCLAIR, CALIFORNIA**

I. CALL TO ORDER

Mayor Eaton called the meeting to order at 7:02 a.m.

II. ROLL CALL

Present: Mayor Eaton; Mayor Pro Tem Dutrey; Director of Redevelopment/Public Works Staats; Assistant Director of Redevelopment Caldwell; Economic Coordinator Garcia, and Administrative Aide Preciado

III. APPROVAL OF MINUTES

It was the consensus of the Real Estate Committee to approve the minutes of the Public Works Committee meeting of April 6, 2010.

IV. PUBLIC COMMENT - None

V. DISCUSSION REGARDING AMENDING THE AFFORDABLE HOUSING AGREEMENT WITH THE NATIONAL COMMUNITY RENAISSANCE (CORE) FOR THE MILLS FAMILY PROJECT

Director of Redevelopment/Public Works Staats informed the Committee that National CORE was requesting an amendment to its Affordable Housing Agreement with the Agency regarding the Mills Family Project. An amendment to the agreement would allow National CORE to receive an increased \$250,000 Developer Fee that the Tax Credit Allocation Committee authorized. The Affordable Housing Agreement allowed for National CORE to receive up to \$1.1 million in Developer Fees from construction loan or Tax Credit financing. Director of Redevelopment/Public Works Staats explained that National CORE had applied for \$1.35 million in Tax Credit financing and was authorized to receive a Developer Fee up to \$1.4 million in Tax Credit financing. Therefore, National CORE is requesting an amendment to the agreement to allow them to receive the \$1.35 million. The consequence of this amendment would mean a longer repayment period of residual receipt financing.

Director of Redevelopment/Public Works Staats further explained that an error in building permit calculation fees for the National CORE Senior Project caused National CORE to initially pay only \$27,858.78 in Sewer Fees. The correct fee should have been \$277,617.70. Upon discover-

ing this discrepancy, National CORE was able to contribute an additional \$125,000 of the sewer fee cost from its original budget. National CORE requested the Agency pay the remaining sewer fees, but financing issues became a problem. National CORE then stepped forward and paid the additional \$124,758.92 in fees. Based on the unforeseeable costs that National CORE absorbed with the Senior Project, the Real Estate Committee recommended that the Agency amend its Affordable Housing Agreement to allow National CORE to receive the additional \$250,000 Developer Fee.

VI. PROPOSED MODIFICATIONS TO THE EXTERIOR HOUSING IMPROVEMENT PROGRAM (EHIP)

Staff advised that during the course of a recent Code Enforcement Committee meeting, Council Member Paulitz proposed that EHIP maintenance covenants be extended from five to ten years for the \$7,000 grant and from seven to twelve years for those partaking in EHIP's \$10,000 drought-tolerant option. Extension of the maintenance covenants would give the City greater enforcement powers in ensuring that properties participating in EHIP are properly maintained. The Real Estate Committee concurred and recommends the EHIP maintenance covenants be extended an additional five years for both landscape options.

VII. DISCUSSION REGARDING PROPOSED AGENCY ACQUISITION OF THE PROPERTIES LOCATED AT 5444 PALO VERDE STREET AND 10333 PRADERA AVENUE

Director of Redevelopment/Public Works Staats informed the Committee that two Purchase Agreements would be considered by the Agency Board of Directors during its meeting later that evening. She advised that staff is recommending the properties be transferred to the Montclair Housing Corporation for rental to low- to moderate-income households to meet the Agency's inclusionary housing requirements. If the Purchase Agreements are approved by the Agency Board, noted staff would later request a loan from the Agency to the Montclair Housing Corporation to cover property improvement costs. A Housing Rehabilitation Agreement and Lease would later be presented for Agency Board review and consideration.

VIII. DISCUSSION OF PROPOSAL REGARDING PROPERTY LOCATED AT THE NORTHEAST CORNER OF SAN BERNARDINO STREET AND CENTRAL AVENUE

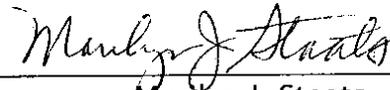
Staff explained to the Real Estate Committee that an informal request to construct a car wash on the northeast corner of San Bernardino Street and Central Avenue had been received. Staff shared that it had been explained to the potential applicant (who is not the property owner) that a conditional use permit for such a use would be required and that

based on the proposal, staff did not believe that the findings for the granting of the conditional use permit could be made.

IX. ADJOURNMENT

At 7:50 a.m., Mayor Eaton adjourned the Real Estate Committee.

Submitted for Real Estate Committee approval,



Marilyn J. Staats
Director of Redevelopment/
Public Works

**MINUTES OF THE MEETING OF THE MONTCLAIR
CODE ENFORCEMENT COMMITTEE HELD ON
TUESDAY, JANUARY 18, 2011, AT 6:03 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 6:03 p.m.

II. ROLL CALL

Present: Mayor Eaton; Council Member Paulitz; City Manager Starr; Fire Chief Ament; Police Chief Jones; Deputy Fire Chief Shiba, City Attorney Robbins

III. APPROVAL OF MINUTES

A. Minutes of Code Enforcement Committee Meeting of November 15, 2010.

It was the consensus of the Code Enforcement Committee to approve the minutes of the Code Enforcement Committee meeting of November 15, 2010.

IV. PUBLIC COMMENT - None

V. OLD BUSINESS

- A. Fire Chief Ament updated the Committee on the status of a marijuana dispensary that was located at 4750 Mission Boulevard. Since the last meeting, this business has moved to another location in the unincorporated county area in the City's Sphere of Influence. The structure at 4750 Mission Boulevard is now vacant.
- B. Chief Ament gave a status report regarding the condition of 5676 San Jose Street. The owners of this property are making steady progress toward correcting existing violations. Photographs of the property were distributed at the meeting for the Committee's review.

VI. NEW BUSINESS

- A. City Attorney Robbins reported on the process of issuing administrative citations for overweight vehicles on City streets. Two cases have gone to court. While the fine amounts for these cases were

reduced by the court, a substantial amount was still awarded to the City. City Attorney Robbins advised that she would research new legislation that could limit the City's ability to collect fines using this method.

VII. ROUNDTABLE DISCUSSION ON PROBLEM PROPERTIES

Deputy Fire Chief Shiba stated that the owners of a property located at 5006 Mission Boulevard were issued a citation for \$500. The property has two vacant structures in which homeless persons have been living; and trash, junk, and debris have accumulated at the property. A graffiti violation was included in the citation but has since been abated. The owners were instructed to correct the violations listed above by January 18, 2011. Because all violations were not abated by the deadline, the City will proceed with abatement actions.

Deputy Fire Chief Shiba stated that a structure at 10426 Edwards Drive has been demolished and a lien has been placed on the property.

Chief Ament mentioned that the lien process has been working well. City Prosecutor Eckart has been successfully negotiating lien amounts in an effort to collect these fees from property owners. It is anticipated that approximately \$40,000 in outstanding lien amounts would be collected shortly.

VIII. NEXT MEETING

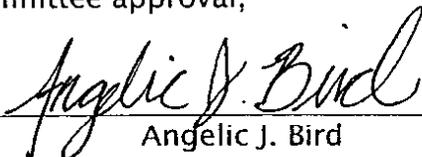
The Code Enforcement Committee will be dark in February 2011.

The next meeting is scheduled for Monday March 21, 2011, at 6:00 p.m.

IX. ADJOURNMENT

At 6 19 p.m., Council Member Paulitz adjourned the Code Enforcement Committee Meeting.

Submitted for Code Enforcement
Committee approval,



Angelic J. Bird
Secretary

**MINUTES OF THE MEETING OF THE MONTCLAIR
PERSONNEL COMMITTEE HELD ON TUESDAY,
JANUARY 18, 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; and City Manager Starr

III. APPROVAL OF MINUTES

**A. Minutes of the Regular Personnel Committee Meeting of
January 3, 2011.**

Moved by Mayor Eaton, seconded by Council Member Ruh, and
carried unanimously to approve the minutes of the Personnel
Committee meeting of January 3, 2011.

IV. PUBLIC COMMENT - None

V. CLOSED SESSION

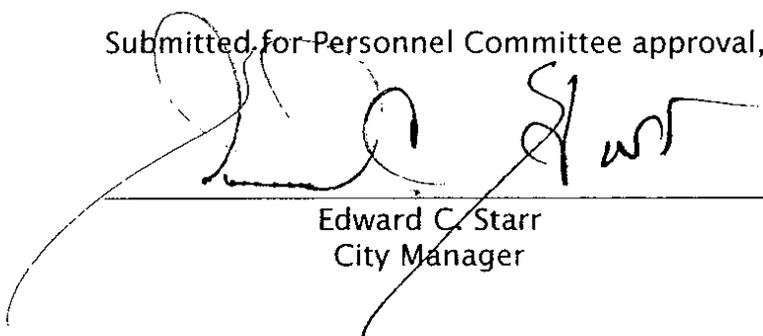
At 8:06 p.m., the Personnel Committee went into Closed Session
regarding personnel matters related to appointments, resignations/
terminations, and evaluations of employee performance.

At 8:32 p.m., the Personnel Committee returned from Closed Session.
Mayor Eaton stated that no announcements would be made at this time.

VI. ADJOURNMENT

At 8.32 p m., Mayor Eaton adjourned the Personnel Committee.

Submitted for Personnel Committee approval,



A handwritten signature in black ink, appearing to read 'E. Starr', is written over a horizontal line. The signature is cursive and somewhat stylized.

Edward C. Starr
City Manager