



CITY OF MONTCLAIR

**Montclair Civic Center
5111 Benito Street
Montclair, CA 91763**

February 14, 2013

TO: Honorable Mayor and City Council

FROM: Edward C. Starr, City Manager

SUBJECT: CITY MANAGER'S WEEKLY REPORT: February 8-14, 2013

➤ ***CITY MANAGER/ADMINISTRATIVE SERVICES DEPARTMENTS***

- Last week, a San Diego Superior Court dismissed all damages claims in a lawsuit filed by San Bernardino County against three defendants (the City of Upland, SANBAG, and Caltrans). In its lawsuit, the County sought reimbursement for a portion of a legal settlement the judge maintains was inappropriate—a \$102 million settlement with Rancho Cucamonga investor group Colonies Partners LP. The decision is good news for SANBAG member cities, including Montclair. Each city would have been assessed a prorated portion of any damage claim against SANBAG—the County transportation agency spent nearly \$9 million in legal fees to defend itself against the lawsuit.

The judge let stand a claim alleging the defendants designed and built the storm drain near the Colonies' 434-acre property during the 210 Freeway extension project. The storm drain reportedly diverted storm water onto the Colonies' property, delaying development of a housing tract and retail center. The County argued its lawsuit, filed in November 2004, was to compel the defendants to reimburse the County for damages related to the storm drain construction.

Colonies' co-managing partner Jeff Burum sued the County in March 2002 after County leaders denied his request to pay for flood control improvements on the property. The decision propelled a legal battle that ended in November 2006, when three County Supervisors approved a controversial \$102 million settlement that had not been endorsed by the County's in-house or outside legal counsel.

According to court records, the County's lawsuit against Upland, Caltrans, and SANBAG came two years before the settlement agreement reached with Colonies Partners, and the County maintains those liabilities will continue to exist even if the settlement agreement is ultimately rendered void. The Colonies Partners settlement is now the focus of a broad criminal case involving the state Attorney General's and the District Attorney's offices. Burum, former County Supervisor Paul Biane, former Assistant Assessor Jim Erwin, and Mark Kirk (former chief of staff for County Supervisor Gary Ovitt) were charged in April 2011 in a criminal conspiracy and bribery case related to the settlement deal. All four defendants deny any wrongdoing.

Prosecutors allege the defendants conspired to steer the settlement in Colonies' favor in exchange for a total of \$400,000 in bribes—an allegation allegedly supported by former County Supervisor Bill Postmus. Under a plea bargain with prosecutors, Postmus pleaded guilty in March 2011 to 15 felony charges in connection with the Colonies case and a companion corruption case involving the Assessor's Office, which he formerly headed. Postmus allegedly admitted to taking a \$100,000 bribe in exchange for his vote approving the Colonies settlement.

➤ **COMMUNITY DEVELOPMENT DEPARTMENT**

- The Montclair Youth Center held its St. Valentine's Day dance last Friday night for more than 30 teens and pre-teens. Entertainment included dancing to music by a DJ and taking pictures in the photo room. They also enjoyed a spaghetti dinner and desserts (strawberries with chocolate, whipped cream, and candy).

Photos are featured on Page 5.

- On Tuesday, February 26 at 7 p.m., the Montclair Youth Center will host a free drug awareness workshop presented by the Institute for Public Strategies for parents of teenagers. Included will be an overview of common synthetic drugs known as "spice and bath salts," the symptoms and dangers of synthetic drug use, and how the products are marketed and sold. A Montclair Police Officer will be on hand to answer questions related to the workshop, and refreshments will be provided by the Montclair-Ontario Junior Women's Club.

The number to call for additional information is (909) 625-9484.

➤ **POLICE DEPARTMENT**

- Thousands of supporters from across the state, including 18 members of the Montclair Police Department, gathered yesterday for the funeral of slain Riverside police officer. While on patrol and parked at a stop light, Officer Crain was gunned down in the early morning hours of February 7 by ex-

LAPD officer Christopher Dorner. Another officer was injured in the ambush but, thankfully, has survived.

The public outpouring for Officer Crain was heartwarming—hundreds of people lined the streets to pay their respects during the long procession from The Grove Community Church in Riverside, where the public tribute was held, to Riverside National Cemetery.

The City of Montclair extends its sincerest sympathy to the Crain family.

Photos are featured on Pages 6-7.

- Reserve Officers conducted a Traffic Enforcement Program on Saturday, February 9, resulting in 84 issued citations. In addition, 4 citations were issued to unlicensed drivers and their vehicles were impounded.

Our appreciation is extended to Reserve Captain Ron Foss, Reserve Sergeant Scott Stephenson, and Reserve Officers Joe Kuskie and Nick Lopez for their efforts.

➤ **FIRE DEPARTMENT**

- There are no updates from the Fire Department this week.

➤ **PUBLIC WORKS/SUCCESSOR REDEVELOPMENT AGENCY/MONTCLAIR HOUSING CORPORATION**

- City Yard staff, with assistance from Montclair Police, Code Enforcement, and the Army Corps of Engineers, recently performed a mutual cleanup under the Holt Boulevard bridge at the San Antonio Channel. The Army Corps of Engineers will be replacing all fencing materials that have been stolen from the San Antonio Channel. The Public Works Department has removed trash and debris that the homeless had collected and stored in their makeshift housing. Police and Code Enforcement staff worked to move the homeless that have been living under the bridge for some time now. They were given time to relocate with their belongings before Public Works was called in to clean the area.

"Before and after" photos are included on Pages 8-9.

- Tomorrow, in honor of Presidents Day on Monday, February 18, City Yard staff will be setting up United States flags along Central Avenue and Moreno Street. The flags will remain up until Tuesday, February 19.

ECS:spa

"Blessed are the young for they shall inherit the national debt."

~ Herbert Hoover

FEBRUARY 2013



16	Bus Tour of Fire Stations in Fontana and Highland— The Golden Express will depart City Hall at 9 a.m. and will return at 3:30 p.m.	9:00 a.m. - 3:30 p.m.
18	Presidents' Day – City Hall Closed	
19	Code Enforcement Committee Meeting Council Chambers	6:00 p.m.
19	City Council Meeting Council Chambers	7:00 p.m.
21	Safety Committee Meeting City Hall Conference Room	9:00 a.m.
21	Public Works Committee Meeting City Hall Conference Room	2:00 p.m.
25	Planning Commission Meeting Council Chambers	7:00 p.m.
26	City Manager's Staff Meeting City Hall Conference Room	9:00 a.m.
26	City Council Workshop Council Chambers	6:00 p.m.



Montclair
Youth
Center

Valentine's
Dance
2013

RIVERSIDE OFFICER MICHAEL CRAIN FUNERAL PHOTOS





Pictured are members of the Montclair Police Department who attended the public tribute and funeral of Riverside Officer Michael Crain

Homeless Encampment - Before



Homeless Encampment – After

