

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

November 5, 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/SA/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 and Successor Agency and Montclair Housing Corporation Boards 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** - None

VI. **PUBLIC COMMENT**

This section is intended to provide members of the public with an opportunity to comment on any subject that does not appear on this agenda. Each speaker will be afforded five minutes to address the City Council Members, 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** - None

VIII. CONSENT CALENDAR

A. Approval of Minutes

1. Minutes of the Regular Joint Council/Successor Agency Board/
MHC Board Meeting of October 15, 2012 [CC/SA/MHC]

B. Administrative Reports

1. Consider Approval of Grant Deed Conveying Title of City-Owned
Property on Central Avenue to Monte Vista Water District and
Authorization for Mayor Eaton to and Deputy City Clerk Smith
to Sign the Grand Deed on Behalf of the City [CC] 4

2. Consider Authorizing City Engineer Michael C. Hudson to Sign
Lot Line Adjustment No. 12-1 Application on Behalf of the City
[CC] 8

3. Consider Status Report on Emergency Contracting Procedures
Related to Certain Repairs at Kingsley Park [CC]

Consider Termination of the Emergency Action Authorized
Under Resolution No. 12-2967 [CC]

Consider Approval of the Filing of a Notice of Completion for
the Emergency Repairs [CC] 9

4. Consider Approval of Warrant Register and Payroll Documenta-
tions [CC] 11

C. Agreements

1. Consider Approval of Agreement No. 12-98 With the City of
Ontario Police Department for Participation in the "Avoid the
25" DUI Enforcement Program [CC] 12

D. Resolutions

1. Consider Adoption of Resolution No. 12-2966 Authorizing
Placement of Liens on Certain Properties for Delinquent Sewer
and Trash Charges [CC] 18

IX. PULLED CONSENT CALENDAR ITEMS

X. RESPONSE - None

XI. COMMUNICATIONS

A. City Attorney

1. Closed Session Pursuant to Government Code Section 54956.9(c)
Regarding the Initiation of Litigation

One Potential Case

2. 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 Code Enforcement Committee Meeting of October 15, 2012 26
2. Minutes of the Personnel Committee Meeting of October 15, 2012 29
3. Minutes of the Safety Committee Meeting of October 18, 2012 30

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

(At this time, the City Council will meet in Closed Session regarding initiation of litigation on one potential case and labor negotiations.)

XIII. CLOSED SESSION ANNOUNCEMENTS

XIV. ADJOURNMENT OF CITY COUNCIL

The next regularly scheduled City Council, Successor Agency, and Montclair Housing Corporation Board meetings will be held on Monday, November 19, 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 north door of Montclair City Hall on November 1, 2012.

AGENDA REPORT

SUBJECT: CONSIDER APPROVAL OF GRANT DEED CONVEYING TITLE OF CITY-OWNED PROPERTY ON CENTRAL AVENUE TO MONTE VISTA WATER DISTRICT AND AUTHORIZATION FOR MAYOR EATON AND DEPUTY CITY CLERK SMITH TO SIGN THE GRANT DEED ON BEHALF OF THE CITY	DATE: November 5, 2012 SECTION: ADMIN. REPORTS ITEM NO.: 1 FILE I.D.: LDU155 DEPT.: PUBLIC WORKS
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REASON FOR CONSIDERATION: As part of Agreement No. 12-96, the City has agreed to convey title of City-owned property on Central Avenue, known as the "Old Fire Station," to Monte Vista Water District. Disposal of City property requires City Council approval.

BACKGROUND: At its meeting on October 15, 2012, the City Council approved Agreement No. 12-96 with the Monte Vista Water District (District). The District is scheduled to consider approval of this Agreement on November 14, 2012. The Agreement addresses, among other things, property ownership issues at Sunset Park and the Monte Vista Water District property on Central Avenue.

In the late 1970s, the City entered into an Agreement with the District regarding the use of a portion of Sunset Park owned by the District and a property located south of District offices owned by the City. The property was the site of a former fire station. When the City attempted to convey title, it found that it didn't actually own the property; it was actually owned by San Bernardino County. That issue was subsequently resolved, but the property was not transferred to the District nor was the District-owned parcel at Sunset Park conveyed to the City.

An attempt was made in 1999 to again transfer these properties by Agreement No. 99-28. The Agreement was signed by Mayor Eaton in May 1999 but apparently was never signed by the District. The Agreement would have conveyed title of the Sunset Park property to the City, reserving an easement to the District for a water well. Included in the Agreement was a clause stating that in the event of a well failure, the City would work with the District to find another suitable location for a well.

In January 2000, the District informed the City that it had stopped drilling the well because of lower-than-expected production rates. The District was also regrading the Sunset Park well site to restore it to its original condition.

Despite the time that has elapsed since the "land swap" was first discussed, it appears that all the issues holding up the swap have been addressed by Agreement No. 12-96. In accordance with that Agreement, the City Council is being asked to approve the grant deed conveying title to the Old Fire Station property. Recordation of the document will be held until the District has executed a similar grant deed for the Sunset Park property.

Prepared by: <u>M. Scott</u>	Reviewed and	Approved by: <u>M. STRAATS</u>
Proofed by: <u>Deery</u>	Presented by:	<u>[Signature]</u>

FISCAL IMPACT: Under the terms of Agreement No. 12-96, the City Council has agreed to convey title of the property on Central Avenue known as the "Old Fire Station" to Monte Vista Water District. In exchange, the District will convey title of a portion of District-owned property at Sunset Park to the City. Recordation fees for public agencies are normally waived by the San Bernardino County Recorder, so no fees are anticipated.

RECOMMENDATION: Staff recommends the City Council approve a grant deed conveying title of City-owned property on Central Avenue to Monte Vista Water District and authorize Mayor Eaton and Deputy City Clerk Smith to sign the grant deed on behalf of the City.

Recording requested by and when recorded, mail this deed and tax statements to:

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

GRANT DEED

APN: 1011-052-11-0-000

DOCUMENTARY TRANSFER TAX \$ _____
EXEMPTION (R&T CODE) _____
EXPLANATION _____
Signature of Declarant or Agent determining tax _____

For a valuable consideration, receipt of which is hereby acknowledged,

City of Montclair

hereby grant(s) to:

Monte Vista County Water District, Inc., a state political subdivision

the following real property in the City of Montclair, County of San Bernardino, California:

See attached Exhibit A

Date: _____
Mayor

Date: _____
Deputy City Clerk

State of California
County of San Bernardino

On _____, 2012, before me, _____, a notary public, personally appeared Paul M. Eaton and Yvonne Smith, who proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary

EXHIBIT A

PARCEL 1:

THE SOUTH 30 FEET OF THE WEST 100 FEET OF THAT CERTAIN PORTION OF LOT 2, BLOCK 26, MONTE VISTA TRACT, IN THE CITY OF MONTCLAIR, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 11 OF MAPS, PAGE 34, RECORDS OF SAID COUNTY, AS SAID PORTION WAS CONVEYED TO MONTE VISTA COUNTY WATER DISTRICT OF SAN BERNARDINO COUNTY BY ELIZABETH ALICE RICHARDSON, BY DEED RECORDED NOVEMBER 21, 1931 IN BOOK 767, PAGE 304, OFFICIAL RECORDS OF SAID COUNTY.

PARCEL 2:

THE NORTH 25 FEET OF THE EAST 100 FEET OF THE WEST 135 FEET (MEASURED FROM THE CENTER LINE OF CENTRAL AVENUE) OF THAT CERTAIN PORTION OF LOT 2, BLOCK 26, MONTE VISTA TRACT, IN THE CITY OF MONTCLAIR, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 11 OF MAPS, PAGE 34, RECORDS OF SAID COUNTY, AS SAID PORTION WAS CONVEYED TO WEST ONTARIO CITRUS ASSOCIATION BY SOUTHERN PACIFIC LAND COMPANY, BY DEED RECORDED AUGUST 20, 1936 IN BOOK 1155, PAGE 305, OFFICIAL RECORDS OF SAID COUNTY.

AGENDA REPORT

SUBJECT: CONSIDER AUTHORIZING CITY ENGINEER MICHAEL C. HUDSON TO SIGN LOT LINE ADJUSTMENT NO. 12-1 APPLICATION ON BEHALF OF THE CITY	DATE: November 5, 2012
	SECTION: ADMIN. REPORTS
	ITEM NO.: 2
	FILE I.D.: LDU155
	DEPT.: PUBLIC WORKS

REASON FOR CONSIDERATION: Lot line adjustments are permitted under the state Subdivision Map Act and the Montclair Municipal Code. Adjustments are commonly requested when two or more property owners desire to modify their common boundaries. The application for a lot line adjustment must be signed by all the affected property owners. The City is a party to Lot Line Adjustment No. 12-1, so the City Council is requested to consider designating the City Engineer as the authorized person to sign the application.

BACKGROUND: At its meeting on October 15, 2012, the City Council approved Agreement No. 12-96 with the Monte Vista Water District (District). The District is schedule to consider approval of this Agreement on November 14, 2012. The Agreement addresses property ownership issues at Sunset Park and the Monte Vista Water District property on Central Avenue. It also includes adjusting a common boundary between the City-owned Moreno Vista Park and the District's reservoir property to the south.

Under the terms of Agreement No. 12-96, the District has the lead in preparing the application for the lot line adjustment. When District staff presents the Agreement to the District Board of Directors at the Board meeting on November 14, 2012, it will also request the authority to sign and submit the lot line application to the City. With the City Council's approval, the City Engineer will also sign the application on behalf of the City.

Once submitted, the lot line application would be processed as any other lot line adjustment request. Once the site plan, existing and new legal descriptions, and plats have been reviewed and approved by the City Engineer, Lot Line Adjustment No. 12-1 will be brought to the City Council with a recommendation for approval.

FISCAL IMPACT: Under the terms of Agreement No. 12-96, the City Council has agreed to waive the standard lot line adjustment fee of \$950. This fee normally covers the consultant's cost of plan checking the lot line adjustment. Plan checking will be performed internally.

RECOMMENDATION: Staff recommends the City Council authorize City Engineer Michael C. Hudson to sign the Lot Line Adjustment No. 12-1 application on behalf of the City.

Prepared by: Michael Hudson

Reviewed and
Approved by:

Michael Hudson

Proofed by: Ally

Presented by:

AGENDA REPORT

SUBJECT: CONSIDER STATUS REPORT ON EMERGENCY CONTRACTING PROCEDURES RELATED TO CERTAIN REPAIRS AT KINGSLEY PARK	DATE: November 5, 2012
CONSIDER TERMINATION OF THE EMERGENCY ACTION AUTHORIZED UNDER RESOLUTION NO. 12-2967	SECTION: ADMIN. REPORTS
CONSIDER APPROVAL OF THE FILING OF A NOTICE OF COMPLETION FOR THE EMERGENCY REPAIRS	ITEM NO.: 3 FILE I.D.: PRK300 DEPT.: PUBLIC WORKS

REASON FOR CONSIDERATION: By City Council action on October 1, 2012, Resolution No. 12-2967 was adopted declaring a need for emergency contracting procedures for certain repairs at Kingsley Park. Under Public Contract Code Section 22050, the governing body shall review the emergency action at its next regularly scheduled meeting and every regularly scheduled meeting thereafter until the action is either terminated or a decision is made, by a four-fifths majority vote, that there is a need to continue the action.

BACKGROUND: On October 1, 2012, a contract was awarded to Rymax Electric by the City Manager in accordance with authority delegated to him by Resolution No. 12-2967 for repair work at Kingsley Park. Construction of electrical repairs at Kingsley Park is currently underway and is expected to be complete by October 31, 2012, pending availability of parts.

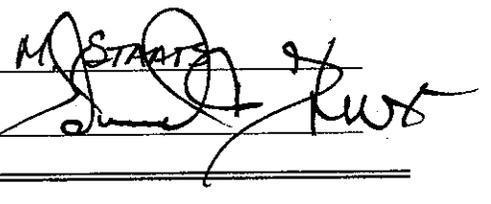
FISCAL IMPACT: Concurrent with adoption of Resolution No. 12-2967, the City Council appropriated \$15,000 for the repair work. A total cost of \$6,875 was incurred in repairing damages at Kingsley Park.

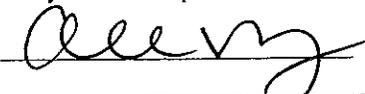
RECOMMENDATION: Staff recommends the City Council take the following actions:

1. Receive and file the status report on emergency contracting procedures related to certain repairs at Kingsley Park.
2. Terminate the emergency action authorized under Resolution No.12-2967.
3. Authorize staff to file a Notice of Completion with the Office of the San Bernardino County Recorder for the emergency repairs.

Prepared by: 

Reviewed and
Approved by:



Proofed by: 

Presented by:

RECORDING REQUESTED BY:

City of Montclair

AND WHEN RECORDED MAIL DOCUMENT AND TAX STATEMENT TO:

NAME: **City of Montclair**

STREET ADDRESS: **5111 Benito Street**

CITY, STATE & ZIP CODE: **Montclair, CA 91763**

Government Code 6103

(Space above this line for Recorder's Use Only)

NOTICE OF COMPLETION

NOTICE is hereby given that: The undersigned is the owner of an interest of estate in the hereinafter described property, the nature of which said interest or estate is:

fee

The full name and address of the undersigned is
Michael McGehee
Facilities and Grounds Superintendent
5111 Benito Street
Montclair, CA 91763

The work was completed on that certain work known as:

Senior Center Security Fencing Project

for the undersigned City of Montclair,
a Municipal Corporation, on the 5th day of November, 2012

The City accepted the job on the 5th day of November, 2012

The Contractor on said job was
Rymax Electric, Inc.
1315 E. 9th Street
Upland, Ca. 91786

The improvement consisted of:

Repairs to electrical wiring

The property upon which said work of improvement was completed is described as:

Kingsley Park 5575 Kingsley Street, Montclair CA 91763

VERIFICATION

I, the undersigned, say that I am agent for the owner of the aforesaid interest or estate in the property described in the above notice. I have read the foregoing notice and know and understand the contents thereof, and the facts stated herein are true and correct.

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

Executed on: _____ at 5111 Benito Street, Montclair, California

Michael McGehee, Facilities and Grounds
Superintendent

AGENDA REPORT

SUBJECT: CONSIDER APPROVAL OF WARRANT REGISTER AND PAYROLL DOCUMENTATIONS	DATE: November 5, 2012
	SECTION: ADMIN. REPORTS
	ITEM NO.: 4
	FILE I.D.: FIN540
	DEPT.: ADMIN. SVCS.

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

BACKGROUND: Mayor Pro Tem Raft has examined the Warrant Register dated November 5, 2012, and Payroll Documentations dated September 23, 2012; and October 7, 2012, finds them to be in order; and recommends their approval.

FISCAL IMPACT: The Warrant Register dated November 5, 2012, totals \$1,636,520.30. The Payroll Documentation dated September 23, 2012, totals \$573,514.28, with \$404,195.81 being the total cash disbursement. The Payroll Documentation dated October 7, 2012, totals \$625,119.60, with \$428,122.25 being the total cash disbursement.

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

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

AGENDA REPORT

SUBJECT: CONSIDER APPROVAL OF AGREEMENT NO. 12-98 WITH THE CITY OF ONTARIO POLICE DEPARTMENT FOR PARTICIPATION IN THE "AVOID THE 25" DUI ENFORCEMENT PROGRAM	DATE: November 5, 2012 SECTION: AGREEMENTS ITEM NO.: 1 FILE I.D.: PDT265 DEPT.: POLICE
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REASON FOR CONSIDERATION: The City Council is requested to consider approval of Agreement No. 12-98 with the City of Ontario Police Department, administrator of a California Office of Traffic Safety grant for participation in the "Avoid the 25" enforcement program. Proposed Agreement No. 12-98 has been reviewed and approved by the City Attorney and is attached for the City Council's review and consideration.

BACKGROUND: The Ontario Police Department has secured a grant from the California Office of Traffic Safety to conduct a regional Driving Under the Influence (DUI) enforcement effort, "Avoid the 25," between October 1, 2012, and September 30, 2013. As administrator of the grant, Ontario Police Department would reimburse participating police agencies for authorized DUI operations on an overtime basis (150 percent of their hourly rate). The Montclair Police Department would be required to participate in the program as staffing levels allow and to encourage Officers to emphasize DUI enforcement during all phases of the grant term. As a participating agency, the Montclair Police Department would conduct DUI checkpoints and saturation patrols and would disseminate educational literature to the public.

Proposed Agreement No. 12-98 would be effective upon execution of the Agreement by both parties and would remain in effect until September 30, 2013, unless terminated by either party.

FISCAL IMPACT: Approval of proposed Agreement No. 12-98 would require the City of Montclair to compensate participating Officers and submit a request for reimbursement to the City of Ontario. Employee benefits paid to participating Officers would not be reimbursed under the terms of the Agreement.

RECOMMENDATION: Staff recommends the City Council approve Agreement No. 12-98 with the City of Ontario for participation in the "Avoid the 25" DUI enforcement program.

Prepared by: <u>Jim DeMaet</u>	Reviewed and Approved by: <u>K. Jones</u>
Proofed by: <u>Sharon Aggrier</u>	Presented by: <u>David C. Spurr</u>

**ONTARIO POLICE DEPARTMENT
AVOID THE 25 ENFORCEMENT PROGRAM
MEMORANDUM OF UNDERSTANDING**

This ONTARIO POLICE DEPARTMENT AVOID THE 25 PROGRAM IN SAN BERNARDINO COUNTY MEMORANDUM OF UNDERSTANDING ("Agreement") is made and entered into this ___ day of _____, 2012, by and between, the City of Ontario, through its Police Department ("City") and the City of Montclair, through its Police Department ("Participating Agency").

RECITALS

A. Ontario Police Department has secured a grant ("Grant") from the California Office of Traffic Safety ("OTS") to conduct a Regional Driving Under the Influence (DUI) enforcement effort, Avoid the 25, between October 1, 2012 and September 30, 2013 ("Program").

B. The Grant allows Ontario to reimburse designated police agencies that participate in the Avoid the 25 Program for authorized DUI operations on an overtime basis (150% of their hourly rate). Participating Agencies retained for the purpose of performing professional services for the Avoid the 25 Program may include the following: City of Adelanto, City of Apple Valley, City of Barstow, City of Big Bear Lake, City of Chino, City of Chino Hills, City of Colton, City of Fontana, City of Grand Terrace, City of Hesperia, City of Highland, City of Loma Linda, City of Montclair, City of Needles, City of Rancho Cucamonga, City of Redlands, City of Rialto, City of San Bernardino, City of Twentynine Palms, City of Upland, City of Victorville, City of Yucaipa, City of Yucca Valley, and the California University of San Bernardino Police.

C. The parties wish to enter into this Agreement to take advantage of the Grant, subject to the rights and limits of the Grant, as administered through the City of Ontario.

NOW, THEREFORE, City and Participating Agency, for the consideration hereinafter described, mutually agree as follows:

1. SCOPE OF SERVICES. During the term of October 1, 2012 through September 30, 2013, Participating Agency shall provide DUI enforcement staff on an overtime basis as staffing levels allow for the Avoid the 25 Program in San Bernardino County. Participating Agency commits to participate in the program as staffing levels allow and to encourage officers to emphasize DUI enforcement during all phases of the grant term. The City of Ontario agrees to adhere to the OTS grant programmatic, financial and statistical reporting and understands that adhering to the requirements is necessary to be reimbursed for DUI enforcement activities conducted during the time periods of October 1, 2012 through September 30, 2013. The parties understand that Participating Agency's employees will provide the services herein on an overtime basis. The services provided by Participating Agency under this Agreement shall comply with

and be subject to all terms and limitations in the Grant and OTS. Participating Agency acknowledges and agrees that it has read the Grant and will abide by its terms in providing the services hereunder.

2. PERIOD OF PERFORMANCE. This Agreement is to commence on October 1, 2012, and shall conclude on September 30, 2013, unless terminated by either party with or without cause by giving at least thirty (30) days written notice to the respective party and specifying the effective date thereof.

3. STATISTICAL REPORTING. Participating Agency shall collect and report to City, the number of enforcement activities paid with funds from this Agreement. For DUI checkpoint activities, the following information must be collected and reported: number of vehicles passing through checkpoint, number of drivers screened at checkpoints, number of field sobriety tests administered (FST), number of DUI arrests, number of drug arrests, number of criminal (in custody) arrests, number of felony arrests, number of misdemeanor arrests, number of felony warrant arrests, number of confiscated weapons, number of drivers with suspended/revoked licenses, number of unlicensed drivers, number of vehicles impounded, number of recovered stolen vehicles and all other arrests. For DUI roving patrol operations, the following information must be collected and reported: number of vehicle stops, number of FSTs administered, number of DUI arrests, number of drug arrests, number of criminal (in custody) arrests, number of felony arrests, number of misdemeanor arrests, number of felony warrant arrests, number of confiscated weapons, narcotic arrests, confiscated weapons, number of drivers with suspended/revoked licenses, number of unlicensed drivers, number of vehicles impounded, number of stolen vehicles and all other arrests.

4. ALLOWABLE COSTS AND PAYMENTS.

A. Allowable Costs. Participating Agency shall bill for services rendered during DUI enforcement operations at its Police Department's actual overtime rate for on an overtime basis (150% of their hourly rate).

B. Invoice Requirements. Invoices shall include dates and hours worked, officer's name, officer's overtime salary rate with allowable benefits, number of hours worked, and total dollars requested for overtime reimbursement. In addition, copies of overtime slips and/or ledger report(s) supporting actual hours and costs are required. The only benefit costs that OTS will reimburse are OASDI (Social Security), State Worker's Compensation and Medicare. City and/or Participating Agency's overhead costs will not be reimbursed. Invoices shall also include the statistics required by OTS as outlined in Item 3, Statistical Reporting. Invoices will not be paid if the statistics required by OTS are not submitted.

C. Rate of Payment. Participating Agency will receive reimbursement for officer overtime through the Avoid the 25 Program as set forth in this Avoid the 25

Memorandum of Understanding. The amount reimbursed will not exceed the total sum allocated in the approved grant budget, Category C-Contractual Services, in the amount of \$203,520 or as modified and approved by OTS for all Participating Agencies. The amount the Participating Agency will receive will be based on actual staff hours worked for the Avoid the 25 grant program and as invoiced in accordance with Paragraph B, Invoice Requirements as stated above. Funding is solely for reimbursement of officer overtime incurred during Avoid the 25 enforcement activities conducted during the Avoid the 25 enforcement period.

D. Time Limit for Submitting Invoices. Participating Agency shall submit an invoice for services to the City of Ontario. The City shall not be obligated to pay Participating Agency for the services covered by any invoice if Participating Agency presents the invoice to the City more than fifteen (15) days, or a date as mutually agreed upon, after the date the Participating Agency render the service, or more than fifteen (15) days, or a date as mutually agreed upon, after this MOU terminates, whichever is earlier.

5. RECORDS

A. Access. Participating Agency agrees to provide to City, to any Federal or State Department having monitoring or reviewing authority, to authorized representatives and/or their appropriate audit agencies upon reasonable notice, access to and the right to examine and audit all records and documents necessary to determine compliance with relevant Federal, State and Local statutes, rules and regulations and the Memorandum of Understanding, and to evaluate the quality, appropriateness and timeliness of services performed, for a period of at least three (3) years from the termination date of this Memorandum of Understanding, or until audit findings are resolved, whichever is greater.

B. Retention. City shall maintain and preserve in its possession all records relating to this Memorandum of Understanding for a period of at least three (3) years from the termination date of this Memorandum of Understanding, or until audit findings are resolved, whichever is greater.

6. INDEMNIFICATION. Except as to the negligence or willful misconduct of the City, Participating Agency agrees to indemnify, protect and hold harmless the City from and against any claim for damage, charge, lawsuit, action, judicial, administrative, regulatory or arbitration proceeding, damage, cost, expense (including counsel and expert fees), judgment, civil fine and penalties, liabilities or losses of any kind or nature whatsoever whether actual, threatened or alleged, which arise out of, pertain to, or relate to, or are a consequence of, or are attributable to, or are in any manner connected with the performance of the Services, work, activities, operations or duties of the Participating Agency, or anyone employed by or working under the Participating Agency. This indemnification provision shall apply to any acts, omissions, negligence,

recklessness, or willful misconduct, whether active or passive, on the part of the Participating Agency or anyone employed or working under the Participating Agency.

7. GOVERNING LAW. This Agreement shall be interpreted and construed according to the laws of the State of California.

8. ENTIRE AGREEMENT. This Agreement contains the entire understanding between City and the Participating Agency. Any prior agreements, promises, negotiations or representations not expressly set forth herein are of no force or effect. Subsequent modifications to this Agreement shall be effective only if in writing and signed by both parties.

9. NOTICES. Formal notices, communications and demands for payment shall be made in writing and mailed, faxed, or emailed to City at the following numbers:

Harald Laub, Police Officer
Grant Coordinator
2500 S. Archibald Avenue
Ontario, CA 91761
(909) 395-2001 x4612
(909) 395-2718 (fax)
Hlaub@ontariopolice.org

AND

Donna Bailey, Management Analyst
Fiscal Coordinator
2500 S. Archibald Avenue
Ontario, CA 91761
(909) 395-2979
(909) 395-2797 (fax)
Db Bailey@ontariopolice.org

If you agree with the terms of this Memorandum of Understanding, please indicate by signing and dating where indicated below.

(Signatures on following page.)

CITY
CITY OF ONTARIO

PARTICIPATING AGENCY
CITY OF MONTCLAIR

Chris Hughes
City Manager

Paul M. Eaton
Mayor

ATTEST:

ATTEST:

City Clerk

Yvonne L. Smith
Deputy City Clerk

AGENDA REPORT

SUBJECT: CONSIDER ADOPTION OF RESOLUTION
NO. 12-2966 AUTHORIZING PLACEMENT
OF LIENS ON CERTAIN PROPERTIES FOR
DELINQUENT SEWER AND TRASH CHARGES

DATE: November 5, 2012

SECTION: RESOLUTIONS

ITEM NO.: 1

FILE I.D.: STB300-17

DEPT.: ADMIN. SVCS.

REASON FOR CONSIDERATION: Staff has identified 241 sewer and trash accounts in the odd-numbered-month billing cycle that are more than three billing periods delinquent. Pursuant to Montclair Municipal Code Chapter 1.12, these properties are subject to lien.

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.

All 241 liens presented for approval are for accounts that are at least 90 days delinquent.

FISCAL IMPACT: Recoverable amount is \$48,396.70 plus \$12,050.00 in lien fees, for a total of \$60,446.70.

RECOMMENDATION: Staff recommends the City Council adopt Resolution No. 12-2966 authorizing placement of liens on certain properties as listed on Exhibit A of said Resolution for delinquent sewer and trash charges.

Prepared by: Janet Kulleck Reviewed and Approved by: [Signature]
Proofed by: Andrea Phillips Presented by: [Signature]

RESOLUTION NO. 12-2966

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MONTCLAIR AUTHORIZ-
ING PLACEMENT OF LIENS ON CERTAIN
PROPERTIES FOR DELINQUENT SEWER
AND TRASH CHARGES**

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 241 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 October 15, 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 October 25, 2012, and that such liens would be considered for approval by the Montclair City Council on Monday, November 5, 2012.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Montclair does hereby approve the placement of liens on the properties and in the amounts specified in Exhibit A, entitled, *Report of Delinquent Civil Debts - November 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, City Clerk of the City of Montclair, DO HEREBY CERTIFY that Resolution No. 12-2966 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. 12-2966
Report of Delinquent Civil Debts - November 2012

Street No.	Street	Account Type	Delinquency	Lien Fee	Total Lien Amount
5356	Alamitos Street	Residential	\$ 199.67	\$ 50.00	\$ 249.67
5366	Alamitos Street	Senior	201.71	50.00	251.71
5371	Alamitos Street	Residential	198.74	50.00	248.74
5634	Alamitos Street	Residential	199.79	50.00	249.79
4575	Allesandro Street	Residential	147.88	50.00	197.88
4667	Allesandro Street	Residential	280.23	50.00	330.23
9910	Amherst Avenue	Residential	116.45	50.00	166.45
5577	Armsley Street	Residential	199.67	50.00	249.67
5136	Aspen Drive	Residential	179.66	50.00	229.66
9250	Bel Air Avenue	Residential	130.67	50.00	180.67
9909	Bel Air Avenue	Residential	200.67	50.00	250.67
9982	Bel Air Avenue	Residential	199.67	50.00	249.67
10036	Bel Air Avenue	Residential	223.96	50.00	273.96
4400	Benito Street	Residential	200.56	50.00	250.56
4460	Benito Street	Residential	199.67	50.00	249.67
4979	Benito Street	Residential	106.44	50.00	156.44
5389	Benito Street	Senior	201.66	50.00	251.66
9590	Benson Avenue	Residential	172.95	50.00	222.95
9656	Benson Avenue	Residential	199.67	50.00	249.67
9944	Benson Avenue	Residential	177.79	50.00	227.79
9974	Benson Avenue	Residential	195.74	50.00	245.74
10032	Benson Avenue	Residential	112.15	50.00	162.15
10034	Benson Avenue	Senior	177.79	50.00	227.79
5382	Berkeley Street	Residential	199.65	50.00	249.65
9598	Bolton Avenue	Residential	280.23	50.00	330.23
4522	Bonnie Brae Street	Residential	205.56	50.00	255.56
4531	Bonnie Brae Street	Residential	199.67	50.00	249.67
4541	Bonnie Brae Street	Residential	298.16	50.00	348.16
5475	Bonnie Brae Street	Senior	173.69	50.00	223.69
5544	Bonnie Brae Street	Residential	195.84	50.00	245.84
9815	Camarena Avenue	Residential	195.13	50.00	245.13
9851	Camarena Avenue	Residential	199.67	50.00	249.67
4853	Cambridge Street	Residential	199.67	50.00	249.67
5438	Cambridge Street	Residential	199.67	50.00	249.67
5448	Cambridge Street	Residential	198.62	50.00	248.62
5458	Cambridge Street	Residential	101.44	50.00	151.44
5471	Cambridge Street	Residential	199.67	50.00	249.67
5570	Cambridge Street	Residential	160.30	50.00	210.30
5606	Cambridge Street	Residential	199.68	50.00	249.68
5607	Cambridge Street	Residential	199.42	50.00	249.42
4860	Cambridge Street	Residential	202.19	50.00	252.19
9112	Camulos Avenue	Residential	199.67	50.00	249.67
9151	Camulos Avenue	Residential	199.67	50.00	249.67
9243	Camulos Avenue	Residential	199.67	50.00	249.67
9252	Camulos Avenue	Residential	186.45	50.00	236.45
9511	Camulos Avenue	Residential	200.26	50.00	250.26

Street No.	Street	Account Type	Delinquency	Lien Fee	Total Lien Amount
9530	Camulos Avenue	Residential	\$ 177.79	\$ 50.00	\$ 227.79
9539	Camulos Avenue	Senior	211.47	50.00	261.47
9547	Camulos Avenue	Residential	203.10	50.00	253.10
9606	Camulos Avenue	Residential	197.34	50.00	247.34
9737	Camulos Avenue	Residential	199.67	50.00	249.67
9757	Camulos Avenue	Residential	199.67	50.00	249.67
9859	Camulos Avenue	Residential	199.67	50.00	249.67
9877	Camulos Avenue	Residential	225.61	50.00	275.61
10060	Camulos Avenue	Residential	197.34	50.00	247.34
10153	Camulos Avenue	Residential	196.88	50.00	246.88
10199	Camulos Avenue	Residential	280.23	50.00	330.23
5635	Caroline Street	Residential	182.70	50.00	232.70
9482	Carrillo Avenue	Residential	186.19	50.00	236.19
9601	Carrillo Avenue	Residential	199.67	50.00	249.67
9795	Central Avenue	Residential	199.62	50.00	249.62
9835	Central Avenue	Residential	100.56	50.00	150.56
9986	Central Avenue	Residential	225.61	50.00	275.61
10330-34	Central Avenue	Commercial	128.94	50.00	178.94
9787	Coalinga Avenue	Residential	106.30	50.00	156.30
9795	Coalinga Avenue	Residential	280.23	50.00	330.23
9815	Coalinga Avenue	Residential	148.78	50.00	198.78
9827	Coalinga Avenue	Senior	175.85	50.00	225.85
9380	Columbine Avenue	Residential	224.87	50.00	274.87
9440	Columbine Avenue	Residential	199.76	50.00	249.76
9824	Columbine Avenue	Residential	208.61	50.00	258.61
9995	Columbine Avenue	Residential	213.55	50.00	263.55
9341	Del Mar Avenue	Residential	199.72	50.00	249.72
9477	Del Mar Avenue	Residential	291.69	50.00	341.69
4304	Denver Street	Residential	225.61	50.00	275.61
4324	Denver Street	Residential	199.71	50.00	249.71
4325	Denver Street	Residential	177.79	50.00	227.79
4416	Denver Street	Residential	199.45	50.00	249.45
5381	Denver Street	Residential	228.11	50.00	278.11
5607	Denver Street	Residential	122.83	50.00	172.83
5616	Denver Street	Residential	199.67	50.00	249.67
5626	Denver Street	Residential	200.89	50.00	250.89
4390	El Morado Street	Residential	239.14	50.00	289.14
4461	El Morado Street	Residential	123.63	50.00	173.63
5168	El Morado Street	Residential	236.22	50.00	286.22
5416	El Morado Street	Residential	196.31	50.00	246.31
9423	Exeter Avenue	Residential	173.02	50.00	223.02
9463	Exeter Avenue	Residential	208.61	50.00	258.61
9567	Fremont Avenue	Residential	225.61	50.00	275.61
9776	Fremont Avenue	Residential	177.79	50.00	227.79
9823	Fremont Avenue	Residential	199.67	50.00	249.67
9043	Geneva Avenue	Residential	177.79	50.00	227.79
9063	Geneva Avenue	Residential	130.23	50.00	180.23
9932	Geneva Avenue	Residential	194.91	50.00	244.91
9985	Geneva Avenue	Residential	197.34	50.00	247.34

Street No.	Street	Account Type	Delinquency	Lien Fee	Total Lien Amount
4328	Granada Street	Residential	\$ 199.67	\$ 50.00	\$ 249.67
4436	Granada Street	Residential	198.85	50.00	248.85
4982	Granada Street	Residential	223.11	50.00	273.11
5422	Granada Street	Residential	190.35	50.00	240.35
5606	Granada Street	Residential	225.26	50.00	275.26
5628	Granada Street	Residential	199.67	50.00	249.67
9783	Greenwood Avenue	Residential	197.34	50.00	247.34
10084	Greenwood Avenue	Residential	271.15	50.00	321.15
4418	Harvard Street	Residential	199.67	50.00	249.67
4430	Harvard Street	Residential	199.67	50.00	249.67
4785	Harvard Street	Residential	297.66	50.00	347.66
5141-43	Harvard Street	Multifamily	399.06	50.00	449.06
5594	Harvard Street	Residential	198.98	50.00	248.98
5563	Hawthorne Street	Residential	106.71	50.00	156.71
5596	Hawthorne Street	Residential	199.67	50.00	249.67
5627	Hawthorne Street	Residential	177.79	50.00	227.79
9025	Helena Avenue	Residential	199.67	50.00	249.67
9607	Helena Avenue	Residential	198.36	50.00	248.36
9636	Helena Avenue	Residential	208.61	50.00	258.61
9641	Helena Avenue	Residential	200.53	50.00	250.53
9802	Helena Avenue	Residential	191.90	50.00	241.90
4581	Highland Street	Residential	147.23	50.00	197.23
4864	Highland Street	Residential	225.61	50.00	275.61
4667	Holt Boulevard	Commercial	181.65	50.00	231.65
5630	Holt Boulevard	Commercial	112.34	50.00	162.34
5190	Howard Street A & B	Multifamily	457.13	50.00	507.13
4585	James Street	Residential	199.67	50.00	249.67
9725	Kimberly Avenue	Residential	199.67	50.00	249.67
5430	La Denev Street	Residential	207.50	50.00	257.50
9773	Lehigh Avenue	Residential	280.23	50.00	330.23
9762	Lindero Avenue	Residential	177.79	50.00	227.79
9795	Lindero Avenue	Residential	102.28	50.00	152.28
9836	Lindero Avenue	Residential	197.34	50.00	247.34
9957	Lindero Avenue	Residential	199.67	50.00	249.67
9958	Lindero Avenue	Residential	145.13	50.00	195.13
10029	Lindero Avenue	Residential	177.79	50.00	227.79
10041	Lindero Avenue	Residential	199.65	50.00	249.65
10086	Lindero Avenue	Senior	185.21	50.00	235.21
9527	Marion Avenue	Residential	199.76	50.00	249.76
9537	Marion Avenue	Residential	103.05	50.00	153.05
9547	Marion Avenue	Residential	158.41	50.00	208.41
5121	Merle Street	Multifamily	399.32	50.00	449.32
9795	Mills Avenue	Residential	184.66	50.00	234.66
9969	Mills Avenue	Residential	208.61	50.00	258.61
9066	Monte Vista Avenue	Residential	316.64	50.00	366.64
9775	Monte Vista Avenue	Residential	198.50	50.00	248.50
5082	Moreno Street	Residential	207.84	50.00	257.84
4613	Olive Street	Residential	194.67	50.00	244.67
4832	Olive Street	Residential	200.56	50.00	250.56

Street No.	Street	Account Type	Delinquency	Lien Fee	Total Lien Amount
4872	Olive Street	Residential	\$ 200.56	\$ 50.00	\$ 250.56
4893	Olive Street	Residential	129.33	50.00	179.33
4322	Orchard Street	Residential	225.63	50.00	275.63
4382	Orchard Street	Residential	261.76	50.00	311.76
5690	Orchard Street	Residential	199.68	50.00	249.68
5257	Palo Verde Street	Senior	175.19	50.00	225.19
5362	Palo Verde Street	Residential	341.94	50.00	391.94
5415	Palo Verde Street	Residential	199.76	50.00	249.76
5494	Palo Verde Street	Residential	280.23	50.00	330.23
5596	Palo Verde Street	Residential	316.64	50.00	366.64
5246	Phillips Boulevard	Multifamily	355.57	50.00	405.57
11112	Pipeline Avenue	Residential	171.85	50.00	221.85
9585	Poulsen Avenue	Residential	203.05	50.00	253.05
9935	Poulsen Avenue	Residential	199.68	50.00	249.68
10043	Poulsen Avenue	Residential	199.67	50.00	249.67
9375	Pradera Avenue	Multifamily	743.79	50.00	793.79
9532	Pradera Avenue	Residential	175.43	50.00	225.43
9542	Pradera Avenue	Residential	199.73	50.00	249.73
10063	Pradera Avenue	Residential	205.22	50.00	255.22
10085	Pradera Avenue	Residential	293.68	50.00	343.68
4426	Princeton Street	Residential	199.67	50.00	249.67
4438	Princeton Street	Residential	100.46	50.00	150.46
4467	Princeton Street	Residential	187.10	50.00	237.10
4869	Princeton Street	Residential	188.36	50.00	238.36
9081	Ramona Avenue	Residential	199.67	50.00	249.67
9136	Ramona Avenue	Residential	199.67	50.00	249.67
9254	Ramona Avenue	Residential	199.67	50.00	249.67
9539	Ramona Avenue	Residential	200.56	50.00	250.56
9352	Rose Avenue	Residential	176.41	50.00	226.41
9414	Rose Avenue	Residential	199.67	50.00	249.67
9434	Rose Avenue	Residential	199.67	50.00	249.67
9441	Rose Avenue	Residential	290.47	50.00	340.47
9720	Rose Avenue	Residential	225.61	50.00	275.61
9734	Rose Avenue	Residential	177.79	50.00	227.79
9812	Rose Avenue	Residential	188.62	50.00	238.62
9836	Rose Avenue	Residential	142.96	50.00	192.96
9866	Rose Avenue	Residential	175.75	50.00	225.75
9944	Rose Avenue	Residential	187.10	50.00	237.10
9966	Rose Avenue	Residential	199.68	50.00	249.68
4560	Rosewood Street	Residential	199.67	50.00	249.67
4641	Rosewood Street	Residential	208.61	50.00	258.61
4683	Rosewood Street	Residential	199.67	50.00	249.67
4860	Rosewood Street	Residential	112.15	50.00	162.15
4954	Rosewood Street	Residential	177.79	50.00	227.79
4994	Rosewood Street	Residential	177.79	50.00	227.79
5389	Rosewood Street	Residential	280.38	50.00	330.38
5444	Rosewood Street	Residential	135.90	50.00	185.90
11073	Roswell Avenue	Multifamily	149.34	50.00	199.34
11078	Roswell Avenue	Residential	112.34	50.00	162.34

Street No.	Street	Account Type	Delinquency	Lien Fee	Total Lien Amount
4164	Rudisill Street	Residential	\$ 199.67	\$ 50.00	\$ 249.67
4554	Rudisill Street	Residential	101.44	50.00	151.44
5360	Rudisill Street	Residential	225.61	50.00	275.61
5398	Rudisill Street	Residential	291.49	50.00	341.49
5421	Rudisill Street	Residential	225.61	50.00	275.61
5452	Rudisill Street	Residential	159.54	50.00	209.54
4375	San Bernardino Court	Residential	199.70	50.00	249.70
4711	San Bernardino Street	Residential	199.67	50.00	249.67
4833	San Bernardino Street	Residential	176.51	50.00	226.51
4843	San Bernardino Street	Residential	192.97	50.00	242.97
5133	San Bernardino Street	Residential	197.34	50.00	247.34
5474	San Bernardino Street	Residential	199.78	50.00	249.78
5489	San Bernardino Street	Residential	231.21	50.00	281.21
5562	San Bernardino Street	Residential	199.67	50.00	249.67
4485	San Jose Street	Residential	225.61	50.00	275.61
5384	San Jose Street	Senior	169.04	50.00	219.04
5593	San Jose Street	Residential	143.19	50.00	193.19
5617	San Jose Street	Residential	139.48	50.00	189.48
4424	San Jose Street #10	Residential	199.76	50.00	249.76
4424	San Jose Street #12	Residential	199.67	50.00	249.67
4424	San Jose Street #17	Residential	213.06	50.00	263.06
4424	San Jose Street #18	Residential	199.64	50.00	249.64
4424	San Jose Street #24	Residential	280.23	50.00	330.23
4424	San Jose Street #27	Residential	199.67	50.00	249.67
4424	San Jose Street #29	Residential	187.10	50.00	237.10
4424	San Jose Street #30	Residential	199.52	50.00	249.52
9932	Santa Anita Avenue	Residential	199.67	50.00	249.67
9946	Santa Anita Avenue	Residential	209.29	50.00	259.29
9970	Santa Anita Avenue	Residential	181.23	50.00	231.23
9820	Saratoga Avenue	Residential	221.94	50.00	271.94
10817	Silicon Avenue	Residential	117.35	50.00	167.35
4773	State Street	Residential	134.54	50.00	184.54
5134	Sundance Drive	Residential	203.38	50.00	253.38
9617	Surrey Avenue	Residential	199.67	50.00	249.67
9772	Surrey Avenue	Residential	156.07	50.00	206.07
9793	Surrey Avenue	Residential	209.18	50.00	259.18
9824	Tudor Avenue	Residential	199.67	50.00	249.67
9834	Tudor Avenue	Residential	151.60	50.00	201.60
9833	Vail Drive	Residential	177.79	50.00	227.79
9222	Vernon Avenue	Residential	203.44	50.00	253.44
9231	Vernon Avenue	Residential	140.26	50.00	190.26
9350	Vernon Avenue	Residential	264.90	50.00	314.90
9784	Vernon Avenue	Residential	206.40	50.00	256.40
9803	Vernon Avenue	Residential	107.53	50.00	157.53
9863	Vernon Avenue	Residential	200.53	50.00	250.53
9912	Vernon Avenue	Residential	198.36	50.00	248.36
5164	Village Drive	Residential	280.23	50.00	330.23
5174	Village Drive	Residential	142.06	50.00	192.06
			\$48,396.70	\$12,050.00	\$60,446.70

MINUTES OF THE MEETING OF THE MONTCLAIR
CODE ENFORCEMENT COMMITTEE HELD ON
TUESDAY, OCTOBER 15, 2012, AT 6:00 P.M. IN THE
CITY HALL CONFERENCE ROOM, 5111 BENITO
STREET, MONTCLAIR, CALIFORNIA

I. CALL TO ORDER

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

II. ROLL CALL

Present: Council Member Paulitz, Council Member Dutrey, Mayor Eaton,
City Manager Starr; Director of Community Development
Lustro, Police Captain Mike deMoet; City Attorney Robbins

III. APPROVAL OF MINUTES

**A. Minutes of Code Enforcement Committee Meeting of August 20,
2012**

It was the consensus of the Code Enforcement Committee to
approve the minutes of the Code Enforcement Committee meeting
of August 20, 2012.

IV. PUBLIC COMMENT

None.

V. OLD BUSINESS

A. Update - code violations at 5572 Deodar Street

Director of Community Development Lustro reported that the
resident submitted plans to correct the code violations for the
patios at the residence, but they needed further revisions. The
resident indicated that he will make the corrections and re-submit
the plans for staff review.

B. 5282 Mission Boulevard/Déjà Vu Showgirls

Council Member Paulitz asked for a recap of the uses being proposed to replace the adult business. Director Lustro responded that they are proposing a nightclub/tavern with the on-premises sale of beer, wine, and distilled spirits, a sports bar, comedy club, and live music/entertainment. He added that this was originally submitted as a Minor Use Permit (MUP), but because of the City's concerns, the application was elevated to a Conditional Use Permit (CUP), which will be considered by the County Planning Commission on Thursday, October 18. Council Members were previously provided with a letter from staff opposing the proposed uses.

Council Member Dutrey expressed his strong opposition to the proposed uses, stating that it is a change "from one adult use to another." He believes that adding on-sale alcohol to the mix will have a negative impact on the surrounding neighborhood. He added that if the Planning Commission approves the CUP, the City Council should appeal the decision to the Board of Supervisors. Council Member Paulitz concurred.

Director Lustro stated that the staff report on the item should be available within the next day or so and that he would distribute it to Council. He noted that he attended the County Development Review Committee meeting on Wednesday, September 26, during which the project was discussed. A number of County departments were represented at the meeting, but not the Sheriff's Department, so it is unknown whether they will require conditions similar to those requested by the Montclair Police Department. Police Captain deMoet explained the benefits of requiring licensed and bonded security guards for such a use.

VI. NEW BUSINESS

Director Lustro was pleased to report that five single-family residences were painted on Saturday as a result of a neighborhood clean-up event coordinated by Code Enforcement with approximately 250 volunteers from Iglesia Ni Cristo, 4159 Holt Boulevard. Director Lustro distributed "before, during, and after" photos of the work on the exteriors of the four homes in the 10800 block of Ramona Avenue and a home in the 9800 block of Fremont Avenue. The work was completed within the course of about five hours. The property management company for the four homes on Ramona donated the paint, supplies, and materials to do the work. Director Lustro suggested that Committee members drive by each home at their convenience in order to better appreciate the work that was done. Code Enforcement staff will continue to work with the property management company to

encourage additional, needed work on the Ramona Avenue properties.

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

Director Lustro stated that a current list of problem properties is included in the agenda packet for the Committee's reference. He added that while several of the property narratives were updated, staff time constraints prevented a more complete update. A comprehensive update will be provided in November.

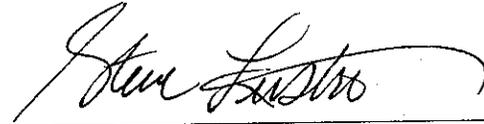
VIII. NEXT MEETING

The next Code Enforcement Committee meeting is scheduled for Monday, November 19, 2012, at 6:00 p.m. in the City Hall Conference Room.

IX. ADJOURNMENT

At 6:24 p.m., Council Member Paulitz adjourned the Code Enforcement Committee.

Submitted for Code Enforcement
Committee approval,



Steve Lustro
Director of Community Development

MINUTES OF THE MEETING OF THE MONTCLAIR
PERSONNEL COMMITTEE HELD ON MONDAY,
OCTOBER 15, 2012, AT 8:14 P.M. IN THE CITY
ADMINISTRATIVE OFFICES, 5111 BENITO STREET,
MONTCLAIR, CALIFORNIA

I. CALL TO ORDER

Mayor Eaton called the meeting to order at 8:14 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
October 1, 2012.

Moved by City Manager Starr, seconded by Council Member Ruh,
and carried unanimously to approve the minutes of the Personnel
Committee meeting of October 1, 2012.

IV. PUBLIC COMMENT - None

V. CLOSED SESSION

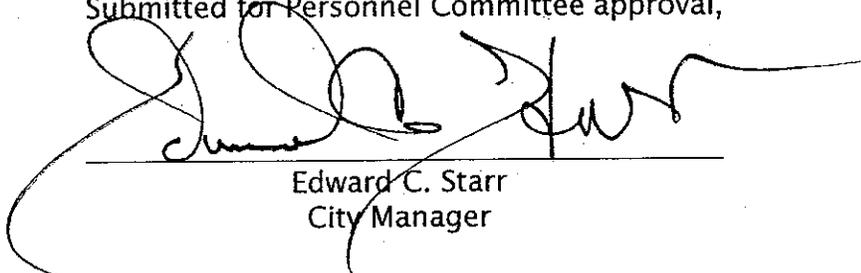
At 8:15 p.m., the Personnel Committee went into Closed Session
regarding personnel matters related to appointments, resignations/
terminations, and evaluations of employee performance.

At 8:30 p.m., the Personnel Committee returned from Closed Session.
Mayor Eaton stated that no announcements would be made at this time.

VI. ADJOURNMENT

At 8:30 p.m., Mayor Eaton adjourned the Personnel Committee.

Submitted for Personnel Committee approval,



Edward C. Starr
City Manager

MINUTES OF THE REGULAR MEETING OF THE CITY
OF MONTCLAIR SAFETY COMMITTEE HELD ON
THURSDAY, OCTOBER 18, 2012, AT 9:00 A.M. IN
THE CITY HALL CONFERENCE ROOM, 5111 BENITO
STREET, MONTCLAIR, CALIFORNIA

I. CALL TO ORDER

Vice Chairperson Westerlin called the meeting to order at 9:00 a.m.

ROLL CALL

Members Present: Vice Chairperson Merry Westerlin, Members Scott Sherwood and Lisa Shannon and Administrative Aide Trudy Burson representing Member Sharon Agajanian.

Also Present: Personnel Officer Gary Charleston, Dennis Ferguson of Kessler-Alair Insurance Services, Inc., and Administrative Secretary Laura Berke.

Absent: Chairperson Steve Lustro and Member Chad Qidor.

II. MINUTES

A. Minutes of Regular Safety Committee Meeting of September 20, 2012

Moved by Member Shannon, seconded by Member Sherwood and there being no opposition, the minutes of the September 20, 2012 Safety Committee meeting were approved.

III. ITEMS DISCUSSED

A. Building/Facility Evacuation Route Maps - Update

Vice Chairperson Westerlin said the maps are still works in progress but should be done by the end of the year. They are adding the location of fire extinguishers, defibrillators and first-aid kits to the maps.

B. 2012 Great California Shake Out

The announcement will be played through the phone system at 10:18 a.m.

C. Insurance Representative Comments

Dennis Ferguson asked about making the driver training module available since the City has already invested in it. Personnel Officer Charleston said Jeff Byers was going to prepare a safe driving manual because the training module was deemed too time and cost intensive because it is only a one-person-at-a-time module, but then Jeff retired and the project

was shelved.

Member Sherwood said it is a shared resource and that Fire will have Engineer tests coming up soon and we may be able to request the training module longer and with different modules (other than the Fire truck module). Vice Chairperson Westerlin suggested requesting it for one week and train as many employees as possible. Personnel Officer Charleston said it would take too long to train all employees who drive a City vehicle. Dennis suggested having department supervisors decide who needs training. Member Sherwood thought the Police Department had access to an actual driver training course through the Sheriff's Department. Administrative Aide Burson thought we had to pay for that each time we used it, but would ask Lieutenant Robert Avels to contact Personnel Officer Charleston. Member Sherwood suggested Personnel Officer Charleston speak with Pat McCutcheon at the Fire Department.

Dennis Ferguson suggested the current Committee create a list of goals for the next year's committee to work on, especially since November's meeting will be the last official meeting.

IV. NEW BUSINESS

None.

V. ACCIDENT REPORTS

Accident Report

Janine Gordon
Police Services Spec.

The employee lifted a case of paper onto a cart, rolled the cart to the copy room, opened a ream of paper and turned to put it in the copier. As she turned, she felt a sharp pain in the lower left side of her back. Her back later felt tight and ached.

Recommendation: The employee should fully turn her body to face the copier when loading it, avoiding quick movement and/or twisting at the torso.

Accident Report

Nicholas Medina
Police Officer

Officer Medina was dispatched to the railroad tracks on Central Avenue north of Arrow Highway to check the railroad arms not functioning properly. After confirming the railroad arms were not functioning properly, Officer Medina manned the location on foot for over an hour conducting traffic control in the event of a passing train. During that time, he traversed a two-foot high concrete retaining wall

twice. Approximately two hours after clearing the above railroad call, he began to feel discomfort in his inner left thigh and located swelling in the same area. Although he felt no discomfort during the call, he believes the injury was caused due to prolonged standing and traversing the concrete retaining wall.

Recommendation: None. Non-preventable accident.

Accident Report

Jacob Riedell
Police Officer

Officer Riedell was traveling southbound in the carpool lane of the 57 Freeway, another driver was driving southbound in the #1 lane. When traffic in front of him started to slow, the other driver made a lane change into the carpool lane and the rear driver's side bumper of the other vehicle collided with the front passenger bumper of Officer Riedell's vehicle. The other driver failed to stop and fled the scene. Officer Riedell activated his emergency lights and the other driver yielded a short distance later. The other driver was driving without a license and was arrested for hit-and-run.

Recommendation: None.

Accident Report

Mike Matheson
Firefighter

The employee inhaled an unknown substance, which caused shortness of breath during salvage operations.

Recommendation: None.

I. 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 and 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.

VII. ADJOURNMENT

At 9:35 a.m., Vice Chairperson Westerlin adjourned the Safety Committee.

Submitted for City of Montclair
Safety Committee approval,

A handwritten signature in cursive script that reads "Laura Berke". The signature is written in black ink and is positioned above a horizontal line.

Laura Berke
Administrative Secretary