

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 21, 2011

7:00 p.m.

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

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

Page No.

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

II. INVOCATION

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

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL

V. PRESENTATIONS - None

VI. PUBLIC COMMENT

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

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

VII. PUBLIC HEARINGS

- A. Consider 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 Properties to the City and Making Certain Findings in Connection Therewith [RDA]

(Continued on the next page)

Consider 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 [RDA] 5

B. Consider Continuation of the Following:

Redevelopment Agency Board of Directors' Adoption of Resolution No. 11-03 Approving Agreement No. 11-42, an Affordable Housing Agreement by and Between the City of Montclair Redevelopment Agency and the Montclair Housing Corporation and Making Certain Findings Therewith [RDA]

Consider Montclair Housing Corporation Board of Directors' Approval of Agreement No. 11-43 Approving Promissory Note 11-02 by and Between the Montclair Housing Corporation and the City of Montclair Redevelopment Agency [RDA] 14

VIII. CONSENT CALENDAR

A. Approval of Minutes

1. Minutes of the Regular Joint Council/Agency/MHC Meeting of February 7, 2011 [CC/RDA/MHC]
2. Minutes of the Regular Joint Council/Agency/MHC Meeting of February 22, 2011 [CC/RDA/MHC]
3. Minutes of the Regular Joint Council/Agency/MHC Meeting of March 7, 2011 [CC/RDA/MHC]

B. Administrative Reports

1. Consider Receiving and Filing of Treasurer's Report [CC] 21
2. Consider Approval of Warrant Register and Payroll Documentation [CC] 22
3. Consider Receiving and Filing of Treasurer's Report [RDA] 23
4. Consider Approval of Warrant Register [RDA] 24
5. Consider Receiving and Filing of Treasurer's Report [MHC] 25
6. Consider Approval of Warrant Register [MHC] 26
7. Consider Setting a Public Hearing to Consider City Council's Adoption of Resolution No. 11-2894, a Resolution of the City Council of the City of Montclair Consenting to the Approval of Agreement No. 11-42, an Affordable Housing Agreement by and Between the City of Montclair Redevelopment Agency and the Montclair Housing Corporation and Making Certain Findings in Connection Therewith 27
8. Consider Redevelopment Agency Board of Directors' Approval of Recommendations From the January 18, 2011 Real Estate Committee Meeting Regarding the Exterior Housing Improvement Program [CC] 29
9. Consider Authorization to Advertise for Bid Proposals for the Alma Hofman Park Improvements Project [CC] 30

10.	Consider Authorization to Advertise for Bid Proposals for the Mills Avenue Rehabilitation Project [CC]	31
C. Agreements		
1.	Consider Approval of Agreement No. 11-34, a Community Development Block Grant City-County Delegate Agency Agreement for Fiscal Years 2012-13, 2013-14, and 2014-15 [CC]	32
2.	Consider Redevelopment Agency Board of Directors' Approval of Rehabilitation Grant Agreement Nos. 11-41 through 11-35 by and between the City of Montclair Redevelopment Agency and Five Exterior Housing Improvement Program Participants [RDA]	33
D. Resolutions		
1.	Consider Redevelopment Agency Board of Directors' Adoption of Resolution No. 11-09, a Resolution of the City of Montclair Redevelopment Agency Authorizing the Expenditure of City of Montclair Redevelopment Agency Project Area No. 11 1995 Tax Allocation Bond Funds for Development and Construction of Certain Public Improvements and Making Certain Findings in Connection Therewith [RDA]	
	Consider City council's Adoption of Resolution No. 11-2892, a Resolution of the City Council of the City of Montclair Authorizing the Expenditure of City of Montclair Redevelopment Agency Project Area No. 11 1995 Tax Allocation Bond Funds for Development and Construction of Certain Public Improvements and Making Certain Findings in Connection Therewith [CC]	43
2.	Consider Adoption of Resolution No. 11-2893 Authorizing the Mayor to Sign a Three-Year Agreement with the County of San Bernardino Regarding Participation in the Community Development Block Grant Program for Fiscal years 2012-13, 2013-14, and 2014-15 [CC]	51
IX. PULLED CONSENT CALENDAR ITEMS		
X. RESPONSE		
XI. COMMUNICATIONS		
A. City Attorney/Agency Counsel		
1.	Closed Session Pursuant to Section 54956.8 of the Government Code Regarding Real Property Negotiations	
	Property: 9950 Fremont Avenue	
	Negotiating Parties: City of Montclair and Ernest George representing First United Methodist Church of Montclair	
	Negotiators: Edward C. Starr, City Manager, and Marilyn J. Staats, Director of Redevelopment/Public Works	
	Under Negotiation: Recommendations Regarding a Purchase Offer	

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

Camou v. City of Montclair

- B. City Manager/Executive Director
- C. Mayor/Chairman
- D. Council/Agency Board
- E. Committee Meeting Minutes *(For Informational Purposes Only)*
 1. Minutes of the Personnel Committee Meeting of March 7, 2011

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- XII. **ADJOURNMENT OF REDEVELOPMENT AND MONTCLAIR HOUSING CORPORATION BOARDS OF DIRECTORS**
- XIII. **CLOSED SESSION ANNOUNCEMENTS**
- XIV. **ADJOURNMENT OF CITY COUNCIL**

The next regularly scheduled City Council, Redevelopment Agency, and Montclair Housing Corporation meetings will be held on Monday, April 4, 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 17, 2011.

AGENDA REPORT

SUBJECT: CONSIDER 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 PROPERTIES TO THE CITY AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH

DATE: March 21, 2011
SECTION: PUBLIC HEARINGS (JT)
ITEM NO.: A
FILE I.D.: RDA160
DEPT.: ADMIN. SVCS./RDA

CONSIDER 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

REASON FOR CONSIDERATION: The Redevelopment Agency proposes to transfer certain real property it owns to the City. The City Council is requested to approve the transfer of such real property. The Redevelopment Agency is proposing these transfers in light of the Governor's Budget proposal to eliminate redevelopment agencies.

The Redevelopment Agency Board's and City Council's adoption of respective Resolution Nos. 11-02 and 11-2886 would authorize the transfer of Redevelopment Agency properties to the City. Copies of proposed Resolution Nos. 11-02 and 11-2886 are attached for the Agency Board's and City Council's review and consideration.

BACKGROUND: Staff is proposing that seven Redevelopment Agency-owned properties be transferred to the City because, in most cases, the future intended use of these properties would best be served by City ownership. **It is imperative that the Redevelopment Agency Board of Directors and City Council understand that ownership of these parcels by the City will place certain restrictions on any resale of these properties.** Pursuant to State law, when a City decides to sell property, it must declare such property as surplus. Surplus property must be offered for sale to other public agencies at fair market value before it may be offered to the public. If other public agencies are not interested in the property, then it may be sold to the public.

The Redevelopment Agency-owned properties to be considered for transfer to the City are located in various parts of the City and have a variety of current or potential uses. The Redevelopment Agency-owned properties include the following locations:

- **4385 Holt Boulevard** - This property is located directly west of the Reeder Ranch. The property was purchased by the Redevelopment Agency for the purpose of being

Prepared by: M. STAATS
Proofed by: Jane Smith

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

used for parking and, possibly, an interpretive center to be constructed in cooperation with the George and Hazel Reeder Foundation. The property was purchased with tax allocation bond revenue; and it, therefore, may only be used for a public purpose.

- **5326 San Bernardino Street** – This property contains the structure that was used as the first City Hall. The property was the long-time residence of Phil and Martha Hurst. The property was purchased by the Redevelopment Agency as a part of a project that would have redeveloped the northeast corner of Central Avenue and San Bernardino Street.
- **9499 Monte Vista Avenue** – Located on the northeast corner of Monte Vista Avenue and Palo Verde Street, this parcel became the home of Freedom Plaza Park. The property was a remnant parcel left over from the land acquired by the Redevelopment Agency for the Monte Vista Avenue eastbound entrance to the I-10 Freeway. Inadequate to support a building project, the parcel was developed by the Redevelopment Agency as a passive public park.
- **4960 Palo Verde Street** – This property is located directly east of the Monte Vista Avenue eastbound entrance to the I-10 Freeway. The property was a remnant parcel left over from the land acquired by the Redevelopment Agency for the Monte Vista Avenue eastbound entrance to the I-10 Freeway. The Redevelopment Agency improved the parcel with paving and lighting. It has been leased to Ontario Nissan, Inc., for some time. There are approximately ten years remaining on the lease inclusive of the remaining option term.
- **8752 Monte Vista Avenue** – The Redevelopment Agency purchased this property from the San Bernardino Associated Governments (SANBAG) in 1999. SANBAG had received the property in trade from Caltrans when the Montclair Transcenter was completed. The southerly portion of the property was used for construction of the Montclair Police facility. The northern portion of the parcel was improved for lease to Ontario Nissan, Inc. Ontario Nissan, Inc., no longer desires to lease the entire parcel, so the Redevelopment Agency is currently in the process of fencing off a majority of the lot for a Police Department Impound Lot.
- **4985 Richton Street** – This parcel consists of the one-acre property in the center portion of the Montclair Transcenter currently landscaped in grass and containing a child-care center building. The Redevelopment Agency is currently a 50 percent owner of this parcel. The other 50 percent owner of the property is SANBAG.
- **Southeast Corner of Ramona Avenue and State Street** – This vacant parcel is a remnant from the Ramona Avenue grade separation and the ring round that had to be constructed. The parcel is slightly larger than two acres.

City Council and Redevelopment Agency Board of Directors Members should note that if the Governor's Budget proposal is adopted, transfers of Redevelopment Agency-owned properties would be invalidated if the parcels in question were transferred after January 1, 2011. It is the Governor's proposal that Redevelopment Agency assets be sold and sale proceeds be transferred to the Office of the San Bernardino County Auditor-Controller/Treasurer/Tax Collector.

FISCAL IMPACT: The transfer of Redevelopment Agency-owned properties to the City would create no immediate fiscal impact. Should the City choose to sell any of the properties once owned by the Redevelopment Agency, the City could receive some future economic benefit. Staff would caution the City Council against sale of any former Redevelopment Agency asset until the outcome of the State budget deliberations or any subsequent legal challenges to State action on the budget are concluded.

RECOMMENDATION: Staff recommends the following actions be taken:

- The Redevelopment Agency Board of Directors adopt 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.
- The City Council adopt 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.

RESOLUTION NO. 11-02

A RESOLUTION OF THE MONTCLAIR REDEVELOPMENT AGENCY APPROVING THE SALE OF REAL PROPERTY FROM THE MONTCLAIR REDEVELOPMENT AGENCY TO THE CITY OF MONTCLAIR

WHEREAS, the Montclair Redevelopment Agency (the "Agency") is authorized and empowered under Community Redevelopment Law to acquire and dispose of real property and otherwise assist in the redevelopment of real property within a redevelopment project; and

WHEREAS, the City of Montclair (the "City") is a municipal corporation with power and authority to undertake projects to assist the Agency; and

WHEREAS, the Agency currently owns certain real property, which is described in more detail in Exhibit "A" hereto ("Property").

WHEREAS, the Agency desires to transfer such real property to the City for development consistent with the general plan and zoning for the Property.

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

1. That the transfer of the real property as provided herein is in the public interest. The transfer of the Property from the Agency to the City is hereby approved. The Executive Director is hereby authorized and directed to take all actions necessary to transfer the Property to the City.

APPROVED AND ADOPTED this XX day of XX, 2011.

Vice Chairperson

ATTEST:

Secretary

I, Yvonne L. Smith, Secretary of the City of Montclair Redevelopment Agency, DO HEREBY CERTIFY that Resolution No. 11-02 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

EXHIBIT "A"

LEGAL DESCRIPTIONS OF PROPERTIES BEING TRANSFERRED TO THE CITY

1. **4385 Holt Boulevard:** PARCEL 1 OF PARCEL MAP NO. 1590, AS PER PLAT RECORDED IN BOOK 15 OF PARCEL MAPS, PAGE(S) 28, RECORDS OF SAID COUNTY. (APN 1012-051-04)
2. **5326 San Bernardino Street:** SYCAMORE WATER DEVELOPMENT COMPANY ADDITION PORTION LOT 21 COMMENCING ON NORTH LINE SAN BERNARDINO AVENUE 115 FEET EAST OF WEST LINE SAID LOT; THENCE EAST 99 FEET; THENCE NORTH 170 FEET; THENCE WEST 25 FEET TO CENTER LINE WASH; THENCE SOUTHWESTERLY 185 FEET MORE OR LESS ALONG SAID CENTER LINE SAID WASH TO POINT OF BEGINNING, EXCEPT STREET. (APN 1008-611-14)
3. **9499 Monte Vista Avenue:** A PORTION OF PARCEL 1, PARCEL MAP NO. 11837 IN THE CITY OF MONTCLAIR, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA AS RECORDED IN BOOK 154, PAGES 7 AND 8, OFFICIAL RECORDS OF SAID COUNTY, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID PARCEL 1; THENCE ALONG A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 5112.00 FEET, THROUGH A DELTA ANGLE OF 00°30'53", A DISTANCE OF 45.93 FEET TO THE TRUE POINT OF BEGINNING. (APN 1008-332-03)
4. **4960 Palo Verde Street:** PARCEL NO. 2, OF PARCEL MAP NO. 11837, IN THE CITY OF MONTCLAIR, PER MAP RECORDED IN BOOK 154, PAGES 7 AND 8 OF PARCEL MAPS, DATED NOVEMBER 5, 1990 RECORDS OF SAN BERNARDINO COUNTY, STATE OF CALIFORNIA. (APN 1008-332-04)
5. **8752 Monte Vista Avenue:** THAT PORTION OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 8 WEST SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF, IN THE CITY OF MONTCLAIR, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT OF INTERSECTION OF THE EAST LINE OF SAID SOUTHEAST QUARTER AND THE NORTH LINE OF ATCHISON, TOPEKA, AND SANTA FE RAILROAD; SAID EAST LINE HAVING A BEARING OF N 00°17'58" W AS SHOWN ON A RECORD OF SURVEY RECORDED IN BOOK 43, PAGES 66 THROUGH 67 INCLUSIVE, OF SAID COUNTY; THENCE ALONG SAID NORTH LINE N 89°48'55" W, 147.69 FEET TO THE TRUE POINT OF BEGINNING; THENCE N 89°W, 385.27 FEET; THENCE N 31°44'43" E, 443.11 FEET; THENCE S 89°48'21" E, 179.29 FEET; THENCE S 08°51'42" E, 5.56 FEET; THENCE S 47°05'32" E, 46.49 FEET; THENCE S 15°41'56" W, 50.85 FEET; THENCE S 13°W, 81.95 FEET; THENCE S 09°W, 170.28 FEET; THENCE S 02°42'51" W, 43.65 FEET TO THE POINT OF BEGINNING. CONTAINING 2.56 ACRES, MORE OR LESS.
6. **4985 Richton Street:** PARCEL NO. 3, OF PARCEL MAP NO. 14526, IN THE CITY OF MONTCLAIR, PER MAP RECORDED IN BOOK 176, PAGES 52 AND 53 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY. (APN 1007-691-06)

7. **Southeast Corner Ramona Avenue and State Street:** SAN ANTONIO TRACT PTN LOT 34 BEG AT SE COR RAMONA AVE AND STATE ST TH N 89 DEG 28 MIN E ALG S LI OF STATE ST 341.02 FT TH S 0 DEG 45 MIN 10 SECONDS E 693.55 FT TH S 88 DEG 11 MIN W 338.16 FT TO E LI OF RAMONA AVE TH N 0 DEG 59 MIN 30 SECONDS W ALG E LI OF RAMONA AVE 701.15 FT TO POB EX PTN DESC AS FOLS DESC AS FOLLOWS BEG AT THE NORTHEAST CORNER OF THE ABOVE DESC PARCEL; THENCE SLY ALONG THE EAST LINE OF TILE ABOVE DESC PARCEL TO A POINT WHICH IS 36.00 FT SOUTH MEASURED AT RIGHT ANGLES FROM THE C/L OF STATE STREET THENCE WESTERLY ALONG A LINE PARALLEL WITH AND 36.00 FT SOUTH MEASURED AT RIGHT ANGLES FROM THE C/L OF STATE STREET TO A POINT 80.00 FT WEST MEASURED AT RIGHT ANGLES FROM THE EAST LINE OF THE ABOVE DESC PARCEL, SAID POINT BEING THE TRUE POINT OF BEG; THENCE SOUTHEASTERLY TO A POINT 56.00 FT SOUTH MEASURED AT RIGHT ANGLES FROM THE C/L OF STATE STREET AND 60.00 FT WEST MEASURED AT RIGHT ANGLES FROM THE EAST LINE OF THE ABOVE DESC PARCEL; THENCE SLY ALONG A LINE PARALLEL WITH AND 60.00 FT WEST OF THE EAST LINE OF THE ABOVE DESC PARCEL A DIST OF 102.40 FT TO A POINT 158.40 FT SOUTH MEASURED AT RIGHT ANGLES FROM THE C/L OF STATE STREET; THENCE WESTERLY PARALLEL WITH AND 158.40 FT SOUTH OF THE C/L OF STATE STREET A DIST OF 181.49 FT TO A POINT 134.00 FT EAST MEASURED AT RIGHT ANGLES FROM THE C/L OF RAMONA AVENUE: THENCE NORTHERLY ALONG A LINE PARALLEL WITH AND 134.00 FT EAST MEASURED AT RIGHT ANGLES FROM THE C/L OF RAMONA AVENUE A DIST OF 118.40 FT TO A POINT 40.00 FT SOUTH MEASURED AT RIGHT ANGLES FROM THE C/L OF STATE STREET; THENCE EASTERLY ALONG A LINE PARALLEL WITH AND 40.00 FT SOUTH OF THE C/L OF STATE STREET A DIST OF 31.98 FT TO A POINT 210.00 FT WEST MEASURED AT RIGHT ANGLES FROM THE EAST LINE OF THE ABOVE DESC PROPERTY; THENCE EASTERLY A DIST OF 130.05 FT TO A POINT 80.00 FT WEST MEASURED AT RIGHT ANGLES FROM THE EAST LINE OF THE ABOVE DESC PROPERTY AND 36.00 FT SOUTH MEASURED AT RIGHT ANGLES FROM THE C/L OF STATE STREET, SAID POINT BEING THE TRUE POINT OF BEG. (APN 1012-141-18)

RESOLUTION NO. 11-2886

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR, CALIFORNIA, APPROVING THE ACQUISITION OF REAL PROPERTY FROM THE MONTCLAIR REDEVELOPMENT AGENCY

WHEREAS, the Montclair Redevelopment Agency (the "Agency") is authorized and empowered under Community Redevelopment Law to acquire and dispose of real property and otherwise assist in the redevelopment of real property within a redevelopment project; and

WHEREAS, the City of Montclair (the "City") is a municipal corporation with power and authority to undertake projects to assist the Agency; and

WHEREAS, the Agency currently owns certain real property, which is described in more detail in Exhibit "A" hereto ("Property"); and

WHEREAS, the Agency desires to transfer such real property to the City for development consistent with the general plan and zoning for the Property.

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

1. That the transfer of the real property as provided herein is in the public interest. The transfer of the Property from the Agency to the City is hereby approved. The City Manager is hereby authorized and directed to take all actions necessary to transfer the Property to the City.

APPROVED AND ADOPTED this XX day of XX, 2011.

Mayor Pro Tem

ATTEST:

Deputy City Clerk

I, Yvonne L. Smith, Deputy City Clerk of the City of Montclair, DO HEREBY CERTIFY that Resolution No. 11-2886 was duly adopted by the City Council of said city and was approved by the Mayor Pro Tem of said city s 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
Deputy City Clerk

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AGENDA REPORT

SUBJECT: CONSIDER CONTINUANCE OF THE FOLLOWING:

REDEVELOPMENT AGENCY BOARD OF DIRECTORS' ADOPTION OF RESOLUTION NO. 11-03 APPROVING AGREEMENT NO. 11-42, AN AFFORDABLE HOUSING AGREEMENT BY AND BETWEEN THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY AND THE MONTCLAIR HOUSING CORPORATION AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH

DATE: March 21, 2011
SECTION: PUBLIC HEARINGS (JT)
ITEM NO.: B
FILE I.D.: RDA254
DEPT.: RDA/MHC

CONSIDER MONTCLAIR HOUSING CORPORATION BOARD OF DIRECTORS' APPROVAL OF AGREEMENT NO. 11-43 APPROVING PROMISSORY NOTE 11-02 BY AND BETWEEN THE MONTCLAIR HOUSING CORPORATION AND THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY

REASON FOR CONSIDERATION: Staff is requesting the Redevelopment Agency Board of Directors open the public hearing to receive testimony related to adoption of Resolution No. 11-03 approving Affordable Housing Agreement No. 11-42. The Agency Board is then requested to continue the public hearing until April 4, 2011, because the City Council's consideration of this matter was inadvertently omitted from the required Notice of Public Hearing.

For purposes of the public hearing, the Redevelopment Agency proposes to transfer certain real property it owns to the Montclair Housing Corporation (MHC). The Agency Board will be requested to consider adoption of Resolution No. 11-03 approving and authorizing the execution of Affordable Housing Agreement No. 11-42 by and between the Agency and MHC. The MHC Board will be requested to approve and authorize the execution of Affordable Housing Agreement No. 11-42 between the Agency and MHC.

The Agency and MHC Boards' adoption of Resolution No. 11-03 would authorize the transfer of Agency properties to MHC pursuant to Section 33433 of the California Health and Safety Code, which requires a public hearing be conducted to consider the disposition of property by a redevelopment agency.

BACKGROUND: As indicated, staff has requested a continuance of this public hearing item. However, for the purposes of any public testimony, this item involves the proposal

Prepared by: *Christine P. Caldwell* Reviewed and Approved by: *M. STRATS*

Proofed by: *Yvonne L. Smith* Presented by: *James J. Hart*

that 33 Agency-owned properties be transferred to MHC 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, a combination of single-family and multifamily properties, proposed to be transferred to MHC would include the following:

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

Disposition of the Properties

Agency Special Counsel has proposed an Affordable Housing Agreement between the Redevelopment Agency and MHC as the vehicle for disposition of the property. Proposed Agreement No. 11-42 provides the terms and conditions of the disposition of the Agency properties to the MHC. The proposed Affordable Housing Agreement includes some of the following points:

1. MHC would covenant and agree to devote, use, operate, and maintain each property in accordance with the applicable Grant Deed; Covenants, Conditions, and Restrictions (CC&Rs); and the Affordable Housing Agreement.
2. MHC would agree to make available, restrict occupancy to, and rent the housing units to very low and low to moderate income households all at an Affordable Rent.
3. The housing units would be subject to affordability covenants for a period of 55 years from recordation of the Grant Deed.
4. A Promissory Note would be executed by the MHC for the aggregate price of the single-family and multifamily properties to be paid by the MHC as consideration for the purchase of the properties by MHC.

The properties would be sold to the MHC at a price that has been determined to be its current fair market value. The value of the properties would be based on a recent independent fair market value appraisal paid for by the Agency and current sales. Although affordability covenants currently exist on the properties, the Affordable Housing Agreement would call for new and longer affordability covenants to be recorded on the properties. Affordability covenants will be recorded on all 33 properties for a period of 55 years.

FISCAL IMPACT: The purchase price of the properties to be sold by the Agency to the MHC would be determined at current fair market value and would be payable to the Agency pursuant to execution of Promissory Note 11-02.

RECOMMENDATION: Staff recommends the Agency Board set Monday, April 4, 2011, at 7:00 p.m. in the City Council Chambers as the date, time, and place for continuation of the joint public hearing to consider the following:

1. Redevelopment Agency Board of Directors' adoption of Resolution No. 11-03 approving Agreement No. 11-42, an Affordable Housing Agreement by and between the City of Montclair Redevelopment Agency and the Montclair Housing Corporation and making certain findings in connection therewith.
2. Montclair Housing Corporation Board of Directors' approval of Agreement No. 11-43 approving Promissory Note 11-02 by and between the Montclair Housing Corporation and the City of Montclair Redevelopment Agency.

RESOLUTION NO. 11-03

A RESOLUTION OF THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY APPROVING AN AFFORDABLE HOUSING AGREEMENT BY AND BETWEEN THE AGENCY AND THE MONTCLAIR HOUSING CORPORATION AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH

WHEREAS, the City of Montclair Redevelopment Agency (the "Agency") is engaged in activities necessary to carry out and implement the Redevelopment Plans for the Agency's Redevelopment Project Area No. I, Redevelopment Project Area No. II, Redevelopment Project Area No. III, Redevelopment Project Area No. IV, Redevelopment Project Area No. V, and the Mission Boulevard Joint Redevelopment Project Area (each, a "Redevelopment Project") (collectively, the "Redevelopment Projects"); and

WHEREAS, Montclair Housing Corporation ("MHC") has expressed its desire to acquire the properties set forth in Exhibit "A" (attached hereto and incorporated herein) (the "Properties"), which Properties are currently owned by the Agency; and

WHEREAS, MHC desires to acquire the Properties, and to operate each as either a single-family or multifamily housing development (collectively, the "Project"); and

WHEREAS, MHC has submitted to the Agency and the City Council of the City of Montclair (the "City Council") copies of an Affordable Housing Agreement (the "Agreement") in a form executed by MHC; and

WHEREAS, pursuant to Section 33433 of the Community Redevelopment Law (California Health and Safety Code Section 33000, *et seq.*), the Agency is authorized, with the approval of the City Council after a duly noticed public hearing, to sell Properties for development pursuant to the Redevelopment Plan upon a determination by the City Council that the sale of the property will either assist in the elimination of blight or provide affordable housing for low and moderate income persons, that the consideration for such sale is not less than either the fair market value or fair reuse value in accordance with the covenants and conditions governing the sale and the development costs required thereof, and that the sale is consistent with the Implementation Plan which has been adopted by the Agency for the Redevelopment Project; and

WHEREAS, the Agreement will generally provide as follows: (i) that a total of eighteen (18) single-family housing units will be made available and rented to moderate income households at an affordable rent; and (ii) that a total of thirty-nine (39) multifamily housing units will be made available and rented to moderate income households at an affordable rent; and (iii) that a total of forty (40) multifamily housing units will be made available and rented to very low income households at an affordable rent; and

WHEREAS, the total aggregate purchase price for the Properties under the Agreement is not less than the total aggregate fair market value of the Properties and the reuse value of the Properties, at the use and with the covenants, conditions precedent, conditions subsequent and development costs authorized by the Agreement, as determined by the reuse analysis of the Agreement which has been performed by the Agency's financial consultants; and

WHEREAS, the Agency has adopted an Implementation Plan for each Redevelopment Project pursuant to Health and Safety Code Section 33490, which identifies goals and objectives including providing for the construction of affordable housing; and

WHEREAS, the Agreement will assist the Agency in meeting the goals and objectives set forth in the Implementation Plan by the operation of the Project; and

WHEREAS, a joint public hearing of the Agency and City Council on the proposed Agreement was duly noticed in accordance with the requirements of Health and Safety Code Sections 33431 and 33433, and the proposed Agreement, and a summary report meeting the requirements of Health and Safety Code Section 33433, was available for public inspection prior to the joint public hearing consistent with the requirements of Health and Safety Code Section 33433; and

WHEREAS, on April 4, 2011, the Agency and City Council held a joint public hearing on the proposed Agreement, at which time the Agency reviewed and evaluated all of the information, testimony, and evidence presented during the joint public hearing; and

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

WHEREAS, the Agency has duly considered all terms and conditions of the proposed Agreement and believes that it is in the best interests 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 by the City of Montclair Redevelopment Agency as follows:

Section 1: The Agency finds and determines that, based upon substantial evidence provided in the record before it, the aggregate consideration for the Agency's sale of the Properties pursuant to the terms and conditions of the Agreement is not less than the aggregate fair reuse value of the Properties, at the use and with the covenants, conditions precedent, conditions subsequent and development costs authorized by the Agreement.

Section 2: The Agency hereby finds that the sale of the Properties pursuant to the Agreement will provide affordable housing for low and moderate income persons.

Section 3: The Agency hereby finds and determines that the Agreement is consistent with the provisions and goals of each Redevelopment Plan and corresponding Implementation Plan.

Section 4: The Agency hereby approves the Agreement, and authorizes and directs the Chairman of the Agency to execute the Agreement on behalf of the Agency. A copy of the Agreement when executed shall be placed on file in the office of the Agency Secretary. The Executive Director of the Agency, or designee, is authorized to implement the Agreement and take all further actions and execute all escrow documents and other documents which are necessary or appropriate to carry out the Agreement.

Section 5. The Agency Secretary shall certify to the adoption of this Resolution.

APPROVED AND ADOPTED this XX day of XX, 2011.

Chairman

ATTEST:

Secretary

I, Yvonne L. Smith, Secretary of the City of Montclair Redevelopment Agency, DO HEREBY CERTIFY that Resolution No. 11-03 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

EXHIBIT "A"

SINGLE-FAMILY PROPERTIES
9448 Carrillo Avenue
9644 Central Avenue
9741 Central Avenue
9751 Central Avenue
9761 Central Avenue
9815 Central Avenue
9916 Central Avenue
9945 Central Avenue
9963 Central Avenue
10079 Central Avenue
10087 Central Avenue
10215 Central Avenue
10235 Central Avenue
9010 Fremont Avenue
5290 Orchard Street
10291 Greenwood Avenue
5225 Palo Verde Street
5444 Palo Verde Street

MULTIFAMILY PROPERTIES
4275 Kingsley Street
10313 Amherst Avenue
10323 Amherst Avenue
10330 Amherst Avenue
10333 Amherst Avenue
10380 Amherst Avenue
10383 Amherst Avenue
10390 Amherst Avenue
10410 Amherst Avenue
4791 Canoga Street
4811 and 4820 Canoga Street
10333 Pradera Avenue
10380 Pradera Avenue
10390 Pradera Avenue

AGENDA REPORT

SUBJECT: CONSIDER RECEIVING AND FILING OF
TREASURER'S REPORT

DATE: March 21, 2011

SECTION: ADMIN. REPORTS

ITEM NO. 1

FILE I.D.: FIN520

DEPT.: ADMIN. SVCS.

REASON FOR CONSIDERATION: The City Council is requested to consider receiving and filing the City of Montclair Treasurer's Report for the month ending February 28, 2011, pursuant to state law.

BACKGROUND: Included in your agenda packet is a copy of the Treasurer's Report for the period ending February 28, 2011.

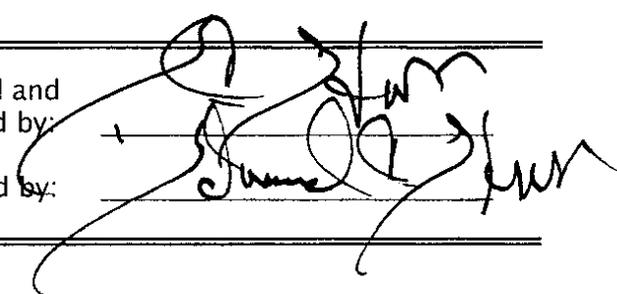
FISCAL IMPACT: Routine—report of City's cash and investments.

RECOMMENDATION: Staff recommends the City Council receive and file the Treasurer's Report for the month ending February 28, 2011.

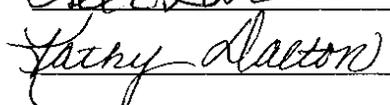
Prepared by:



Reviewed and
Approved by:



Proofed by:



Presented by:

AGENDA REPORT

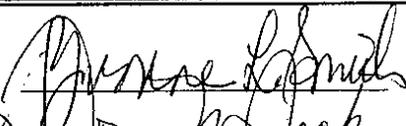
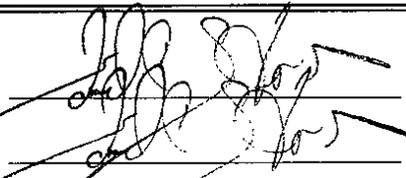
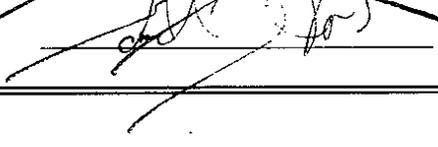
SUBJECT: CONSIDER APPROVAL OF WARRANT REGISTER AND PAYROLL DOCUMENTATION **DATE:** March 21, 2011
SECTION: ADMIN. REPORTS
ITEM NO.: 2
FILE I.D.: FIN540
DEPT.: ADMIN. SVCS.

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

BACKGROUND: Mayor Pro Tem Raft has examined the Warrant Register dated March 21, 2011, and Payroll Documentation dated January 30, 2011; finds them to be in order; and recommends their approval.

FISCAL IMPACT: The Warrant Register dated March 21, 2011, totals \$863,030.32. The Payroll Documentation dated January 30, 2011, totals \$555,055.82, with \$424,980.48 being the total cash disbursement.

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

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

AGENDA REPORT

SUBJECT: CONSIDER RECEIVING AND FILING OF
TREASURER'S REPORT

DATE: March 21, 2011

SECTION: ADMIN. REPORTS

ITEM NO.: 3

FILE I.D.: FIN510

DEPT.: REDEVELOPMENT

REASON FOR CONSIDERATION: The Redevelopment Agency Board of Directors is requested to consider receiving and filing the Redevelopment Agency Treasurer's Report for the month ending February 28, 2011, pursuant to state law.

BACKGROUND: Included in your agenda packet is a copy of the Treasurer's Report for the period ending February 28, 2011.

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

RECOMMENDATION: Staff recommends the Redevelopment Agency Board of Directors receive and file the Treasurer's Report for the month ending February 28, 2011.

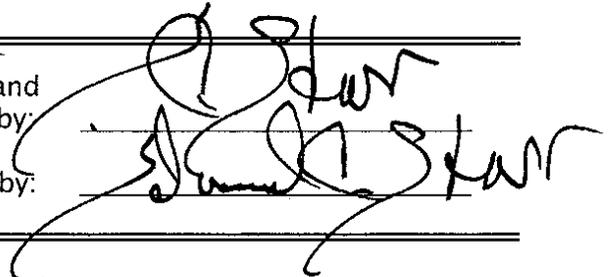
Prepared by:



Proofed by:

Kathy Dalton

Reviewed and
Approved by:



Presented by:

AGENDA REPORT

SUBJECT: CONSIDER APPROVAL OF WARRANT REGISTER **DATE:** March 21, 2011
SECTION: ADMIN. REPORTS
ITEM NO.: 4
FILE I.D.: FIN530
DEPT.: REDEVELOPMENT

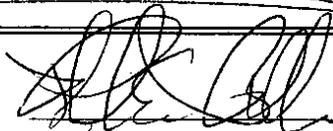
REASON FOR CONSIDERATION: The Redevelopment Agency Board of Directors is requested to consider receiving and filing the Warrant Register for the month ending February 28, 2011, pursuant to state law.

BACKGROUND: Vice Chairperson Raft has examined the Warrant Register dated 02.01.11-02.28.11 in the amounts of \$10,751.08 for Project I; \$163.05 for Project II; \$70,958.81 for Project III; \$160,754.58 for Project IV; \$136,659.80 for Project V; and \$77,546.38 for the Mission Boulevard Joint Redevelopment Project and finds it to be in order.

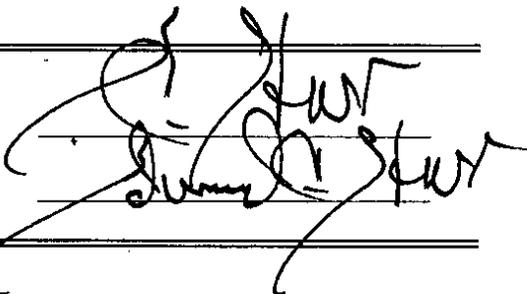
FISCAL IMPACT: Routine—report of Agency's obligations.

RECOMMENDATION: Vice Chairperson Raft recommends the Redevelopment Agency Board of Directors approve the Warrant Register for the period ending February 28, 2011.

Prepared by:



Reviewed and
Approved by:



Proofed by:

Kathy Dalton

Presented by:

AGENDA REPORT

SUBJECT: CONSIDER RECEIVING AND FILING OF
TREASURER'S REPORT

DATE: March 21, 2011

SECTION: ADMIN. REPORTS

ITEM NO.: 5

FILE I.D.: FIN525

DEPT.: MHC

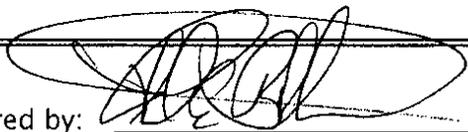
REASON FOR CONSIDERATION: The Montclair Housing Corporation Board of Directors is requested to receive and file the Montclair Housing Corporation Treasurer's Report for the month ending February 28, 2011, pursuant to state law.

BACKGROUND: Included in your agenda packet is a copy of the Treasurer's Report for the period ending February 28, 2011.

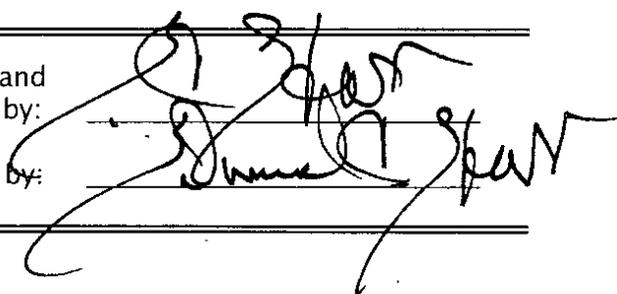
FISCAL IMPACT: Routine—report of the Montclair Housing Corporation's cash and investments.

RECOMMENDATION: Staff recommends the Montclair Housing Corporation Board of Directors receive and file the Treasurer's Report for the month ending February 28, 2011.

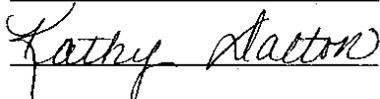
Prepared by:



Reviewed and
Approved by:



Proofed by:



Presented by:

AGENDA REPORT

SUBJECT: CONSIDER APPROVAL OF WARRANT REGISTER **DATE:** March 21, 2011
SECTION: ADMIN. REPORTS
ITEM NO.: 6
FILE I.D.: FIN545
DEPT.: MHC

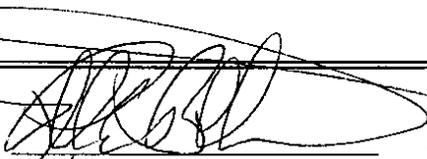
REASON FOR CONSIDERATION: The Montclair Housing Corporation Board of Directors is requested to consider receiving and filing the Warrant Register for the month ending February 28, 2011, pursuant to state law.

BACKGROUND: Vice Chairperson Raft has examined the Warrant Register dated 02.01.11-02.28.11 in the amount of \$51,357.80 for the Montclair Housing Corporation and finds it to be in order.

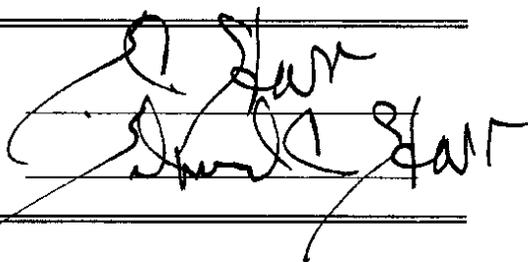
FISCAL IMPACT: Routine—report of Montclair Housing Corporation's obligations.

RECOMMENDATION: Vice Chairperson Raft recommends the Montclair Housing Corporation Board of Directors approve the Warrant Register for the period ending February 28, 2011.

Prepared by:



Reviewed and
Approved by:



Proofed by:



Presented by:

AGENDA REPORT

SUBJECT: CONSIDER SETTING A PUBLIC HEARING TO CONSIDER CITY COUNCIL'S ADOPTION OF RESOLUTION NO. 11-2894, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR CONSENTING TO THE APPROVAL OF AGREEMENT NO. 11-42, AN AFFORDABLE HOUSING AGREEMENT BY AND BETWEEN THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY AND THE MONTCLAIR HOUSING CORPORATION AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH	DATE: March 21, 2011 SECTION: ADMIN. REPORTS ITEM NO.: 7 FILE I.D.: RDA254 DEPT.: RDA/MHC
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REASON FOR CONSIDERATION: The City Council is 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 Resolution No. 11-2894 involves the transfer of certain property from the Montclair Redevelopment Agency to the Montclair Housing Corporation.

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:

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

Prepared by: <u>Christine P. Waldwell</u>	Reviewed and Approved by: <u>[Signature]</u>
Proofed by: <u>Yvonne L. Smith</u>	Presented by: <u>[Signature]</u>

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
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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 City Council set Monday, April 4, 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 Resolution No. 11-2894, a Resolution of the City Council of the City of Montclair consenting to the approval of Agreement No. 11-42, an Affordable Housing Agreement by and between the City of Montclair Redevelopment Agency and the Montclair Housing Corporation and making certain findings in connection therewith.

AGENDA REPORT

SUBJECT: CONSIDER REDEVELOPMENT AGENCY BOARD OF DIRECTORS' APPROVAL OF RECOMMENDATIONS FROM THE JANUARY 18, 2011 REAL ESTATE COMMITTEE MEETING REGARDING THE EXTERIOR HOUSING IMPROVEMENT PROGRAM

DATE: March 21, 2011
SECTION: ADMIN. REPORTS
ITEM NO.: 8
FILE I.D.: RDA256
DEPT.: REDEVELOPMENT

REASON FOR CONSIDERATION: Certain recommendations of the Real Estate Committee are submitted to the Redevelopment Agency Board of Directors for consideration.

BACKGROUND: The Redevelopment Agency Board of Directors will recall that the Exterior Housing Improvement Program (EHIP) now offers two grant options. Traditional EHIP is designed to provide rehabilitation grants in an amount up to \$7,000 for income-qualifying owner-occupied residences and \$3,000 for income-qualifying nonowner-occupied residences for exterior improvements to single-family homes. The pilot EHIP is designed to provide rehabilitation grants in an amount up to \$10,000 for income-qualifying owner-occupied single-family homes. This option includes a forgivable loan provision for \$3,000 in the form of repayment by one seventh per year, or approximately \$429 for each year the property is maintained. Currently, the maintenance Covenants, Conditions, and Restrictions are recorded on properties for five years for traditional EHIP and seven years for pilot EHIP.

The Real Estate Committee discussed proposed modifications to EHIP at its meeting of January 18, 2011. Committee Members recommended increasing the maintenance requirements for both programs by five years. As proposed, traditional EHIP would incorporate a maintenance commitment of 10 years and the pilot EHIP would incorporate a maintenance commitment of 12 years. Because there is a repayment component with the \$10,000 pilot EHIP option, the amount of the loan repayment would decline by one twelfth per year or by \$250 for each year that the property is maintained. Extending the maintenance duration would give the City greater enforcement powers in ensuring that properties participating in EHIP are properly maintained.

FISCAL IMPACT: The Agency Board's approval of the Real Estate Committee's EHIP recommendations would create no fiscal impact to the Redevelopment Agency.

RECOMMENDATION: Agency staff recommends the Redevelopment Agency Board of Directors approve recommendations from the January 18, 2011 Real Estate Committee meeting regarding the Exterior Housing Improvement Program.

Prepared by:

Caitlin Leonard
Christine P. Caldwell

Reviewed and
Approved by:

M. STAFFS

Proofed by:

Presented by:

[Signature]

AGENDA REPORT

SUBJECT: CONSIDER AUTHORIZATION TO ADVERTISE
FOR BID PROPOSALS FOR THE ALMA HOFMAN
PARK IMPROVEMENTS PROJECT

DATE: March 21, 2011

SECTION: ADMIN. REPORTS

ITEM NO.: 9

FILE I.D.: PRK200

DEPT.: PUBLIC WORKS

REASON FOR CONSIDERATION: Advertising for bid proposals for City-funded projects requires City Council approval.

BACKGROUND: The Alma Hofman Park Improvements Project is intended to improve the park appearance and experiences. Work includes a parking lot expansion, construction of a new gazebo, removal and replacement of concrete sidewalk, and new park lighting.

FISCAL IMPACT: By a separate action on tonight's agenda, the Montclair Redevelopment Agency's funding of \$100,000 for this project is being moved to the City for the City to construct. The remaining funds will come from the Park Development Fund. The cost of advertising this project should not exceed \$3,500.

RECOMMENDATION: Staff recommends the City Council authorize staff to advertise for bid proposals for the Alma Hofman Improvement Project.

Prepared by: _____

M. SCHAFF
Alle M

Reviewed and
Approved by: _____

M. STAATS
[Signature]

Proofed by: _____

Presented by: _____

AGENDA REPORT

SUBJECT: CONSIDER AUTHORIZATION TO ADVERTISE
FOR BID PROPOSALS FOR THE MILLS AVENUE
REHABILITATION PROJECT

DATE: March 21, 2011
SECTION: ADMIN. REPORTS
ITEM NO.: 10
FILE I.D.: GRT050
DEPT.: PUBLIC WORKS

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

BACKGROUND: The Mills Avenue Rehabilitation Project is intended to provide pavement and alternative transportation improvements on Mills Avenue from the Union Pacific Railroad tracks on the south to Moreno Street on the north. Improvements include removal and replacement of damaged curb, gutter, and sidewalk; replacement of noncompliant Americans with Disabilities Act (ADA) pedestrian ramps; and grinding of existing asphalt concrete pavement and new asphalt concrete pavement.

Alternative transportation improvements consist of reducing the number of vehicle traffic lanes from two in both north and southbound directions of travel to one lane of travel. The reduction of vehicle traffic lanes allows for construction of a new designated bicycle lane to both north and southbound commuters. Mills Avenue has been a designated bicycle lane for the City of Claremont and Pomona for several years. By modifying the City's striping plan, bicycle commuters will ultimately have a safe, Class 2-designated route through the City of Montclair from Holt Boulevard to Foothill Boulevard.

The impact to vehicle traffic on Mills Avenue is expected to be minimal as vehicle traffic counts do not warrant the need for four travel lanes.

FISCAL IMPACT: Community Development Block Grant funds, supplemented by Measure 1 funds, are being used to fund this project. The total project cost is estimated to be \$1,000,000. There is no local match requirement. The cost of advertising this project should not exceed \$3,000.

RECOMMENDATION: Staff recommends the City Council authorize staff to advertise for bid proposals for the Mills Avenue Rehabilitation Project.

Prepared by: _____

[Handwritten signature]

[Handwritten signature]

Reviewed and
Approved by: _____

[Handwritten signature]

[Handwritten signature]

Proofed by: _____

Presented by: _____

AGENDA REPORT

SUBJECT: CONSIDER APPROVAL OF AGREEMENT
NO. 11-34, A COMMUNITY DEVELOPMENT
BLOCK GRANT CITY-COUNTY DELEGATE
AGENCY AGREEMENT FOR FISCAL YEARS
2012-13, 2013-14, AND 2014-15

DATE: March 21, 2011
SECTION: AGREEMENTS
ITEM NO.: 1
FILE I.D.: GRT050
DEPT.: COMMUNITY DEV.

REASON FOR CONSIDERATION: Every three years, the City and County enter into a Cooperation Agreement for the Community Development Block Grant (CDBG) Program. The triennial Cooperation Agreement appears elsewhere on this Council agenda. This Delegate Agency Agreement is a subordinate agreement outlining the details of CDBG program administration.

A copy of proposed Agreement No. 11-34 is included in the agenda packets for the City Council's review and consideration.

BACKGROUND: Federal CDBG regulations provide that cities with a population of 50,000 or greater may receive funding directly from the Department of Housing and Urban Development; conversely, cities with less than 50,000 population, such as Montclair, may cooperate with their respective counties to qualify for funds.

Montclair has participated in this program since 1974 with numerous street improvements, park and civic improvements, and neighborhood revitalization projects to remove blight and assist low to moderate income housing. During the next three years, it is anticipated Montclair's funding will amount to approximately \$365,000 annually.

FISCAL IMPACT: Over the three-year term of this Agreement, the City would receive approximately \$1 million.

RECOMMENDATION: Staff recommends the City Council approve Agreement No. 11-34, a Community Development Block Grant City-County Delegate Agency Agreement, for Fiscal Years 2012-13, 2013-14, and 2014-15.

Prepared by:

Steve Luzzo

Reviewed and
Approved by:

Steve Luzzo

Proofed by:

Laura Berke

Presented by:

AGENDA REPORT

SUBJECT: CONSIDER REDEVELOPMENT AGENCY BOARD OF DIRECTORS' APPROVAL OF REHABILITATION GRANT AGREEMENT NOS. 11-35 THROUGH 11-41 BY AND BETWEEN THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY AND SEVEN EXTERIOR HOUSING IMPROVEMENT PROGRAM PARTICIPANTS

DATE: March 21, 2011

SECTION: AGREEMENTS

ITEM NO.: 2

FILE I.D.: RDA720

DEPT.: REDEVELOPMENT

REASON FOR CONSIDERATION: The Redevelopment Agency Board of Directors is requested to consider approval of Rehabilitation Grant Agreement Nos. 11-35 through 11-41 by and between the City of Montclair Redevelopment Agency and seven new participants in the Exterior Housing Improvement Program (EHIP). Information on the proposed EHIP participants is contained on Exhibit A to the agenda report.

Proposed Agreement Nos. 11-35 through 11-41 are attached for the Redevelopment Agency Board's review and consideration.

BACKGROUND: Traditionally, EHIP was designed to provide exterior improvement rehabilitation grants of up to \$7,000 for owner-occupied residences and \$3,000 for nonowner-occupied single-family residences. The newly developed pilot program offers exterior improvement rehabilitation grants of up to \$10,000 for owner-occupied single-family residences. The additional moneys would allow the Agency to provide enhanced landscape plantings and incorporate hardscape for installation of a 100 percent drought-tolerant design. It should be noted that both grant options include exterior painting of properties. Participants of the \$10,000 grant option would be required to complete a landscape class taught by staff from the Chino Basin Water Conservation District and approved by agency staff. The \$10,000 grant option would include extending the Covenants, Conditions, and Restrictions (CC&Rs) from five years to seven years and would also incorporate a forgivable loan provision for the \$3,000 additional funding. The amount of loan repayment would decline by one seventh, or approximately \$429, per year for each year that the property is maintained.

The pilot EHIP was reviewed by the Agency Board on September 8, 2009; and certain recommendations were approved, one of them being a choice of two different landscape options. One option involves the use of turf combined with drought-tolerant plantings; the other, strictly the use of drought-tolerant plantings.

Other significant improvements incorporated in both grant options include installation of a rain sensor; use of only warm-season versus cool-season turf; and to discontinue

Prepared by:

Debra Bonard

Reviewed and Approved by:

M. STARRIS

Proofed by:

Christine P. Caldwell

Presented by:

[Signature]

installing EHIP landscaping during July, August, and September. These improvements were recommended while addressing the urgency of water-conservation efforts and the guidelines for mandatory water conservation required by Monte Vista Water District.

FISCAL IMPACT: The Agency Board approved funding for EHIP in the Fiscal Year 2010-11 Redevelopment Agency Budget.

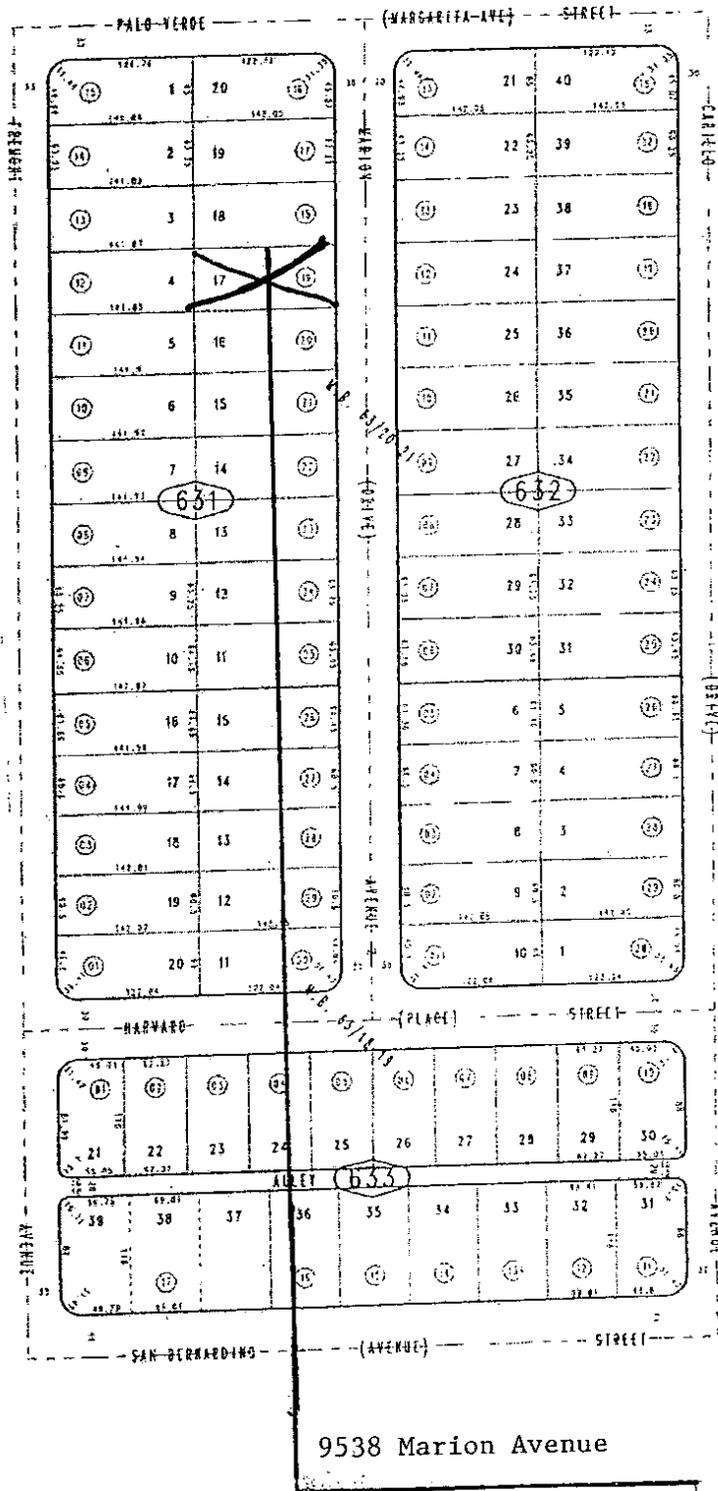
RECOMMENDATION: Agency staff recommends the Redevelopment Agency Board of Directors approve Rehabilitation Grant Agreement Nos. 11-35 through 11-41 by and between the City of Montclair Redevelopment Agency and seven Exterior Housing Improvement Program participants.

EXHIBIT A

Agreement Nos. 11-35 through 11-41

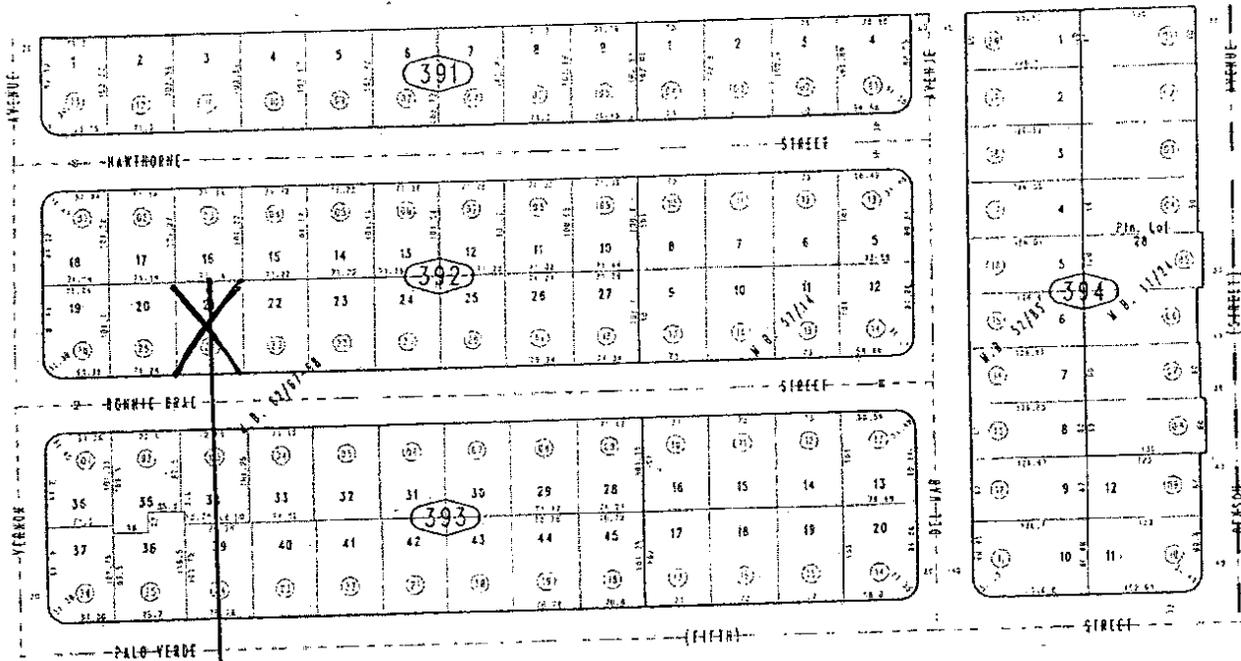
<i>Agreement Number</i>	<i>Applicant Name and Address</i>	<i>Option of Grant</i>
11-35	John A. Jones III and Inez B. Borunda 9538 Marion Avenue	\$ 7,000 Exhibit B
11-36	Christian J. and Wendy D. High 5532 Bonnie Brae Street	\$ 7,000 Exhibit C
11-37	Alba Aguilar 5403 San Jose Street	\$ 7,000 Exhibit D
11-38	Andrew S. and Janette R. Garcia 5546 Armsley Street	\$ 7,000 Exhibit E
11-39	Edward Carrasco 10053 Greenwood Avenue	\$ 7,000 Exhibit F
11-40	Miguel A. and Nicole Rodriguez 5626 Armsley Street	\$ 7,000 Exhibit G
11-41	Jing Ze Duan and Mega Wang 9626 Greenwood Avenue	\$10,000 Exhibit H

EXHIBIT B



9538 Marion Avenue

EXHIBIT C



5532 Bonnie Brae Street

EXHIBIT D

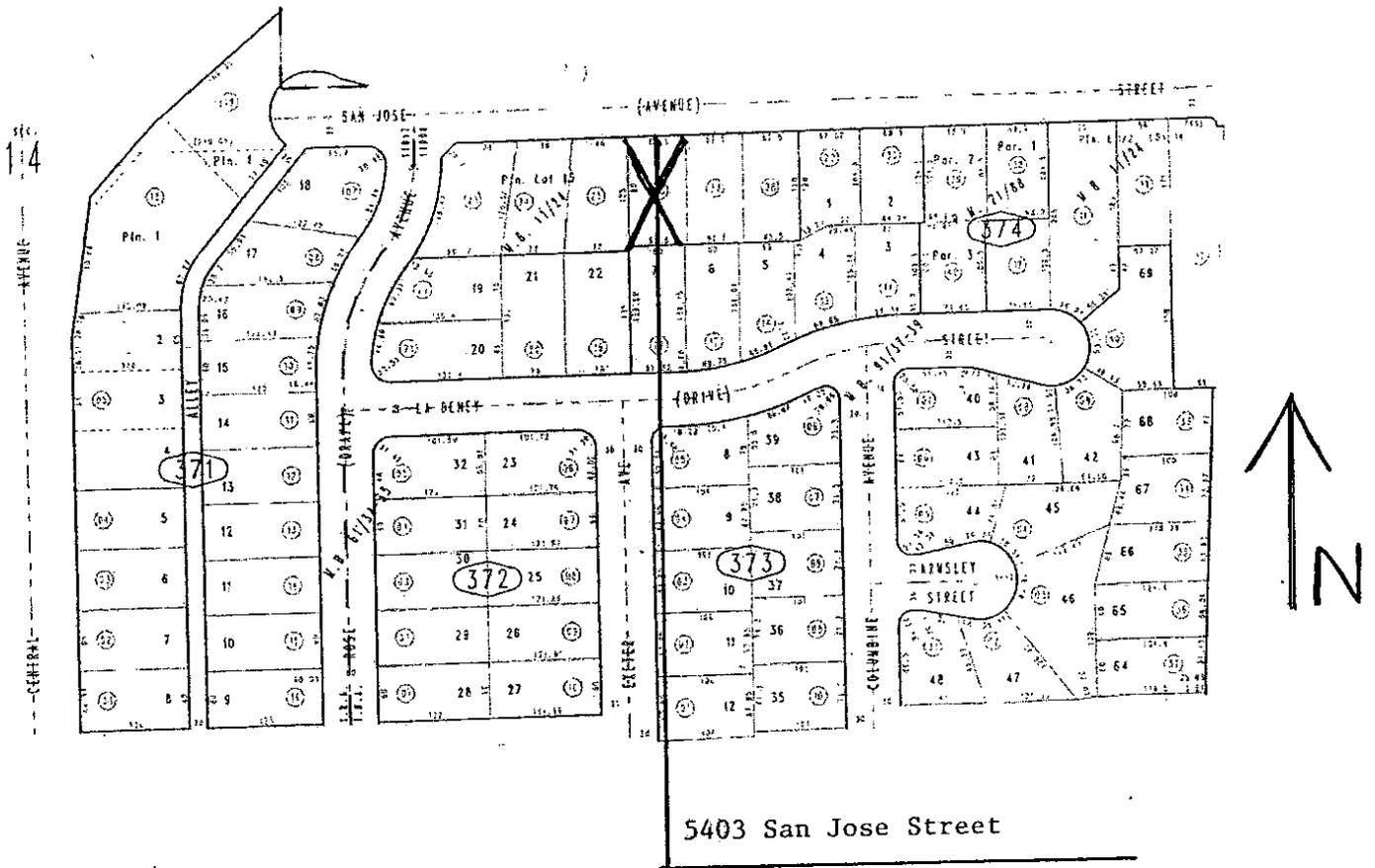
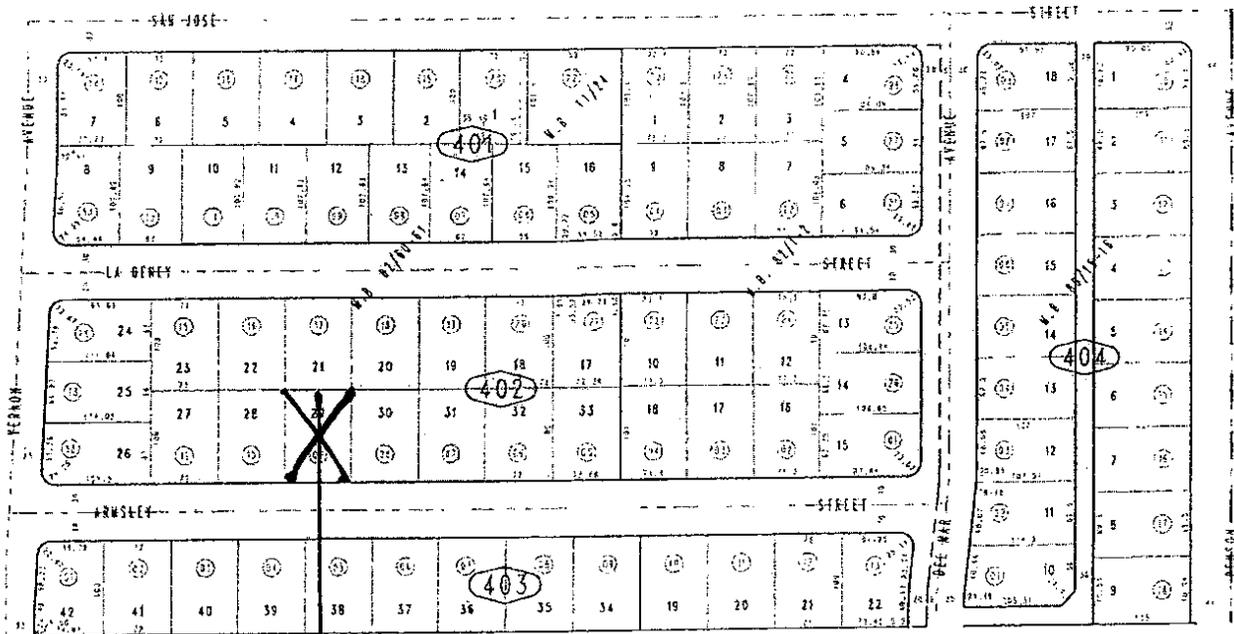


EXHIBIT E



5546 Armsley Street

EXHIBIT F

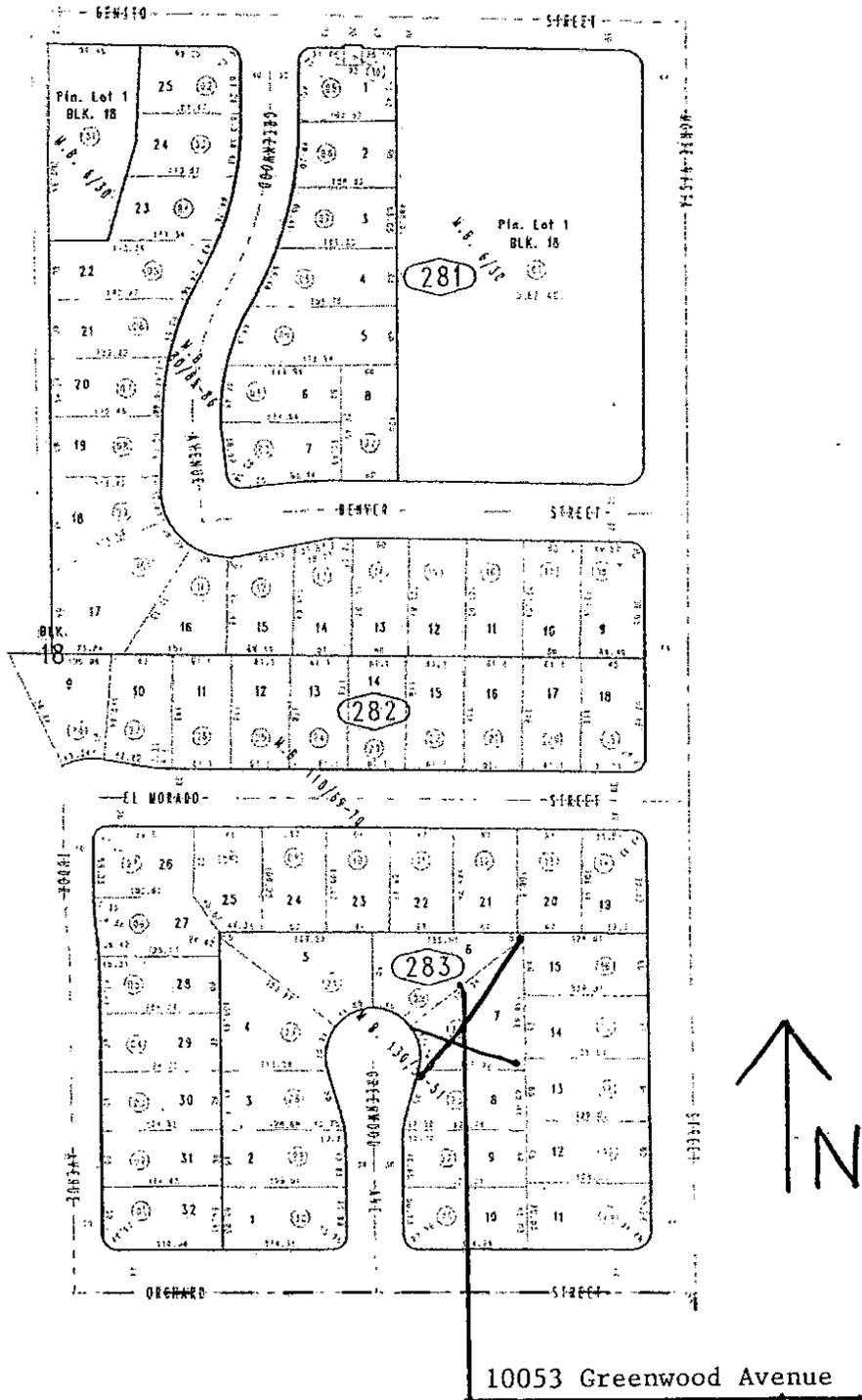
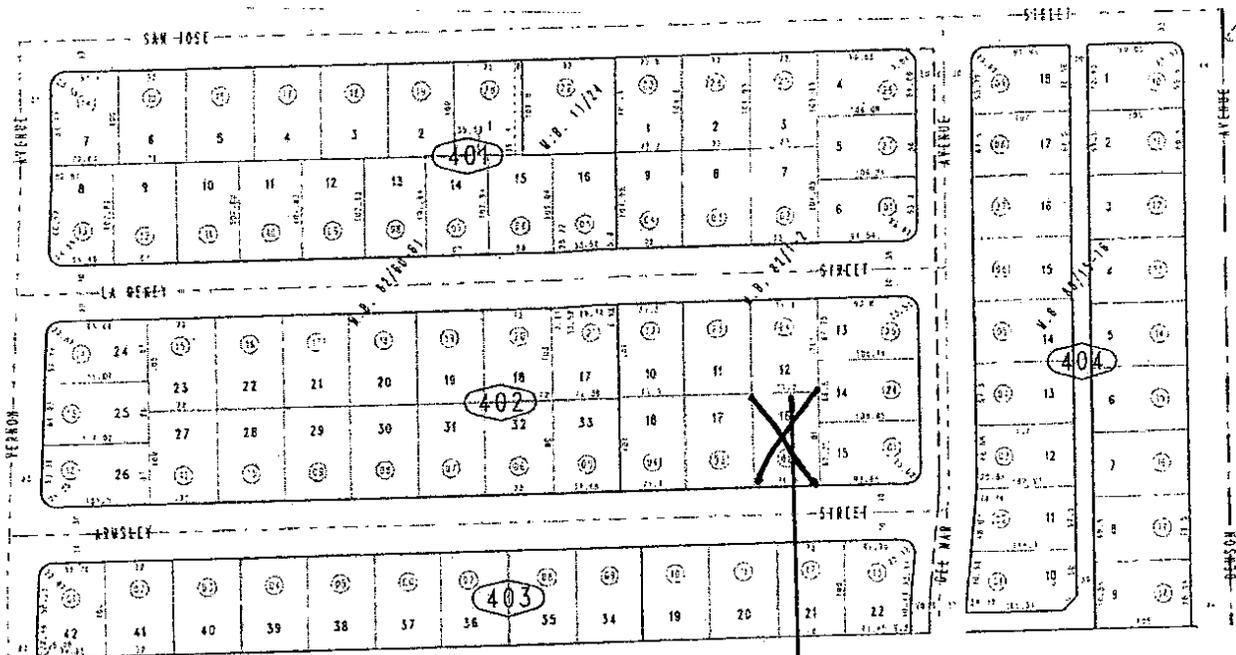
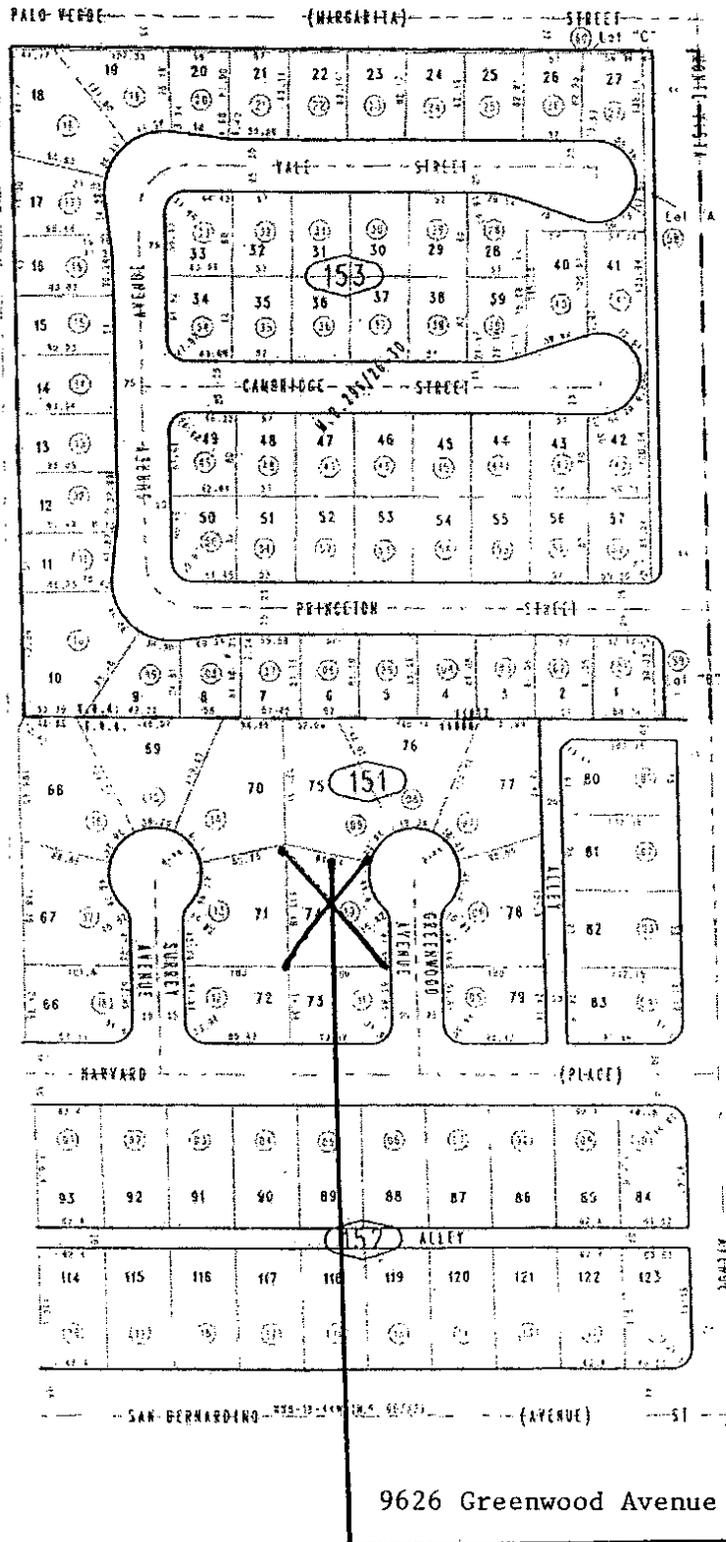


EXHIBIT G



5626 Armsley Street

EXHIBIT H



AGENDA REPORT

SUBJECT: CONSIDER REDEVELOPMENT AGENCY BOARD OF DIRECTORS' ADOPTION OF RESOLUTION NO. 11-09, A RESOLUTION OF THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY AUTHORIZING THE EXPENDITURE OF CITY OF MONTCLAIR REDEVELOPMENT AGENCY PROJECT AREA NO. II 1995 TAX ALLOCATION BOND FUNDS FOR DEVELOPMENT AND CONSTRUCTION OF CERTAIN PUBLIC IMPROVEMENTS AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH

DATE: March 21, 2011
SECTION: RESOLUTIONS (JT)
ITEM NO.: 1
FILE I.D.: RDA160
DEPT.: REDEVELOPMENT

CONSIDER CITY COUNCIL'S ADOPTION OF RESOLUTION NO. 11-2892, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR AUTHORIZING THE EXPENDITURE OF CITY OF MONTCLAIR REDEVELOPMENT AGENCY PROJECT AREA NO. II 1995 TAX ALLOCATION BOND FUNDS FOR DEVELOPMENT AND CONSTRUCTION OF CERTAIN PUBLIC IMPROVEMENTS AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH

REASON FOR CONSIDERATION: A redevelopment agency and a city council must make certain findings pursuant to Section 33445 of the Health and Safety Code prior to the use of tax allocation bond proceeds or moneys for public works projects. Redevelopment Agency staff seeks the Redevelopment Agency Board of Directors' consideration of proposed Resolution No. 11-09 and the City Council's consideration of proposed Resolution No. 11-2892, copies of which are attached.

The City Council and Redevelopment Agency Board of Directors approved a number of public improvement projects at the March 7, 2011 regular joint meeting. Proposed Resolution Nos. 11-09 and 11-2892 complete the approval process for public improvements to be completed with Redevelopment Agency bond proceeds.

BACKGROUND: As indicated, State law requires that public improvement projects to be financed by a redevelopment agency must be approved by both the governing bodies of the Redevelopment Agency and City Council. Public improvements 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.

There is approximately \$115,000 in bond proceeds remaining from the Redevelopment Project Area No. II Tax Allocation Bonds. These proceeds have been listed in the

Prepared by:

M. STAATS
James R. Smith

Reviewed and
Approved by:

M. STAATS
[Signature]

Proofed by:

Presented by:

Redevelopment Agency Budget document for use at Alma Hofman Park. It is suggested that the Redevelopment Agency and City Council adopt the appropriate Resolutions authorizing use of these funds.

FISCAL IMPACT: There is approximately \$115,000 in Redevelopment Project Area No. II 1995 Tax Allocation Bond proceeds remaining for use on project activities. These bond proceeds were transferred to the City pursuant to Cooperation Agreement No. 11-30. Should the Redevelopment Agency and City Council adopt respective Resolution Nos. 11-09 and 11-2892, use of the bond proceeds for Alma Hofman Park improvements may proceed.

RECOMMENDATION: Staff recommends the following actions be taken:

- The Redevelopment Agency Board of Directors adopt Resolution No. 11-09, a Resolution of the City of Montclair Redevelopment Agency authorizing the expenditure of City of Montclair Redevelopment Agency Project Area No. II 1995 Tax Allocation Bond funds for development and construction of certain public improvements and making certain findings in connection therewith.
- The City Council adopt Resolution No. 11-2892, a Resolution of the City Council of the City of Montclair authorizing the expenditure of City of Montclair Redevelopment Agency Project Area No. II 1995 Tax Allocation Bond funds for development and construction of certain public improvements and making certain findings in connection therewith.

RESOLUTION NO. 11-09

A RESOLUTION OF THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY AUTHORIZING THE EXPENDITURE OF CITY OF MONTCLAIR REDEVELOPMENT AGENCY PROJECT AREA NO. II 1995 TAX ALLOCATION BOND FUNDS FOR DEVELOPMENT AND CONSTRUCTION OF 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. II (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. II within the City; and

WHEREAS, the public improvements are of benefit to Redevelopment Project Area No. II and the surrounding development. The public improvements are necessary to effectuate the purposes of the Redevelopment Plan for Redevelopment Project Area No. II by offering residents within the Project Area enhanced recreational opportunities and acting to increase property values within the Project Area; 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. II by stimulating investment and increasing property values; 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 Board of Directors of the City of Montclair Redevelopment Agency does hereby find 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. II 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. II 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. II.

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. I.

6. The Redevelopment Agency hereby authorizes expenditure of Redevelopment Project Area No. II 1995 Tax Allocation Bonds, for the following project related to the implementation of the Redevelopment Plan for Redevelopment Project Area No. II:

- Installation of public improvements at Alma Hofman Park.

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

APPROVED AND ADOPTED this XX day of XX, 2011.

Vice Chairperson

ATTEST:

Secretary

I, Yvonne L. Smith, Secretary of the City of Montclair Redevelopment Agency , DO HEREBY CERTIFY that Resolution No. 11-09 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. 11-2892

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR AUTHORIZING THE EXPENDITURE OF CITY OF MONTCLAIR REDEVELOPMENT AGENCY PROJECT AREA NO. II 1995 TAX ALLOCATION BOND FUNDS FOR DEVELOPMENT AND CONSTRUCTION OF 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. II (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. II within the City; and

WHEREAS, the public improvements are of benefit to Redevelopment Project Area No. II and the surrounding development. The public improvements are necessary to effectuate the purposes of the Redevelopment Plan for Redevelopment Project Area No. II by offering residents within the Project Area enhanced recreational opportunities and acting to increase property values within the Project Area; 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. II by stimulating investment and increasing property values; 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 does hereby find 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. II 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. II 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. II.

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. II 1995 Tax Allocation Bonds, for the following project related to the implementation of the Redevelopment Plan for Redevelopment Project Area No. II:

- Installation of public improvements at Alma Hofman Park.

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

APPROVED AND ADOPTED this XX day of XX, 2011.

Mayor Pro Tem

ATTEST:

Deputy City Clerk

I, Yvonne L. Smith, Deputy City Clerk of the City of Montclair, DO HEREBY CERTIFY that Resolution No. 11-2892 was duly adopted by the City Council of said city and was approved by the Mayor Pro Tem 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

AGENDA REPORT

SUBJECT: CONSIDER ADOPTION OF RESOLUTION NO. 11-2893 AUTHORIZING THE MAYOR TO SIGN A THREE-YEAR AGREEMENT WITH THE COUNTY OF SAN BERNARDINO REGARDING PARTICIPATION IN THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEARS 2012-13, 2013-14, AND 2014-15

DATE: March 21, 2011
SECTION: RESOLUTIONS
ITEM NO.: 2
FILE I.D.: GRT050
DEPT.: COMMUNITY DEV.

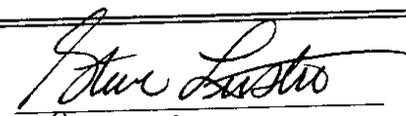
REASON FOR CONSIDERATION: Every three years, the County of San Bernardino is required by the Department of Housing and Urban Development to enter into new Cooperation Agreements with participating cities for the administration of Community Development Block Grant (CDBG) funds.

BACKGROUND: Montclair is not a direct recipient of CDBG funding from the federal government because our population is less than 50,000. We are, however, able to participate in the CDBG program by joining as a Cooperative City with the County of San Bernardino. Federal Guidelines permit "Urban Counties," such as San Bernardino County, to enter into Cooperation Agreements for this purpose. Cities receive the majority of these program funds to carry out eligible projects within the local jurisdiction. The City of Montclair and the County of San Bernardino have operated under this arrangement for nearly 40 years.

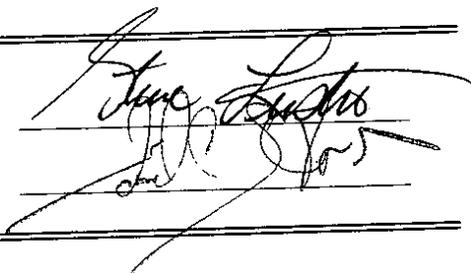
FISCAL IMPACT: The City is estimated to receive approximately \$1 million over the term of this three-year agreement.

RECOMMENDATION: Staff recommends the City Council adopt Resolution No. 11-2893 authorizing the Mayor to sign a three-year Cooperation Agreement with the County of San Bernardino regarding participation in the Community Development Block Grant program for Fiscal Years 2012-13, 2013-14, and 2014-15.

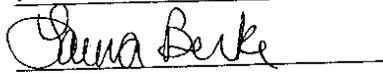
Prepared by:



Reviewed and
Approved by:



Proofed by:



Presented by:

RESOLUTION NO. 11-2893

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR AUTHORIZING THE MAYOR TO SIGN A THREE-YEAR COOPERATION AGREEMENT WITH THE COUNTY OF SAN BERNARDINO FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR FEDERAL FISCAL YEARS 2012-13, 2013-14, AND 2014-15

WHEREAS, the City Council of the City of Montclair (referred to as "City") has been notified by the County of San Bernardino (referred to as "County") of its eligibility to participate in the County's Three-Year Community Development Block Grant Cooperating Cities Program; and

WHEREAS, the County has been designated as "Urban County" by the United States Department of Housing and Urban Development (HUD) as that term is defined in Title I of the Housing and Community Development Act of 1974, as amended (Public Law 93-383); and accordingly, the County has developed a community development plan and program, which is set forth in the County's application for federal assistance under the Housing and Community Development Act of 1974, as amended; and

WHEREAS, the County desires to use the area and the population of the City in the base that the United States Department of Housing and Urban Development uses to determine the level of funding to the County's housing and community development program; and

WHEREAS, the City is willing and desires that its incorporated area and population be included in the base used by HUD to determine funding levels to the County for the execution of the County's Community Development Block Grant program and, accordingly, to cooperate with the County in the execution of the County's community development plan and program within corporate boundaries of the City during Federal Fiscal Years 2012-13, 2013-14, and 2014-15.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Montclair does hereby authorize the Mayor to sign a Three-Year Cooperation Agreement and any attachments for Community Development Block Grant Funds for Federal Fiscal Years 2012-13, 2013-14, and 2014-15 and submit said Agreement to the County of San Bernardino Department of Community Development and Housing.

APPROVED AND ADOPTED this XX day of XX, 2011.

Mayor Pro Tem

ATTEST:

Deputy City Clerk

I, Yvonne L. Smith, Deputy City Clerk of the City of Montclair, DO HEREBY CERTIFY that Resolution No. 11-2893 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

**COOPERATION AGREEMENT FOR
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS
FOR FISCAL YEARS 2012-2013, 2013-2014, 2014-2015**

This Agreement is made and entered into this 7th day of June, 2011, by and between the County of San Bernardino, of the State of California, hereinafter referred to as "COUNTY", and the City of Montclair, a City within COUNTY, hereinafter referred to as "CITY".

WHEREAS, the Housing and Community Development Act of 1974, as amended (Public Law 93-383), hereinafter called "ACT", provides that Community Development Block Grant, hereinafter referred to as "CDBG", funds may be used for the support of activities that provide decent housing and suitable living environments and expanded economic opportunities principally for persons of low- and moderate-income; and,

WHEREAS, CDBG regulations require counties to re-qualify as an Urban County under the CDBG program every three (3) years; and,

WHEREAS, U.S. Department of Housing and Urban Development, hereinafter called HUD, notice CPD-07-03, provides instruction for Urban County Qualification for participation in the CDBG program for fiscal years 2012-2013, 2013-2014, 2014-2015, and specific agreement term and standards; and,

WHEREAS, the execution of this Agreement is necessary to include CITY as a participating unit of general government under COUNTY's Urban County CDBG program (CFDA No. 14.218)

NOW THEREFORE, in consideration of the mutual covenants herein set forth and the mutual benefits to be derived therefrom, the parties agree as follows:

1. GENERAL

This Agreement gives COUNTY authority to undertake or assist in undertaking activities for Fiscal Years 2012-2013, 2013-2014 and 2014-2015, which will be funded from the CDBG program, the HOME Investment Partnership Program, and from any program income generated from the expenditure of such funds. COUNTY and CITY agree to cooperate to undertake, or assist in undertaking community renewal and lower income housing assistance activities.

By executing this Agreement, CITY understands that it may not apply for grants under the Small Cities or State CDBG Programs from appropriations for fiscal years during the term of this Agreement, and CITY may not participate in a HOME consortium other than COUNTY HOME program regardless of whether COUNTY receives a HOME formula allocation.

2. TERM

The term of this Agreement shall be for no less than the COUNTY CDBG Urban County qualification period for fiscal year 2012-2013, commencing on July 1, 2012, and extending through fiscal year 2014-2015, which ends on June 30, 2015, unless an earlier date of termination is fixed by HUD, pursuant to ACT. This Agreement shall remain in effect until all CDBG (and HOME, where applicable) funds covered under the terms of this Agreement, and any income generated from the expenditure of such funds, are expended, and the funded activities are completed. This Agreement may not be terminated or withdrawn by the parties herein covenanted for any circumstance or reason during the term of this Agreement.

3. PREPARATION OF APPLICATION

COUNTY, by and through its Economic Development Agency (EDA), subject to approval of COUNTY Board of Supervisors, shall be responsible for preparing and submitting to HUD all necessary applications for the CDBG entitlement grant under ACT. This duty shall include the preparation and processing of COUNTY Housing, Community and Economic Development Needs Identification Report, Citizen Participation Plans, the County Consolidated Plan, and other CDBG related programs which satisfy the application requirements of ACT and its regulations.

4. COMPLIANCE WITH FINAL PROGRAMS AND PLANS

COUNTY and CITY shall comply in all respects with final Community Development plans and programs and the Consolidated Plan which are developed through mutual cooperation pursuant to the application requirements of ACT and its regulations and approved by HUD.

5. COMPLIANCE WITH ACT AND REGULATIONS

COUNTY and CITY shall comply with all applicable requirements of ACT and its regulations, in utilizing basic grant funds under ACT, and shall take all actions necessary to assure compliance with COUNTY certifications required by Section 104(b) of Title I of ACT. COUNTY and CITY will comply with the provisions of the National Environmental Policy Act of 1969, Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11988, Section 109 of Title I of ACT, the Fair Housing Act, and other applicable federal laws. CITY agrees that CDBG funding for activities in or in support of CITY are prohibited if CITY does not affirmatively further fair housing within its own jurisdiction or impedes COUNTY actions to comply with its fair housing certification.

6. CONFLICT OF INTEREST

CITY shall comply with all applicable federal and state laws, regulations and policies governing conflict of interest, including State conflict of interest regulations found in California Government Code Sections 1090, 1126, 87100 et seq., Federal conflict of interest regulations found in 24 CFR 570.611, 85.36, and 84.42, and any other applicable policies, rules and regulations related to conflict of interest.

Any person who is an employee, agent, consultant, officer, elected or appointed official of the CITY, who exercises any functions or responsibilities with respect to CDBG-funded activities identified in this Contract and who is in a position to participate in a decision making process or gain inside information with regard to activities identified in this Contract, may not obtain a financial interest or benefit from the CDBG-assisted activities identified in this contract or any related contract, subcontract, or agreement, either for themselves, an immediate family member or business partner, during his/her tenure. CITY shall maintain written standards of conduct governing the performance of their employees engaged in the award and administration of contracts.

7. POLICIES

CITY has adopted and is enforcing a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and a policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within jurisdictions.

8. INDEMNIFICATION

CITY agrees to indemnify, defend and hold harmless COUNTY and its respective authorized officers, employees, agents and volunteers from any and all claims, actions, losses, damages, and/or liability arising out of this Contract from any cause whatsoever, including the acts, errors or omissions and for any costs or expenses incurred by COUNTY on account of any claim therefore, except where such indemnification is prohibited by law.

CITY shall indemnify and hold harmless COUNTY and its respective authorized officers, employees, agents and volunteers from any liability, claims, losses, demands, and actions incurred by COUNTY as a result of the determination by HUD or its successor that activities undertaken by CITY under the program(s) fail to comply with any laws, regulations or policies applicable thereto or that any funds billed by and disbursed to CITY under this Agreement were improperly expended.

COUNTY shall, at its own cost and expense, defend, indemnify, and hold CITY, its officers, agents, volunteers, and employees, harmless from and against any loss, liability, claim, or damage that may arise from negligent act or omission by COUNTY, its officers, agents, and employees.

9. INSURANCE REQUIREMENTS

Without in any way affecting the indemnity herein provided and in addition thereto, CONTRACTOR shall secure and maintain throughout the Contract the following types of insurance with limits as shown:

- Workers' Compensation - A program of Workers' Compensation insurance or a state-approved Self-Insurance Program in an amount and form to meet all applicable requirements of the Labor Code of the State of California, including Employers' Liability with \$250,000 limits covering all persons, including volunteers providing services on behalf of CONTRACTOR, and all risks to such persons under this Contract.

If CONTRACTOR has no employees, it may certify or warrant to COUNTY that it does not currently have any employees or individuals who are defined as "employees" under the Labor Code, and may request a waiver by the COUNTY's Risk Management Division for the requirement for Workers' Compensation Insurance. Waiver approval is at the sole discretion of the COUNTY's Director of Risk Management on a case-by-case basis.

With respect to contractors that are non-profit corporations organized under California or federal law, volunteers for such entities are required to be covered by Workers' Compensation Insurance.

- Commercial/General Liability Insurance - CONTRACTOR shall carry General Liability Insurance covering all operations performed by or on behalf of CONTRACTOR providing coverage for bodily injury and property damage with a combined single limit of not less than \$1,000,000, per occurrence. The policy coverage shall include: premises operations and mobile equipment; products and completed operations; broad form property damage (including completed operations); explosion, collapse and underground hazards; personal injury; contractual liability; \$2,000,000 general aggregate limit.
- Automobile Liability Insurance - Primary insurance coverage shall be written on ISO Business Auto coverage form for all owned, hired and non-owned automobiles or symbol 1 (any auto). The policy shall have a combined single limit of not less than \$1,000,000 for bodily injury and property damage, per occurrence.

If CONTRACTOR is transporting one or more non-employee passengers in performance of contract services, the automobile liability policy shall have a combined single limit of \$2,000,000 for bodily injury and property damage per occurrence.

If owns no autos, a non-owned auto endorsement to the General Liability policy described above is acceptable.

- **Umbrella Liability Insurance** - An umbrella (over primary) or excess policy may be used to comply with limits or other primary coverage requirement. When used, the umbrella policy shall apply to bodily injury/property damage, personal injury/advertising injury and shall include a "dropdown" provision providing primary coverage for any liability not covered by the primary policy. The coverage shall also apply to automobile liability.
- **Additional Insured** - All policies, except for Workers' Compensation, Errors and Omissions and Professional Liability policies, shall contain additional endorsements naming COUNTY and its officers, employees, agents, and volunteers as additional insureds with respect to liabilities arising out of the performance of services hereunder. The additional insured endorsements shall not limit the scope of coverage for the COUNTY to vicarious liability but shall allow coverage for the COUNTY to the full extent provided by the policy. Such additional insured coverage shall be at least as broad as Additional Insured (Form B) endorsement form ISO, CG 2010.11 85 (form provided by the COUNTY's Risk Management, if requested).
- **Waiver of Subrogation Rights** - CONTRACTOR shall require the carriers of the above required coverages to waive all rights of subrogation against COUNTY, its officers, employees, agents, volunteers, contractors and subcontractors. All general or auto liability insurance coverage provided shall not prohibit CONTRACTOR and CONTRACTOR's employees or agents from waiving the right of subrogation prior to a loss or claim. CONTRACTOR hereby waives all rights of subrogation against the COUNTY.
- **Policies Primary and Non-Contributory** - All policies required above are to be primary and non-contributory with any insurance or self-insurance programs carried or administered by COUNTY.
- **Severability of Interests** - CONTRACTOR agrees to ensure that coverage provided to meet these requirements is applicable separately to each insured and there will be no cross liability exclusions that preclude coverage for suits between CONTRACTOR and the COUNTY or between the COUNTY and any other insured or additional insured under the policy.
- **Acceptability of Insurance Carrier** - Unless otherwise approved by Risk Management, insurance shall be written by insurers authorized to do business in the State of California and with a minimum "CONTRACTOR" Insurance Guide rating of "A-VII".
- **Deductibles and Self-Insured Retention** - Any and all deductibles or self-insured retentions in excess of \$10,000 shall be declared to and approved by Risk Management.
- **Failure to Procure Coverage** - In the event that any policy of insurance required under this contract does not comply with the requirements, is not procured, or is canceled and not replaced, COUNTY has the right but not the obligation or duty to cancel the contract or obtain insurance if it deems necessary and any premiums paid by COUNTY will be promptly reimbursed by CONTRACTOR or COUNTY payments to CONTRACTOR will be reduced to pay for COUNTY-purchased insurance.

10. PROOF OF COVERAGE

CITY shall immediately furnish certificates of insurance to the Economic Development Agency, hereinafter referred to as "EDA", evidencing the insurance coverage, including endorsements above required, prior to the commencement of performance of services hereunder, which shall provide that such insurance shall not be terminated or expire without thirty (30) days written notice to EDA, and CITY shall maintain such insurance from the time CITY commences performance of services hereunder until the completion of such services. Within sixty (60) days of the commencement of this Contract, CITY shall furnish certified copies of the policies and all endorsements. CITY shall complete and submit Contract Exhibit 1 of 3, INSURANCE INVENTORY, along with the above-required insurance documents.

11. INSURANCE REVIEW

The above insurance requirements are subject to periodic review by COUNTY. The County's Risk Manager is authorized, but not required, to reduce or waive any of the above insurance requirements whenever the Risk Manager determines that any of the above insurance is not available, is unreasonably priced, or is not needed to protect the interests of COUNTY.

In addition, if the Risk Manager determines that heretofore unreasonably priced or unavailable types of insurance coverage or coverage limits become reasonably priced or available, the Risk Manager is authorized, but not required, to change the above insurance requirements, to require additional types of insurance coverage or higher coverage limits, provided that any such change is reasonable in light of past claims against COUNTY, inflation, or any other item reasonably related to the COUNTY's risk.

Any such reduction or waiver for the entire term of the Contract and any change requiring additional types of insurance coverage or higher coverage limits must be made by amendment to this Contract. CITY agrees to execute any such amendment within thirty (30) days of receipt.

12. DISPOSITION OF FUNDS

Unless prohibited by Federal Regulations, COUNTY and CITY agree that, to the extent possible, CDBG funds will be allocated by COUNTY to CITY according to its proportional demographics, for activities and/or projects prioritized by CITY to alleviate its identified community development needs eligible under ACT (See Exhibit 2 for example of funding allocations). COUNTY, by its Board of Supervisors, shall be responsible for determining the final disposition and distribution of all funds received by COUNTY under ACT, and for selecting the projects for which such funds shall be used. Both parties agree that COUNTY has the authorization to redistribute such funds when said projects are not implemented in a timely manner as defined by HUD.

13. DISPOSITION OF PROGRAM INCOME

CITY shall inform COUNTY regarding any income generated by the expenditure of CDBG funds received by CITY. All said income shall promptly be paid to COUNTY or retained by CITY subject to authorization by COUNTY for CITY use of said income for eligible activities in accordance with all CDBG requirements as may then apply. COUNTY shall be responsible for monitoring and reporting to HUD on the use of any such program income thereby requiring appropriate record keeping and reporting by CITY as may be needed for this purpose. In the event of CDBG close-out or change in status of CITY under the CDBG program, any program income that is on hand or received subsequent to the close-out or change in status shall be paid to COUNTY. Any income generated from the disposition or transfer of real property prior to any such close out or change of status shall be treated the same as program income. Any income generated from the disposition or transfer of real property subsequent to any such close-out or change of status shall promptly be paid to COUNTY.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the day and year written above.

COUNTY OF SAN BERNARDINO

CITY OF MONTCLAIR

By: _____
JOSIE GONZALES, Chair
Board of Supervisors

By: _____

Title: _____
City Mayor

APPROVED AS TO LEGAL FORM

Dated: _____

ATTEST

By: _____
STEVEN J. SINGLEY
Deputy County Counsel

By: _____

Title: _____
City Clerk

SIGNED AND CERTIFIED THAT A COPY OF
THIS DOCUMENT HAS BEEN DELIVERED TO
THE CHAIR OF THE BOARD

Dated: _____

LAURA H. WELCH
Clerk of the Board of Supervisors
of the County of San Bernardino

APPROVED AS TO LEGAL FORM

By: _____

By: _____
DIANE E. ROBBINS, City Attorney

Dated: _____

EXHIBIT _____ of _____
COUNTY OF SAN BERNARDINO ECONOMIC DEVELOPMENT AGENCY

Project/ Activity Title:

Case Number:

Name/Address of Contract Agency:

City of Montclair
P.O. Box 2308
Montclair, CA 91763-2808

Date of Issue:

___ Original: Beginning
___ Amendment No.:

INSURANCE INVENTORY

WORKERS' COMPENSATION/EMPLOYERS' LIABILITY INSURANCE

Name of Insurance Company: _____

Effective Dates: _____ - _____

Employer's Liability Limit \$ _____

Certificate of Insurance Attached? Yes No: On File w/ EDA

COMPREHENSIVE GENERAL AND AUTOMOBILE LIABILITY INSURANCE

Name of Contractor's General Insurance Company: _____

Limits of Liability Effective Dates: _____ - _____

Per Occurrence \$ _____ Additional Insured Endorsement Attached Yes No: On File w/ EDA

Annual Aggregate \$ _____ Certificate of Insurance Attached Yes No: On File w/ EDA

Name of Contractor's Automobile Liability Insurance Company: _____

Limits of Liability Effective Dates: _____ - _____

Per Person: \$ _____ Per Accident: \$ _____ Damage Liability: \$ _____ Combined Single Limit: \$ _____

Excess: Umbrella Liability: \$ _____

ERRORS AND OMISSIONS LIABILITY INSURANCE

Name of Contractor's Insurance Company: _____

Limits of Liability Effective Dates: _____ - _____

Per Occurrence: \$ _____ Additional Insured Endorsement Attached: Yes No: On File w/ EDA

Annual Aggregate: \$ _____ Certificate of Insurance Attached: Yes No: On File w/ EDA

PROFESSIONAL LIABILITY INSURANCE

Name of Contractor's Insurance Company: _____

Limits of Liability Effective Dates: _____ - _____

Per Occurrence: \$ _____ Additional Insured Endorsement Attached Yes No: On File w/ EDA

Annual Aggregate: \$ _____ Certificate of Insurance Attached Yes No: On File w/ EDA

SAMPLE CDBG ALLOCATION

City	Adjusted Allocation	*15% Public Service Limit	Sample SHR Allocation	Avail Capital Projects
Adelanto	\$ 225,125	\$ 33,769	\$ -	\$ 191,356
Barstow	\$ 224,805	\$ 33,721	\$ 47,223	\$ 143,861
Big Bear Lake	\$ 38,390	\$ 5,759	\$ 9,896	\$ 22,735
Colton	\$ 531,459	\$ 79,719	\$ 96,024	\$ 355,716
Grand Terrace	\$ 63,360	\$ 9,504	\$ 16,281	\$ 37,575
Highland	\$ 508,198	\$ 76,230	\$ 52,869	\$ 379,099
Loma Linda	\$ 164,814	\$ 24,722	\$ 42,747	\$ 97,345
Montclair	\$ 369,104	\$ 55,366	\$ -	\$ 313,738
Needles	\$ 57,429	\$ 8,614	\$ 14,897	\$ 33,918
29 Palms	\$ 175,393	\$ 26,309	\$ 43,974	\$ 105,110
Yucaipa	\$ 305,970	\$ 45,896	\$ 46,940	\$ 213,134
Yucca Valley	\$ 158,578	\$ 23,787	\$ 41,010	\$ 93,781
City Share	\$ 2,822,625	\$ 423,396	\$ 411,861	\$ 1,987,368
County Share	\$ 2,317,654	\$ -	\$ 476,279	\$ 1,841,375
Grand Total	\$ 5,140,279	\$ 423,396	\$ 888,140	\$ 3,828,743

* At City's discretion can also be allocated to capital projects and/or Senior Home Repair Program (SHRP)

MINUTES OF THE MEETING OF THE MONTCLAIR
PERSONNEL COMMITTEE HELD ON MONDAY,
MARCH 7, 2011, AT 7:34 P.M. IN THE CITY
ADMINISTRATIVE OFFICES, 5111 BENITO STREET,
MONTCLAIR, CALIFORNIA

I. CALL TO ORDER

Mayor Eaton called the meeting to order at 7:34 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 22, 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 22, 2011.

IV. PUBLIC COMMENT - None

V. CLOSED SESSION

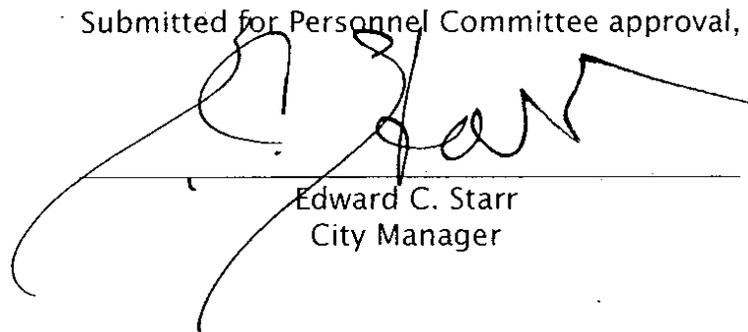
At 7:35 p.m., the Personnel Committee went into Closed Session regarding personnel matters related to appointments, resignations/terminations, and evaluations of employee performance.

At 7:59 p.m., the Personnel Committee returned from Closed Session. Mayor Eaton stated that no announcements would be made at this time.

VI. ADJOURNMENT

At 7:59 p.m., Mayor Eaton adjourned the Personnel Committee.

Submitted for Personnel Committee approval,



Edward C. Starr
City Manager