

**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

March 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](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** – None

**VI. PUBLIC COMMENT**

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

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

**VII. PUBLIC HEARINGS**

- A. Second 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]

**VIII. CONSENT CALENDAR**

A. Approval of Minutes - None

B. Administrative Reports

1. Consider Setting a Public Hearing to Consider the Following:

Redevelopment Agency Board of Directors' Adoption of Resolution No. 11-02, a Resolution of the City of Montclair Redevelopment Agency Approving the Transfer of Certain Real Properties to the City and Making Certain Findings in Connection Therewith [RDA]

City Council's Adoption of Resolution No. 11-2886, a Resolution of the City of Montclair Approving the Transfer of Real Property From the Redevelopment Agency to the City and Making Certain Findings in Connection Therewith [CC]

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2. Consider Setting a Public Hearing to Consider the Following:

Redevelopment Agency Board of Directors' Adoption of Resolution No. 11-03, a Resolution of the City of Montclair Redevelopment Agency Approving the Transfer of Certain Real Properties From the Agency to the Montclair Housing Corporation and Making Certain Findings in Connection Therewith [RDA]

Montclair Housing Corporation Board of Directors' Adoption of Resolution No. 11-01, a Resolution of the Montclair Housing Corporation Approving the Transfer of Real Property From the Redevelopment Agency to the Montclair Housing Corporation and Making Certain Findings in Connection Therewith [MHC]

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3. Consider City Council's Acceptance of Grant Deed Nos. 1662 and 1663, Easements for Storm Drain Improvements Located at 4230 Mission Boulevard Associated With the Mission Boulevard Improvement Phase 10 Storm Drain Project [CC]

Consider Redevelopment Agency Board of Directors' Authorization to Advertise for Bid Proposals for the Mission Boulevard Improvement Phase 10 Storm Drain Project [RDA]

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4. Consider Conceptual Approval of an Amendment to Agreement No. 98-50, the Lease Agreement With STC One LLC Regarding the Cellular Tower at MacArthur Park [CC]

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5. Consider Authorization to Issue a Purchase Order to Sol Cal Window Tinting, Inc., for Installation of Window Tinting on All Exterior Glass at the Senior Center and All Interior and Exterior Glass at the Youth Center [CC]

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- 6. Consider Authorization to Purchase One 2011 Ford Crown Victoria Police Interceptor From Hemborg Ford in Addition to Emergency Equipment and Police Graphics [CC] 35
- 7. Consider Declaring Seven Vehicles as Surplus and Authorizing the Sale of Four Vehicles by Ken Porter Auction Systems on Behalf of the City of Montclair and the Salvage/Sale of Three Vehicles for Parts and Scrap Metal [CC] 36
- 8. Consider Redevelopment Agency Board of Directors' Dedication of a Slope Easement Associated With the Ramona Avenue/Union Pacific Railroad Grade Separation Project to the City of Montclair [RDA]
- Consider City Council's Acceptance of a Slope Easement Dedication Associated With the Ramona Avenue/Union Pacific Railroad Grade Separation Project [CC] 38
- 9. Consider Receiving and Filing Alcoholic Beverage Permit Application - Mariscos Culiacan Restaurant [CC] 42
- 10. Consider Approval of Warrant Register and Payroll Documentation[CC] 43

C. Agreements

- 1. Consider Award of Contract to Lee & Stires, Inc., in the Amount of \$142,349.25 [CC]
- Consider Approval of Agreement No. 11-22 With Lee & Stires, Inc., for Construction of the Fremont Avenue Improvement Phase 2 Project [CC]
- Consider Authorization of a \$15,000 Construction Contingency [CC] 44
- 2. Consider Redevelopment Agency Board of Directors' Waiving Minor Bid Irregularities and Rejection of Bid Result Protest From WCCR Construction [RDA]
- Consider Redevelopment Agency Board of Directors' Award of Contract to L & J Landscaping in the Amount of \$21,000 [RDA]
- Consider Redevelopment Agency Board of Directors' Approval of Agreement No. 11-25 With L & J Landscaping for the 9916 Central Avenue Landscape Improvement Project [RDA]
- Consider Authorization of a \$2,100 Construction Contingency [RDA] 51
- 3. Consider Award of Contract to ACE CD, Inc., in the Amount of \$152,463 [CC]
- Consider Approval of Agreement No. 11-26 With ACE CD, Inc., for Construction of the Richton Street Police Department Impound Facility Project [CC]

(Continued on next page)

Consider Authorization of a \$20,000 Construction Contingency [CC]

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4. Consider Redevelopment Agency Board of Directors' Approval of Agreement No. 11-27, a Purchase and Sale Agreement With Delbert Darrell Foreman for Right-of-Way on Property Located at the Southeast Corner of Brooks Street and Monte Vista Avenue in the City of Montclair [RDA]

Consider Redevelopment Agency Board of Directors' Approval of Agreement No. 11-28, a Purchase and Sale Agreement With Evans-Dodds, LLC, for Right-of-Way on Property Located on the East Side of Monte Vista Avenue, North of the Union Pacific Railroad Tracks in the City of Montclair [RDA]

Consider Redevelopment Agency Board of Directors' Approval of Declaration of Covenants and Easements Related to Agreement Nos. 11-27 and 11-28 [RDA]

Consider Authorization for Executive Director Starr to Sign Agreement No. 11-27, Agreement No. 11-28, and Declaration of Covenants and Easements Related Thereto [RDA]

Consider Redevelopment Agency Board of Directors' Authorization for Executive Director Starr to Sign Escrow Documents Related to Agreement Nos. 11-27 and 11-28 [RDA]

Consider City Council's Acceptance of Grants of Rights-of-Way Dedicated as Part of Agreement Nos. 11-27 and 11-28 [CC]

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5. Consider Montclair Redevelopment Agency Board of Directors' Approval of a \$400,000 Appropriation From the Low to Moderate Income Housing Fund to the Montclair Housing Corporation for Costs Associated With the Properties Located at 10313 Amherst Avenue, 10380 Pradera Avenue, 9010 Fremont Avenue, 10333 Pradera Avenue, and 5444 Palo Verde Street [RDA]

Consider Montclair Housing Corporation Board of Directors' Approval of Agreement No. 11-29 Approving Promissory Note 11-01 by and Between the Montclair Housing Corporation and the Montclair Redevelopment Agency [MHC]

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D. Resolutions

1. Consider Adoption of Resolution No. 11-2885 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Charges [CC]
2. Consider Adoption of Resolution No. 11-04, a Resolution of the City of Montclair Redevelopment Agency Authorizing the Expenditure of City of Montclair Redevelopment Agency Project Area No. 1997 Taxable Tax Allocation Bonds for Certain Public Improvements and Making Certain Findings in Connection Therewith [RDA]

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(Continued on next page)

Consider Adoption of Resolution No. 11-2887, a Resolution of the City Council of the City of Montclair Authorizing the Expenditure of City of Montclair Redevelopment Agency Project Area No. I 1997 Taxable Tax Allocation Bonds for Certain Public Improvements and Making Certain Findings in Connection Therewith [CC]

Consider Adoption of Resolution No. 11-05, a Resolution of the City of Montclair Redevelopment Agency Making Certain Findings With Respect to Public Improvements to Be Financed by the City of Montclair Redevelopment Agency in Redevelopment Project Area No. III in and Affecting the North Montclair Downtown Specific Plan Area [RDA]

Consider Adoption of Resolution No. 11-2888, a Resolution of the City Council of the City of Montclair Making Certain Findings With Respect to Public Improvements to Be Financed by the City of Montclair Redevelopment Agency in Redevelopment Project Area No. III and Affecting the North Montclair Downtown Specific Plan Area [CC]

Consider Adoption of Resolution No. 11-06, a Resolution of the City of Montclair Redevelopment Agency Authorizing the Expenditure of City of Montclair Redevelopment Agency Project Area No. Iii 1997 Tax Allocation Refunding Bonds, 1998 Taxable Tax Allocation Bonds, 2007A Taxable Tax Allocation Bonds, and 2007B Tax Allocation Bonds for Development, Construction, Acquisition, and Other Associated Costs Related to the Installation of Certain Public Improvements Within and Affecting The North Montclair Downtown Specific Plan Area And Making Certain Findings in Connection Therewith [RDA]

Consider Adoption of Resolution No. 11-2889, a Resolution of the City Council of the City of Montclair Authorizing the Expenditure of City of Montclair Redevelopment Agency Project Area No. III 1997 Tax Allocation Refunding Bonds, 1998 Taxable Tax Allocation Bonds, 2007A Tax Allocation Refunding Bonds, and 2007B Tax Allocation Bonds for Development, Construction, Acquisition, and Other Associated Costs Related to the Installation of Certain Public Improvements Within and Affecting the North Montclair Downtown Specific Plan and Making Certain Findings In Connection Therewith [CC]

Consider Adoption of Resolution No. 11-07, a Resolution of the City of Montclair Redevelopment Agency Authorizing the Expenditure of City of Montclair Redevelopment Agency Project Area No. V 1995 Taxable Tax Allocation Bonds, 2001 Tax Allocation Refunding Bonds, 2006A Taxable Tax Allocation Bonds, and 2006B Tax Allocation Refunding Bonds for Acquisition, Development, Construction, and Other Associated Costs Related to the Installation of Certain Public Improvements Within Redevelopment Project Area No. V and Making Certain Findings In Connection Therewith [RDA]

(Continued on next page)

Consider Adoption of Resolution No. 11-2890, a Resolution of the City Council of the City of Montclair Authorizing the Expenditure of City of Montclair Redevelopment Agency Project Area No. V 1995 Taxable Tax Allocation Bonds, 2001 Tax Allocation Refunding Bonds, 2006A Taxable Tax Allocation Bonds, and 2006B Tax Allocation Refunding Bonds for Acquisition, Development, Construction, and Other Associated Costs Related to the Installation of Certain Public Improvements Within Redevelopment Project Area No. V and Making Certain Findings In Connection Therewith [CC]

Consider Adoption of Resolution No. 11-08, a Resolution of the city of Montclair Redevelopment Agency Authorizing the Expenditure of Mission Boulevard Joint Redevelopment Project Area 2008 Tax Allocation Notes for Development, Construction, and Other Associated Costs Related to the Installation of Certain Public Improvements Within the Mission Boulevard Joint Redevelopment Project Area and Making Findings In Connection Therewith [RDA]

Consider Adoption of Resolution No. 11-2891, a Resolution of the City Council of the City of Montclair Authorizing the Expenditure of Mission Boulevard Joint Redevelopment Project Area 2008 Tax Allocation Notes for Development, Construction, and Other Associated Costs Related to the Installation Of Certain Public Improvements Within the Mission Boulevard Joint Redevelopment Project area and Making Findings In Connection Therewith [CC]

Consider Adoption of Agreement no. 11-30, a Cooperation Agreement by and Between the City of Montclair and the City of Montclair Redevelopment Agency Regarding the Performance Of Certain Public Improvements Related to Redevelopment Project Areas No. I, III, and V and the Mission Boulevard Joint Redevelopment Project Area [CC/RDA]

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**IX. PULLED CONSENT CALENDAR ITEMS**

X. RESPONSE - None

**XI. COMMUNICATIONS**

- A. City Attorney/Agency Counsel
- B. City Manager/Executive Director
- C. Mayor/Chairman
- D. Council/Agency Board
- E. Committee Meeting Minutes *(For Informational Purposes Only)*
  - 1. Minutes of the Public Works Committee Meeting of January 21, 2011 120
  - 2. Minutes of the Personnel Committee Meeting of February 22, 2011 127

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**XII. 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 Monday, March 21, 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 March 3, 2011.*

# 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  
  
SECOND READING

**DATE:** March 7, 2011  
**SECTION:** PUBLIC HEARINGS  
**ITEM NO.:** A  
**FILE I.D.:** ENV400  
**DEPT.:** PUBLIC WORKS

**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 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 (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.

Prepared by: M. SCHO  
Proofed by: all my

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

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 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.

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Mayor

**ATTEST:**

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Deputy City Clerk

I, Yvonne L. Smith, Deputy 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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Yvonne L. Smith  
Deputy City Clerk

# AGENDA REPORT

**SUBJECT:** CONSIDER SETTING A PUBLIC HEARING TO CONSIDER THE FOLLOWING:

REDEVELOPMENT AGENCY BOARD OF DIRECTORS' ADOPTION OF RESOLUTION NO. 11-02, A RESOLUTION OF THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY APPROVING THE TRANSFER OF CERTAIN REAL PROPERTIES TO THE CITY AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH

CITY COUNCIL'S ADOPTION OF RESOLUTION NO. 11-2886, A RESOLUTION OF THE CITY OF MONTCLAIR APPROVING THE TRANSFER OF REAL PROPERTY FROM THE REDEVELOPMENT AGENCY TO THE CITY AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH

**DATE:** March 7, 2011

**SECTION:** ADMIN. REPORTS (JT)

**ITEM NO.:** 1

**FILE I.D.:** RDA254

**DEPT.:** ADMIN. SVCS./RDA

**REASON FOR CONSIDERATION:** The City Council and Redevelopment Agency Board of Directors are requested to consider setting a joint public hearing to consider transfer of Agency-owned properties to the City pursuant to Section 33431 of the California Health and Safety Code, which requires such a public hearing be conducted to consider the disposition of property by a redevelopment agency. Proposed Resolution No. 11-02 involves the transfer of certain property by the Montclair Redevelopment Agency to the City. Proposed Resolution No. 11-2886 approves the transfer of certain real property to the City.

**BACKGROUND:** Staff is proposing that seven Agency-owned properties be transferred to the City because it is staff's belief that the future intended uses of these properties would best be served by City ownership. The properties are located in various parts of the City, and the future uses of the properties range from public park to a City-owned and operated impound yard. The Agency-owned properties proposed to be transferred to the City include the following:

1. 4385 Holt Boulevard
2. 5326 San Bernardino Street
3. 9499 Monte Vista Avenue
4. 8752 Monte Vista Avenue

Prepared by:

Proofed by:

*Christine Caldwell*  
*Yvonne Smith*

Reviewed and  
Approved by:

Presented by:

*M. Sparto*

5. 4985 Richton Street
6. 4960 Palo Verde Street
7. Vacant lot at northeast corner of Ramona Avenue and Dale Street  
(southeast corner of Ramona Avenue and State Street)

**FISCAL IMPACT:** The cost to publish the Notice of Public Hearing is not anticipated to exceed \$1,500.

**RECOMMENDATION:** Staff recommends the Redevelopment Agency Board of Directors and City Council consider setting March 21, 2011, at 7:00 p.m. in the City Council Chambers as the date, time, and place for a joint public hearing to consider adoption of the following:

1. Redevelopment Agency Board of Directors' adoption of Resolution No. 11-02, a Resolution of the City of Montclair Redevelopment Agency approving the transfer of certain real properties to the City and making certain findings in connection therewith.
2. City Council's adoption of Resolution No. 11-2886, a Resolution of the City Council of the City of Montclair approving the transfer of real property to the City and making certain findings in connection therewith.

## NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN** that at its regular meeting to be held at 7:00 p.m. on Monday, March 21, 2011, in its City Council Chambers, located at 5111 Benito Street, Montclair, California, the City Council will conduct a public hearing as required by Section 33431 of the Health and Safety Code, at which it will hear and consider information concerning the proposed transfer of certain real properties from the City of Montclair Redevelopment Agency to the City of Montclair.

**Date of Hearing:** Monday, March 21, 2011  
**Time of Hearing:** 7:00 p.m.  
**Place of Hearing:** City Council Chambers–Montclair City Hall  
5111 Benito Street  
Montclair, California

All persons having information relevant to the proposed transfer of property are hereby invited to appear at the time and place stated above to present such information to the City Council; or, prior to the hearing, any written correspondence may be submitted to the City Clerk at 5111 Benito Street, Montclair, California, 91763, or by calling the City Clerk's Office at (909) 625-9415 with comments relative to this public hearing.

DATED: March 7, 2011

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Donna M. Jackson  
City Clerk  
City of Montclair

**Publish: March 11, 2011 and March 18, 2011**

## AGENDA REPORT

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**SUBJECT:** CONSIDER SETTING A PUBLIC HEARING TO  
CONSIDER THE FOLLOWING:

REDEVELOPMENT AGENCY BOARD OF  
DIRECTORS' ADOPTION OF RESOLUTION  
NO. 11-03, A RESOLUTION OF THE CITY  
OF MONTCLAIR REDEVELOPMENT AGENCY  
APPROVING THE TRANSFER OF CERTAIN  
REAL PROPERTIES FROM THE AGENCY TO  
THE MONTCLAIR HOUSING CORPORATION  
AND MAKING CERTAIN FINDINGS IN  
CONNECTION THEREWITH

MONTCLAIR HOUSING CORPORATION  
BOARD OF DIRECTORS' ADOPTION OF  
RESOLUTION NO. 11-01, A RESOLUTION  
OF THE MONTCLAIR HOUSING CORPORA-  
TION APPROVING THE TRANSFER OF REAL  
PROPERTY FROM THE REDEVELOPMENT  
AGENCY TO THE MONTCLAIR HOUSING  
CORPORATION AND MAKING CERTAIN  
FINDINGS IN CONNECTION THEREWITH

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**DATE:** March 7, 2011

**SECTION:** ADMIN. REPORTS (JT)

**ITEM NO.:** 2

**FILE I.D.:** RDA254

**DEPT.:** RDA/MHC

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**REASON FOR CONSIDERATION:** The Redevelopment Agency and Montclair Housing Corporation (MHC) Boards of Directors are requested to consider setting a joint public hearing to consider transfer of Agency-owned properties to the MHC pursuant to Section 33433 of the California Health and Safety Code, which requires such a public hearing be conducted to consider the disposition of property by a redevelopment agency. Proposed Agency Resolution No. 11-03 involves the transfer of certain property from the Montclair Redevelopment Agency to the Montclair Housing Corporation. Proposed MHC Resolution No. 11-01 approves the transfer of certain real property from the Agency to the Montclair Housing Corporation. Copies of Agency Resolution No. 11-03 and MHC Resolution No. 11-01 are attached for the respective Agency and MHC Boards of Directors.

**BACKGROUND:** Staff is proposing that 33 Agency-owned properties be transferred to the Montclair Housing Corporation for the purpose of increasing, improving, and preserving the City of Montclair's supply of low to moderate income housing available at an affordable cost. The properties were all purchased with Low to Moderate Income Housing Fund moneys or other redevelopment agency funds and affordability covenants have been recorded. The Agency-owned properties proposed to be transferred to the Montclair Housing Corporation include the following:

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Prepared by: Christine D. Walden Reviewed and  
Approved by: M. STAFFS

Proofed by: Yvonne L. Smith Presented by: [Signature]

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1. 4275 Kingsley Street
2. 10313 Amherst Avenue
3. 10323 Amherst Avenue
4. 10330 Amherst Avenue
5. 10333 Amherst Avenue
6. 10380 Amherst Avenue
7. 10383 Amherst Avenue
8. 10390 Amherst Avenue
9. 10410 Amherst Avenue
10. 4791 Canoga Street
11. 4811 Canoga Street
12. 4820 Canoga Street
13. 10333 Pradera Avenue
14. 10380 Pradera Avenue
15. 10390 Pradera Avenue
16. 9448 Carrillo Avenue
17. 9644 Central Avenue
18. 9741 Central Avenue
19. 9751 Central Avenue
20. 9761 Central Avenue
21. 9815 Central Avenue
22. 9916 Central Avenue
23. 9945 Central Avenue
24. 9963 Central Avenue
25. 10079 Central Avenue
26. 10087 Central Avenue
27. 10215 Central Avenue
28. 10235 Central Avenue
29. 9010 Fremont Avenue
30. 5290 Orchard Street
31. 10291 Greenwood Avenue
32. 5225 Palo Verde Street
33. 5444 Palo Verde Street

**FISCAL IMPACT:** The cost to publish a Notice of Public Hearing is not anticipated to exceed \$1,500.

**RECOMMENDATION:** Staff recommends the Redevelopment Agency and Montclair Housing Corporation Boards of Directors set Monday, March 21, 2011, at 7:00 p.m. in the City Council Chambers as the date, time, and place for a joint public hearing to consider the following:

1. Redevelopment Agency Board of Directors' adoption of Resolution No. 11-03, a Resolution of the City of Montclair Redevelopment Agency approving the transfer of certain real properties from the Agency to the Montclair Housing Corporation and making certain findings in connection therewith.
2. MHC Board of Directors' adoption of Resolution No. 11-01, a Resolution of the Montclair Housing Corporation approving the transfer of real property from the Redevelopment Agency to the Montclair Housing Corporation and making certain findings in connection therewith.

## NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN** that at its regular meeting to be held at 7:00 p.m. on Monday, March 21, 2011, in its City Council Chambers, located at 5111 Benito Street, Montclair, California, the Redevelopment Agency Board of Directors will conduct a public hearing as required by Section 33433 of the Health and Safety Code, at which it will hear and consider information concerning the proposed transfer of certain real properties from the City of Montclair Redevelopment Agency to the Montclair Housing Corporation.

Date of Hearing: Monday, March 21, 2011  
Time of Hearing: 7:00 p.m.  
Place of Hearing: City Council Chambers-Montclair City Hall  
5111 Benito Street  
Montclair, California

All persons having information relevant to the proposed transfer of property are hereby invited to appear at the time and place stated above to present such information to the Agency Secretary; or, prior to the hearing, any written correspondence may be submitted to the Agency Secretary at 5111 Benito Street, Montclair, California, 91763, or by calling the City Clerk's Office at (909) 625-9415 with comments relative to this public hearing.

DATED: March 7, 2011

\_\_\_\_\_  
Donna M. Jackson  
Agency Secretary  
City of Montclair Redevelopment Agency

Publish: **March 11, 2011 and March 18, 2011**

## AGENDA REPORT

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**SUBJECT:** CONSIDER CITY COUNCIL'S ACCEPTANCE OF GRANT DEED NOS. 1662 AND 1663, EASEMENTS FOR STORM DRAIN IMPROVEMENTS LOCATED AT 4230 MISSION BOULEVARD ASSOCIATED WITH THE MISSION BOULEVARD IMPROVEMENT PHASE 10 STORM DRAIN PROJECT

CONSIDER REDEVELOPMENT AGENCY BOARD OF DIRECTORS' AUTHORIZATION TO ADVERTISE FOR BID PROPOSALS FOR THE MISSION BOULEVARD IMPROVEMENT PHASE 10 STORM DRAIN PROJECT

**DATE:** March 7, 2011  
**SECTION:** ADMIN. REPORTS (JT)  
**ITEM NO.:** 3  
**FILE I.D.:** SSP178  
**DEPT.:** PUBLIC WORKS/RDA

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**REASON FOR CONSIDERATION:** Acceptance of offers of right-of-way dedications requires the City Council's approval. Advertising for bid proposals for Redevelopment Agency-funded projects requires Redevelopment Agency Board of Directors' approval.

**BACKGROUND:** On December 18, 2006, under Annexation No. 27, the City of Montclair annexed an area of San Bernardino County generally bounded by Mission Boulevard, Ramona Avenue, State Street, and Silicon Avenue. With the annexation, the City inherited a flooding problem affecting properties located at 4230 Mission Boulevard. The address of 4230 Mission Boulevard has two parcels and two different property owners. Storm-water runoff from Third Street to the north flows through these properties to Mission Boulevard. During periods of moderate to heavy rain, runoff has made access to these properties impossible.

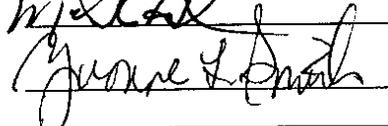
The drainage issue has been discussed by the Public Works Committee several times, and an agreement was proposed with the two affected property owners that, in exchange for sufficient right-of-way dedication to construct a storm drain, the City would fund the storm drain's construction. At the October 15, 2009, Public Works Committee meeting, this project was discussed and the concept was approved.

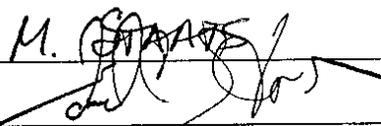
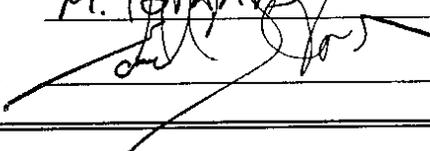
Recent negotiations with the two property owners have resulted in a willingness by both property owners to make such a dedication of easements in exchange for the drainage improvements within their property limits. In addition to the drainage improvements, additional improvements include removal and replacement of existing asphalt pavement and concrete previously damaged by the flooding.

Construction of the storm drain improvements is expected to begin in June 2011 and be completed by August 2011.

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Prepared by:   
Proofed by: 

Reviewed and Approved by:   
Presented by: 

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**FISCAL IMPACT:** Acceptance of the two grant deeds places an obligation on the Redevelopment Agency to construct the storm drain improvements at 4230 Mission Boulevard. The total cost of the project is estimated at \$270,000. The project is entirely funded by the Montclair Redevelopment Agency. The cost of advertising this project should not exceed \$3,500.

**RECOMMENDATION:** Staff recommends the following actions be taken:

1. The City Council accept Grant Deed Nos. 1662 and 1663, easements for storm drain improvements located at 4230 Mission Boulevard associated with the Mission Boulevard Improvement Phase 10 Storm Drain Project.
2. The Redevelopment Agency Board of Directors authorize staff to advertise for bid proposals for the Mission Boulevard Improvement Phase 10 Storm Drain Project.

Recording Requested  
By and Mail to:

CITY OF MONTCLAIR  
P.O. BOX 2308  
5111 BENITO STREET  
MONTCLAIR, CALIFORNIA 91763

SPACE ABOVE THIS LINE FOR RECORDERS USE

Affix Internal Revenue Stamps In This Place

# GRANT DEED

Affix I.R.S. \$ \_\_\_\_\_

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Gerard P. Boisse Sr.

hereby GRANTS to the CITY OF MONTCLAIR an easement for the purpose of constructing, reconstructing, maintaining, and use of sidewalks and appurtenances over the following described real property in the City of Montclair, County of San Bernardino, State of California:

See attached Exhibits A and B

Grant Deed No. 1662

\_\_\_\_\_  
Gerard P. Boisse Sr.

State of \_\_\_\_\_

County of \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_, personally appeared \_\_\_\_\_

\_\_\_\_\_ personally known to me - or \_\_\_\_\_ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Please mail tax statements to:

Gerard P. Boisse Sr.  
4230 Mission Boulevard  
Montclair, CA. 91763

Signature of Notary

(Seal)

## ACCEPTANCE

This is to certify that the interest in real property conveyed by the within instrument to the CITY OF MONTCLAIR, State of California, a body corporate and politic, is hereby accepted by order of the MONTCLAIR CITY COUNCIL made on \_\_\_\_\_, and the grantee consents to the recordation thereof by its duly authorized officer.

Dated: \_\_\_\_\_

By: \_\_\_\_\_

City Clerk

(Seal)

EXHIBIT "A"

STORM DRAIN EASEMENT  
APN 1012-172-09

THE EASTERLY 20 FEET OF PARCEL 1 OF PARCEL MAP NO. 627, IN THE CITY OF MONTCLAIR, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS SHOWN ON MAP FILED IN BOOK 11, PAGE 55, OF PARCEL MAPS, IN THE OFFICE OF THE RECORDER OF SAID COUNTY.

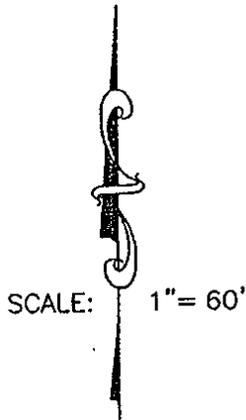
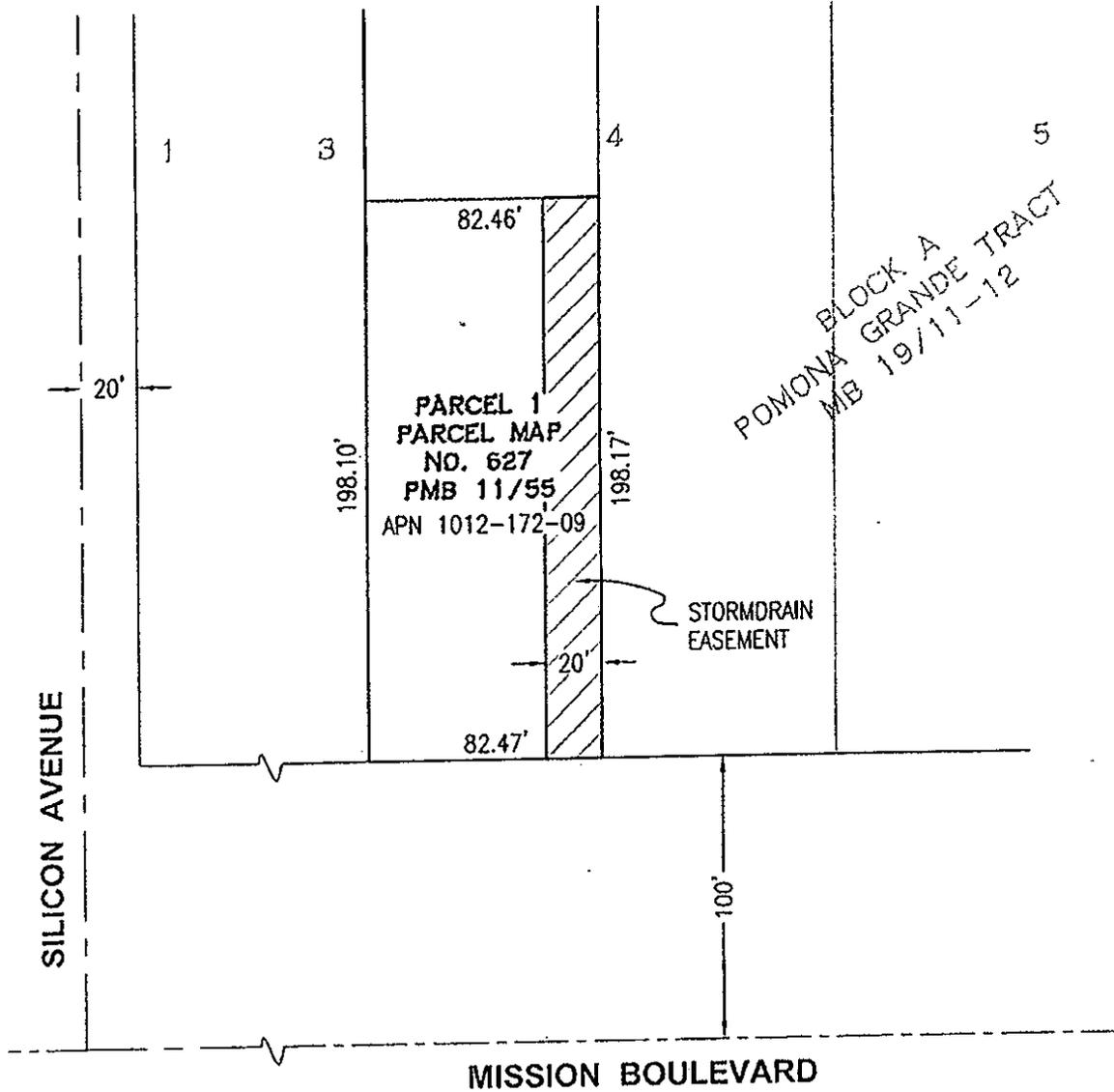
SEE EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

CONTAINS 3,963 SQUARE FEET, MORE OR LESS.



    MAB    Feb. 23, 2011      
MICHAEL A. BAINE, P.L.S. 7326      DATE  
EXP. 12/31/11

EXHIBIT B



<p><b>LDKING</b> Engineers/Planners Surveyors</p>	2151 Convention Center Way Suite 100 Ontario, California 91764-4464 Phone: (909) 937-0200 Fax: (909) 937-0202	DATE: 7-27-09	SCALE 1"=60'	SKETCH TO ACCOMPANY LEGAL DESCRIPTION FOR MISSION BL. PH. 7 STORM DRAIN EASEMENT
		DRAWN BY: MB	JN 100-113	
		CHECKED BY:		

Recording Requested  
By and Mail to:

CITY OF MONTCLAIR  
P.O. BOX 2308  
5111 BENITO STREET  
MONTCLAIR, CALIFORNIA 91763

SPACE ABOVE THIS LINE FOR RECORDERS USE

Affix Internal Revenue Stamps In This Place

# GRANT DEED

Affix I.R.S. \$ \_\_\_\_\_

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Donald P. Passoth

hereby GRANTS to the CITY OF MONTCLAIR an easement for the purpose of constructing, reconstructing, maintaining, and use of sidewalks and appurtenances over the following described real property in the City of Montclair, County of San Bernardino, State of California:

See attached Exhibits A and B

Grant Deed No. 1663

\_\_\_\_\_  
Donald W. Passoth

State of \_\_\_\_\_

County of \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_, personally appeared \_\_\_\_\_

\_\_\_\_\_ personally known to me - or \_\_\_\_\_ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Please mail tax statements to:

Donald P. Passoth  
4230 Mission Boulevard  
Montclair, CA. 91763

\_\_\_\_\_  
Signature of Notary

(Seal)

## ACCEPTANCE

This is to certify that the interest in real property conveyed by the within instrument to the CITY OF MONTCLAIR, State of California, a body corporate and politic, is hereby accepted by order of the MONTCLAIR CITY COUNCIL made on \_\_\_\_\_, and the grantee consents to the recordation thereof by its duly authorized officer.

Dated: \_\_\_\_\_

By: \_\_\_\_\_

City Clerk

(Seal)

EXHIBIT "A"

STORM DRAIN EASEMENT  
APN 1012-172-10

THE EASTERLY 20 FEET OF PARCEL 2 OF PARCEL MAP NO. 627, IN THE CITY OF MONTCLAIR, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS SHOWN ON MAP FILED IN BOOK 11, PAGE 55, OF PARCEL MAPS, IN THE OFFICE OF THE RECORDER OF SAID COUNTY.

SEE EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

CONTAINS 7,350 SQUARE FEET, MORE OR LESS.

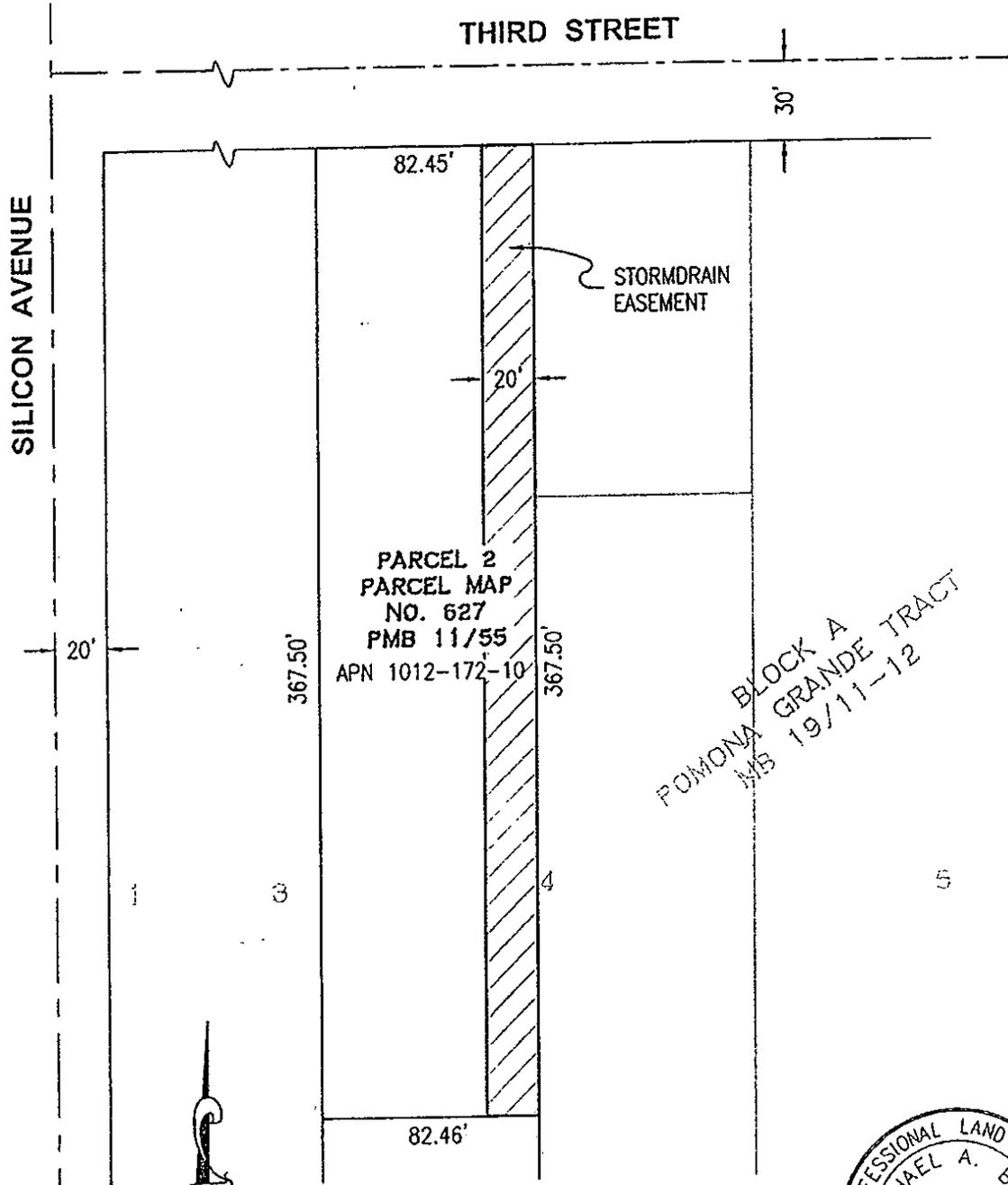


*MA Baine* Feb. 23, 2011

MICHAEL A. BAINE, P.L.S. 7326      DATE  
EXP. 12/31/11

# EXHIBIT B

SHEET 1 OF 1



SCALE: 1" = 60'



**LDKING**  
Engineers/Planners  
Surveyors

2151 Convention Center Way  
Suite 100  
Ontario, California 91764-4464  
Phone: (909) 937-0200  
Fax: (909) 937-0202

DATE: 7-27-09

SCALE 1"=60'

DRAWN BY: MB

JN 100-113

CHECKED BY:

SKETCH TO ACCOMPANY  
LEGAL DESCRIPTION  
FOR MISSION BL. PH. 7  
STORM DRAIN EASEMENT

## AGENDA REPORT

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**SUBJECT:** CONSIDER CONCEPTUAL APPROVAL OF AN AMENDMENT TO AGREEMENT NO. 98-50, THE LEASE AGREEMENT WITH STC ONE LLC REGARDING THE CELLULAR TOWER AT MACARTHUR PARK

**DATE:** March 7, 2011  
**SECTION:** ADMIN. REPORTS  
**ITEM NO.:** 4  
**FILE I.D.:** PRK350  
**DEPT.:** PUBLIC WORKS

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**REASON FOR CONSIDERATION:** The City Council approved a lease with Cox PCS Assets, LLC, for the placement of a cellular tower at MacArthur Park on August 17, 1998. The successor company to Cox PCS Assets, LLC, STC One LLC, is requesting the City Council conceptually approve certain changes to Lease Agreement No. 98-50. If the City Council agrees to conceptual changes, STC One LLC, would prepare an amendment to Lease Agreement No. 98-50 for City Council consideration.

A copy of Lease Agreement No. 98-50 has been included in the agenda packet for the City Council's information.

**BACKGROUND:** On August 17, 1998, the City Council approved Lease Agreement No. 98-50 with Cox PCS Assets, LLC. Lease Agreement No. 98-50 provided for the lease of land to Cox PCS, Assets, LLC, to construct a cellular antenna at MacArthur Park. The major terms of the Lease included the following points:

- The original term of the Lease was for ten years. The Lease contained four additional lease periods of five years.
- The Lease Agreement automatically extends upon expiration unless notification is received from the Lessee 90 days prior to the expiration of the term.
- The annual consideration for the lease was \$1,250 per month with an annual increase of 4 percent per annum.

The company currently possessing interest in Lease Agreement No. 98-50 is STC One LLC. STC One LLC desires to amend the Agreement to extend the term of the Lease by 15 years. The company's objective in securing the extension of the Lease is to secure requirements for financing and because of the calculated risk related to the current expiration of the lease which would occur in approximately 17 years.

STC One LLC is requesting the City Council provide conceptual approval of an amendment to Agreement No. 98-50 whereby a 15-year extension to Lease Agreement No. 98-50

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Prepared by:

*M. STAATS*

Reviewed and  
Approved by:

*M. STAATS*

Proofed by:

*Yvonne L Smith*

Presented by:

*[Signature]*

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would be considered. Should the City Council agree to such a proposal, STC One LLC would prepare an amendment to Lease Agreement No. 98-50.

**FISCAL IMPACT:** STC One LLC is proposing no additional compensation for the extension of the Lease. Should the City Council agree to such an amendment, 15 additional years of revenue would be garnered through extension of the Lease.

**RECOMMENDATION:** Staff recommends the City Council conceptually approve an amendment to Agreement No. 98-50, the Lease Agreement with STC One LLC regarding the cellular tower at MacArthur Park.

## AGENDA REPORT

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**SUBJECT:** CONSIDER AUTHORIZATION TO ISSUE A PURCHASE ORDER TO SOL CAL WINDOW TINTING, INC., FOR INSTALLATION OF WINDOW TINTING ON ALL EXTERIOR GLASS AT THE SENIOR CENTER AND ALL INTERIOR AND EXTERIOR GLASS AT THE YOUTH CENTER

**DATE:** March 7, 2011  
**SECTION:** ADMIN. REPORTS  
**ITEM NO.:** 5  
**FILE I.D.:** HSV151  
**DEPT.:** PUBLIC WORKS

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**REASON FOR CONSIDERATION:** Purchases of supplies and services exceeding \$1,000 require City Council approval.

**BACKGROUND:** In an effort to prevent the vandalism effects of glass etching and scratching around the Civic Center area, staff has obtained proposals from three glass tinting companies to install window film over the glass at the Youth and Senior Centers. A low bid was received from Tint, Incorporated, but the bid failed to include the glass at the Senior Center. The second low bid was received from Sol Cal Window Tinting, Inc., for all the glass. The prices received are as follows:

<i>Bidder</i>	<i>Bid Amount</i>
Sol Cal Window Tinting, Inc.	\$15,404.00
Ideal Glass Tinting	\$18,657.00
Tint, Incorporated	\$10,612.00*

\*Tint, Incorporated, failed to include price for Senior Center and was, therefore, considered nonresponsive.

**FISCAL IMPACT:** Sufficient funds are available from the 10 percent construction contingency previously authorized by the City Council for the construction of the Senior Center. The funding source for this facility is the 2005 Lease Revenue Bond Proceeds Fund.

**RECOMMENDATION:** Staff recommends the City Council authorize the Finance Division to issue a purchase order to Sol Cal Window Tinting, Inc., for installation of window tinting on exterior glass at the Senior Center and all interior and exterior glass at the Youth Center.

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

*[Handwritten Signature]*

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

*M. STRATS*

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

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

SOL CAL WINDOW TINTING INC  
OFFICE # - 909-594-7063  
FAX # - 909-396-9409  
E-MAIL [info@solcalwindowtinting.com](mailto:info@solcalwindowtinting.com)

February 10, 2011

### JOB PROPOSAL

**JOB LOCATION:** City of Montclair  
5111 Benito Street  
Montclair, Ca 91763-2808  
Contact: McGehee  
Office: 909-625-9443  
Cell: 909-721-1744  
Email: [mmcgehee@cityofmontclair.org](mailto:mmcgehee@cityofmontclair.org)

### JOB DESCRIPTION:

Apply LLumar 6Mil Clear Graffiti film to the following buildings at above job location. *\*\*This quote is not based on prevailing wage rates.*

- Youth Center – 448 surfaces of glass, *interior and exterior*  
**TOTAL JOB COST - \$9724.00**
- Senior Center – 150 surfaces of glass, *exterior only*  
**TOTAL JOB COST - \$5680.00**

LLumar 6Mil Clear Graffiti film comes with a Two Year Manufacturer's Warranty. Sol Cal installers will clean and prepare all glass prior to installing the film. All work will be completed in a clean, professional and timely manner.

Sol Cal Window Tinting, Inc. is a CA licensed contractor and has been in business since 1981. We carry Workers Compensation and Business Liability insurance and will provide certificates of insurance upon request. We will schedule the work as soon as we receive your signed, faxed approval below.

Please let me know if you have any questions or concerns.

Thank you.

Mary Bruns  
Estimator

Approved by: \_\_\_\_\_  
*Authorized Signer Title Date P.O. Number*



9287 Archibald Avenue  
 Rancho Cucamonga, CA 91730-5207  
 PH. (909) 989-1114 FAX (909) 989-1147

# Estimate

Date	Estimate #
2/7/2011	28077

Name / Address
City of Montclair 5111 Benito Street P.O. Box 2308 Montclair, CA 91763

Lic.# 847220

Description	Project	Total
	Griffiti Film	
Youth Center : Install Graffiti Window Film on the interior and exterior of the glass. 452 peices of Graffiti film.		12,609.00
Senior Center : Install Graffiti Window Film on the exterior of the glass. 150 peices of Graffiti film.		6,048.00
Install Graffiti film as per Plans.		
Attn : Mike McGehee 909-652-9443		
The Customer agrees to provide clear access to the work area before installation. Thank You.	<b>Total</b>	<b>\$18,657.00</b>

Signature \_\_\_\_\_

**TINT, INCORPORATED**

5207 Birdsong Place  
Alta Loma, CA 91737  
(909) 816-7100  
Fax (909) 980-5529 License #849186

**Estimate**

Date	Estimate #
2/10/11	1569-A

Name / Address
City of Montclair 5111 Benito Street Montclair, CA 91763 Mike McGehee

W.O. No.

Description	Total
Youth Center Install I Lumar 6-Mill Anti-Graffiti Film on the interior and exterior of 448 panes of glass.	10,612.00
Thank you for your business.	<b>Total</b> \$10,612.00

## AGENDA REPORT

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<b>SUBJECT:</b> CONSIDER AUTHORIZATION TO PURCHASE ONE 2011 FORD CROWN VICTORIA POLICE INTERCEPTOR FROM HEMBORG FORD IN ADDITION TO EMERGENCY EQUIPMENT AND POLICE GRAPHICS	<b>DATE:</b> March 7, 2011
	<b>SECTION:</b> ADMIN. REPORTS
	<b>ITEM NO.:</b> 6
	<b>FILE I.D.:</b> VEH450
	<b>DEPT.:</b> POLICE

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**REASON FOR CONSIDERATION:** The City Council is requested to consider authorizing replacement of one Ford Crown Victoria Police Interceptor along with emergency equipment and police graphics.

**BACKGROUND:** A 2007 Ford Crown Victoria Police Interceptor was, unfortunately, totaled in a traffic collision in January 2011. The following vendors responded to a request for bids to replace the vehicle:

<i>Vendor</i>	<i>Bid Amount</i>
Hemborg Ford	\$23,087.20
Wondries Ford	\$24,086.00
Clippinger Ford	\$24,695.39

Hemborg Ford submitted the lowest bid, and the vehicle would be available within 60 days of placing the order.

The force of the collision in the accident damaged several emergency equipment items beyond repair, which need to be replaced. West Coast Lights and Sirens, the Department's current vendor of emergency equipment, has provided an estimate of \$6,000 to replace the equipment. The cost of a complete set of police graphics from Grafxolution is \$350.

**FISCAL IMPACT:** Traveler's Insurance determined the actual cash value of the 2007 Ford Crown Victoria Police Interceptor to be \$7,642. After a \$3,000 deductible, the payment to the City for the total loss is \$4,642.

The total cost of a new 2011 Ford Crown Victoria Police Interceptor along with emergency equipment and police graphics is \$29,437.20, which is proposed to be allocated from the City's Equipment Replacement Fund.

**RECOMMENDATION:** Staff recommends the City Council authorize the purchase of a 2011 Ford Crown Victoria Police Interceptor from Hemborg Ford in addition to emergency equipment and police graphics.

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Prepared by: <i>Jim Metherson</i>	Reviewed and Approved by:	
Proofed by: <i>Sharon Aguirre</i>	Presented by:	

---

## AGENDA REPORT

<b>SUBJECT:</b> CONSIDER DECLARING SEVEN VEHICLES AS SURPLUS AND AUTHORIZING THE SALE OF FOUR VEHICLES BY KEN PORTER AUCTION SYSTEMS ON BEHALF OF THE CITY OF MONTCLAIR AND THE SALVAGE/ SALE OF THREE VEHICLES FOR PARTS AND SCRAP METAL	<b>DATE:</b> March 7, 2011 <b>SECTION:</b> ADMIN. REPORTS <b>ITEM NO.:</b> 7 <b>FILE I.D.:</b> EQSO52/VEH120 <b>DEPT.:</b> PUBLIC WORKS
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**REASON FOR CONSIDERATION:** The City Council is requested to consider declaring City vehicles no longer in service as surplus so they may either be sold at auction, salvaged for parts, or sold as scrap metal. Four of the vehicles would be sold at auction, while three vehicles would be salvaged for parts to repair other vehicles in the City fleet, after which they would be sold for scrap metal or parts (whichever is of greater value).

**BACKGROUND:** The following vehicles have reached the end of their service lives and are no longer in use. The vehicle identification numbers, mileage, and estimated sales prices are as follows:

<i>Department</i>	<i>Year and Model</i>	<i>Serial/Vehicle Identification Number</i>	<i>Mileage</i>	<i>Estimated Sales Price</i>
Public Works	1987 GMC Vandura 3500	2GDHG31K2H4518637	12,100	\$7,500
Public Works	1995 Johnston V30 Air Sweeper	1JSVA3H29TC041002	48,850	\$8,000
Police	2006 Ford Crown Victoria - Unit 425	2FAFP71W26X160009	107,500	(scrap)
Police	2003 Ford Crown Victoria - Unit 415	2FAHP71W03X174009	117,510	(scrap)
Police	2004 Ford Crown Victoria - Unit 411	2FAHP71W94X104655	107,746	(scrap)
Police	2004 Ford Crown Victoria - Unit 418	2FAHP71W44X104658	117,275	\$2,000
Police	2004 Ford Crown Victoria - Unit 419	2FAHP71W64X104659	116,464	\$2,000

The City Council approved replacement of the vehicles in the Fiscal Years 2009-10 and 2010-11 Budgets.

Prepared by: <u>Y. MENDEZ</u>	Reviewed and Approved by:	M. SPARTS
Proofed by: <u>[Signature]</u>	Presented by:	<u>[Signature]</u>

The 1987 GMC Vandura 3500 was used by Public Works Sewer Division staff while performing sewer inspections. The vehicle needs major mechanical tractor, video equipment, and transmission work; and most parts are no longer available.

The 1995 Johnston sweeper was used by Public Works sweeper staff. The unit's auxiliary motor needs to be rebuilt, the parts for which are no longer available; and it has since been replaced with an alternative fuel sweeper recommended by the South Coast Air Quality Management District.

The 2006 Ford Crown Victoria (Unit 425) was used by Police Department staff. The vehicle has over 107,500 miles and was diagnosed with major engine problems that would be costly to repair. It has been recommended for salvage for usable parts.

The 2003 Ford Crown Victoria (Unit 415) was used by Police Department staff. The vehicle is due for replacement because of its age and high mileage and would be salvaged for usable parts.

The 2004 Ford Crown Victoria (Unit 411) was used by Police Department staff. The vehicle is due for replacement because of its age and high mileage and would be salvaged for usable parts.

The 2004 Ford Crown Victoria (Unit 418) was used by Police Department staff. The vehicle is in need of repairs to the engine and transmission and was recommended for replacement because of high mileage.

The 2004 Ford Crown Victoria (Unit 419) was used by Police Department staff. The vehicle is in need of repairs to the engine and transmission and was recommended for replacement because of high mileage.

Ken Porter Auction Systems of Santa Barbara has proposed to sell these surplus vehicles for zero (0) percent of their sales price. The company charges a \$50 per vehicle fee for transporting the vehicles from the City Yard facility to the auction site, and the City would receive a 0.50 percent back-from-the-buyer premium per vehicle.

Although there are no guarantees, past experience suggests the City would receive the sales price estimates obtained from the Kelley Blue Book and Machinery Trader websites.

**FISCAL IMPACT:** It is estimated the City would receive approximately \$20,000 from auction of the subject vehicles. Proceeds from the sale of these vehicles would be returned to the Equipment Replacement Fund.

**RECOMMENDATION:** Staff recommends the City Council declare seven vehicles as surplus and authorize the sale of four vehicles by Ken Porter Auction Systems on behalf of the City of Montclair and the salvage/sale of three vehicles for parts and scrap metal.

## AGENDA REPORT

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<b>SUBJECT:</b> CONSIDER REDEVELOPMENT AGENCY BOARD OF DIRECTORS' DEDICATION OF A SLOPE EASEMENT ASSOCIATED WITH THE RAMONA AVENUE/UNION PACIFIC RAILROAD GRADE SEPARATION PROJECT TO THE CITY OF MONTCLAIR	<b>DATE:</b> March 7, 2011
	<b>SECTION:</b> ADMIN. REPORTS
	<b>ITEM NO.:</b> 8
	<b>FILE I.D.:</b> STA100
CONSIDER CITY COUNCIL'S ACCEPTANCE OF A SLOPE EASEMENT DEDICATION ASSOCIATED WITH THE RAMONA AVENUE/UNION PACIFIC RAILROAD GRADE SEPARATION PROJECT	<b>DEPT.:</b> PUBLIC WORKS

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**REASON FOR CONSIDERATION:** Grants of easements by the Redevelopment Agency require the Agency Board of Directors' approval. Acceptance of offers of easements requires the City Council's approval.

**BACKGROUND:** The recently completed Ramona Avenue/Union Pacific Railroad Grade Separation Project included an embankment supporting the southerly approach to the grade separation. The embankment encroached onto Redevelopment Agency-owned property adjacent to Ramona Avenue south of State Street. A slope easement is now required for the embankment.

**FISCAL IMPACT:** There is no fiscal impact to either the City or Redevelopment Agency associated with the easement grant.

**RECOMMENDATION:** Staff recommends the following actions be taken:

1. The Redevelopment Agency Board of Directors dedicate a slope easement associated with the Ramona Avenue/Union Pacific Railroad Grade Separation Project to the City of Montclair.
2. The City Council accept the slope easement dedication associated with the Ramona Avenue/Union Pacific Railroad Grade Separation Project.

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Prepared by:

*M. O'Connell*  
*Yvonne L. Smith*

Reviewed and  
Approved by:

*M. G. Smith*  
*[Signature]*

Proofed by:

Presented by:

Recording Requested  
By and Mail to:

CITY OF MONTCLAIR  
P.O. BOX 2308  
5111 BENITO STREET  
MONTCLAIR, CALIFORNIA 91763

SPACE ABOVE THIS LINE FOR RECORDERS USE

Affix Internal Revenue Stamps in This Place

**CORPORATION GRANT DEED** Affix I.R.S. \$ \_\_\_\_\_

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

**MONTCLAIR REDEVELOPMENT AGENCY,**  
A corporation organized under the laws of the State of California,

hereby GRANTS an easement to the **CITY OF MONTCLAIR** for roadway slope purposes the following described real property in the City of Montclair, County of San Bernardino, State of California:

See attached Exhibits A and B

Grant Deed No. \_\_\_\_\_

In Witness Whereof, said corporation has caused its corporate name and seal to be affixed hereto and this instrument to be executed by its Chairman thereunto duly authorized.

By: \_\_\_\_\_

Chairman-Paul M. Eaton

\_\_\_\_\_ Date

State of \_\_\_\_\_

County of \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_, personally appeared \_\_\_\_\_

proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

\_\_\_\_\_  
Signature of Notary

(Seal)

**ACCEPTANCE**

This is to certify that the interest in real property conveyed by the within instrument to the **CITY OF MONTCLAIR**, State of California, a body corporate and politic, is hereby accepted by order of the **MONTCLAIR CITY COUNCIL** made on \_\_\_\_\_, and the grantee consents to the recordation thereof by its duly authorized officer.

Dated: \_\_\_\_\_

By: \_\_\_\_\_

City Clerk

(Seal)

2

## EXHIBIT "A"

APN 1012-141-18

### STREET, HIGHWAY AND PUBLIC UTILITY PURPOSES

BEING THAT PORTION OF LOT 34 SAN ANTONIO TRACT, IN THE CITY OF MONTCLAIR, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA AS SHOWN ON A MAP FILED IN BOOK 3, PAGE 16 OF MAPS, ALSO SHOWN ON A RE-SUBDIVISION OF SAID LOT 34, PER MAP FILED IN BOOK 15, PAGE 30 OF MAPS, BOTH RECORDS OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF RAMONA AVENUE (FORMERLY OLIVE AVENUE) THE EASTERLY  $\frac{1}{2}$  BEING 35.00 FEET WIDE, AND STATE STREET (FORMERLY RAILROAD AVENUE) THE SOUTHERLY  $\frac{1}{2}$  BEING 30.00 FEET WIDE;

THENCE SOUTH  $0^{\circ}38'45''$  EAST ALONG THE EASTERLY LINE OF SAID RAMONA AVENUE A DISTANCE OF 10.00 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE CONTINUING SOUTH  $0^{\circ}38'45''$  EAST ALONG SAID EASTERLY LINE A DISTANCE OF 631.14 FEET TO THE NORTHERLY LINE OF THAT CERTAIN ROADWAY EASEMENT DESCRIBED IN A DEED TO THE CITY OF MONTCLAIR RECORDED DECEMBER 14, 1999 AS INSTRUMENT NO. 19990512244 OF OFFICIAL RECORDS;

THENCE NORTH  $88^{\circ}31'45''$  EAST ALONG SAID NORTHERLY LINE A DISTANCE OF 27.35 FEET;

THENCE NORTH  $37^{\circ}27'50''$  WEST A DISTANCE OF 23.22 FEET;

THENCE NORTH  $6^{\circ}21'32''$  EAST A DISTANCE OF 205.10 FEET;

THENCE NORTH  $12^{\circ}20'18''$  EAST A DISTANCE OF 218.06 FEET;

THENCE NORTH  $7^{\circ}54'12''$  EAST A DISTANCE OF 77.77 FEET;

THENCE NORTH  $0^{\circ}38'45''$  WEST A DISTANCE OF 118.40 FEET TO THE SOUTHERLY LINE OF THAT CERTAIN ROADWAY EASEMENT DESCRIBED IN A DEED TO THE CITY OF MONTCLAIR IN A DEED RECORDED DECEMBER 14, 1999 AS INSTRUMENT NO. 19990512229 OF OFFICIAL RECORDS;

THENCE SOUTH  $89^{\circ}48'50''$  WEST ALONG SAID SOUTHERLY LINE A DISTANCE OF 99.00 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 37969 SQUARE FEET, MORE OR LESS.

SEE EXHIBIT B ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

# EXHIBIT B

SHEET 1 OF 1 SHEET

U.P.R.R. RIGHT OF WAY

SE CORNER OF  
RAMONA AVE. & STATE ST.

STATE STREET M.S. 18/80

EXISTING C

30'

PROPOSED C

30'

N 89°48'50" E 341.02'

99.00'  
N89°48'50"E

TPOB

44'

EXISTING C

PROPOSED C

EASEMENT FOR  
STREET, HIGHWAY  
AND PUBLIC UTILITY  
PURPOSES

AREA-37969  
SQUARE FEET

701.15'

631.14'

44'

PROPOSED C

EXISTING C

RAMONA AVENUE

N 00°38'45" W

N 06°21'32" E 205.10'

N 37°27'50" W  
23.22'

N 88°31'45" E 338.16'

N 88°31'45" E  
27.35'

APN 1012-141-06  
PARTIAL OF LOT 24  
E/4 E/4 TRACT M.S. 2/18  
GR/ R/W PER INSTRUMENT 19990512244 O.R.

N 00°24'27" W

693.55'

**EXISTING EASEMENTS**

- ⬡ ROADWAY EASEMENT FOR STATE STREET R/W PER INSTRUMENT 19990512229 O.R.
- ⬡ ROADWAY EASEMENT FOR RAMONA LOOP ROAD ROAD R/W PER INSTRUMENT 19990512244 O.R.



**LDKING**  
Engineers/Planners  
Surveyors

2181 Convention Center Way  
Suite 100 B  
Ontario, California 91764-4464  
Phone 909-937-0200  
Fax 909-937-0202

DATE: 9-14-01

SCALE 1"=100'

DRAWN BY: GE

JN 100-99

CHECKED BY: CB

SKETCH TO ACCOMPANY  
LEGAL DESCRIPTION  
FOR RAMONA AVE-STATE ST.  
GRADE SEPARATION

D:\\_CADD\100-99\survey\Exh7.dwg 06/27/00 04:05:45 PM PM PDT

2

## AGENDA REPORT

**SUBJECT:** CONSIDER RECEIVING AND FILING  
ALCOHOLIC BEVERAGE PERMIT  
APPLICATION - MARISCOS CULIACAN  
RESTAURANT

**DATE:** March 7, 2011  
**SECTION:** ADMIN. REPORTS  
**ITEM NO.:** 9  
**FILE I.D.:** FLP025  
**DEPT.:** ADMIN. SVCS.

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

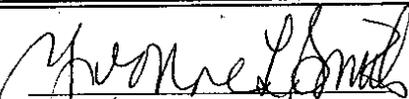
**BACKGROUND:** Ms. Maria Guadalupe Moreno Cortez has applied for an "On-Sale Beer and Wine" license with the California Department of Alcoholic Beverage Control (ABC) for Mariscos Culiacan Restaurant, 5461 East Holt Boulevard, Suite G, Montclair, California.

On January 10, 2011, the Planning Commission approved a Conditional Use Permit (CUP) under Case No. 2010-17 allowing the sale of beer and wine (ABC Type 41 License) in conjunction with the operation of a bona fide restaurant use.

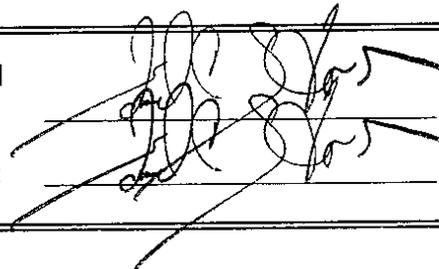
**FISCAL IMPACT:** No fiscal impact

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

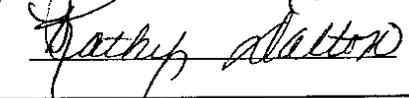
Prepared by:



Reviewed and  
Approved by:



Proofed by:



Presented by:

## AGENDA REPORT

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<b>SUBJECT:</b> CONSIDER APPROVAL OF WARRANT REGISTER AND PAYROLL DOCUMENTATION	<b>DATE:</b> March 7, 2011 <b>SECTION:</b> ADMIN. REPORTS <b>ITEM NO.:</b> 10 <b>FILE I.D.:</b> FIN540
<b>BUSINESS PLAN:</b> N/A	<b>DEPT.:</b> ADMIN. SVCS.

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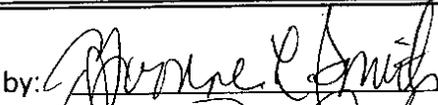
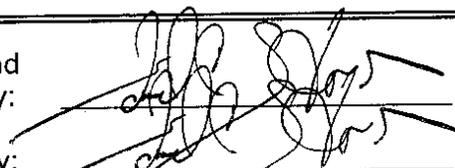
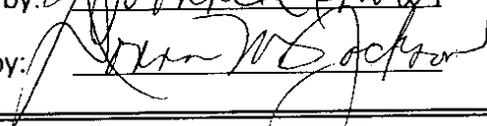
**REASON FOR CONSIDERATION:** The City Council is requested to consider approval of the Warrant Register and Payroll Documentation.

**BACKGROUND:** Mayor Pro Tem Raft has examined the Warrant Register dated March 7, 2011, and Payroll Documentation dated January 16, 2011; finds them to be in order; and recommends their approval.

**FISCAL IMPACT:** The Warrant Register dated February 22, 2011, totals \$1,500,821.54. The Payroll Documentation dated January 16, 2011, totals \$581,852.29, with \$416,755.09 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

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**SUBJECT:** CONSIDER AWARD OF CONTRACT TO LEE & STIRES, INC., IN THE AMOUNT OF \$142,349.25

CONSIDER APPROVAL OF AGREEMENT NO. 11-22 WITH LEE & STIRES, INC., FOR CONSTRUCTION OF THE FREMONT AVENUE IMPROVEMENT PHASE 2 PROJECT

CONSIDER AUTHORIZATION OF A \$15,000 CONSTRUCTION CONTINGENCY

**DATE:** March 7, 2011

**SECTION:** AGREEMENTS

**ITEM NO.:** 1

**FILE I.D.:** STA650

**DEPT.:** PUBLIC WORKS

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**REASON FOR CONSIDERATION:** Awards of contracts and agreements with the City require City Council approval.

**BACKGROUND:** The City Council, at its meeting of December 20, 2010, authorized staff to advertise for bids for construction of the Fremont Avenue Improvement Phase 2 Project. This project is the second phase of improvements to take place on Fremont Avenue between Howard and Phillips Streets.

The first phase of improvements, which included new curb, gutter, and sidewalks along the east side of Fremont Avenue, was completed in April 2010. This phase of work would complete any missing curb, gutter, and sidewalk in the 11100 block of Fremont Avenue. Work would also include a 400-foot section of missing curb, gutter, and sidewalk on Howard Street just west of Fremont Avenue.

On Thursday, February 17, 2011, the Deputy City Clerk received and opened 25 bid proposals for construction of the Fremont Avenue Improvement Phase 2 Project. The bid results are shown on the following page. Following the bid opening, all bid proposals were reviewed for completeness and accuracy. Lee & Stires, Inc., provided all the required documents and was deemed to be the lowest responsible, responsive bidder for the project.

Based on similar projects Lee & Stires, Inc., has done in the past, the company is known to have the personnel, equipment, and job experience necessary to complete the contract in accordance with the plans and specifications.

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Prepared by:

*M. S. C. H.*  
*Ally*

Proofed by:

Reviewed and  
Approved by:

*M. J. STAIRS*  
*[Signature]*

Presented by:

<i>Contractor</i>	<i>Bid Amount</i>
Lee & Stires, Inc.	\$142,349.25
CT&T, Inc.	\$147,643.50
C.J. Construction, Inc.	\$148,775.00
Elite Companies US, Inc.	\$151,112.75
United Paving Co.	\$158,133.50
Laird Construction Co., Inc.	\$160,160.00
G. Hurtado Construction	\$165,137.50
KASA Construction	\$167,439.25
Gentry Brothers, Inc.	\$169,990.00
Conengr Corporation	\$173,115.20
Excel Paving Company	\$174,977.50
Golden State Constructors, Inc.	\$175,875.00
Kormx, Inc.	\$179,206.60
Martinez Concrete, Inc.	\$183,443.50
Interlog Hym Engineering	\$187,190.00
Sean Malek Engineering & Construction	\$188,050.00
Bravo Concrete Construction Services, Inc.	\$190,748.00
NPG Corporation	\$191,660.00
Aramexx Construction	\$194,985.00
Southland Construction	\$199,350.00
JDC, Inc.	\$206,098.00
All American Asphalt, Inc.	\$208,208.00
<b>Engineer's Estimate</b>	<b>\$220,000.00</b>
West Coast Structures, Inc.	\$222,297.00
B&T Works, Inc.	\$224,450.00
Vido Samarzich, Inc.	\$232,245.00

**FISCAL IMPACT:** The project is entirely funded by the San Bernardino Associated Governments' Local Stimulus Program.

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

1. Award contract to Lee & Stires, Inc., in the amount of \$142,349.25.
2. Approve Agreement No. 11-22 with Lee & Stires, Inc., for construction of the Fremont Avenue Improvement Phase 2 Project.
3. Authorize a \$15,000 construction contingency.

KNOW ALL MEN BY THESE PRESENTS: That the following Agreement is made and entered into as of the date executed by the City Clerk and the Mayor, by and between **Lee & Stires, Inc.**, hereinafter referred to as "CONTRACTOR" and the CITY OF MONTCLAIR, hereinafter referred to as "CITY."

**A. Recitals.**

- (i) Pursuant to Notice Inviting Sealed Bids or Proposals, bids were received, publicly opened, and declared on the date specified in said notice.
- (ii) CITY did accept the bid of CONTRACTOR.
- (iii) CITY has authorized the City Clerk and Mayor to enter into a written contract with CONTRACTOR for furnishing labor, equipment, and material for the construction of:
- (iv)

**FOR THE CONSTRUCTION OF  
FREMONT AVENUE IMPROVEMENT PHASE 2 PROJECT**

"PROJECT" hereinafter.

**B. Resolution.**

NOW, THEREFORE, in consideration of the mutual covenants herein contained, it is agreed:

1. GENERAL SCOPE OF WORK: CONTRACTOR shall furnish all necessary labor, tools, materials, appliances, and equipment for and do all work contemplated and embraced for the PROJECT. Said PROJECT to be performed in accordance with specifications and standards on file in the Office of the City Engineer and in accordance with bid prices hereinafter mentioned and in accordance with the instructions of the Engineer.

2. INCORPORATED DOCUMENTS TO BE CONSIDERED COMPLEMENTARY: The aforesaid specifications are incorporated herein by reference thereto and made a part hereof with like force and effect as if all of said documents were set forth in full herein. Said documents, the Notice Inviting Bids, the Instructions to Bidders, the Proposal and any City-issued addenda, together with this written Agreement, shall constitute the contract between the parties. This contract is intended to require a complete and finished piece of work and anything necessary to complete the work properly and in accordance with the law and lawful governmental regulations shall be performed by the CONTRACTOR whether set out specifically in the contract or not. Should it be ascertained that any inconsistency exists between the aforesaid documents and this written Agreement, the provisions of this written Agreement shall control.

3. TERMS OF CONTRACT: The CONTRACTOR agrees to execute the contract within ten (10) calendar days from the date of notice of award of the contract and to complete his portion of PROJECT within the time specified in the Special Provisions. CONTRACTOR agrees further to the assessment of liquidated damages in the amount specified in the Special Provisions or the Standard Specifications, whichever is higher, for each calendar day PROJECT remains incomplete beyond the expiration of the completion date. CITY may deduct the amount thereof from any moneys due or that may become due the CONTRACTOR under this contract. Progress payments made after the scheduled date of completion shall not constitute a waiver of liquidated damages.

4. INSURANCE: The CONTRACTOR shall not commence work under this contract until he has obtained all insurance required hereunder in a company or companies acceptable to CITY nor shall the CONTRACTOR allow any subcontractor to commence work on his subcontract until all insurance required of the subcontractor has been obtained. The CONTRACTOR shall take out and maintain at all times during the life of this contract the following policies of insurance:

a. Compensation Insurance: Before beginning work, the CONTRACTOR shall furnish to the Engineer a policy of insurance or proper endorsement as proof that he has taken out full compensation insurance for all persons whom he may employ directly or through subcontractors in carrying out the work specified herein, in accordance with the laws of the State of California. Such insurance shall be maintained in full force and effect during the period covered by this contract.

In accordance with the provisions of § 3700 of the California Labor Code, every contractor shall secure the payment of compensation to his employees. CONTRACTOR, prior to commencing work, shall sign and file with CITY a certification as follows:

**"I am aware of the provisions of § 3700 of the Labor Code which require every employer to be insured against liability for worker's compensation or to undertake self insurance in accordance with the provisions of that Code, and I will comply with such provisions before commencing the performance of the work of this contract."**

b. For all operations of the CONTRACTOR or any subcontractor in performing the work provided for herein, insurance with the following minimum limits and coverage:

- (1) Public Liability - Bodily Injury (not auto) \$1,000,000 each person; \$2,000,000 each accident.
- (2) Public Liability - Property Damage (not auto) \$500,000 each accident; \$1,000,000 aggregate.
- (3) Contractor's Protective - Bodily Injury \$1,000,000 each person; \$2,000,000 each accident.
- (4) Contractor's Protective - Property Damage \$500,000 each accident; \$1,000,000 aggregate.

- (5) Automobile - Bodily Injury \$1,000,000 each person; \$2,000,000 each accident.
  - (6) Automobile - Property Damage \$500,000 each accident.
- c. The policy of insurance provided for in subparagraph a. shall contain an endorsement which:
- (1) Waives all right of subrogation against all persons and entities specified in subparagraph 4.d.(2) hereof to be listed as additional insureds in the policy of insurance provided for in paragraph b. by reason of any claim arising out of or connected with the operations of CONTRACTOR or any subcontractor in performing the work provided for herein;
  - (2) Provides it shall not be canceled or altered without thirty (30) days' written notice thereof given to CITY by registered mail.
- d. Each such policy of insurance provided for in paragraph b. shall:
- (1) Be issued by an insurance company approved in writing by CITY, which is qualified to do business in the State of California;
  - (2) Name as additional insureds the CITY, its officers, agents and employees, and any other parties specified in the bid documents to be so included;
  - (3) Specify it acts as primary insurance and that no insurance held or owned by the designated additional insureds shall be called upon to cover a loss under said policy;
  - (4) Contain a clause substantially in the following words:  

"It is hereby understood and agreed that this policy may not be canceled nor the amount of the coverage thereof reduced until thirty (30) days after receipt by CITY of a written notice of such cancellation or reduction of coverage as evidenced by receipt of a registered letter."
  - (5) Otherwise be in form satisfactory to CITY.
- e. The CONTRACTOR shall at the time of the execution of the contract present the original policies of insurance required in paragraphs a. and b., hereof, or present an endorsement of the insurance company, showing the issuance of such insurance, and the additional insureds and other provisions required herein.

5. CONTRACTOR'S LIABILITY: The City of Montclair and its respective officers, agents and employees shall not be answerable or accountable in any manner for any loss or damage that may happen to the project or any part thereof, or for any of the

materials or other things used or employed in performing the project; or for injury or damage to any person or persons, either workmen, employees of the CONTRACTOR or his subcontractors or the public, whatsoever arising out of or in connection with the performance of the project. The CONTRACTOR shall be responsible for any damage or injury to any person or property resulting from defects or obstructions or from any cause whatsoever, except the sole negligence or willful misconduct of CITY, its employees, servants, or independent contractors who are directly responsible to CITY during the progress of the project or at any time before its completion and final acceptance. The CONTRACTOR will indemnify CITY against and will hold and save CITY harmless from any and all actions, claims, damages to persons or property, penalties, obligations, or liabilities that may be asserted or claimed by any person, firm, entity, corporation, political subdivision, or other organization arising out of or in connection with the work, operation, or activities of the CONTRACTOR, his agents, employees, subcontractors, or invitees provided for herein, whether or not there is concurrent passive or active negligence on the part of CITY, but excluding such actions, claims, damages to persons or property, penalties, obligations, or liabilities arising from the sole negligence or willful misconduct of CITY, its employees, servants, or independent contractors who are directly responsible to CITY, and in connection therewith:

- a. The CONTRACTOR will defend any action or actions filed in connection with any of said claims, damages, penalties, obligations, or liabilities and will pay all costs and expenses, including attorneys' fees incurred in connection therewith.
- b. The CONTRACTOR will promptly pay any judgment or award rendered against the CONTRACTOR or CITY covering such claims, damages, penalties, obligations, and liabilities arising out of or in connection with such work, operations, or activities of the CONTRACTOR hereunder or reasonable settlement in lieu of judgment or award, and the CONTRACTOR agrees to save and hold the CITY harmless therefrom.
- c. In the event CITY is made a party to any action or proceeding filed or prosecuted against the CONTRACTOR for damages or other claims arising out of or in connection with the project, operation, or activities of the CONTRACTOR hereunder, the CONTRACTOR agrees to pay to CITY any and all costs and expenses incurred by CITY in such action or proceeding together with reasonable attorneys' fees.

Money due to the CONTRACTOR under and by virtue of the contract, as shall be considered necessary by CITY, may be retained by CITY until disposition has been made of such actions or claims for damage as aforesaid.

6. NONDISCRIMINATION: No discrimination shall be made in the employment of persons upon public works because of the race, color, sex, sexual preference, sexual orientation, or religion of such persons, and every contractor for public works violating this section is subject to all the penalties imposed for a violation of Division 2, Part 7, Chapter 1 of the Labor Code in accordance with the provisions of § 1735 of said Code.

7. INELIGIBLE SUBCONTRACTORS: The CONTRACTOR shall be prohibited from performing work on this project with a subcontractor who is ineligible to perform on the project pursuant to § 1777.1 and § 1777.7 of the Labor Code.

8. CONTRACT PRICE AND PAYMENT: CITY shall pay to the CONTRACTOR for furnishing the material and doing the prescribed work the unit prices set forth in accordance with CONTRACTOR's Proposal dated **February 10, 2011**.

9. ATTORNEYS' FEES: In the event that any action or proceeding is brought by either party to enforce any term or provision of this Agreement, the prevailing party shall recover its reasonable attorneys' fees and costs incurred with respect thereto.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be duly executed with all the formalities required by law on the respective dates set forth opposite their signatures.

CITY OF MONTCLAIR, CALIFORNIA

By: \_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
City Clerk

CONTRACTOR:

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City

By: \_\_\_\_\_  
Title

By: \_\_\_\_\_  
Title

By: \_\_\_\_\_  
Title

## AGENDA REPORT

**SUBJECT:** CONSIDER REDEVELOPMENT AGENCY  
BOARD OF DIRECTORS' WAIVING MINOR  
BID IRREGULARITIES AND REJECTION OF  
BID RESULT PROTEST FROM WCCR  
CONSTRUCTION

CONSIDER REDEVELOPMENT AGENCY  
BOARD OF DIRECTORS' AWARD OF  
CONTRACT TO L & J LANDSCAPING  
IN THE AMOUNT OF \$21,000

CONSIDER REDEVELOPMENT AGENCY  
BOARD OF DIRECTORS' APPROVAL OF  
AGREEMENT NO. 11-25 WITH L & J  
LANDSCAPING FOR THE 9916 CENTRAL  
AVENUE LANDSCAPE IMPROVEMENT  
PROJECT

CONSIDER AUTHORIZATION OF A \$2,100  
CONSTRUCTION CONTINGENCY

**DATE:** March 7, 2011

**SECTION:** AGREEMENTS

**ITEM NO.:** 2

**FILE I.D.:** RDA 685

**DEPT.:** REDEVELOPMENT

**REASON FOR CONSIDERATION:** The Redevelopment Agency Board of Directors is requested to consider award of a contract to and approval of an agreement with L & J Landscaping for the 9916 Central Avenue Landscape Improvement Project. Proposed Agreement No. 11-25 is attached for the Redevelopment Agency Board's review and consideration.

**BACKGROUND:** The City of Montclair Redevelopment Agency Fiscal Year 2010-11 Budget includes funding for the landscape improvements of a single-family residence owned by the Redevelopment Agency located at 9916 Central Avenue (former Neighborhood Partnership Housing Services administrative offices). The landscape improvements to the single-family residence would include enhancement to the existing xeriscape landscape by adding several California native drought-tolerant plants, hardscape improvements, and the installation of a new 'Smart Line' irrigation system that would adjust the water usage according to the local weather data it collects. Proposed improvements also include the addition of a cedar wood fence and concrete flatwork. The landscape improvements to the single-family residence would complete the rehabilitation of the property.

The City of Montclair Redevelopment Agency Board of Directors authorized staff to advertise for bids for the 9916 Central Avenue Landscape Improvement Project at its meeting of November 1, 2010. On Wednesday, February 23, 2011, the Agency Secretary received and opened six bid proposals for the 9916 Central Avenue Landscape Improvement Project. The bid results are as follows:

Prepared by: *Fabiola Preciado*

Reviewed and  
Approved by:

*M. J. STARS*

Proofed by: *Mustafa Halawel*

Presented by:

<i>Contractor</i>	<i>Bid Amount</i>
<b>Engineer's Estimate</b>	<b>\$15,000.00</b>
L & J Landscaping	\$21,000.00
WCCR Construction	\$21,768.00
JCD, Inc.	\$24,640.00
Nature Tech Landscaping, Inc.	\$25,000.00
STL Landscape, Inc.	\$28,000.00
AToM, Inc.	\$31,979.00

Following the bid opening, all proposals were reviewed for completeness and accuracy. The second low bidder, WCCR Construction, submitted a protest against the apparent low bidder, L & J Landscaping. The protest was based on the apparent low bidder's failure to have its Non Collusion Affidavit notarized and its failure to include the Bidder's Guarantee form. Regarding the first issue, the Affidavit was signed without notarization and included. Regarding the second issue, the bidder did include the required 10 percent bid bond but omitted the guarantee form. Both issues were reviewed by the City Engineer and the City Attorney and deemed to be minor irregularities that could be waived by the Board of Directors. Otherwise, the apparent low bidder, L & J Landscaping, provided all required documents and was deemed the lowest responsible, responsive bidder for the project.

A reference check of L & J Landscaping was conducted; and it appears the company has the personnel, equipment, and job experience necessary to complete this contract in accordance with the plans and specifications.

**FISCAL IMPACT:** The 9916 Central Avenue Landscape Improvement Project is included in the Redevelopment Agency Fiscal Year 2010-11 Budget.

**RECOMMENDATION:** Staff recommends the Redevelopment Agency Board of Directors take the following actions related to the 9916 Central Avenue Landscape Improvement Project:

1. Waive minor bid irregularities and reject bid result protest from WCCR Construction.
2. Award a contract to L & J Landscaping in the amount of \$21,000.
3. Approve Agreement No. 11-25 with L & J Landscaping.
4. Authorize a \$2,100 construction contingency.

KNOW ALL MEN BY THESE PRESENTS: That the following Agreement is made and entered into as of the date executed by the Agency Secretary and Chairman, by and between **L & J Landscaping**, hereinafter referred to as "CONTRACTOR" and the Montclair Redevelopment Agency, hereinafter referred to as "AGENCY."

**A. Recitals.**

- (i) Pursuant to Notice Inviting Sealed Bids or Proposals, bids were received, publicly opened, and declared on the date specified in said notice.
- (ii) AGENCY did accept the bid of CONTRACTOR.
- (iii) AGENCY has authorized the Agency Secretary and Chairman to enter into a written contract with CONTRACTOR for furnishing labor, equipment, and material for the construction of:

**FOR THE CONSTRUCTION OF  
9916 CENTRAL AVENUE LANDSCAPE IMPROVEMENT PROJECT**

"PROJECT" hereinafter.

**B. Resolution.**

NOW, THEREFORE, in consideration of the mutual covenants herein contained, it is agreed:

1. GENERAL SCOPE OF WORK: CONTRACTOR shall furnish all necessary labor, tools, materials, appliances, and equipment for and do all work contemplated and embraced for the PROJECT. Said PROJECT to be performed in accordance with specifications and standards on file in the Office of the City Engineer and in accordance with bid prices hereinafter mentioned and in accordance with the instructions of the Engineer.
2. INCORPORATED DOCUMENTS TO BE CONSIDERED COMPLEMENTARY: The aforesaid specifications are incorporated herein by reference thereto and made a part hereof with like force and effect as if all of said documents were set forth in full herein. Said documents, the Notice Inviting Bids, the Instructions to Bidders, the Proposal and any Agency-issued addenda, together with this written Agreement, shall constitute the contract between the parties. This contract is intended to require a complete and finished piece of work and anything necessary to complete the work properly and in accordance with the law and lawful governmental regulations shall be performed by the CONTRACTOR whether set out specifically in the contract or not. Should it be ascertained that any inconsistency exists between the aforesaid documents and this written Agreement, the provisions of this written Agreement shall control.

3. **TERMS OF CONTRACT:** The CONTRACTOR agrees to execute the contract within ten (10) calendar days from the date of notice of award of the contract and to complete his portion of PROJECT within the time specified in the Special Provisions. CONTRACTOR agrees further to the assessment of liquidated damages in the amount specified in the Special Provisions or the Standard Specifications, whichever is higher, for each calendar day PROJECT remains incomplete beyond the expiration of the completion date. Agency may deduct the amount thereof from any moneys due or that may become due the CONTRACTOR under this contract. Progress payments made after the scheduled date of completion shall not constitute a waiver of liquidated damages.

4. **INSURANCE:** The CONTRACTOR shall not commence work under this contract until he has obtained all insurance required hereunder in a company or companies acceptable to AGENCY nor shall the CONTRACTOR allow any subcontractor to commence work on his subcontract until all insurance required of the subcontractor has been obtained. The CONTRACTOR shall take out and maintain at all times during the life of this contract the following policies of insurance:

a. **Compensation Insurance:** Before beginning work, the CONTRACTOR shall furnish to the Engineer a policy of insurance or proper endorsement as proof that he has taken out full compensation insurance for all persons whom he may employ directly or through subcontractors in carrying out the work specified herein, in accordance with the laws of the State of California. Such insurance shall be maintained in full force and effect during the period covered by this contract.

In accordance with the provisions of § 3700 of the California Labor Code, every contractor shall secure the payment of compensation to his employees. CONTRACTOR, prior to commencing work, shall sign and file with AGENCY a certification as follows:

**"I am aware of the provisions of § 3700 of the Labor Code which require every employer to be insured against liability for worker's compensation or to undertake self insurance in accordance with the provisions of that Code, and I will comply with such provisions before commencing the performance of the work of this contract."**

b. For all operations of the CONTRACTOR or any subcontractor in performing the work provided for herein, insurance with the following minimum limits and coverage:

- (1) Public Liability - Bodily Injury (not auto) \$1,000,000 each person; \$2,000,000 each accident.
- (2) Public Liability - Property Damage (not auto) \$500,000 each accident; \$1,000,000 aggregate.
- (3) Contractor's Protective - Bodily Injury \$1,000,000 each person; \$2,000,000 each accident.
- (4) Contractor's Protective - Property Damage \$500,000 each accident; \$1,000,000 aggregate.

- (5) Automobile - Bodily Injury \$1,000,000 each person; \$2,000,000 each accident.
  - (6) Automobile - Property Damage \$500,000 each accident.
- c. The policy of insurance provided for in subparagraph a. shall contain an endorsement which:
- (1) Waives all right of subrogation against all persons and entities specified in subparagraph 4.d.(2) hereof to be listed as additional insureds in the policy of insurance provided for in paragraph b. by reason of any claim arising out of or connected with the operations of CONTRACTOR or any subcontractor in performing the work provided for herein;
  - (2) Provides it shall not be canceled or altered without thirty (30) days' written notice thereof given to AGENCY by registered mail.
- d. Each such policy of insurance provided for in paragraph b. shall:
- (1) Be issued by an insurance company approved in writing by AGENCY, which is qualified to do business in the State of California;
  - (2) Name as additional insureds the AGENCY, its officers, agents and employees, and any other parties specified in the bid documents to be so included;
  - (3) Specify it acts as primary insurance and that no insurance held or owned by the designated additional insureds shall be called upon to cover a loss under said policy;
  - (4) Contain a clause substantially in the following words:  

"It is hereby understood and agreed that this policy may not be canceled nor the amount of the coverage thereof reduced until thirty (30) days after receipt by AGENCY of a written notice of such cancellation or reduction of coverage as evidenced by receipt of a registered letter."
  - (5) Otherwise be in form satisfactory to AGENCY.
- e. The CONTRACTOR shall at the time of the execution of the contract present the original policies of insurance required in paragraphs a. and b., hereof, or present an endorsement of the insurance company, showing the issuance of such insurance, and the additional insureds and other provisions required herein.

5. CONTRACTOR'S LIABILITY: The City of Montclair Redevelopment Agency and its respective officers, agents and employees shall not be answerable or accountable in any manner for any loss or damage that may happen to the project or any part thereof, or for any of the materials or other things used or employed in performing the project; or for injury or damage to any person or persons, either workmen, employees of the CONTRACTOR or his subcontractors or the public, whatsoever arising out of or in connection with the performance of the project. The CONTRACTOR shall be responsible for any damage or injury to any person or property resulting from defects or obstructions or from any cause whatsoever, except the sole negligence or willful misconduct of AGENCY, its employees, servants, or independent contractors who are directly responsible to AGENCY during the progress of the project or at any time before its completion and final acceptance.

The CONTRACTOR will indemnify AGENCY against and will hold and save AGENCY harmless from any and all actions, claims, damages to persons or property, penalties, obligations, or liabilities that may be asserted or claimed by any person, firm, entity, corporation, political subdivision, or other organization arising out of or in connection with the work, operation, or activities of the CONTRACTOR, his agents, employees, subcontractors, or invitees provided for herein, whether or not there is concurrent passive or active negligence on the part of AGENCY, but excluding such actions, claims, damages to persons or property, penalties, obligations, or liabilities arising from the sole negligence or willful misconduct of AGENCY, its employees, servants, or independent contractors who are directly responsible to AGENCY, and in connection therewith:

- a. The CONTRACTOR will defend any action or actions filed in connection with any of said claims, damages, penalties, obligations, or liabilities and will pay all costs and expenses, including attorneys' fees incurred in connection therewith.
- b. The CONTRACTOR will promptly pay any judgment or award rendered against the CONTRACTOR or AGENCY covering such claims, damages, penalties, obligations, and liabilities arising out of or in connection with such work, operations, or activities of the CONTRACTOR hereunder or reasonable settlement in lieu of judgment or award, and the CONTRACTOR agrees to save and hold the AGENCY harmless therefrom.
- c. In the event AGENCY is made a party to any action or proceeding filed or prosecuted against the CONTRACTOR for damages or other claims arising out of or in connection with the project, operation, or activities of the CONTRACTOR hereunder, the CONTRACTOR agrees to pay to AGENCY any and all costs and expenses incurred by CITY in such action or proceeding together with reasonable attorneys' fees.

Money due to the CONTRACTOR under and by virtue of the contract, as shall be considered necessary by AGENCY, may be retained by AGENCY until disposition has been made of such actions or claims for damage as aforesaid.

6. NONDISCRIMINATION: No discrimination shall be made in the employment of persons upon public works because of the race, color, sex, sexual preference, sexual orientation, or religion of such persons, and every contractor for public works violating this section is subject to all the penalties imposed for a violation of Division 2, Part 7, Chapter 1 of the Labor Code in accordance with the provisions of § 1735 of said Code.

7. INELIGIBLE SUBCONTRACTORS: The CONTRACTOR shall be prohibited from performing work on this project with a subcontractor who is ineligible to perform on the project pursuant to § 1777.1 and § 1777.7 of the Labor Code.

8. CONTRACT PRICE AND PAYMENT: AGENCY shall pay to the CONTRACTOR for furnishing the material and doing the prescribed work the unit prices set forth in accordance with CONTRACTOR's Proposal dated **February 23, 2011**.

9. ATTORNEYS' FEES: In the event that any action or proceeding is brought by either party to enforce any term or provision of this Agreement, the prevailing party shall recover its reasonable attorneys' fees and costs incurred with respect thereto.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be duly executed with all the formalities required by law on the respective dates set forth opposite their signatures.

CITY OF MONTCLAIR REDEVELOPMENT AGENCY, CALIFORNIA

By: \_\_\_\_\_  
Chairman

Attest: \_\_\_\_\_  
Agency Secretary

CONTRACTOR:

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City

By: \_\_\_\_\_  
Title

By: \_\_\_\_\_  
Title

By: \_\_\_\_\_  
Title

## AGENDA REPORT

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<b>SUBJECT:</b> CONSIDER AWARD OF CONTRACT TO ACE CD, INC., IN THE AMOUNT OF \$152,463  CONSIDER APPROVAL OF AGREEMENT NO. 11-26 WITH ACE CD, INC., FOR CONSTRUCTION OF THE RICHTON STREET POLICE DEPARTMENT IMPOUND FACILITY PROJECT  CONSIDER AUTHORIZATION OF A \$20,000 CONSTRUCTION CONTINGENCY	<b>DATE:</b> March 7, 2011 <b>SECTION:</b> AGREEMENTS (JT) <b>ITEM NO.:</b> 3 <b>FILE I.D.:</b> SSP182 <b>DEPT.:</b> PUBLIC WORKS/RDA
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**REASON FOR CONSIDERATION:** Awards of contracts and agreements with the Redevelopment Agency require Agency Board of Directors approval.

**BACKGROUND:** An integral part of the Police Department facility, conceived in the early 2000s, was a Police impound facility to be located on property to the north of the Police Department facility site. The idea of a new facility, including both a Police station and an impound yard, became a reality with the passage of Measure F in November 2004. By the time construction of the new Police Department facility began in 2006, however, construction costs had skyrocketed; and it was uncertain whether Measure F funds would be sufficient to construct the Police Department facility as well as the promised Youth and Senior Center facilities and improvements to the Community Center, even with the support of Redevelopment Agency funds for the Police Department and impound facility. It was not until construction had been completed on the three Civic Center projects that it was determined sufficient Agency funds would be available to complete the planned Police Department impound facility. With this determined, the Redevelopment Agency Board of Directors, at its meeting of August 16, 2010, authorized staff to advertise for bids for construction of the Richton Street Police Department Impound Facility Project.

This project would reconfigure the existing single parking lot into two separate parking lots. The northern lot would remain as the Metro Nissan overflow parking lot, while the southern half of the parking lot would be modified to accommodate use as a Police Department impound facility. Work would include a new vehicle entrance, wrought-iron fencing and gates, and preliminary electrical stub outs for a security camera system.

On Thursday, February 24, 2011, the Deputy City Clerk received and opened 13 bid proposals for construction of the Richton Street Police Department Impound Facility Project. The bid results are shown on the following page. Following the bid opening, all bid proposals were reviewed for completeness and accuracy. ACE CD, Inc., provided all the required documents and was deemed to be the lowest responsible, responsive bidder for the project.

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Prepared by: <u><i>M. SCHO</i></u>	Reviewed and Approved by: <u><i>M. STAAKS</i></u>
Proofed by: <u><i>John L. Smith</i></u>	Presented by: <u><i>[Signature]</i></u>

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Based on similar projects ACE CD, Inc., has done in the past, the company is known to have the personnel, equipment, and job experience necessary to complete the contract in accordance with the plans and specifications.

<i>Contractor</i>	<i>Bid Amount</i>
ACE CD, Inc.	\$152,463.00
<b>Engineers Estimate</b>	<b>\$160,000.00</b>
WCCR Construction	\$172,700.00
NPG Corporation	\$182,671.00
Spiess Construction Co., Inc.	\$183,351.00
Fleming Environmental, Inc.	\$187,198.00
Broughton Construction, Inc.	\$197,906.00
Elite Companies US, Inc.	\$197,975.00
Conengr Corporation	\$199,275.00
Atom, Inc.	\$199,979.00
MAG Engineering, Inc.	\$204,158.00
United Paving Co.	\$214,750.00
NBI General Contractors, Inc.	\$293,782.50
BEC, Inc.	\$310,000.00

**FISCAL IMPACT:** The project would be funded by the Montclair Redevelopment Agency as part of the master-planned Police Department and Police impound facility.

**RECOMMENDATION:** Staff recommends the Redevelopment Agency Board of Directors take the following actions:

1. Award a contract to ACE CD, Inc., in the amount of \$152,463.
2. Approve Agreement No. 11-26 with ACE CD, Inc., for construction of the Richton Street Police Department Impound Facility Project.
3. Authorize a \$20,000 construction contingency.

KNOW ALL MEN BY THESE PRESENTS: That the following Agreement is made and entered into as of the date executed by the Secretary and Chair, by and between **ACE CD, Inc.**, hereinafter referred to as "CONTRACTOR" and the MONTCLAIR HOUSING CORPORATION/REDEVELOPMENT AGENCY, hereinafter referred to as "AGENCY."

**A. Recitals.**

- (i) Pursuant to Notice Inviting Sealed Bids or Proposals, bids were received, publicly opened, and declared on the date specified in said notice.
- (ii) AGENCY did accept the bid of CONTRACTOR.
- (iii) AGENCY has authorized the Secretary and Clerk to enter into a written contract with CONTRACTOR for furnishing labor, equipment, and material for the construction of:

**FOR CONSTRUCTION OF**

**RIGHTON STREET POLICE DEPARTMENT IMPOUND FACILITY  
PROJECT**

"PROJECT" hereinafter.

**B. Resolution.**

NOW, THEREFORE, in consideration of the mutual covenants herein contained, it is agreed:

1. GENERAL SCOPE OF WORK: CONTRACTOR shall furnish all necessary labor, tools, materials, appliances, and equipment for and do all work contemplated and embraced for the PROJECT. Said PROJECT to be performed in accordance with specifications and standards on file in the Office of the City Engineer and in accordance with bid prices hereinafter mentioned and in accordance with the instructions of the Engineer.

2. INCORPORATED DOCUMENTS TO BE CONSIDERED COMPLEMENTARY: The aforesaid specifications are incorporated herein by reference thereto and made a part hereof with like force and effect as if all of said documents were set forth in full herein. Said documents, the Notice Inviting Bids, the Instructions to Bidders, the Proposal and any City-issued addenda, together with this written Agreement, shall constitute the contract between the parties. This contract is intended to require a complete and finished piece of work and anything necessary to complete the work properly and in accordance with the law and lawful governmental regulations shall be performed by the CONTRACTOR whether set out specifically in the contract or not.

## AGREEMENT

Should it be ascertained that any inconsistency exists between the aforesaid documents and this written Agreement, the provisions of this written Agreement shall control.

3. **TERMS OF CONTRACT:** The CONTRACTOR agrees to execute the contract within ten (10) calendar days from the date of notice of award of the contract and to complete his portion of PROJECT within the time specified in the Special Provisions. CONTRACTOR agrees further to the assessment of liquidated damages in the amount specified in the Special Provisions or the Standard Specifications, whichever is higher, for each calendar day PROJECT remains incomplete beyond the expiration of the completion date. AGENCY may deduct the amount thereof from any moneys due or that may become due the CONTRACTOR under this contract. Progress payments made after the scheduled date of completion shall not constitute a waiver of liquidated damages.

4. **INSURANCE:** The CONTRACTOR shall not commence work under this contract until he has obtained all insurance required hereunder in a company or companies acceptable to AGENCY nor shall the CONTRACTOR allow any subcontractor to commence work on his subcontract until all insurance required of the subcontractor has been obtained. The CONTRACTOR shall take out and maintain at all times during the life of this contract the following policies of insurance:

a. **Compensation Insurance:** Before beginning work, the CONTRACTOR shall furnish to the Engineer a policy of insurance or proper endorsement as proof that he has taken out full compensation insurance for all persons whom he may employ directly or through subcontractors in carrying out the work specified herein, in accordance with the laws of the State of California. Such insurance shall be maintained in full force and effect during the period covered by this contract.

In accordance with the provisions of § 3700 of the California Labor Code, every contractor shall secure the payment of compensation to his employees. CONTRACTOR, prior to commencing work, shall sign and file with CITY a certification as follows:

**"I am aware of the provisions of § 3700 of the Labor Code which require every employer to be insured against liability for worker's compensation or to undertake self insurance in accordance with the provisions of that Code, and I will comply with such provisions before commencing the performance of the work of this contract."**

b. For all operations of the CONTRACTOR or any subcontractor in performing the work provided for herein, insurance with the following minimum limits and coverage:

- (1) Public Liability - Bodily Injury (not auto) \$1,000,000 each person; \$2,000,000 each accident.
- (2) Public Liability - Property Damage (not auto) \$500,000 each accident; \$1,000,000 aggregate.
- (3) Contractor's Protective - Bodily Injury \$1,000,000 each person; \$2,000,000 each accident.

## AGREEMENT

- (4) Contractor's Protective - Property Damage \$500,000 each accident; \$1,000,000 aggregate.
  - (5) Automobile - Bodily Injury \$1,000,000 each person; \$2,000,000 each accident.
  - (6) Automobile - Property Damage \$500,000 each accident.
- c. The policy of insurance provided for in subparagraph a. shall contain an endorsement which:
- (1) Waives all right of subrogation against all persons and entities specified in subparagraph 4.d.(2) hereof to be listed as additional insureds in the policy of insurance provided for in paragraph b. by reason of any claim arising out of or connected with the operations of CONTRACTOR or any subcontractor in performing the work provided for herein;
  - (2) Provides it shall not be canceled or altered without thirty (30) days' written notice thereof given to AGENCY by registered mail.
- d. Each such policy of insurance provided for in paragraph b. shall:
- (1) Be issued by an insurance company approved in writing by AGENCY, which is qualified to do business in the State of California;
  - (2) Name as additional insureds the AGENCY, its officers, agents and employees, and any other parties specified in the bid documents to be so included;
  - (3) Specify it acts as primary insurance and that no insurance held or owned by the designated additional insureds shall be called upon to cover a loss under said policy;
  - (4) Contain a clause substantially in the following words:  
  
"It is hereby understood and agreed that this policy may not be canceled nor the amount of the coverage thereof reduced until thirty (30) days after receipt by AGENCY of a written notice of such cancellation or reduction of coverage as evidenced by receipt of a registered letter."
  - (5) Otherwise be in form satisfactory to AGENCY.
- e. The CONTRACTOR shall at the time of the execution of the contract present the original policies of insurance required in paragraphs a. and b., hereof, or present an endorsement of the insurance company, showing the issuance of such insurance, and the additional insureds and other provisions required herein.

## AGREEMENT

5. CONTRACTOR'S LIABILITY: The City of Montclair and its respective officers, agents and employees shall not be answerable or accountable in any manner for any loss or damage that may happen to the project or any part thereof, or for any of the materials or other things used or employed in performing the project; or for injury or damage to any person or persons, either workmen, employees of the CONTRACTOR or his subcontractors or the public, whatsoever arising out of or in connection with the performance of the project. The CONTRACTOR shall be responsible for any damage or injury to any person or property resulting from defects or obstructions or from any cause whatsoever, except the sole negligence or willful misconduct of AGENCY, its employees, servants, or independent contractors who are directly responsible to AGENCY during the progress of the project or at any time before its completion and final acceptance. The CONTRACTOR will indemnify CITY against and will hold and save AGENCY harmless from any and all actions, claims, damages to persons or property, penalties, obligations, or liabilities that may be asserted or claimed by any person, firm, entity, corporation, political subdivision, or other organization arising out of or in connection with the work, operation, or activities of the CONTRACTOR, his agents, employees, subcontractors, or invitees provided for herein, whether or not there is concurrent passive or active negligence on the part of AGENCY, but excluding such actions, claims, damages to persons or property, penalties, obligations, or liabilities arising from the sole negligence or willful misconduct of AGENCY, its employees, servants, or independent contractors who are directly responsible to AGENCY, and in connection therewith:

- a. The CONTRACTOR will defend any action or actions filed in connection with any of said claims, damages, penalties, obligations, or liabilities and will pay all costs and expenses, including attorneys' fees incurred in connection therewith.
- b. The CONTRACTOR will promptly pay any judgment or award rendered against the CONTRACTOR or AGENCY covering such claims, damages, penalties, obligations, and liabilities arising out of or in connection with such work, operations, or activities of the CONTRACTOR hereunder or reasonable settlement in lieu of judgment or award, and the CONTRACTOR agrees to save and hold the AGENCY harmless therefrom.
- c. In the event AGENCY is made a party to any action or proceeding filed or prosecuted against the CONTRACTOR for damages or other claims arising out of or in connection with the project, operation, or activities of the CONTRACTOR hereunder, the CONTRACTOR agrees to pay to AGENCY any and all costs and expenses incurred by AGENCY in such action or proceeding together with reasonable attorneys' fees.

Money due to the CONTRACTOR under and by virtue of the contract, as shall be considered necessary by AGENCY, may be retained by AGENCY until disposition has been made of such actions or claims for damage as aforesaid.

**AGREEMENT**

6. **NONDISCRIMINATION:** No discrimination shall be made in the employment of persons upon public works because of the race, color, sex, sexual preference, sexual orientation, or religion of such persons, and every contractor for public works violating this section is subject to all the penalties imposed for a violation of Division 2, Part 7, Chapter 1 of the Labor Code in accordance with the provisions of § 1735 of said Code.

7. **INELIGIBLE SUBCONTRACTORS:** The CONTRACTOR shall be prohibited from performing work on this project with a subcontractor who is ineligible to perform on the project pursuant to § 1777.1 and § 1777.7 of the Labor Code.

8. **CONTRACT PRICE AND PAYMENT:** AGENCY shall pay to the CONTRACTOR for furnishing the material and doing the prescribed work the unit prices set forth in accordance with CONTRACTOR's Proposal dated **February 24, 2011**.

9. **ATTORNEYS' FEES:** In the event that any action or proceeding is brought by either party to enforce any term or provision of this Agreement, the prevailing party shall recover its reasonable attorneys' fees and costs incurred "HUD with respect thereto.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be duly executed with all the formalities required by law on the respective dates set forth opposite their signatures.

MONTCLAIR HOUSING CORPORATION/REDEVELOPMENT AGENCY

By: \_\_\_\_\_  
Chair

Attest: \_\_\_\_\_  
Secretary

CONTRACTOR:

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City

By: \_\_\_\_\_  
Title

By: \_\_\_\_\_  
Title

By: \_\_\_\_\_  
Title

# AGENDA REPORT

**SUBJECT:** CONSIDER REDEVELOPMENT AGENCY BOARD OF DIRECTORS' APPROVAL OF AGREEMENT NO. 11-27, A PURCHASE AND SALE AGREEMENT WITH DELBERT DARRELL FOREMAN FOR RIGHT-OF-WAY ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF BROOKS STREET AND MONTE VISTA AVENUE IN THE CITY OF MONTCLAIR

**DATE:** March 7, 2011  
**SECTION:** AGREEMENTS (JT)  
**ITEM NO.:** 4  
**FILE I.D.:** STA110  
**DEPT.:** PUBLIC WORKS/RDA

CONSIDER REDEVELOPMENT AGENCY BOARD OF DIRECTORS' APPROVAL OF AGREEMENT NO. 11-28, A PURCHASE AND SALE AGREEMENT WITH EVANS-DODDS, LLC, FOR RIGHT-OF-WAY ON PROPERTY LOCATED ON THE EAST SIDE OF MONTE VISTA AVENUE NORTH OF THE UNION PACIFIC RAILROAD TRACKS IN THE CITY OF MONTCLAIR

CONSIDER REDEVELOPMENT AGENCY BOARD OF DIRECTORS' APPROVAL OF DECLARATION OF COVENANTS AND EASEMENTS RELATED TO AGREEMENT NOS. 11-27 AND 11-28

CONSIDER REDEVELOPMENT AGENCY BOARD OF DIRECTORS' AUTHORIZATION FOR EXECUTIVE DIRECTOR STARR TO SIGN AGREEMENT NO. 11-27, AGREEMENT NO. 11-28, AND DECLARATION OF COVENANTS AND EASEMENTS RELATED THERETO

CONSIDER REDEVELOPMENT AGENCY BOARD OF DIRECTORS' AUTHORIZATION FOR EXECUTIVE DIRECTOR STARR TO SIGN ESCROW DOCUMENTS RELATED TO AGREEMENT NOS. 11-27 AND 11-28

CONSIDER CITY COUNCIL'S ACCEPTANCE OF GRANTS OF RIGHTS-OF-WAY DEDICATED AS PART OF AGREEMENT NOS. 11-27 AND 11-28

**REASON FOR CONSIDERATION:** As part of ongoing efforts to secure right-of-way for the Monte Vista Avenue/Union Pacific Railroad Grade Separation Project, offers have been made to and accepted by two property owners for easements and partial fee acquisitions over certain real properties in the City of Montclair. Purchase and Sale Agreements involving the Redevelopment Agency must be approved by the Agency Board. Acceptance of grant deeds requires City Council approval. Copies of the proposed Agreements are

Prepared by: *[Signature]*  
Proofed by: *[Signature]*

Reviewed and Approved by: *H. STAATS*  
Presented by: *[Signature]*

included in the agenda packets for the City Council and Redevelopment Agency Board of Directors' review and consideration.

**BACKGROUND:** With the passage of the Traffic Congestion Relief Act of 2000 and the resulting Traffic Congestion Relief Program (TCRP), funding was made available for the construction of grade separations between streets and railroad tracks in several areas of the state. The Act provided \$95 million for grade separations in San Bernardino County including one between Monte Vista Avenue and the Union Pacific Railroad tracks. A consultant was hired by the City to assist with the environmental clearance, design, and right-of-way acquisition. The grade separation project requires the acquisition of several parcels, either in whole or in part, and easements.

It was reported to the City Council in Closed Session on September 7, 2010, that right-of-way appraisals had been completed for the remaining three property acquisitions required for the grade separation project. Staff requested and received authorization to make offers on these remaining acquisitions.

At its meeting of November 1, 2010, the City Council approved Agreement No. 10-121 with Basin Ventures-LA, Inc., and authorized City Manager Edward Starr to sign the Agreement. Escrow on that acquisition located at 5011 Brooks Street closed in late December. The acquisition converted a drainage easement along the westerly five feet of this property to fee title ownership. When combined with some additional acquisition involving a property to the west owned by Delbert Darrell Foreman (Foreman), sufficient property would be available to construct a driveway to serve 10635 Monte Vista Avenue owned by Evans-Dodds, LLC (Evans-Dodds). This property would otherwise be landlocked with the construction of the grade separation project.

By direction of the City Council on September 7, offers were made to Evans-Dodds and Foreman for the rights-of-way necessary from their respective properties. The Evans-Dodds offer was accepted, but the Purchase and Sale Agreement could not immediately be brought to the Board of Directors because part of the offer package also included land rights from the Foreman property in order to construct the aforementioned driveway for the Evans-Dodds property.

The Foreman offer included not only compensation for the land rights being acquired but also compensation for the loss of a storage enclosure/canopy and relocation of various trailers, dollies, blocking, and other equipment associated with the moving business at that location. Some of the additional costs were discussed with the Board of Directors in Closed Session on November 15, 2010. A counteroffer made by Foreman was presented to the Board of Directors in Closed Session on February 22, 2011, and accepted at that time.

Special Counsel assisting staff with these acquisitions has recommended that, in addition to the standard Purchase and Sale Agreements, a Declaration of Covenants and Easements (Declaration) accompany the Agreements. The Declaration explains more fully the intent of all parties to the Agreements with respect to current acquisitions, future conveyances, loss of Monte Vista Avenue access, new access to Brooks Street, temporary rights of entry, and future construction activities.

**FISCAL IMPACT:** As the City Council and Redevelopment Agency Board of Directors may recall, TCRP funds were previously used for right-of-way acquisition for the Monte Vista Avenue Grade Separation Project. These funds have been exhausted. The San Bernardino

Associated Governments (SANBAG) was willing to authorize the use of federal funds for the remaining acquisitions; but since the project did not have federal environmental clearance, these funds could not be accessed. SANBAG then offered federal funds for the Mission Boulevard Improvement Project, which did have federal environmental clearance, if the Redevelopment Agency funds previously slated for Mission Boulevard could instead be moved to the Monte Vista Avenue Project.

Agreement No. 11-27 provides compensation for Foreman in the amount of \$525,000. This compensation amount covers the following:

- Value of right-of-way being acquired
- Value of underlying fee on existing drainage easement
- Value of improvements thereon
- Loss of value on the remaining parcel (severance damages)
- Replacement cost of storage enclosure/canopy
- Repair/refacing costs associated with storage enclosure/canopy removal
- Cost for removal and replacement of existing Brooks Street driveway
- Temporary relocation of equipment associated with moving business
- Permanent relocation of equipment associated with moving business

Agreement No. 11-28 provides compensation for Evans-Dodds in the amount of \$412,555. This compensation amount covers the following:

- Value of the right-of-way being acquired
- Value of the improvements thereon
- Loss of value on the remaining parcel

**RECOMMENDATION:** Staff recommends the following actions be taken:

1. The Redevelopment Agency Board of Directors approve Agreement No. 11-27, a Purchase and Sale Agreement with Delbert Darrell Foreman for right-of-way on property located at the southeast corner of Brooks Street and Monte Vista Avenue in the City of Montclair.
2. The Redevelopment Agency Board of Directors approve Agreement No. 11-28, a Purchase and Sale Agreement with Evans-Dodds, LLC, for right-of-way on property located on the east side of Monte Vista Avenue north of the Union Pacific Railroad tracks in the City of Montclair.
3. The Redevelopment Agency Board of Directors approve Declaration of Covenants and Easements related to Agreement Nos. 11-27 and 11-28.
4. The Redevelopment Agency Board of Directors authorize Executive Director Starr to sign Agreement No. 11-27, Agreement No. 11-28, and Declaration of Covenants and Easements related thereto.
5. The Redevelopment Agency Board of Directors authorize Executive Director Starr to sign escrow documents related to Agreement Nos. 11-27 and 11-28.
6. The City Council accept grants of rights-of-way dedicated as part of Agreement Nos. 11-27 and 11-28.

# AGENDA REPORT

**SUBJECT:** CONSIDER MONTCLAIR REDEVELOPMENT AGENCY BOARD OF DIRECTORS' APPROVAL OF A \$400,000 APPROPRIATION FROM THE LOW TO MODERATE INCOME HOUSING FUND TO THE MONTCLAIR HOUSING CORPORATION FOR COSTS ASSOCIATED WITH THE PROPERTIES LOCATED AT 10313 AMHERST AVENUE, 10380 PRADERA AVENUE, 9010 FREMONT AVENUE, 10333 PRADERA AVENUE, AND 5444 PALO VERDE STREET

**DATE:** March 7, 2011  
**SECTION:** AGREEMENTS (JT)  
**ITEM NO.:** 5  
**FILE I.D.:** RDA250  
**DEPT.:** RDA/MHC

CONSIDER MONTCLAIR HOUSING CORPORATION BOARD OF DIRECTORS' APPROVAL OF AGREEMENT NO. 11-29 APPROVING PROMISSORY NOTE 11-01 BY AND BETWEEN THE MONTCLAIR HOUSING CORPORATION AND THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY

**REASON FOR CONSIDERATION:** The Redevelopment Agency Board of Directors is requested to consider approval of a loan from the Low to Moderate Income Housing Fund to the Montclair Housing Corporation concerning the properties located at 10313 Amherst Avenue and 10380 Pradera Avenue to cover unforeseen expenses. Staff is also requesting the Agency Board of Directors consider approval of a loan from the Low to Moderate Income Housing Fund to the Montclair Housing Corporation for rehabilitation of the recently purchased properties located at 9010 Fremont Avenue, 10333 Pradera Avenue, and 5444 Palo Verde Street. The Montclair Housing Corporation Board of Directors is requested to approve repayment of the loaned funds in the form of Promissory Note 11-01. A copy of Agreement No. 11-29 is attached for the Montclair Housing Corporation Board of Directors' review and consideration.

**BACKGROUND:** During the course of fascia repairs and installation of rain gutters at 10313 Amherst Avenue, improvements that were included in the Montclair Housing Corporation 2010-11 Budget, the contractor discovered extensive dry rot damage to the roof rafters and overhang at both buildings (there are two separate buildings on the property). Water damage to the rafters was extensive and required a significant amount of wood replacement that would have required the contractor to cut back into the roof approximately four to five feet from the edge. Based on the amount of work required to replace the rotted rafters, the Building Department advised that the most feasible option was to replace the roof and not attempt to patch existing water leaks found in other areas of the roofs. Replacement of the roof would also make the rafter replacement appear

Prepared by: Christine P. Caldwell  
Reviewed and Approved by: \_\_\_\_\_  
Proofed by: Yvonne L. Smith  
Presented by: \_\_\_\_\_

M. [Signature]  
[Signature]

seamless. The work was completed and signed off by the Building Department in January 2011. Staff is requesting a loan from the Low to Moderate Income Housing Fund to the Montclair Housing Corporation in the amount of \$100,000 to cover the unforeseen costs associated with the roof replacement for both buildings at 10313 Amherst Avenue and to pay for anticipated costs for the properties located at 10323, 10333, and 10383 that are also experiencing similar dry rot and fascia damage.

On February 24, 2011, staff investigated a call from a tenant at 10380 Pradera Avenue stating that she suspected mold may exist in her unit. Although there are no physical signs of mold anywhere in the apartment, it was determined that a building-related mold investigation be conducted on the premises by an independent and licensed environmental consultant. Not knowing the costs associated with remediating mold in the unit, should it be found that remediation is necessary, staff is requesting a loan in the amount of \$100,000 from the Redevelopment Agency to cover possible unforeseen costs for the subject unit as well as the three other units should mold remediation be necessary for all of the units.

Staff is also requesting the Agency Board of Directors consider an appropriation from the Low to Moderate Income Housing Fund for rehabilitation of the Agency's latest three acquisitions. These properties include 9010 Fremont Avenue, 10333 Pradera Avenue, and 5444 Palo Verde Street. The Agency Board of Directors will be asked to consider the transfer of these properties to the Montclair Housing Corporation at a later time. Staff believes it is prudent at this time to direct funds from the Housing Fund to the Montclair Housing Corporation for rehabilitation of the Agency's three latest acquisitions. Having been purchased with Low to Moderate Income Housing Fund moneys, these properties will be rented to low to moderate income families. Not knowing the full extent of the rehabilitation at this point, staff is requesting a loan amount of \$200,000 for all three properties.

**FISCAL IMPACT:** Staff estimates it would cost \$400,000 to cover unforeseen costs associated with 10313, 10323, 10333, and 10383 Amherst Avenue and 10380 Pradera Avenue and to cover the costs associated with rehabilitation of the properties located at 9010 Fremont Avenue, 10333 Pradera Avenue, and 5444 Palo Verde Street and is, therefore, requesting an appropriation from the Low to Moderate Income Housing Fund. If the Montclair Housing Corporation Board approves proposed Agreement No. 11-29, the Montclair Housing Corporation would pay the \$400,000 loan with 2 percent interest until paid in full.

**RECOMMENDATION:** Staff recommends the following actions be taken:

1. The Redevelopment Agency Board of Directors approve a \$400,000 appropriation from the Low to Moderate Income Housing Fund to the Montclair Housing Corporation for costs associated with the properties located at 10313 Amherst Avenue, 10380 Pradera Avenue, 9010 Fremont Avenue, 10333 Pradera Avenue, and 5444 Palo Verde Street.
2. The Montclair Housing Corporation Board of Directors' approval of Agreement No. 11-29 approving Promissory Note 11-01 by and between the Montclair Housing Corporation and the City of Montclair Redevelopment Agency.

**AGREEMENT NO. 11-29**

**MONTCLAIR HOUSING CORPORATION**

**PROMISSORY NOTE 11-01**

March 7, 2011

Montclair Housing Corporation, after this date, hereby agrees to pay the City of Montclair Redevelopment Agency the sum not to exceed Four Hundred Thousand, with interest thereupon at a rate of two percent (2%) per annum from initiation and thereafter until paid.

The obligation of the Montclair Housing Corporation herein is and shall constitute an indebtedness of the Montclair Housing Corporation for the costs associated with the rehabilitation of 10313, 10323, 10333, and 10383 Amherst Avenue, 10380 Pradera Avenue, 9010 Fremont Avenue, 10333 Pradera Avenue, and 5444 Palo Verde Street, Montclair, California.

**IN WITNESS WHEREOF**, this Note has been executed this 7<sup>th</sup> day of March 2011.

**MONTCLAIR HOUSING  
CORPORATION**

**BY:** \_\_\_\_\_  
**Paul M. Eaton, Chairman**

**ATTEST:**

\_\_\_\_\_  
**Donna M. Jackson, Secretary**

## AGENDA REPORT

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**SUBJECT:** CONSIDER ADOPTION OF RESOLUTION  
NO. 11-2885 AUTHORIZING PLACEMENT  
OF LIENS ON CERTAIN PROPERTIES FOR  
DELINQUENT SEWER AND TRASH CHARGES

**DATE:** March 7, 2011

**SECTION:** RESOLUTIONS

**ITEM NO.:** 1

**FILE I.D.:** STB300-17

**DEPT.:** ADMIN. SVCS.

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**REASON FOR CONSIDERATION:** Staff has identified 247 sewer and trash accounts in the odd-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. Proposed Resolution No. 11-2885 authorizes that liens be placed on the subject properties for delinquent sewer and trash charges. A copy of proposed Resolution No. 11-2885 is attached for the City Council's review and consideration.

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

The 247 liens presented for approval are for accounts that are at least 90 days delinquent.

**FISCAL IMPACT:** Recoverable amount is \$47,721.63 plus \$12,350.00 in lien fees, for a total of \$60,071.63.

**RECOMMENDATION:** Staff recommends the City Council adopt Resolution No. 11-2885 authorizing placement of liens on certain properties for delinquent sewer and trash charges as listed on Exhibit A of said Resolution.

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Prepared by:

*Janel Kullbeck*

Reviewed and  
Approved by:

*[Handwritten Signature]*

Proofed by:

*Kathy Patton*

Presented by:

**RESOLUTION NO. 11-2885**

**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 247 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 February 10, 2011, that their delinquent accounts are subject to causing a lien to be placed on their properties for settlement of such delinquencies; and

**WHEREAS**, the owners of these properties were again notified on February 24, 2011, and that such liens would be considered for approval by the Montclair City Council on Monday, March 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 - March 2011*, attached hereto.

**BE IT FURTHER RESOLVED** that the Deputy 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:**

\_\_\_\_\_  
Deputy City Clerk

I, Yvonne L. Smith, Deputy City Clerk of the City of Montclair, DO HEREBY CERTIFY that Resolution No. 11-2885 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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Yvonne L. Smith  
Deputy City Clerk

Exhibit A to Resolution No. 11-2885  
Report of Delinquent Civil Debts - March 2011

Street No.	Street	Account Type	Delinquency	Lien Fee	Total Lien Amount
4334	Alamitos Street	Residential	\$267.54	\$50.00	\$317.54
5356	Alamitos Street	Residential	\$183.54	\$50.00	\$233.54
5366	Alamitos Street	Senior	\$179.76	\$50.00	\$229.76
5371	Alamitos Street	Residential	\$156.63	\$50.00	\$206.63
5616	Alamitos Street	Residential	\$191.62	\$50.00	\$241.62
5634	Alamitos Street	Residential	\$183.58	\$50.00	\$233.58
4575	Allesandro Street	Residential	\$279.18	\$50.00	\$329.18
4587	Allesandro Street	Residential	\$184.85	\$50.00	\$234.85
4667	Allesandro Street	Residential	\$183.54	\$50.00	\$233.54
9910	Amherst Avenue	Residential	\$267.54	\$50.00	\$317.54
5516	Armsley Street	Senior	\$143.81	\$50.00	\$193.81
5577	Armsley Street	Residential	\$190.52	\$50.00	\$240.52
5103	Aspen Drive	Residential	\$180.35	\$50.00	\$230.35
9220	Bel Air Avenue	Residential	\$183.41	\$50.00	\$233.41
9250	Bel Air Avenue	Residential	\$173.57	\$50.00	\$223.57
9680	Bel Air Avenue	Residential	\$147.11	\$50.00	\$197.11
9939	Bel Air Avenue	Residential	\$255.11	\$50.00	\$305.11
9950	Bel Air Avenue	Residential	\$201.54	\$50.00	\$251.54
9982	Bel Air Avenue	Residential	\$183.54	\$50.00	\$233.54
10024	Bel Air Avenue	Residential	\$291.52	\$50.00	\$341.52
4400	Benito Street	Residential	\$255.11	\$50.00	\$305.11
4460	Benito Street	Residential	\$183.54	\$50.00	\$233.54
4712	Benito Street	Residential	\$183.55	\$50.00	\$233.55
5273	Benito Street	Residential	\$236.09	\$50.00	\$286.09
5369	Benito Street	Residential	\$183.41	\$50.00	\$233.41
5389	Benito Street	Senior	\$274.35	\$50.00	\$324.35
5399	Benito Street	Residential	\$185.02	\$50.00	\$235.02
5402	Benito Street	Residential	\$162.71	\$50.00	\$212.71
5428	Benito Street	Residential	\$180.35	\$50.00	\$230.35
9590	Benson Avenue	Residential	\$180.35	\$50.00	\$230.35
9656	Benson Avenue	Residential	\$183.54	\$50.00	\$233.54
10032	Benson Avenue	Residential	\$185.02	\$50.00	\$235.02
5353	Berkeley Street	Residential	\$183.54	\$50.00	\$233.54
5381	Berkeley Street	Residential	\$162.71	\$50.00	\$212.71
9768	Bolton Avenue	Residential	\$255.11	\$50.00	\$305.11
4521	Bonnie Brae Street	Residential	\$190.52	\$50.00	\$240.52
4522	Bonnie Brae Street	Residential	\$189.49	\$50.00	\$239.49
4531	Bonnie Brae Street	Residential	\$255.11	\$50.00	\$305.11
5629	Bonnie Brae Street	Residential	\$181.93	\$50.00	\$231.93
9763	Camarena Avenue	Residential	\$179.62	\$50.00	\$229.62
9851	Camarena Avenue	Residential	\$188.78	\$50.00	\$238.78
4853	Cambridge Street	Residential	\$183.54	\$50.00	\$233.54

Street No.	Street	Account Type	Delinquency	Lien Fee	Total Lien Amount
5438	Cambridge Street	Residential	\$158.92	\$50.00	\$208.92
5448	Cambridge Street	Residential	\$183.55	\$50.00	\$233.55
5458	Cambridge Street	Residential	\$225.81	\$50.00	\$275.81
5471	Cambridge Street	Residential	\$184.14	\$50.00	\$234.14
5490	Cambridge Street	Residential	\$182.88	\$50.00	\$232.88
5570	Cambridge Street	Residential	\$266.28	\$50.00	\$316.28
9112	Camulos Avenue	Residential	\$186.02	\$50.00	\$236.02
9151	Camulos Avenue	Residential	\$184.18	\$50.00	\$234.18
9243	Camulos Avenue	Residential	\$183.54	\$50.00	\$233.54
9426	Camulos Avenue	Residential	\$162.71	\$50.00	\$212.71
9512	Camulos Avenue	Residential	\$183.54	\$50.00	\$233.54
9539	Camulos Avenue	Senior	\$274.97	\$50.00	\$324.97
9547	Camulos Avenue	Residential	\$155.07	\$50.00	\$205.07
9606	Camulos Avenue	Residential	\$190.52	\$50.00	\$240.52
9611	Camulos Avenue	Residential	\$143.51	\$50.00	\$193.51
9737	Camulos Avenue	Residential	\$183.54	\$50.00	\$233.54
9757	Camulos Avenue	Residential	\$183.54	\$50.00	\$233.54
9859	Camulos Avenue	Residential	\$182.55	\$50.00	\$232.55
9877	Camulos Avenue	Residential	\$209.66	\$50.00	\$259.66
5666	Caroline Street	Residential	\$183.54	\$50.00	\$233.54
9464	Carrillo Avenue	Residential	\$254.99	\$50.00	\$304.99
9569	Carrillo Avenue	Residential	\$303.37	\$50.00	\$353.37
9601	Carrillo Avenue	Residential	\$154.96	\$50.00	\$204.96
9566	Central Avenue	Residential	\$183.55	\$50.00	\$233.55
9835	Central Avenue	Residential	\$164.35	\$50.00	\$214.35
9855	Central Avenue	Residential	\$183.84	\$50.00	\$233.84
9986	Central Avenue	Residential	\$209.65	\$50.00	\$259.65
9787	Coalinga Avenue	Residential	\$305.59	\$50.00	\$355.59
9795	Coalinga Avenue	Residential	\$183.54	\$50.00	\$233.54
9827	Coalinga Avenue	Senior	\$149.42	\$50.00	\$199.42
9884	Coalinga Avenue	Residential	\$183.54	\$50.00	\$233.54
9440	Columbine Avenue	Residential	\$103.48	\$50.00	\$153.48
9995	Columbine Avenue	Residential	\$240.42	\$50.00	\$290.42
9341	Del Mar Avenue	Residential	\$167.74	\$50.00	\$217.74
9361	Del Mar Avenue	Residential	\$152.00	\$50.00	\$202.00
9497	Del Mar Avenue	Residential	\$183.54	\$50.00	\$233.54
9561	Del Mar Avenue	Residential	\$198.35	\$50.00	\$248.35
4253	Denver Street	Residential	\$304.72	\$50.00	\$354.72
4254	Denver Street	Residential	\$183.32	\$50.00	\$233.32
4304	Denver Street	Residential	\$209.65	\$50.00	\$259.65
4324	Denver Street	Residential	\$202.79	\$50.00	\$252.79
4325	Denver Street	Residential	\$255.11	\$50.00	\$305.11
4416	Denver Street	Residential	\$184.59	\$50.00	\$234.59
4572	Denver Street	Residential	\$109.17	\$50.00	\$159.17
5607	Denver Street	Residential	\$183.54	\$50.00	\$233.54

Street No.	Street	Account Type	Delinquency	Lien Fee	Total Lien Amount
5616	Denver Street	Residential	\$180.51	\$50.00	\$230.51
5626	Denver Street	Residential	\$111.39	\$50.00	\$161.39
5602	Deodar Street	Residential	\$235.76	\$50.00	\$285.76
5167	El Morado Street	Residential	\$162.71	\$50.00	\$212.71
5168	El Morado Street	Residential	\$183.55	\$50.00	\$233.55
5416	El Morado Street	Residential	\$267.63	\$50.00	\$317.63
5450	El Morado Street	Residential	\$261.32	\$50.00	\$311.32
9463	Exeter Avenue	Residential	\$264.02	\$50.00	\$314.02
9310	Felipe Avenue	Residential	\$255.11	\$50.00	\$305.11
9567	Fremont Avenue	Residential	\$209.65	\$50.00	\$259.65
9728	Fremont Avenue	Residential	\$162.71	\$50.00	\$212.71
9776	Fremont Avenue	Residential	\$185.81	\$50.00	\$235.81
9823	Fremont Avenue	Residential	\$183.54	\$50.00	\$233.54
10046	Fremont Avenue	Residential	\$267.54	\$50.00	\$317.54
9771	Galena Avenue	Residential	\$156.94	\$50.00	\$206.94
9878	Galena Avenue	Residential	\$184.63	\$50.00	\$234.63
9043	Geneva Avenue	Residential	\$181.51	\$50.00	\$231.51
9985	Geneva Avenue	Residential	\$183.54	\$50.00	\$233.54
10037	Geneva Avenue	Residential	\$190.52	\$50.00	\$240.52
10047	Geneva Avenue	Residential	\$208.65	\$50.00	\$258.65
4277	Granada Street	Residential	\$183.54	\$50.00	\$233.54
4328	Granada Street	Residential	\$183.54	\$50.00	\$233.54
5422	Granada Street	Residential	\$255.11	\$50.00	\$305.11
5470	Granada Street	Residential	\$183.54	\$50.00	\$233.54
5627	Granada Street	Residential	\$122.50	\$50.00	\$172.50
5628	Granada Street	Residential	\$183.54	\$50.00	\$233.54
9614	Greenwood Avenue	Residential	\$162.71	\$50.00	\$212.71
10083	Greenwood Avenue	Residential	\$182.33	\$50.00	\$232.33
4418	Harvard Street	Residential	\$154.96	\$50.00	\$204.96
4430	Harvard Street	Residential	\$183.56	\$50.00	\$233.56
4785	Harvard Street	Residential	\$208.84	\$50.00	\$258.84
4825	Harvard Street	Residential	\$162.71	\$50.00	\$212.71
5462	Harvard Street	Residential	\$171.11	\$50.00	\$221.11
5527	Harvard Street	Residential	\$162.71	\$50.00	\$212.71
5141-43	Harvard Street	Multifamily	\$367.08	\$50.00	\$417.08
5463	Hawthorne Street	Residential	\$263.55	\$50.00	\$313.55
5544	Hawthorne Street	Residential	\$183.41	\$50.00	\$233.41
5563	Hawthorne Street	Residential	\$109.81	\$50.00	\$159.81
5596	Hawthorne Street	Residential	\$183.54	\$50.00	\$233.54
9025	Helena Avenue	Residential	\$183.54	\$50.00	\$233.54
9641	Helena Avenue	Residential	\$183.54	\$50.00	\$233.54
4864	Highland Street	Residential	\$209.65	\$50.00	\$259.65
5190	Howard Street A & B	Multifamily	\$288.05	\$50.00	\$338.05
4585	James Street	Residential	\$183.54	\$50.00	\$233.54
5144	June Mountain Drive	Residential	\$175.95	\$50.00	\$225.95

Street No.	Street	Account Type	Delinquency	Lien Fee	Total Lien Amount
9725	Kimberly Avenue	Residential	\$182.97	\$50.00	\$232.97
5515	La Denev Street	Residential	\$183.41	\$50.00	\$233.41
9773	Lehigh Avenue	Residential	\$255.11	\$50.00	\$305.11
9795	Lindero Avenue	Residential	\$109.94	\$50.00	\$159.94
9803	Lindero Avenue	Residential	\$183.54	\$50.00	\$233.54
9933	Lindero Avenue	Residential	\$194.10	\$50.00	\$244.10
9957	Lindero Avenue	Residential	\$187.37	\$50.00	\$237.37
10042	Lindero Avenue	Residential	\$274.51	\$50.00	\$324.51
10086	Lindero Avenue	Senior	\$146.76	\$50.00	\$196.76
9527	Marion Avenue	Residential	\$182.33	\$50.00	\$232.33
9528	Marion Avenue	Residential	\$182.50	\$50.00	\$232.50
9537	Marion Avenue	Residential	\$183.54	\$50.00	\$233.54
5121	Merle Street	Multifamily	\$367.05	\$50.00	\$417.05
9575	Mills Avenue	Residential	\$127.51	\$50.00	\$177.51
9857	Mills Avenue	Residential	\$169.31	\$50.00	\$219.31
9985	Mills Avenue	Residential	\$196.03	\$50.00	\$246.03
9066	Monte Vista Avenue	Residential	\$217.62	\$50.00	\$267.62
9620	Monte Vista Avenue	Residential	\$190.52	\$50.00	\$240.52
9762	Monte Vista Avenue	Residential	\$184.91	\$50.00	\$234.91
9795	Monte Vista Avenue	Residential	\$183.54	\$50.00	\$233.54
9889	Monte Vista Avenue	Residential	\$255.11	\$50.00	\$305.11
4620	Moreno Street	Residential	\$140.77	\$50.00	\$190.77
9849	Norton Avenue	Residential	\$255.11	\$50.00	\$305.11
4584	Olive Street	Residential	\$212.95	\$50.00	\$262.95
4613	Olive Street	Residential	\$118.35	\$50.00	\$168.35
4644	Olive Street	Residential	\$107.56	\$50.00	\$157.56
4151	Orchard Street	Senior	\$163.08	\$50.00	\$213.08
4267	Orchard Street	Residential	\$209.65	\$50.00	\$259.65
4347	Orchard Street	Residential	\$162.71	\$50.00	\$212.71
4771	Orchard Street	Residential	\$127.16	\$50.00	\$177.16
5032	Orchard Street	Residential	\$184.63	\$50.00	\$234.63
5250	Orchard Street	Residential	\$241.99	\$50.00	\$291.99
5257	Palo Verde Street	Senior	\$163.39	\$50.00	\$213.39
5362	Palo Verde Street	Residential	\$204.26	\$50.00	\$254.26
5414	Palo Verde Street	Senior	\$154.48	\$50.00	\$204.48
5481	Palo Verde Street	Residential	\$183.41	\$50.00	\$233.41
5588	Palo Verde Street	Residential	\$267.46	\$50.00	\$317.46
9585	Poulsen Avenue	Residential	\$183.54	\$50.00	\$233.54
9610	Poulsen Avenue	Residential	\$208.79	\$50.00	\$258.79
10043	Poulsen Avenue	Residential	\$183.38	\$50.00	\$233.38
9660	Pradera Avenue	Residential	\$184.16	\$50.00	\$234.16
10063	Pradera Avenue	Residential	\$292.11	\$50.00	\$342.11
9425	Pradera Avenue #2	Residential	\$179.14	\$50.00	\$229.14
4426	Princeton Street	Residential	\$183.54	\$50.00	\$233.54
5572	Princeton Street	Residential	\$183.54	\$50.00	\$233.54

Street No.	Street	Account Type	Delinquency	Lien Fee	Total Lien Amount
9060	Ramona Avenue	Residential	\$180.35	\$50.00	\$230.35
9081	Ramona Avenue	Residential	\$181.18	\$50.00	\$231.18
9136	Ramona Avenue	Residential	\$183.54	\$50.00	\$233.54
9151	Ramona Avenue	Residential	\$183.41	\$50.00	\$233.41
9251	Ramona Avenue	Residential	\$171.11	\$50.00	\$221.11
9254	Ramona Avenue	Residential	\$183.54	\$50.00	\$233.54
9529	Ramona Avenue	Residential	\$162.71	\$50.00	\$212.71
9587	Ramona Avenue	Residential	\$171.88	\$50.00	\$221.88
10410	Ramona Avenue #C	Commercial	\$106.08	\$50.00	\$156.08
9352	Rose Avenue	Residential	\$183.56	\$50.00	\$233.56
9413	Rose Avenue	Residential	\$183.54	\$50.00	\$233.54
9414	Rose Avenue	Residential	\$183.54	\$50.00	\$233.54
9434	Rose Avenue	Residential	\$183.54	\$50.00	\$233.54
9472	Rose Avenue	Residential	\$183.54	\$50.00	\$233.54
9866	Rose Avenue	Senior	\$163.39	\$50.00	\$213.39
9974	Rose Avenue	Residential	\$162.71	\$50.00	\$212.71
10068	Rose Avenue	Residential	\$181.88	\$50.00	\$231.88
4560	Rosewood Street	Residential	\$255.11	\$50.00	\$305.11
4613	Rosewood Street	Residential	\$178.42	\$50.00	\$228.42
4683	Rosewood Street	Residential	\$281.88	\$50.00	\$331.88
5353	Rosewood Street	Residential	\$180.35	\$50.00	\$230.35
5381	Rosewood Street	Residential	\$162.71	\$50.00	\$212.71
5382	Rosewood Street	Residential	\$143.15	\$50.00	\$193.15
11076	Roswell Avenue	Residential	\$172.97	\$50.00	\$222.97
4164	Rudisill Street	Residential	\$255.11	\$50.00	\$305.11
4270	Rudisill Street	Residential	\$175.11	\$50.00	\$225.11
4524	Rudisill Street	Residential	\$272.21	\$50.00	\$322.21
4554	Rudisill Street	Residential	\$166.81	\$50.00	\$216.81
4564	Rudisill Street	Residential	\$227.83	\$50.00	\$277.83
5360	Rudisill Street	Residential	\$209.65	\$50.00	\$259.65
5409	Rudisill Street	Residential	\$195.47	\$50.00	\$245.47
5421	Rudisill Street	Residential	\$209.65	\$50.00	\$259.65
4372	San Bernardino Court	Residential	\$183.54	\$50.00	\$233.54
4375	San Bernardino Court	Residential	\$235.05	\$50.00	\$285.05
4274	San Bernardino Street	Residential	\$193.03	\$50.00	\$243.03
4433	San Bernardino Street	Residential	\$162.71	\$50.00	\$212.71
4711	San Bernardino Street	Residential	\$183.54	\$50.00	\$233.54
4833	San Bernardino Street	Residential	\$165.13	\$50.00	\$215.13
4874	San Bernardino Street	Residential	\$183.41	\$50.00	\$233.41
5133	San Bernardino Street	Residential	\$184.83	\$50.00	\$234.83
5489	San Bernardino Street	Residential	\$191.06	\$50.00	\$241.06
5494	San Bernardino Street	Residential	\$109.61	\$50.00	\$159.61
5562	San Bernardino Street	Residential	\$116.27	\$50.00	\$166.27
4485	San Jose Street	Residential	\$187.95	\$50.00	\$237.95
4605	San Jose Street	Residential	\$162.71	\$50.00	\$212.71

Street No.	Street	Account Type	Delinquency	Lien Fee	Total Lien Amount
5540	San Jose Street	Residential	\$150.01	\$50.00	\$200.01
4424	San Jose Street #12	Residential	\$163.57	\$50.00	\$213.57
4424	San Jose Street #18	Residential	\$183.55	\$50.00	\$233.55
4424	San Jose Street #27	Residential	\$183.54	\$50.00	\$233.54
4622	San Jose Street U	Residential	\$147.55	\$50.00	\$197.55
9932	Santa Anita Avenue	Residential	\$183.63	\$50.00	\$233.63
10016	Santa Anita Avenue	Residential	\$217.64	\$50.00	\$267.64
10046	Santa Anita Avenue	Residential	\$218.84	\$50.00	\$268.84
9843	Saratoga Avenue	Residential	\$197.01	\$50.00	\$247.01
9584	Surrey Avenue	Residential	\$267.54	\$50.00	\$317.54
9617	Surrey Avenue	Residential	\$183.54	\$50.00	\$233.54
9641	Surrey Avenue	Residential	\$183.54	\$50.00	\$233.54
9522	Tudor Avenue	Residential	\$183.54	\$50.00	\$233.54
9783	Tudor Avenue	Residential	\$190.52	\$50.00	\$240.52
9824	Tudor Avenue	Residential	\$190.52	\$50.00	\$240.52
9834	Tudor Avenue	Residential	\$241.58	\$50.00	\$291.58
9222	Vernon Avenue	Residential	\$216.55	\$50.00	\$266.55
9231	Vernon Avenue	Residential	\$162.71	\$50.00	\$212.71
9607	Vernon Avenue	Residential	\$107.71	\$50.00	\$157.71
9803	Vernon Avenue	Residential	\$173.94	\$50.00	\$223.94
9863	Vernon Avenue	Residential	\$181.34	\$50.00	\$231.34
9864	Vernon Avenue	Residential	\$190.52	\$50.00	\$240.52
9983	Vernon Avenue	Residential	\$162.00	\$50.00	\$212.00
5252	Yale Street	Residential	\$255.11	\$50.00	\$305.11
5580	Yale Street	Residential	\$213.28	\$50.00	\$263.28
			<b>\$47,721.63</b>	<b>\$12,350.00</b>	<b>\$60,071.63</b>

# AGENDA REPORT

**SUBJECT:** CONSIDER ADOPTION OF RESOLUTION NO. 11-04, A RESOLUTION OF THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY AUTHORIZING THE EXPENDITURE OF CITY OF MONTCLAIR REDEVELOPMENT PROJECT AREA NO. I 1997 TAXABLE TAX ALLOCATION BONDS FOR CERTAIN PUBLIC IMPROVEMENTS AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH

**DATE:** March 7, 2011  
**SECTION:** RESOLUTIONS (JT)  
**ITEM NO.:** 2  
**FILE I.D.:** RDA160  
**DEPT.:** REDEVELOPMENT

CONSIDER ADOPTION OF RESOLUTION NO. 11-2887, A RESOLUTION OF THE CITY COUNCIL OF THE MONTCLAIR AUTHORIZING THE EXPENDITURE OF CITY OF MONTCLAIR REDEVELOPMENT AGENCY PROJECT AREA NO. I 1997 TAXABLE TAX ALLOCATION BONDS FOR CERTAIN PUBLIC IMPROVEMENTS AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH

CONSIDER ADOPTION OF RESOLUTION NO. 11-05, A RESOLUTION OF THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY MAKING CERTAIN FINDINGS WITH RESPECT TO PUBLIC IMPROVEMENTS TO BE FINANCED BY THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY IN REDEVELOPMENT PROJECT AREA NO. III IN AND AFFECTING THE NORTH MONTCLAIR DOWNTOWN SPECIFIC PLAN AREA

CONSIDER ADOPTION OF RESOLUTION NO. 11-2888, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR MAKING CERTAIN FINDINGS WITH RESPECT TO PUBLIC IMPROVEMENTS TO BE FINANCED BY THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY IN REDEVELOPMENT PROJECT AREA NO. III AND AFFECTING THE NORTH MONTCLAIR DOWNTOWN SPECIFIC PLAN AREA

CONSIDER ADOPTION OF RESOLUTION NO. 11-06, A RESOLUTION OF THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY AUTHORIZING THE EXPENDITURE OF CITY OF MONTCLAIR REDEVELOPMENT AGENCY PROJECT AREA NO. III 1997 TAX ALLOCATION REFUNDING BONDS, 1998 TAXABLE TAX ALLOCATION BONDS, 2007A TAXABLE TAX ALLOCATION BONDS, AND 2007B TAX ALLOCATION BONDS FOR DEVELOPMENT, CONSTRUCTION, ACQUISITION, AND OTHER ASSOCIATED COSTS RELATED TO THE INSTALLATION OF CERTAIN PUBLIC IMPROVEMENTS WITHIN AND AFFECTING THE NORTH MONTCLAIR DOWNTOWN SPECIFIC PLAN AREA AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH

Prepared by:

M. STARRS

Reviewed and Approved by:

M. STARRS

Proofed by:

Yvonne L. Smith

Presented by:

[Signature]

CONSIDER ADOPTION OF RESOLUTION NO. 11-2889, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR AUTHORIZING THE EXPENDITURE OF CITY OF MONTCLAIR REDEVELOPMENT AGENCY PROJECT AREA NO. III 1997 TAX ALLOCATION REFUNDING BONDS, 1998 TAXABLE TAX ALLOCATION BONDS, 2007A TAX ALLOCATION REFUNDING BONDS, AND 2007B TAX ALLOCATION BONDS FOR DEVELOPMENT, CONSTRUCTION, ACQUISITION, AND OTHER ASSOCIATED COSTS RELATED TO THE INSTALLATION OF CERTAIN PUBLIC IMPROVEMENTS WITHIN AND AFFECTING THE NORTH MONTCLAIR DOWNTOWN SPECIFIC PLAN AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH

CONSIDER ADOPTION OF RESOLUTION NO. 11-07, A RESOLUTION OF THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY AUTHORIZING THE EXPENDITURE OF CITY OF MONTCLAIR REDEVELOPMENT AGENCY PROJECT AREA NO. V 1995 TAXABLE TAX ALLOCATION BONDS, 2001 TAX ALLOCATION REFUNDING BONDS, 2006A TAXABLE TAX ALLOCATION BONDS, AND 2006B TAX ALLOCATION REFUNDING BONDS FOR ACQUISITION, DEVELOPMENT, CONSTRUCTION, AND OTHER ASSOCIATED COSTS RELATED TO THE INSTALLATION OF CERTAIN PUBLIC IMPROVEMENTS WITHIN REDEVELOPMENT PROJECT AREA NO. V AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH

CONSIDER ADOPTION OF RESOLUTION NO. 11-2890, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR AUTHORIZING THE EXPENDITURE OF CITY OF MONTCLAIR REDEVELOPMENT AGENCY PROJECT AREA NO. V 1995 TAXABLE TAX ALLOCATION BONDS, 2001 TAX ALLOCATION REFUNDING BONDS, 2006A TAXABLE TAX ALLOCATION BONDS, AND 2006B TAX ALLOCATION REFUNDING BONDS FOR ACQUISITION, DEVELOPMENT, CONSTRUCTION, AND OTHER ASSOCIATED COSTS RELATED TO THE INSTALLATION OF CERTAIN PUBLIC IMPROVEMENTS WITHIN REDEVELOPMENT PROJECT AREA NO. V AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH

CONSIDER ADOPTION OF RESOLUTION NO. 11-08, A RESOLUTION OF THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY AUTHORIZING THE EXPENDITURE OF MISSION BOULEVARD JOINT REDEVELOPMENT PROJECT AREA 2008 TAX ALLOCATION NOTES FOR DEVELOPMENT, CONSTRUCTION, AND OTHER ASSOCIATED COSTS RELATED TO THE INSTALLATION OF CERTAIN PUBLIC IMPROVEMENTS WITHIN THE MISSION BOULEVARD JOINT REDEVELOPMENT PROJECT AREA AND MAKING FINDINGS IN CONNECTION THEREWITH

CONSIDER ADOPTION OF RESOLUTION NO. 11-2891, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR AUTHORIZING THE EXPENDITURE OF MISSION BOULEVARD

JOINT REDEVELOPMENT PROJECT AREA 2008 TAX ALLOCATION NOTES FOR DEVELOPMENT, CONSTRUCTION, AND OTHER ASSOCIATED COSTS RELATED TO THE INSTALLATION OF CERTAIN PUBLIC IMPROVEMENTS WITHIN THE MISSION BOULEVARD JOINT REDEVELOPMENT PROJECT AREA AND MAKING FINDINGS IN CONNECTION THEREWITH

CONSIDER ADOPTION OF AGREEMENT NO. 11-30, A COOPERATION AGREEMENT BY AND BETWEEN THE CITY OF MONTCLAIR AND THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY FOR PAYMENT OF COSTS ASSOCIATED WITH CERTAIN REDEVELOPMENT AGENCY-FUNDED PROJECTS

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**REASON FOR CONSIDERATION:** Prior to the use of tax allocation bond proceeds or moneys for public works projects, a redevelopment agency and a city council must make certain findings pursuant to Section 33445 of the Health and Safety Code. Redevelopment Agency staff seeks City Council consideration for proposed City Council Resolution Nos. 11-2887, 11-2888, 11-2889, 11-2890, and 11-2891. The Redevelopment Agency Board of Directors is requested to consider proposed Resolution Nos. 11-04, 11-05, 11-06, 11-07, and 11-08. This collective group of Resolutions would provide authority for the expenditure of funds for public improvements. Furthermore, the City Council and Redevelopment Agency Board of Directors is requested to consider proposed Agreement No. 11-30, a Cooperation Agreement between the City and Redevelopment Agency whereby the Redevelopment Agency would provide the City with funds to conduct a variety of public improvements for the benefit of Redevelopment Project Areas No. 1, III, and V and the Mission Boulevard Joint Redevelopment Project Area

Proposed Agreement No. 11-30 is included in the agenda packet.

**BACKGROUND:** In the light of uncertainty regarding the Governor's state budget proposal eliminating redevelopment agencies, it is suggested that the City Council and Redevelopment Agency Board of Directors consider adoption of a Cooperative Agreement whereby the Agency would provide funding for various public improvement projects to the City and the City would be responsible to carry out these projects. As indicated, the City Council and Redevelopment Agency Board of Directors is requested to consider approval of the projects and expenditures.

Pursuant to State law, public improvement projects to be financed by a redevelopment agency must be reflected in the Redevelopment Plan and Implementation Plan for each redevelopment project area in order to be considered eligible for funding. A list of proposed projects and the sources of revenue for each project is provided by redevelopment project area:

### **Redevelopment Project Area No. 1**

In Redevelopment Project Area No. 1, the Redevelopment Agency has approximately \$175,000 remaining in 1997 Taxable Tax Allocation Bond proceeds. It is suggested that these funds be approved for expenditure on signalization improvements at Central Avenue and Benito Street, the construction of community signage, and bus stop improvements.

### **Redevelopment Project Area No. III**

There are several outstanding sources of bond proceeds in Redevelopment Project Area No. III. There is approximately \$6.6 million in available bond proceeds. The bulk of the available bond proceed moneys remain in the 1998 Taxable Tax Allocation Bond proceeds. In addition, the Redevelopment Agency has approximately \$3 million in Capital Projects Fund revenue. The majority of these funds were accrued for public improvements and acquisition in the North Montclair Downtown Specific Plan area. It is suggested that these funds be used for the following public improvements:

- Reconstruction of Arrow Highway between Monte Vista Avenue and Central Avenue.
- Reconstruction of Moreno Street between Arrow Highway and Central Avenue.
- Acquisition of property for public open space on Arrow Highway
- Undergrounding of utilities on Central Avenue and Arrow Highway.
- The installation of street improvement on Fremont Avenue between Moreno Street and Arrow Highway.

### **Redevelopment Project Area No. V**

Redevelopment Project Area No. V contains approximately \$8.2 million in bond proceeds. The largest source of bond proceeds comes from the 2006A Taxable Tax Allocation Bond Issue. The public improvement projects to be completed with the bond proceeds include the following:

- Improvement to Sunset Park including the demolition and reconstruction of restroom facilities
- Improvements to the Agency-owned property adjacent to the Reeder Ranch including various site and building improvements.
- Initiation of planning, acquisition and/or construction related to widening of Monte Vista Avenue at the I-10 Freeway.
- Other minor public improvements.

### **Mission Boulevard Joint Redevelopment Project Area**

There are approximately \$2 million remaining in 2008 Tax Allocation Notes related to the construction of public improvements on Mission Boulevard. The public improvements to be completed with the tax allocation note proceeds include the following:

- Phase 9 Mission Boulevard Improvements.
- Other public improvements to public rights-of-way including installation of public infrastructure, utilities, street lights, signalization, signage, curbs, gutters, sidewalks, and other circulation improvements.

**FISCAL IMPACT:** Through Cooperative Agreement No. 11-30, the Redevelopment Agency would provide the City with approximately \$19.9 million in tax allocation Bond proceeds and Capital Projects funds. Staff has provided estimates of bond proceeds and other funds because projects currently under construction affect the balances in each account. The City would be tasked with completing the public improvements authorized for completion by the City Council and Redevelopment Agency Board of Directors. It should be noted that the moneys being transferred to the City are to be used for costs related to construction of public improvements and do not include provisions for payment of salary and benefit costs for City employees.

Should the Governor's proposal be successfully enacted, the City and Redevelopment Agency could potentially lose these funds.

**RECOMMENDATION:** Staff recommends that the City Council and Redevelopment Agency Board of Directors take the following actions:

- Adopt Resolution No. 11-04, a Resolution of the City of Montclair Redevelopment Agency authorizing the expenditure of City of Montclair Redevelopment Agency Project Area No. I 1997 Taxable Tax Allocation Bonds for certain public improvements and making findings in connection therewith.
- Adopt Resolution No. 11-2887, a Resolution of the City Council of the City of Montclair authorizing the expenditure of City of Montclair Redevelopment Agency Project Area No. I 1997 Taxable Tax Allocation Bonds for certain public improvement and making findings in connection therewith.
- Adopt Resolution No. 11-05, a Resolution of the City of Montclair Redevelopment Agency making certain findings with respect to public improvements to be financed by the City of Montclair Redevelopment Agency in Redevelopment Project Area No. III in and affecting the North Montclair Downtown Specific Plan area.
- Adopt Resolution No. 11-2888, a Resolution of the City Council of the City of Montclair making certain findings with respect to public improvements to be financed by the City of Montclair Redevelopment Agency in Redevelopment Project Area No. III in and affecting the North Montclair Downtown Specific Plan area.
- Adopt Resolution No. 11-06, a Resolution of the City of Montclair Redevelopment Agency authorizing the expenditure of City of Montclair Redevelopment Agency Project Area No. III 1997 Tax Allocation Refunding Bonds, 1998 Taxable Tax Allocation Bonds, 2007A Taxable Tax Allocation Bonds, and 2007B Tax Allocation Bonds for development, construction, and acquisition, and other associated costs related to the installation of certain public improvements within and affecting the North Montclair Downtown Specific Plan area and making certain findings in connection therewith.
- Adopt Resolution No. 11-2889, a Resolution of the City Council of the City of Montclair authorizing the expenditure of City of Montclair Redevelopment Agency Project Area No. III 1997 Tax Allocation Refunding Bonds, 1998 Taxable Tax Allocation Bonds, 2007A Taxable Tax Allocation Bonds, and 2007B Tax Allocation Bonds for development, construction,

and acquisition, and other associated costs related to the installation of certain public improvements within and affecting the North Montclair Downtown Specific Plan area and making certain findings in connection therewith.

- Adopt Resolution No. 11-07, a Resolution of the City of Montclair Redevelopment Agency authorizing the expenditure of City of Montclair Redevelopment Agency Project Area No. V 1995 Taxable Tax Allocation Bonds, 2001 Tax Allocation Refunding Bonds, 2006A Taxable Tax Allocation Bonds, and 2006B Tax Allocation Refunding Bonds for acquisition, development, construction, and other associated costs related to the installation of certain public improvements within Redevelopment Project Area No. V and making certain findings in connection therewith.
- Adopt Resolution No. 11-2890, a Resolution of the City Council of the City of Montclair authorizing the expenditure of City of Montclair Redevelopment Agency Project Area No. V 1995 Taxable Tax Allocation Bonds, 2001 Tax Allocation Refunding Bonds, 2006A Taxable Tax Allocation Bonds, and 2006B Tax Allocation Refunding Bonds for acquisition, development, construction, and other associated costs related to the installation of certain public improvements within Redevelopment Project Area No. V and making certain findings in connection therewith.
- Adopt Resolution No. 11-08, a Resolution of the City of Montclair Redevelopment Agency authorizing the expenditure of Mission Boulevard 2008 Tax Allocation Notes for development, construction, and other associated costs related to the installation of certain public improvements within the Mission Boulevard Joint Redevelopment Project Area and making certain findings in connection therewith.
- Adopt Resolution No. 11-2891, a Resolution of the City Council of the City of Montclair authorizing the expenditure of Mission Boulevard 2008 Tax Allocation Notes for development, construction, and other associated costs related to the installation of certain public improvements within the Mission Boulevard Joint Redevelopment Project Area and making certain findings in connection therewith.
- Approve Agreement No. 11-30, a Cooperation Agreement by and between the City of Montclair and the City of Montclair Redevelopment Agency for payment of costs associated with certain Redevelopment Agency-funded projects.

**RESOLUTION NO. 11-04**

**A RESOLUTION OF THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY AUTHORIZING THE EXPENDITURE OF CITY OF MONTCLAIR REDEVELOPMENT AGENCY PROJECT NO. I 1997 TAXABLE TAX ALLOCATION BONDS FUNDS FOR CERTAIN PUBLIC IMPROVEMENTS AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH**

**WHEREAS**, the City of Montclair Redevelopment Agency (the "Agency") is a community redevelopment agency organized and existing under the California Community Redevelopment law, health and Safety Code Sections 33000, *et seq.* ("CRL") and has been authorized to transact business and exercise the powers of a redevelopment agency pursuant to action of the City Council (the "City Council") of the City of Montclair (the "City"); and

**WHEREAS**, the City of Montclair Redevelopment Agency (the "Agency") is engaged in activities necessary to carry out and implement the Redevelopment Plan for the Agency's Redevelopment Project Area No. I (the "Project"); and

**WHEREAS**, in order to carry out and implement the Redevelopment Plan the Agency proposes to finance certain public improvements; and

**WHEREAS**, Section 33445 of the California Community Redevelopment Law authorizes a redevelopment agency, with the consent of the city council, to pay all or part of the value of the land for and the cost of the installation and construction of any building, facility, structure, or other improvement which is publicly owned either within the project area upon the legislative body determining all of the following: (i) that the buildings, facilities, structures, or improvements are of benefit to the Project Area or the immediate neighborhood in which the Project is located, (ii) that no other reasonable means of financing the buildings, facilities, structures, or other improvements is available to the community, (iii) that the payment of funds for the acquisition of land or the cost of buildings, facilities, structures, or other improvements will result in the elimination of one or more blighting conditions within the Project Area or provide housing for low or moderate income persons and is consistent with the Agency's Implementation Plan, and is provided for in the Redevelopment Plan; and

**WHEREAS**, the City seeks to undertake certain public works project of benefit to Project Area No. I within the City; and

**WHEREAS**, the public improvements are within and are of benefit to Redevelopment Project Area No. I and the surrounding development. The public improvements are necessary to effectuate the purposes of the redevelopment plan for Redevelopment Project Area No. I by increasing the economic viability of the area as a commercial element of the City's planned civic core; and

**WHEREAS**, there are no other reasonable means of financing the public improvement costs other than by the Agency, as the City does not have sufficient funds to pay for the public improvements; and

**WHEREAS**, the expenditure of Redevelopment Agency funds for public improvements within the Project Area is necessary for the alleviation of blight and to effectuate the purposes of the redevelopment plan for Redevelopment Project Area No. 1 by stimulating investment, increasing property values, and creating housing, of which a portion will be affordable to low to moderate income households; and

**WHEREAS**, the Redevelopment Agency has adopted an Implementation Plan for the Project pursuant to Health and Safety Code Section 33490, which identifies goals and objectives, including the conduct of activities which will enhance or increase property values and solve problems related to the inadequacy of public facilities; and

**WHEREAS**, Section V(F) of the Redevelopment Plan for Redevelopment Project Area No. 1 provides for the Redevelopment Agency to pay all or part of the cost of public improvements including streets, public ways, utility systems, street lighting, signals, street furniture, and community identification signs.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Montclair Redevelopment Agency hereby finds as follows:

1. The Redevelopment Agency hereby finds and determines that costs related to the installation of certain public improvements within and affecting Redevelopment Project Area No. 1 will assist in eliminating blight within the Project Area by providing for the proper reuse and redevelopment of a portion of the Project Area which was declared blighted for the reasons described above.

2. The Redevelopment Agency hereby finds and determines that the Agency's payment of a portion of the costs of the public improvements within and affecting Redevelopment Project Area No. 1 is consistent with the provisions and goals of the Implementation Plan and the Redevelopment Plan.

3. The Redevelopment Agency finds and determines that there are no other reasonable means of financing the costs of the public improvements other than the funds of the Agency.

4. The Redevelopment Agency hereby finds and determines that the public improvements will assist in the elimination of one or more blighting conditions within Redevelopment Project Area No. 1.

5. The Redevelopment Agency hereby finds and determines that the Agency's funding of public improvements is consistent with the adopted Implementation Plan and Redevelopment Plan for Redevelopment Project Area No. 1.

6. The Redevelopment Agency hereby authorizes expenditure of Redevelopment Project Area No. 1 1997 Taxable Tax Allocation Bonds, for the following projects related to the implementation of the Redevelopment Plan for Redevelopment Project Area No. 1:

- Construction of bus stop improvements on Central Avenue
- Construction of community signage
- Installation of signalization improvements at Central Avenue and Benito Street

7. The Redevelopment Agency Secretary shall certify to the adoption of this Resolution.

**APPROVED AND ADOPTED** this XX day of XX, 2011.

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Mayor

**ATTEST:**

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Secretary

I, Yvonne L. Smith, Secretary of the City of Montclair Redevelopment Agency, DO HEREBY CERTIFY that Resolution No. 11-04 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

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Yvonne L. Smith  
Secretary

**RESOLUTION NO. 11-2887**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR AUTHORIZING THE EXPENDITURE OF CITY OF MONTCLAIR REDEVELOPMENT AGENCY PROJECT NO. I 1997 TAXABLE TAX ALLOCATION BONDS FUNDS FOR CERTAIN PUBLIC IMPROVEMENTS AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH**

**WHEREAS**, the City of Montclair Redevelopment Agency (the "Agency") is a community redevelopment agency organized and existing under the California Community Redevelopment law, health and Safety Code Sections 33000, *et seq.* ("CRL") and has been authorized to transact business and exercise the powers of a redevelopment agency pursuant to action of the City Council (the "City Council") of the City of Montclair (the "City"); and

**WHEREAS**, the City of Montclair Redevelopment Agency (the "Agency") is engaged in activities necessary to carry out and implement the Redevelopment Plan for the Agency's Redevelopment Project Area No. I (the "Project"); and

**WHEREAS**, in order to carry out and implement the Redevelopment Plan the Agency proposes to finance certain public improvements; and

**WHEREAS**, Section 33445 of the California Community Redevelopment Law authorizes a redevelopment agency, with the consent of the city council, to pay all or part of the value of the land for and the cost of the installation and construction of any building, facility, structure, or other improvement which is publicly owned either within the project area upon the legislative body determining all of the following: (i) that the buildings, facilities, structures, or improvements are of benefit to the Project Area or the immediate neighborhood in which the Project is located; (ii) that no other reasonable means of financing the buildings, facilities, structures, or other improvements is available to the community; and (iii) that the payment of funds for the acquisition of land or the cost of buildings, facilities, structures, or other improvements will result in the elimination of one or more blighting conditions within the Project Area or provide housing for low- or moderate-income persons and is consistent with the Agency's Implementation Plan, and is provided for in the Redevelopment Plan; and

**WHEREAS**, the City seeks to undertake certain public works project of benefit to Project Area No. I within the City; and

**WHEREAS**, the public improvements are within and are of benefit to Redevelopment Project Area No. I and the surrounding development. The public improvements are necessary to effectuate the purposes of the redevelopment plan for Redevelopment Project Area No. I by increasing the economic viability of the area as a commercial element of the City's planned civic core; and

**WHEREAS**, there are no other reasonable means of financing the public improvement costs other than by the Agency, as the City does not have sufficient funds to pay for the public improvements; and

**WHEREAS**, the expenditure of Redevelopment Agency funds for public improvements within the Project Area is necessary for the alleviation of blight and to effectuate the purposes of the redevelopment plan for Redevelopment Project Area No. I by stimulating investment, increasing property values, and creating housing, of which, a portion will be affordable to low-to moderate- income households; and

**WHEREAS**, the Redevelopment Agency has adopted an Implementation Plan for the Project pursuant to Health and Safety Code Section 33490, which identifies goals and objectives, including the conduct of activities which will enhance or increase property values and solve problems related to the inadequacy of public facilities; and

**WHEREAS**, Section V(F). of the Redevelopment Plan for Redevelopment Project Area No. I provides for the Redevelopment Agency to pay all or part of the cost of public improvements including streets, public ways, utility systems, street lighting, signals, street furniture, and community identification signs.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Montclair hereby finds as follows:

1. The City Council hereby finds and determines that costs related to the installation of certain public improvements within and affecting Redevelopment Project Area No. I will assist in eliminating blight within the Project Area by providing for the proper reuse and redevelopment of a portion of the Project Area which was declared blighted for the reasons described above.

2. The City Council hereby finds and determines that the Agency's payment of a portion of the costs of the public improvements within and affecting Redevelopment Project Area No. I is consistent with the provisions and goals of the Implementation Plan and the Redevelopment Plan.

3. The City Council finds and determines that there are no other reasonable means of financing the costs of the public improvements other than the funds of the Agency.

4. The City Council hereby finds and determines that the public improvements will assist in the elimination of one or more blighting conditions within Redevelopment Project Area No. III.

5. The City Council hereby finds and determines that the Agency's funding of public improvements is consistent with the adopted Implementation Plan and Redevelopment Plan for Redevelopment Project Area No. I.

6. The City Council hereby authorizes expenditure of Redevelopment Project Area No. I 1997 Taxable Tax Allocation Bonds, for the following projects related to the implementation of the Redevelopment Plan for Redevelopment Project Area No. I:

- Construction of bus stop improvements on Central Avenue
- Construction of community signage

- Installation of signalization improvements at Central Avenue and Benito Street

7. The City Clerk shall certify to the adoption of this Resolution.

**APPROVED AND ADOPTED** this XX day of XX, 2011.

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Mayor

**ATTEST:**

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Deputy City Clerk

I, Yvonne L. Smith, Deputy City Clerk of the City of Montclair, DO HEREBY CERTIFY that Resolution No. 11-2887 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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Yvonne L. Smith  
Deputy City Clerk

**RESOLUTION NO. 11-05**

**A RESOLUTION OF THE OF THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY MAKING CERTAIN FINDINGS WITH RESPECT TO PUBLIC IMPROVEMENTS TO BE FINANCED BY THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY IN REDEVELOPMENT PROJECT AREA NO. III IN AND AFFECTING THE NORTH MONTCLAIR DOWNTOWN SPECIFIC PLAN AREA**

**WHEREAS**, the City Council of the City of the City of Montclair has identified redevelopment of the area identified as the North Montclair Downtown Specific Plan (NMDSP) and redevelopment of adjacent areas affecting the NMDSP as an identified goal of the City Council and

**WHEREAS**, the City of Montclair Redevelopment Agency can assist the City in achievement of the this identified goal and still meet defined redevelopment objectives; and

**WHEREAS**, the City of Montclair Redevelopment Agency (the "Agency") is engaged in activities necessary to carry out and implement the Redevelopment Plan for the Agency's Redevelopment Project Area No. III (the "Project"); and

**WHEREAS**, in order to carry out and implement the Redevelopment Plan the Agency proposes to finance a portion of the development, construction, acquisition and other associated costs with respect to and affecting the NMDSP; and

**WHEREAS**, Section 33445 of the California Community Redevelopment Law authorizes a redevelopment agency, with the consent of the city council, to pay all or part of the value of the land for and the cost of the installation and construction of any building, facility, structure, or other improvement which is publicly owned either within the project area upon the legislative body determining all of the following: (i) that the buildings, facilities, structures, or improvements are of benefit to the Project Area or the immediate neighborhood in which the Project is located; (ii) that no other reasonable means of financing the buildings, facilities, structures, or other improvements is available to the community; and (iii) that the payment of funds for the acquisition of land or the cost of buildings, facilities, structures, or other improvements will result in the elimination of one or more blighting conditions within the Project Area or provide housing for low or moderate income persons and is consistent with the Agency's Implementation Plan, and is provided for in the Redevelopment Plan; and

**WHEREAS**, the City has undertaken certain actions to establish and assist in the formation of the NMDSP within the City; and

**WHEREAS**, the public improvements proposed by the NMDSP include street, median, park, parkway, utility and signalization improvements and the public improvements are located within and around the Specific Plan area and are within and are of benefit to Redevelopment Project Area No. III and the surrounding area; and

**WHEREAS**, there are no other reasonable means of financing the major public improvement costs associated with the NMDSP and said improvements will be available to the community, as the City has no additional funds sufficient available to pay for all of the infrastructure costs of the NMDSP; and

**WHEREAS**, the expenditure of Redevelopment Agency funds for the development, construction, and acquisition of property for public improvements within the Project Area is necessary for the alleviation of blight and to effectuate the purposes of the redevelopment plan for Redevelopment Project Area No. III by stimulating investment, increasing property values, and creating housing, of which, a portion will be affordable to low to moderate income households; and

**WHEREAS**, the Redevelopment Agency has adopted an Implementation Plan for the Project pursuant to Health and Safety Code Section 33490, which identifies goals and objectives, including the conduct of activities which will enhance or increase property values and solve problems related to the inadequacy of public facilities; and

**WHEREAS**, the Implementation Plan sets forth a program of actions which include the provision for public improvements and infrastructure; and

**WHEREAS**, the development, construction, and acquisition of properties for public purposes for the NMDSP area will assist the Agency in meeting the goals and objectives set forth in the Implementation Plan; and

**WHEREAS**, Section 232 of the Redevelopment Plan for Redevelopment Project Area No. III provides for the Redevelopment Agency to pay all or part of the cost of the acquisition costs and installation and construction of public improvements and utilities and install other infrastructure including, but not limited to, street lights, parks, plazas, bridges, walkways, storm drains, sewers, and utility systems; and

**WHEREAS**, the Redevelopment Agency has duly considered all terms and conditions of the proposed Agreement and believes that the Agreement is in the best interest of the City of Montclair 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 City of Montclair Redevelopment Agency hereby finds as follows:

1. The Redevelopment Agency hereby finds and determines that development construction, acquisition, and other associated costs related to the installation of certain public improvements within and affecting the NMDSP will assist in eliminating blight within the Project Area by providing for the proper reuse and redevelopment of a portion of the Project Area that was declared blighted for the reasons described above.
2. The Redevelopment Agency hereby finds and determines that the Agreement and the Agency's payment of a portion of the costs of the development, construction, acquisition and other associated costs related to the installation of certain public improvements within and affecting the NMDSP is consistent with the provisions and goals of the Implementation Plan and the Redevelopment Plan.

3. The Redevelopment Agency finds and determines that there are no other reasonable means of financing the costs of the development, construction, and acquisition of property related to public improvements for the NMDSP other than the funds of the Agency.

4. The Redevelopment Agency hereby finds and determines that the development, construction, and acquisition of property related to public improvements for the NMDSP will assist in the elimination of one or more blighting conditions within Redevelopment Project Area No. III.

5. The Redevelopment Agency hereby finds and determines that the Agency's funding of the development, construction, acquisition of property for public improvements related to and affecting the NMDSP is consistent with the adopted Implementation Plan and Redevelopment Plan for Redevelopment Project Area No. III.

6. The Redevelopment Agency hereby authorizes expenditure of Redevelopment Agency funds for the following projects related to the implementation of the Redevelopment Plan for Redevelopment Project Area No. III:

- Reconstruction of Arrow Highway between Monte Vista Avenue and Central Avenue.
- Reconstruction of Moreno Street between Arrow Highway and Central Avenue.
- Potential acquisition of property for public open space on Arrow Highway.
- Undergrounding of utilities on Central Avenue and Arrow Highway.
- Installation of street improvements on Fremont Avenue between Moreno Street and Arrow Highway.

7. The Redevelopment Agency Secretary shall certify to the adoption of this Resolution.

**APPROVED AND ADOPTED** this XX day of XX, 2011.

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Chairman

**ATTEST:**

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Secretary

I, Yvonne L. Smith, Secretary of the City of Montclair Redevelopment Agency, DO HEREBY CERTIFY that Resolution No. 11-05 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

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Yvonne L. Smith  
Secretary

**RESOLUTION NO. 11-2888**

**A RESOLUTION OF THE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR MAKING CERTAIN FINDINGS WITH RESPECT TO PUBLIC IMPROVEMENTS TO BE FINANCED BY THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY IN REDEVELOPMENT PROJECT AREA NO. III IN AND AFFECTING THE NORTH MONTCLAIR DOWNTOWN SPECIFIC PLAN AREA**

**WHEREAS**, the City Council of the City of the City of Montclair has identified redevelopment of the area identified as the North Montclair Downtown Specific Plan (NMDSP) and redevelopment of adjacent areas affecting the NMDSP as an identified goal of the City Council and

**WHEREAS**, the City of Montclair Redevelopment Agency can assist the City in achievement of the this identified goal and still meet defined redevelopment objectives; and

**WHEREAS**, the City of Montclair Redevelopment Agency (the "Agency") is engaged in activities necessary to carry out and implement the Redevelopment Plan for the Agency's Redevelopment Project Area No. III (the "Project"); and

**WHEREAS**, in order to carry out and implement the Redevelopment Plan the Agency proposes to finance a portion of the development, construction, acquisition and other associated costs with respect to and affecting the NMDSP; and

**WHEREAS**, Section 33445 of the California Community Redevelopment Law authorizes a redevelopment agency, with the consent of the city council, to pay all or part of the value of the land for and the cost of the installation and construction of any building, facility, structure, or other improvement which is publicly owned either within the project area upon the legislative body determining all of the following: (i) that the buildings, facilities, structures, or improvements are of benefit to the Project Area or the immediate neighborhood in which the Project is located; (ii) that no other reasonable means of financing the buildings, facilities, structures, or other improvements is available to the community; and (iii) that the payment of funds for the acquisition of land or the cost of buildings, facilities, structures, or other improvements will result in the elimination of one or more blighting conditions within the Project Area or provide housing for low- or moderate-income persons and is consistent with the Agency's Implementation Plan, and is provided for in the Redevelopment Plan; and

**WHEREAS**, the City has undertaken certain actions to establish and assist in the formation of the NMDSP within the City

**WHEREAS**, the public improvements proposed by the NMDSP include street, median, park, parkway, utility and signalization improvements and the public improvements are located within and around the Specific Plan are and are within and are of benefit to Redevelopment Project Area No. III and the surrounding area; and

**WHEREAS**, there are no other reasonable means of financing the major public

improvement costs associated with the NMDSP and said improvements will be available to the community, as the City has no additional funds sufficient available to pay for all of the infrastructure costs of the NMDSP; and

**WHEREAS**, the expenditure of Redevelopment Agency funds for the development, construction, and acquisition of property for public improvements within the Project Area is necessary for the alleviation of blight and to effectuate the purposes of the redevelopment plan for Redevelopment Project Area No. III by stimulating investment, increasing property values, and creating housing, of which, a portion will be affordable to low- to moderate-income households; and

**WHEREAS**, the Redevelopment Agency has adopted an Implementation Plan for the Project pursuant to Health and Safety Code Section 33490, which identifies goals and objectives, including the conduct of activities which will enhance or increase property values and solve problems related to the inadequacy of public facilities; and

**WHEREAS**, the Implementation Plan sets forth a program of actions which include the provision for public improvements and infrastructure; and

**WHEREAS**, the development, construction, and acquisition of properties for public purposes for the NMDSP area will assist the Agency in meeting the goals and objectives set forth in the Implementation Plan; and

**WHEREAS**, Section 232 of the Redevelopment Plan for Redevelopment Project Area No. III provides for the Redevelopment Agency to pay all or part of the cost of the acquisition costs and installation and construction of public improvements and utilities and install other infrastructure including, but not limited to, street lights, parks, plazas, bridges, walkways, storm drains, sewers, and utility systems; and

**WHEREAS**, the Redevelopment Agency has duly considered all terms and conditions of the proposed Agreement and believes that the Agreement is in the best interest of the City of Montclair 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 City Council of the City of Montclair hereby finds as follows:

1. The City Council hereby finds and determines that development construction, acquisition and other associated costs related to the installation of certain public improvements within and affecting the NMDSP will assist in eliminating blight within the Project Area by providing for the proper reuse and redevelopment of a portion of the Project Area which was declared blighted for the reasons described above.

2. The City Council hereby finds and determines that the Agreement and the Agency's payment of a portion of the costs of the development, construction, acquisition and other associated costs related to the installation of certain public improvements within and affecting the NMDSP is consistent with the provisions and goals of the Implementation Plan and the Redevelopment Plan.

3. The City Council finds and determines that there are no other reasonable means of financing the costs of the development, construction, and acquisition of property related to public improvements for the NMDSP other than the funds of the Agency.

4. The City Council hereby finds and determines that the development, construction, and acquisition of property related to public improvements for the NMDSP will assist in the elimination of one or more blighting conditions within Redevelopment Project Area No. III.

5. The City Council hereby finds and determines that the Agency's funding of the development, construction, acquisition of property for public improvements related to and affecting the NMDSP is consistent with the adopted Implementation Plan and Redevelopment Plan for Redevelopment Project Area No. III.

6. The City Council hereby authorizes expenditure of Redevelopment Agency funds for the following projects related to the implementation of the Redevelopment Plan for Redevelopment Project Area No. III:

- Reconstruction of Arrow Highway between Monte Vista Avenue and Central Avenue.
- Reconstruction of Moreno Street between Arrow Highway and Central Avenue.
- Potential acquisition of property for public open space on Arrow Highway.
- Undergrounding of utilities on Central Avenue and Arrow Highway.
- Installation of street improvements on Fremont Avenue between Moreno Street and Arrow Highway.

7. The City Clerk shall certify to the adoption of this Resolution.

**APPROVED AND ADOPTED** this XX day of XX, 2011.

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Mayor

**ATTEST:**

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Deputy City Clerk

I, Yvonne L. Smith, Deputy City Clerk of the City of Montclair, DO HEREBY CERTIFY that Resolution No. 11-2888 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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Yvonne L. Smith  
Deputy City Clerk

**RESOLUTION NO. 11-06**

**A RESOLUTION OF THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY AUTHORIZING THE EXPENDITURE OF CITY OF MONTCLAIR REDEVELOPMENT AGENCY PROJECT AREA NO. III 1997 TAX ALLOCATION REFUNDING BONDS FUNDS, 1998 TAXABLE TAX ALLOCATION BONDS, 2007A TAX ALLOCATION REFUNDING BONDS, AND 2007B TAXABLE TAX ALLOCATION BONDS FOR DEVELOPMENT, CONSTRUCTION, ACQUISITION, AND OTHER ASSOCIATED COSTS RELATED TO THE INSTALLATION OF CERTAIN PUBLIC IMPROVEMENTS WITHIN AND AFFECTING THE NORTH MONTCLAIR DOWNTOWN SPECIFIC PLAN AREA AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH**

**WHEREAS**, the City Council of the City of the City of Montclair has identified redevelopment of the area identified as the North Montclair Downtown Specific Plan (NMDSP) and redevelopment of adjacent areas affecting the NMDSP as an identified goal of the City Council and

**WHEREAS**, the City of Montclair Redevelopment Agency can assist the City in achievement of the this identified goal and still meet defined redevelopment objectives; and

**WHEREAS**, the City of Montclair Redevelopment Agency (the "Agency") is engaged in activities necessary to carry out and implement the Redevelopment Plan for the Agency's Redevelopment Project Area No. III (the "Project"); and

**WHEREAS**, in order to carry out and implement the Redevelopment Plan the Agency proposes to finance a portion of the development, construction, acquisition and other associated costs with respect to and affecting the NMDSP; and

**WHEREAS**, Section 33445 of the California Community Redevelopment Law authorizes a redevelopment agency, with the consent of the city council, to pay all or part of the value of the land for and the cost of the installation and construction of any building, facility, structure, or other improvement which is publicly owned either within the project area upon the legislative body determining all of the following: (i) that the buildings, facilities, structures, or improvements are of benefit to the Project Area or the immediate neighborhood in which the Project is located; (ii) that no other reasonable means of financing the buildings, facilities, structures, or other improvements is available to the community; and (iii) that the payment of funds for the acquisition of land or the cost of buildings, facilities, structures, or other improvements will result in the elimination of one or more blighting conditions within the Project Area or provide housing for low or moderate income persons and is consistent with the Agency's Implementation Plan, and is provided for in the Redevelopment Plan; and

**WHEREAS**, the City has undertaken certain actions to establish and assist in the formation of the NMDSP within the City; and

**WHEREAS**, the public improvements proposed by the NMDSP include street, median, park, parkway, utility and signalization improvements and the public improvements are located within and around the Specific Plan area and are within and are of benefit to Redevelopment Project Area No. III and the surrounding area; and

**WHEREAS**, there are no other reasonable means of financing the major public improvement costs associated with the NMDSP and said improvements will be available to the community, as the City has no additional funds sufficient available to pay for all of the infrastructure costs of the NMDSP; and

**WHEREAS**, the expenditure of Redevelopment Agency funds for the development, construction, and acquisition of property for public improvements within the Project Area is necessary for the alleviation of blight and to effectuate the purposes of the redevelopment plan for Redevelopment Project Area No. III by stimulating investment, increasing property values, and creating housing, of which, a portion will be affordable to low to moderate income households; and

**WHEREAS**, the Redevelopment Agency has adopted an Implementation Plan for the Project pursuant to Health and Safety Code Section 33490, which identifies goals and objectives, including the conduct of activities which will enhance or increase property values and solve problems related to the inadequacy of public facilities; and

**WHEREAS**, the Implementation Plan sets forth a program of actions which include the provision for public improvements and infrastructure; and

**WHEREAS**, the development, construction, and acquisition of properties for public purposes for the NMDSP area will assist the Agency in meeting the goals and objectives set forth in the Implementation Plan; and

**WHEREAS**, Section 232 of the Redevelopment Plan for Redevelopment Project Area No. III provides for the Redevelopment Agency to pay all or part of the cost of the acquisition costs and installation and construction of public improvements and utilities and install other infrastructure including, but not limited to, street lights, parks, plazas, bridges, walkways, storm drains, sewers, and utility systems.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Montclair Redevelopment Agency Board of Directors does hereby find as follows:

1. The Redevelopment Agency hereby finds and determines that development construction, acquisition and other associated costs related to the installation of certain public improvements within and affecting the NMDSP will assist in eliminating blight within the Project Area by providing for the proper reuse and redevelopment of a portion of the Project Area which was declared blighted for the reasons described above.

2. The Redevelopment Agency hereby finds and determines that the Agreement and the Agency's payment of a portion of the costs of the development, construction, acquisition and other associated costs related to the installation of certain public improvements within and affecting the NMDSP is consistent with the provisions and goals of the Implementation Plan and the Redevelopment Plan.

3. The Redevelopment Agency finds and determines that there are no other reasonable means of financing the costs of the development, construction, and acquisition of property related to public improvements for the NMDSP other than the funds of the Agency.

4. The Redevelopment Agency hereby finds and determines that the development, construction, and acquisition of property related to public improvements for the NMDSP will assist in the elimination of one or more blighting conditions within Redevelopment Project Area No. III.

5. The Redevelopment Agency hereby finds and determines that the Agency's funding of the development, construction, acquisition of property for public improvements related to and affecting the NMDSP is consistent with the adopted Implementation Plan and Redevelopment Plan for Redevelopment Project Area No. III.

6. The Redevelopment Agency hereby authorizes expenditure of Redevelopment Project Area No. III 1997 Tax Allocation Bonds, 1998 Taxable Tax Allocation Bonds, 2007A Tax Allocation Refunding Bonds, and 2007B Taxable Tax Allocation Bonds for the following projects related to the implementation of the Redevelopment Plan for Redevelopment Project Area No. III:

- Reconstruction of Arrow Highway between Monte Vista Avenue and Central Avenue.
- Reconstruction of Moreno Street between Arrow Highway and Central Avenue.
- Potential acquisition of property for public open space on Arrow Highway.
- Undergrounding of utilities on Central Avenue and Arrow Highway.
- Installation of street improvements on Fremont Avenue between Moreno Street and Arrow Highway.

7. The Redevelopment Agency Secretary shall certify to the adoption of this Resolution.

**APPROVED AND ADOPTED** this XX day of XX, 2011.

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Chairman

**ATTEST:**

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Secretary

I, Yvonne L. Smith, Secretary of the City of Montclair Redevelopment Agency, DO HEREBY CERTIFY that Resolution No. 11-06 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

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Yvonne L. Smith  
Secretary

**RESOLUTION NO. 11-2889**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR AUTHORIZING THE EXPENDITURE OF CITY OF MONTCLAIR REDEVELOPMENT AGENCY PROJECT AREA NO. III 1997 TAX ALLOCATION REFUNDING BONDS FUNDS, 1998 TAXABLE TAX ALLOCATION BONDS, 2007A TAX ALLOCATION REFUNDING BONDS, AND 2007B TAXABLE TAX ALLOCATION BONDS FOR DEVELOPMENT, CONSTRUCTION, ACQUISITION AND OTHER ASSOCIATED COSTS RELATED TO THE INSTALLATION OF CERTAIN PUBLIC IMPROVEMENTS WITHIN AND AFFECTING THE NORTH MONTCLAIR DOWNTOWN SPECIFIC PLAN AREA AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH**

**WHEREAS**, the City Council of the City of the City of Montclair has identified redevelopment of the area identified as the North Montclair Downtown Specific Plan (NMDSP) and redevelopment of adjacent areas affecting the NMDSP as an identified goal of the City Council and

**WHEREAS**, the City of Montclair Redevelopment Agency can assist the City in achievement of the this identified goal and still meet defined redevelopment objectives; and

**WHEREAS**, the City of Montclair Redevelopment Agency (the "Agency") is engaged in activities necessary to carry out and implement the Redevelopment Plan for the Agency's Redevelopment Project Area No. III (the "Project"); and

**WHEREAS**, in order to carry out and implement the Redevelopment Plan the Agency proposes to finance a portion of the development, construction, acquisition and other associated costs with respect to and affecting the NMDSP; and

**WHEREAS**, Section 33445 of the California Community Redevelopment Law authorizes a redevelopment agency, with the consent of the city council, to pay all or part of the value of the land for and the cost of the installation and construction of any building, facility, structure, or other improvement which is publicly owned either within the project area upon the legislative body determining all of the following: (i) that the buildings, facilities, structures, or improvements are of benefit to the Project Area or the immediate neighborhood in which the Project is located; (ii) that no other reasonable means of financing the buildings, facilities, structures, or other improvements is available to the community; and (iii) that the payment of funds for the acquisition of land or the cost of buildings, facilities, structures, or other improvements will result in the elimination of one or more blighting conditions within the Project Area or provide housing for low or moderate income persons and is consistent with the Agency's Implementation Plan, and is provided for in the Redevelopment Plan; and

**WHEREAS**, the City has undertaken certain actions to establish and assist in the formation of the NMDSP within the City; and

**WHEREAS**, the public improvements proposed by the NMDSP include street, median, park, parkway, utility and signalization improvements and the public improvements are located within and around the Specific Plan area and are within and are of benefit to Redevelopment Project Area No. III and the surrounding area; and

**WHEREAS**, there are no other reasonable means of financing the major public improvement costs associated with the NMDSP and said improvements will be available to the community, as the City has no additional funds sufficient available to pay for all of the infrastructure costs of the NMDSP; and

**WHEREAS**, the expenditure of Agency funds for the development, construction, and acquisition of property for public improvements within the Project Area is necessary for the alleviation of blight and to effectuate the purposes of the redevelopment plan for Redevelopment Project Area No. III by stimulating investment, increasing property values, and creating housing, of which, a portion will be affordable to low to moderate income households; and

**WHEREAS**, the Agency has adopted an Implementation Plan for the Project pursuant to Health and Safety Code Section 33490, which identifies goals and objectives, including the conduct of activities which will enhance or increase property values and solve problems related to the inadequacy of public facilities; and

**WHEREAS**, the Implementation Plan sets forth a program of actions that include the provision for public improvements and infrastructure; and

**WHEREAS**, the development, construction, and acquisition of properties for public purposes for the NMDSP area will assist the Agency in meeting the goals and objectives set forth in the Implementation Plan; and

**WHEREAS**, Section 232 of the Redevelopment Plan for the Project provides for the Agency to pay all or part of the cost of the acquisition costs and installation and construction of public improvements and utilities and install other infrastructure including, but not limited to, street lights, parks, plazas, bridges, walkways, storm drains, sewers, and utility systems.

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

1. The City Council hereby finds and determines that development construction, acquisition and other associated costs related to the installation of certain public improvements within and affecting the NMDSP will assist in eliminating blight within the Project Area by providing for the proper reuse and redevelopment of a portion of the Project Area which was declared blighted for the reasons described above.

2. The City Council hereby finds and determines that the Agreement and the Agency's payment of a portion of the costs of the development, construction, acquisition and other associated costs related to the installation of certain public improvements within and affecting the NMDSP is consistent with the provisions and goals of the Implementation Plan and the Redevelopment Plan.

3. The City Council finds and determines that there are no other reasonable means of financing the costs of the development, construction, and acquisition of property related to public improvements for the NMDSP other than the funds of the Agency.

4. The City Council hereby finds and determines that the development, construction, and acquisition of property related to public improvements for the NMDSP will assist in the elimination of one or more blighting conditions within Redevelopment Project Area No. III.

5. The City Council hereby finds and determines that the Agency's funding of the development, construction, acquisition of property for public improvements related to and affecting the NMDSP is consistent with the adopted Implementation Plan and Redevelopment Plan for Redevelopment Project Area No. III.

6. The City Council hereby authorizes expenditure of Redevelopment Project Area No. III 1997 Tax Allocation Bonds, 1998 Taxable Tax Allocation Bonds, 2007A Tax Allocation Refunding Bonds, and 2007B Taxable Tax Allocation Bonds for the following projects related to the implementation of the Redevelopment Plan for Redevelopment Project Area No. III:

- Reconstruction of Arrow Highway between Monte Vista Avenue and Central Avenue
- Reconstruction of Moreno Street between Arrow Highway and Central Avenue
- Potential acquisition of property for public open space on Arrow Highway
- Undergrounding of utilities on Central Avenue and Arrow Highway
- Installation of street improvements on Fremont Avenue between Moreno Street and Arrow Highway

7. The Deputy City Clerk shall certify to the adoption of this Resolution.

**APPROVED AND ADOPTED** this XX day of XX, 2011.

**ATTEST:**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Deputy City Clerk

I, Yvonne L. Smith, Deputy City Clerk of the City of Montclair, DO HEREBY CERTIFY that Resolution No. 11-2889 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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Yvonne L. Smith  
Deputy City Clerk

RESOLUTION NO. 11-07

**A RESOLUTION OF THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY AUTHORIZING THE EXPENDITURE OF CITY OF MONTCLAIR REDEVELOPMENT AGENCY PROJECT NO. V 1995 TAXABLE TAX ALLOCATION BONDS, 2001 TAX ALLOCATION REFUNDING BONDS, 2006A TAXABLE TAX ALLOCATION BONDS, AND 2006B TAX ALLOCATION REFUNDING BONDS FOR ACQUISITION, DEVELOPMENT, CONSTRUCTION, AND OTHER ASSOCIATED COSTS RELATED TO THE INSTALLATION OF CERTAIN PUBLIC IMPROVEMENTS WITHIN REDEVELOPMENT PROJECT AREA NO. V AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH**

**WHEREAS**, the City of Montclair Redevelopment Agency (the "Agency") is a community redevelopment agency organized and existing under the California Community Redevelopment law, health and Safety Code Sections 33000, *et seq.* ("CRL") and has been authorized to transact business and exercise the powers of a redevelopment agency pursuant to action of the City Council (the "City Council") of the City of Montclair (the "City"); and

**WHEREAS**, the City of Montclair Redevelopment Agency (the "Agency") is engaged in activities necessary to carry out and implement the Redevelopment Plan for the Agency's Redevelopment Project Area No. V (the "Project"); and

**WHEREAS**, Section 33445 of the California Community Redevelopment Law authorizes a redevelopment agency, with the consent of the city council, to pay all or part of the value of the land for and the cost of the installation and construction of any building, facility, structure, or other improvement which is publicly owned either within the project area upon the legislative body determining all of the following: (i) that the buildings, facilities, structures, or improvements are of benefit to the Project Area or the immediate neighborhood in which the Project is located; (ii) that no other reasonable means of financing the buildings, facilities, structures, or other improvements is available to the community; and (iii) that the payment of funds for the acquisition of land or the cost of buildings, facilities, structures, or other improvements will result in the elimination of one or more blighting conditions within the Project Area or provide housing for low or moderate income persons and is consistent with the Agency's Implementation Plan, and is provided for in the Redevelopment Plan; and

**WHEREAS**, the City has undertaken certain actions to establish public improvements projects to improve Sunset Park, construct and improve the vacant Agency-owned site adjacent to the Reeder Ranch for an interpretative center, complete certain street improvements, and work to begin plans and construction of the widening of Monte Vista Avenue at the I-10 Freeway interchange; and

**WHEREAS**, the public improvements are located within, and are of benefit to, Redevelopment Project Area No. V and adjoining Project Area No. III, and such public improvements are necessary to effectuate the purposes of the redevelopment plan for Redevelopment Project Area No. V by improving the infrastructure system within the project area, encouraging the cooperation and participation of public agencies and

community organizations in redevelopment activities, and promoting local job opportunities. These public improvement will assist in the elimination of one or more blighting conditions inside the project area of Redevelopment Area No. V by providing for public improvements, recreational opportunities, and employment opportunities; and

**WHEREAS**, there are no other reasonable means of financing all of the public improvement costs needed within the Project Area and said improvements will be available to the community, as the City has no additional funds sufficient available method to pay for all of the infrastructure needs; and

**WHEREAS**, the Redevelopment Agency has adopted an Implementation Plan for the Project pursuant to Health and Safety Code Section 33490, which identifies goals and objectives, including the conduct of activities which will enhance or increase property values and solve problems related to the inadequacy of public facilities; and

**WHEREAS**, the Implementation Plan sets forth a program of actions which include the provision for public improvements and infrastructure; and

**WHEREAS**, the development, construction, and acquisition of properties for public purposes will assist the Agency in meeting the goals and objectives set forth in the Implementation Plan; and

**WHEREAS**, Section 440.4 of the Redevelopment Plan for Redevelopment Project Area No. V provides for the Redevelopment Agency to pay all or part of the cost of the acquisition costs and installation and construction of public improvements including buildings, facilities, infrastructure, and improvements.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Montclair Redevelopment Agency hereby finds as follows:

1. The Redevelopment Agency hereby finds and determines that development, construction, and acquisition of certain public improvements within the Project Area will provide benefit to the Project Area and its residents.

2. The Redevelopment Agency hereby finds and determines that the Agency's payment of a portion of the costs of the development, construction, acquisition to the plans for and installation of certain public improvements is consistent with the provisions and goals of the Implementation Plan and the Redevelopment Plan.

3. The Redevelopment Agency finds and determines that there are no other reasonable means of financing the costs of the development, construction, and acquisition of property related to public improvements other than the funds of the Agency.

4. The Redevelopment Agency hereby finds and determines that the development, construction, and acquisition of property related to public improvements will assist in the elimination of one or more blighting conditions within Redevelopment Project Area No. V.

5. The Redevelopment Agency hereby finds and determines that the Agency's funding of the development, construction, acquisition of property for public improvements is consistent with the adopted Implementation Plan and Redevelopment Plan for Redevelopment Project Area No. V.

6. The Redevelopment Agency hereby authorizes expenditure of Redevelopment Project Area No. V 1995 Taxable Tax Allocation Bonds, 2001 Tax Allocation Refunding Bonds, 2006A Taxable Tax Allocation Bonds, and 2006B Tax Allocation Refunding Bonds for the following projects related to the implementation of the Redevelopment Plan for Redevelopment Project Area No. V:

- Improvements to Sunset Park
- Improvements to the Agency-owned property adjacent to the Reeder Ranch including various site and building improvements
- Planning, acquisition, and/or construction related to the widening of Monte Vista Avenue at the I-10 Freeway
- Other public improvements throughout the Project Area

7. The Redevelopment Agency Secretary shall certify to the adoption of this Resolution.

**APPROVED AND ADOPTED** this XX day of XX, 2011.

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
Secretary

I, Yvonne L. Smith, Secretary of the City of Montclair Redevelopment Agency, DO HEREBY CERTIFY that Resolution No. 11-07 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

\_\_\_\_\_  
Yvonne L. Smith  
Secretary

## RESOLUTION NO. 11-2890

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR AUTHORIZING THE EXPENDITURE OF CITY OF MONTCLAIR REDEVELOPMENT AGENCY PROJECT AREA NO. V 1995 TAXABLE TAX ALLOCATION BONDS, 2001 TAX ALLOCATION REFUNDING BONDS, 2006A TAXABLE TAX ALLOCATION BONDS, AND 2006B TAX ALLOCATION REFUNDING BONDS FOR ACQUISITION, DEVELOPMENT, CONSTRUCTION, AND OTHER ASSOCIATED COSTS RELATED TO THE INSTALLATION OF CERTAIN PUBLIC IMPROVEMENTS WITHIN REDEVELOPMENT PROJECT AREA NO. V AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH

**WHEREAS**, the City of Montclair Redevelopment Agency (the "Agency") is a community redevelopment agency organized and existing under the California Community Redevelopment law, health and Safety Code Sections 33000, *et seq.* ("CRL") and has been authorized to transact business and exercise the powers of a redevelopment agency pursuant to action of the City Council (the "City Council") of the City of Montclair (the "City"); and

**WHEREAS**, the City of Montclair Redevelopment Agency (the "Agency") is engaged in activities necessary to carry out and implement the Redevelopment Plan for the Agency's Redevelopment Project Area No. V (the "Project"); and

**WHEREAS**, Section 33445 of the California Community Redevelopment Law authorizes a redevelopment agency, with the consent of the city council, to pay all or part of the value of the land for and the cost of the installation and construction of any building, facility, structure, or other improvement which is publicly owned either within the project area upon the legislative body determining all of the following: (i) that the buildings, facilities, structures, or improvements are of benefit to the Project Area or the immediate neighborhood in which the Project is located; (ii) that no other reasonable means of financing the buildings, facilities, structures, or other improvements is available to the community; and (iii) that the payment of funds for the acquisition of land or the cost of buildings, facilities, structures, or other improvements will result in the elimination of one or more blighting conditions within the Project Area or provide housing for low or moderate income persons and is consistent with the Agency's Implementation Plan, and is provided for in the Redevelopment Plan; and

**WHEREAS**, the City has undertaken certain actions to establish public improvements projects to improve Sunset Park, construct and improve the vacant Agency-owned site adjacent to the Reeder Ranch for an interpretative center, complete certain street improvements, and work to begin plans and construction of the widening of Monte Vista Avenue at the I-10 Freeway interchange; and

**WHEREAS**, the public improvements are located within, and are of benefit to, Redevelopment Project Area No. V and adjoining Project Area No. III, and such public improvements are necessary to effectuate the purposes of the redevelopment plan for Redevelopment Project Area No. by improving the infrastructure system within the

project area, encouraging the cooperation and participation of public agencies and community organizations in redevelopment activities, and promoting local job opportunities. These public improvement will assist in the elimination of one or more blighting conditions inside the project area of Redevelopment Area No. V by providing for public improvements, recreational opportunities, and employment opportunities and;

**WHEREAS**, there are no other reasonable means of financing all of the public improvement costs needed within the Project Area and said improvements will be available to the community, as the City has no additional funds sufficient available method to pay for all of the infrastructure needs and;

**WHEREAS**, the Redevelopment Agency has adopted an Implementation Plan for the Project pursuant to Health and Safety Code Section 33490, which identifies goals and objectives, including the conduct of activities which will enhance or increase property values and solve problems related to the inadequacy of public facilities; and

**WHEREAS**, the Implementation Plan sets forth a program of actions which include the provision for public improvements and infrastructure; and

**WHEREAS**, the development, construction, and acquisition of properties for public purposes will assist the Agency in meeting the goals and objectives set forth in the Implementation Plan; and

**WHEREAS**, Section 40.4 of the Redevelopment Plan for Redevelopment Project Area No. V provides for the Redevelopment Agency to pay all or part of the cost of the acquisition costs and installation and construction of public improvements including buildings, facilities, infrastructure, and improvements.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Montclair hereby finds as follows:

1. The City hereby finds and determines that development, construction, and acquisition of certain public improvements within the Project Area will provide benefit to the Project Area and its residents.

2. The City hereby finds and determines that the Agency's payment of a portion of the costs of the development, construction, acquisition to the plans for and installation of certain public improvements is consistent with the provisions and goals of the Implementation Plan and the Redevelopment Plan.

3. The City finds and determines that there are no other reasonable means of financing the costs of the development, construction, and acquisition of property related to public improvements other than the funds of the Agency.

4. The City hereby finds and determines that the development, construction, and acquisition of property related to public improvements will assist in the elimination of one or more blighting conditions within Redevelopment Project Area No. .

5. The City hereby finds and determines that the Agency's funding of the development, construction, acquisition of property for public improvements is consistent with the adopted Implementation Plan and Redevelopment Plan for Redevelopment Project Area No. V.

6. The City hereby authorizes expenditure of Redevelopment Project Area No. V 1995 Taxable Tax Allocation Bonds, 2001 Tax Allocation Refunding Bonds, 2006A Taxable Tax Allocation Bonds, and 2007B Tax Allocation Refunding Bonds for the following projects related to the implementation of the Redevelopment Plan for Redevelopment Project Area No. V:

- Improvements to Sunset Park
- Improvements to the Agency-owned property adjacent to the Reeder Ranch including various site and building improvements
- Planning, acquisition, and/or construction related to the widening of Monte Vista Avenue at the I-10 Freeway
- Other public improvements throughout the Project Area

7. The City Clerk shall certify to the adoption of this Resolution.

**APPROVED AND ADOPTED** this XX day of XX, 2011.

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
Deputy City Clerk

I, Yvonne L. Smith, Deputy City Clerk of the City of Montclair, DO HEREBY CERTIFY that Resolution No. 11-2890 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

\_\_\_\_\_  
Yvonne L. Smith  
Deputy City Clerk

**RESOLUTION NO. 10-08**

**A RESOLUTION OF THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY AUTHORIZING THE EXPENDITURE OF CITY OF MISSION BOULEVARD JOINT REDEVELOPMENT PROJECT AREA 2008 TAX ALLOCATION NOTES FOR DEVELOPMENT, CONSTRUCTION, AND OTHER ASSOCIATED COSTS RELATED TO THE INSTALLATION OF CERTAIN PUBLIC IMPROVEMENTS WITHIN THE MISSION BOULEVARD JOINT REDEVELOPMENT PROJECT AREA AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH**

**WHEREAS**, the City of Montclair Redevelopment Agency (the "Agency") is a community redevelopment agency organized and existing under the California Community Redevelopment law, health and Safety Code Sections 33000, *et seq.* ("CRL") and has been authorized to transact business and exercise the powers of a redevelopment agency pursuant to action of the City Council (the "City Council") of the City of Montclair (the "City"); and

**WHEREAS**, the City of Montclair Redevelopment Agency and the Redevelopment Agency of San Bernardino County (the "County") formed a joint redevelopment project area on July 7, 2003 and July 8, 2003 respectively; and

**WHEREAS**, the City of Montclair Redevelopment Agency acts as the lead agency on projects for the Mission Boulevard Joint Redevelopment Project Area pursuant to an Implementation Agreement dated June 10, 2003; and

**WHEREAS**, the City of Montclair Redevelopment Agency (the "Agency") is engaged in activities necessary to carry out and implement the Redevelopment Plan for the Mission Boulevard Joint Redevelopment Project Area (the "Project"); and

**WHEREAS**, Section 33445 of the California Community Redevelopment Law authorizes a redevelopment agency, with the consent of the city council, to pay all or part of the value of the land for and the cost of the installation and construction of any building, facility, structure, or other improvement which is publicly owned either within the project area upon the legislative body determining all of the following: (i) that the buildings, facilities, structures, or improvements are of benefit to the Project Area or the immediate neighborhood in which the Project is located; (ii) that no other reasonable means of financing the buildings, facilities, structures, or other improvements is available to the community; and (iii) that the payment of funds for the acquisition of land or the cost of buildings, facilities, structures, or other improvements will result in the elimination of one or more blighting conditions within the Project Area or provide housing for low or moderate income persons and is consistent with the Agency's Implementation Plan, and is provided for in the Redevelopment Plan; and

**WHEREAS**, the City and County have undertaken certain actions to establish public improvements projects within the Project Area including, but not limited to, construction of storm drain, sewer, street improvements, curbs, gutter, sidewalk, signalization, median islands, street lighting and other improvement to Mission Boulevard; and

**WHEREAS**, the public improvements to be undertaken within the Project Area add benefit to, and are necessary to effectuate the purposes of the redevelopment plan for the Mission Boulevard Joint Redevelopment Project Area by adding a basic infrastructure system within the project area, encouraging the cooperation and participation of public agencies in redevelopment activities, and promoting local job opportunities. These public improvement will assist in the elimination of one or more blighting conditions inside the project area by providing for basic public improvements and employment opportunities; and

**WHEREAS**, there are no other reasonable means of financing all of the public improvement costs needed within the Project Area and said improvements will be available to the community, as the City and County have no additional funds sufficient available method to pay for all of the infrastructure needs and;

**WHEREAS**, the Redevelopment Agencies of the City and County have adopted an Implementation Plan for the Project pursuant to Health and Safety Code Section 33490, which identifies goals and objectives, including the conduct of activities which will provide employment, enhance or increase property values, encourage investment within the Project Area and solve problems related to the inadequacy of public facilities; and

**WHEREAS**, the Implementation Plan sets forth a program of actions which include the provision for public improvements and infrastructure; and

**WHEREAS**, the development and construction of public improvements will assist the Agency in meeting the goals and objectives set forth in the Implementation Plan; and

**WHEREAS**, Section 323 of the Redevelopment Plan for Mission Boulevard Joint Redevelopment Project Area provides for the Redevelopment Agency to pay all or part of the cost of the installation and construction of public improvements including buildings, facilities, infrastructure, and improvements.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Montclair Redevelopment Agency hereby finds as follows:

1. The Redevelopment Agency hereby finds and determines that development and construction, of certain public improvements within the Project Area will provide benefit to the Project Area and its residents.

2. The Redevelopment Agency hereby finds and determines that the Agency's payment of a portion of the costs of the development and construction of the plans for and installation of certain public improvements is consistent with the provisions and goals of the Implementation Plan and the Redevelopment Plan.

3. The Redevelopment Agency finds and determines that there are no other reasonable means of financing the costs of the development, construction, and acquisition of property related to public improvements other than the funds of the Agency.

4. The Redevelopment Agency hereby finds and determines that the development and construction of public improvements will assist in the elimination of one or more blighting conditions within the Mission Boulevard Joint Redevelopment Project Area.

5. The Redevelopment Agency hereby finds and determines that the Agency's funding of the development and construction of public improvements is consistent with the adopted Implementation Plan and Redevelopment Plan for the Mission Boulevard Joint Redevelopment Project.

6. The Redevelopment Agency hereby authorizes expenditure of Mission Boulevard Joint Redevelopment Project Area 2008 Tax Allocation Notes, for the following projects related to the implementation of the Redevelopment Plan for Redevelopment Project Area No. V:

- All street, curb, gutter, sidewalk, utility, storm drain, median island, signalization, and lighting improvements to Mission Boulevard
- Improvements to other public rights-of-way including installation of public infrastructure, utilities, storm drains, street lights, signalization, transit improvements, curbs, gutters, sidewalks, signage, and other circulation improvements

7. The Redevelopment Agency Secretary shall certify to the adoption of this Resolution.

**APPROVED AND ADOPTED** this XX day of XX, 2011.

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
Secretary

I, Yvonne L. Smith, Secretary of the City of Montclair Redevelopment Agency, DO HEREBY CERTIFY that Resolution No. 11-08 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

\_\_\_\_\_  
Yvonne L. Smith  
Secretary

**RESOLUTION NO. 11-2891**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR AUTHORIZING THE EXPENDITURE OF MISSION BOULEVARD JOINT REDEVELOPMENT PROJECT AREA 2008 TAX ALLOCATION NOTES FOR DEVELOPMENT, CONSTRUCTION, AND OTHER ASSOCIATED COSTS RELATED TO THE INSTALLATION OF CERTAIN PUBLIC IMPROVEMENTS WITHIN THE MISSION BOULEVARD JOINT REDEVELOPMENT PROJECT AREA AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH**

**WHEREAS**, the City of Montclair Redevelopment Agency (the "Agency") is a community redevelopment agency organized and existing under the California Community Redevelopment law, health and Safety Code Sections 33000, *et seq.* ("CRL") and has been authorized to transact business and exercise the powers of a redevelopment agency pursuant to action of the City Council (the "City Council") of the City of Montclair (the "City"); and

**WHEREAS**, the City of Montclair Redevelopment Agency and the Redevelopment Agency of San Bernardino County (the "County") formed a joint redevelopment project area on July 7, 2003 and July 8, 2003 respectively; and

**WHEREAS**, the City of Montclair Redevelopment Agency acts as the lead agency on projects for the Mission Boulevard Joint Redevelopment Project Area pursuant to an Implementation Agreement dated June 10, 2003; and

**WHEREAS**, the City of Montclair Redevelopment Agency (the "Agency") is engaged in activities necessary to carry out and implement the Redevelopment Plan for the Mission Boulevard Joint Redevelopment Project Area (the "Project"); and

**WHEREAS**, Section 33445 of the California Community Redevelopment Law authorizes a redevelopment agency, with the consent of the city council, to pay all or part of the value of the land for and the cost of the installation and construction of any building, facility, structure, or other improvement which is publicly owned either within the project area upon the legislative body determining all of the following: (i) that the buildings, facilities, structures, or improvements are of benefit to the Project Area or the immediate neighborhood in which the Project is located; (ii) that no other reasonable means of financing the buildings, facilities, structures, or other improvements is available to the community; and (iii) that the payment of funds for the acquisition of land or the cost of buildings, facilities, structures, or other improvements will result in the elimination of one or more blighting conditions within the Project Area or provide housing for low- or moderate-income persons and is consistent with the Agency's Implementation Plan, and is provided for in the Redevelopment Plan; and

**WHEREAS**, the City and County have undertaken certain actions to establish public improvements projects within the Project Area including, but not limited to, construction of storm drain, sewer, street improvements, curbs, gutter, sidewalk, signalization, median islands, street lighting and other improvement to Mission Boulevard; and

**WHEREAS**, the public improvements to be undertaken within the Project Area add benefit to, and are necessary to effectuate the purposes of the redevelopment plan for the Mission Boulevard Joint Redevelopment Project Area by adding a basic infrastructure system within the project area, encouraging the cooperation and participation of public agencies in redevelopment activities, and promoting local job opportunities. These public improvement will assist in the elimination of one or more blighting conditions inside the project area by providing for basic public improvements and employment opportunities; and

**WHEREAS**, there are no other reasonable means of financing all of the public improvement costs needed within the Project Area and said improvements will be available to the community, as the City and County have no additional funds sufficient available method to pay for all of the infrastructure needs and;

**WHEREAS**, the Redevelopment Agencies of the City and County have adopted an Implementation Plan for the Project pursuant to Health and Safety Code Section 33490, which identifies goals and objectives, including the conduct of activities which will provide employment, enhance or increase property values, encourage investment within the Project Area and solve problems related to the inadequacy of public facilities; and

**WHEREAS**, the Implementation Plan sets forth a program of actions which include the provision for public improvements and infrastructure; and

**WHEREAS**, the development and construction of public improvements will assist the Agency in meeting the goals and objectives set forth in the Implementation Plan; and

**WHEREAS**, Section 323 of the Redevelopment Plan for Mission Boulevard Joint Redevelopment Project Area provides for the Redevelopment Agency to pay all or part of the cost of the installation and construction of public improvements including buildings, facilities, infrastructure, and improvements.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Montclair hereby finds as follows:

1. The City Council hereby finds and determines that development and construction, of certain public improvements within the Project Area will provide benefit to the Project Area and its residents.
2. The City Council hereby finds and determines that the Agency's payment of a portion of the costs of the development and construction of the plans for and installation of certain public improvements is consistent with the provisions and goals of the Implementation Plan and the Redevelopment Plan.
3. The City Council finds and determines that there are no other reasonable means of financing the costs of the development, construction, and acquisition of property related to public improvements other than the funds of the Agency.

4. The City Council hereby finds and determines that the development and construction of to public improvements will assist in the elimination of one or more blighting conditions within the Mission Boulevard Joint Redevelopment Project Area.

5. The City Council hereby finds and determines that the Agency's funding of the development and construction of public improvements is consistent with the adopted Implementation Plan and Redevelopment Plan for the Mission Boulevard Joint Redevelopment Project.

6. The City Council hereby authorizes expenditure of Mission Boulevard Joint Redevelopment Project Area 2008 Tax Allocation Notes, for the following projects related to the implementation of the Redevelopment Plan for Redevelopment Project Area No. V:

- All street, curb, gutter, sidewalk, utility, storm drain, median island, signalization, and lighting improvements to Mission Boulevard
- Improvements to other public rights-of-way including installation of public infrastructure, utilities, storm drains, street lights, signalization, transit improvements, curbs, gutters, sidewalks, signage, and other circulation improvements

7. The Deputy City Clerk shall certify to the adoption of this Resolution.

**APPROVED AND ADOPTED** this XX day of XX, 2011.

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
Deputy City Clerk

I, Yvonne L. Smith, Deputy City Clerk of the City of Montclair, DO HEREBY CERTIFY that Resolution No. 11-2891 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

\_\_\_\_\_  
Yvonne L. Smith  
Deputy City Clerk

**MINUTES OF THE REGULAR MEETING OF THE PUBLIC WORKS COMMITTEE HELD ON THURSDAY, JANUARY 21, 2011, AT 2:00 P.M. IN THE CITY HALL CONFERENCE ROOM, 5111 BENITO STREET, MONTCLAIR, CALIFORNIA**

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**CALL TO ORDER**

Chairman Paulitz called the meeting to order at 2:15 p.m.

**I. ROLL CALL**

Present: Chairman Paulitz; Committee Member Eaton; Community Development Director Lustro; City Engineer Hudson; Facilities and Grounds Superintendent McGehee; Police Chief Jones; City Planner Diaz

Absent: Director of Redevelopment/Public Works Staats; Public Works Superintendent Mendez

**II. APPROVAL OF MINUTES**

**A. Minutes of Regular Public Works Committee Meeting of October 21, 2010**

It was the consensus of the Public Works Committee to approve the minutes of the Public Works Committee meeting of October 21, 2010.

**III. PUBLIC COMMENT – None**

**IV. TRAFFIC SAFETY/CIRCULATION ISSUES**

**A. Ontario-Montclair School District Issues**

Perry Huyck has elected to retire so there will no longer be a representative from the school district present at the meetings. Craig Misso has now taken over Perry Huyck's responsibilities. If the School District has a problem they will contact the City and voice their concerns. Requests for crossing guards will still be handled the same way, it has to come from a representative of the school administration, not a principal, teacher, or parent.

**B. Traffic Safety**

Officers have been writing tickets for violations of the "No Left Turn on Red" at Palo Verde Street and Central Avenue. Bigger signs have been placed in the intersection to gain the attention of motorists.

**V. POLICE DEPARTMENT UPDATES/ITEMS - None**

**VI. COMMUNITY DEVELOPMENT DEPARTMENT UPDATES/ITEMS**

**A. Pacific Electric Bike Trail Grand Opening**

City Planner Diaz attended the JPA meeting for the Freeway Design Authority last week. The Pacific Electric trail is almost 100% complete. There is a segment in Fontana that is still under construction and a segment in Rancho Cucamonga where the bridge is being reconstructed for the connection. Rancho Cucamonga is encouraging all cities to do a grand opening once these two segments are complete (which should be this summer). It will be coordinated so a person could walk from one end of the trail to the other. There has been some talk with Rancho Cucamonga and Upland about installing mile posts along the trail and beginning at the county line (Claremont). Currently there is no signage but Montclair takes up about a mile of the trail. Nobody is coordinating the signage but the City would have to come up with the money to get the signs made. City Planner Diaz is going to get information from Rancho Cucamonga to get some ideas. The City could possibly do the signs in house and have Maintenance Worker Tanya Honeycutt come up with a design.

**B. California Bike Tour**

City Engineer Hudson reported Claremont is having a California Tour and they are expecting 30,000 people to show up. They would like to use the Transcenter for parking. It is a public parking facility and is maintained by Caltrans, however, the City is responsible for security. If there is a need for increased security, then, at a cost, the City would be willing to provide it. Police Chief Jones would be the one to make such a decision.

**VII. PUBLIC WORKS DEPT.-MAINTENANCE ACTIVITIES UPDATES/ITEMS**

**A. City Yard Security Issues**

A few months ago the City Yard was broken into. About \$12,000 worth of wire, door locks, paint, and other miscellaneous items out of Building and Facilities Maintenance McGehee's storage container and the Graffiti Abatement storage container that were stolen. The weekend before last there was another break in, but this time they only broke into the paint container and stole several cases of spray paint. Several years ago a wall was supposed to be constructed around the City Yard to replace the chain link fence; the funds were redirected to the HVAC retrofit. Currently, there is chain link fence along the south and east sides of the building. Some solutions include replacement of the chain link fence with a block wall, have the Police Department patrol the area more often, the installation of motion activated flashing lights inside the yard to scare anybody off, and/or looking at additional lighting and security cameras.

## VIII. PUBLIC WORKS DEPT. ENGINEERING DIVISION UPDATES/ITEMS

### A. Claremont Proposal for Claremont Boulevard/Huntington Drive Intersection

Claremont is planning on doing some signal and striping modifications that can affect the residents living in the area. City Engineer Hudson and the City's traffic engineer have reviewed the proposal, both with respect to the current proposal by Claremont as well as Montclair's future plan for extending Huntington Drive to Richton Street. Both thought the project made sense. The traffic engineer did have a few minor suggestions regarding signage and striping. City Engineer Hudson has passed those comments on to the City of Claremont. So far none of the property owners on the south side has been contacted. If the Public Works Committee is supportive of the City of Claremont's plan, Claremont would be requested to contact the property owners and residents to explain the project. City Engineer Hudson would attend those meetings. The City of Claremont would like to extend the bike lane through Claremont and connect to the Pacific Electric Bike Trail. The principal source of funding is Bicycle Grant Funds.

### Discussion of Proposed Water Softener Ordinance – Implementation Process

Currently there is an ordinance in the Montclair Municipal Code that regulates water softeners. There are two types of water softeners a self regenerating type and a canister exchange type. The canister exchange type is a fairly clean operation. The canister has the softening media in it and once it needs to be recharged, a company like Culligan comes in and takes the cylinder out and puts a new cylinder in; the old one is taken back to their shop and the salt, saline, or brine solution is purged and put in the brine line which eventually ends up in the ocean without going through the treatment plants. The self regenerating types are more commonly used. These units have a container for the treatment process but when the salt is expended it regenerates itself early in the morning when there is no demand for soft water at a persons' home. It releases a slug of highly saline or brine solution in the sewer which then goes to the treatment plant and has an impact on the overall total dissolved solids (TDS) being discharged. The region is regulated as to the maximum total dissolved solids (TDS) that can be in the discharged effluent from the treatment plant. The plant is currently about 100 parts per million under that limit. The limit is about 600 parts per million and the plant is at 500 parts per million. State water is used when water is imported since state water has a pretty low background TDS. The Colorado River has a high TDS so it is not used around here simply because it would violate the terms of the discharge permit issued by the Regional Board, so state water or local ground water is used. There is currently no danger of the region exceeding the discharge limit, but eventually it could be a problem. This ordinance regarding the prohibition of self regenerating water softeners is a preemptive measure that Inland Empire Utilities Agency (IEUA) is requesting all seven contracted agencies to adopt. The City of Montclair's ordinance allows for both exchange units and self regenerating units, but

the self regenerating units discharge is limited to a certain brine concentration. This type of ordinance is unenforceable. IEUA has developed a model ordinance they have developed for adoption. Staff has reformatted the model ordinance for use by the City. City Engineer Hudson reported that he would place an item on the next City Council agenda to set the public hearing.

B. Adopt-a-Highway: Consider taking responsibility for graffiti, landscaping, and litter removal at I-10 ramps in Montclair

The Adopt-a-Highway Program is a program where organizations do maintenance on state highways, freeways, and interstates; the program can also include on- and off ramps in a community. Caltrans made a presentation of this program to a number of cities at a Joint Powers Authority (JPA) meeting. The JPA is composed of several agencies that have either the 10 or 210 Freeways within their boundaries. Staff representatives on the JPA have discussed the poor condition of the ramps leading in and out of Montclair. To some extent staff is doing maintenance on the ramps by picking up trash to keep them clean. An agreement with Caltrans could be prepared allowing the City to take over some maintenance responsibilities for the ramps. If the City would like to pursue this it means contracts will have to be amended with Mariposa or have City staff periodically do weed abatement, litter pick up, and graffiti abatement. There are two options to the Adopt-a-Highway; the city can either take over the off ramps completely or chose to just do periodic maintenance. There would be a total of eight on/off ramps that the city would be responsible for. There are a few items that still need to be worked out such as liability. The Committee would like additional information, such as the cost to the City, before making a decision.

Monte Vista Water District has put together a number of locations for use of recycled water. Some good locations to connect to recycled water would be the median islands on Monte Vista Avenue and Central Avenue and possibly on Mills Avenue. Other good candidates are the Transcenter even though Caltrans is paying for the water, the Police Department and MacArthur Park. The Committee concurred on using recycled water for median islands and other projects and directed staff to notify the Monte Vista Water District.

C. Sunrise Park Acquisition (Added Item)

In a previous Public Works Committee meeting, Benson Avenue access to Sunrise Park was discussed and a decision was made to close off that pedestrian access. Fences and locked gates have been installed at either end of the access path. After the closure the City received complaints of vandalism and a peeping tom issue. One possible solution to the problems was to acquire additional land for Sunrise Park, making the area subject to these problems more open. An appraisal was requested for a portion of a property south of the access path. The property in question has a house and garage on the easterly portion of the property facing Benson Avenue,

but the westerly half is largely empty. The appraiser determined the value of the portion of the property to be acquired and based on the appraised value, staff cannot recommend that the acquisition be pursued. To solve the problems, some additional screening and fencing can be done. City Engineer Hudson received a quote from a fencing company for about \$15,000 to put up a higher fence and place some screening material on it.

## **IX. CAPITAL PROJECT UPDATES**

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

### **A. MISSION BOULEVARD IMPROVEMENT PROJECT**

Phase 8 construction (Central Avenue to Benson Avenue) is in the landscape maintenance period for the next few weeks. A notice of completion will be presented to City Council at the first or second meeting in February.

On Phase 9 (from Pipeline Avenue to the County line) the authorization to advertise and award is at Caltrans headquarters in Sacramento awaiting approval. Staff has called to check the status and it could take 2-4 weeks for the approval. The plan is fully designed and the bid package has already been put together staff is just waiting on Caltrans authorization. This phase was supposed to be the last phase of the Mission Boulevard Corridor Improvements, but now a tenth phase has been added. Phase 10 is known as the Boisse Storm Drain, an underground storm drain that will run from 3<sup>rd</sup> Street to Mission Boulevard. A few years ago Mr. Gerard Boisse and another property owner were going to dedicate an easement the City needed; staff completed the design and presented it to Mr. Boisse. Mr. Boisse said he felt he was entitled to some compensation for the land. The project was put on hold. Since then his property has flooded out a few times, so he's back and he is willing to offer the City the easement. In exchange for the right-of-way dedication the City would put a storm drain in and the concrete will be built up and a drain will be placed which will lead to the storm drain. It will be a few thousand dollars worth of paving and the design is being done right now.

### **B. MONTE VISTA GRADE SEPARATION PROJECT**

Escrow has been closed on the easement purchased from Basin Ventures, LLC. This will give the City the ability to build a driveway for the property further to the south owned by Evans and Dodds. An offer has been made to Evans and Dodds contingent upon being able to secure the additional rights needed for the Foreman property which is further to the north. There is an agreement with Foreman, the only thing he would like in addition to what the City has already offered, is for his drive approach to be lowered four inches so the equipment will not drag across the driveway. City Engineer Hudson is waiting for an estimate for the work. Foreman's previous request was for the City to pay for future moving costs. Staff has

agreed on the amount for the moving costs and it would be put in an escrow account. The money would stay in the account until the equipment is ready to be moved. Hopefully, within the next two months the City should be in escrow on both these properties.

**C. YOUTH/SENIOR/COMMUNITY CENTER FACILITIES**

There are still a few minor punch list items remaining on the Youth Center, but most work is complete. The "as-built drawings" are still needed so the architect can prepare electronic archiving and submit to the Building Division. The Notice of Completion was recorded with the County of San Bernardino at the beginning of January but the retention will not be released until the as builds are submitted for electronic archiving.

There are still some issues in the Senior Center. One problem is the fire place in the lobby which is currently under construction and should be completed Saturday. There is currently a conditional certificate of occupancy until all issues have been addressed.

Certain improvements to the Community Center are proposed. These improvements would be funded by a CDBG grant. Meeting Room A, where the nutrition class is currently held would be used to put in handicap accessible restrooms that are adequate for the building. The current restrooms would be taken out and may be converted to storage.

**D. FREMONT AVENUE IMPROVEMENT PROJECT - PHASE II**

This phase is just south of Howard Street. This project involves the construction of curb, gutter, and sidewalk. The project is currently out to bid. The bid opening is on Thursday, February 10, 2011 at 10:00 a.m.

**E. INTERSECTION IMPROVEMENT PROJECT - PHASE II**

This project is the follow up to the last year's intersection repair project at various locations. The three current 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. The design is going to be done in house. Staff just has not had the time to complete the design as yet.

**F. POLICE IMPOUND YARD**

This project is currently out to bid. It should bring in some revenue to the City because impound fees will not have to be split with the tow truck companies.

**G. ALMA HOFMAN PARK IMPROVEMENTS**

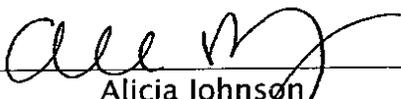
The Alma Hofman Playground Equipment project is now complete and open to the public. The tennis courts are almost complete; only the capstone is missing. The capstone is a special order; the installation should take place the first week of February.

As part of the irrigation project, the area behind the walls that were just built will be landscaped. This project is currently out to bid. At the next City Council meeting there will be an item allowing the City Manager to sign the agreement so the reimbursement request gets submitted before the deadline.

**X. ADJOURNMENT**

At 3:17 p.m., Committee Chair Paulitz adjourned the Public Works Committee.

Submitted for Public Works Committee approval,

  
Alicia Johnson  
Transcribing Secretary

**MINUTES OF THE MEETING OF THE MONTCLAIR  
PERSONNEL COMMITTEE HELD ON TUESDAY,  
FEBRUARY 22, 2011, AT 8:10 P.M. IN THE CITY  
ADMINISTRATIVE OFFICES, 5111 BENITO STREET,  
MONTCLAIR, CALIFORNIA**

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**I. CALL TO ORDER**

Mayor Eaton called the meeting to order at 8:10 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  
February 7, 2011.**

Moved by City Manager Starr, seconded by Council Member Ruh,  
and carried unanimously to approve the minutes of the Personnel  
Committee meeting of February 7, 2011.

**IV. PUBLIC COMMENT - None**

**V. CLOSED SESSION**

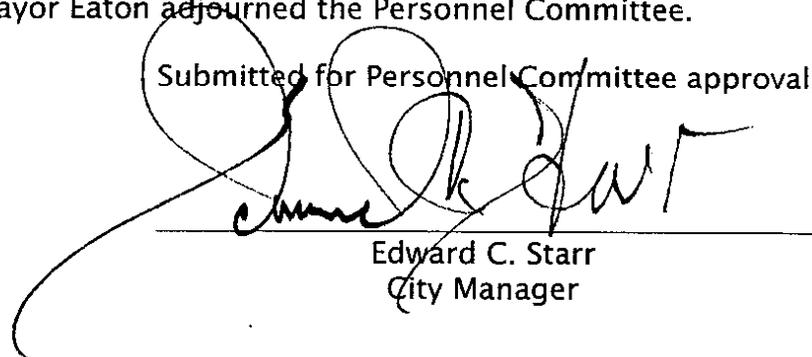
At 8:11 p.m., the Personnel Committee went into Closed Session  
regarding personnel matters related to appointments, resignations/  
terminations, and evaluations of employee performance.

At 8:28 p.m., the Personnel Committee returned from Closed Session.  
Mayor Eaton stated that no announcements would be made at this time.

**VI. ADJOURNMENT**

At 8:28 p.m., Mayor Eaton adjourned the Personnel Committee.

Submitted for Personnel Committee approval,



Edward C. Starr  
City Manager