CITY OF MONTCLAIR

AGENDA FOR CITY COUNCIL, SUCCESSOR AGENCY,
AND MONTCLAIR HOUSING CORPORATION MEETINGS

To be held in the Council Chambers
5111 Benito Street, Montclair, California

May 7, 2012

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

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I. **CALL TO ORDER** City Council, Successor Agency Board of Directors, and Montclair Housing Corporation Board of Directors

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**

A. Presentation of Montclair Kiwanis Scholarships to Montclair High School Graduating Seniors

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, Successor Agency Board of Directors, and Montclair Housing Corporation Board of Directors. (Government Code Section 54954.3)

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

VII. **PUBLIC HEARINGS**

A. Second Reading - Consider Adoption of Ordinance No. 12-929 Adding Section 11.72.275 to the Montclair Municipal Code Related to Promotional Banners and Graphics at 5200 Montclair Plaza Lane [CC] 4

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B. Second Reading - Consider Adoption of Ordinance No. 12-930 Adding Sections 9.24.500 and 9.24.600 to Title 9 of the Montclair Municipal Code Related to the City Storm Drain System [CC] 9

VIII. CONSENT CALENDAR

A. Approval of Minutes

1. Minutes of the Regular Joint Council/Successor Agency Board/MHC Board Meeting of April 16, 2012 [CC/SRDA/MHC]

B. Administrative Reports

1. Consider Setting a Public Hearing to Consider Ordinance No. 12-931 Replacing Chapter 11.74 of the Montclair Municipal Code Related to Yard Sales [CC] 15

2. Consider Successor Agency Appropriation of Former Redevelopment Agency Project Funds and the Use of Unspent Mission Boulevard Joint Redevelopment Project Area Tax Allocation Notes of 2008 to Defease the Mission Boulevard Joint Redevelopment Project Area Tax Allocation Note Issue of 2008 Subject to Approval by the Appropriate Local and State Agencies [SRDA] 23

3. Consider Adoption of City of Montclair Speed Hump Policy Guidelines [CC] 26

4. Consider Approval of Updated Listing of Designated Employees Required to File Statements of Economic Interests [CC] 30

5. Consider Approval of Warrant Register and Payroll Documentation [CC] 41

C. Agreements - None

D. Resolutions

1. Consider City Council, Acting as Successor to the City of Montclair Redevelopment Agency Board of Directors, Adoption of Resolution No. 12-05 Adopting a Recognized Obligation Payment Schedule for July 1, 2012, through December 31, 2012, and Authorizing Certain Other Actions Pursuant to Section 34177 of Part 1.85 of the Health and Safety Code [SRDA] 42

2. Consider Adoption of Resolution No. 12-2945 Amending the Fiscal Years 2011/2016 Measure I Five-Year Capital Improvement Program [CC] 53

IX. PULLED CONSENT CALENDAR ITEMS

X. RESPONSE

A. Consider Receiving and Filing a Response to a Question Raised by Mr. Thomas Squyres at the Regular Joint Meeting on April 16, 2012 [CC] 59

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XI. COMMUNICATIONS

A. City Attorney

1. Closed Session Pursuant to Government Code Section 54957.6 Regarding Conference With Designated Labor Negotiator Edward C. Starr

   Agency: City of Montclair

   Employee Organizations: Management
   Montclair Fire Fighters Association
   Montclair Police Officers Association
   San Bernardino Public Employees Assn.

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

   Sipple v. City of Alameda

B. City Manager/Executive Director

C. Mayor/Chairman

1. Announcement of Vacancies on the Community Action Committee

D. Council/MHC Board

E. Committee Meeting Minutes *(for informational purposes only)*

1. Minutes of the Code Enforcement Committee Meeting of April 16, 2012 — 63

2. Minutes of the Personnel Committee Meeting of April 16, 2012 — 66

XII. ADJOURNMENT OF SUCCESSOR AGENCY BOARD AND MONTCLAIR HOUSING CORPORATION BOARDS OF DIRECTORS

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

XIII. CLOSED SESSION ANNOUNCEMENTS

XIV. ADJOURNMENT OF CITY COUNCIL

The next regularly scheduled City Council, Successor Agency, and Montclair Housing Corporation meetings will be held on Monday, May 21, 2012, 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, Successor 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 Deputy City Clerk at (909) 625-9416. 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 May 3, 2012.

AGENDA REPORT

SUBJECT:	CONSIDER ADOPTION OF ORDINANCE NO. 12-929 ADDING SECTION 11.72.275 TO THE MONTCLAIR MUNICIPAL CODE RELATED TO PROMOTIONAL BANNERS AND GRAPHICS AT 5200 MONTCLAIR PLAZA LANE SECOND READING	DATE:	May 7, 2012
		SECTION:	PUBLIC HEARINGS
		ITEM NO.:	A
		FILE I.D.:	SIG180
		DEPT.:	COMMUNITY DEV.

REASON FOR CONSIDERATION: The City Council is requested to consider adoption of proposed Ordinance No. 12-929 adding Section 11.72.275 to the Montclair Municipal Code related to promotional banners and graphics at 5200 Montclair Plaza Lane.

A copy of proposed Ordinance No. 12-929 is attached for the City Council's review and consideration.

BACKGROUND: During a recent meeting with the management and leasing team at Montclair Plaza, an interest was expressed in displaying large-scale banners and graphics on the former Broadway/Macy's building to promote the completed interior renovation of the Plaza until the vacant department store is demolished. Staff believes that the most prudent way to accommodate this desire would be through a "temporary" Ordinance with a specific sunset date.

The draft Ordinance was presented to the Code Enforcement Committee at its March 19 meeting, which recommended consideration by the full City Council. The Ordinance was also presented informally to the Planning Commission on March 26, which also supported its adoption.

FISCAL IMPACT: There would be no direct fiscal impact to the City's General Fund should the City Council adopt proposed Ordinance No. 12-929.

RECOMMENDATION: Staff recommends the City Council adopt Ordinance No. 12-929 adding Section 11.72.275 to the Montclair Municipal Code related to promotional banners and graphics at 5200 Montclair Plaza Lane.

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

ORDINANCE NO. 12-929

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR ADDING SECTION 11.72.275 TO THE MONTCLAIR MUNICIPAL CODE (TEMPORARY PROMOTIONAL BANNERS AND/OR GRAPHICS AT 5200 MONTCLAIR PLAZA LANE)

WHEREAS, California Government Code Section 65800 *et seq.* authorizes the adoption and administration of zoning laws, ordinances, rules, and regulations by cities as a means of implementing the General Plan; and

WHEREAS, the Montclair Municipal Code (MMC) makes provisions for businesses and institutions to display banners on a temporary basis to announce grand openings and to advertise promotional events; and

WHEREAS, the Code also allows businesses and institutions to obtain a permit or permits to display promotional banners for a maximum of 48 days per calendar year, either consecutively or in increments of 12 days or 24 days; and

WHEREAS, the Code limits the size of promotional banners associated with a building or business in excess of 100,000 square feet of gross leasable area (GLA) to 200 square feet; and

WHEREAS, the former owner of Montclair Plaza, General Growth Properties (GGP), completed a multimillion dollar renovation to the interior of the mall in 2008 but did not pursue any exterior upgrades in conjunction with the interior remodel; and

WHEREAS, Montclair Plaza was sold to a new owner in March 2011; and

WHEREAS, the current owner and its professional leasing company desire to promote the interior renovation and the mall's current tenants that are "invisible" to motorists in the approximately 250,000 vehicles that travel by the site each day; and

WHEREAS, the owner and leasing company desire to use the exterior façade of the former Broadway/Macy's building at 5200 Montclair Plaza Lane to display temporary banners and/or graphics promoting Montclair Plaza; and

WHEREAS, as part of a proposed expansion of Montclair Plaza by the current owner, it is expected that the former Broadway/Macy's building will be demolished within the next 12 to 18 months; and

WHEREAS, staff believes that, in order to attract new and former shoppers of Montclair Plaza back to the property, it would be in the best interest of the City of Montclair for the City Council to favorably consider this temporary Ordinance allowing the mall owner flexibility in promoting Montclair Plaza; and

WHEREAS, attracting more traffic to the property will also likely provide a positive benefit to other Montclair businesses that are in close proximity to Montclair Plaza; and

WHEREAS, the proposed Ordinance includes a sunset date of June 30, 2013; and

WHEREAS, the City Council finds that the proposed Ordinance is consistent with the General Plan's goals and policies of protecting community aesthetics through regulated signage and promoting the viability of a variety of commercial land uses; and

WHEREAS, the City Council finds that this Ordinance is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines. The proposed Code amendment addresses on-premise signs, which are considered exempt as "minor structures accessory to existing commercial, industrial, or institutional facilities..."under Section 15311(a) of the CEQA Guidelines. Moreover, the Code amendment would not have a significant effect on the environment as it does not in itself directly approve any construction activities but, instead, establishes standards, permit requirements, and other measures that regulate the design, installation, and maintenance of temporary banners and/or graphics on an existing commercial property; and

WHEREAS, the Director of Community Development is directed to file a Notice of Exemption in accordance with CEQA and the State CEQA Guidelines.

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

SECTION I. Section 11.72.275 ("Temporary promotional banners and/or graphics at 5200 Montclair Plaza Lane") of Title 11 ("Zoning and Development") of the Montclair Municipal Code is hereby added as follows:

11.72.275 Temporary promotional banners and/or graphics at 5200 Montclair Plaza Lane.

Notwithstanding the criteria for temporary promotional banners set forth in Section 11.72.270 of this Chapter, temporary banners and graphics shall be permitted to be displayed on the former Broadway/Macy's building at 5200 Montclair Plaza Lane subject to the criteria set forth below. The purpose of this Section is to provide the owner and leasing agent at Montclair Plaza flexibility in promoting the completed interior renovations and the planned major expansion on the property.

A. Location. A temporary banner permit may be issued by the Director of Community Development for temporary banners and graphics on the "basketweave" architectural portions of the north, east, and south elevations of the building. Banners and graphics may cover all or part of each elevation. In no event shall banners and/or graphics be installed below or above the "basketweave" architectural portion of the building.

B. Application. The property owner or leasing agent shall submit to the Planning Division for review and approval a completed application along with the necessary drawings and filing fees as set forth by Resolution of the City Council. The temporary banners/graphics shall be subject to the following:

1. One permit shall be required for the location, whether the applicant chooses to install one or multiple banners/graphics on the building.

2. Temporary banners/graphics shall be made of durable materials and attached securely to the building. Worn or deteriorated banners/graphics, as determined by the Director of Community Development, shall be removed or replaced within 72 hours of notification to the applicant.

C. Content. The copy and graphic content of the banner(s) shall be limited to promoting existing and future retailers and activity within Montclair Plaza and the area commonly known as "North Plaza," located on the north side of Moreno Street between Fremont Avenue and the property currently occupied by Target.

D. Duration. A permit for temporary banners/graphics issued pursuant to this Section shall not be a subject to a time limit; however, all temporary banners and graphics shall be removed no later than April 30, 2013, or the commencement of demolition of the subject building, whichever occurs first.

E. Sunset date. This Section shall sunset on June 30, 2013, unless extended prior to that date.

SECTION II. Severability.

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

SECTION III. Effective Date.

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

SECTION IV. Posting.

The City Clerk shall certify to the passage of this Ordinance and cause the same to be posted pursuant to Government Code Section 36933.

APPROVED AND ADOPTED this XX day of XX, 2012.

_____
Mayor

ATTEST:

_____
Deputy City Clerk

I, Yvonne L. Smith, Deputy City Clerk of the City of Montclair, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 12-929 of said City, which was introduced at a regular meeting of the City Council held on the XX day of XX, 2012, and finally passed not less than five (5) days thereafter on the XX day of XX, 2012, 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 ORDINANCE NO. 12-930 ADDING SECTIONS 9.24.500 AND 9.24.600 TO TITLE 9 OF THE MONTCLAIR MUNICIPAL CODE RELATED TO THE CITY STORM DRAIN SYSTEM

SECOND READING

DATE: May 7, 2012

SECTION: PUBLIC HEARINGS

ITEM NO.: B

FILE I.D.: STD200

DEPT.: PUBLIC WORKS

REASON FOR CONSIDERATION: The City Council is requested to consider adoption of Ordinance No. 12-930 approving additions to the City Storm Drain System regulations pursuant to new requirements adopted by the California Regional Water Quality Control Board, Santa Ana Region.

A copy of proposed Ordinance No. 12-930 is attached for the City Council's review and consideration.

BACKGROUND: On January 29, 2010, the California Regional Water Quality Control Board, Santa Ana Region, adopted Order No. R8-2010-0036 National Pollutant Discharge Elimination System (NPDES) No. CAS618036. This action addressed Waste Discharge Requirements for the San Bernardino County Flood Control District, the County of San Bernardino, the unincorporated areas of San Bernardino County, and cities within San Bernardino County that are within the Santa Ana Region including the City of Montclair.

NPDES No. CAS618036 established requirements for each affected agency to update its municipal ordinance addressing stormwater discharge, both during construction and post construction. The City Council previously adopted an Ordinance addressing stormwater discharge and the requirements of NPDES No. CAS618036. Proposed Ordinance No. 12-930, under Section 9.24.500, provides the City with the legal authority to inspect structural stormwater treatment devices associated with approved Water Quality Management Plans (WQMPs) during the construction phase and to collect fees from developers to cover the costs associated with the inspections. The purpose of the inspections is to ensure treatment control Best Management Practices (BMPs) are constructed and function in accordance with approved WQMPs.

In addition, the NPDES Permit requires each agency to inspect the treatment control BMPs after the Certificate of Occupancy is issued on a triennial basis to ensure the long-term functionality of the BMPs. The results of the inspections are submitted to the California Regional Water Quality Control Board, Santa Ana Region annually. These inspections are addressed in proposed Section 9.24.600. No inspection fees are proposed for the triennial inspections.

Prepared by: _____ Reviewed and Approved by: _____

Proofed by: _____ Presented by: _____

By City Council action on April 2, 2012, a public hearing and first reading of proposed Ordinance No. 12-930 was scheduled for April 16, 2012.

FISCAL IMPACT: Adoption of proposed Ordinance No. 12-930 would allow the City to inspect and collect inspection fees from developers during construction for BMPs associated with approved WQMPs. Failure to adopt the proposed Ordinance could potentially put the City out of compliance with NPDES No. CAS618036, subjecting the City to fines levied by the California Regional Water Quality Control Board, Santa Ana Region. Inspections might still be performed as a condition of a development, but the cost of inspection would have to be borne by the General Fund without any form of reimbursement from the developer. It is anticipated the fee for inspection would range between 1% and 4% of the estimated construction cost of the BMP depending upon the actual BMP implemented as part of the approved WQMP. This fee is comparable to inspection fees already charged by the City for inspection of public works facilities such as streets, sidewalks, sewers, storm drains, and publicly maintained landscaping. A fee resolution will be brought to the City Council at a later date for consideration and approval.

Proposed Ordinance No. 12-930 also provides for triennial post construction inspections. The Ordinance does not propose an inspection fee for these inspections at this time. Staff will monitor the time necessary to conduct these inspections and may at some future date recommend a fee program to the City Council for consideration. However, failure to properly maintain BMPs would be a violation of proposed Section 9.24.600 of the Municipal Code and could result in a citation and associated fine.

RECOMMENDATION: Staff recommends the City Council adopt Ordinance No. 12-930 adding Sections 9.24.500 and 9.24.600 to Title 9 of the Montclair Municipal Code related to the City Storm Drain System.

ORDINANCE NO. 12-930

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR ADDING SECTIONS 9.24.500 AND 9.24.600 TO TITLE 9 OF THE MONTCLAIR MUNICIPAL CODE RELATED TO THE STORM DRAIN SYSTEM

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

SECTION I. Additions to Code. Sections 9.24.500 and 9.24.600 are hereby added to Title 9 Article X of the Montclair Municipal Code:

9.24.500 Water Quality Management Plan Compliance and Implementation

A. The City Engineer or his/her designee shall have the authority to require the development of a Water Quality Management Plan (WQMP) for any development, redevelopment, utility, or road improvement project within the City limits.

B. The City Engineer or his/her designee may inspect the premises of any person, business, discharger, or entity for which a WQMP has been prepared at reasonable times and in a reasonable manner to determine whether the Best Management Practices (BMPs) associated with the project WQMP are being installed, implemented, and functioning as designed. Photographs may be taken for purposes of documentation and enforcement.

1. Establishment of a regulatory fee. The City Council may establish a regulatory fee by Resolution and from time to time adjust the fee by Resolution to recover the reasonable cost of permit issuance, administration, inspections, sampling, metering, and monitoring by the City Engineer or his/her designee. Such fee shall cover, but not exceed, the full cost of permit issuance, administration, inspections, sampling, metering, and monitoring and shall be allocated in a manner that bears a fair and reasonable relationship to the activities of the fee payers that are relative to the need for the WQMP.

2. Recovery of additional inspection costs. If any discharger fails to meet the requirements of the WQMP and additional site inspections are, therefore, required, such dischargers shall be liable for the cost of additional inspection and any improvements, repairs, modifications, or maintenance necessary. These costs may be recovered through additional inspection fees to cover permit inspection and administration expenses. The City may also pursue any civil action deemed necessary against the discharger to recover excess WQMP inspection and compliance costs.

9.24.600 Post-Construction Inspections of Best Management Practices Associated with Water Quality Management Plans

A. Maintenance and Operations of Best Management Practices (BMPs) Improvements and Facilities. The owner of a structural BMP installed pursuant to Section 9.24.500 shall maintain and operate the BMP to preserve and continue its function in controlling stormwater quality and quantity at the degree or amount of function for which the BMP was designed.

B. Operation and Maintenance Agreement. At the time that as-built plans are provided to the City Engineer or designee prior to final approval of a project for compliance with this Ordinance, but in all cases prior to placing the BMPs in service, the applicant or owner of the site shall execute an operation and maintenance agreement that shall be binding on all current and subsequent owners of the site, portions of the site, and/or lots or parcels served by the BMP. This maintenance agreement shall be recorded as specified in Section 11.60.180. Failure to execute an operation and maintenance agreement may result in assessment of penalties as specified in Chapter 9.24 Article VIII, Administrative Enforcement Remedies. Until the transference of all property, sites, or lots served by the BMP, the original owner or applicant shall have primary responsibility for carrying out the provisions of the maintenance agreement. At the discretion of the City Engineer or his/her designee, Certificates of Occupancy may be withheld pending receipt of an operation and maintenance agreement. The operation and maintenance agreement shall require the owner or owners to maintain, repair, and, if necessary, reconstruct the structural BMP, and shall state the terms, conditions, and schedule of maintenance for the structural BMP. In addition, it shall grant to the City of Montclair a right of entry in the event that the City Engineer or his/her designee has reason to believe it has become necessary to inspect, monitor, maintain, repair, or reconstruct the BMP; however, in no case shall the right of entry, of itself, confer an obligation on the City of Montclair to assume responsibility for the BMP.

C. Inspection Program. Inspections and inspection programs by the City of Montclair may be conducted or established on any reasonable basis, including, but not limited to, routine inspections, random inspections, inspections based upon complaints or other notice of possible violations, and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in BMPs; and evaluating the condition of BMPs. If the owner or occupant of any property refuses to permit such inspection, the City Engineer or his designee shall proceed to obtain an administrative search warrant pursuant to Code of Civil Procedures 1822.50. No person shall obstruct, hamper, or interfere with the City inspector while carrying out his or her official duties.

D. Records of Installation and Maintenance Activities. The owner of each structural BMP shall keep records of inspections, maintenance, and repairs for at least five years from the date of creation of the record and shall submit the same upon reasonable request to City official.

E. Violation Unlawful. Any failure to comply with an applicable requirement, prohibition, standard, or limitation imposed by this Ordinance or the terms or conditions of any permit or other development or redevelopment approval or authorization granted pursuant to this Ordinance is unlawful and shall constitute a violation of this Ordinance.

F. Each Day a Separate Offense. Each day that a violation continues shall constitute a separate and distinct violation or offense.

G. Responsible Persons/Entities. Any person who erects, constructs, reconstructs, alters (whether actively or passively), operates, or maintains or who fails to erect, construct, reconstruct, alter, repair, operate, or maintain any structure, facility, improvement, BMP, practice, or condition in violation of this Ordinance; as well as any person who participates in, assists, directs, creates, causes, or maintains a condition that results in or constitutes a violation of this ordinance or fails to take appropriate action so that a violation of this Ordinance results or persists; or an owner, any tenant or occupant, or any other person, who has control over, or responsibility for, the use or development of the property on which the violation occurs shall be subject to the remedies, penalties, and/or enforcement actions in accordance with this Section. For the purposes of this article, responsible person(s) shall include but not be limited to:

1. Any person who participates in, assists, directs, creates, causes, or maintains a condition that constitutes a violation of this Ordinance or fails to take appropriate action so that a violation of this Ordinance results or persists.

2. The owner of the land on which the violation occurs, any tenant or occupant of the property, any person who is responsible for stormwater controls or practices pursuant to a private agreement or public document, or any person who has control over, or responsibility for, the use, development, or redevelopment of the property.

SECTION II. Severability.

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

SECTION III. Effective Date.

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

SECTION IV. Posting.

The City Clerk shall certify to the passage of this Ordinance and cause the same to be posted pursuant to Government Code Section 36933.

APPROVED AND ADOPTED this XX day of XX, 2012.

_____
Mayor

ATTEST:

_____
Deputy City Clerk

I, Yvonne L. Smith, City Clerk of the City of Montclair, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 12-930 of said City, which was introduced at a regular meeting of the City Council held on the XX day of XX, 2012, and finally passed not less than five (5) days thereafter on the XX day of XX, 2012, by the following vote, to-wit:

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

_____
Yvonne L. Smith
Deputy City Clerk

AGENDA REPORT

SUBJECT: CONSIDER SETTING A PUBLIC HEARING TO CONSIDER ORDINANCE NO. 12-931 REPLACING CHAPTER 11.74 OF THE MONTCLAIR MUNICIPAL CODE RELATED TO YARD SALES

DATE: May 7, 2012

SECTION: ADMIN. REPORTS

ITEM NO.: 1

FILE I.D.: CDV200

DEPT.: COMMUNITY DEV.

REASON FOR CONSIDERATION: Amendments to the Municipal Code require public hearing review and approval by the City Council.

BACKGROUND: The Montclair Municipal Code currently allows residents to conduct a maximum of three yard sales per calendar year. Each yard sale may be conducted for a maximum duration of three consecutive days any time during the year. Residents are required to obtain a $10 permit before conducting a yard sale.

In mid-2011, 14 cities responded to a staff request for their respective yard sale regulations. Of particular interest were the regulations in Pomona and Santa Ana, which allow four yard sales annually per address but only on designated weekends. Ontario's regulations are similar, except that five weekends are designated per year. Using these regulations as a base from which to work, staff is proposing a complete revamp of Chapter 11.74 that would provide for the following:

- ❑ A maximum of four (4) yard sales would be allowed per year per address.
- ❑ Yard sales may only be conducted on the first full weekends (Friday through Sunday) in February, May, August, and November.
- ❑ In addition to the four regular yard sales, residents would be allowed to conduct one moving sale or estate sale per calendar year, subject to acceptable documentation being provided to staff.
- ❑ Yard sale signs would be standardized; two signs would be issued with each permit and applicants would be allowed to purchase two additional signs at a minimal cost.

Revision of the City's yard sale regulations was discussed at several Code Enforcement Committee meetings over the past six months. At its March 19 meeting, the Committee recommended proposed Ordinance No. 12-931 be considered by the full City Council. The proposed Ordinance was presented informally to the Planning Commission on March 26, and the Planning Commission also supports its adoption.

Prepared by: Steve Lustro
Proofed by: Dana Barke
Reviewed and Approved by: Steve Lustro
Presented by:

FISCAL IMPACT: The cost to publish a Notice of Public Hearing in the ***Inland Valley Daily Bulletin*** related to proposed Ordinance No. 12-931 should not exceed $400.

RECOMMENDATION: Staff recommends the City Council set a public hearing for Monday, May 21, 2012, at 7:00 p.m. in the Council Chambers to consider Ordinance No. 12-931 replacing Chapter 11.74 of the Montclair Municipal Code related to yard sales.

ORDINANCE NO. 12-931

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR REPLACING CHAPTER 11.74 OF THE MONTCLAIR MUNICIPAL CODE RELATED TO YARD SALES

WHEREAS, California Government Code Section 65800 *et seq.* authorizes the adoption and administration of zoning laws, ordinances, rules and regulations by cities as a means of implementing the General Plan; and

WHEREAS, Chapter 11.74 of the Montclair Municipal Code (MMC) sets forth regulations for conducting yard sales in the City; and

WHEREAS, residents are currently permitted to conduct a maximum of three yard sales per residential address annually for a duration of no more than three consecutive days per sale; and

WHEREAS, yard sales may be conducted at any time during the calendar year; and

WHEREAS, a significant amount of staff time is expended issuing and logging approximately 1,100 annual yard sale permits and subsequently monitoring those yard sales for compliance with the Municipal Code; and

WHEREAS, in an effort to minimize the amount of time spent on yard sales and increase staff productivity, it is proposed that the City's yard sale regulations be revised to include the following major points:

- ❑ Increase the number of yard sales permitted annually from three to four per residential address;
- ❑ Allow yard sales only on the first full weekends in February, May, August, and November;
- ❑ Include provisions for moving sales and estate sales;
- ❑ Provide applicants with two preprinted yard sale signs and an option to purchase two additional signs at minimal cost; and

WHEREAS, staff believes that limiting yard sales to four designated weekends per year will allow staff at the public counter to be more productive during the remainder of the year and the Code Enforcement Unit to concentrate on more significant violations on non-yard sale weekends; and

WHEREAS, in order to allow staff adequate time to publicize the new yard sale regulations to the community, it is proposed that the regulations become effective on August 1, 2012; and

WHEREAS, the City Council finds that the proposed Ordinance is consistent with the General Plan's goals and policies of protecting community character by regulating activities that are compatible with and complement the nature of the City's residential neighborhoods; and

WHEREAS, the City Council finds that this Ordinance is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines. The proposed code amendment does not approve any construction activities but, instead, establishes standards, permit requirements, and other measures that regulate yard sales on residential properties; and

WHEREAS, the Director of Community Development is directed to file a Notice of Exemption in accordance with CEQA and the State CEQA Guidelines.

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

SECTION I. Chapter 11.74 ("Yard Sales") of Title 11 ("Zoning and Development") of the Montclair Municipal Code is hereby repealed and replaced in its entirety as follows:

CHAPTER 11.74

YARD SALES

Sections:

11.74.010 Purpose and applicability.
11.74.020 Permit required.
11.74.030 Frequency of yard sales.
11.74.040 Moving and estate sales.
11.74.050 Community-sponsored yard sales.
11.74.060 Merchandise criteria.
11.74.070 Inclement weather.
11.74.080 Signs.
11.74.090 Inspections and enforcement.

11.74.010 Purpose and applicability.

This Chapter is intended to set forth guidelines under which yard sales may be conducted on properties legally developed with single- and multifamily residential uses. Yard or rummage sales that are conducted on property legally developed with private educational institutions or houses of worship shall be

required to obtain a Special Event Permit subject to the guidelines set forth in Chapter 11.68 of this Title. Yard sales shall be prohibited on undeveloped properties or properties developed with land uses not specified above, except as provided for herein.

11.74.020 Permit required.

A. Every property owner or tenant desiring to exhibit, for sale purposes, identifiable or tangible personal property at a yard sale, moving sale, or estate sale shall, prior to conducting said sale, obtain a yard sale permit from the Community Development Department. Applications for yard sale permits shall be made on application forms furnished by the Department. At the time of application submission, applicants shall present a valid photo identification indicating they are a resident of the subject property. The yard sale permit application fee shall be established by Resolution of the City Council.

B. The property owner or tenant of the subject property where an approved yard sale is being conducted shall be present for the entire duration of said yard sale.

11.74.030 Frequency of yard sales.

Properties legally developed with single- or multifamily residential uses shall be permitted to conduct yard sales a maximum of four (4) times per calendar year for a maximum duration of three (3) consecutive days. Sales shall be permitted only on the first full weekends of the months of February, May, August, and November. As used in this Chapter, "weekend" is defined as being from dawn Friday morning until dusk Sunday evening. Further, "first full weekend of the month" is defined as the first weekend where all three days are within the month in which a yard sale is allowed. For example, if January 31 were to fall on a Friday, then the February yard sale weekend would occur on the subsequent full weekend falling within the month of February (February 7 through 9).

11.74.040 Moving and estate sales.

A. Moving sales. Residents of single-family dwellings who have sold, or entered into a contract to sell their home, shall be entitled to one (1) moving sale per calendar year in addition to the four (4) yard sales described in this Chapter. Moving sales shall be for a maximum duration of three (3) consecutive days with no restriction on days of the week. At the time of permit application, applicants shall provide proof that a real property sale agreement has been entered into or consummated for the subject property. The existence of a "for sale" sign on the subject property is not adequate substantiation for a moving sale.

B. Estate sales. The family of a resident or residents of a single-family dwelling who has/have passed away is entitled to conduct one (1) estate sale per calendar year in addition to the four (4) yard sales described in this Chapter. Estate sales shall be for a maximum duration of three (3) consecutive days with no restriction on days of the week. At the time of permit application, applicants shall provide sufficient proof that the deceased person(s) lived at the subject

property and shall also provide a copy of a death certificate indicating that the person(s) has/have passed within the previous six months.

Single-family residential properties meeting the criteria described herein shall be entitled to either one moving sale or one estate sale in the same calendar year.

11.74.050 Community-sponsored yard sales.

Yard sales that are sponsored or cosponsored by the City, a City department, and/or the Montclair Chamber of Commerce may occur on property developed with land uses other than those specifically identified in Section 11.74.010 herein. Said community-sponsored yard sales shall be permitted only on the four weekends identified in Section 11.74.030 herein. The property owner or business hosting the event on its property shall obtain a Special Event Permit pursuant to Chapter 11.68 of this Title. Individual yard sale permits as described herein shall not be required of vendors participating in a community-sponsored yard sale. Community-sponsored yard sales shall comply with all other criteria and guidelines contained in this Chapter.

11.74.060 Merchandise criteria.

All merchandise offered for sale at yard, moving, and estate sales shall meet the following criteria:

A. Merchandise shall be limited to household goods that were previously purchased, made, or grown onsite by the property owner or tenant conducting the sale. The sale of new merchandise or large quantities of commercially-obtained merchandise is not permitted.

B. Merchandise shall not be stacked, hung, piled, or otherwise displayed so as to adversely affect the residential appearance and/or property values of the surrounding neighborhood.

C. Merchandise shall not be stacked or piled at a height greater than five (5) feet above natural grade and shall be displayed in a reasonably neat and orderly manner.

D. Merchandise shall not be stacked, hung, piled, or otherwise displayed in a manner that may reasonably impede the accessibility of emergency personnel to the residence.

E. Merchandise shall not be displayed on fences and walls or hung from trees or other appurtenances.

F. The display of merchandise shall not extend into the public right-of-way.

G. Property owners or tenants shall not be permitted to "sublet" their yard to outside individuals, companies, groups, entities, etc., for the express purpose of conducting a yard sale pursuant to this Chapter.

11.74.070 Inclement weather.

In the event of inclement weather lasting longer than one day on a designated yard sale weekend, the Community Development Director may, at his or her discretion, allow permitted yard sales to occur on the subsequent weekend. Similar postponements of approved moving or estate sales shall be at the discretion of the Community Development Director. No additional permit or fees shall be required for a sale postponed solely because of inclement weather.

11.74.080 Signs.

Two (2) City-issued "Yard Sale" signs will be distributed with each yard sale permit. A maximum of two (2) additional signs (for a maximum total of four signs per yard sale location) may be purchased from the Community Development Department. Signs shall only be placed, displayed, or affixed as follows:

A. Permitted Signs - Only "Yard Sale" signs issued by the City shall be permitted to be displayed.

B. Copy - Signs shall contain the City logo, the words "Yard Sale," and the street address of the event. Applicants may add other relevant or helpful information, such as a directional arrow. Homemade "Yard Sale" or directional signs shall be prohibited.

C. Placement.

1. Signs may be attached to wooden, metal, or plastic stakes and placed in a landscaped area on private property with the permission of the property owner or in a landscaped parkway adjacent to private property with the permission of the adjacent property owner.

2. Signs shall not be attached to utility, streetlight, traffic signal, or regulatory sign poles in the public right-of-way, or to improvements on private property other than that where the yard sale is being conducted. Such placement of signs shall be prohibited and subject to removal by City staff.

3. Signs shall not be attached to trees on public or private property, regardless of method of attachment.

4. Signs shall not be placed in the landscaped center medians of any street.

D. Removal. At the conclusion of the yard sale, applicants shall be responsible for removing all signs and methods of attachment or display. Violators may be subject to citation and fine.

11.74.090 Inspections and enforcement.

Yard, moving, and estate sales are subject to inspection by Code Enforcement, Building, Police, Fire, and other City officials at all times during the operation to ensure compliance with this Title. Violations of any parts of this Title may require immediate correction by the property owner(s) or tenant(s) conducting the sale. Failure to correct such violations may result in immediate cessation of the sale, citation, fine, and/or prohibition from conducting a yard sale at the subject location for up to a one-year period.

SECTION II. Severability.

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

SECTION III. Effective Date.

This Ordinance shall be in full force and effect August 1, 2012.

SECTION IV. Posting.

The City Clerk shall certify to the passage of this Ordinance and cause the same to be posted pursuant to Government Code Section 36933.

APPROVED AND ADOPTED this XX day of XX, 2012.

_____
Mayor

ATTEST:

_____
Deputy City Clerk

I, Yvonne L. Smith, Deputy City Clerk of the City of Montclair, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 12-931 of said City, which was introduced at a regular meeting of the City Council held on the XX day of XX, 2012, and finally passed not less than five (5) days thereafter on the XX day of XX, 2012, by the following vote, to-wit:

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

_____
Yvonne L. Smith
Deputy City Clerk

AGENDA REPORT

SUBJECT:	CONSIDER SUCCESSOR AGENCY APPROPRIATION OF FORMER REDEVELOPMENT AGENCY PROJECT FUNDS AND THE USE OF UNSPENT MISSION BOULEVARD JOINT REDEVELOPMENT PROJECT AREA TAX ALLOCATION NOTES OF 2008 TO DEFEASE THE MISSION BOULEVARD JOINT REDEVELOPMENT PROJECT AREA TAX ALLOCATION NOTE ISSUE OF 2008 SUBJECT TO APPROVAL BY THE APPROPRIATE LOCAL AND STATE AGENCIES	**DATE:**	May 7, 2012
		SECTION:	ADMIN. REPORTS
		ITEM NO.:	2
		FILE I.D.:	SRDA762
		DEPT.:	SUCCESSOR AGENCY

REASON FOR CONSIDERATION: Staff is recommending the Successor Agency consider using unspent funds from various former Redevelopment Project Areas and the use of unspent tax allocation note proceeds from the Mission Boulevard Joint Redevelopment Project Area Note Issue of 2008 to defease the 2008 Note Issue that will become payable on June 1, 2012. If approved, this action would require approval of the Oversight Board, the County of San Bernardino, and the State Department of Finance.

BACKGROUND: The Mission Boulevard joint Redevelopment Project Area was conceived as a collaborative effort between the City of Montclair Redevelopment Agency and the County of San Bernardino Redevelopment Agency in 2002. The Mission Boulevard Joint Redevelopment Project Area was officially established by both redevelopment agencies in July 2003. The purpose of the joint project area was to implement public improvements along the Mission Boulevard corridor in the City and unincorporated County areas. The Project Area was to accomplish the installation of storm drains and street improvements including paving, curbs, gutter, and sidewalks. In addition, improvements were made to the median islands that formerly acted as open storm drain trenches. The project also involved signalization improvements and the installation of street lights.

The cost estimate to improve Mission Boulevard was approximately $12 million. The City of Montclair and City of Montclair Redevelopment Agency began the project in the City by acquiring an easement and installing a storm drain connection to the San Antonio Channel using Gas Tax and Redevelopment Agency funding from City of Montclair Redevelopment Project Area No. V. The City then went on to complete the initial phase of street improvements that were in the City portion of Mission Boulevard with City Measure I funding. After these improvements were complete, it became obvious that a "pay as you go" method for improving the corridor improvements would take an extended period of time without an additional funding source.

Redevelopment Agency Board Members and County Supervisor Gary Ovitt discussed and agreed to issue tax allocation debt to advance the progress on improving Mission Boulevard. Generally, a redevelopment agency would issue tax allocation bonds in a project

Prepared by:	M. Staats	Reviewed and Approved by:	M Staats
Proofed by:	Yvonne L Smith	Presented by:	

area to raise capital for a project. However, the Mission Boulevard Joint Redevelopment Project Area was less than five years old and did not have a long-established revenue history to make the issuance of long-term bonds yield enough money to finance the anticipated improvement costs. The issuance of tax allocation notes was available to raise funds for the improvements. Tax allocation notes are short term (five year) securities providing noteholders with interest-only payments for five years. At the termination of the five years, it was anticipated that Project Area revenue would be satisfactory for the issuance of long-term tax allocation bonds. The bonds would be used to repay the noteholders for the principal they had advanced. Tax Allocation Notes for the Mission Boulevard Joint Redevelopment Project Area were issued in June 2008. The amount of the note proceeds received for the improvements were approximately $7.9 million.

After issuance of the Tax Allocation Notes, construction on the Mission Boulevard Improvement Project proceeded. However, given the magnitude of the recent recession, staff became concerned that increases in property values may not support the necessary issuance of refunding bonds in 2012. In Fiscal Year 2010-11, alternate sources of revenue were found to complete the last segment of the Mission Boulevard Improvement Project. As indicated, the improvements to Mission Boulevard were conducted in phases; all phases of the improvement project, from Benson Avenue to the County line, were completed in September 2011. The City used its Measure I funds and $500,000 in federal funds to complete the final phase of the improvements. Using these alternate sources of revenue, the Redevelopment Agency managed to save approximately $2.2 million in note proceeds. These remaining proceeds could then be used to reduce the principal amount of the notes, making issuance of bonds possible.

With the passage of ABX1 26, the repayment of the Mission Boulevard Tax Allocation Notes was called into question. The legislation allowed for the issuance of bonds in certain situations but the legislation lacked clarity about the provisions for repayment of the debt because tax increment, as a source of bond repayment, would no longer exist. Agency Bond Counsel developed several scenarios for the issuance of bonds. Issuing a traditional tax allocation-type bond issue would mean the bond issue would require validation by the court. Given the time frame for defeasement of the tax allocation notes, the notes would default before a validation action could be affirmed or denied by the court. Another scenario developed by Bond Counsel involved issuance of tax allocation bonds by the Montclair Financing Authority and having this debt placed on the Recognized Payment Obligation Schedule.

In winding down former Redevelopment Agency activity and addressing matters of accounting, staff determined that there would be adequate funds available from various redevelopment project areas to address repayment of the tax allocation note debt. These funds were available from three separate redevelopment project areas. These funds include the following:

- Project Area No. III - $4.6 million (to be combined with bond proceeds to be used for land acquisition, including the Montclair Transcenter, for the North Montclair Downtown Specific Plan)
- Project Area No. IV - $700,000
- Project Area No. V - $500,000

Taken together with the $2.2 million available from the note proceeds, the revenue listed above could be made available to defease the notes without issuing new debt.

The outstanding issue with use of the funds from Project Areas Nos. III, IV, and V to defease the notes comes from the fact that redevelopment law does not allow funding from one project area to be combined or co-mingled with revenue from another distinct project area. In order to use funds from other Project Areas to defease the notes, the Successor Agency would need to seek approval from the Oversight Board, the County of San Bernardino, and the Department of Finance.

Staff recommends the Successor Agency consider the appropriation of project funds from former Redevelopment Project Areas Nos. III, IV and V to defease the Mission Boulevard Tax Allocation Notes of 2008. In addition, the Successor Agency is asked to appropriate the approximately $2.2 million in unspent notes proceeds from the Mission Boulevard Issue for repayment of the notes.

FISCAL IMPACT: Appropriation of the project funds from former Redevelopment Project Areas Nos. III, IV, and V and appropriation of the unspent bond proceeds from the Mission Boulevard Tax Allocation Note Issue would prevent the default of the Mission Boulevard Tax Allocation Note Issue of 2008. The repayment of the Tax Allocation Notes must be deposited with the Trustee for this note issue by May 16, 2012. This action would be subject to the review and approval of the Oversight Board, County of San Bernardino, and the Department of Finance.

The repayment of the notes with Project Area funds would not affect the ability of the Successor Agency from making the payments listed on the Recognized Payment Obligation Schedule.

RECOMMENDATION: Staff recommends the City Council, as Successor to the City of Montclair Redevelopment Agency, consider the appropriation of former Redevelopment Agency project funds and the use of unspent Mission Boulevard Joint Redevelopment Project Area Tax Allocation Notes of 2008 to defease the Mission Boulevard Joint Redevelopment Project Area Tax Allocation Notes of 2008 subject to the approval of the appropriate local and state agencies.

AGENDA REPORT

SUBJECT: CONSIDER ADOPTION OF CITY OF MONTCLAIR SPEED HUMP POLICY GUIDELINES

DATE: May 7, 2012

SECTION: ADMIN. REPORTS

ITEM NO.: 3

FILE I.D.: TRC650

DEPT.: PUBLIC WORKS

REASON FOR CONSIDERATION: Over the past several years, the City has received numerous requests for the installation of speed bumps and speed humps on public streets, asked with the intent of slowing down vehicles. Each request has been handled on a case-by-case basis. Rather than continuing to address each request individually, staff recommends policy guidelines be established similar to other cities.

BACKGROUND: City staff frequently receives requests from residents for the installation of speed bumps or speed humps on City streets. The City currently has no policy regarding the installation of such devices to control speed. Each request is brought to the Public Works Committee for discussion. The last speed humps installed on a public street in Montclair was in 2000. They are located on San Bernardino Court between Mills Avenue and San Bernardino Street. There are also a few alleys that have had speed bumps or speed humps installed in the past.

Speed humps, if properly designed and installed, can be effective in reducing the average speed on a street. Studies have shown the actual speed when crossing a hump is between 15 and 20 miles per hour and between properly spaced humps is 25 to 30 miles per hour. The average speed for the entire length of street is approximately 25 miles per hour. Without the speed humps, the average speed might be closer to 30 miles per hour.

Speeding problems on most local streets are not caused by the majority of drivers. It is only a few drivers that consistently travel ten or more miles per hour over the speed limit. Depending upon the vehicle type, speed humps may not be effective in slowing them.

Speed humps are preferred over speed bumps. Standard speed humps are approximately 12 feet long. This length is longer than the average 10-foot wheelbase length for most cars. This length allows the driver to maintain control while passing over the hump and limits high centering or bottoming out.

Agencies allowing speed humps typically consider several factors. These factors include street classification, posted or prima facia speed, traffic volumes, number of lanes, street grades, roadway alignment, and potential impacts to emergency response equipment. These factors have been considered in developing guidelines for the installation of speed humps and are explained in more detail in the attached Policy Guidelines.

Prepared by: _____ Reviewed and Approved by: _____

Proofed by: _____ Presented by: _____

The Policy Guidelines also include an application process. The process starts with a written request to the City Engineer. The City Engineer would determine if the criteria for speed humps are met, not including a speed survey. The Police and Fire Departments will also review the application. If the criteria are met, and assuming there are no objections from the Police and Fire Departments, the applicant will be provided with a petition prepared by the City Engineer to circulate for signature within the block being considered. The petition must be signed by at least 67 percent of the residents on the street. After the petition has been circulated and the required number of signatures obtained, the City Engineer will then conduct a speed survey. The results will be reported to the applicant, petitioners, and Public Works Committee. If the Committee concurs that the criteria has been met and approves the request, it will forward the recommendation to the City Council for approval. If the Committee denies the request, the applicant and petitioners may appeal directly to the City Council within ten days. If the City Council approves the request, it shall also appropriate the necessary funds to install the speed humps.

Once speed humps have been installed, the City will be responsible for their maintenance. Should street conditions change and the City Engineer determines the speed humps should be removed, the residents would be notified of the need and the City would bear the cost of removal. Should the residents or future residents of any street where speed humps have previously been installed request, by the same 67 percent majority, that they be removed, the cost of removal shall be borne by the residents.

The City of Montclair Speed Hump Policy Guidelines were presented to the Public Works Committee for discussion at its February 16, 2012 meeting. After further discussion of the Guidelines at its April 19, 2012, meeting, the Committee recommended the City Council adopt the Guidelines as attached.

FISCAL IMPACT: There would be no fiscal impact to the City in adopting a policy regarding the installation of speed humps. Should the policy be adopted, requests for speed humps would be considered under the guidelines; and if all guidelines are met, a speed hump could be installed. Installation costs would be between $1,000 and $2,000 each.

RECOMMENDATION: Staff recommends the City Council adopt City of Montclair Speed Hump Policy Guidelines.

CITY OF MONTCLAIR SPEED HUMP POLICY GUIDELINES

It shall be the City of Montclair's policy to install speed humps when requested, subject to following criteria and guidelines:

Street Classification
Speed humps shall only be used on local residential streets where the primary street function is to provide access to abutting residential properties. The suitability of a particular street for the installation of speed humps will be determined on a case-by-case basis. Local residential streets shall be improved and have curbs or curbs and gutters on both sides of the street. Speed humps shall not be installed on collector, industrial, or arterial streets, or streets having two or more travel lanes in each direction.

Street Length
Speed humps shall not be installed on relatively short streets or cul-de-sacs less than 750 feet long, and shall be installed on logical segments and with logical spacing.

Vehicular Speed
Streets eligible for speed humps shall have a prima facia speed limit and/or posted speed limit of 25 miles per hour as determined in accordance with state law. At least 15% of drivers, based on a speed survey, shall be driving at a speed greater than 30 miles per hour.

Vehicular Volumes
The street shall have an average daily traffic volume of at least 1,000 but less than 3,500 vehicles per day.

Street Use and Lanes
The street shall be no more than one lane in each direction, shall not be a truck or transit route, and shall not provide primary access to a fire station or medical facility served by paramedic or ambulance units.

Street Grade
Speed humps shall not be constructed on streets having a continuous grade in excess of 5%.

Roadway Alignment
Speed humps will only be considered for installation on local residential streets determined by the Engineering Division to have adequate vertical and horizontal alignment, including sight distances to safely accommodate speed humps and required signing. Centerline curve radius shall be 300 feet or more. Speed humps shall not be installed within 100 feet or an intersection, 150 feet of a horizontal curve, or 20 feet of a drive approach.

Police and Fire Departments Approval
Installation of speed humps shall require approval from both Police and Fire Departments.

PROPOSED APPLICATION PROCEDURES

Anyone requesting speed humps be installed on City streets or alleys shall follow the application process outlined below.

1. The applicant requesting speed hump installation shall submit a written request for installation to the City Engineer. The applicant shall specify the street and nearest intersecting collector or arterial streets. The City Engineer shall evaluate the request with respect to physical and geometric requirements, and consistency with Speed Hump Policy Guidelines, exclusive of vehicular speed and volumes. The police and fire departments shall also review the application. If these requirements are not met, the applicant will be so advised. If the physical geometric requirements and Policy guidelines are met, the City Engineer will prepare the following:

    - A petition requesting speed humps containing the addresses of the residents affected;
    - A statement indicating the petitioners have no objections to speed humps or signs being located within the frontage of their residences;
    - A statement on the advantages and disadvantages of speed humps;
    - The possibility of alternative traffic control measures; and
    - A statement advising petitioners of the speed hump removal procedure and cost.

2. The applicant shall be responsible for circulating the petition and obtaining signatures of the affected residents. The petition shall have only one signature per address. The petition shall be returned to the City Engineer within 60 calendar days.

3. The petition must be signed by at least 67% of the residents on the subject street indicating their approval of the installation. The completed petition shall be returned to the City Engineer for verification.

4. The City Engineer will conduct a traffic study to determine if the speed and volume criteria are met.

5. Upon completion of the study, all affected residents shall be notified of the results of the traffic speed and volumes measurements, and a report made to the Public Works Committee of those results. The City Engineer, in his/her report to the Committee, shall verify that all criteria of the Speed Hump Policy Guidelines have been met and shall also identify and discuss alternative traffic control measures.

6. If the criteria are met and the Public Works Committee approves the request, the recommendation will be forwarded to the City Council for its decision. If the Public Works Committee denies the request, the applicant may appeal to the City Council within ten calendar days.

7. If the City Council approves the installation request, it shall also appropriate the funds necessary to install the speed humps. If any pavement resurfacing project is scheduled for the subject street within two years of approval, the speed hump installation may be delayed until that time.

8. In the public interest, the Public Works Committee or City Council may summarily deny the request to install speed humps on any street.

AGENDA REPORT

SUBJECT:	CONSIDER APPROVAL OF UPDATED LISTING OF DESIGNATED EMPLOYEES REQUIRED TO FILE STATEMENTS OF ECONOMIC INTERESTS	DATE:	May 7, 2012
		SECTION:	ADMIN. REPORTS
		ITEM NO.:	4
		FILE I.D.:	FPP150
		DEPT.:	ADMIN. SVCS.

REASON FOR CONSIDERATION: It is necessary to update the list of designated employees who are required to file Statements of Economic Interests to reflect changes in job responsibilities and titles.

BACKGROUND: The Political Reform Act requires every state and local government agency to review its Conflict of Interest Code biennially to determine if it is accurate or, alternatively, to amend the Code if necessary. The attached City of Montclair Conflict of Interest Code contains the requirement that all City Council Members, Planning Commissioners, City Manager, City Attorney, and designated employees responsible for managing public investments annually file Statements of Economic Interests. In addition, the Code requires that there be a listing of designated employees who, by job title, "make or participate in the making of governmental decisions which may foreseeably have a material effect on financial interests."

Recommended changes to the designated employees listing are as follows:

Additions:

Assistant Public Works Superintendent
Interim Finance Director
Police Captain
Project Manager
Senior Fire Inspector
Senior Recreation Supervisor

Deletions:

Redevelopment and Housing Associate

The recommended changes are reflected on the attached Exhibit A and, if approved, would become Exhibit A to the City's Conflict of Interest Code. Exhibit B, a listing of disclosure categories, is also part of the Conflict of Interest Code.

Prepared by:	Yvonne L Smith	Reviewed and Approved by:	[signature]
Proofed by:	Kathy Dalton	Presented by:	[signature]

FISCAL IMPACT: There is no fiscal impact associated with approval of an updated listing of designated employees.

RECOMMENDATION: Staff recommends the City Council approve an updated listing of designated employees required to file Statements of Economic Interests.

EXHIBIT A
CITY OF MONTCLAIR DESIGNATED EMPLOYEES

The persons in the following positions are deemed to be "Designated Employees" within the meaning of Government Code Section 72109 and Section 2 of this Conflict of Interest Code. These persons shall file appropriate disclosure statements pursuant to this Code:

Positions	*Disclosure Categories*
Accounting Specialist (Business License)	1,2,3,4
Accounting Supervisor	1,2,3,4
Administrative Analyst	1,2,3,4
Assistant Director of Human Services	1,2,3,4
Assistant Director of Redevelopment	1,2,3,4
Assistant Finance Director	1,2,3,4
Assistant Public Works Superintendent	1,2,3,4
Assistant Planner	1,2,3,4
Associate Planner	1,2,3,4
Benefits Coordinator	1,2,3,4
Building Inspector	1,2,3,4
Building Official	1,2,3,4
City Clerk	1,2,3,4
City Engineer	1,2,3,4
City Planner	1,2,3,4
Code Enforcement Officer	1,2,3,4
Deputy City Attorney	1,2,3,4
Deputy City Clerk	1,2,3,4
Deputy Fire Chief	1,2,3,4
Deputy Fire Marshal	1,2,3,4
Director of Administrative Services	1,2,3,4
Director of Community Development	1,2,3,4
Director of Redevelopment/Public Works	1,2,3,4
Economic Development Coordinator	1,2,3,4
Facilities and Grounds Superintendent	1,2,3,4
Fire Captain	1,2,3,4
Fire Chief	1,2,3,4
Fire Division Chief	1,2,3,4
Information Technology Supervisor	1,2,3,4
Interim Finance Director	1,2,3,4
Personnel Officer	1,2,3,4
Police Captain	1,2,3,4
Police Chief	1,2,3,4
Police Lieutenant	1,2,3,4
Police Records Supervisor	1,2,3,4
Project Manager	1,2,3,4
Public Works Inspector	1,2,3,4
Public Works Superintendent	1,2,3,4
Senior Building Inspector	1,2,3,4
Senior Code Enforcement Officer	1,2,3,4
Senior Fire Inspector	1,2,3,4
Senior Recreation Supervisor	1,2,3,4

EXHIBIT B
DISCLOSURE CATEGORIES

Category 1 Relates to a reportable interest in investments and real property as defined in Sections 7(A) and 7(E) of this Code.

Category 2 Relates to a reportable interest in sources of income and gifts as defined in Section 7(B) of this Code.

Category 3 Relates to a reportable interest in sources of income of a business entity as defined in Section 7(C) of this Code.

Category 4 Relates to a reportable interest in sources of income of each business entity in which a position of management is held, as defined in Section 7(D) of this Code.

CONFLICT OF INTEREST CODE FOR

CITY OF MONTCLAIR

The Political Reform Act, Government Code Sections 81000, *et seq.,* requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs Section 18730, which contains the terms of a standard Conflict of Interest Code that can be incorporated by reference and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of 2 Cal. Adm. Code of Regs Section 18730 and any amendments thereto duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendices in which officials and employees are designated and disclosure categories are set forth, constitute the Conflict of Interest Code of the City of Montclair.

Pursuant to Section 4(A) of the standard Code, designated employees, listed on Exhibit A, shall file Statements of Economic Interests with the City Clerk. These Statements shall be retained by the City Clerk.

The City Clerk shall make and retain copies of the Statements of City Council Members, City Administrator, City Attorney, and Planning Commissioners and forward the original of these Statements to the filing officer of the Fair Political Practices Commission.

(Regulations of the Fair Political Practices Commission, Title 2, Division 6 of the California Administrative Code)

18730. Provisions of Conflict of Interest Codes

(a) Incorporation by reference of the terms of this regulation, along with the designation of employees and the formulation of disclosure categories in the Exhibits referred to below constitute the adoption and promulgation of a Conflict of Interest Code within the meaning of Government Code Section 87300 or the amendment of a Conflict of Interest Code within the meaning of Government Code Section 87306 if the terms of this regulation are substituted for terms of a Conflict of Interest Code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 81000, *et seq.* The requirements of a Conflict of Interest Code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code Section 87100 and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a Conflict of Interest Code amended or adopted and promulgated pursuant to this regulation are as follows:

Section 1. Definitions

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. Code of Regs Sections 18100, *et seq.*) and any amendments to the Act or regulations, are incorporated by reference into this Conflict of Interest Code.

Section 2. Designated Employees

The persons holding positions listed in Exhibit A are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

Section 3. Disclosure Categories

This Code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section 87200 if they are designated in this Code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 87200, *et seq.* Such persons are governed by this Code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in Exhibit B specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her Statement of Economic Interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

Section 4. Statements of Economic Interests: Place of Filing

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body as provided by the code reviewing body in the agency's Conflict of Interest Code.

Section 5. Statements of Economic Interests: Time of Filing

(A) Initial Statements. All designated employees employed by the City of Montclair on the effective date of this Code, as originally adopted, promulgated, and approved by the code reviewing body, shall file Statements

within 30 days after the effective date of this Code. Thereafter, each person already in a position when it is designated by an amendment to this Code shall file an initial Statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this Code shall file Statements within 30 days after assuming the designated positions.

(C) Annual Statements. All designated employees shall file Statements no later than April 1 of each year.

(D) Leaving Office Statements. All persons who leave designated positions shall file Statements within 30 days after leaving office.

Section 6. Contents of and Period Covered by Statements of Economic Interests

(A) Contents of Initial Statements. Initial Statements shall disclose any reportable investments, interests in real property, and business positions held on the effective date of the Code. In addition, income (including loans, gifts, and travel payments) received during the 12 months prior to the effective date of the Code.

(B) Contents of Assuming Office Statements. Assuming Office Statements shall disclose any reportable investments, interests in real property, and business positions held on the date you assumed the office. In addition, income (including loans, gifts, and travel payments) received during the 12 months prior to the date you assumed the office or position.

(C) Contents of Annual Statements. Annual Statements shall disclose any reportable investments, interests in real property, business positions held, and income (including loans, gifts, and travel payments) received during the period covered by the Statement.

(D) Contents of Leaving Office Statements. Leaving Office Statements shall disclose reportable investments, interests in real property, business positions held, and income (including loans, gifts, and travel payments) received during the period covered by the Statement.

Section 7. Manner of Reporting

Statements of Economic Interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the City Clerk and shall contain the following information:

(A) Investments and Real Property Disclosure. When an investment or an interest in real property is required to be reported, the Statement shall contain the following:

1. A statement of the nature of the investment or interest.

2. The name of the business entity in which each investment is held and a general description of the business activity in which the business entity is engaged.

3. The address or other precise location of real property.

4. A statement whether the fair market value of the property exceeds two thousand dollars ($2,000), exceeds ten thousand dollars ($10,000), exceeds one hundred thousand dollars ($100,000), or exceeds one million dollars ($1,000,000).

(B) Personal Income Disclosure. When personal income is required to be reported, the statement shall contain:

1. The name and address of each source of income aggregating five hundred dollars ($500) or more in value or fifty dollars ($50) or more in value if the income was a gift and a general description of the business activity, if any, of each source.

2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars ($1,000) or less, greater than one thousand dollars ($1,000), or greater than ten thousand dollars ($10,000), or greater than one hundred thousand dollars ($100,000).

3. A description of the consideration, if any, for which the income was received.

4. In the case of a gift, the name, address, and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received.

5. In the case of a loan, the annual interest rate and the security, if any, given for the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported, the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity.

2. The name of every person from whom the business entity received payments if the filer's pro rata share of the gross receipts from such person was equal to or greater than ten thousand dollars ($10,000).

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management; a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an Annual or Leaving Office Statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the Statement, the Statement shall contain the date of acquisition or disposal.

Section 8. Disqualification

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediately family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth two thousand dollars ($2,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth two thousand dollars ($2,000) or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars ($500) or more in value provided to, received by, or promised to the designated employee within twelve (12) months prior to the time the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating four hundred twenty dollars ($420) or more in value

provided to, received by, or promised to the designated employee within twelve (12) months prior to the time the decision is made.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this Section.

Section 9. Manner of Disqualification

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest.

Section 10. Assistance of the Commission and Counsel

Any designated employee who is unsure of his or her duties under this Code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the attorney for his or her agency, provided that nothing in this Section requires the attorney for the agency to issue any formal or informal opinion.

Section 11. Violations

This Code has the force and effect of law. Designated employees violating any provision of this Code are subject to the administrative, criminal, and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 - 91015. In addition, a decision in relation to which a violation of the disqualification provisions of this Code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

Endnotes

1. Designated employees who are required to file Statements of Economic Interests under any other agency's Conflict of Interest Code, or under Article 2 for a different jurisdiction, may expand their Statement of Economic Interests to cover reportable interests in both jurisdictions and file copies of this expanded Statement with both entities in lieu of filing separate and distinct Statements, provided that each copy of such expanded Statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Government Code Section 81004.

2. See Government Code Section 81010 and 2 Cal. Code of Regs Section 18115 for the duties of filing officers and persons in agencies who make and retain copies of Statements and forward the originals to the filing officer.

3. For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

4. Investments and interests in real property which have a fair market value of less than two thousand dollars ($2,000) are not investments and interests in real property within the meaning of the Political Reform Act; however, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse, and dependent children own, in the aggregate, a direct, indirect, or beneficial interest of 10 percent or greater.

5. A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local, or federal government agency.

6. Income of a business entity is reportable if the direct, indirect, or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

AGENDA REPORT

SUBJECT:	CONSIDER APPROVAL OF WARRANT REGISTER AND PAYROLL DOCUMENTATION	**DATE:**	May 7, 2012
		SECTION:	ADMIN. REPORTS
		ITEM NO.:	5
		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 May 7, 2012, and Payroll Documentation dated March 25, 2012; finds them to be in order; and recommends their approval.

FISCAL IMPACT: The Warrant Register dated May 7, 2012, totals $1,320,115.85. The Payroll Documentation dated March 25, 2012, totals $572,677.98, with $406,790.92 being the total cash disbursement.

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

Prepared by:	Yvonne L Smith	Reviewed and Approved by:	
Proofed by:	Kathy Dalton	Presented by:	

AGENDA REPORT

SUBJECT: CONSIDER CITY COUNCIL, ACTING AS SUCCESSOR TO THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY BOARD OF DIRECTORS, ADOPTION OF RESOLUTION NO. 12-05 ADOPTING A RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR JULY 1, 2012, THROUGH DECEMBER 31, 2012, AND AUTHORIZING CERTAIN OTHER ACTIONS PURSUANT TO SECTION 34177 OF PART 1.85 OF THE HEALTH AND SAFETY CODE

DATE: May 7, 2012

SECTION: RESOLUTIONS

ITEM NO.: 1

FILE I.D.: RDA050

DEPT.: SUCCESSOR RDA

REASON FOR CONSIDERATION: Pursuant to the terms of ABX1 26 and its subsequent affirmation by the California Supreme Court, the Court advanced a schedule for the elimination of redevelopment agencies and for the submittal of documents related to the dissolution action. The Final Recognized Obligation Payment Schedule (ROPS) for the period from July 1, 2012 through December 31, 2012 must be submitted to the State and County for consideration by May 15, 2012.

The City Council, acting as the successor to the City of Montclair Redevelopment Agency, is requested to adopt proposed Resolution No. 12-05 adopting the ROPS for the period from July through December 2012. A copy of the ROPS is attached to proposed Resolution No. 12-05.

BACKGROUND: ABX1 26 added Parts 1.8 and 1.85 to Division 24 of the Health and Safety Code that caused the dissolution of all California redevelopment agencies. The California Supreme Court's decision in *California Redevelopment Association, et al., v. Matosantos* upheld ABX1 26. On January 12, 2012, the City Council elected to become the "Successor Agency" to the City of Montclair Redevelopment Agency. On February 1, 2012, the Agency was dissolved and the City began to serve as the Successor Agency. As a successor agency, the City is required to administer the enforceable obligations of the Agency and unwind the Agency's affairs, all subject to review and approval by the Oversight Board. Prior to its dissolution and pursuant to Part 1.8, the Agency adopted an original and an amended enforceable obligation payment schedule ("EOPS") and an initial recognized obligation payment schedule ("IROPS") for transmittal to the City (serving as Successor Agency), to the County Auditor-Controller, to the Department of Finance, and to the State Controller's Office.

On February 21, 2012, the City Council, acting as Successor Agency to the Redevelopment Agency, adopted the initial Recommended Obligation Payment Schedule. The ROPS sets forth the minimum payment amounts and due dates of payments required by enforceable obligations for each six-month fiscal period. The first ROPS concerned the period from January 1, 2012, through June 30, 2012. Each Successor Agency was to consider the ROPS

Prepared by: M. Stuart

Proofed by:

Reviewed and Approved by: M. Stuart

Presented by:

by March 1, 2012. The first ROPS was to be certified by an external auditor retained by the County, approved by the Oversight Board, and then submitted to the State and County by April 15, 2012. Staff submitted the ROPS to the State and County by April 15, 2012. However, the County has not yet retained audit staff to certify the ROPS, and the Oversight Board Members had not all been identified by the various taxing agencies in order to consider the document.

At this time, the Successor Agency is now requested to consider the ROPS for the period from July 1, 2012 through December 31, 2012, because the date established for the submittal of the document is May 15, 2012. Adoption of proposed Resolution No. 12-05 by the City Council acting as Successor Agency to the former Redevelopment Agency would approve the ROPS through the end of the calendar year. The Successor Agency is requested to approve proposed Resolution No. 12-05 with the understanding that the City Manager may make minor changes to the ROPS document prior to its submittal to the Oversight Board.

FISCAL IMPACT: The purpose of the ROPS is to identify payments that must be made to satisfy former Redevelopment Agency obligations from July 1, 2012 through December 31, 2012. The City of Montclair became the Successor Agency to assure payments would be made to satisfy former Redevelopment Agency obligations. The action to adopt proposed Resolution No. 12-05 would is a part of the process to allow the Successor Agency to receive property tax proceeds (once tax increment) to finance obligations associated with the former Redevelopment Agency.

RECOMMENDATION: Staff recommends the City Council, acting as successor agency to the City of Montclair Redevelopment Agency Board of Directors, adopt Resolution No. 12-05 adopting a Recognized Payment Obligation Schedule for July 1, 2012 through December 31, 2012, and authorize certain other actions pursuant to Section 34177 of Part 1.85 of the Health and Safety Code.

RESOLUTION NO. 12-05

A RESOLUTION OF THE CITY OF MONTCLAIR, ACTING AS SUCCESSOR TO THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY, ADOPTING A RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR JULY 1, 2012, THROUGH DECEMBER 31, 2012, AND AUTHORIZING CERTAIN OTHER ACTIONS PURSUANT TO SECTION 34177 OF PART 1.85 OF THE HEALTH AND SAFETY CODE

WHEREAS, the Montclair Redevelopment Agency ("Agency") was 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 ("City Council") of the City of Montclair ("City"); and

WHEREAS, the Agency was engaged in activities necessary and appropriate to carry out the Redevelopment Plans for (i) Redevelopment Project Area No. I adopted by Ordinance No. 78-461 on June 5, 1978, as amended; (ii) Redevelopment Project Area No. II adopted by Ordinance No. 79-479 on June 5, 1979, as amended; (iii) Redevelopment Project Area No. III adopted by Ordinance No. 83-569 on July 5, 1983, as amended; (iv) Redevelopment Project Area No. IV adopted by Ordinance No. 82-538 on July 6, 1982, as amended; (v) Redevelopment Project Area No. V adopted by Ordinance No. 86-623 on June 2, 1986, as amended; and (vi) the Mission Boulevard Joint Redevelopment Project Area adopted by City Ordinance No. 03-836 on July 7, 2003, and adopted by County of San Bernardino Ordinance No. 3895 on July 8, 2003 (collectively, the "Redevelopment Plans"); and

WHEREAS, since adoption of the Redevelopment Plans, the Agency undertook redevelopment projects in the Project Areas to eliminate blight, to improve public facilities and infrastructure, to renovate and construct affordable housing, and to generate employment opportunities within the community; and

WHEREAS, Parts 1.8 and 1.85 of Division 24 of the Health and Safety Code were added to the CRL by ABX1 26, which laws caused the dissolution and wind down of all redevelopment agencies ("Dissolution Act"); and

WHEREAS, on December 29, 2011, in the petition *California Redevelopment Association v. Matosantos*, Case No. S194861, the California Supreme Court upheld the Dissolution Act and thereby all redevelopment agencies in California were dissolved as of and on February 1, 2012, under the dates in the Dissolution Act that were reformed and extended thereby ("Supreme Court Decision"); and

WHEREAS, the Agency is now a dissolved community redevelopment agency pursuant to the Dissolution Act; and

WHEREAS, by a Resolution considered and approved by the City Council at an open public meeting the City chose to become and serve as the "Successor Agency" to the dissolved Agency under the Dissolution Act; and

WHEREAS, as of and after February 1, 2012, and as the "Successor Agency," the City will perform its functions as the successor agency under the Dissolution Act to administer the enforceable obligations of the Agency and otherwise unwind the Agency's affairs, all subject to the review and approval by a seven-member Oversight Board formed thereunder; and

WHEREAS, under Part 1.8 of the Dissolution Act, the Agency, prior to its dissolution, adopted an original and an amended enforceable obligation payment schedules ("EOPS") and authorized the City Manager or authorized designee to augment or modify the EOPS and transmitted the EOPS to the City (to be serving as Successor Agency) and to the County Auditor-Controller, the Department of Finance and the State Controller's Office; and

WHEREAS, under Part 1.8 of the Dissolution Act, the Agency, prior to its dissolution, adopted an initial recognized payment schedule ("IROPS") and authorized the City Manager or authorized designee to augment or modify the IROPS and transmitted such IROPS to the City (to be serving as Successor Agency) and to the County Auditor-Controller, the Department of Finance and the State Controller's Office the City, serving as Successor Agency; and

WHEREAS, pursuant Part 1.85 of the Dissolution Act, Section 34171(g), a "Recognized Obligation Payment Schedule" means the document setting forth the minimum payment amounts and due dates of payments required by enforceable obligations for each six-month fiscal period as provided in subdivision (m) of Section 34177; and

WHEREAS, pursuant to the dates in the Dissolution Act, Section 34177(k), as reformed by the Supreme Court Decision, every successor agency was required to consider and adopt a Recognized Obligation Payment Schedule by March 1, 2012; and

WHEREAS, pursuant to the dates in the Dissolution Act as reformed by the Supreme Court Decision, every successor agency is required to consider and adopt a Recognized Obligation Payment Schedule for the period from July 1, 2012, through December 31, 2012, by May 15, 2012; and

WHEREAS, the City as Successor Agency has prepared its second Recognized Obligation Payment Schedule ("ROPS"), appended as Attachment No. 1 to this Resolution and incorporated herein by this reference; and

WHEREAS, by this Resolution, the City Council, serving as and on behalf of the Successor Agency, approves the ROPS and authorizes the transmittal of the ROPS to the Oversight Board; and

WHEREAS, pursuant to Section 34177 a copy of the ROPS also is submitted to the County Auditor-Controller for review and certification, as to its accuracy, by an external auditor designated pursuant to Section 34182; and

WHEREAS, pursuant to Section 34177 a copy of the ROPS also is submitted to the State Controller's Office and the Department of Finance and shall be posted on the Successor Agency's Internet Web site.

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

Section 1. The foregoing Recitals are incorporated into this Resolution by this reference and constitute a material part of this Resolution.

Section 2. The ROPS for the period from July 1, 2012, through December 31, 2012, is approved together with such augmentation, modification, additions, or revisions as the City Manager or authorized designees may make thereto.

Section 3. The City Manager or his authorized designees on behalf of the Successor Agency shall cause the ROPS to be transmitted to the Oversight Board and to be transmitted to the County Auditor-Controller, the State Controller's Office, and the Department of Finance; further, the City Manager or his authorized designees on behalf of the Successor Agency shall cause the ROPS to be posted on the City's website.

Section 4. This Resolution shall be effective immediately upon adoption.

Section 5. The Deputy City Clerk acting as Successor to the Agency Secretary shall certify to the adoption of this Resolution.

APPROVED AND ADOPTED this XX day of XX 2012.

_____
Chairman

ATTEST:

_____
Secretary

I, Yvonne L. Smith, Secretary of the Successor Agency, DO HEREBY CERTIFY that Resolution No. 12-05 was duly adopted by the Successor Agency Board of Directors at a regular meeting thereof held on the XX day of XX, 2012, and that it was adopted by the following vote, to-wit:

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

_____
Yvonne L. Smith
Secretary

RECOGNIZED OBLIGATION PAYMENT SCHEDULE - CONSOLIDATED
FILED FOR THE JULY to DEC 2012 PERIOD

Name of Successor Agency City of Montclair as Successor Agency for the City of Montclair Redevelopment Agency

	Current	
	Total Outstanding Debt or Obligation	**Total Due During Fiscal Year**
Outstanding Debt or Obligation	$ 96,477,468.87	$ 15,503,363.26
	Total Due for Six Month Period	
Outstanding Debt or Obligation	$ 14,126,200.44	
Available Revenues other than anticipated funding from RPTTF	$ 1,165,547.26	
Enforceable Obligations paid with RPTTF	$ 12,487,109.10	
Administrative Cost paid with RPTTF	$ 473,544.08	
Pass-through Payments paid with RPTTF	$ -	
Administrative Allowance (greater of 3% of anticipated Funding from RPTTF or 250,000. Note: Calculation should not include pass-through payments made with RPTTF. The RPTTF Administrative Cost figure above should not exceed this Administrative Cost Allowance figure)	$ 374,613.27	

Certification of Oversight Board Chairman:
Pursuant to Section 34177(l) of the Health and Safety code,
I hereby certify that the above is a true and accurate Recognized Enforceable Payment Schedule for the above named agency.

Bill Ruh	**Chairperson**
Name	Title
Signature	Date

Name of Redevelopment Agency: Successor Agency for the City of Montclair Redevelopment Agency

Project Area(s): RDA Project Area All

FORM A - Redevelopment Property Tax Trust Fund (RPTTF)

RAFT RECOGNIZED OBLIGATION PAYMENT SCHEDULE
Per AB 26 - Section 34177 (*)

	Project Name / Debt Obligation	Contract/Agreement Execution Date	Payee	Description	Project Area	Total Outstanding Debt or Obligation	Total Due During Fiscal Year 2012-2013**	*** Funding Source	Payable from the Redevelopment Property Tax Trust Fund (RPTTF) Payments by month Jul 2012	Aug 2012	Sep 2012	Oct 2012	Nov 2012	Dec 2012	Total
1	1997 Taxable Tax Allocation Bonds	11/01/97	Bank of New York Mellon	Bond Issue to Fund Non-Housing Projects	Project Area 1	306,540.00	32,010.00	RPTTF			23,820.00			8,190.00	$ 32,010.00
2	2007A Tax Allocation Refunding Bonds	09/27/07	Bank of New York Mellon	Bond Issue to Fund Non-Housing Projects	Project Area 3	40,003,175.11	1,574,268.75	RPTTF		1,039,893.75				534,375.00	$ 1,574,268.75
3	2007B Taxable Tax Allocation Bonds	09/27/07	Bank of New York Mellon	Bond Issue to Fund Non-Housing Projects	Project Area 3	4,724,600.75	301,052.25	RPTTF		214,641.75				86,410.50	$ 301,052.25
4	2004 Tax Allocation Bonds	02/23/04	Bank of New York Mellon	Bond Issue to Fund Non-Housing Projects	Project Area 4	7,278,112.50	365,175.00	RPTTF			253,987.50			111,187.50	$ 365,175.00
5	2001 Tax Allocation Bonds	07/06/01	Bank of New York Mellon	Bond Issue to Fund Non-Housing Projects	Project Area 5	14,303,385.00	758,585.00	RPTTF			530,480.00			228,105.00	$ 758,585.00
6	2006A Tax Allocation Bonds	06/16/06	Bank of New York Mellon	Bond Issue to Fund Non-Housing Projects	Project Area 5	11,968,585.75	563,099.00	RPTTF			368,984.75			194,114.25	$ 563,099.00
7	2006B Tax Allocation Bonds	06/16/06	Bank of New York Mellon	Bond Issue to Fund Non-Housing Projects	Project Area 5	6,053,287.50	155,800.00	RPTTF			77,900.00			77,900.00	$ 155,800.00
8	2008 Tax Allocation Notes	07/25/08	Bank of New York Mellon	Mission Blvd Notes Issue to Fund Non-Housing Projects	Project Area 6	8,190,000.00	8,271,900.00	RPTTF	8,271,900.00	(Notes will be in default and interest will run at 12% until paid)					$ 8,271,900.00
9	Employee Costs		Employees of Agency	Project Management Costs	All Areas	411,480.56	411,480.56	RPTTF	34,290.05	34,290.05	34,290.05	34,290.05	34,290.05	34,290.05	$ 205,740.30
10	Advertising for Bond costs	As needed	Source Media	Publication of Bond Call Notice	All Areas	4,500.00	9,000.00	RPTTF						4,500.00	$ 4,500.00
11	Contract for Professional Service	Month to Month & or Project Completion	Southern California Landscape	Foundation Area 11 Required Repairs/Replacement	Project Area 3	20,000.00	20,000.00	RPTTF	20,000.00	****					$ 20,000.00
12	Contract for Legal Services	12/09/81	Stradling, Yocca, Carlson & Rauth	Agency Legal Services	All Areas	62,100.00	124,200.00	RPTTF	10,350.00	10,350.00	10,350.00	10,350.00	10,350.00	10,350.00	$ 62,100.00
13	Commercial Rehabilitation Loan Agreement	06/19/01	Jana Marie Campbell & Dennis Silletto	Commercial Rehabilitation Loan	Project Area 4	267,853.00	20,000.00	RPTTF	10,000.00						$ 10,000.00
14	Monument Sign Repairs	For project completion	Sign A Rama	Foundation Area 11 Required Repairs	Project Area 3	2,000.00	2,000.00	RPTTF	2,000.00	****					$ 2,000.00
15	Maintenance Contract	For project completion	Landmark Fence	Foundation Area 11 and 12 Required Repairs	Project Area 3	10,000.00	10,000.00	RPTTF	10,000.00	****					$ 10,000.00
16	Contract for Bond Trustee Service	Related to Bond issues above	Bank of New York Mellon	Annual Bond Trustee Fees/Costs	All Areas	19,300.00	19,300.00	RPTTF	-						$ -
17	Contract for Legal Services	10/02/07	Best Best & Krieger LLP	Agency Legal Services	Project Area 3	141,250.00	141,250.00	RPTTF	11,771.00	11,771.00	11,771.00	11,771.00	11,771.00	11,771.00	$ 70,626.00
18	Contract for Bond Services		Bondlogistix LLC	Bond Continuing Disclosure Services	All Areas	13,500.00	27,000.00	RPTTF		13,500.00					$ 13,500.00
19	Contract for Bond Services		Bondlogistix LLC	Bond Arbitrage Rebate Calculation Services	All Areas	10,500.00	21,000.00	RPTTF						10,500.00	$ 10,500.00
20	Contract for consulting services	03/20/08	Southern California Association of Governments	Cost to Participate in Compass 2 Percent Strategy Program	Project Area 3	25,000.00	25,000.00	RPTTF	25,000.00	****					$ 25,000.00
21	Contract for Safekeeping Services		First Tennessee Bank Safekeeping	Investment Safekeeping Services	Project Area 3	1,400.00	1,400.00	RPTTF		350.00			350.00		$ 700.00
22															$ -
23															$ -
24															$ -
25															$ -
26															$ -
27															$ -
28															$ -
29															$ -
30															$ -
31															$ -
32															$ -
	Totals - This Page (RPTTF Funding)					$ 93,839,530.17	$ 12,853,920.56	N/A	$ 8,395,311.05	$ 1,334,446.55	$ 1,311,583.30	$ 56,411.05	$ 56,761.05	$ 1,311,693.30	$ 12,466,206.30
	Totals - Additional Page (RPTTF Funding)					$ 41,205.00	$ 41,805.00	N/A	$ 3,483.79	$ 3,483.81	$ 3,483.80	$ 3,483.80	$ 3,483.80	$ 3,483.80	$ 20,902.80
	Totals - Page 2 (Other Funding)					$ 1,503,494.51	$ 1,503,786.51	N/A	$ 1,083,707.21	$ 15,907.21	$ 16,407.21	$ 15,907.21	$ 16,407.21	$ 17,211.21	$ 1,165,547.26
	Totals - Page 3 (Administrative Cost Allowance)					$ 1,093,236.19	$ 1,104,238.19	N/A	$ 101,924.01	$ 72,424.03	$ 82,924.01	$ 71,924.01	$ 72,424.01	$ 71,924.01	$ 473,544.08
	Totals - Page 4 (Pass Thru Payments)					$ 83,909,733.07	$ 3,123,972.00	N/A	$ -	$ -	$ 3,123,972.00	$ -	$ -	$ -	$ 3,123,972.00
	Grand total - All Pages					$ 96,477,468.87	$ 15,903,363.26		$ 9,584,426.06	$ 1,426,261.60	$ 1,414,398.32	$ 147,726.07	$ 149,076.07	$ 1,404,312.32	$ 17,250,172.44

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** All totals due during fiscal year and payment amounts are projected.

*** Funding sources from the successor agency: (For fiscal 2011-12 only, references to RPTTF could also mean tax increment allocated to the Agency prior to February 1, 2012.)

**** If not previously paid.

RPTTF - Redevelopment Property Tax Trust Fund

LMIHF - Low and Moderate Income Housing Fund

Bonds - Bond proceeds

Admin - Successor Agency Administrative Allowance

Other - reserves, rents, interest earnings, etc

[ ] Payments required to be made in the first six months of the next calendar year.

Name of Redevelopment Agency: Agency for the City of Montclair Redevelopment Agency

Project Area(s) RDA Project Area All

FORM A - Redevelopment Property Tax Trust Fund (RPTTF)

RECOGNIZED OBLIGATION PAYMENT SCHEDULE
Per AB 26 - Section 34177 (*)

	Project Name / Debt Obligation	Contract/Agreement Execution Date	Payee	Description	Project Area	Total Outstanding Debt or Obligation	Total Due During Fiscal Year 2012-2013**	*** Funding Source	Payable from the Redevelopment Property Tax Trust Fund (RPTTF) Payments by month						
									Jul 2012	Aug 2012	Sep 2012	Oct 2012	Nov 2012	Dec 2012	Total
1)	Rent of Office Space	05/18/07	Montclair Town Center LLC	Office Rent	Proj Area 1, 3, 4, 5	25,606.00	25,606.00	RPTTF	2,133.80	2,133.80	2,133.80	2,133.80	2,133.80	2,133.80	$ 12,802.80
2)	Contract for Professional Services	01/03/12	Donald Parker, CPA	Financial Oversight Services/Replace Finance Director	All Areas	10,000.00	10,000.00	RPTTF	833.34	833.34	833.33	833.33	833.33	833.33	$ 5,000.00
3)	Office Supplies		Staples/Office Depot	Office Supplies	All Areas	600.00	1,200.00	RPTTF	100.00	100.00	100.00	100.00	100.00	100.00	$ 600.00
4)	Contract for Legal Services	03/01/03	Robbins and Holdaway	Legal Services	All Areas	5,000.00	5,000.00	RPTTF	416.65	416.67	416.67	416.67	416.67	416.67	$ 2,500.00
5)															$ -
6)															$ -
7)															$ -
8)															$ -
9)															$ -
10)															$ -
11)															$ -
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26)															$ -
27)															$ -
28)															$ -
29)															$ -
30)															$ -
31)															$ -
32)															$ -
	Totals - This Page (RPTTF Funding)					41,206.00	$ 41,806.00	N/A	$ 3,483.79	$ 3,483.81	$ 3,483.80	$ 3,483.80	$ 3,483.80	3,483.80	$ 20,902.80

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** All totals due during fiscal year and payment amounts are projected.

Payments required to be made in the first six months of the next fiscal year.

*** Funding sources from the successor agency: (For fiscal 2011-12 only, references to RPTTF could also mean tax increment allocated to the Agency prior to February 1, 2012.)

RPTTF - Redevelopment Property Tax Trust Fund
Bonds - Bond proceeds
Other - reserves, rents, interest earnings, etc
LMIHF - Low and Moderate Income Housing Fund
Admin - Successor Agency Administrative Allowance

Name of Redevelopment Agency: City of Montclair as Successor Agency for the City of Montclair Redevelopment Agency

Project Area(s) RDA Project Area All

FORM B - All Revenue Sources Other Than Redevelopment Property Tax Trust Fund (RPTTF)

AFT RECOGNIZED OBLIGATION PAYMENT SCHEDULE
Per AB 26 - Section 34177 (*)

	Project Name / Debt Obligation	Contract/Agreement Execution Date	Payee	Description	Project Area	Total Outstanding Debt or Obligation	Total Due During Fiscal Year 2012-2013**	Funding Source ***	Payable from Other Revenue Sources Payments by month Jul 2012	Aug 2012	Sep 2012	Oct 2012	Nov 2012	Dec 2012	Total
1)	Rehabilitation Loan Agreements	06/20/11	Montclair Housing Corporation	Rehabilitation Loan for Replacement Housing / Other	All Areas	1,000,000.00	1,000,000.00	LMIHF	1,000,000.00	****					$ 1,000,000.0
2)	Housing Improvement Costs	06/21/11	Neighborhood Partersh p Housing	Safe Homes for Seniors Costs	All Areas	4,000.00	4,000.00	LMIHF	4,000.00	****					$ 4,000.0
3)	Housing Improvement Loans	06/21/11	Neighborhood Partership Housing	Single Family Housing Rehabilitation Loans	All Areas	270,000.00	270,000.00	LMIHF	30,000.00	****					$ 30,000.0
4)	Homebuyers Assistance Program Agreement	12/20/93	US Bank	Shared Appreciation Costs on Homebuyer Assistance Program	Project Area 4 & 5	2,000.00	2,000.00	LMIHF							$ 1,000.0
5)	Homebuyers Assistance Program Agreement	12/20/93	US Bank	Homebuyer Assistance Program Servicing Fees	Project Area 4 & 5	304.00	608.00	LMIHF						1,000.00	$ 304.0
6)	Contract for Professional Service	Month to Month	Landscape Maintenance Unlimited	Asset Maintenance	Project Area 5	4,000.00	4,000.00	LMIHF	333.00	333.00	333.00	333.00	333.00	304.00	$ 1,998.0
7)	Employee Costs		Employees of Agency	Affordability Monitoring & Project Mgmt Costs	All Areas	136,490.51	136,490.51	LMIHF	11,374.21	11,374.21	11,374.21	11,374.21	11,374.21	333.00	$ 68,245.2
8)	Contract Legal Services	12/09/81	Stradling, Yocca, Carlson & Rauth	Legal Services	All Areas	48,000.00	48,000.00	LMIHF	4,000.00	4,000.00	4,000.00	4,000.00	4,000.00	11,374.21	$ 24,000.0
9)	Office Supplies		Staples/Office Depot	Office Supplies	All Areas	400.00	400.00	LMIHF	33.34	33.34	33.33	33.33	33.33	4,000.00	$ 200.0
10)	Contract Legal Services	03/01/03	Robbins and Holdaway	Legal Services	All Areas	2,000.00	2,000.00	LMIHF	166.66	166.66	166.67	166.67	166.67	33.33	$ 1,000.0
11)	Maintenance Contract		Buchbinder Maintenance	Vandalism Repairs	Project Area 5	3,000.00	3,000.00	LMIHF	500.00		500.00		500.00	166.67	$ 1,500.0
12)	Housing Improvement Fees	06/21/11	Neighborhood Partership Housing	Service Fees for Grants	All Areas	3,300.00	3,300.00	LMIHF	3,300.00	****					$ 3,300.0
13)	Housing Improvement Fees	06/21/11	Neighborhood Partership Housing	Service Fees for Loans	All Areas	30,000.00	30,000.00	LMIHF	30,000.00	****					$ 30,000.0
14)															$ -
15)															$ -
16)															$ -
17)															$ -
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31)															$ -
32)															$ -
33)															$ -
	Totals - LMIHF					$ 1,503,494.51	$ 1,503,798.51		$ 1,083,707.21	$ 15,907.21	$ 16,407.21	$ 15,907.21	$ 16,407.21	$ 17,211.21	$1,165,547.26
	Totals - Bond Proceeds														$0.00
	Totals - Other														$0.00
	Grand total - This Page					$ 1,503,494.51	$ 1,503,798.51		$ 1,083,707.21	$ 15,907.21	$ 16,407.21	$ 15,907.21	$ 16,407.21	$ 17,211.21	$ 1,165,547.26

* The Preliminary Draft Recognized Obligation Payment Schedule (ROPS) is to be completed by 3/1/2012 by the successor agency, and subsequently be approved by the oversight board before the final ROPS is submitted to the State Controller and State Department of Finance by April 15, 2012. It is not a requirement that the Agreed Upon Procedures Audit be completed before submitting the final Oversight Approved ROPS to the State Controller and State Department of Finance.

** All total due during fiscal year and payment amounts are projected.

*** Funding sources from the successor agency: (For fiscal 2011-12 only, references to RPTTF could also mean tax increment allocated to the Agency prior to February 1, 2012.)

****If not previously paid.

RPTTF - Redevelopment Property Tax Trust Fund
LMIHF - Low and Moderate Income Housing Fund
Bonds - Bond proceeds
Admin - Successor Agency Administrative Allowance
Other - reserves, rents, interest earnings, etc

Name of Redevelopment Agency: City of Montclair as Successor Agency for the City of Montclair Redevelopment Agency

Project Area(s) RDA Project Area All

FORM C - Administrative Cost Allowance Paid With Redevelopment Property Tax Trust Fund (RPTTF)

DRAFT RECOGNIZED OBLIGATION PAYMENT SCHEDULE
Per AB 26 - Section 34177 (*)

	Project Name / Debt Obligation	Payee	Description	Project Area	Total Outstanding Debt or Obligation	Total Due During Fiscal Year 2012-2013**	Funding Source ***	Payable from the Administrative Allowance Allocation **** Payments by month						
								Jul 2012	Aug 2012	Sep 2012	Oct 2012	Nov 2012	Dec 2012	Total
1)	Employee Costs	Employees of Agency / Successor Agency	Payroll for Employees	All Areas	381,355.11	381,355.11	Admin	31,779.59	31,779.59	31,779.59	31,779.59	31,779.59	31,779.59	$ 190,677.54
2)	Contract for Legal Services	Robbins & Holdaway	Legal Services	All Areas	20,000.00	20,000.00	Admin	1,667.00	1,667.00	1,667.00	1,667.00	1,667.00	1,667.00	$ 10,002.00
3)	Agency Vocational Training Costs	League of California Cities	Successor Agency Vocational Training	All Areas	1,000.00	2,000.00	Admin			1,000.00				$ 1,000.00
4)	Agency Insurance Costs	Kessler-Alair Insurance Services	Public Employee's Bond	All Areas	175.00	175.00	Admin	14.50	14.50	14.50	14.50	14.50	14.50	$ 87.00
5)	Agency Delivery Service	Federal Express Corp	Delivery Service	All Areas	500.00	500.00	Admin	41.67	41.67	41.67	41.67	41.67	41.67	$ 250.02
6)	Contract for Professional Service	Hdl Coren & Cone	Pass Through Calculations	All Areas	10,000.00	20,000.00	Admin			10,000.00				$ 10,000.00
7)	Contract for Professional Service	Donald Parker, CPA	Financial Oversight Services	All Areas	40,000.00	40,000.00	Admin	3,333.34	3,333.34	3,333.33	3,333.33	3,333.33	3,333.33	$ 20,000.00
8)	Contract for Legal Services	Stradling, Yocca, Carlson & Rauth	Legal Services	All Areas	120,000.00	120,000.00	Admin	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	$ 60,000.00
9)	Office Supplies	Staples/Office Depot	Office Supplies	All Areas	400.00	400.00	Admin	33.34	33.34	33.33	33.33	33.33	33.33	$ 200.00
10)	Agency Insurance Costs	California Insurance Pool Authority	General Liability Insurance	All Areas	194,916.00	194,916.00	Admin	605.00	605.00	605.00	605.00	605.00	605.00	$ 3,630.00
11)	Agency Insurance Costs	California Insurance Pool Authority	Earthquake/Flood Insurance	All Areas	9,248.00	9,248.00	Admin	771.00	771.00	771.00	771.00	771.00	771.00	$ 4,626.00
12)	Agency Insurance Costs	Kessler-Alair Insurance Services	Fire Insurance	All Areas	1,753.00	1,753.00	Admin	146.00	146.00	146.00	146.00	146.00	146.00	$ 876.00
13)	Overhead Costs	City of Montclair	Overhead Utility Costs	All Areas	31,926.00	31,926.00	Admin	2,660.50	2,660.50	2,660.50	2,660.50	2,660.50	2,660.50	$ 15,963.00
14)	Employee Costs	City of Montclair	Indirect Staff Charges	All Areas	215,484.00	215,484.00	Admin	17,957.00	17,957.00	17,957.00	17,957.00	17,957.00	17,957.00	$ 107,742.00
15)	Retirement Costs	City of Montclair	Retiree Persion and Benefits	All Areas	34,481.08	34,481.08	Admin	2,873.42	2,873.42	2,873.42	2,873.42	2,873.42	2,873.42	$ 17,240.52
16)	Member Fee	Gold Line Construction Authority	Gold Line Membership	Project Area 3	30,000.00	30,000.00	RPTTF	30,000.00	****					$ 30,000.00
17)	Contract for Professional Service	First American Data Tree	Property Search Services	Project Area 3	1,500.00	1,500.00	RPTTF		500.00			500.00		$ 1,000.00
18)	Agency Delivery Service	Federal Express	Delivery Service	All Areas	500.00	500.00	RPTTF	41.65	41.67	41.67	41.67	41.67	41.67	$ 250.00
19)														$ -
20)														$ -
21)														$ -
22)														$ -
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														$ -
	Totals - This Page				$ 1,093,238.19	$ 1,104,238.19		$ 101,924.01	$ 72,424.03	$ 82,924.01	$ 71,924.01	$ 72,424.01	$ 71,924.01	$473,544.08

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** All total due during fiscal year and payment amounts are projected.

*** Funding sources from the successor agency: (For fiscal 2011-12 only, references to RPTTF could also mean tax increment allocated to the Agency prior to February 1, 2012.)

RPTTF - Redevelopment Property Tax Trust Fund
Bonds - Bond proceeds
Other - reserves, rents, interest earnings, etc
LMIHF - Low and Moderate Income Housing Fund
Admin - Successor Agency Administrative Allowance

**** - Administrative Cost Allowance caps are 5% of Form A 6-month totals in 2011-12 and 3% of Form A 6-month totals in 2012-13. The calculation should not factor in pass through payments paid for with RPTTF in Form D.

***** - If not previously paid.

Name of Redevelopment Agen City of Montclair as Successor Agency for the City of Montclair Redevelopment Agency

Project Area(s) RDA Project Area All

FORM D - Pass-Through Payments

OTHER OBLIGATION PAYMENT SCHEDULE
Per AB 26 - Section 34177 (*)

	Project Name / Debt Obligation	Payee	Description	Project Area	Total Outstanding Debt or Obligation	Total Due During Fiscal Year 2011-2012**	Source of Fund***	Pass Through and Other Payments **** Payments by month						
								Jul 2012	Aug 2012	Sep 2012	Oct 2012	Nov 2012	Dec 2012	Total
1)	Statutory Payments	Chaffey Community College	Payments per CRL 33607.5 and .7	Proj Area 1, 4, MB	37,257.00	37,257.00	RPTTF			37,257.00				$ 37,257.00
2)	Statutory Payments	Chaffey Joint Union High School	Payments per CRL 33607.5 and .7	Proj Area 1, 4, MB	135,774.00	135,774.00	RPTTF			135,774.00				$ 135,774.00
3)	Statutory Payments	Chino Basin Water Conservation District	Payments per CRL 33607.5 and .7	PA 1, 3, 4, 5, MB	8,577.00	8,577.00	RPTTF			8,577.00				$ 8,577.00
4)	Statutory Payments	San Bernardino County Treasurer	Payments per CRL 33607.5 and .7	Proj Area 1, 5, MB	31,807.00	31,807.00	RPTTF			31,807.00				$ 31,807.00
5)	Statutory Payments	Inland Empire Utilities Agency	Payments per CRL 33607.5 and .7	Proj Area 1, 4, MB	7,171.00	7,171.00	RPTTF			7,171.00				$ 7,171.00
6)	Statutory Payments	Inland Empire West Resource Conservation District	Payments per CRL 33607.5 and .7	PA 1, 3, 5, MB	346.00	346.00	RPTTF			346.00				$ 346.00
7)	Statutory Payments	Monte Vista Water District	Payments per CRL 33607.5 and .7	PA 1, 4, 5, MB	21,778.00	21,778.00	RPTTF			21,778.00				$ 21,778.00
8)	Statutory Payments	Ontario-Montclair Elementary School District	Payments per CRL 33607.5 and .7	Proj Area 1, 4, MB	167,977.00	167,977.00	RPTTF			167,977.00				$ 167,977.00
9)	Statutory Payments	San Bernardino County Office of Education	Payments per CRL 33607.5 and .7	Proj Area 1, 4, MB	4,421.00	4,421.00	RPTTF			4,421.00				$ 4,421.00
10)	Statutory Payments	San Bernardino County Library District	Payments per CRL 33607.5 and .7	Proj Area 1, 5, MB	5,290.00	5,290.00	RPTTF			5,290.00				$ 5,290.00
11)	Statutory Payments	County of San Bernardino	Payments per CRL 33607.5 and .7	Proj Area 1, 5, MB	10,245.00	10,245.00	RPTTF			10,245.00				$ 10,245.00
12)	Pass Through Agreements	Inland Empire Utility Agency	Payments per former CRL 33401	Proj Area 3, 4, 5	6,752,695.83	355,936.00	RPTTF			355,936.00				$ 355,936.00
13)	Pass Through Agreements	County of San Bernardino	Payments per former CRL 33401	Proj Area 3, 4	55,825,644.83	1,381,390.00	RPTTF			1,381,390.00				$ 1,381,390.00
14)	Pass Through Agreements	Chaffey Community College	Payments per former CRL 33401	Proj Area 3, 5	1,838,663.97	45,149.00	RPTTF			45,149.00				$ 45,149.00
15)	Pass Through Agreements	Chaffey Joint Union High School	Payments per former CRL 33401	Proj Area 3, 5	6,657,742.92	463,167.00	RPTTF			463,167.00				$ 463,167.00
16)	Pass Through Agreements	Ontario-Montclair Elementary School District	Payments per former CRL 33401	Proj Area 3, 5	8,259,159.92	202,265.00	RPTTF			202,265.00				$ 202,265.00
17)	Pass Through Agreements	San Bernardino County Office of Education	Payments per former CRL 33401	Proj Area 3, 5	326,214.58	6,456.00	RPTTF			6,456.00				$ 6,456.00
18)	Pass Through Agreements	Monte Vista Water District	Payments per former CRL 33401	Proj Area 3	2,743,168.02	63,166.00	RPTTF			63,166.00				$ 63,166.00
19)	Statutory Payments	County of San Bernardino	Admin. Chrgs. For Tax Increment	All Areas	175,800.00	175,800.00	RPTTF			175,800.00				$ 175,800.00
														$ -
														$ -
														$ -
														$ -
														$ -
														$ -
														$ -
	Totals - Other Obligations				$ 83,009,733.07	$ 3,123,972.00	$ -	$ -	$ -	$ 3,123,972.00	$ -	$ -	$ -	$ 3,123,972.00

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** All total due during fiscal year and payment amounts are projected.

*** Funding sources from the successor agency: (For fiscal 2011-12 only, references to RPTTF could also mean tax increment allocated to the Agency prior to February 1, 2012.)

RPTTF - Redevelopment Property Tax Trust Fund | Bonds - Bond proceeds | Other - reserves, rents, interest earnings, etc

LMIHF - Low and Moderate Income Housing Fund | Admin - Successor Agency Administrative Allowance

**** - Only the January through June 2012 ROPS should include expenditures for pass-through payments. Starting with the July through December 2012 ROPS, per HSC section 34183 (a) (1), the county auditor controller will make the required pass-through payments prior to transferring money into the successor agency's Redevelopment Obligation Retirement Fund for items listed in an oversight board approved ROPS.

AGENDA REPORT

SUBJECT:	CONSIDER ADOPTION OF RESOLUTION NO. 12-2945 AMENDING THE FISCAL YEARS 2011/2016 MEASURE I FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM	**DATE:**	May 7, 2012
		SECTION:	RESOLUTIONS
		ITEM NO.:	2
		FILE I.D.:	FIN285/TRN510
		DEPT.:	PUBLIC WORKS

REASON FOR CONSIDERATION: The San Bernardino Associated Governments (SANBAG) requires each local jurisdiction to annually update its Measure I Five-Year Capital Improvement Program and Expenditure Strategy for projects proposed to be funded by Measure I. An update is also required when a city amends its program or strategy. The City Council is requested to consider adoption of Resolution No. 12-2945 amending the Fiscal Years 2011/2016 Measure I Five-Year Capital Improvement Program pursuant to SANBAG requirements.

BACKGROUND: Measure I 2010/2040, the countywide transportation sales tax program, requires that each local jurisdiction receiving pass through program revenues annually adopt a Measure I Five-Year Capital Improvement Program (CIP) that outlines the specific projects upon which those funds are to be expended. The City adopted its CIP by Resolution No. 11-2923 on September 6, 2011. Any amendments or changes to the CIP must also be adopted by Resolution.

Included in Resolution No. 11-2923 was funding for two projects: various aspects of preliminary work for the Monte Vista Avenue/Union Pacific Railroad Grade Separation Project and Carlton Street Improvements east of Monte Vista Avenue. Staff recommends adding the following projects to the Fiscal Years 2011/2016 Measure I Capital Improvement Program:

- Additional funding for intersection repair work at Monte Vista Avenue/Arrow Highway, Holt Boulevard/Ramona Avenue, and Central Avenue/Palo Verde Street - The primary source of funding for these projects is the San Bernardino Associated Governments Local Stimulus Program. When this project was awarded by the City Council on March 19, it was reported that some Measure I funds would be required.

- Paving and sidewalk improvements on Mills Avenue north of Moreno Street to City boundary - Measure I funds were previously used to resurface Mills Avenue from the Union Pacific Railroad tracks to Moreno Street. The City of Claremont recently extended the resurfacing limits north from Moreno Street into Claremont including that portion of the street in Montclair. They did not, however, address sidewalk

Prepared by:		Reviewed and Approved by:	M. STATES
Proofed by:		Presented by:	

access issues, wheelchair ramps, or the poor condition of sidewalk pavement. Minor improvements are needed, and it is recommended that Measure I funds be used for this work.

- Mission Boulevard Landscape Work from Pipeline Avenue to west city limit - When the last phase of Mission Boulevard Corridor Improvements was constructed, the construction contract included nine months of landscape establishment and maintenance. The norm for such work is three months. Rather than risk an audit finding that excessive landscape maintenance was performed at federal expense, the City opted to terminate the contract after three months of maintenance, then rehire the landscape contractor to continue the maintenance. Funding for this maintenance work is Measure I and, therefore, needs to be included in the Capital Improvement Program.

FISCAL IMPACT: The fiscal impact to the City is identified as the costs listed in the amended Capital Improvement Program included as part of Resolution No. 12-2945. The identified funds are all from Measure I. Failure to adopt the amended Capital Improvement Program will result in an audit finding the Capital Improvement Program out of compliance, thus jeopardizing future Measure I subventions.

RECOMMENDATION: Staff recommends the City Council adopt Resolution No. 12-2945 amending the Fiscal Years 2011/2016 Five-Year Capital Improvement Program.

RESOLUTION NO. 12-2945

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR AMENDING THE FISCAL YEARS 2011/2016 MEASURE I FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM

WHEREAS, San Bernardino County voters approved passage of Measure I 1990-2010 in November 1989 and renewed as Measure I 2010-2040 in November 2004 authorizing San Bernardino Associated Governments, acting as the San Bernardino County Transportation Authority, to impose a one half of 1 percent retail transactions and use tax applicable in the incorporated and unincorporated territory of the County of San Bernardino; and

WHEREAS, revenue from the tax can only be used for transportation improvement and traffic management programs authorized in the Expenditure Plans set forth in Ordinance No. 89-1 of the Authority; and

WHEREAS, Expenditure Plans of the Ordinance require each local jurisdiction receiving revenue from the tax to expend those funds pursuant to a Capital Improvement Program adopted by resolution of the local jurisdiction; and

WHEREAS, Expenditure Plans of the Ordinance also require that each local jurisdiction annually adopt and update its Capital Improvement Plan; and

WHEREAS, Expenditure Plans may be amended as the City Council determines necessary; and

WHEREAS, the City Council of the City of Montclair did previously adopt Resolution No. 11-2923 adopting the Fiscal Year 2011/2016 Five-Year Capital Improvement Program and Expenditure Strategy.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Montclair hereby amends the Fiscal Year 2011/2016 Measure I Five-Year Capital Improvement Program and Expenditure Strategy, copies of which are attached to this Resolution.

APPROVED AND ADOPTED this XX day of XX, 2012.

_____
Mayor

ATTEST:

_____
Deputy City Clerk

I, Yvonne Smith, Deputy City Clerk of the City of Montclair, DO HEREBY CERTIFY that Resolution No. 12-2945 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, 2012, and that it was adopted by the following vote, to-wit:

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

_____

Yvonne Smith
Deputy City Clerk

CITY OF MONTCLAIR

EXPENDITURE STRATEGY

2011/2012

With the adoption of Measure I in 1989, the City of Montclair committed the revenue to be generated from the tax to the rehabilitation of the Mission Boulevard Corridor. This work has been completed. With the extension of the Measure I program, the City will begin using Measure I funds as matching funds for federal funds for its Monte Vista Avenue/Union Pacific Grade Separation Project and reconstructing some of its older streets where routine maintenance is no longer sufficient to keep the streets in a state of good repair. The City will use a "pay as you go" program, performing street reconstruction on selected streets based on the amount of Measure I funding available each year.

CITY OF MONTCLAIR
MEASURE I FIVE-YEAR PLAN 2011-2016

YEAR	STREET & LIMITS	IMPROVEMENT	NEXUS STUDY PROJECT?	COST ESTIMATE
2011-2012	Monte Vista Ave.-Holt Blvd. to Mission Blvd.	NEPA env. clearance; R/W demo; CPUC grade separation nomination	Yes	$175,000
	Carlton St.-East of Monte Vista Ave. to end	Construct curb, gutter, sidewalk, drive approaches, and pavement improvements	No	$40,000
	Monte Vista Ave. and Arrow Highway Intersection	Repair intersection approaches	No	$120,000
	Holt Blvd. and Ramona Ave. Intersection	Repair intersection approaches	No	$95,000
	Central Ave. and Palo Verde Intersection	Repair intersection approaches	No	$60,000
	Mills Ave.-Moreno St. to north City limit	Grind existing pavement and overlay; install sidewalks	No	$25,000
	Mission Blvd.-Pipeline Ave. to west City limit	Provide landscaping repair and maintenance in median and parkways	No	$8,000
2012-2013	Pradera Avenue-San Bernardino Ct. to Cambridge St.	Grind and overlay	No	$75,000
	Ramona Avenue-San Bernardino St. to Palo Verde St.	Grind and overlay	No	$75,000
	Cambridge Street-Pradera Av. to Ramona Av.	Grind and overlay	No	$75,000
	Fremont Avenue-Mission Bl. to State St.	Install curb, gutter, sidewalk, pavement	No	$200,000
	Monte Vista Avenue-Holt Bl. to Mission Bl.	NEPA env. clearance; R/W demo	Yes	$200,000
2013-2014	Princeton Street-Pradera Av. to Ramona Av.	Grind and overlay	No	$75,000
	Harvard Street-Pradera Av. to Ramona Av.	Grind and overlay	No	$75,000
	Monte Vista Avenue-Richton St. to Arrow Hwy.	Grind and overlay	No	$150,000
	Benito Street at Helena Avenue	Install Traffic Signal	No	$250,000
	Various locations throughout City	Miscellaneous Pavement Maintenance	No	$100,000
2014-2015	Monte Vista Avenue-Holt Bl. to Kingsley St.	Grind and overlay	No	$300,000
	Various locations throughout City	Miscellaneous Pavement Maintenance	No	$300,000
2015-2016	Monte Vista Avenue-Kingsley St. to Orchard St.	Grind and overlay	No	$300,000
	Various locations throughout City	Miscellaneous Pavement Maintenance	No	$300,000
		TOTAL		**$2,998,000**

Contact: Michael C. Hudson
City Engineer
909-625-9441
Resolution No. 12-2945

Measure I Revenue Estimate (5 years) $2,378,373

AGENDA REPORT

SUBJECT: CONSIDER RECEIVING AND FILING A RESPONSE TO A QUESTION RAISED BY MR. THOMAS SQUYRES AT THE REGULAR JOINT MEETING OF APRIL 16, 2012

DATE: May 7, 2012
SECTION: RESPONSE
ITEM NO.: A
FILE I.D.: PKG275
DEPT.: PUBLIC WORKS

REASON FOR CONSIDERATION: At the regular joint meeting of April 16, 2012, Mr. Thomas Squyres requested that the City consider allowing temporary or occasional parking by permit of his dump truck at his residence on Palo Verde Street. The matter was referred to staff for response.

BACKGROUND: In late 2005, staff was asked to address some truck parking issues throughout the City. In the context of this report, truck refers to any commercial vehicle weighing in excess of 10,000 pounds gross vehicular weight. Staff developed an Ordinance effectively banning truck parking on all City streets. The Ordinance was presented to the Public Works Committee and then to the City Council in December 2005. During the public hearing for the Ordinance, several people spoke in opposition to the Ordinance, arguing there was a need to have some truck parking available in the City. Potential streets discussed included Brooks Street, Palo Verde Street, and Arrow Highway.

The City Council directed staff to consider modifications to the Ordinance and return it to the Public Works Committee on December 15, 2005, for further discussion. Further discussion was held with the City Council on January 17, 2006, with direction given to present a revised Ordinance to the City Council at its meeting of February 21, 2006. The revised Ordinance permitted truck parking on a portion of Brooks Street but not Palo Verde Street or Arrow Highway. The Ordinance also designated an additional section of Monte Vista Avenue a truck route in order to allow access to Brooks Street. The Ordinance was approved by the City Council and became effective in April 2006.

Between the time the Ordinance was originally considered in December 2005 and when the revised Ordinance was actually adopted, Mr. Squyres was informed that he would be allowed to park his truck on Palo Verde Street. This permitted use was only temporary unless the revised Ordinance ultimately included Palo Verde Street as a designated street for truck parking, which it did not.

Mr. Squyres recently received a citation from Code Enforcement for having his truck parked at his house, located at 5557 Palo Verde Street. He believed that he still had the right to park his truck at his house on a temporary basis. He stated that his neighbors had signed a letter to the effect that they had no objection to the occasional parking of

Prepared by: _____ Reviewed and Approved by: M. STAATS
Proofed by: _____ Presented by: _____

the truck at the address. Staff has advised Mr. Squyres that, notwithstanding a lack of objection by the neighbors, the temporary ability to park his truck on Palo Verde Street expired in February 2006.

A letter has been sent to Mr. Squyres advising him of the City's position with respect to "temporarily" or "occasionally" parking his truck at his house. A copy of the letter is attached to this report.

FISCAL IMPACT: There is no fiscal impact associated with this Response item.

RECOMMENDATION: Staff recommends the City Council receive and file this response to a question raised by Mr. Thomas Squyres at the regular joint meeting of April 16, 2012.

MONTCLAIR

April 24, 2012

Mr. Thomas P. Squyres
5557 Palo Verde Street
Montclair, CA 91763

Re: Truck Parking

Dear Mr. Squyres:

Several years ago you appeared before the Montclair City Council to address a proposed revision to the City's Municipal Code related to truck parking and truck routes in the City. The proposal included a ban on all truck parking (vehicles in excess of 10,000 pounds GVW). Because of the concerns expressed by you and others in attendance at the meeting held in December 2005, the City Council directed staff to consider further revisions and present them to the City's Public Works Committee later that month. On December 15, 2005, you addressed the City of Montclair Public Works Committee regarding truck and trailer parking restrictions. You asked for consideration of a permit parking policy that would allow truck parking if certain conditions were met. You were advised by the Committee that staff would be making further modifications to the draft ordinance for consideration by the City Council. Until such time as the City Council took up the issue, you were given permission to park your truck on Arrow Highway.

The City Council considered options presented by staff with respect to truck parking at its meeting on January 17, 2006. Staff was directed to bring back an ordinance that provided for the following:

- Exempted Brooks Street between Monte Vista Avenue and Ramona Avenue from the truck parking restriction
- Designated Monte Vista Avenue as a truck route between Mission Boulevard and Brooks Street
- Designated Brooks Street as a truck route from Monte Vista Avenue to Ramona Avenue

This revised ordinance was considered and adopted by the City Council in February 2006. It went into effect in April 2006.

Although also considered at the time, no provision was included in the revised ordinance for a "temporary" or "occasional" parking permit for trucks on restricted streets. Such a provision would be impossible to regulate. What constitutes occasional or temporary? Once a year? Once a week? Once a day? Even if we were able to

come to a common understanding as to what constitutes occasional or temporary, how could it possibly be monitored? Once someone is issued a permit, no Code Enforcement Officer or Police Officer is going to have the time or desire to constantly monitor the parking to determine if the frequency is being exceeded.

Both City Council and staff try to accommodate the needs of all members of the community, but when one resident's desire is potentially at odds with other residents' needs, that is not always possible. Except for pick-ups and deliveries, trucks are banned on most streets in Montclair, particularly residential streets. Most people would object to the sound of a truck's diesel engine idling in a driveway or on the street at 5 a.m., or the truck's backup alarm sounding at the same time. Even with a letter signed by some of your neighbors stating they have no objection, there will still be some that do object, or who are intimidated into signing rather than risking a confrontation.

This letter will be submitted to the City Council at its meeting on May 7, 2012, under the agenda heading "Response." If you would like to discuss this matter further prior to the meeting, please call me at 909-625-9441. You may also address the City Council directly at the May 7 meeting.

CITY OF MONTCLAIR
PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION

Michael C. Hudson
City Engineer

c: Edward C. Starr
Marilyn J. Staats
Steve Lustro

MINUTES OF THE MEETING OF THE MONTCLAIR CODE ENFORCEMENT COMMITTEE HELD ON TUESDAY, APRIL 16, 2012, AT 6:00 P.M. IN THE CITY HALL CONFERENCE ROOM, 5111 BENITO STREET, MONTCLAIR, CALIFORNIA

I. CALL TO ORDER

Council Member Paulitz called the meeting to order at 6:00 p.m.

II. ROLL CALL

Present: Council Member Paulitz, Council Member Dutrey; City Manager Starr; Director of Community Development Lustro, Police Chief Jones

Excused: City Attorney Robbins

III. APPROVAL OF MINUTES

A. Minutes of Code Enforcement Committee Meeting of March 19, 2012

It was the consensus of the Code Enforcement Committee to approve the minutes of the Code Enforcement Committee meeting of March 19, 2012.

IV. PUBLIC COMMENT - None

V. OLD BUSINESS

Community Development Director Lustro gave an update regarding the printing of yard sale signs. At the recommendation of Planning Commissioner Don Vodvarka, Community Development Director Lustro obtained a price quote from a Montclair business, Eagle Offset. He said that the quote was approximately 50 percent more than the quote previously received from Colby Poster Printing of Los Angeles.

Council Member Dutrey inquired as to the status of the Ordinance regarding yard sales.

Community Development Director Lustro stated he should have the Ordinance drafted in time for the first reading to occur at the May 21 Council meeting and the second reading at the June 4 Council meeting.

VI. NEW BUSINESS

Discussion regarding 9575 Helena Avenue followed. The property has been a Code Enforcement problem for years. The owner, **Mr. Mark Garcia,** also owns an auto shop in Ontario; and the vehicles being stored and worked on at the Helena Avenue address are a bleed-over from the business. There have also been other violations consisting of trash, junk, and debris throughout all exterior portions of the subject premises. After failing to appear at one hearing and subsequently being arrested, **Mr. Garcia** abated the problems at the property on April 3, 2012. He has been ordered to return to court on Tuesday, May 8, 2012, for a status report on the property, ordered to pay investigation costs to the City, and he also remains on probation for a period of three years, which allows City staff to inspect the property at any time and violate the defendant for any outstanding nuisance conditions throughout the premises.

VII. DISTRIBUTION OF LIST OF PROBLEM PROPERTIES/Q&A

Community Development Director Lustro stated that a current list of problem properties is included in the agenda packet for the Committee's reference and asked if there were any questions.

Discussion regarding 5564 Hawthorne Street followed. Council Member Paulitz asked how the City learned of the situation at this address. Community Development Director Lustro replied that when the husband passed away and the Police Department responded to the residence, they observed severe hoarding conditions throughout the home, at which time the Police contacted Code Enforcement. With the assistance of Senior Code Enforcement Officer Gabe Fondario, the widow's family, friends, and neighbors took the opportunity to get the property cleaned up. To date, the overgrown vegetation in the front and rear yards has been cleared, approximately two dozen cats were collected by the Inland Valley Humane Society to be placed for adoption, an infestation of rodents has been eliminated, and the inside of the home has been cleaned and painted. The resident seems happy about her "new start" and is appreciative of the City's help.

Discussion regarding 9925 Greenwood Avenue followed. Council Member Paulitz spoke about impervious surfaces and said he thought in the past that (former Community Development Director) Rob Clark had permitted a resident on Poulsen Avenue to park on "patches" of pavers placed only under the wheels of a vehicle. Community Development Director Lustro commented that Code Enforcement will contact the resident and advise them that they need to pave the entire parking space for the vehicle if they intend to keep parking it there.

VIII. NEXT MEETING

The next Code Enforcement Committee meeting is scheduled for Monday, May 21, 2012, at 6:00 p.m. in the City Hall Conference Room.

IX. ADJOURNMENT

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

Submitted for Code Enforcement Committee approval,

Laura Berke

Laura Berke
Administrative Secretary

MINUTES OF THE MEETING OF THE MONTCLAIR PERSONNEL COMMITTEE HELD ON MONDAY, APRIL 16 2012, AT 8:37 P.M. IN THE CITY ADMINISTRATIVE OFFICES, 5111 BENITO STREET, MONTCLAIR, CALIFORNIA

I. CALL TO ORDER

Mayor Eaton called the meeting to order at 8:37 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 April 2, 2012.

Moved by City Manager Starr, seconded by Council Member Ruh, and carried unanimously to approve the minutes of the Personnel Committee meeting of April 2, 2012.

IV. PUBLIC COMMENT - None

V. CLOSED SESSION

At 8:38 p.m., the Personnel Committee went into Closed Session regarding personnel matters related to appointments, resignations/ terminations, and evaluations of employee performance.

At 8:59 p.m., the Personnel Committee returned from Closed Session. Mayor Eaton stated that no announcements would be made at this time.

VI. ADJOURNMENT

At 8:59 p.m., Mayor Eaton adjourned the Personnel Committee.

Submitted for Personnel Committee approval,

Edward C. Starr
City Manager