

**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 22, 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](http://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. Introduction of New Employee

**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 Projects and Prioritization of Funding for the Fiscal Year 2011-12 Community Development Block Grant Program [CC] 4
- B. Second 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]
  - Consider Approval of Agreement No. 11-21, an Agreement with David Taussig & Associates to Provide Financial Consulting Services Related to Community Facilities District No. 2011-1 [CC] 9
- C. First Reading – Consider Adoption of 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 [CC] 18

**VIII. CONSENT CALENDAR**

- A. Approval of Minutes – None
- B. Administrative Reports
  - 1. Consider Receiving and Filing of Treasurer’s Report [CC] 24
  - 2. Consider Approval of Warrant Register and Payroll Documentation [CC] 25
  - 3. Consider Receiving and Filing of Treasurer's Report [RDA] 26
  - 4. Consider Approval of Warrant Register [RDA] 27
  - 5. Consider Receiving and Filing of Treasurer's Report [MHC] 28
  - 6. Consider Approval of Warrant Register [MHC] 29
  - 7. Consider Redevelopment Agency Board of Directors' Authorization of a \$177,000 Reappropriation From the City of Montclair Redevelopment Agency Project Area No. 1 1997 Taxable Tax Allocation Bond Issue in the Capital Projects Fund for Repayment of Certain Promissory Notes to the City [RDA] 30
  - 8. Consider Approval of the Filing of a Notice of Completion for the Ramona Avenue/Union Pacific Railroad Grade Separation Project [CC] 32

C. Agreements - None

D. Resolutions

1. Consider Adoption of Resolution No. 11-2874 Authorizing Destruction of Certain Police Department Records Pursuant to the Montclair Police Department Policy for the Retention and Destruction of Records [CC]

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**IX. PULLED CONSENT CALENDAR ITEMS**

X. RESPONSE - None

**XI. COMMUNICATIONS**

A. City Attorney/Agency Counsel

1. Report on Written Decision in the Matter of the Appeal of James Thayn
2. Closed Session Pursuant to Section 54956.8 of the Government Code Regarding Real Property Negotiations

Property	Assessor's Parcel No.	Address
	1011-012-04-0000	10625 Monte Vista Avenue Montclair, CA 91763
	Negotiating Parties: City and Delbert Darrell Foreman	
	1011-012-03-0000	10635 Monte Vista Avenue Montclair, CA 91763
	Negotiating Parties: City and Evans-Dodds, LLC	

Negotiators: Marilyn J. Staats, Director of Redevelopment and Public Works, and Michael C. Hudson, City Engineer

Under negotiation: Recommendations Regarding Acquisition of Easements on Subject Properties in Conjunction With Monte Vista Avenue/Union Pacific Railroad Grade Separation Project

B. City Manager/Executive Director

C. Mayor/Chairman

D. Council/Agency Board

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

1. Minutes of the Personnel Committee Meeting of February 7, 2011

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**XII. COUNCIL/AGENCY WORKSHOP**

**A. SEMS/NIMS Executive Training**

(Council/Agency Board may consider continuing this item to an adjourned joint meeting on Monday, March 7, 2011, at 5 45 p.m. in the City Council Chambers.)

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

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

**XIV. CLOSED SESSION ANNOUNCEMENTS**

**XV. ADJOURNMENT OF REDEVELOPMENT AGENCY BOARD OF DIRECTORS**

*The next regularly scheduled City Council, Redevelopment Agency, and Montclair Housing Corporation meetings will be held on Monday, March 7, 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, Yvonne L. Smith, Deputy 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 17, 2011.*

# AGENDA REPORT

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<b>SUBJECT:</b> CONSIDER PROJECTS AND PRIORITIZATION OF FUNDING FOR THE FISCAL YEAR 2011-12 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM	<b>DATE:</b> February 22, 2011
	<b>SECTION:</b> PUBLIC HEARINGS
	<b>ITEM NO.:</b> A
	<b>FILE I.D.:</b> GRT050
<b>BUSINESS PLAN:</b> N/A	<b>DEPT.:</b> COMMUNITY DEV.

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**REASON FOR CONSIDERATION:** Federal guidelines for the Community Development Block Grant (CDBG) Program require that each public agency conduct a public hearing to establish projects that will be funded in the upcoming 2011-12 fiscal year.

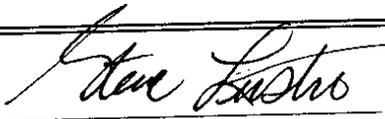
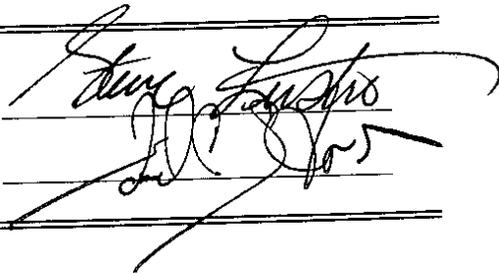
**BACKGROUND:** The total funding available for Montclair's Fiscal Year 2010-11 CDBG Program has tentatively been determined to be \$394,462. This amount represents just over a ten percent (10%) reduction in the CDBG allotment for the current fiscal year. The 2011 CDBG formula grant amounts have not yet been announced by the U.S. Department of Housing and Urban Development (HUD), so this estimate may change when HUD announces the actual grant amounts.

CDBG restrictions limit the amount of funding for "public service" activities to 15 percent of this year's allocation, or \$59,169. Staff has recommended a continuance of funding for public service uses that have been funded by the City of Montclair in the past to the extent possible by funding restrictions. Of note, the County of San Bernardino will implement HUD's recommendation that minimum grant amounts be established in order to justify the cost of administering funded projects. Accordingly, the minimum thresholds are \$10,000 for public service projects and \$75,000 for construction activities.

In addition to the City of Montclair project proposals, numerous outside agencies submitted project proposals directly to the County. A complete list of all proposals determined to be eligible for funding accompanies this report. The total requested by all applicants, including the City, for eligible proposals is \$487,089, of which \$122,500 is related to "public service" activities.

For the upcoming fiscal year, staff has identified two major capital projects that could be implemented expeditiously, in addition to continuing funding for two ongoing City programs, thereby reducing the impact on the City's General Fund. Council will note that staff did not propose any new funding for Code Enforcement, which is considered a "construction activity." This is primarily because of the implementation of HUD's minimum \$75,000 threshold for construction projects. In the past five years, the Code Enforcement program has been funded in the \$38,000 to \$40,000 range. Staff estimates there is

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Proofed by: 	Presented by: 

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adequate funding in the Code Enforcement CDBG program account to cover costs through most of the 2011-12 fiscal year; however, a decision would need to be made during the 2012-13 funding cycle as to whether to fund Code Enforcement at the minimum HUD threshold of \$75,000, which would help fund the program for two fiscal year cycles. Staff recommends the City Council approve the projects and funding levels summarized as follows:

Reconstruction of Carlton Street from Monte Vista Avenue to its easterly terminus	\$ 203,361
Accessibility improvements to the Community Center, including construction of new restrooms and Installation of automatic doors	131,932
Graffiti Abatement	46,000*
Montclair Golden Express	<u>13,169*</u>
TOTAL	<u>\$ 394,462</u>

\*Total public service projects \$59,169

**FISCAL IMPACT:** The City expects to receive \$394,462 for the Fiscal Year 2011-12 CDBG Program.

**RECOMMENDATION:** Staff recommends the City Council approve the above projects and prioritization of funding for the Fiscal Year 2011-12 CDBG program.

**ELIGIBLE Proposals**

**Department of Community Development and**

**ELIGIBLE Proposals**

**Montclair**

**2011-2012 CDBG Proposals by Benefit Area**

Log Primary Benefit Area/ No. Description:	Applicant: Activity Eligibility	M&O Commi	Project/ Request/ Community		Request	Dist	Comments
			Request/ Community	Percent			
37003 Montclair Additional Funding for Graffiti Eradication in Target Area	City of Montclair Steve Lustro, Director (909) 625-9477 5111 Benito Street P.O. Box 2308 Montclair, CA 91763 24 CFR 201(e) 24 CFR 208(a)(1)	N	\$60,200 \$46,000 76.0%	Montclair	\$46,000 <b>\$46,000</b>	4	Public Service - Continuation funding for graffiti eradication program in the City of Montclair's target area (#108-15317/0793)
37004 Montclair Additional Funding for Transportation Services for Senior Citizens, Golden Express Transportation Program	City of Montclair Steve Lustro, Director (909) 625-9477 5111 Benito Street P.O. Box 2308 Montclair, CA 91763 24 CFR 201(e) 24 CFR 208(a)(2)(i)(A)	Y	\$32,250 \$18,000 55.0%	Montclair	\$18,000 <b>\$18,000</b>	4	Public Service. Continuation funding for transportation services for senior citizens. #108-27127/2220
37005 Montclair New - Construction of Street, Curb, gutter, Sidewalk and ADA Ramps Along Carlton Street, Montclair	City of Montclair Steve Lustro, Director (909) 625-9477 5111 Benito Street P.O. Box 2308 Montclair, CA 91763 24 CFR 201(c) 24 CFR 208(a)(1)	Y	\$324,519 \$232,657 71.0%	Montclair	\$232,657 <b>\$232,657</b>	4	Prevailing Wage Rate may increase construction costs. Street is located within a neighborhood and would directly benefit residents within the neighborhood.
37006 Montclair Continuation of ADA Improvements to the Restrooms and Entry Doors at the Community Center, Montclair	City of Montclair Steve Lustro, Director (909) 625-9477 5111 Benito Street P.O. Box 2308 Montclair, CA 91763 24 CFR 201(c) 24 CFR 208(a)(2)(ii)	Y	\$400,000 \$131,932 32.0%	Montclair	\$131,932 <b>\$131,932</b>	4	Only handicapped accessible improvements are eligible. Project consists of primarily ADA facility improvements. Request is for additional funds for project #108-36111/3613.
<b>Total</b>							

**ELIGIBLE Proposals****Department of Community Development and****ELIGIBLE Proposals****Montclair****2011-2012 CDBG Proposals by Benefit Area**

Log Primary Benefit Area/ No. Description:	Applicant: Activity Eligibility	M&O Commi	Project/ Request/ Percent	Community	Request	Dist	Comments
37034 Montclair New - Provision of Vocational Training in Criminal Justice for Young Adults, South Western Vocational College	South Western Vocational College Jacob Gladstone, Informations Officer (909) 972-4957 9852 Crescent Ctr Drive #803 Rancho Cucamonga, CA 91730 24 CFR 201(e) 24 CFR 208(a)(2)(f)(C)	N	\$38,400 \$36,000 93.0% Highland Grand Terrace Colton Big Bear Lake Barstow	Adelanto Montclair Loma Linda Highland Grand Terrace Colton Big Bear Lake Barstow	\$4,500 \$4,500 \$4,500 \$4,500 \$4,500 \$4,500 \$4,500 \$36,000	1	Public Service. Would require documentation of at least 51% low/mod income clientele.
37041 Montclair New - Provision of Rent/Mortgage Assistance & Motel Vouchers for Low Income Persons in Montclair, Inland Valley Council of Churches	Inland Valley Council of Churches Wytkske G. Visser, Executive Director (909) 622-3806 1753 N. Park Avenue Pomona, CA 91768 24 CFR 204 24 CFR 208(a)(2)(i)(C)	N	\$357,484 \$10,000 2.0%	Montclair	\$10,000 \$10,000	4	Public Service. Would require documentation of at least 51% low/mod income persons. Subsistence payments will be paid to the provider on behalf of the client, not to exceed 90 days.
37042 Montclair Continuation of Emergency Food Distribution Program for Low Income and Homeless Families, Inland Valley Council of Churches	Inland Valley Council of Churches Wytkske G. Visser, Executive Director (909) 622-3806 1753 N. Park Avenue Pomona, CA 91768 24 CFR 201(e) 24 CFR 208(a)(2)(i)(B)	N	\$357,484 \$10,000 2.0%	Montclair	\$10,000 \$10,000	4	CDH #340-30227/2677 Public Service Would require documentation of at least 51% low/mod income households. Cumulative Alloc: \$35,000; Current CDBG Alloc: \$5,000; Balance: \$5,000
37087 Montclair Continuation of Providing Business Development Assistance to Micro-Enterprises To Create Jobs And Retention, Foundation for C.S.U.S.B.	Foundation for California State University SB Michael Stull, Director (909) 537-3708 5500 University Pkway, Rm 284 San Bernardino, CA 92407-2397 24 CFR 201(o) 24 CFR 208(a)(4)	N	\$178,016 \$96,000 53.0%	Yucaipa Adelanto Montclair Loma Linda Highland Grand Terrace Colton Big Bear Lake	\$12,000 \$12,000 \$12,000 \$12,000 \$12,000 \$12,000 \$12,000 \$96,000	3	Public Service. #023-29000/2556 Eligibility limited to assisting micro-enterprise (5 or fewer) with low/mod income owners residing in 8 coop cities, per applicant request. Cum Alloc \$360,000; Curr Alloc \$96,000, Balance \$42,314
			<b>Total</b>				

**ELIGIBLE Proposals**

**Department of Community Development and**

**ELIGIBLE Proposals**

**Montclair**

**2011-2012 CDBG Proposals by Benefit Area**

Log Primary Benefit Area/ No. Description:	Applicant: Activity Eligibility	M&O Commi	Project/ Request/ Percent	Community	Request	Dist	Comments
37092 Montclair Continuation of Domestic Violence Shelter Program, House of Ruth	House of Ruth, Inc. Suzanne Aebischer, Executive Director (909) 868-8008 P.O. Box 459 Claremont, CA 91711 24 CFR 201(e)	N	\$218,484 \$10,000 4.0%	Montclair	\$10,000 <b>\$10,000</b>	4	CDH #340-15127/0808 Public Service. Would be limited to victims of domestic violence and their children. Cum. CDBG Alloc: \$580,908.88; Current CDBG Funding: \$25,000; CDBG Balance (as of 1/4/11): \$17,805.80
37100 Montclair Continuation of Provision of Emergency Housing Assistance to Low/Mod Income Families Caring for Disabled Persons, Another Way	Another Way Susan Gomez, Executive Director (909) 890-3045 1365 S. Waterman Avenue San Bernardino, CA 92408 24 CFR 201(e) 24 CFR 208(a)(2)(i)(A)	N	\$141,620 \$50,000 35.0%	Adelanto Colton Barstow Needles Yucaipa Town of Yucca Valley Highland <b>Montclair</b>	\$10,000 \$10,000 \$10,000 \$8,000 \$5,000 \$2,500 \$2,500 <b>\$2,000</b> <b>\$50,000</b>	1	#350-36127/3451 Public Service. Services limited to severe disabled persons CFR 580.207(4). Limited emergency grant payments over a period of up to 3 mos. directly to the provider of such items or services on behalf of the individual.
37113 Montclair New - Provide Health & Social Svc Referrals to Low/Mod Income Persons Via 2-1-1 Toll Free Phone/Directory of Live 24 Hr Info, Inland Empire United Way	Inland Empire United Way Gary Madden, Director (909) 980-2857 9644 Hermosa Avenue Rancho Cucamonga, CA 91730 24 CFR 201(e) 24 CFR 208(a)(2)(i)(C)	N	\$1,203,500 \$90,000 7.0%	Town of Yucca Valley Yucaipa Twenty-nine Palms <b>Montclair</b> Loma Linda Highland Colton Barstow Adelanto <b>Total</b>	\$10,000 \$10,000 \$10,000 <b>\$10,000</b> \$10,000 \$10,000 \$10,000 \$10,000 \$10,000 <b>\$90,000</b>	2	Public Service. Would require documentation of at least 51% low/mod income clients served via at the providers site. Eligibility subject to matching funds in proportion to the percentage of non-cooperating city residents to be served.
<b>Totals for Montclair</b>					<b>\$487,089</b>	<b>Proj Tot</b>	<b>\$730,589</b>

## AGENDA REPORT

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**SUBJECT:** 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

**DATE:** February 22, 2011  
**SECTION:** PUBLIC HEARINGS  
**ITEM NO.:** B  
**FILE I.D.:** CFD050  
**DEPT.:** PUBLIC WORKS/ADMIN. SVS.

CONSIDER APPROVAL OF AGREEMENT NO. 11-21, AN AGREEMENT WITH DAVID TAUSSIG & ASSOCIATES TO PROVIDE FINANCIAL CONSULTING SERVICES RELATED TO COMMUNITY FACILITIES DISTRICT NO. 2011-1

### SECOND READING

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**REASON FOR CONSIDERATION:** The City Council conducted the first reading of Ordinance No. 11-920 on February 7, 2011. The City Council is requested to now consider the second reading of Ordinance No. 11-920 to establish Community Facilities District No. 2011-1 for The Paseos Project in the North Montclair Downtown Specific Plan area. A map of the area is attached as Exhibit A.

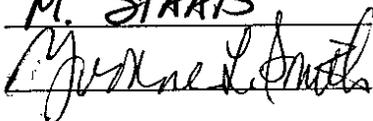
The City Council is also requested to consider approval of Agreement No. 11-21 with David Taussig & Associates. The proposed Agreement with David Taussig & Associates would provide the City with financial consulting services related to annual calculation of the special taxes to be levied pursuant to Community Facilities District No. 2011-1. A copy of proposed Agreement No. 11-21 is included in the agenda packet for the City Council's review and consideration.

**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 and public safety costs associated with

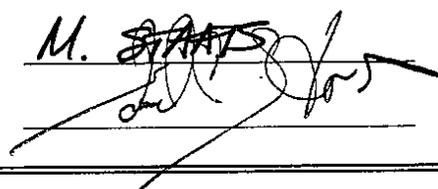
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Approved by:

M. STAATS  


Proofed by:

Presented by:

new development. Therefore, staff has proposed that the City Council consider establishment of a Mello-Roos Community Facility District (CFD) to support certain costs related to development within the North Montclair Downtown Specific Plan area.

A Mello-Roos Community Facilities District is authorized to provide for the construction 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 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 No. 2011-1 would finance the maintenance costs and lighting of parks, parkways, streets, roads, and open space 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 within 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 6 percent and a minimum annual increase of 2 percent. Although the special tax shall be increased annually by a minimum of 2 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.

At the City Council meeting of February 7, 2011, an election was conducted whereby the property owner of The Paseos Project, Montclair I MGP, LLC., voted to impose special taxes on its project pursuant to establishment of CFD No. 2011-1. Therefore, the City Council conducted the first reading of Ordinance No. 11-920 levying the special tax to pay for annual maintenance costs of park, streets, and storm drain improvements and for public safety services. Adoption of the second reading of Ordinance No. 11-920 by the City Council would result in implementation of CFD No. 2011-1.

In the event the City Council adopts Ordinance No. 11-920, the City Council is then asked to consider approval of Agreement No. 11-21 with David Taussig & Associates. The purpose of the proposed Agreement would be to provide financial consulting services to assist the City in the annual administration of CFD No. 2011-1. The activities and tasks to be performed pursuant to the Agreement would include the following:

- The consultant would gather and organize the land use data required to apportion and collect the special taxes.
- The consultant would apply the rate and method of apportionment of the special taxes to determine the appropriate special tax classification for each parcel located in the CFD.
- The consultant would calculate and apportion the special taxes.
- The consultant would prepare the Annual Special Tax Report and file such report with the County of San Bernardino Auditor-Controller for inclusion in the consolidated property tax bill.
- The consultant would also monitor any changes to the secured roll necessitating new or adjusted tax bills.
- The consultant would assist the City in the preparation of special tax disclosure documents.

The terms of proposed Agreement No. 11-21 include standard termination provisions on 30 days written notice of either party. However, in the event of default by either party, written notice shall be provided to the defaulting party; and that party shall have ten days to cure the default upon receipt of such default notice. The cost of services is based on time and materials not to exceed \$4,500 per fiscal year. In addition, the consultant shall be reimbursed for out-of-pocket expenses not to exceed \$250 annually. Time and materials fees are subject to change on an annual basis. However, the consultant shall notify the City in advance of any such proposed increases. Any amendments of territory to CFD No. 2011-1 would cause an increase in the annual costs of services to be provided by the consultant. Proposed Agreement No. 11-21 has been reviewed by the City Attorney.

**FISCAL IMPACT:** Adoption of Ordinance No. 11-920 would establish CFD No. 2011-1. This CFD 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 Consumer Price Index, with a maximum annual increase of 6 percent and a minimum annual increase of 2 percent. However, the City Council would hold a public hearing every year to hear protests and to set the actual tax levy.

The City Council's approval of proposed Agreement No. 11-21 with David Taussig & Associates to provide financial consulting services related to CFD No. 2011-1 would create no fiscal impact for the City's General Fund. The estimated \$4,750 cost of the consulting services would be paid with funds generated from CFD No. 2011-1 for administrative purposes.

**RECOMMENDATION:** Staff recommends that the City Council take the following actions.

- Adopt Ordinance No. 11-920 levying special taxes to be collected during Fiscal Year 2011-12 to pay the annual costs for the maintenance and lighting of parks, parkways, streets, 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.
- Approve Agreement No. 11-21 with David Taussig & Associates to provide financial consulting services related to Community Facilities District No. 2011-1.

**PROPOSED BOUNDARIES OF  
CITY OF MONTCLAIR  
COMMUNITY FACILITIES DISTRICT NO. 2011-1  
(MAINTENANCE AND PUBLIC SAFETY SERVICES)  
COUNTY OF SAN BERNARDINO  
STATE OF CALIFORNIA**

(1) Filed in the office of the Clerk of the City of Montclair this 4th day of January, 2011.

*Alison M Jackson*  
Clerk of the City of Montclair, California



(2) I hereby certify that the within map showing the proposed boundaries of City of Montclair Community Facilities District No. 2011-1 (Maintenance and Public Safety Services), County of San Bernardino, State of California, was approved by the City Council of the City of Montclair at a regular meeting thereof, held on the 3rd day of January, 2011, by its Resolution No. 11-2873.

*Alison M Jackson*  
Clerk of the City of Montclair, California

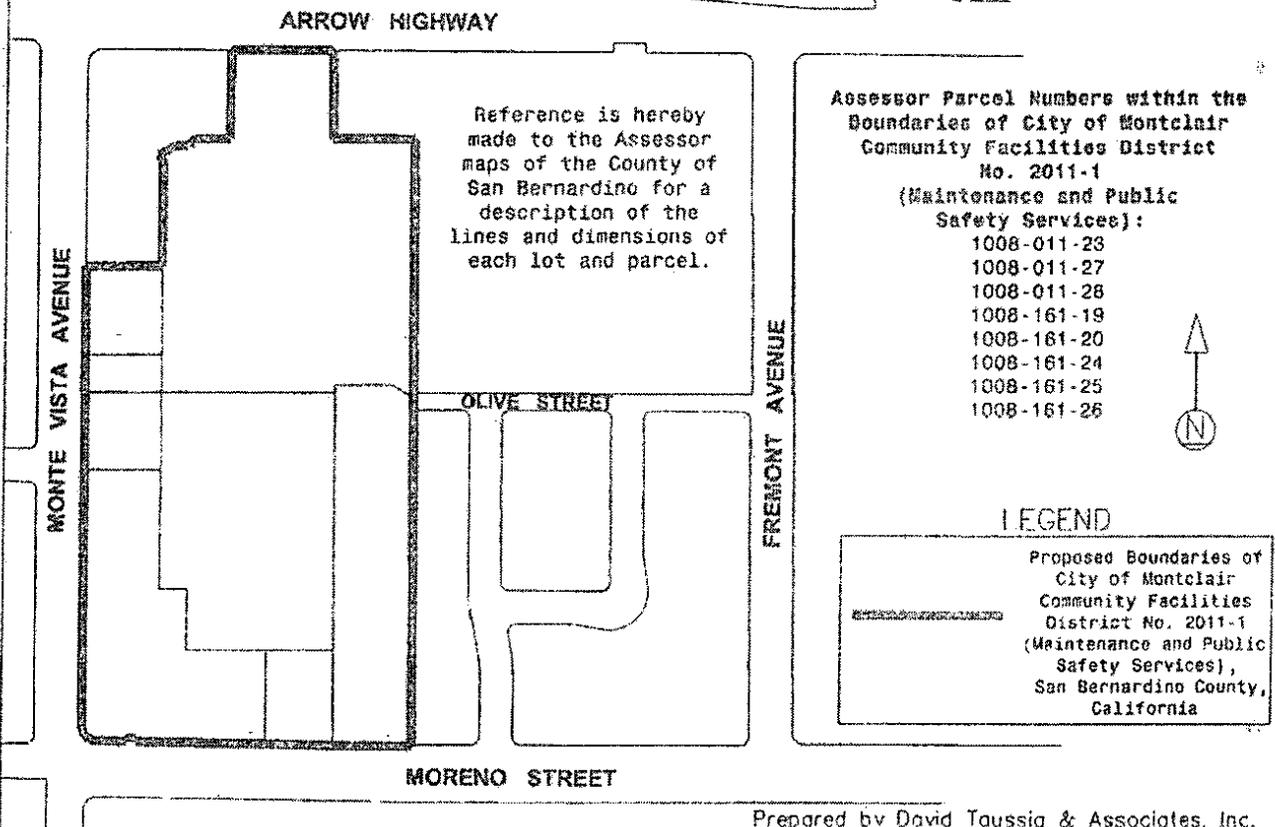


(3) San Bernardino County Recorder's Certificate

This map has been filed under Document Number 2011-0013151, this 11 day of JAN, 2011, at 10:48 A.M., in Book 85 of Maps of Assessment and Community Facilities Districts at page 2, at the request of the City of Montclair in the amount of \$ 10.00.

~~Larry Walker~~ Dennis Draeger  
~~Auditor/Controller/Recorder/Treasurer/Tax Collector,~~ County of San Bernardino  
Assessor Clerk

By: \_\_\_\_\_  
Deputy Recorder



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 ADOPTION OF 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 22, 2011

**SECTION:** PUBLIC HEARINGS

**ITEM NO.:** C

**FILE I.D.:** ENV400

FIRST READING

**DEPT.:** PUBLIC WORKS

**BUSINESS**

**PLAN:** N/A

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**REASON FOR CONSIDERATION:** The City Council is requested to consider approval of certain revisions to the Municipal Code as they relate to the City Community 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.

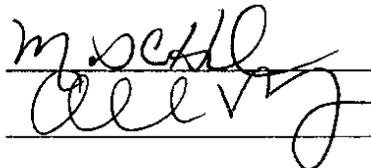
**BACKGROUND:** The state legislature has found that elevated levels of salinity in community sewer systems can hinder needed water recycling projects, and discharges from those systems may impair groundwater resources and surface waters of the state. By Resolution No. R8-2004-0001, the California Regional 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 IEUA.

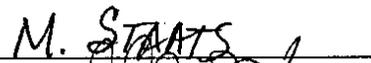
In accordance with Section 13148(e) of the California Water Code, the Regional Board, through Order No. R8-2010-0008, has found that the control of residential use of self-regenerating water softeners will contribute to the achievement of the water quality objectives approved in the 2004 Basin Plan Amendment. 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 (TDS) within IEUA's sewer system and that significant regional economic impacts would result if residential use of self-regenerating water softeners is not controlled.

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Prepared by:

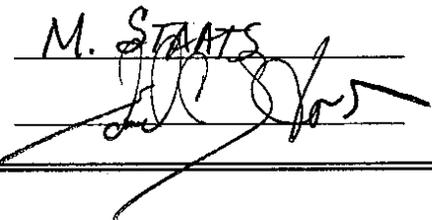


Reviewed and  
Approved by:



Proofed by:

Presented by:



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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 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 is "grandfathered" in.

**FISCAL IMPACT:** Adoption of proposed Ordinance No. 11-921 would be revenue-neutral.

**RECOMMENDATION:** Staff recommends the City Council adopt the first reading of 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 SECTION 9.02  
AND REPLACING SECTION 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 I.** 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

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

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Donna M. Jackson  
City Clerk

## AGENDA REPORT

---

**SUBJECT:** CONSIDER RECEIVING AND FILING OF  
TREASURER'S REPORT

**DATE:** February 22, 2011

**SECTION:** ADMIN. REPORTS

**ITEM NO.:** 1

**BUSINESS  
PLAN:** N/A

**FILE I.D.:** FIN520

**DEPT.:** ADMIN. SVCS.

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

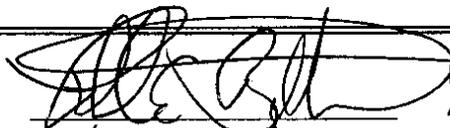
**BACKGROUND:** Included in your agenda is a copy of the Treasurer's Report for the period ending January 31, 2011.

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

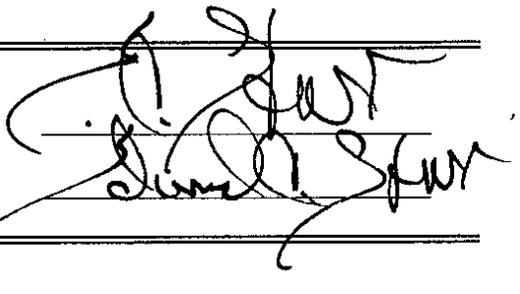
**RECOMMENDATION:** Staff recommends the City Council receive and file the Treasurer's Report for the month ending January 31, 2011.

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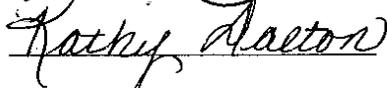
Prepared by:



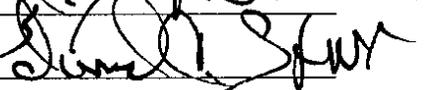
Reviewed and  
Approved by:



Proofed by:



Presented by:



## AGENDA REPORT

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<b>SUBJECT:</b> CONSIDER APPROVAL OF WARRANT REGISTER AND PAYROLL DOCUMENTATION	<b>DATE:</b> February 22, 2011
	<b>SECTION:</b> ADMIN. REPORTS
	<b>ITEM NO.:</b> 2
<b>BUSINESS PLAN:</b> N/A	<b>FILE I.D.:</b> FIN540
	<b>DEPT.:</b> ADMIN. SVCS.

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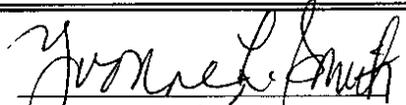
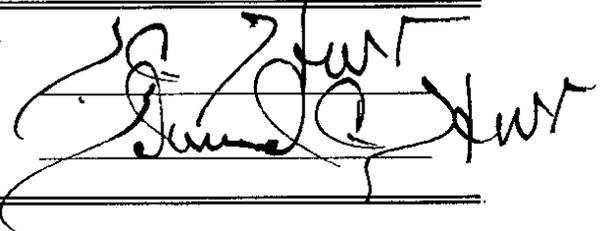
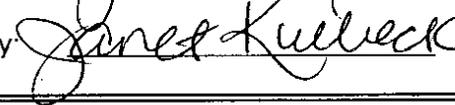
**REASON FOR CONSIDERATION:** The City Council is requested to consider approval of the Warrant Register and Payroll Documentation.

**BACKGROUND:** Mayor Pro Tem Raft has examined the Warrant Register dated February 22, 2011, and Payroll Documentation dated January 2, 2011, finds them to be in order; and recommends their approval.

**FISCAL IMPACT:** The Warrant Register dated February 22, 2011, totals \$687,855.41. The Payroll Documentation dated January 2, 2011, totals \$630,014.83, with \$454,686.20 being the total cash disbursement.

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

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

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# AGENDA REPORT

**SUBJECT:** CONSIDER RECEIVING AND FILING OF  
TREASURER'S REPORT

**DATE:** February 22, 2011

**SECTION:** ADMIN. REPORTS

**ITEM NO.:** 3

**BUSINESS**

**PLAN:** N/A

**FILE I.D.:** FIN510

**DEPT.:** REDEVELOPMENT

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

**BACKGROUND:** Included in your agenda is a copy of the Treasurer's Report for the period ending January 31, 2011.

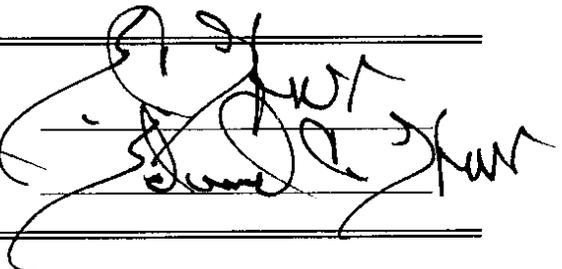
**FISCAL IMPACT:** Routine—report of the Agency's cash and investments.

**RECOMMENDATION:** Staff recommends the Agency Board of Directors receive and file the Treasurer's Report for the month ending January 31, 2011.

Prepared by:



Reviewed and  
Approved by:



Proofed by:

*Kathy Dalton*

Presented by:

## AGENDA REPORT

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<b>SUBJECT:</b>	CONSIDER APPROVAL OF WARRANT REGISTER	<b>DATE:</b>	February 22, 2011
		<b>SECTION:</b>	ADMIN. REPORTS
		<b>ITEM NO.:</b>	4
<b>BUSINESS PLAN:</b>	N/A	<b>FILE I.D.:</b>	FIN530
		<b>DEPT.:</b>	REDEVELOPMENT

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

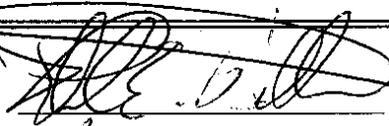
**BACKGROUND:** Vice Chairperson Raft has examined the Warrant Register dated 01/01/11 - 01/31/11 in the amounts of \$5,769.39 for Project I, \$139.23 for Project II, \$700,731.46 for Project III; \$30,204.24 for Project IV; \$52,099.33 for Project V; and \$12,925.61 for Mission Boulevard Joint Redevelopment Project and finds it to be in order.

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

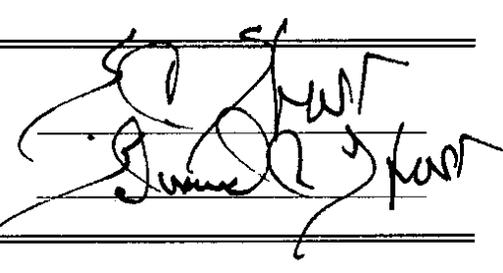
**RECOMMENDATION:** Vice Chairperson Raft recommends approval of the Warrant Register for the period ending January 31, 2011.

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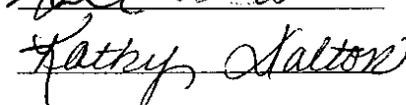
Prepared by:



Reviewed and  
Approved by:



Proofed by:



Presented by:

## AGENDA REPORT

---

**SUBJECT:** CONSIDER RECEIVING AND FILING OF  
TREASURER'S REPORT

**DATE:** February 22, 2011

**SECTION:** ADMIN. REPORTS

**ITEM NO.:** 5

**BUSINESS  
PLAN:** N/A

**FILE I.D.:** FIN525

**DEPT.:** MHC

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

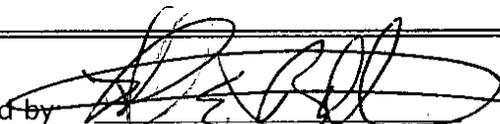
**BACKGROUND:** Included in your agenda is a copy of the Treasurer's Report for the period ending January 31, 2011.

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

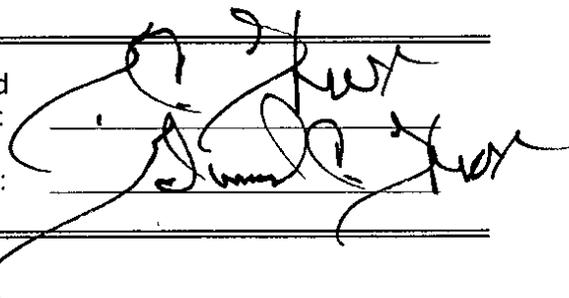
**RECOMMENDATION:** Staff recommends the Montclair Housing Corporation Board of Directors receive and file the Treasurer's Report for the month ending January 31, 2011.

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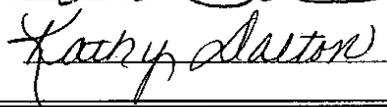
Prepared by



Reviewed and  
Approved by:



Proofed by:



Presented by:

# AGENDA REPORT

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**SUBJECT:** CONSIDER APPROVAL OF WARRANT REGISTER    **DATE:** February 22, 2011  
**SECTION:** ADMIN. REPORTS  
**ITEM NO.:** 6  
**FILE I.D.:** FIN545  
**DEPT.:** MHC

**BUSINESS PLAN:** N/A

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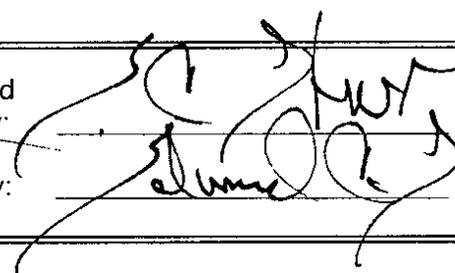
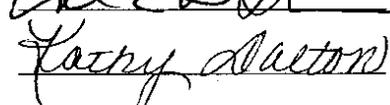
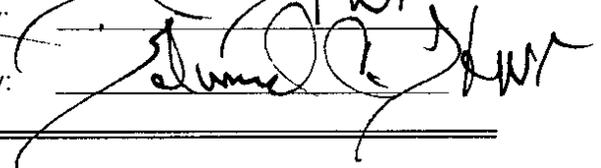
**REASON FOR CONSIDERATION:** State law requires the Montclair Housing Corporation Board of Directors to receive and file the Warrant Register.

**BACKGROUND:** Vice Chairperson Raft has examined the Warrant Register dated 01/01/11 - 01/31/11 in the amount of \$47,944.71 for the Montclair Housing Corporation and finds it to be in order.

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

**RECOMMENDATION:** Vice Chairperson Raft recommends approval of the Warrant Register for the period ending January 31, 2011.

---

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

---

## AGENDA REPORT

---

<b>SUBJECT:</b> CONSIDER REDEVELOPMENT AGENCY BOARD OF DIRECTORS' AUTHORIZATION OF A \$177,000 REAPPROPRIATION FROM THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY PROJECT AREA NO. 1 1997 TAXABLE TAX ALLOCATION BOND ISSUE IN THE CAPITAL PROJECTS FUND FOR REPAYMENT OF CERTAIN PROMISSORY NOTES TO THE CITY	<b>DATE:</b> February 22, 2011
	<b>SECTION:</b> ADMIN. REPORTS
	<b>ITEM NO.:</b> 7
	<b>FILE I.D.:</b> FIN220
	<b>DEPT.:</b> REDEVELOPMENT

---

**REASON FOR CONSIDERATION:** Redevelopment Agency Project Area No. 1 owes approximately \$177,000 to the City from Promissory Notes 04-2, 07-1, 08-1, 09-1 and 10-1. The amount includes principal and interest repayment.

Staff recommends the Redevelopment Agency Board of Directors authorize repayment of these notes with a portion of the proceeds from the 1997 Taxable Tax Allocation Bonds for Redevelopment Project Area No. 1.

**BACKGROUND:** As the Redevelopment Agency Board of Directors knows, the Redevelopment Agency operates on the basis of debt financing. The Redevelopment Agency must borrow money in order to be repaid with tax increment. In general, the Redevelopment Agency only borrows funds from the City for administrative expenses. Most moneys for capital improvements are financed through the issuance of tax allocation bonds.

For the most part, the Redevelopment Agency borrows funds for administrative costs in each Project Area for each fiscal year. The Redevelopment Agency issues tax allocation bonds for large projects requiring capital. The Redevelopment Agency is generally able to repay administrative costs the same year such costs are incurred. However, in Redevelopment Project Area No. 1, the Redevelopment Agency has not been able to repay its debt annually. Therefore, principal and interest has accrued, which is payable to the City for administrative expenses over the past several years.

At this time, staff believes it is in the best interest of the City and Redevelopment Agency for the Redevelopment Agency to repay its outstanding debt in Redevelopment Project Area No. 1. Staff recommends the Redevelopment Agency Board of Directors appropriate \$177,000 in accrued principal and interest of 1997 Taxable Tax Allocation Bond proceeds from the Redevelopment Project Area No. 1 Capital Projects Fund to repay Promissory Notes 04-2, 07-1, 08-1, 09-1, and 10-1 to the City of Montclair.

**FISCAL IMPACT:** Repayment of the accrued principal and interest of Promissory Notes 04-2, 07-1, 08-1, 09-1, and 10-1 would provide the City General Fund with \$177,000. After repayment to the City is made, an \$182,000 balance would remain in the Capital

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

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

---

Project Fund comprised of 1997 Taxable Tax Allocation Bond proceeds for Redevelopment Project Area No. 1.

**RECOMMENDATION:** Staff recommends the Redevelopment Agency Board of Directors authorize a \$177,000 reappropriation from the City of Montclair Redevelopment Agency Project Area No. 1 1997 Taxable Tax Allocation Bond Issue in the Capital Projects Fund for repayment of certain Promissory Notes to the City.

## AGENDA REPORT

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**SUBJECT:** CONSIDER APPROVAL OF THE FILING OF A NOTICE OF COMPLETION FOR THE RAMONA AVENUE/UNION PACIFIC RAILROAD GRADE SEPARATION PROJECT

**DATE:** February 22, 2011

**SECTION:** ADMIN. REPORTS

**ITEM NO.:** 8

**FILE I.D.:** STA100

**BUSINESS**

**PLAN:** STRATEGIC PRIORITY NO. 6

**DEPT.:** PUBLIC WORKS

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

**Approval of this Notice of Completion would satisfy a portion of Strategic Priority No. 6 as contained in Montclair's "Business Plan."**

**BACKGROUND:** On February 20, 2007, the City entered into Agreement 07-12 with the San Bernardino Associated Governments (SANBAG) acting in its role as the San Bernardino County Transportation Authority for construction management services associated with construction of the Ramona Avenue/Union Pacific Railroad Grade Separation Project. This Agreement was subsequently amended by Agreement No. 08-84 approved by the City Council on September 15, 2008, when a construction contract was awarded by SANBAG to Riverside Construction Company, Inc. Upon completion of the project, the construction management agreement with SANBAG was further amended by Agreement No. 10-137.

All work associated with the construction of the Ramona Avenue/Union Pacific Railroad Grade Separation Project has been completed and the road was reopened to traffic last May. Although the project was awarded and the contract administered by SANBAG, the City is considered the owner of the project and responsible for filing a Notice of Completion. The Notice of Completion is also a required submittal for a final report of costs to the California Department of Transportation.

**FISCAL IMPACT:** There is no fiscal impact associated with the filing of the subject Notice of Completion. The project was awarded to Riverside Construction Company, Inc., by SANBAG for \$8,680,008.00. The final construction cost was \$9,456,344.40.

**RECOMMENDATION:** Staff recommends the City Council approve the filing of a Notice of Completion with the Office of the San Bernardino County Recorder related to completion of the Ramona Avenue/Union Pacific Railroad Grade Separation Project.

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Prepared by: \_\_\_\_\_

*M. Starks*

Reviewed and Approved by: \_\_\_\_\_

*M. Starks*

Proofed by: \_\_\_\_\_

*Ally*

Presented by: \_\_\_\_\_

*M. Starks*

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RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:

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

APN NO. : N/A

(Space above this line for Recorder's Use)

## NOTICE OF COMPLETION

NOTICE is hereby given that:

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

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

The work was completed on that certain work known as Ramona Avenue/Union Pacific Railroad Grade Separation

for the undersigned City of Montclair, a Municipal Corporation, on the 15th day of October, 2010.

The City accepted the job on the 22nd day of February, 2011.

The Contractor on said job was Riverside Construction Company, Inc.  
111 North Main Street  
Riverside, CA 92502-1146

The improvement consisted of Railroad Grade Separation and public streets

The property upon which said work of improvement was completed is described as follows:  
Ramona Avenue from Holt Boulevard to Mission Boulevard; Camulos Avenue from State Street to Dale Street; Dale Street from Camulos Avenue to Ramona Avenue; Kimberly Avenue from Brooks Street to Union Pacific Railroad; State Street from 600 east to 1,200 feet west of Ramona Avenue; and Brooks Street from 600 feet east to 600 feet west of Ramona Avenue..

### VERIFICATION

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

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

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

Executed on: \_\_\_\_\_ at 5111 Benito Street, Montclair, California

\_\_\_\_\_  
City Engineer, City of Montclair

## AGENDA REPORT

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<b>SUBJECT:</b> CONSIDER ADOPTION OF RESOLUTION NO. 11-2874 AUTHORIZING DESTRUCTION OF CERTAIN POLICE DEPARTMENT RECORDS PURSUANT TO THE MONTCLAIR POLICE DEPARTMENT POLICY FOR THE RETENTION AND DESTRUCTION OF RECORDS	<b>DATE:</b> February 22, 2011 <b>SECTION:</b> RESOLUTIONS <b>ITEM NO.:</b> 1 <b>FILE I.D.:</b> CCK280 <b>DEPT.:</b> POLICE
<b>BUSINESS PLAN:</b> N/A	

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**REASON FOR CONSIDERATION:** The City Council is requested to consider authorizing destruction of obsolete Police Department records pursuant to the Montclair Police Department Policy for the Retention and Destruction of Records. Proposed Resolution No. 11-2874 and Schedule of Records Recommended for Destruction pursuant to the policy are attached for the City Council's review and consideration.

**BACKGROUND:** The Police Department revised its policy for the retention and destruction of records in February 2008 and is ready to conduct its annual destruction of obsolete records. The City Attorney has approved, in writing, the Schedule of Records Recommended for Destruction.

**FISCAL IMPACT:** Proposed Resolution No. 11-2874 would create no fiscal impact to the City should the City Council choose to adopt it.

**RECOMMENDATION:** Staff recommends the City Council adopt Resolution No. 11-2874 authorizing destruction of certain Police Department records pursuant to the Montclair Police Department Policy for the Retention and Destruction of Records.

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Prepared by: <i>[Signature]</i>	Reviewed and Approved by:	
Proofed by: <i>[Signature]</i>	Presented by:	<i>[Signature]</i>

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**RESOLUTION NO. 11-2874**

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF MONTCLAIR AUTHORIZ-  
ING DESTRUCTION OF CERTAIN POLICE  
DEPARTMENT RECORDS**

**WHEREAS**, Government Code Section 34090 authorizes the destruction of City records that are no longer required, without making a copy thereof, with the approval of the City Council by resolution and the written consent of the City Attorney, provided none of said records (1) affect title to real property or liens thereon; (2) are court records; (3) are records required to be kept by statute; (4) are less than two years old; or (5) are the minutes, ordinances, or resolutions of the legislative body or city board or commission; and

**WHEREAS**, certain records are exempt from the provisions of Government Code Section 34090 as specifically enumerated in Government Code Section 34090.5; and

**WHEREAS**, certain records are exempt from the provisions of Government Code Section 34090 as specifically enumerated in Government Code Section 34090.6, and

**WHEREAS**, the City Attorney has given written consent to the destruction of the records listed in the City of Montclair Schedule of Records Recommended for Destruction included herein; and

**WHEREAS**, the Police Department records identified in the City of Montclair Schedule of Records Recommended for Destruction meet or exceed the retention period set forth in Government Code Section 34090 and the Montclair Police Department Policy for the Retention and Destruction of Records and are no longer required by any statute or regulation.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Montclair authorizes the Police Chief to destroy the Police Department records listed on the attached schedule without making a copy thereof.

**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. 11-2874 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

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Donna M. Jackson  
City Clerk

CITY OF MONTCLAIR

SCHEDULE OF RECORDS RECOMMENDED FOR DESTRUCTION

DEPARTMENT: POLICE

DATE: February 22, 2011

Years Covered	Description of Record to be Destroyed	Date
By Record		Destroyed
2008 and prior	<p><u>Two-Year Retention</u></p> <p>Teletypes Sent by Montclair Police Department</p> <p>Press Releases</p> <p>Warrant Due Diligence Service Logs</p> <p>Subpoena Service Logs</p> <p>Payment Receipt Books and Cash Register Receipt Tapes</p> <p>Citations and Related Records</p> <p>Vehicle Repossession and Private Party Tow Forms and Teletypes</p> <p>Local Record Check Application Forms and Responses</p> <p>Background Investigation Requests for Local Criminal Offender Record Information (CORI) and Responses</p> <p>National Crime Information Center (NCIC) Validation Lists</p> <p>Alarm Cards and Related Billing Documentation</p> <p>Disturbance of the Peace - Second Response Service Fee Forms</p> <p>Live-Scan Fingerprinting Applicant Forms and Attachments</p> <p>Subpoena Duces Tecum (SDT) Requests and Responses</p> <p>Permit and Licensing Documentation</p> <p>Administrative Documents and Records</p> <p>Training Files</p> <p>Program Files</p> <p>Narcotic Offender Registration Records and Photographs</p> <p>Contracts and Agreements</p>	

Reviewed/Prepared By:

Susan MacAuley  
 Records Supervisor  
1/18/11  
 Date

Steve Perry  
 Division Head  
1/18/11  
 Date

K. S. Jones  
 Department Head  
1-18-11  
 Date

CITY ATTORNEY CONSENT

Consent is hereby given to destroy the records enumerated above.

Alene Adams  
 City Attorney

2.2.11  
 Date

CITY OF MONTCLAIR

SCHEDULE OF RECORDS RECOMMENDED FOR DESTRUCTION

DEPARTMENT: POLICE

DATE: February 22, 2011

Years Covered By Record	Description of Record to be Destroyed	Date Destroyed
2008 and Prior	<p><u>Two-Year Retention</u></p> <p>Detention Logs for Adults and Juveniles                      Dispatch AII Request/Approval Logs                      Breath Machine Calibration Records                      Non-Hired Applicant Background Investigation Files                      Telephone and Radio Communication Recordings, Routine Video Monitoring Recordings, and Digital Recordings</p>	
2007 and Prior	<p><u>Three-Year Retention</u></p> <p>Grants, Grant Applications, and Related Documents                      Department of Justice Automated Criminal History System (ACHS) Inquiry and Local Criminal Offender Record Information (CORI) Release Logs</p>	
2006 and Prior	<p><u>Four-Year Retention</u></p> <p>Payroll Timekeeping Records                      Overtime Reimbursement Documentation                      Pawn Slips/Secondhand Dealer Consignment Slips (DOJ Form JUS123)</p>	
2005 and Prior	<p><u>Five-Year Retention</u></p> <p>Personnel Files                      Range Qualification Training Records                      Sergeants Logs                      Ride-Along Forms and Attachments                      Work Schedules                      Gang Registrant Records and Related Photographs                      Booking Photographs</p>	

Reviewed/Prepared By:

Susan T. Hickley  
 Records Supervisor  
 1/18/11  
 Date

Steve Perry  
 Division Head  
 1/18/11  
 Date

K. B. Jones  
 Department Head  
 1-18-11  
 Date

CITY ATTORNEY CONSENT

Consent is hereby given to destroy the records enumerated above.

Alvina E. Brown  
 City Attorney

2.2.11  
 Date

CITY OF MONTCLAIR

SCHEDULE OF RECORDS RECOMMENDED FOR DESTRUCTION

DEPARTMENT: POLICE

DATE: February 22, 2011

<u>Years Covered By Record</u>	<u>Description of Record to be Destroyed</u>	<u>Date Destroyed</u>
2005 and Prior	<u>Five-Year Retention</u> Log Item Photographs Certain Police Reports, Corresponding Computer Database Information, and Related Photographs Field Interview (FI) Cards, Corresponding Computer Database Information, and Related Photographs	
2000 and Prior	<u>Ten-Year Retention</u> Statistical Reports	
1980 and Prior	<u>Thirty-Year Retention</u> Medical Files of Police Department Personnel Non-Reportable Injury/Exposure Logs Material Safety Data Sheets (MSDS)	

Reviewed/Prepared By:

Susan Hachley  
Records Supervisor  
1/18/11  
Date

Steve Perry  
Division Head  
1/18/11  
Date

K.O. Jones  
Department Head  
1-18-11  
Date

CITY ATTORNEY CONSENT

Consent is hereby given to destroy the records described above.

Alvane P. Brown  
City Attorney

2-2-11  
Date

**MINUTES OF THE MEETING OF THE MONTCLAIR  
PERSONNEL COMMITTEE HELD ON MONDAY,  
FEBRUARY 7, 2011, AT 8:04 P.M. IN THE CITY  
ADMINISTRATIVE OFFICES, 5111 BENITO STREET,  
MONTCLAIR, CALIFORNIA**

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**I. CALL TO ORDER**

Mayor Pro Tem Raft called the meeting to order at 8:05 p.m.

**II. ROLL CALL**

Present: Mayor Pro Tem Raft; Council Member Ruh; and City Manager Starr

**III. APPROVAL OF MINUTES**

**A. Minutes of the Regular Personnel Committee Meeting of January 18, 2011.**

Moved by City Manager Starr, seconded by Council Member Ruh, and carried unanimously to approve the minutes of the Personnel Committee meeting of January 18, 2011.

**IV. PUBLIC COMMENT - None**

**V. CLOSED SESSION**

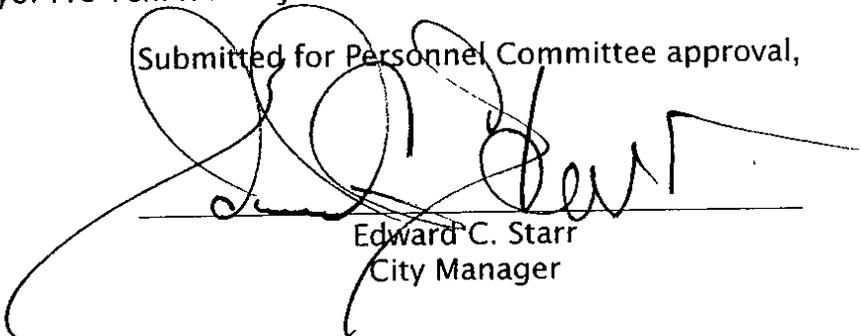
At 8:05 p.m., the Personnel Committee went into Closed Session regarding personnel matters related to appointments, resignations/terminations, and evaluations of employee performance.

At 8:29 p.m., the Personnel Committee returned from Closed Session. Mayor Pro Tem Raft stated that no announcements would be made at this time.

**VI. ADJOURNMENT**

At 8:29 p.m., Mayor Pro Tem Raft adjourned the Personnel Committee.

Submitted for Personnel Committee approval,



Edward C. Starr  
City Manager