

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

June 4, 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.

Page No.

- 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 Certificate and Flag to Kevin Neuer in Recognition of His Patriotism and Dedication to His Community

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. Consider Receiving Public Comment on Reallocation and Expenditure of Fiscal Year 2010–11 Supplemental Law Enforcement Services Funds [CC]

- B. Consider Adoption of Resolution No. 12-2950 Establishing an Inspection Fee Schedule for Inspection of Best Management Practices in Accordance With Ordinance No. 12-930 [CC] 5
- C. Consider Adoption of Resolution No. 12-2951 Amending the Master User Fee Schedule Related to Human Services Division Mini-School Program Enrollment Fees [CC] 7
- D. Second Reading – Consider Adoption of Ordinance No. 12-931 Replacing Chapter 11.74 of the Montclair Municipal Code Related to Yard Sales [CC] 12

VIII. CONSENT CALENDAR

- A. Approval of Minutes
 - 1. Minutes of the Regular Joint Council/Successor Agency Board/MHC Board Meeting of May 21, 2012 [CC/SA/MHC]
- B. Administrative Reports
 - 1. Consider Approval of Warrant Register and Payroll Documentation [CC] 20
- C. Agreements
 - 1. Consider Approval of Agreement No. 12-41 With Chaffey Joint Union High School District for Law Enforcement Services During Fiscal Year 2012-13 [CC] 21
 - 2. Consider Approval of Agreement No. 12-42 With All City Management Services, Inc., for School Crossing Guard Services [CC] 25
 - 3. Consider Approval of Agreement No. 12-45 With the San Bernardino County Fire Protection District Office of Emergency Services to Receive Approximately \$16,481 From the FY2011 State Homeland Security Grant Program [CC] 28
- D. Resolutions
 - 1. Consider Adoption of Resolution No. 12-2953 Approving Participation in the Ontario International Airport – Inter-Agency Collaborative (ONT-IAC) for the Implementation of the Ontario International Airport Land Use Compatibility Plan (ALUCP) [CC]

Consider Approval of Cooperative Agreement No. 12-43 Related to Participation in the ONT-IAC [CC] 45
 - 2. Consider Adoption of Resolution No. 12-2954 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Charges [CC] 66

IX. PULLED CONSENT CALENDAR ITEMS

X. RESPONSE – None

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.

B. City Manager/Executive Director

C. Mayor/Chairman

D. Council/MHC Board

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

- | | |
|--|----|
| 1. Minutes of the Public Works Committee Meeting of April 19, 2012 | 74 |
| 2. Minutes of the Safety Committee Meeting of May 17, 2012 | 81 |
| 3. Minutes of the Code Enforcement Committee Meeting of May 21, 2012 | 84 |
| 4. Minutes of the Personnel Committee Meeting of May 21, 2012 | 88 |

XII. COUNCIL/SUCCESSOR AGENCY/MHC WORKSHOP

A. Preliminary Budget Review

(The Council/Successor Agency Board/MHC Board may consider continuing this item to an adjourned joint meeting on Tuesday, June 12, 2012, at 6:00 p.m. in the City Council Chambers.)

XIII. ADJOURNMENT OF SUCCESSOR AGENCY AND MONTCLAIR HOUSING CORPORATION BOARDS OF DIRECTORS

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

XIV. CLOSED SESSION ANNOUNCEMENTS

XV. ADJOURNMENT OF CITY COUNCIL

The next regularly scheduled City Council, Successor Agency, and Montclair Housing Corporation meetings will be held on Monday, June 18, 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 31, 2012.

AGENDA REPORT

SUBJECT: CONSIDER ADOPTION OF RESOLUTION NO. 12-2950 ESTABLISHING AN INSPECTION FEE SCHEDULE FOR INSPECTION OF BEST MANAGEMENT PRACTICES IN ACCORDANCE WITH ORDINANCE NO. 12-930

DATE: June 4, 2012
SECTION: PUBLIC HEARINGS
ITEM NO.: B
FILE I.D.: STD200
DEPT.: PUBLIC WORKS

REASON FOR CONSIDERATION: The City Council previously approved Ordinance No. 12-930 addressing City inspection of Best Management Practices (BMPs) associated with Water Quality Management Plans. The Ordinance included a section allowing for the establishment of inspection fees by Resolution. Resolutions require City Council approval.

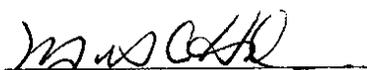
BACKGROUND: On January 29, 2010, the California Regional Water Quality Control Board, Santa Ana Region, adopted Order No. R8-2010-0036 National Pollutant Discharge Elimination System (NPDES) No. CAS618036 (Order). This action addressed Waste Discharge Requirements for the San Bernardino County Flood 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.

To comply with the Order affecting development both during construction and post construction, the City Council previously adopted Ordinance No. 12-930 addressing storm-water discharge and the requirements of NPDES No. CAS618036. The Ordinance, under Section 9.24.500, provides the City with the legal authority to inspect structural storm-water 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 fee structure is to be set by Resolution. The purpose of the inspections is to ensure Best Management Practices (BMPs) are constructed and function in accordance with approved WQMPs.

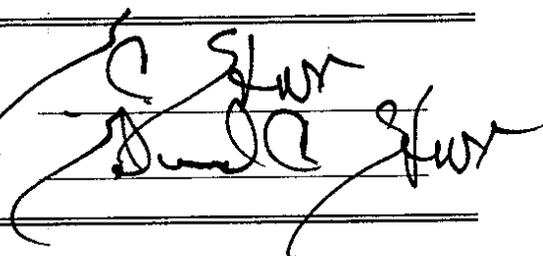
FISCAL IMPACT: Adoption of proposed Resolution No. 12-2950 would allow the City to collect inspection fees from developers to cover costs of inspections of BMPs associated with the approved WQMP during construction. The proposed fees are based on the estimated construction cost. The estimated construction cost of the BMP is dependent upon the actual BMP implemented as part of the approved WQMP. Failure to adopt Resolution No. 12-2950 would not affect the inspection requirements but would prevent staff from collecting inspection fees. Inspection costs would then be borne by the General Fund.

RECOMMENDATION: Staff recommends the City Council adopt Resolution No. 12-2950 establishing an inspection fee schedule for inspection of Best Management Practices in accordance with Ordinance No. 12-930.

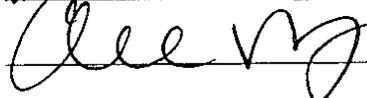
Prepared by:



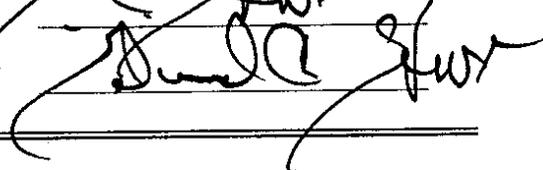
Reviewed and
Approved by:



Proofed by:



Presented by:



RESOLUTION NO. 12-2950

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MONTCLAIR ESTABLISHING
A FEE SCHEDULE IN ACCORDANCE WITH
ORDINANCE NO. 12-930**

WHEREAS, on May 7, 2012, the City Council of the City of Montclair adopted Ordinance No. 12-930; and

WHEREAS, Ordinance No. 12-930 requires the development of a Water Quality Management Plan for any development, redevelopment, utility, or road improvement project; and

WHEREAS, Ordinance No. 12-930 also allows for the establishment of a regulatory fee to recover the costs of permit issuance, administration, inspections, sampling and metering, of Best Management Practices associated with the Water Quality Management Plan.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Montclair does hereby establish the following fee schedule in accordance with Ordinance No. 12-930 effective July 1, 2012:

Permit Fee:	\$25	
Inspection Fee:	\$1 to \$25,000	4 percent of estimated value/cost
	\$25,001 to \$100,000	\$1,000 plus 3.5 percent of the value/ cost over \$25,000
	\$100,001 and over	\$3,625 plus 3 percent of the value/ cost over \$100,000

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. 12-2950 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

AGENDA REPORT

SUBJECT: CONSIDER ADOPTION OF RESOLUTION
NO. 12-2951 AMENDING THE MASTER
USER FEE SCHEDULE RELATED TO HUMAN
SERVICES DIVISION MINI-SCHOOL PROGRAM
ENROLLMENT FEES

DATE: June 4, 2012
SECTION: PUBLIC HEARINGS
ITEM NO.: C
FILE I.D.: HSV065/HSV151
DEPT.: COMMUNITY DEV.

REASON FOR CONSIDERATION: The City Council is requested to consider adoption of Resolution No. 12-2951 amending the Master User Fee Schedule regarding enrollment fees for the Mini-School Program.

A copy of proposed Resolution No. 12-2951 is attached for the City Council's review and consideration.

BACKGROUND: The Human Services Division conducted a preschool fee analysis of area recreational preschools offered to the public. The Human Services Division has revised the fees for enrollment in the Mini-School Program based on an average of fees charged by area recreational preschools. Exhibit A containing enrollment fee averages is attached for the City Council's review.

FISCAL IMPACT: Revenues generated from the proposed enrollment fee amendments would offset expenditures including staff, utilities, and general facility maintenance costs.

RECOMMENDATION: Staff recommends the City Council adopt Resolution No. 12-2951 amending the Master User Fee Schedule related to Human Services Division Mini-School enrollment fees.

Prepared by:

M. Richter

Reviewed and
Approved by:

[Signature]

Proofed by:

Christine Smidely

Presented by:

[Signature]

Fee Study
Recreational Preschools

Exhibit A

CITY	AGENCY	NAME	DAYS PER WEEK	HOURS	AGES	COST
Chino	YMCA	Tiny Tots	2	9:45-12:45	3-5 years	\$81/month
Chino Hills	Recreation Department	Tiny Tots	2	11:30-1:30	3 years	\$82/6weeks
Chino Hills	Recreation Department	Tiny Tots	2	9:00-11:00	3 years	\$82/6 weeks
Claremont	Community Services	ABCs for Me and Tiny Tots Program	2	9:00-12:00	4-5 years	\$130/mo
Fontana	Community Services	Tiny Tots	2	8:30-11:20	3-4 years	\$65/4 weeks
La Verne	Community Services	Preschool	2	8:45-11:15	3-5 years	\$90/mon
Montclair	Recreation Department	Mini-School	2	9:00-12:00	3-5 years	\$60/12 weeks
Ontario	Recreation Department	Tiny Tots	2	8:30-11:20	4-5 years	\$65/4 weeks
Rancho Cucamonga	Community Services	Playschool Program	2	8:30-11:20	4-5 years	\$242/12 weeks
Rancho Cucamonga	Community Services	Playschool Program	2	8:45-11:35	4-5 years	\$242/12 weeks
Rancho Cucamonga	Community Services	Playschool Program	2	9:55-12:45	4-5 years	\$242/12 weeks
Rancho Cucamonga	Community Services	Playschool Program	2	11:10-2:00	4-5 years	\$242/12 weeks
Rancho Cucamonga	Community Services	Playschool Program	2	12:25-3:15	4-5 years	\$242/12 weeks
Rialto	Recreation Department	Tiny Tots	2	9:00-12:00	3-5 years	\$65/month
San Bernardino	Parks & Recreation Department	Tot Time	2	9:00-1:00	4-5 years	\$65/month
Upland	Recreation Department	Tiny Tots	2	10:30-1:30	5-Apr	\$120/mo.

RESOLUTION NO. 12-2951

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR AMENDING THE MASTER USER FEE SCHEDULE RELATED TO HUMAN SERVICES DIVISION MINI-SCHOOL PROGRAM ENROLLMENT FEES

WHEREAS, the City of Montclair has the statutory authority to impose fees, charges, and rates under its regulatory and police power as authorized pursuant to California Government Code Section 37112; and

WHEREAS, user fees are imposed for services rendered by the City of Montclair that benefit a specific individual or group of individuals; and

WHEREAS, there is a need for the City of Montclair to recoup costs or waive user fees as appropriate; and

WHEREAS, the City Manager or his designee may adjust or waive user fees as appropriate; and

WHEREAS, user fees are imposed to assign the cost of providing services to the specific individual or group of individuals receiving the benefits of said services, rather than funding said services from General Fund revenues; and

WHEREAS, it has been directed that all user fees, to the extent possible, are to be reviewed annually consistent with the User Fee Cost-Recovery Policy; and

WHEREAS, the City Council has duly noticed and conducted a public hearing on June 4, 2012., at which time the public was invited to give oral and/or written testimony as part of the regular joint City Council/Successor Agency/Montclair Housing Corporation meeting prior to the City Council's consideration of adoption of this Resolution.

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

Section 1. Fee Schedule Adoption. Human Services Division's amendments to the Master User Fee Schedule, attached hereto as Exhibit A containing revised fees for enrollment in the Mini-School Program, are hereby adopted and shall be used as authorization for collecting said fees and charges as set forth herein.

Section 2. Effective Date. This Resolution shall be in full force and effect thirty (30) days after passage.

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 Resolution No. 12-2951 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 L. Smith
Deputy City Clerk

City of Montclair
Human Services Division
Proposed Mini-School Enrollment Fee Schedule

<i>Age</i>	<i>Fee</i>	<i>Session</i>	<i>Day</i>	<i>Time</i>	<i>Snack fee</i>
3 to 5 years	\$120	12 weeks	Monday/Wednesday	9:00 a.m.-12:00 p.m.	\$8.50
3 to 5 years	\$120	12 weeks	Monday/Wednesday	1:00 p.m.-4:00 p.m.	\$8.50
3 to 5 years	\$120	12 weeks	Tuesday/Thursday	9:00 a.m.-12:00 p.m.	\$8.50
3 to 5 years	\$120	12 weeks	Tuesday/Thursday	1:00 p.m.-4:00 p.m.	\$8.50

AGENDA REPORT

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

SECOND READING

DATE: June 4, 2012
SECTION: PUBLIC HEARINGS
ITEM NO.: D
FILE I.D.: CDV200
DEPT.: COMMUNITY DEV.

REASON FOR CONSIDERATION: The City Council is requested to consider adoption of Ordinance No. 12-931 replacing Chapter 11.74 of the Montclair Municipal Code related to yard sales. Amendments to the Municipal Code require public hearing review and approval by the City Council.

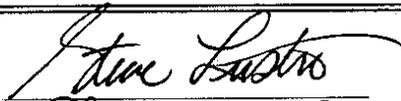
A copy of proposed Ordinance No. 12-931 is attached for the City Council's review and consideration.

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.

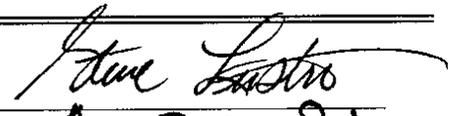
In mid-2011, 14 cities responded to a staff request for their respective yard sale regulations. Of particular interest were the regulations in Pomona and Santa Ana, which allow four yard sales annually per address but only on designated weekends. Ontario's regulations are similar, except that five weekends 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.

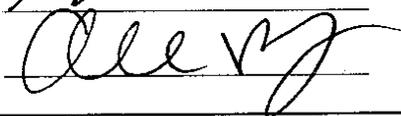
Prepared by:



Reviewed and
Approved by:



Proofed by:



Presented by:



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.

It is believed the proposed changes would result in more productive use of office staff time as there would only be a need to issue and log yard sale permits quarterly rather than weekly. Further, Code Enforcement staff would not be burdened with monitoring yard sales year-round, freeing up time to deal with more critical issues in the community.

Should the City Council adopt proposed Ordinance No. 12-931, staff will begin an education campaign to inform residents of the new yard sale regulations, which would take effect August 1, 2012. Staff intends to develop yard sale information that would be distributed at the public counter and inserted into utility bills, place announcements on various pages of the City's website, and prepare news releases for publication in the local newspaper.

FISCAL IMPACT: Funds are proposed in the Community Development Fiscal Year 2012-13 Budget to pay for the new yard sale signs that would be distributed to residents when they obtain a permit. An undetermined portion of that expense would be recovered through the sale of additional yard sale signs at a minimal charge. Otherwise, there would be no direct fiscal impact to the City's General Fund should the City Council adopt proposed Ordinance No. 12-931.

RECOMMENDATION: Staff recommends the City Council adopt 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 APPROVAL OF WARRANT REGISTER AND PAYROLL DOCUMENTATION **DATE:** June 4, 2012
SECTION: ADMIN. REPORTS
ITEM NO.: 1
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 June 4, 2012, and Payroll Documentation dated April 22, 2012; finds them to be in order; and recommends their approval.

FISCAL IMPACT: The Warrant Register dated June 4, 2012, totals \$8,947,869.78. The Payroll Documentation dated April 22, 2012, totals \$593,406.59, with \$420,892.52 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 Smith

Reviewed and
Approved by:

James A. Raft

Proofed by:

Andrew Phillips

Presented by:

AGENDA REPORT

SUBJECT: CONSIDER APPROVAL OF AGREEMENT
NO. 12-41 WITH CHAFFEY JOINT
UNION HIGH SCHOOL DISTRICT FOR
LAW ENFORCEMENT SERVICES DURING
FISCAL YEAR 2012-13

DATE: June 4, 2012
SECTION: AGREEMENTS
ITEM NO.: 1
FILE I.D.: EEP050
DEPT.: POLICE

REASON FOR CONSIDERATION: The City Council is requested to consider approval of Agreement No. 12-41 with Chaffey Joint Union High School District to continue the Safe School Zone Officer assignment at Montclair High School.

A copy of proposed Agreement No. 12-41 is attached for the City Council's review and consideration.

BACKGROUND: Since 1995, the Montclair Police Department has provided the community with the services of a Safe School Zone Officer at Montclair High School.

Pursuant to the terms of proposed Agreement No. 12-41, Chaffey Joint Union High School District would pay \$64,000 toward the cost of a Safe School Zone Officer. The Police Department would be obligated to provide an on-campus presence for eight hours each school day. Our experience has shown an Officer's presence has a positive impact at the high school with little change to the allocation of patrol services.

FISCAL IMPACT: Chaffey Joint Union High School District would pay \$64,000 toward the salary of a Safe School Zone Officer during Fiscal Year 2012-13 should this item be approved.

RECOMMENDATION: Staff recommends the City Council approve Agreement No. 12-41 with Chaffey Joint Union High School District for law enforcement services during Fiscal Year 2012-13.

Prepared by:

Judy B.

Reviewed and
Approved by:

K. B. Jones

Proofed by:

Sharon Aguirre

Presented by:

[Signature]

**AGREEMENT
FOR SPECIALIZED LAW ENFORCEMENT SERVICES**

This Agreement is made and entered into this 1st day of July, 2012 by and between the City of Montclair (hereinafter referred to as CITY) and the Chaffey Joint Union High School District (hereinafter referred to as DISTRICT), both of whom understand as follows:

WITNESSETH

WHEREAS, the following services are to be performed subject to the conditions hereinafter set forth:

NOW, THEREFORE in consideration of these services and mutual conditions hereinafter provided, the parties hereto agree as follows:

- A. Beginning with the school year through the end of the school year, the CITY will perform specialized law enforcement services for the DISTRICT at and about the campus of Montclair High School. It is understood that these services are to be provided, to the extent possible, on regularly scheduled school days between 7:00 a.m. and 4:00 p.m., and during mutually agreed upon "in-service" or familiarization periods.
 - 1. It is acknowledged that the provision of services may be interrupted by the normal working conditions experienced by law enforcement agencies, which include, but are not limited to: employee illness, court appearances, training requirements, prisoner transportation, emergency circumstances taxing on other departmental resources, etc. Should the interruption of services, for any reason, extend beyond four successive days, the CITY shall meet its obligation through the assignment of an alternate sworn employee.

- B. This Agreement will allow the CITY, through its Police Department, to provide the following specialized law enforcement services to the DISTRICT:
 - 1. Sworn Community Oriented Officers, known as Safe School Zone Officers, shall, through random patrol and their on-campus presence, strive to maintain a crime-free zone on and around each school campus.
 - 2. Through these Safe School Zone Officers, provide a consistent and timely response to calls for assistance from the high school or concerning students from the high school.
 - 3. Through these Safe School Zone Officers, provide a consistent liaison for the high school administration on law enforcement matters.

4. Through these Safe School Zone Officers, provide resources and materials necessary for classroom presentations on law enforcement matters.
 5. Through one Safe School Zone Officer, maintain a physical presence on campus during the hours of approximately 7:00 a.m. and 4:00 p.m. on each school day. While on campus, the role of the officer is to:
 - a. Act as a positive role model for students.
 - b. Facilitate a positive and interactive student/law enforcement relationship.
 - c. Maintain a proactive stance toward crime prevention and order maintenance.
 - d. Act as first responder to criminal conduct or order maintenance issues occurring on or about the high school campus.
 - e. Within the confines of the law, act as information resource for school administrators on matters of mutual concern.
- C. In addition to the above, beginning with the summer session of 2012, the Safe School Zone Officers will provide similar services to the high school, adjusting the hours to the school schedule.
1. One Safe School Zone Officer will maintain a physical presence on campus each day during the regularly scheduled school hours.
- D. In consideration for providing these services, the DISTRICT will pay to the CITY a total of \$64,000 invoiced in two equal \$32,000 amounts; the first during November 2012, and the second due in May 2013.
- E. It is understood by both parties that the Safe School Zone Officers or other CITY officers providing this service shall remain CITY's employee at all times. As such, the CITY shall be responsible for all employment costs, supervision, control, and assignment of said officers.
- F. This Agreement is not assignable, either in whole or in part, by DISTRICT without the prior written consent of the CITY. The laws of the State of California shall govern the rights, obligation, duties, and liabilities of the parties to this Agreement and shall also govern the interpretation of the Agreement, if in dispute.

TERMINATION OR MODIFICATION OF AGREEMENT

This Agreement shall end on May 22, 2013, unless extended by both the CITY and DISTRICT. The CITY or DISTRICT may terminate all or any portion of this Agreement at any time upon providing a thirty (30) day written notice delivered to the addresses below. In the event the Agreement is terminated by either party prior to May 22, 2013, DISTRICT shall pro-rate its final payment for services rendered at \$5,500 per month.

CITY: City of Montclair
5111 Benito Street
Montclair, California 91763

DISTRICT: Chaffey Joint Union High School District
211 West Fifth Street
Ontario, California 91762

INDEMNIFICATION

DISTRICT shall defend, indemnify and hold harmless the CITY, its elective and appointive boards, officers, agents, and employees from all liability from loss, damage, or injury to persons or property, in any manner arising out of any negligent or intentional or willful acts or omissions of DISTRICT under this Agreement.

CITY shall defend, indemnify and hold harmless the DISTRICT, its elective and appointive boards, officers, agents, and employees from all liability from loss, damage, or injury to persons or property, in any manner arising out of any negligent or intentional or willful acts or omissions of CITY under this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date hereinabove written.

CITY OF MONTCLAIR

Paul M. Eaton,
Mayor

ATTEST:

Yvonne L. Smith,
Deputy City Clerk, City of Montclair

CHAFFEY JOINT UNION HIGH SCHOOL DISTRICT

Timothy Ward,
Assistant Superintendent

AGENDA REPORT

SUBJECT: CONSIDER APPROVAL OF AGREEMENT
NO. 12-42 WITH ALL CITY MANAGEMENT
SERVICES, INC., FOR SCHOOL CROSSING
GUARD SERVICES

DATE: June 4, 2012

SECTION: AGREEMENTS

ITEM NO.: 2

FILE I.D.: SCH125/350

DEPT.: POLICE DEPARTMENT

REASON FOR CONSIDERATION: The City Council is requested to consider approval of Agreement No. 12-421 with All City Management Services, Inc., for school crossing guard services.

A copy of proposed Agreement No. 12-42 is attached for the City Council's review and consideration.

BACKGROUND: All City Management Services, Inc., has been providing school crossing guard services for the City since November 1998 and has notified the Police Department that its hourly rate for crossing guard services will not increase for Fiscal Year 2012-13. The hourly billing rate will remain at \$14.25.

FISCAL IMPACT: Staff allocated \$115,000 in the Police Department Fiscal Year 2012-13 Budget for crossing guard services.

RECOMMENDATION: Staff recommends the City Council approve Agreement No. 12-42 with All City Management Services Inc., for school crossing guard services.

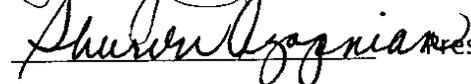
Prepared by:



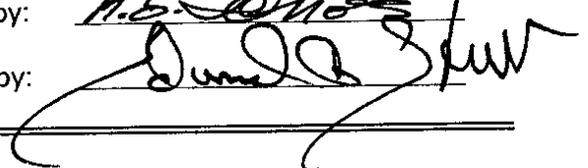
Reviewed and
Approved by:



Proofed by:



Presented by:





ALL CITY MANAGEMENT SERVICES

Amendment to Agreement between All City Management Services, Inc. and the City of Montclair for providing School Crossing Guard Services

The **City of Montclair** hereinafter referred to as the "**City**", and **All City Management Services, Inc.**, located at 10440 Pioneer Blvd Ste 5, Santa Spring, CA 90670, hereinafter referred to as the "**Contractor**", mutually agree to amend the existing Agreement No. 98-73 and supersede any subsequent amendments of such Agreement as follow:

1. **Item #1** The term of this Agreement Shall be from July 1, 2012 through June 30, 2013.

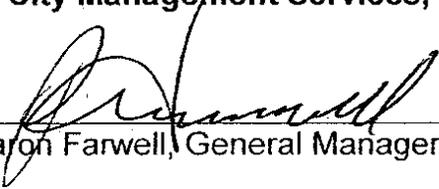
2. **Item #17** The City agrees to pay Contractor the sum of Fourteen Dollars and Twenty-Five Cents, (\$14.25) per hour for each hour of crossing guard service provided pursuant to this Agreement.

3. Except as provided for herein, all other term and condition of Agreement No. 98-73 shall remain in effect.

City of Montclair

All City Management Services, Inc.

By _____
Signature

By 
Baron Farwell, General Manager

Paul M. Eaton, Mayor
Print Name and Title

Date March 15, 2012

ATTEST:

Yvonne L. Smith, Deputy City Clerk

Date June 5, 2012

AGENDA REPORT

SUBJECT: CONSIDER APPROVAL OF AGREEMENT NO. 12-45 WITH THE SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT OFFICE OF EMERGENCY SERVICES TO RECEIVE APPROXIMATELY \$16,481 FROM THE FY2011 STATE HOMELAND SECURITY GRANT PROGRAM

DATE: June 4, 2012
SECTION: AGREEMENTS
ITEM NO.: 3
FILE I.D.: EMR130
DEPT.: FIRE

REASON FOR CONSIDERATION: The City Council is requested to consider approval of Agreement No. 12-45 with the San Bernardino County Fire Protection District Office of Emergency Services to receive approximately \$16,481 from the FY2011 State Homeland Security Grant Program.

BACKGROUND: This year, the purpose of the State Homeland Security Grant Program is to promote three national priorities that include the advancement of whole community security and emergency management, building prevention and protection capabilities, and the maturation and enhancement of the major urban area fusion centers. At a local government level, this grant program would assist the City in preparing for medical surge and mass prophylaxis.

FISCAL IMPACT: Should the City Council approve proposed Agreement No. 12-45, the City would receive approximately \$16,481 from the FY2011 State Homeland Security Grant Program for the City's Federal Fiscal Year 2012-13. The State Homeland Security Grant funds are distributed to fire jurisdictions within San Bernardino County. Each jurisdiction is allocated a \$10,000 base with the remainder of the grant distributed on a per capita basis to each eligible jurisdiction.

RECOMMENDATION: Staff recommends the City Council approve Agreement No. 12-45 with the San Bernardino County Fire Protection District Office of Emergency Services to receive approximately \$16,481 from the FY2011 State Homeland Security Grant Program.

Prepared by: _____

T. Galt
Marie B...

Reviewed and
Approved by: _____

Presented by: _____

T. Galt
[Signature]

**San Bernardino County Fire Protection District
Office of Emergency Services**

***FY2011 State Homeland Security Grant Program
CFDA 97.073***

Subrecipient Agreement

Grant No: 2011-SS-0077-_____

Name of Applicant: City of Montclair/Fire Department

Address: 5111 Benito Street

City: Montclair State: CA Zip Code 91763

Telephone Number: 909-447-3540 Fax Number: 909-621-5261

E-Mail Address: tament@cityofmontclair.org

As the duly authorized representative of the applicant, I certify that the applicant named above:

General

1. Will assure that grant funds will support efforts related to providing an integrated mechanism to enhance the coordination of national priority efforts to prevent, respond to, and recover from terrorist attacks, major disasters and other emergencies.
2. Understands and agrees to the following Federal Grant Guides in acceptance of the fiscal year 2011 State Homeland Security Grant funds, CFDA 97.073, funded by the U.S. Department of Homeland Security (DHS/ Federal Emergency Management Agency (FEMA), sub-granted through the State of California, California Emergency Management Agency (Cal EMA) and further sub-granted through the County of San Bernardino and administered/managed by the San Bernardino County Fire Protection District Office of Emergency Services (County Fire/OES)
3. Has the legal authority to apply for Federal assistance and has the institutional, managerial and financial capability to ensure proper planning, management and completion of the grant provided by the U.S. Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA), sub-granted through Cal EMA and further sub-granted through the County of San Bernardino.
4. Subrecipient agrees to:
 - a. Provide all information required by the Federal Funding Accountability Act of 2006 (FFTA) (P.L. 109-282), as amended by Section 6202(a) of the Government Funding Transparency Act of 2008 (P.L. 110-252).

- b. Report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009).
- c. **Report in writing to County Fire OES, Attn: OES Manager, 1743 Miro Way, Rialto, CA 92376 no later than January 31, 2012**, the following information if Federal awards received by the jurisdiction is equal to or over \$25,000 annually:
- 1) Name of entity receiving the award
 - 2) Amount of award
 - 3) Funding agency
 - 4) The Catalog of Federal Domestic Assistance program number
 - 5) Award title
 - 6) Location of the entity and primary location of performance including city, state, and Congressional district;
 - 7) Dun & Bradstreet (D & B) DUNS Number of the entity and its parent if applicable; and
 - 8) Total compensation and names of top five executives, unless the subrecipient is exempt from this requirement as provided in section (d) of this paragraph.
- d. Disclose specifically the name and total compensation of the five most highly compensated individuals in the organization if the following provision applies:
- i. 80% or more of the subrecipients' annual gross revenues are from Federal awards (contracts, sub-contracts, and Federal financial assistance), and \$25,000,000 or more in annual gross revenues are from Federal awards; and
 - ii. Compensations information of the top executives is not already available through reporting to the Securities and Exchange Commission
5. Will assure that grant funds are used for allowable, fair, and reasonable costs only and will not be transferred between grant programs (for example: State Homeland Security Program, Urban Area Security Initiative, Citizen Corps Program, and Metropolitan Medical Response System) or fiscal years.
- 6 Will comply with any cost sharing commitments included in the FY2011 Investment Justifications submitted to DHS/FEMA/Cal EMA, where applicable.
- 7 Will maintain procedures to minimize the time elapsing between the award of funds and the disbursement of funds.
- 8 Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes, or presents the appearance of, personal or organizational conflict of interest, or personal gain for themselves or others, particularly those with whom they have family, business, or other ties.
9. Understands and agrees that federal funds will not be used, directly or indirectly, to support the enactment, repeal, modification or adoption of any law, regulation, or policy, at any level

of government, without the express prior written approval from DHS/FEMA and Cal EMA, with notification from County Fire/OES.

10. Will notify County Fire/OES of any developments that have a significant impact on award-supported activities, including changes to key program staff.
11. Agrees that funds awarded under this grant will be used to supplement existing funds for program activities, and will not supplant (replace) non-Federal funds.
12. Will comply with the financial and administrative requirements set forth in the current edition of the DHS Financial Management Guide.
13. Agrees that all allocations and use of funds under this grant will be in accordance with the FY2011 Homeland Security Grant Program Guidance and Application Kit, and the California Supplement to the FY2011 Homeland Security Grant Program Guidance and Application Kit. All allocations and use of funds under this grant will be in accordance with the Allocations, and use of grant funding must support the goals and objectives included in the State and/or Urban Area Homeland Security Strategies as well as the investments identified in the Investment Justifications which were submitted as part of the California FY2011 Homeland Security Grant Program application. Further, use of FY2011 funds is limited to those investments included in the California FY2011 Investment Justifications submitted to DHS/FEMA/Cal EMA and evaluated through the peer review process.
14. Subrecipient agrees to comply with the grant performance timeline provided by Cal EMA and County Fire/OES.
15. Subrecipient has requested through the County of San Bernardino, Federal financial assistance to be used to perform eligible work approved in the submitted application for Federal assistance.

Procurement

16. Shall submit to County Fire/OES a copy of the City/Town's procurement policies no later than January 31, 2012, and adhere to such policies as specified in the OMB Circular, and shall comply with the financial and administrative requirements set forth in the current edition of the Financial Management Guide of the U. S. Department of Homeland Security.
17. Shall attach to each Reimbursement Request payment documentations for grant expenditures that includes but is not limited to the following and whichever is applicable: a) copy of City/Town Council approval of grant expenditures; b) (NEW) copy of the front and back of the cancelled check(s); c) copy of electronic fund transfer payment to vendors; d) copy of credit card statements used to pay grant expenditures; d) copy of original invoices; e) copy of purchase orders and/or requisitions; f) copy of vendor contracts; g) copy of Request for Proposals/Bids; h) copy of proposal/bid advertisements; i) copies of three (3) written quotations; j) copy of approved time and labor reports; k) copy of payroll register; l) summary of payroll expenses; m) copy of training certification; n) copy of training roster; o) copy of training agenda ; p) copy of exercise roster; q) copy of Approved After Action

Report; r) copy of the vendor verification report from the www.epfs.gov website to ascertain that the vendor and/or contractor is not debarred or suspended; s) copy of the performance bond; t) copy of the sole source (non-competitive) approval from the city/town/County Fire OES. The subrecipient understands and agrees to submit on a quarterly basis, all requests for payment reimbursement with supporting documentations and signed by the authorized agent as required by the San Bernardino County Fire Protection District Office of Emergency Services, Attn: OES Grants Unit, 1743 Miro Way, Rialto, CA 92376.

18. Will initiate and complete the work within the applicable time frame after receipt of approval from Cal EMA and/or FEMA if needed and notification to start the project from County Fire OES.
19. Agrees that, to the extent contractors or subcontractors are utilized, will use small, minority-owned, women-owned, or disadvantaged business concerns and contractors or subcontractors to the extent practical.
20. Contract provisions with vendors. The subrecipients contracts with vendors must contain provisions as noted in the sub-section below:
 - a. Termination for cause and for convenience by the grantee or subrecipient including the manner by which it will be effected and the basis for settlement. (All contracts in excess of \$10,000).
 - b. Notice of awarding agency requirement and regulations pertaining to reporting.
 - c. Notice of awarding agency requirements and regulations pertaining to patent rights with respect to any discovery or invention which arises or is developed in the course of or under such contract.
 - d. Awarding agency requirements and regulations pertaining to copyrights and rights to data.
21. Agrees that all publications created or published with funding under this grant shall prominently contain the following statement: *"This document was prepared under a grant from FEMA's Grant Programs Directorate, U.S. Department of Homeland Security. Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of FEMA's Grant Programs Directorate or the U.S. Department of Homeland Security"*
22. The recipient also agrees that, when practicable, any equipment purchased with grant funding shall be prominently marked as follows. *"Purchased with funds provided by the U.S. Department of Homeland Security."*
23. Acknowledges that DHS/FEMA reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use, for Federal government purposes: a) the copyright in any work developed under an award or sub-award; and b) any rights of copyright to which a recipient or subrecipient purchases ownership with Federal support.

24. The recipient agrees to consult with DHS/FEMA/Cal EMA and County Fire/OES regarding the allocation of any patent rights that arise from, or are purchased with, this HSGP funding.
25. Subrecipient shall obtain a performance bond for any equipment item over \$250,000, or any vehicle, aviation, or watercraft (**regardless of cost**) financed with Homeland Security dollars.
26. Subrecipient will comply with sole source procurement requirements of the Homeland Security Grant. (According to Federal guidelines, sole source or noncompetitive procurement is only allowed when the award of a contract is not feasible under the Small Purchases, Invitation for Bids, and the Request for Proposals process.)
 - a. Subrecipient agrees that it will complete and submit a Sole Source Contract Request Form to County Fire/OES for reporting and approval of Cal EMA prior to incurring any cost for projects that meets the sole source criteria.
 - b. Subrecipient understands that this requirement does not supersede the Subrecipient's sole source procurement policy.
27. Will comply with all provisions of 48 CFR, Part 31.2, Federal Acquisition Regulations (FAR), Contracts with Commercial Organizations.
28. Subrecipient agrees to and shall comply with the guidance on section 163 of the Continuing Appropriations Resolution regarding the Association of Community Organizations for Reform Now (ACORN), 2011, Division B of Pub. L. No. 111-68 (CR), which states, "SEC. 163. None of the funds made available by this joint resolution or any prior Act may be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, or allied organizations." This prohibition applies not only to a direct recipient of Federal funds but also to a Subrecipient (e.g., a subcontractor, subgrantee, or contractor of a grantee.) All Federal grant and contract recipients agree:
 - a. Not to provide Federal funds to ACORN or its affiliates as subgrantees, subcontractors, or other Subrecipients, consistent with this guidance, and
 - b. To notify County Fire/OES at (909) 356-3998) of any existing subgrants, subcontracts, or other Subrecipient agreements with ACORN or its affiliates and of how the grantee or contractor is planning to comply with the prohibition with respect to those subgrants, subcontracts, or Subrecipient agreements.
29. Has requested through County Fire OES, federal financial assistance to be used to perform eligible work approved in the submitted application for federal assistance and after receipt federal financial assistance, through County Fire OES, agrees to the following.
 - a. Promptly return to County Fire/OES all the funds received which exceed the approved, actual expenditures as accepted by the County, Federal or State governments.
 - b. In the event the approved amount of the grant is reduced, the reimbursement applicable to the amount of the reduction will be promptly refunded to County Fire/OES.
 - c. Separately account for interest earned on grant funds, and will return all interest earned, in excess of \$100 per Federal Fiscal Year.

30. Subrecipient agrees that:

- a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement.
- b. If any other funds than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or an employee of Congress, or employee of a Member of Congress in connection with the Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.
- c. The undersigned shall require that the language of this certification be included in the award documents for all sub awards at all tiers including subgrants, contracts under grants and cooperative agreements, and subcontract(s) and that all Subrecipients shall certify and disclose accordingly.
- d. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

31. Will not make any award or permit any award (subgrant or contract) to any party that is debarred or suspended or is otherwise excluded from or ineligible for participation in federal assistance programs under Executive Orders 12549 and 12689, "Debarment and Suspension". Subrecipient is responsible to ensure that vendors and/or consultants are fully qualified to provide services and have not been disbarred from the State. Suspended or debarred suppliers can be located on the Excluded Parties List System at www.epls.gov.

32. As required by Executive Order 12549, Debarment and Suspension, and implemented at 44 CFR Part 17, for prospective participants in primary covered transactions, the applicant certifies that it and its principals:

- a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency
- b. Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.

- c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and have not within a three-year period preceding this application had one or more public transactions (federal, state, or local) terminated for cause or default; and where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

Inventory

33. Subrecipients are responsible in tracking and maintaining all equipment/supplies purchased by their jurisdiction, with HSGP grant funds. In addition, the Subrecipients must certify in writing, annually, the status of all equipment/supplies purchased with HSGP grant funds. The annual certification must be submitted to the OES Grants Unit no later than March 31 of each year and submitted to:

San Bernardino County Fire Protection District
Office of Emergency Services
Attn: OES Grants Unit
1743 Miro Way
Rialto, CA 92376

34. Subrecipient shall immediately report to County Fire/OES all damaged, lost or stolen equipment/property that is purchased with grant funds per the OMB Circular. Subrecipient must be complete and return the attached "Damaged, Lost, or Stolen Report Form" to County Fire/OES for reporting to Cal EMA.

35. Agrees that equipment acquired or obtained with grant funds:

- a. Will be made available pursuant to applicable terms of the California Disaster and Civil Defense Master Mutual Aid Agreement in consultation with representatives of the various fire, emergency medical, hazardous materials response services, and law enforcement agencies within the jurisdiction of the applicant, and deployed with personnel trained in the use of such equipment in a manner consistent with the California Law Enforcement Mutual Aid Plan or the California Fire Services and Rescue Mutual Aid Plan.
- b. Is consistent with needs as identified in the State Homeland Security Strategy and will be deployed in conformance with that Strategy.

Record Retention

36. Subrecipient must maintain all payment documents and procurement records for grant purchases/expenditures for three (3) years after the close of the grant, which occurs when the Office of Homeland Security has filed the final report. Subrecipients will be notified by County Fire/OES of the timeline.

Reporting

37. Will give the Federal government, the General Accounting Office, the Comptroller General of the United States, the State of California, the Office of Inspector General, through any authorized representative, access to, and the right to examine, all paper or electronic records,

books, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards and/or awarding agency directives.

38. Will provide progress reports, and other such information as may be required by the awarding agency, including the Initial Strategy Implementation Plan (ISIP) within 45 (forty-five) days of the award, and update via the Grant Reporting Tool (GRT) twice each year.
39. Agrees to cooperate with any assessments, national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within this agreement.
40. Subrecipient agrees to provide a single audit report and corrective action plan to County Fire OES if total federal grant expenditures incurred by the jurisdiction in a fiscal year exceeds \$500,000. **The Single Audit Report and corrective action plan, if applicable, must be submitted to the OES Grants Unit no later than April 30th of each year, to the following address:**
 - San Bernardino County Fire Protection District
 - Office of Emergency Services
 - Attention: OES Grants Unit
 - 1743 Miro Way
 - Rialto, CA 92376

Regulatory

41. Will comply with Federal Acquisition Regulations (FAR), part 31.2 Contract Cost Principles and Procedures, Contracts with Commercial Organizations.
42. Agrees that funds utilized to establish or enhance State and Local fusion centers must support the development of a statewide fusion process that corresponds with the Global Justice/Homeland Security Advisory Council (HSAC) Fusion Center Guidelines, follow the Federal and State approved privacy policies, and achieve (at a minimum) baseline level of capability as defined by the Fusion Capability Planning Tool.
43. Will comply with all regulations applicable to DHS/FEMA grants, including, but not limited to, 44 CFR, Part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, including, but not limited to, all provisions relevant to the payment of interest earned on advances.
44. Will comply with Standardized Emergency Management System (SEMS) requirements as stated in the California Emergency Services Act, Government Code, Chapter 7 of Division 1 of Title 2, Section 8607.1 (e) and CCR Title 19, Sections 2445, 2446, 2447, and 2448.
45. Will comply with all applicable Federal statutes, regulations, policies, guidelines and requirements, including OMB Circulars A102 and A-133, E.O. 12372 and the current Administrative Requirements, Cost Principles, and Audit Requirements.

46. Will comply with all provisions of 2 CFR, including: Part 215 Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations (OMB Circular A-110); Part 225 Cost Principles for State, Local and Indian Tribal Governments (OMB Circular A-87); Part 220 Cost Principles for Educational Institutions (OMB Circular A-21); Part 230 Cost Principles for Non-Profit Organizations (OMB Circular A-122).
47. Will comply, if applicable, with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of structures.
48. Will comply, and will assure the compliance of all agents and contractors, with all Federal and State Statues relating to Civil Rights and Nondiscrimination. These include, but are not limited to:
- a. Title VI of the Civil Rights Act of 1964 (P.L. 88-352), as amended, which prohibit discrimination on the basis of race, color, or national origin.
 - b. Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683 and 1685-1686), which prohibits discrimination on the basis of gender.
 - c. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §§ 794), which prohibits discrimination against individuals with disabilities.
 - d. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age.
 - e. The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse.
 - f. The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism.
 - g. §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records.
 - h. Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing.
 - i. Title 44 Code of Federal Regulations (CFR) Parts 7, 16, and 19 relating to nondiscrimination
 - j. The requirements on any other nondiscrimination provisions in the specific statute(s) under which the application for Federal assistance is being made.
 - k. The nondiscrimination requirements and all other provisions of the current-edition of the Office of Justice Programs Financial and Administrative Guide for Grants, M7100.1.
49. In the event that a federal or state court or federal or state administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, gender or disability against a recipient of funds, the recipient will forward a

copy of the finding to Cal EMA, FEMA, the U.S. Department of Justice Office of Civil Rights, Office of Justice Programs and County Fire/OES.

50. Will provide an Equal Employment Opportunity Plan, if applicable, to the Department of Justice Office of Civil Rights within 60 days of grant award.
51. Will comply with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. § 4601 et seq. [P.L. 91-646]) which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or Federally assisted programs. These requirements apply to all interested in real property acquired for project purposes regardless of Federal participation in purchases. Will also comply with Title 44 CFR, Part 25, Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-assisted programs.
52. Will comply, if applicable, with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is ten thousand dollars (\$10,000) or more.
53. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. Sections 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
54. Will comply with provisions of the Hatch Act (5 U.S.C. Sections 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
55. Will comply, if applicable, with P.L. 93-348 regarding the protection of human subjects involved in research, development and related activities supported by this award of assistance.
56. Understands and agrees that the applicant, grantees, subgrantees, recipients, subrecipients, employees of the applicant, grantees, subgrantees, recipients and subrecipients may not:
 - a. Engage in severe forms of trafficking in persons during the period of time that the award is in effect;
 - b. Procure a commercial sex act during the period of time that the award is in effect; or
 - c. Use forced labor in the performance of the award or subawards under the award.

Applicant understands and agrees that Cal EMA and/or DHS/FEMA may unilaterally terminate any award, without penalty, if the subgrantee that is a private entity:

- d. Is determined to have violated a prohibition identified in paragraph 59, subsections a, b, or c; or

- e. Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph 59 subsection a, b, or c through conduct that is either:
 - i. associated with performance under this award; or
 - ii. imputed to the authorized agent or subrecipient using the standards and due process for imputing the conduct of an individual to an organization provided in 2 CFR Part 180, "OMB Guidelines to Agencies on Government wide Department and Suspension (Non-procurement)," as implemented by DHS/FEMA at 2 CFR, Part 3000.

And further understands that subgrantees and subrecipients must:

- f. Inform Cal EMA immediately of any information received from any source alleging a violation of a prohibition in paragraph 59 subsection a, b, or c;
- g. FEMA's right to terminate unilaterally as described in paragraph 59 implements section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 USC 7104(g)). The right of FEMA and Cal EMA to terminate this award unilaterally is in addition to all other remedies for noncompliance that are available under this award.
- h. For purposes of this term:
 - i. "Employee" means either:
 - 1) an individual employed by the subgrantee or subrecipient who is engaged in the performance of the project or program under this award; or
 - 2) another person engaged in the performance of the project or program under this award and not compensated by the subgrantee or subrecipient, including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.
 - ii. "Forced labor" means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery.
 - iii. "Private entity" means any entity other than a state, local government, Indian Tribe, or foreign public entity, as those terms are defined in 2 CFR 175.25, and includes non-profit organizations, including any non-profit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian Tribe at 2 CFR 175.25(b), and for-profit organizations.
 - iv. "Severe forms of trafficking in persons," "commercial sex act," and "coercion" have the meanings given at section 103 of the TVPA, as amended (22 USC 7102).

57. Will comply, if applicable, with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

58. Will comply with the minimum wage and maximum hour provisions of the Federal Fair Labor Standards Act (29 U.S.C. 201), as they apply to employees of institutions of higher education, hospitals, and other non-profit organizations.
59. Agrees that "Classified national security information" as defined in Executive Order (EO) 12958, as amended, means information that has been determined pursuant to EO 12958 or any predecessor order to require protection against unauthorized disclosure and is marked to indicate its classified status when in documentary form.
60. Agrees that no funding under this award shall be used to support a contract, subaward, or other agreement for goods or services that will include access to classified national security information if the award recipient has not been approved for and has access to such information.
61. Agrees that where an award recipient, grantee, subrecipient, or subgrantee has been approved for and has access to classified national security information, no funding under this award shall be used to support a contract, subaward, or other agreement for goods or services that will include access to classified national security information by the contractor, subawardee, or other entity without prior written approval from the DHS Office of Security, Industrial Security Program Branch (ISPB), or, an appropriate official within the federal department or agency with whom the classified effort will be performed. Such contracts, subawards, or other agreements shall be processed and administered in accordance with the DHS "Standard Operating Procedures, Classified Contracting by States and Local Entities," dated July 7, 2008; EOs 12829, 12958, 12968, as amended; the National Industrial Security Program Operating Manual (NISPOM); and/or other applicable implementing directives or instructions. All security requirement documents are located at: <http://www.dhs.gov/xopnbiz/grants/index.shtm>.
62. Understands that immediately upon determination by the award recipient that funding under this award will be used to support such a contract, subaward, or other agreement, and prior to execution of any actions to facilitate the acquisition of such a contract, subaward, or other agreement, the award recipient shall contact ISPB, or the applicable federal department or agency and County Fire/OES, for approval and processing instructions.

DHS Office of Security ISPB contact information:
 Telephone: 202-447-5346
 E-mail: DD254AdministrativeSecurity@dhs.gov

Mail: Department of Homeland Security
 Office of the Chief Security Officer
 ATTN: ASD/Industrial Security Program Branch
 Washington, DC 20528

63. Agrees with the requirements regarding Data Universal Numbering System (DUNS) Numbers, meaning if recipients are authorized to make subawards under this award, they must notify potential subrecipients that no entity (see definition in paragraph C of this award

term) may receive or make a subaward to any entity unless the entity has provided its DUNS number.

a. For purposes of this award term, the following definitions will apply:

- i. "Data Universal Numbering System (DUNS)" number means the nine digit number established and assigned by Dun and Bradstreet, Inc. (D&B) to uniquely identify business entities. A DUNS number may be obtained from D&B by telephone (currently 866-705-5711) or the Internet (currently at <http://fedgov.dnb.com/webform>).
- ii. "Entity", as it is used in this award term, means all of the following, as defined at 2 CFR part 25, subpart C, as a Governmental organization, which is a state, local government, or Indian Tribe; or a foreign public entity; or a domestic or foreign nonprofit organization; or a domestic or foreign for-profit organization; or a federal agency, but only as a sub-recipient under an award or subaward to a non-federal entity.
- iii. "Subaward" means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient. It does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. 210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations") and may be provided through any legal agreement, including an agreement that you consider a contract.
- iv. "Subrecipient" means an entity that receives a subaward from you under this award; and is accountable to you for the use of the federal funds provided by the subaward.

64. Will comply, if applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. Section 276a to 276a-7), the Copeland Act (40 U.S.C. Section 276c and 18 U.S.C. Sections 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. Sections 327-333), regarding labor standards for Federally-assisted construction sub-agreements.

65. Will comply with Subtitle A, Title II of the Americans with Disabilities Act (ADA) 1990.

66. Agrees to comply with the Drug-Free Workplace Act of 1988, and certifies that it will or will continue to provide a drug-free workplace by:

- a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition.
- b. Establishing an on-going drug-free awareness program to inform employees about:
 - i. The dangers of drug abuse in the workplace;
 - ii. The grantee's policy of maintaining a drug-free workplace;
 - iii. Any available drug counseling, rehabilitation, and employee assistance programs; and
 - iv. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

- c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a).
- d. Notifying the employee in the statement required by paragraph (a) that, as a condition employment under the grant, the employee will
 - i. Abide by the terms of the statement; and
 - ii. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.
- e. Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to:

San Bernardino County Fire Protection District
 Office of Emergency Services
 Attn: Division Manager
 1743 Miro Way
 Rialto, CA 20531

Notice shall include the identification number(s) of each affected grant.

- f. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted.
 - i. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - ii. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by Federal, State, or local health, law enforcement, or other appropriate agency.
- g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

67. Will comply with all applicable requirements of all other Federal and State laws, executive orders, regulations, program and administrative requirements, policies and any other requirements governing this program.

68. Will comply with all applicable Federal, State, and Local environmental and historical preservation (EHP) requirements. Failure to meet Federal, State, and Local EHP requirements and obtain applicable permits may jeopardize Federal funding. Applicant will comply with all conditions placed on any project as the result of the EHP review; any change to the scope of work of a project will require reevaluation of compliance with these EHP requirements.

69. Will comply with all regulations applicable to DHS/FEMA grants including, but not limited to, 44 CFR, Part 10, Environmental Considerations. Applicant will also comply with all state laws, including the California Environmental Quality Act.

70. Agrees not to undertake any project having the potential to impact the EHP resources without the prior written approval of DHS/FEMA/Cal EMA/County Fire OES, including, but not

limited to, ground disturbance, construction, modification to any structure, physical security enhancements, communications towers, any structure over 50 years old and purchase and/or use of any sonar equipment. The subgrantee must comply with all conditions and restrictions placed on the project as a result of the EHP review. Any construction-related activities initiated without the necessary EHP review and approval could result in a noncompliance finding, and may not be eligible for reimbursement with DHS/FEMA/Cal EMA/County funding. Any change to the scope of work will require re-evaluation of compliance with the EHP. If ground-disturbing activities occur during the project implementation, the subgrantee must ensure monitoring of the disturbance. If any potential archeological resources are discovered, the subgrantee will immediately cease activity in that area and notify County Fire/OES and the appropriate State Historic Preservation Office. Subgrantees must complete the FEMA EHP Screening Form (OMB Number 1660-0115/FEMA Form 024-0-01) and submit it, with all supporting documentation, to Cal EMA and County Fire/OES. The EHP Screening Form is part of an Information Bulletin available at: www.fema.gov/doc/government/grant/bulletins/info329_final_screening_memo.doc. Subrecipients should submit the FEMA EHP Screening Form for each project to County Fire OES as soon as possible upon receiving their grant award.

71. Will ensure that the facilities under its ownership, lease or supervision, which shall be utilized in the accomplishment of this project, are not on the Environmental Protection Agency's (EPAs) List of Violating Facilities, and will notify Cal EMA, FEMA and County Fire/OES of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating if a facility to be used in the project is under consideration for listing by the EPA.
72. Will provide any information requested by DHS/FEMA/Cal EMA/County FireOES to ensure compliance with applicable laws, including the following:
 - a. Institution of environmental quality control measures under the National Environmental Policy Act, National Historical Preservation Act, Archaeological and Historic Preservation Act, Endangered Species Act, and Executive Orders on Floodplains (11988), Wetlands (11990), Environmental Justice (12898) and Environmental Quality (11514).
 - b. Notification of violating facilities pursuant to EO 11738.
 - c. Assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.).
 - d. Conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.)
 - e. Protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523).
 - f. California Environmental Quality Act (CEQA). California Public Resources Code Sections 21080-21098. California Code of Regulations (CCR), Title 14, Chapter 3 Sections 15000-15007.
 - g. Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

- h. Applicable provisions of the Coastal Barrier Resources Act (P.L. 97-348) dated October 19, 1982 (16 USC 3501 et seq.) which prohibits the expenditure of most new Federal funds within the units of the Coastal Barrier Resources System.

73. Understands that failure to comply with any of the above assurance may result in suspension, termination, or reduction of grant funds.

The undersigned represents that he/she is authorized by the above named applicant to enter into this agreement for and on behalf of the said applicant.

Name of Subrecipient _____ City of Montclair _____

Signature of Authorized Agent: _____

Printed Name of Authorized Agent: _____ Paul M. Eaton _____

Title: _____ Mayor _____ Date: _____ June 5, 2012 _____

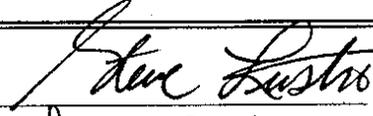
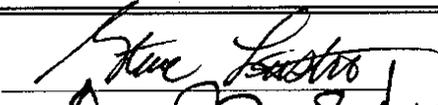
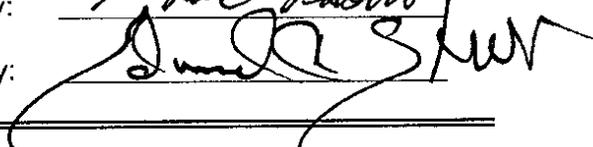
AGENDA REPORT

SUBJECT: CONSIDER ADOPTION OF RESOLUTION NO. 12-2953 APPROVING PARTICIPATION IN THE ONTARIO INTERNATIONAL AIRPORT - INTER-AGENCY COLLABORATIVE (ONT-IAC) FOR THE IMPLEMENTATION OF THE ONTARIO INTERNATIONAL AIRPORT LAND USE COMPAT- IBILITY PLAN (ALUCP)	DATE: June 4, 2012 SECTION: RESOLUTIONS ITEM NO.: 1 FILE I.D.: LDU330 DEPT.: COMMUNITY DEV.
 CONSIDER APPROVAL OF COOPERATIVE AGREEMENT NO. 12-43 RELATED TO PARTICIPATION IN THE ONT-IAC	

REASON FOR CONSIDERATION: The City Council is requested to consider adoption of Resolution No. 12-2953 related to participation in the Ontario International Airport - Inter-Agency Collaborative (ONT-IAC) for the implementation of the Ontario International Airport Land Use Compatibility Plan.

BACKGROUND: LA/Ontario International Airport (ONT) is classified as a primary commercial service airport that is currently operated by Los Angeles World Airports (LAWA). The operation of ONT plays a significant role in the local and regional economy, and communities such as Montclair that are located in close proximity to the airport benefit from its economic value but also are subject to impacts from the airport operations, such as noise, airspace protection, and overflight. The California State Aeronautics Act (Public Utilities Code Section 21670) requires that an Airport Land Use Compatibility Plan (ALUCP) be prepared for all public-use airports. The basic function of the ALUCP is to promote compatibility between an airport and the land uses that surround it by incorporating land use measures that are intended to minimize the public's exposure to excessive noise and safety hazards around the airport.

The county airport land use commission is typically the entity responsible for the preparation and adoption of an ALUCP. However, State law provides for an "Alternative Process" whereby the responsibility of the required compatibility planning is assigned to the local jurisdictions. In 1995, the Alternative Process within San Bernardino County was established; and the City of Ontario was designated as the local jurisdiction responsible for airport land use compatibility planning for ONT. In December 2008, the City of Ontario initiated an update to the existing ALUCP for ONT; and it was approved by the Ontario City Council on April 19, 2011. The procedural policies within the ALUCP modify the Alternative Process previously established for ONT in 1995. The modified Alternative Process creates a collaborative approach to compatibility planning for ONT that involves the participation by all affected agencies including the cities of Chino, Fontana, Montclair, Ontario, Rancho Cucamonga, Upland, and the counties of Riverside and San Bernardino, collectively known as the Ontario International Airport - Inter-Agency Collaborative (ONT-IAC).

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

A Cooperative Agreement for each agency to approve (see Agreement No. 12-43 attached to the Resolution) is being proposed to fulfill State law requirements. The Cooperative Agreement will maintain local jurisdictional control of land use planning in areas around ONT and establish a collaborative process to implement the ALUCP. The ALUCP procedures require that appointments be made for a senior staff member from each agency to participate on the technical staff group (ONT-IAC Technical Staff Group) that will review projects for consistency with the ALUCP. A mediation board (ONT-IAC Mediation Board) will also be established consisting of two elected or appointed officials from each agency to formally act on a disputed action by the ONT-IAC.

The ALUCP is a planning document that incorporates policies and procedures to address land use compatibility around the airport, and as such, it does not regulate airport operations. The future growth forecasts proposed by LAWA in combination with SCAG's growth projections for the region assume that current activity at the airport would grow substantially over the next 20 years, with the forecast projected to be 30 million annual passengers. State law requires that an ALUCP have a 20-year horizon and be based upon an Airport Master Plan or an Airport Layout Plan. In 2002, LAWA initiated the Master Plan process that included a reconfiguration of the existing runway system to the south and east, which is needed to accommodate the projected growth in both passenger and air cargo loads over the next 20 years. Because of the economic downturn, LAWA never adopted the Master Plan. The actual reconfiguration of the runways is not being approved as part of the ALUCP but is used as the basis for the policies in order to prevent future land use compatibility issues to the greatest extent possible. It is important to note that the runway reconfiguration can only be completed after approval of the Master Plan and the required environmental review process by LAWA and the Federal Aviation Administration (FAA), which will likely not occur for several years, given that the current runway configuration can accommodate growth up to 19 million air passengers and the current volume of air passengers is now only 4.5 million.

Over the past three years, City of Montclair Planning Division staff, along with staff from the other affected agencies, have been working together to review the proposed ALUCP. The various policies and procedures included in the ALUCP pertain specifically to those areas within each jurisdiction that are located within what is known as the Airport Influence Area (AIA). The AIA is the geographic area in which current or future airport-related noise, over-flight notification, safety, and airspace protection may affect land uses or impose restrictions on those uses. The ALUCP includes policies for these four compatibility factors that each of the participating agencies will utilize to evaluate future land use plans and new development proposals.

ALUCP and General Plan Land Use Consistency

State law requires General Plans and Specific Plans must be made consistent with adopted airport compatibility plans. Government Code Section 65302.3 requires that General Plans and any applicable Specific Plans "shall be consistent with" the Compatibility Plan and is reiterated in local agencies' obligations under the Alternative Process (Public Utilities Code Section 21670.1(c)(2)(D)). General Plans do not need to be identical with the ALUCP in order to achieve consistency. Affected jurisdictions' General Plans must do the following: (1) address compatibility planning issues, either directly or through reference to a zoning ordinance or other policy document; and (2) must avoid direct conflicts with the (ALUCP) development policies and criteria.

The consistency requirement pertains only to future land use development. Nothing in state law or the ALUCP requires that existing development be removed or modified to eliminate incompatibilities that may already exist. Furthermore, General Plans and Specific Plans can show such land uses as continuing even though they would be nonconforming with the ALUCP criteria. Conflicts of this type do not constitute inconsistencies between a General Plan or Specific Plan and the ALUCP.

Staff will prepare the appropriate amendments to the General Plan policies to address these compatibility factors. These proposed amendments will be prepared for Planning Commission and City Council action before the end of 2012. The City of Montclair would benefit by participating in the ALUCP and Cooperative Agreement process because it will provide an opportunity to actively participate with other agencies in addressing land use compatibility issues in communities surrounding ONT.

FISCAL IMPACT: There would be no fiscal impact to the City as a result of the City Council's adoption of Resolution No. 12-2953 and execution of Cooperative Agreement No. 12-43 related to participation in the ONT-IAC.

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

1. Adopt Resolution No. 12-2953 approving participation in the Ontario International Airport – Inter-Agency Collaborative (ONT-IAC) for the implementation of the Ontario International Airport Land Use Compatibility Plan (ALUCP).
2. Approve Cooperative Agreement No. 12-43 related to participation in the ONT-IAC.

RESOLUTION NO. 12-2953

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR APPROVING PARTICIPATION IN THE ONTARIO INTERNATIONAL AIRPORT - INTER-AGENCY COLLABORATIVE (ONT-IAC) FOR THE IMPLEMENTATION OF THE ONTARIO INTERNATIONAL AIRPORT LAND USE COMPATIBILITY PLAN

WHEREAS, State Law Public Utilities Code Section 21670.1(c)(2) (Alternative Process) allows local agencies to be responsible for airport land use compatibility planning in place of an Airport Land Use Commission; and

WHEREAS, the County of San Bernardino and its cities elected to follow the Alternative Process in 1995 disbanding the West Valley Airport Land Use Commission and designating the City of Ontario as the responsible agency for airport land use compatibility planning for Ontario International Airport (ONT). As the designated agency, the City of Ontario is responsible for implementation of the following processes:

- A. Adopt processes for the preparation, adoption, and amendment of the Airport Land Use Compatibility Plan (ALUCP) for ONT;
- B. Adopt processes for the notification of the general public, landowners, interested groups, and other public agencies regarding the preparation, adoption, and amendment of the ALUCP for ONT;
- C. Adopt processes for the mediation of disputes arising from the preparation, adoption, implementation and amendment of the ALUCP;
- D. Adopt processes for the amendment of general plans, specific plans and major land use actions to be consistent with the ALUCP; and

WHEREAS, the City of Montclair has participated in a Technical Advisory Committee for the development of the ONT ALUCP; and

WHEREAS, in compliance with "A" and "B" above, the Ontario City Council adopted the ONT ALUCP and Negative Declaration on April 19, 2011 (Ordinance No. 2935) that established the ONT Airport Influence Area (AIA). The AIA is a geographic area that represents current and future airport-related safety, noise, airspace protection, and overflight impacts that may significantly affect land uses or necessitate restrictions on those uses. The ALUCP includes procedural policies that modify the previously established Alternative Process to include the required participation by all jurisdictions in San Bernardino County with lands within the AIA and for the optional participation of Riverside County; and

WHEREAS, to fulfill "C" and "D" above, the Cooperative Agreement (Attachment A) establishes the Ontario International Airport - Inter-Agency Collaborative (ONT-IAC), a collaborative process and partnership with the Cities of Chino, Fontana,

Montclair, Ontario, Rancho Cucamonga, and Upland and the Counties of Riverside and San Bernardino, for Airport Land Use Compatibility Planning for ONT; and

WHEREAS, in accordance with "C" above, the Cooperative Agreement (attached Agreement No. 12-43) establishes a process for the mediation of disputes arising from the preparation, adoption, implementation, and amendment of the ALUCP for ONT by establishing the following:

- A. The ONT-IAC Technical Staff Group comprised of senior staff members from the participating agencies appointed by the City Manager or County Chief Executive Officer to review projects for consistency with the ALUCP;
- B. The ONT-IAC Mediation Board, an official voting body established to formally hear disputes that are not resolved by the Technical Staff Group and comprised of elected or appointed government officials from the Participating Agencies as outlined within the Cooperative Agreement;
- C. The Cooperative Agreement outlines an administrative function to manage ONT-IAC administered by the designated agency (City of Ontario); and

WHEREAS, in accordance with "D" above, the Cooperative Agreement establishes a process for general plans, specific plans, zoning ordinances, other policy documents, and major land use actions to be consistent with the compatibility policies and criteria set forth in the ALUCP; and

WHEREAS, the effective date of the Cooperative Agreement is after California Department of Transportation (Caltrans) Division of Aeronautics approval. The Cooperative Agreement shall remain in effect unless and until such time as subsequent modifications are requested and approved by each of the Participating Agencies; and

WHEREAS, a fee schedule may be adopted at a future hearing by the City of Ontario, with the consensus of ONT-IAC members, to recover costs associated with Major Land Use Actions requiring public hearing and mediation; and

WHEREAS, the City Council of the City of Ontario will conduct a hearing to establish, manage, and participate in the ONT-IAC upon collecting signatures from all affected agencies and forward the signed Cooperative Agreement to the State Division of Aeronautics for approval; and

WHEREAS, the City of Ontario will be responsible for forwarding a copy of the signed Cooperative Agreement to the City of Montclair and subsequently a copy of the letter of approval from the Division of Aeronautics once received.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Montclair does hereby approve participation in the ONT-IAC for the implementation of the Ontario International Airport Land Use Compatibility Plan and authorizes the City Manager of the City of Montclair to execute the Cooperative Agreement (attached Agreement No. 12-43) for the ONT-IAC.

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. 12-2953 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 L. Smith
Deputy City Clerk

Attachments: Agreement No. 12-43
Exhibit 1 - ONT ALUCP Airport Influence Area
Exhibit 2 - ONT-IAC Project Comment Worksheet

COOPERATIVE AGREEMENT FOR ESTABLISHING THE ONTARIO INTERNATIONAL AIRPORT – INTER AGENCY COLLABORATIVE FOR AIRPORT LAND USE COMPATIBILITY PLANNING

This Cooperative Agreement (Agreement) is entered into by and among the City of Chino, City of Fontana, City of Montclair, City of Ontario, City of Rancho Cucamonga, City of Upland and San Bernardino County in order to establish a cooperative process and partnership for Airport Land Use Compatibility Planning for Ontario International Airport (ONT) and comply with State Law provisions of the Alternative Process¹ (Public Utilities Code Section 21670.1(c)(2)).

I. PURPOSE

The purpose of this Agreement is to maintain local jurisdictional control of land use planning for areas within the Airport Influence Area (AIA)² of ONT, amend the existing Alternative Process to include participation of Affected Agencies³ and establish the “Ontario International Airport – Inter Agency Collaborative (ONT- IAC)”.

II. BACKGROUND

The California State Aeronautics Act (Public Utilities Code, Section 21670 et. seq.) requires that an Airport Land Use Compatibility Plan (ALUCP) be prepared for all public-use airports with a minimum 20-year horizon taking into consideration regional growth projections and future airport expansion plans. The ALUCP is intended to address future land uses and development and does not place any restrictions on the present and future role, configuration or use of ONT. State law requires local land use plans and individual development proposals to be consistent with the ALUCP. In most counties, an Airport Land Use Commission (ALUC) is established and responsible for preparing an ALUCP for all airports within the county, including those located within the political boundaries of cities. The ALUC also establishes an AIA for each airport and evaluates projects for consistency with an ALUCP. State law allows local jurisdictions within San Bernardino County to be responsible for airport land use compatibility planning under the “Alternative Process” in place of a county administered ALUC. Under the provisions of the Alternative Process the City of Ontario is the designated agency having responsibility for airport compatibility planning for ONT and is required to do the following pursuant to State Law:

- 1) Adopt processes for the preparation, adoption, and amendment of the ONT ALUCP;

¹ Alternative Process – County Board of Supervisors and each affected city must individually determine that proper airport land use compatibility planning in the county can be accomplished without the formation of an Airport Land Use Commission (ALUC).

² Airport Influence Area – An area in which current or future airport-related noise, overflight, safety or airspace protection factors may significantly affect land uses or necessitate restriction on those uses as delineated in Exhibit 1 – ONT AIA.

³ Affected Agency – Any county, city, or special district having lands within the ONT AIA.

- 2) Adopt processes for the notification of the general public, landowners, interested groups, and other public agencies regarding the preparation, adoption, and amendment of the ONT ALUCP;
- 3) Adopt processes for the mediation of disputes arising from the preparation, adoption, implementation and amendment of the ONT ALUCP; and
- 4) Adopt processes for the amendment of general plans, specific plans and major land use actions to be consistent with the ONT ALUCP.

A Technical Advisory Committee (TAC) was established for the preparation of the ONT ALUCP. The TAC consisted of representatives from the cities of Chino, Fontana, Montclair, Ontario, Rancho Cucamonga, Upland and counties of San Bernardino and Riverside in conjunction with representatives from the Federal Aviation Administration (FAA), Los Angeles World Airports (LAWA) and California Department of Transportation (Caltrans) Division of Aeronautics. The ONT ALUCP was adopted by Ontario's City Council on April 19, 2011 (Ordinance No. 2935).

The ONT ALUCP contains the ONT-IAC operational framework and identifies three framework components: 1) a technical group (ONT-IAC Technical Staff Group) comprised of senior staff members from the Affected Agencies to review projects for consistency with the ALUCP; 2) an appeals body (ONT-IAC Mediation Board) to resolve consistency evaluation disputes; and 3) an administrative function managed by the City of Ontario.

III. RESPONSIBILITIES OF PARTICIPATING AGENCIES

- 3.1. **ADOPTION OF THE ONT ALUCP:** Public Utilities Code section 21670.1(c) mandates that Participating Agencies,⁴ in compliance with all applicable provisions of State Law, adopt the ONT ALUCP or specific policies that apply to their portions of the ONT AIA. Participating Agencies are also required to, in compliance with all applicable provisions of State Law, modify their respective general plans, specific plans, zoning ordinances and other land use policy documents to be consistent with the compatibility policies and criteria set forth in the ONT ALUCP.

⁴ Participating Agency – The agencies participating in this Agreement (San Bernardino County and the Cities of Chino, Fontana, Montclair, Ontario, Rancho Cucamonga and Upland). The County of San Bernardino and Affected cities within the ONT AIA are required to participate in this Agreement to maintain and continue to be an Alternative Process County.

- 3.2. **ONT-IAC NOTIFICATION PROCESS:** Each Participating Agency is required to prepare consistency evaluations for proposed Major Land Use Actions (Table 2-1 of the ONT ALUCP) within their portion of the ONT AIA and submit the evaluations to the City of Ontario. The City of Ontario is then responsible for distributing these consistency evaluations to other Participating Agencies for comment in accordance with the timelines and procedures set forth in Section 7 below.
- 3.3. **CONSISTENCY FINDINGS FOR PROJECTS WITHIN THE ONT AIA:** Proposed projects that are within the ONT AIA but are not Major Land Use Actions are also subject to the ONT ALUCP. Participating Agencies are required to use the ONT ALUCP to evaluate proposed projects in accordance with the specific safety, noise, airspace protection and overflight policies that apply. Each Participating Agency shall be responsible for including a consistency finding within its staff reports/resolutions for projects within the ONT AIA, stating the following or its equivalent: The proposed project is located within the Airport Influence Area of Ontario International Airport and has been evaluated and is consistent with the policies and criteria set forth within the ONT Airport Land Use Compatibility Plan.
- 3.4. **PUBLIC NOTICING REQUIREMENTS:** Any proposed project located within the AIA that is discretionary and requires public hearing notification pursuant to state and/or local law shall include the following statement or its equivalent: “The proposed project is located within the Airport Influence Area of Ontario International Airport and has been evaluated and is consistent with the policies and criteria set forth within the Airport Land Use Compatibility Plan.”

IV. ONT-IAC TECHNICAL STAFF GROUP

- 4.1. **MEMBERSHIP APPOINTMENT:** The City Manager or County Chief Executive Officer of each Participating Agency shall appoint a designee to represent its agency on the ONT-IAC Technical Staff Group⁵ and submit this information to the City of Ontario, Planning Department. Members or their designees, should be middle managers or higher within

⁵ ONT-IAC Technical Staff Group – A middle manager (i.e. Director, Assistant Director, Manager, Principal Planner or the equivalent) staff member from each Participating Agency appointed by the City Manager or Chief Executive Officer who will be responsible for participating in the ONT-IAC Notification Process.

their respective organization (i.e. Director, Assistant Director, Manager, Principal Planner, or as determined by each jurisdiction).

- 4.2. **MEMBERSHIP COMPOSITION AND RESPONSIBILITIES:** Members shall consist of one representative from each Participating Agency. Each member shall be responsible for participating in the ONT-IAC Notification Process and make comments on a Submitting Agency's⁶ consistency evaluation within 20 calendar days of the date of notification.

V. ONT-IAC MEDIATION BOARD

- 5.1. **FUNCTION OF ONT-IAC MEDIATION BOARD:** The ONT-IAC Mediation Board is an official voting body established to formally hear disputes that are not resolved at the Technical Staff Group level. The ONT-IAC Mediation Board only reviews matters appealed to it by Affected Agencies.

- 5.2. **ONT-IAC MEDIATION BOARD MEMBERSHIP:** The ONT-IAC Mediation Board shall be comprised of elected or appointed officials of the Participating Agencies as outlined below and two members representing the public. The members representing the Participating Agencies should have land use, planning, and/or public hearing experience. Members of the ONT-IAC Mediation Board shall be appointed as follows:

- a. **City of Ontario:** Two members representing the City of Ontario, appointed by the Ontario City Council.
- b. **LAWA:** One member representing LAWA, (the LA/Ontario International Airport Manager (Executive Director or his Designee).
- c. **Public:** Two public representatives (at least one having aviation expertise), appointed by the Ontario City Council with recommendations from the other Participating Agencies.
- d. **Other Participating Agency:** Two members representing the Participating Agency within whose jurisdiction the disputed project is located, appointed by the

⁶ Submitting Agency – The Participating Agency that is submitting the Project Comment Worksheet to the City of Ontario Planning Department for distribution to the other agencies.

Participating Agency's governing body (City Council or Board of Supervisors). If the disputed project is located within the City of Ontario the ONT-IAC Mediation Board for the disputed project shall consist of a five-member board comprised of individuals identified pursuant to subsections (a) – (c) of this Section 5.2.

- 5.3. ONT-IAC MEDIATION BOARD DECISIONS:** When acting upon a disputed action (e.g., a consistency evaluation or the preparation, adoption or amendment of the ALUCP) the ONT-IAC Mediation Board shall follow the City of Ontario procedures for public hearings, and include, at a minimum:
- a. Holding a noticed public hearing on the action under consideration.
 - b. Providing the opportunity for public input.
 - c. Issuing formal findings on the disputed action.
 - d. Making decisions by majority vote of the quorum.
- 5.4. PROJECTS SUBJECT TO THE MEDIATION DISPUTE PROCESS:** State law pertaining to the Alternative Process requires that a process be established for “the mediation of disputes arising from the preparation, adoption, and amendment” of an airport land use compatibility plan (Public Utilities Code Section 21670.1(c)(2)(C)). The mediation process outlined in this Agreement shall also apply to any disputes that may arise in connection with certain land use actions of Participating Agencies—specifically, general plan amendments, zoning ordinance modifications, airport development plans, or other major land use actions that relate to the AIA.
- 5.5. CONVENING THE ONT-IAC MEDIATION BOARD:** The ONT-IAC Mediation Board shall convene on an as needed basis, to resolve disputed matters brought to it by an Affected Agency. Meetings shall be convened within 30 calendar days from the date the Affected Agency requests in writing a ONT-IAC Mediation Board Hearing date to resolve a dispute. Additionally, the ONT-IAC Mediation Board shall convene once per calendar year to receive an ALUCP Annual Report⁷ from the Ontario Planning Department. All meetings of the Mediation Board will be administered by the City of Ontario and shall be publicly noticed consistent with the City of Ontario's public hearing procedures. The Participating Agency with the dispute may elect to hold the Mediation Board Hearing at

⁷ ALUCP Annual Report – Identifies activity within the ONT AIA over the calendar year providing the following information: number of Project Comment Worksheets, Avigation easements, Consistency Determinations, Disputed Major Land Use Actions and Discretionary Approvals within the ONT AIA.

their respective jurisdictions facilities but would be responsible for incurring the costs associated with holding a public hearing at that location.

- 5.6. **ONT-IAC MEDIATION BOARD ACTIONS FOR NON-AIRPORT PROJECTS:** When deciding whether a proposed project is consistent with the ALUCP, the ONT-IAC Mediation Board has three possible actions:
- a. **Consistent**—Find that the proposed project is consistent with the ONT ALUCP.
 - b. **Conditionally Consistent**—Find that the proposed project is consistent with the ONT ALUCP subject to specified conditions or modifications.
 - c. **Inconsistent**—Find that the proposed project is inconsistent with the ONT ALUCP.
- 5.7. **ONT-IAC MEDIATION BOARD ACTIONS FOR AIRPORT PROPOSALS⁸:** When making consistency determinations on a proposed planning and/or development action pertaining to ONT, the ONT-IAC Mediation Board has four possible actions:
- a. **Consistent**—Find that the airport proposal is consistent with the ONT ALUCP.
 - b. **Conditionally Consistent**—Find that the airport proposal is consistent with the ONT ALUCP subject to specified conditions or limitations on the airport plans or use.
 - c. **Inconsistent**—Find that the airport proposal is inconsistent with the ONT ALUCP.
 - d. **Consistent Upon ALUCP Revision**—Modify the ONT ALUCP (after duly noticed public hearing by the Ontario City Council) to reflect the assumptions and proposals in the airport plan—thereby making the airport proposal consistent.
- 5.8. **OVERRIDING CONSIDERATIONS:** The compatibility criteria set forth in the ALUCP are intended to be applicable to all locations within the ONT AIA. However, there may be specific situations where a normally incompatible use can be considered compatible because of terrain, specific location, or other extraordinary factors or circumstances related to the site. After due consideration of all the factors involved in such situations, the ONT-IAC Mediation Board may find an otherwise incompatible use to be acceptable. In reaching such a decision, the ONT-IAC Mediation Board shall document the nature of

⁸ Airport Proposals – Are defined within the ONT ALUCP Section 2.2 of Chapter 2 and fall under three categories Airport Plans (Airport Master Plan or Airport Layout Plan), Aviation Related Development Proposals and Non-Aviation Related Development Proposals.

the extraordinary circumstances that warrant the policy exception if it can make the following specific findings:

- a. That the proposed project will neither create a safety hazard to people on the ground or aircraft in flight nor result in excessive noise exposure for the future occupants of the proposed use.
- b. That the granting of a policy exception is site specific and shall not be generalized to include other sites.

5.9. OVERRULING ONT-IAC MEDIATION BOARD DECISIONS: If the ONT-IAC Mediation Board determines that a proposed project is inconsistent with the ONT ALUCP, the Submitting Agency shall be notified and the governing body of that agency has the option under state law to overrule the Mediation Board's decision. The agency must make specific findings that the proposed local action is consistent with the purposes of Article 3.5 of the California Public Utilities Code, as stated in Section 21670. Such findings may not be adopted as a matter of opinion, but must be supported by substantial evidence. Specifically, the governing body of the Submitting Agency must make specific findings that the proposed project will not:

- a. Impair the orderly, planned expansion of ONT; or adversely affect the utility or capacity of ONT (such as by reducing instrument approach procedure minimums).
- b. Expose the public to excessive noise and safety hazards.

5.10. OVERRULING NOTIFICATION AND VOTING REQUIREMENTS:

- a. The Submitting Agency must provide a copy of the proposed decision and findings to overrule the ONT-IAC Mediation Board 45 days prior to the hearing date, to the Participating Agencies and Caltrans Division of Aeronautics, as required by State law (Public Utilities Code Section 21676).
- b. The governing body of the Submitting Agency must hold a public hearing prior to making a decision to overrule the consistency determination of the ONT-IAC Mediation Board. The public hearing shall be noticed consistent with the Submitting Agency's established procedures.
- c. A decision by the governing body of the Submitting Agency to overrule the ONT-IAC Mediation Board must be made by a vote of at least two-thirds of the Submitting Agency's body's members.

- d. The Submitting Agency must include any comments received from the public, any Affected Agency, ONT-IAC Mediation Board, Caltrans Division of Aeronautics, and the FAA in the public record of any final decision to overrule the ONT-IAC Mediation Board.

VI. ONT-IAC ADMINISTRATION

- 6.1. **PREPARATION AND ADOPTION OF THE ONT ALUCP:** The City of Ontario is the lead agency responsible for preparing the ONT ALUCP and any amendments that may subsequently be proposed. The City of Ontario shall also be responsible for coordinating these efforts with Affected Agencies. Affected Agencies are responsible for maintaining consistency between the ONT ALUCP and the Affected Agency's General Plan, Specific Plans, Zoning Code and other relevant land use planning documents.
- 6.2. **ONT-IAC MEDIATION BOARD GENERAL ADMINISTRATION:** The City of Ontario shall perform general administrative duties for the Mediation Board including, but not limited to:
 - a. Arranging meeting places and schedules, preparing agendas, and recording meeting minutes.
 - b. Issuing required public notices for meetings of the ONT-IAC Mediation Board.
 - c. Providing an annual report to the ONT-IAC Mediation Board and Caltrans Division of Aeronautics on the compatibility planning actions reviewed over the course of the year.
- 6.3. **Administration of the ONT Inter-Agency Notification Process:** The City of Ontario shall coordinate with and assist Affected Agencies with implementing the relevant policies of the ONT ALUCP by:
 - a. Developing, maintaining and distributing the Project Comment Worksheet (Exhibit 2 – Sample Project Comment Worksheet), when necessary;
 - b. Providing Affected Agencies with technical information and guidance regarding compatibility planning issues;

- c. Serving as a clearinghouse for major airport and land use actions within the ONT AIA and proposed on-site airport development;
- d. Reviewing proposed major airport and land use actions for consistency with the policies set forth in the ONT ALUCP and preparing written consistency evaluations for transmittal to applicable Affected Agencies;
- e. Soliciting input and comments from the FAA, Caltrans Division of Aeronautics, pilot groups, and others regarding compatibility planning matters, when necessary; and
- f. Encouraging Los Angeles and Riverside Counties to adopt compatibility planning policies and criteria for the portions of the ONT AIA located within their respective jurisdictions.

VII. ONT-IAC PROJECT NOTIFICATION PROCESS

- 7.1. **PARTICIPANTS:** Each Affected Agency and LAWA shall participate in the ONT-IAC Project Notification Process for the purposes of providing technical assistance, information and oversight for the implementation of the ONT ALUCP. Participating Agencies required to participate in the Inter-Agency Notification Process include LAWA and the Cities of Ontario, Chino, Fontana, Montclair, Rancho Cucamonga, Upland and the County of San Bernardino.
- 7.2. **PROJECT REVIEW PROCESS:** The ONT-IAC Project Notification Process includes the steps listed below.
 - a. For each Major Land Use Action (project) located within the AIA, the Submitting Agency shall complete a Project Comment Worksheet⁹ and forward it to the City of Ontario for forwarding to Affected Agencies. The Worksheet shall contain sufficient project details to enable Affected Agencies to comment upon the project's consistency with the ONT ALUCP.

⁹ Project Comment Worksheet – An application that is filled out by the Submitting Agency containing project details that enables Commenting Agencies to comment upon the project's consistency with the ONT ALUCP. A sample of the Project Comment Worksheet is included as Exhibit 2 of this Agreement.

- b. Commenting Agencies¹⁰ will have 20 calendar days to review and comment on the Submitting Agency's Project Comment Worksheet. Agencies that do not respond within the 20-day period would be deemed to have no comments and to be in agreement with the Submitting Agency's consistency evaluation. Commenting Agencies shall limit their comments to issues related to the project's consistency with the ONT ALUCP and forward their comments electronically to the City of Ontario, Planning Department.
- c. If the Submitting Agency disagrees with the comments received on the Project Comment Worksheet, staff of the Submitting Agency is encouraged to collaborate with staff of the Commenting Agency and/or Commenting Agencies to seek solutions that will bring the project into voluntary compliance with the ONT ALUCP. If the proposed project is revised in response to comments received on the Project Comment Worksheet, the Submitting Agency shall submit a revised Project Comment Worksheet in the manner provided in subdivision (a). If disagreements regarding consistency remain, the Submitting Agency or any Commenting Agency may request an ONT-IAC Mediation Board hearing to mediate the dispute.
- d. If no comments are submitted on the Project Comment Worksheet as provided in subdivision (b), or if comments are resolved as provided in subdivision (c), the Submitting Agency shall indicate in its own public notices that the project is within the ONT AIA and has undergone a consistency evaluation and was found to be consistent with the ONT ALUCP.

VIII. REFERENCING THE ONT ALUCP IN CEQA DOCUMENTS

The California Environmental Quality Act (CEQA) requires Affected Agencies to utilize the *California Airport Land Use Planning Handbook* and the ONT ALUCP as a technical resource for analyzing the environmental impacts of new projects located within the ONT AIA. Projects situated within the ONT AIA should be evaluated to determine if the project would expose people residing or working in the project area to excessive levels of airport-related noise or to airport-related safety hazards (Public Resources Code Section 21096).

¹⁰ Commenting Agency – An Agency commenting upon a Submitting Agency's Project Comment Worksheet for a project's consistency with the ONT ALUCP.

IX. DURATION OF AGREEMENT

The effective date of this Agreement is the date of Caltrans Division of Aeronautics approval. This Agreement shall remain in effect unless and until such time as subsequent modifications are requested and approved by each of the Participating Agencies. The Participating Agencies include the County of San Bernardino and the Cities of Chino, Fontana, Montclair, Ontario, Rancho Cucamonga and Upland.

X. AGREEMENT AMENDMENTS

Future amendments to this Agreement shall require approval by each of the Participating Agencies requiring new signatures to the amendment. Amendments to this Agreement would require Caltrans Division of Aeronautics approval for the amendment to be effective. Any of the Participating Agencies can propose changes to this amendment at any time. The City of Ontario is the agency responsible for administering any changes to this amendment and coordinating with all of the Participating Agencies. Changes made to Exhibit's 1 (ONT AIA) and 2 (Sample Project Comment Worksheet) are not considered amendments of this Agreement and would not require new approvals from Participating Agencies or Caltrans Division of Aeronautics.

XI. GIS DATA

The following GIS Data shall be submitted to the City of Ontario for the purposes of maintaining the ONT ALUCP document: General Plan, Zoning, Specific Plan, City Limits, parcels, streets and building footprints with height information for areas within the ONT AIA. GIS Data may vary from jurisdiction to jurisdiction and the above list should be provided if data exists to assist with maintaining accurate maps. GIS Data updates should be provided on an annual basis or when amendments or changes occur such as a general plan amendment. The City of Ontario shall provide Participating Agencies with ONT ALUCP shapefiles and basemap shapefiles and provide annual updates of changes as needed.

XII. FEE SCHEDULE

A fee schedule may be adopted by the City of Ontario, with the consensus of the members of the ONT-IAC; if adopted, such fees would be reviewed and negotiated annually for Major Land Use Actions requiring public hearing and Mediation. No Fee Schedule has been proposed at the commencement of the Agreement.

SIGNATURES OF AGENCY OFFICIALS

City of Chino

Print Name: _____

Title: _____

Signature: _____

Date: _____

City of Rancho Cucamonga

Print Name: _____

Title: _____

Signature: _____

City of Fontana

Print Name: _____

Title: _____

Signature: _____

Date: _____

San Bernardino County

Print Name: _____

Title: _____

Signature: _____

City of Montclair

Print Name: Paul M. Eaton

Title: Mayor

Signature: _____

City of Upland

Print Name: _____

Title: _____

Signature: _____

Date: _____

City of Ontario

Print Name: _____

Title: _____

Signature: _____

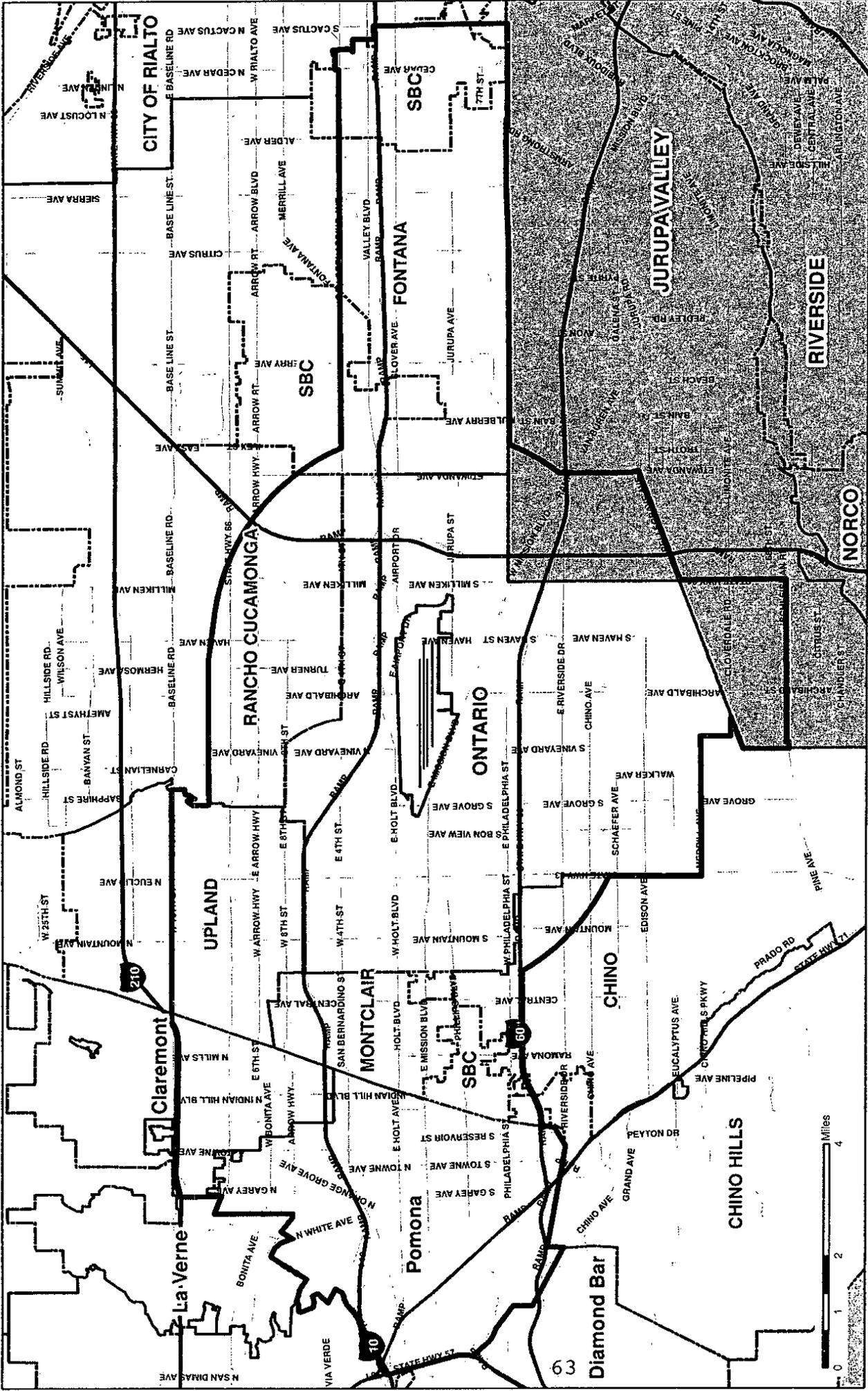


Exhibit 1 - ONT ALUCP Airport Influence Area

Legend

- Freeways
- Streets
- Future Runway
- Existing Runway
- Airport Property
- ▭ Airport Influence Area
- ▭ City Boundaries
- ▭ Los Angeles County
- ▭ Riverside County
- ▭ San Bernardino County

Prepared by:
City of Ontario - Planning Department
April 10, 2012

ONTARIO Planning Department
ONT-IAC



Project Comment Worksheet For Major Land Use Actions within the ONT Airport Influence Area

Project Distribution Information (To be filled out by the City of Ontario)	ALUCP File No.: _____																								
Date Received:	Contact Information for City of Ontario Airport Planner																								
Distribution Date:																									
Comment Due Date:																									
Submitting Agency:																									
Applicable Compatibility Factors:																									
Comments:																									
Project Information (To be filled out by Submitting Agency)	Submitting Agency Project Manager Information																								
Site Address:	Name:																								
Assessor's Parcel No.:	Phone No.:																								
Existing Land Use:	E-mail:																								
Project File No.:	Mailing Address:																								
Type of Major Land Use Action:																									
Major Land Use Action Description (Attach additional sheets if necessary):																									
Project and ALUCP Consistency Information (To be filled out by Submitting Agency)	Project Submittal Checklist (All materials shall be submitted electronically)																								
<p>The proposed project is impacted by the following compatibility factors (check all that apply):</p> <table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> Safety</td> <td><input type="checkbox"/> Noise</td> <td><input type="checkbox"/> Airspace Protection</td> <td><input type="checkbox"/> Overflight</td> </tr> <tr> <td><input type="checkbox"/> Zone 1</td> <td><input type="checkbox"/> 75 +dB CNEL</td> <td><input type="checkbox"/> High Terrain Zone</td> <td><input type="checkbox"/> Avigation Easement Area</td> </tr> <tr> <td><input type="checkbox"/> Zone 2</td> <td><input type="checkbox"/> 70-75 dB CNEL</td> <td><input type="checkbox"/> Pierce Part 77 Imaginary Surfaces</td> <td><input type="checkbox"/> Recorded Overflight Notification Area</td> </tr> <tr> <td><input type="checkbox"/> Zone 3</td> <td><input type="checkbox"/> 65-70 dB CNEL</td> <td></td> <td><input type="checkbox"/> Real Estate Transaction Disclosure Area</td> </tr> <tr> <td><input type="checkbox"/> Zone 4</td> <td><input type="checkbox"/> 60-65 dB CNEL</td> <td></td> <td></td> </tr> <tr> <td><input type="checkbox"/> Zone 5</td> <td></td> <td></td> <td></td> </tr> </table> <p>Fill out the following if applicable (Attach additional sheets if necessary):</p> <ol style="list-style-type: none"> List the land uses proposed within each of the respective Safety Zone(s). _____ List the land uses proposed within each of the respective Noise Impact Zone(s). _____ What is the proposed building/structure height (tallest feature)? _____ ft. Describe any project characteristics which could create electrical interference, confusing lights, glare, smoke or other electrical or visual hazards to aircraft in flight (attach additional sheets if necessary). _____ 	<input type="checkbox"/> Safety	<input type="checkbox"/> Noise	<input type="checkbox"/> Airspace Protection	<input type="checkbox"/> Overflight	<input type="checkbox"/> Zone 1	<input type="checkbox"/> 75 +dB CNEL	<input type="checkbox"/> High Terrain Zone	<input type="checkbox"/> Avigation Easement Area	<input type="checkbox"/> Zone 2	<input type="checkbox"/> 70-75 dB CNEL	<input type="checkbox"/> Pierce Part 77 Imaginary Surfaces	<input type="checkbox"/> Recorded Overflight Notification Area	<input type="checkbox"/> Zone 3	<input type="checkbox"/> 65-70 dB CNEL		<input type="checkbox"/> Real Estate Transaction Disclosure Area	<input type="checkbox"/> Zone 4	<input type="checkbox"/> 60-65 dB CNEL			<input type="checkbox"/> Zone 5				<ul style="list-style-type: none"> <input type="checkbox"/> AIA project vicinity Map: A map depicting the project site location in relationship to ONT. <input type="checkbox"/> Site plan: Site boundaries and size; existing uses that will remain; location of existing and proposed structures, open spaces; ground elevations (above mean sea level) and elevations of tops of structures and trees; and plot safety zones and noise contours. <input type="checkbox"/> Residential Uses: Number of dwelling units per acre. <input type="checkbox"/> Non-residential Uses: Floor area for each type of proposed use. <input type="checkbox"/> Intensity Calculation: Only applies to projects within the Safety Zones. <input type="checkbox"/> Environmental Document: (initial study, draft environmental impact report, etc.) if completed. <input type="checkbox"/> Additional information: If necessary additional information requested by the affected agency to enable a comprehensive review of the proposed project. <input type="checkbox"/> City or Area Wide Projects: Some projects may not have a specific location and the above mentioned items may not apply and maybe substituted with a detailed description.
<input type="checkbox"/> Safety	<input type="checkbox"/> Noise	<input type="checkbox"/> Airspace Protection	<input type="checkbox"/> Overflight																						
<input type="checkbox"/> Zone 1	<input type="checkbox"/> 75 +dB CNEL	<input type="checkbox"/> High Terrain Zone	<input type="checkbox"/> Avigation Easement Area																						
<input type="checkbox"/> Zone 2	<input type="checkbox"/> 70-75 dB CNEL	<input type="checkbox"/> Pierce Part 77 Imaginary Surfaces	<input type="checkbox"/> Recorded Overflight Notification Area																						
<input type="checkbox"/> Zone 3	<input type="checkbox"/> 65-70 dB CNEL		<input type="checkbox"/> Real Estate Transaction Disclosure Area																						
<input type="checkbox"/> Zone 4	<input type="checkbox"/> 60-65 dB CNEL																								
<input type="checkbox"/> Zone 5																									

Project and ALUCP Consistency Information (To be filled out by Submitting Agency)

Describe any project features, during or following construction that would increase the attraction of birds or cause other wildlife hazards to aircraft operations. Such features include, but are not limited to the following: open water areas, sediment ponds, retention basins, detention basins that hold water for more than 48 hours or artificial wetlands.

ALUCP Consistency Determination (To be filled out by the Submitting Agency)

State the Consistency Determination for the proposed project (attach additional sheets if necessary).

ONT-IAC Technical Staff Group Comments (To be filled out by Participating Agencies)

Is the Major Land Use Action as proposed consistent with the ALUCP? Yes No

If no, can conditions be added to achieve consistency with the ALUCP (list conditions/attach additional pages if needed)? Yes No

Participating Agency Member/Designee Information

Name:
Phone No.:
E-mail:
Mailing Address:

Would you like to meet with the other members of the ONT-IAC Technical Staff Group to discuss issues or concerns with the proposed Major Land Use Action? Yes No

Would you like to convene ONT-IAC Mediation Board to make a consistency Determination? Yes No

Summary of Participating Agency Comments and Findings (To be filled out by the City of Ontario)

Participating Agency(ies) **agree** with the Submitting Agency's Consistency Determination. Yes No

Participating Agency(ies) **disagree** with the Submitting Agency's Consistency Determination for the following reasons?

Does the proposed Major Land Use Action need to be revised to include changes and re-submit the Project Comment Worksheet reflecting changes? Yes No

Does the ONT-IAC Technical Staff Group need to meet and discuss the proposed Major Land Use Action? Yes No

The ONT-IAC Mediation Board is needed to make a consistency Determination? Yes No

Additional Comments:

AGENDA REPORT

SUBJECT: CONSIDER ADOPTION OF RESOLUTION
NO. 12-2954 AUTHORIZING PLACEMENT
OF LIENS ON CERTAIN PROPERTIES FOR
DELINQUENT SEWER AND TRASH CHARGES

DATE: June 4, 2012

SECTION: RESOLUTIONS

ITEM NO.: 2

FILE I.D.: STB300-17

DEPT.: ADMIN. SVCS.

REASON FOR CONSIDERATION: Staff has identified 221 sewer and trash accounts in the even-numbered-month billing cycle that are more than three billing periods delinquent. Pursuant to Montclair Municipal Code Chapter 1.12, these properties are subject to lien.

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

The 221 liens presented for approval are for accounts that are at least 90 days delinquent

FISCAL IMPACT: Recoverable amount is \$50,164.29 plus \$11,050.00 in lien fees, for a total of \$61,214.29.

RECOMMENDATION: Staff recommends the City Council adopt Resolution No. 12-2954 authorizing placement of liens on certain properties for delinquent sewer and trash charges as listed on Exhibit A of said Resolution.

Prepared by: *Jane Kulleck*

Reviewed and
Approved by: *[Signature]*

Proofed by: *[Signature]*

Presented by: *[Signature]*

RESOLUTION NO. 12-2954

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MONTCLAIR AUTHORIZING
PLACEMENT OF LIENS ON CERTAIN
PROPERTIES FOR DELINQUENT SEWER
AND TRASH ACCOUNTS**

WHEREAS, Chapter 1.12 of the Montclair Municipal Code authorizes the City to place liens on properties on which delinquent civil debts have accrued; and

WHEREAS, all owners of property in the City of Montclair were notified about the adoption of Ordinance No. 02-815 authorizing placement of liens on properties on which delinquent civil debts have accrued; and

WHEREAS, it has been determined that there are 221 sewer and/or trash accounts on which there are delinquencies in excess of 90 days; and

WHEREAS, the owners of these properties have received regular billing statements and late notices since the onset of such delinquencies; and

WHEREAS, the owners of these properties were notified on May 10, 2012, that their delinquent accounts are subject to causing a lien to be placed on their properties for settlement of such delinquencies; and

WHEREAS, the owners of these properties were again notified on May 24, 2012, and that such liens would be considered for approval by the Montclair City Council on Monday, June 4, 2012.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Montclair approves the placement of liens on the properties and in the amounts specified in Exhibit A, entitled *Report of Delinquent Civil Debts - June 2012*, attached hereto.

BE IT FURTHER RESOLVED that the Deputy City Clerk is authorized to provide the San Bernardino County Auditor/Controller-Recorder with the documents required to cause such liens to be placed.

APPROVED AND ADOPTED this XX day of XX, 2012.

Mayor

ATTEST:

Deputy City Clerk

I, Yvonne L. Smith, Deputy City Clerk of the City of Montclair, DO HEREBY CERTIFY that Resolution No. 12-2954 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 L. Smith
Deputy City Clerk

Exhibit A to Resolution No. 12-2953
Report of Delinquent Civil Debts - June 2012

Street No.	Street	Account Type	Delinquency	Lien Fee	Total Lien Amount
10487	Adobe Court	Residential	\$ 111.57	\$ 50.00	\$ 161.57
10159	Amherst Avenue	Residential	210.11	50.00	260.11
10197	Amherst Avenue	Senior	189.33	50.00	239.33
10207	Amherst Avenue	Residential	227.22	50.00	277.22
10360	Amherst Avenue	Multifamily	656.80	50.00	706.80
10421	Amherst Avenue	Multifamily	437.88	50.00	487.88
10431	Amherst Avenue	Multifamily	437.88	50.00	487.88
11151	Amherst Avenue	Residential	227.22	50.00	277.22
4265	Appaloosa Way	Residential	255.26	50.00	305.26
4306	Appaloosa Way	Residential	103.42	50.00	153.42
4320	Appaloosa Way	Residential	155.27	50.00	205.27
4741	Arrow Highway #A	Commercial	109.80	50.00	159.80
4432-34	Bandera Street	Multifamily	436.30	50.00	486.30
4780	Bandera Street	Multifamily	370.19	50.00	420.19
4990	Bandera Street	Residential	218.33	50.00	268.33
5687	Bandera Street	Residential	197.92	50.00	247.92
5219	Barrington Way	Residential	145.19	50.00	195.19
10145	Bel Air Avenue	Residential	218.33	50.00	268.33
10186	Bel Air Avenue	Residential	218.33	50.00	268.33
10205	Bel Air Avenue	Residential	110.00	50.00	160.00
10263	Bel Air Avenue	Residential	217.36	50.00	267.36
10296	Bel Air Avenue	Residential	170.46	50.00	220.46
5219	Belvedere Way	Residential	113.28	50.00	163.28
10168	Benson Avenue	Residential	213.32	50.00	263.32
10195	Bolton Avenue	Residential	138.03	50.00	188.03
11339	Brunswick Lane	Residential	198.19	50.00	248.19
10964	Buckingham Way	Residential	218.41	50.00	268.41
10978	Buckingham Way	Residential	202.31	50.00	252.31
10468	Calico Court	Residential	218.33	50.00	268.33
10407	Camarena Avenue	Residential	195.57	50.00	245.57
10234	Camulos Avenue	Residential	142.56	50.00	192.56
10241	Camulos Avenue	Residential	218.33	50.00	268.33
10252	Camulos Avenue	Residential	218.33	50.00	268.33
10259	Camulos Avenue	Residential	218.38	50.00	268.38
10171	Canary Court	Residential	218.33	50.00	268.33
4612	Canoga Street	Multifamily	999.91	50.00	1,049.91
4771	Canoga Street	Multifamily	408.81	50.00	458.81
4830	Canoga Street	Multifamily	572.35	50.00	622.35
4830	Canoga Street	Multifamily	572.35	50.00	622.35
4924	Canoga Street	Residential	218.33	50.00	268.33
4945	Canoga Street	Residential	111.49	50.00	161.49
4949	Canoga Street	Residential	218.23	50.00	268.23

Street No.	Street	Account Type	Delinquency	Lien Fee	Total Lien Amount
4977	Canoga Street	Residential	\$ 195.57	\$ 50.00	\$ 245.57
4912	Carlton Street	Residential	142.58	50.00	192.58
11158	Carriage Avenue	Residential	218.33	50.00	268.33
11190	Carriage Avenue	Residential	233.28	50.00	283.28
11239	Carriage Avenue	Residential	195.57	50.00	245.57
11253	Carriage Avenue	Residential	246.55	50.00	296.55
8975	Central Avenue	Commercial	123.57	50.00	173.57
9802	Central Avenue	Commercial	1,632.64	50.00	1,682.64
4327	Clair Street	Residential	220.98	50.00	270.98
4337	Clair Street	Residential	196.86	50.00	246.86
4447	Clair Street	Residential	139.23	50.00	189.23
5229	Clair Street	Residential	195.57	50.00	245.57
4269	Clydesdale Way	Residential	137.33	50.00	187.33
4303	Clydesdale Way	Residential	365.64	50.00	415.64
10231	Coalinga Avenue	Residential	218.33	50.00	268.33
10201	Columbine Avenue	Residential	218.33	50.00	268.33
10213	Columbine Avenue	Residential	218.41	50.00	268.41
11352	Cumberland Lane	Residential	198.19	50.00	248.19
11365	Cumberland Lane	Residential	172.21	50.00	222.21
11370	Cumberland Lane	Residential	128.10	50.00	178.10
11469	Cumberland Lane	Residential	194.80	50.00	244.80
11476	Cumberland Lane	Residential	190.56	50.00	240.56
10212	Del Mar Avenue	Residential	218.28	50.00	268.28
10236	Del Mar Avenue	Residential	218.33	50.00	268.33
10248	Del Mar Avenue	Residential	244.08	50.00	294.08
4522	Donner Court	Residential	227.68	50.00	277.68
11159	Essex Avenue	Residential	218.33	50.00	268.33
4533	Ewart Street	Senior	203.29	50.00	253.29
4628	Ewart Street	Residential	191.82	50.00	241.82
4664	Ewart Street	Residential	107.78	50.00	157.78
4665	Ewart Street	Senior	213.26	50.00	263.26
4674	Ewart Street	Residential	218.85	50.00	268.85
4760	Ewart Street	Residential	285.82	50.00	335.82
5384	Ewart Street	Residential	240.98	50.00	290.98
5393	Ewart Street	Residential	150.39	50.00	200.39
5445	Ewart Street	Senior	171.46	50.00	221.46
4114	Faircove Court	Residential	194.27	50.00	244.27
11334	Fairfax Lane	Residential	198.19	50.00	248.19
11366	Fairfax Lane	Residential	206.47	50.00	256.47
4174	Fauna Street	Residential	102.56	50.00	152.56
4219	Fauna Street	Residential	218.33	50.00	268.33
4244	Fauna Street	Residential	218.32	50.00	268.32
4448	Fauna Street	Residential	215.91	50.00	265.91
4456	Fauna Street	Residential	195.94	50.00	245.94
4703	Fauna Street	Residential	218.33	50.00	268.33

Street No.	Street	Account Type	Delinquency	Lien Fee	Total Lien Amount
4738	Fauna Street	Residential	\$ 218.76	\$ 50.00	\$ 268.76
4782	Fauna Street	Residential	109.80	50.00	159.80
4943	Fauna Street	Residential	278.53	50.00	328.53
4974	Fauna Street	Residential	105.23	50.00	155.23
8919-21	Felipe Avenue	Multifamily	436.67	50.00	486.67
8912	Felipe Avenue	Residential	218.33	50.00	268.33
4202	Flora Street	Residential	195.57	50.00	245.57
4747	Flora Street	Residential	233.51	50.00	283.51
5051	Flora Street	Residential	229.36	50.00	279.36
5185	Flora Street	Residential	218.35	50.00	268.35
10780	Fremont Avenue	Residential	135.69	50.00	185.69
10782	Fremont Avenue	Residential	130.71	50.00	180.71
11049	Fremont Avenue	Residential	314.67	50.00	364.67
10955	Fremont Avenue #C	Residential	117.16	50.00	167.16
10149	Galena Avenue	Residential	219.29	50.00	269.29
10140	Geneva Avenue	Residential	218.35	50.00	268.35
10222	Greenwood Avenue	Residential	290.62	50.00	340.62
10253	Greenwood Avenue	Residential	287.60	50.00	337.60
10282	Greenwood Avenue	Residential	218.33	50.00	268.33
3910	Hampton Drive	Residential	172.21	50.00	222.21
5221	Hanover Way	Residential	105.23	50.00	155.23
5230	Hanover Way	Residential	209.94	50.00	259.94
11343	Hartford Lane	Residential	198.19	50.00	248.19
11418	Hartford Lane	Residential	198.19	50.00	248.19
10436	Helena Avenue	Residential	218.20	50.00	268.20
11339	Hickory Lane	Residential	198.19	50.00	248.19
11353	Hickory Lane	Residential	172.21	50.00	222.21
4103	Howard Street	Residential	218.33	50.00	268.33
4113	Howard Street	Residential	219.30	50.00	269.30
4381	Howard Street	Residential	314.80	50.00	364.80
4553	Howard Street	Residential	105.23	50.00	155.23
4645	Howard Street	Residential	237.25	50.00	287.25
4780	Howard Street	Residential	218.33	50.00	268.33
4910	Howard Street	Residential	246.82	50.00	296.82
5013	Howard Street	Residential	159.74	50.00	209.74
5027	Howard Street	Residential	123.57	50.00	173.57
5202	Howard Street	Residential	117.34	50.00	167.34
10236	Kimberly Avenue	Residential	218.33	50.00	268.33
10311	Kimberly Avenue	Residential	227.22	50.00	277.22
10386	Kimberly Avenue	Multifamily	855.57	50.00	905.57
4821-23	Kingsley Street	Multifamily	390.98	50.00	440.98
4831-33	Kingsley Street	Multifamily	436.30	50.00	486.30
5003	Kingsley Street	Residential	215.86	50.00	265.86
5019	Kingsley Street	Residential	218.33	50.00	268.33
5242	Kingsley Street	Residential	218.33	50.00	268.33

Street No.	Street	Account Type	Delinquency	Lien Fee	Total Lien Amount
5476	Kingsley Street	Residential	\$ 218.34	\$ 50.00	\$ 268.34
5646	Kingsley Street	Residential	165.14	50.00	215.14
4385	Kingsley Street #2	Residential	218.27	50.00	268.27
11367	Kingston Lane	Residential	158.33	50.00	208.33
10310-12	Lehigh Avenue	Multifamily	436.67	50.00	486.67
4535	Mane Street	Residential	110.71	50.00	160.71
4555	Mane Street	Residential	218.33	50.00	268.33
4595	Mane Street	Residential	178.27	50.00	228.27
4846	Mane Street	Residential	218.27	50.00	268.27
4855	Mane Street	Residential	218.33	50.00	268.33
4907	Manzanita Street	Residential	195.57	50.00	245.57
11349	Marquette Lane	Residential	111.32	50.00	161.32
10231	Mills Avenue	Residential	218.33	50.00	268.33
11362	Millstone Lane	Residential	194.27	50.00	244.27
11475	Millstone Lane	Residential	145.57	50.00	195.57
5035	Mission Boulevard	Residential	131.18	50.00	181.18
5239	Monte Verde Street	Residential	218.33	50.00	268.33
8970	Monte Vista Avenue	Commercial	110.52	50.00	160.52
10205	Monte Vista Avenue	Residential	103.04	50.00	153.04
10235	Monte Vista Avenue	Residential	228.54	50.00	278.54
10238	Monte Vista Avenue	Residential	218.33	50.00	268.33
10290	Monte Vista Avenue	Senior	231.21	50.00	281.21
10955	Monte Vista Avenue	Senior	246.82	50.00	296.82
11073	Monte Vista Avenue	Residential	144.29	50.00	194.29
11236	Monte Vista Avenue	Residential	182.18	50.00	232.18
10557	Morgan Circle	Residential	218.33	50.00	268.33
10217	Oak Glen Avenue	Residential	146.77	50.00	196.77
10226	Oak Glen Avenue	Residential	218.32	50.00	268.32
10241	Oak Glen Avenue	Residential	194.45	50.00	244.45
10594	Oak Glen Avenue	Residential	142.58	50.00	192.58
10614	Oak Glen Avenue	Multifamily	370.80	50.00	420.80
4595	Oakdale Street	Residential	304.39	50.00	354.39
4621	Oakdale Street	Residential	105.23	50.00	155.23
5097	Orchard Street	Residential	104.28	50.00	154.28
5111	Orchard Street	Residential	110.57	50.00	160.57
5171	Orchard Street	Residential	128.40	50.00	178.40
5358	Orchard Street	Residential	218.34	50.00	268.34
5392	Orchard Street	Residential	195.57	50.00	245.57
5422	Orchard Street	Residential	218.33	50.00	268.33
10124	Poulsen Avenue	Residential	218.33	50.00	268.33
10154	Poulsen Avenue	Residential	218.58	50.00	268.58
11254	Poulsen Avenue	Residential	205.08	50.00	255.08
10206	Pradera Avenue	Residential	218.27	50.00	268.27
8963	Ramona Avenue	Residential	118.02	50.00	168.02
10180	Ramona Avenue	Residential	149.39	50.00	199.39

Street No.	Street	Account Type	Delinquency	Lien Fee	Total Lien Amount
10198	Ramona Avenue	Residential	\$ 207.53	\$ 50.00	\$ 257.53
11442	Rockford Lane	Residential	198.19	50.00	248.19
4571	Rodeo Street	Residential	105.46	50.00	155.46
4675	Saddleback Street	Residential	236.31	50.00	286.31
5011	Saddleback Street	Residential	195.57	50.00	245.57
5079	Saddleback Street	Residential	226.29	50.00	276.29
5258	Saddleback Street	Residential	195.57	50.00	245.57
5272	Saddleback Street	Residential	218.36	50.00	268.36
5177	San Antonio Way	Residential	218.33	50.00	268.33
5150	San Clemente Way	Residential	144.58	50.00	194.58
11022	San Juan Way	Residential	218.33	50.00	268.33
11052	San Juan Way	Residential	218.33	50.00	268.33
11014	San Miguel Way	Residential	218.33	50.00	268.33
11020	San Pasqual Avenue	Residential	218.33	50.00	268.33
11094	San Pasqual Avenue	Residential	223.17	50.00	273.17
10112	Santa Anita Avenue	Residential	258.64	50.00	308.64
10133	Santa Anita Avenue	Residential	218.03	50.00	268.03
10148	Santa Anita Avenue	Residential	143.49	50.00	193.49
10151	Santa Anita Avenue	Residential	228.09	50.00	278.09
10190	Santa Anita Avenue	Residential	290.62	50.00	340.62
10221	Santa Anita Avenue	Residential	218.33	50.00	268.33
10288	Santa Anita Avenue	Senior	331.97	50.00	381.97
10298	Santa Anita Avenue	Residential	218.86	50.00	268.86
10191	Saratoga Avenue	Residential	218.34	50.00	268.34
10246	Saratoga Avenue	Residential	220.98	50.00	270.98
10290	Saratoga Avenue	Residential	304.39	50.00	354.39
5541	Shirley Lane	Residential	216.97	50.00	266.97
10289	Tudor Avenue	Residential	218.33	50.00	268.33
10236	Vernon Avenue	Residential	209.07	50.00	259.07
10431	Vernon Avenue	Residential	195.57	50.00	245.57
5533	Vernon Court	Residential	226.23	50.00	276.23
5536	Vernon Court	Senior	172.14	50.00	222.14
5554	Vernon Court	Residential	218.33	50.00	268.33
4230	Via Amore	Residential	219.67	50.00	269.67
11053	Wesley Avenue	Residential	219.21	50.00	269.21
11073	Wesley Avenue	Residential	304.39	50.00	354.39
11178	Whitewater Avenue	Residential	218.41	50.00	268.41
11195	Whitewater Avenue	Residential	194.39	50.00	244.39
4515	Yosemite Drive	Residential	218.33	50.00	268.33
4536	Yosemite Drive	Residential	227.22	50.00	277.22
4538	Yosemite Drive	Residential	218.25	50.00	268.25
4548	Yosemite Drive	Residential	264.44	50.00	314.44
10462	Yosemite Drive	Residential	218.33	50.00	268.33
10464	Yosemite Drive	Residential	195.57	50.00	245.57
TOTALS			\$ 50,164.29	\$ 11,050.00	\$ 61,214.29

**MINUTES OF THE REGULAR MEETING OF
THE PUBLIC WORKS COMMITTEE HELD ON
THURSDAY, APRIL 19, 2012, AT 2:03 P.M. IN
THE SOUTH CONFERENCE ROOM, 5111 BENITO
STREET, MONTCLAIR, CALIFORNIA**

I. CALL TO ORDER

Chairman Paulitz called the meeting to order at 2:03 p.m.

II. ROLL CALL

Present: Chairman Paulitz; Committee Member Eaton; City Engineer Hudson; Police Chief Jones; Public Works Superintendent Mendez

Absent: Director of Redevelopment/Public Works Staats; Facilities and Grounds Superintendent McGehee; Director of Community Development Lustro; City Planner Diaz

III. APPROVAL OF MINUTES

A. Minutes of the Public Works Committee Meeting of February 16, 2012

The Public Works Committee approved the minutes of the Public Works Committee meeting of February 16, 2012.

IV. PUBLIC COMMENT – None

V. TRAFFIC SAFETY/CIRCULATION ISSUES

A. Suggested speed hump criteria – Comments from previous meeting

At the last Public Works Committee Meeting, City Engineer Hudson presented a speed bump/hump policy for the Committee to review and comment. There were no comments from the Committee, so an agenda report will be presented at the May 7, 2012, City Council meeting. The policy includes some criteria for having a speed bump/hump installed. Residential streets would be the only streets considered for speed bumps/humps; collector streets would not be considered. One of the criteria for the speed bumps/humps had to do with the 85th percentile speed or 15 percent of the drivers, so it

would not be a bad idea to conduct a speed survey to make sure the criteria fit. A speed survey is done every five to seven years; but because it is a residential street and residential streets are not normally surveyed, the City can require a speed survey be conducted as part of the conditions.

**B. Traffic Signal at Helena Avenue and Benito Street (Montclair HS)
- Follow up discussion on warrants**

At the last Committee Meeting, representatives from Montclair High School were present regarding traffic congestion at the T-intersection of Helena Avenue and Benito Street in front of Montclair High School. Montclair High School requested a traffic signal be placed at the intersection of Helena Avenue and Benito Street to control the pedestrian traffic since the students have no regard for the passing cars. If a traffic signal were to be installed, it would regulate when students could cross the street and regulate the flow of traffic. If students did not obey the traffic signal, then students could be ticketed for failure to obey official signs. There are currently two crosswalks; and both crosswalks are used frequently, which causes traffic to back up. City Engineer Hudson went through a warrant analysis. A total of six warrants were looked at and Warrant No. 5 is the only warrant that could be met. Warrant No. 5 deals with school crossings and it is covered under the Manual on Uniform Traffic Control Devices (MUTCD). The warrant states that before a decision is made to install a traffic signal, consideration shall be given to the implementation of other remedial measures such as warning signs, flashers, school speed zones, school crossing guards, or a grade separated crossing. The recommendation from the traffic engineer is that the school cross walk signage needs to be updated to meet the current California MUTCD standards. The standards would include crosswalks with the ladder style elements, additional signage, and adding an additional yellow crosswalk on the north side of Benito Street across Helena Avenue. Other recommendations include a left-turn lane from eastbound Benito Street to northbound Helena Avenue, additional red curb on Benito Street and on Helena Avenue, and "No Stopping" signs in the intersections. If the Committee concurs, then all of the recommendations will be implemented; and then it will be looked at in another year to see if conditions have improved. If conditions have not improved, then a traffic signal can be installed; and all of the requirements of Warrant No. 5 will be met.

VI. POLICE DEPARTMENT UPDATES/ITEMS - None

VII. COMMUNITY DEVELOPMENT DEPARTMENT PROJECT UPDATES/ITEMS

A. PE Trail/Citrus Bikeway Grand Opening Celebration

The Community Development Department is requested to give an update prior to the scheduled May 12 event.

Chairman Paulitz would also like to have an update on Déjà Vu at every Public Works Committee Meeting.

VIII. PUBLIC WORKS DEPT. – MAINTENANCE ACTIVITIES UPDATES/ITEMS

Public Works Superintendent Mendez gave an update on the irrigation at the parks. Currently, Ruben Gutierrez is the only one who works on irrigation at the parks full time, which is a lot for one person. He is able to go out and check on and run through everything at least once a week and make adjustments at those times. In the past there were two people who would do irrigation in the summer time but now it is impossible with the decrease in staff. So this summer more water may have to be used which may be a problem because water is expensive. Currently, Kingsley, Saratoga, Sunset, Sunrise, and Alma Hofman Parks and the Civic Center use recycled water. Recycled water is about a 10 to 15 percent price reduction. The City does make a little bit of money by selling the recycled water to Monte Vista Water District on an annual basis. It is sold to the District at \$261 an acre-foot. Domestic water is being sold in excess of \$400 an acre-foot, but the rate is reduced a little bit for the recycled water. The City Yard is currently short six Maintenance Workers.

There are building complexes on the south side of the street on Palo Verde Street between Fremont and Monte Vista Avenues, and they are asking if they could park in the caboose parking lot across the street from them since the car dealership people are taking up a lot of their parking spots. They also wanted to know if they could park on Autoplex Drive. City Engineer Hudson informed the Committee that Autoplex Drive is a private street and is controlled by Metro Nissan and Metro Honda, so the City has no regulatory power on that. There is a lease with Metro Nissan on the caboose parking lot. Between Metro Nissan and Metro Honda, there was not adequate parking available for all of their employees' vehicles on the street; so a lease arrangement was worked out in which parking lot improvements would be done at the caboose and Metro Nissan employees would be able to park there. The employees were parking there for a while; but as the economy went downhill, fewer cars were being parked in the caboose area because staff was being downsized. The problem is Metro Nissan is not paying anything on that lease, and there are a few cars that are still utilizing the parking lot. This item is being recommended to be reviewed by legal counsel. [Subsequent to the meeting, it was determined that there currently is no lease in effect with Metro Nissan.]

IX. PUBLIC WORKS DEPT. ENGINEERING DIVISION UPDATES/ITEMS

A. Transportation Development Impact Fee Increase

It has been three years since the Transportation Development Impact fees have been updated. There has been a significant reduction in construction costs due to the economy. City Engineer Hudson has completed the study to see what adjustment should be made; and even with the Monte Vista Avenue/I-10 Interchange reconstruction doubling, there will not be a recommended increase in the City's development impact fee—it can be accommodated in the existing fee structure and still comply with SANBAG's Nexus requirements. A fee resolution will not be submitted to the City Council for approval for an increase this year. The current developments have paid their fees and have paid them based on the current rate which has been in effect for about three years.

B. Update on Central Avenue Median Turn Pocket and Hank Voznick

Mr. Hank Voznick requested a median break and turn pocket on Central Avenue just south of Howard Street that would allow U-turn movements from southbound Central Avenue into his driveway where several tenants own auto repair and service businesses. The work included removal of three trees, demolition of existing curb and gutter, installation of new curb and gutter for the turn pocket and median break, relocation of the irrigation controller and backflow device, and landscape restoration. The construction has been done for about two months, and the work was done by Gentry Brothers, Inc. The City did allow Mr. Voznick to put a temporary sign in the median indicating the left-turn pocket was for access to the auto center and no U-turns were permitted. There is also a regulatory sign indicating no U-turn. The temporary sign is to be taken down no later than May 31, 2012.

C. Update on Gold Line Montclair

AB 1600 went to the Committee on Local Government, Committee on Transportation, and Committee on Appropriation where it was unanimously approved. Yesterday, it went to their consent calendar where it was also unanimously approved; and today it is having its second reading. There is unanimous support for it in the **Assembly**, and there should be similar results in the **Senate**. It was also brought up in the Commuter Rail meeting earlier in the day. It expands the limits of the Blue Line Construction Authority, which was originally established to include the City of Montclair as a terminus point rather than the **City of Claremont**. Legislation still refers to the organization as the "Blue Line Construction Authority."

D. Update on Caltrans Encroachment Permit for Truck Route Restrictions and Completion of Work

There was no signage on the westbound I-10 Freeway off-ramp; the first sign that was present was a sign on Monte Vista Avenue just south of Palo Verde Street; and by that time, the truck was already in violation. An encroachment permit was obtained through Caltrans to put signage on the freeway. Signs were added to the mast arm that indicate "No Left Turn" or "No Right Turn" as appropriate, depending on which ramp is being used. City Yard staff installed the signs on the freeway as well as on the signal mast arms about two months ago. Officer Rob Pipersky is the only Police Officer who issues overweight citations, and he is currently on light duty so he has not yet been able to enforce the signs.

X. CAPITAL PROJECT UPDATES

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

A. MONTE VISTA GRADE SEPARATION PROJECT

The Preliminary Environmental Study (PES) form, which is required as part of the NEPA process, was prepared and submitted to Caltrans in the beginning of January. Caltrans anticipated completing its review by the middle of March 2012; and on March 17, 2012, the approved PES form was submitted back to the City. This is good news; however, part of the approval was the need to prepare additional technical studies that the City had not planned on providing. One of the technical studies is a noise study, and Caltrans believes it is necessary since there are residential structures that need to be evaluated with respect to noise. The Caltrans protocol for noise study can be used. Staff met with Caltrans two weeks ago to get some clarification on the different studies being requested. The requested traffic study is not a full-fledged traffic study; they are only looking for enough traffic information to support whatever is required for the noise study. Another study they are asking for is a Visual Impact Analysis, which is the visual aesthetics the new bridge will have in the area. The City is ahead of the game in getting the studies done. As far as the schedule goes, everything is supposed to be submitted to Caltrans in either September or October; and by the end of the calendar year, there should be NEPA clearance.

B. COMMUNITY CENTER RESTROOMS

The current Community Center restrooms are not ADA-compliant and are inadequate for the size of the building. The plans have been completed and submitted to the Building Division for a building permit. The Building Division requested a few minor plan

details be revised. Once the plans are approved, the project can be advertised to bid.

C. FREMONT AVENUE IMPROVEMENT PROJECT – PHASE II

This phase of the Fremont Avenue Improvements is just south of Howard Street. This project involved construction of curb, gutter, and sidewalk. The project is now complete. The project was funded by **SANBAG** Local Stimulus Funds, and expenditures were right on track.

D. INTERSECTION IMPROVEMENT PROJECT – PHASE II

This project is the follow-up to last year's intersection repair project at various locations. The three current locations that will be worked on are Holt Boulevard and Ramona Avenue; Palo Verde Street and Central Avenue; and Monte Vista Avenue and Arrow Highway. The project will be funded by the remaining **SANBAG** Local Stimulus Funds, and the remainder of the project will be funded by Measure I.

E. ALMA HOFMAN PARK IMPROVEMENTS

This project is nearly complete; there are just a few minor things that need to be completed. There are some handrails that need to be installed around the gazebo for ADA compliancy. Also, there are two stage entrances along the east side of the Community Center with staircases that lead up to the top. At the top of the staircases, there are concrete walls that have been subject to vandalism for several years. The wall will be cut down and replaced with a hand-rail. A presentation was supposed to be made at the City Council workshop in March to review the improvements, but it was canceled because another workshop took precedence. Quite a bit of money has been spent on the park improvements, but the majority of it was paid through grant funds.

There were some issues with drainage; but since the area has been regraded, the parking lot still drains into the grassy area but the grassy area has a little bit more slope on it and a more defined swale. There is still potential for a little flooding at the south side of the walkway at the new parking lot. The bio-swale gets a little bit of treatment runoff from the parking lots and after the treatment it gets released into the street. Overall, drainage has considerably improved around the park.

F. CARLTON STREET IMPROVEMENTS

Carlton Street is an east-west street just south of Mission Boulevard which runs off of Monte Vista Avenue. Six homes on Carlton Street were annexed from the **County of San Bernardino**. The homes have dirt shoulders and pavement that was severely damaged or

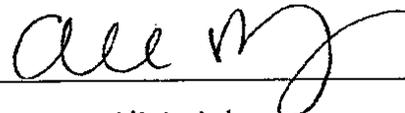
deteriorated. Temporary repairs were done. Curb, gutter, and sidewalk; new pavement; and installation of new sewers are still to be done. Community Development Block Grant (CDBG) funding was used for the sewers, and \$30,000 of Measure 1 funds will be used for the street improvements. The project was awarded by the City Council on April 16, 2012. The bids came in considerably lower than the engineer's estimate. There was a preconstruction meeting for the project this morning, and the contractor plans on getting started next week. The work should take about a month to complete.

XII. ADJOURNMENT

Prior to adjournment, it was learned that Chairman Paulitz would not be available for the regular May 17, 2012 meeting. The next meeting of the Public Works Committee will be at 2:00 p.m. on June 21, 2012.

At 2:45 p.m., Chairman Paulitz adjourned the Public Works Committee.

Submitted for Public Works Committee approval,

A handwritten signature in cursive script, appearing to read "Alicia Johnson", written over a horizontal line.

Alicia Johnson
Transcribing Secretary

**MINUTES OF THE REGULAR MEETING OF THE
CITY OF MONTCLAIR SAFETY COMMITTEE
HELD ON THURSDAY, MAY 17, 2012, AT
9:06 A.M. IN THE CITY HALL CONFERENCE
ROOM, 5111 BENITO STREET, MONTCLAIR,
CALIFORNIA**

I. CALL TO ORDER

Chairperson Steve Lustro called the meeting to order at 9:06 a.m.

II. ROLL CALL

Present: Chairperson Steve Lustro; Members Gary Charleston, Merry Westerlin, Scott Sherwood, Sharon Agajanian, Lisa Shannon, Chad Quidor; Dennis Ferguson, Kessler-Alair Insurance Services, Inc.; Administrative Secretary Laura Berke

III. MINUTES

A. Minutes of Regular Safety Committee Meeting of April 19, 2012

Moved by Member Shannon, seconded by Member Agajanian, and carried unanimously to approve the minutes of the April 19, 2012 Safety Committee meeting.

IV. ITEMS DISCUSSED

A. Building/Facility Evacuation Route Maps

Member Charleston commented he spoke with GIS Specialist Steve Dague at the annual Hazard Mitigation Plan update meeting who indicated the maps are coming right along; two building maps were delayed because he had to "reconstruct" the maps for City Hall and the Community Center, but the other buildings are already completed. Member Westerlin commented that the maps are progressing but need to show points of egress as some buildings have multiple points of entry. She asked for suggestions for GIS Specialist Dague related to what should be identified on the maps. Member Quidor suggested defibrillators and first aid kits, and Member Charleston suggested fire extinguishers.

B. Insurance Representative Comments

Mr. Ferguson commented, "Great progress" on the maps.

V. NEW BUSINESS

A. Hand Sanitizer Stations

Member Agajanian reported that Chief Jones suggested she ask if there are funds available to purchase wall-mounted hand sanitizer stations for the Police Department near the holding tank and jail. Member Charleston stated that he would check with the Finance Division.

VI. ACCIDENT REPORTS

Accident Report

Jacob Riedell
Police Officer

In assisting the SB WESTNET Task Force in Pomona, Officer Riedell was involved in a high-speed chase and collision with a suspect, which caused scrapes and paint transfer to the right front fender and bumper of his vehicle.

Recommendation: Nonpreventable accident

Accident Report

Brian Rose
Police Officer

In attempting a traffic stop of burglary suspects, a vehicle pursuit ensued, causing damage to the front right push bar. In an attempt to stop the suspect-fled vehicle from entering into other lanes on the freeway; the front end of the suspect vehicle collided with the right rear fender and right rear tire rim of Officer Rose's vehicle.

Recommendation: Nonpreventable accident

Accident Report

Jerry Scharbach
Technical Services

Employee was parked in his assigned stall under the carport at the rear parking lot and while exiting, turned left too soon, failing to clear the carport structure pole and causing damage to the driver's side mirror, the left front door, and a small dent with paint transfer to the left rear passenger door of Unit #405.

Recommendation: Employee needs to pay close attention to his surroundings while driving out of the carport parking stalls.

Accident Report

Unknown
Police Department

Damage to a 2005 Ford Taurus (Unit #44) was noticed by City Yard personnel when the vehicle was brought in for service on 03.06.12. It was determined from the scuff marks on the rear tires that whoever drove the vehicle struck an unknown object and caused the lower portion of the bumper cover to be pulled away from its original position.

Recommendation: Be aware of driving conditions and roadways.

Accident Report

Unknown
Police Department

On 4.24.12, it was discovered that the metal support beam to the sally port roof light was bent. On 4.23.12, a vehicle was towed to the sally port and dropped off by a tow truck. It is likely that the damage was caused by the tow truck.

Recommendation: The tow companies contracted with the City need to be informed of this damage. The two tow companies need to instruct their drivers to use caution when lifting the hydraulic tow truck beds in the sally port of the Police Department to prevent future damage.

VII. INFORMATION ITEMS

A. *Top Safety, Top Health, and University of California, Berkeley Wellness Letters*

Top Safety, Top Health, and University of California, Berkeley Wellness Letters were presented for Committee Members' review and routing through departments.

B. *First-Aid Kits*

Committee Members were reminded to check the contents of their departments' first-aid kits to make sure the doctor-approved list of contents is posted on each kit. Supplies can be restocked by contacting Fire Division Chief Steve Jackson at Extension 547.

VIII. ADJOURNMENT

At 9:15 a.m., Chairperson Lustro adjourned the Safety Committee.

Submitted for City of Montclair Safety Committee approval,



Laura Berke, Administration Secretary

**MINUTES OF THE MEETING OF THE MONTCLAIR
CODE ENFORCEMENT COMMITTEE HELD ON
MONDAY, MAY 21, 2012, AT 6:00 P.M. IN THE
CITY HALL CONFERENCE ROOM, 5111 BENITO
STREET, MONTCLAIR, CALIFORNIA**

I. CALL TO ORDER

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

II. ROLL CALL

Present: Council Member Dutrey, Mayor Eaton, City Manager Starr;
Director of Community Development Lustro, Police Chief
Jones, City Attorney Robbins, City Prosecutor Eckart

Excused: Council Member Paulitz

III. APPROVAL OF MINUTES

**A. Minutes of Code Enforcement Committee Meeting of April 16,
2012**

It was the consensus of the Code Enforcement Committee to
approve the minutes of the April 16, 2012 Code Enforcement
Committee meeting.

IV. PUBLIC COMMENT - None

V. OLD BUSINESS

Community Development Director Lustro briefly summarized the
chronology of the code violations at the **Reyes** residence at 5574 Deodar
Street. The owners inquired with the City about building a patio
structure in their side and rear yards and were told by Building Inspector
John Clayden that all or part of both structures would not meet required
setbacks and thus, would not be permitted as proposed. Shortly
thereafter, it was discovered that the residents built the structure
anyway. Community Development Director Lustro noted these residents
are knowledgeable; **Mrs. Reyes** works for the **City of Norwalk** and
Mr. Reyes works in construction. Subsequent to the illegal construction,
a Notice to Correct was issued and ignored; so a citation and fine
followed, which the **Reyeses** paid and appealed. The citation and fine
were upheld on appeal. During the appeal hearing, **Mrs. Reyes** again
admitted she knew the patio was not allowed but built it anyway because
it is what she wanted.

City Prosecutor Eckart subsequently sent a strongly worded letter to the **Reyeses** regarding the illegal construction. Mayor Eaton asked if City Prosecutor Eckart advised **Mrs. Reyes** that she could go to jail for this. Mayor Eaton explained that he had heard that from another neighbor who was very upset. City Prosecutor Eckart stated that he did mention that in his letter to the **Reyeses**. When he spoke with her, he realized he knew her as he also performs work for the **City of Norwalk**. **Mrs. Reyes** stated that she believed the City Prosecutor's letter was too harsh. City Prosecutor Eckart advised **Mrs. Reyes** that the required setback would limit her to a structure that extends a maximum of six feet from her house. She replied that she does not want to cut it back because it is too much work.

Mayor Eaton asked how many other properties are in violation in the City. Community Development Director Lustro replied there are probably hundreds. Mayor Eaton commented that it put him in a difficult position because he had told her, based on what City Manager Starr told him, that the **Reyeses** "would like what the City had to say," which basically was that it would be left alone. City Manager Starr commented that what he told the Mayor was based on Personnel Officer Gary Charleston's "comments from Community Development." Mayor Eaton stated that he has received about four calls from residents asking why the City is picking on the **Reyeses** when so many violations exist in the City and commented that he would like to leave it alone.

City Manager Starr received a call asking about a patio cover at one of the Planning Commissioner's homes. Community Development Director Lustro commented that when Planning Commissioner Johnson's patio cover was first constructed, it was in violation; but she modified it so it now complies with the Code.

City Prosecutor Eckart stated that with regard to enforcement, the **Reyeses** knew the structure would not be permitted and flagrantly built it anyway. He noted to not pursue this case suggests selective enforcement.

Council Member Dutrey inquired as to how the patio was built, if it was built to Code, and if Building Division has inspected it. City Prosecutor Eckart replied that the patio is one of other violations at the property. He noted there is another structure in the rear that requires modification and that **Mr. Reyes** is expected to submit plans to legalize it. He advised that the structure in the side yard must be reduced greatly in size. He noted he has no doubt that if it were legal, **Mrs. Reyes** would apply for a permit for it. Council Member Dutrey suggested checking the setbacks and the site plan. He asked if the City would be liable if the structure is not built correctly, particularly because the City is aware it exists. He suggested this item be continued to the next Code Enforcement Committee meeting.

Community Development Director Lustro responded that staff could develop alternatives for a Code amendment if that is the Committee's direction. City Prosecutor Eckart commented a decision should be made related to a Code amendment because if we do not, it removes other things. Council Member Dutrey commented that if the Committee decides it is appropriate to amend the Code, the Reyeses would be required to apply for a permit and have the structure inspected.

Community Development Director Lustro offered to survey other cities before making a recommendation to the Code Enforcement Committee, Planning Commission, or City Council.

City Manager Starr inquired if there is a higher "post-construction" building permit fee. Community Development Director Lustro replied, "Yes, it is typically double the normal fee."

City Prosecutor Eckart asked if there is a cost to change the Code. Community Development Director Lustro replied, "Yes, it is about a couple thousand dollars."

City Attorney Robbins inquired as to the lot size. Community Development Director Lustro replied it is approximately 7,500 square feet.

Discussion regarding 5564 Hawthorne Street followed. It was the consensus of the Code Enforcement Committee that this will be the last time this item will be considered. Community Development Director Lustro circulated before-and-after photos. The property owner and her family continue to make remarkable progress. Most recently, the exterior of the house was painted.

VI. NEW BUSINESS

Discussion regarding 9868 Kimberly Avenue followed. Before-and-after photos were circulated as well as an article in the *Inland Valley Daily Bulletin*. A significant amount of landscape cleanup was performed as well as exterior painting and removal of a dangerous dilapidated wrought-iron fence. **Pastor Marc Anthony of Abiding Love Family Church** took it upon himself to replace rotted fascia boards and mulch for the planters.

Discussion and review of photos taken by Code Enforcement followed regarding homeless encampments on vacant lots and in bus shelters. Staff will continue to "evict" the homeless from bus shelters and work with owners of vacant lots to keep them clear, raise tree canopies as necessary, and post "No Camping" notices.

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.

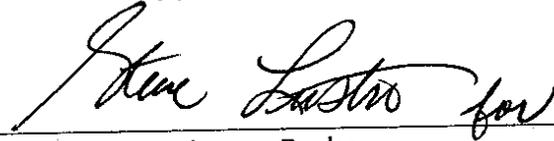
VIII. NEXT MEETING

The next Code Enforcement Committee meeting is scheduled for Monday, June 18, 2012, at 6:00 p.m. in the City Hall Conference Room.

IX. ADJOURNMENT

At 6:42 p.m., Council Member Dutrey adjourned the Code Enforcement Committee.

Submitted for Code Enforcement
Committee approval,

A handwritten signature in black ink, appearing to read "Laura Berke for", written over a horizontal line.

Laura Berke
Administrative Secretary

**MINUTES OF THE MEETING OF THE MONTCLAIR
PERSONNEL COMMITTEE HELD ON MONDAY,
MAY 21 2012, AT 7:43 P.M. IN THE CITY
ADMINISTRATIVE OFFICES, 5111 BENITO STREET,
MONTCLAIR, CALIFORNIA**

I. CALL TO ORDER

Mayor Eaton called the meeting to order at 7:43 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 May 7, 2012.

Moved by City Manager Starr, seconded by Council Member Ruh, and carried unanimously to approve the minutes of the Personnel Committee meeting of May 7, 2012.

IV. PUBLIC COMMENT - None

V. CLOSED SESSION

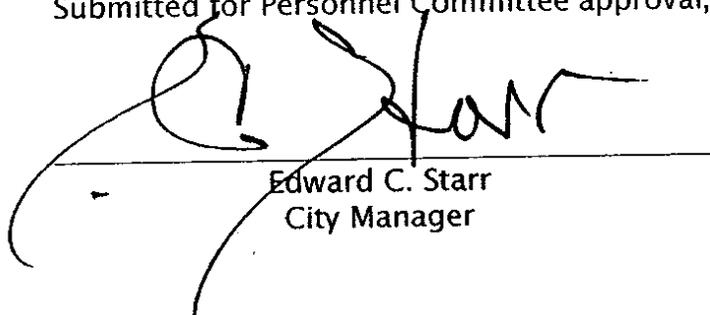
At 7:44 p.m., the Personnel Committee went into Closed Session regarding personnel matters related to appointments, resignations/terminations, and evaluations of employee performance.

At 8:05 p.m., the Personnel Committee returned from Closed Session. Mayor Eaton stated that no announcements would be made at this time.

VI. ADJOURNMENT

At 8:05 p.m., Mayor Eaton adjourned the Personnel Committee.

Submitted for Personnel Committee approval,



Edward C. Starr
City Manager