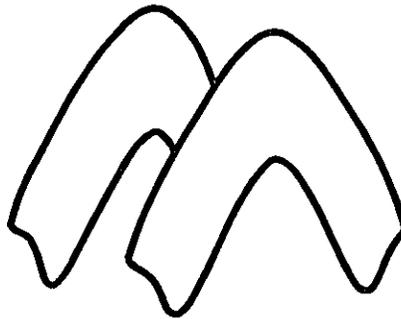


AGENDA FOR CITY COUNCIL, SUCCESSOR REDEVELOPMENT AGENCY,
AND MONTCLAIR HOUSING CORPORATION

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

October 15, 2012

7:00 p.m.



MONTCLAIR

Mayor Paul M. Eaton

Mayor Pro Tem Carolyn Raft

Council Member Leonard Paulitz

Council Member J. John Dutrey

Council Member Bill Ruh

City Manager Edward C. Starr

City Attorney Diane E. Robbins

Deputy City Clerk Yvonne L. Smith

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

October 15, 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

A. Introduction of New Employee

B. Proclamation Declaring October 18, 2012, as "Lights On Afterschool"
Day in the City of Montclair

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 1, 2012 [CC/SA/MHC]

B. Administrative Reports

- | | |
|--|----|
| 1. Consider Receiving and Filing of Treasurer's Report [CC] | 5 |
| 2. Consider Approval of Warrant Register and Payroll Documentation [CC] | 6 |
| 3. Consider Receiving and Filing of Treasurer's Report [SA] | 7 |
| 4. Consider Approval of Warrant Register [SA] | 8 |
| 5. Consider Receiving and Filing of Treasurer's Report [MHC] | 9 |
| 6. Consider Approval of Warrant Register [MHC] | 10 |
| 7. Consider Approval of a Time Extension Request for a Precise Plan of Design for a 129-Unit Residential Development Within the North Montclair Downtown Specific Plan [CC] | 11 |
| 8. Consider Authorization to Receive \$12,681.35 From the FY 2011 State Homeland Security Grant Program for Purchase of Emergency Medical Gloves [CC] | |
| Consider authorization of a \$12,681.35 Appropriation From the Contingency Account to Purchase Emergency Medical Gloves From Life-Assist, Inc. [CC] | 17 |
| 9. Consider Receiving and Filing the Results of Omnitrans' "Go Smart" College Free Pass Pilot Program [CC] | 23 |
| 10. Consider Receiving and Filing Status Report on Emergency Contracting Procedures Related to Certain Repairs at Kingsley Park and Determining There is a Need to Continue the Action [CC] | 29 |
| 11. Consider Montclair Housing Corporation Board of Directors' Approval of the Filing of a Notice of Completion, Reduction of Faithful Performance Bond to 10 Percent, and Retention of Payment Bond for Six Months for the 4791, 4811, and 4820 Canoga Street Improvement Project [MHC] | |
| Consider Release of Retention 30 Days After Recordation of the Notice of Completion [MHC] | |
| Consider Authorization of an Additional \$729 Construction Contingency for Costs Related to Project Scope of Services Modifications [MHC] | |

(Continued on next page)

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| Consider Authorization of a \$729 Appropriation From the Montclair Housing Corporation Fiscal Year 2012-13 Budget for Costs Associated With the Project [MHC] | 30 |
| 12. Consider Receiving and Filing of Alcoholic Beverage Permit Application - Bowlium [CC] | 32 |
| C. Agreements | |
| 1. Consider Approval of Agreement No. 12-96 With Monte Vista Water District Regarding Transfers of Ownership of Various Parcels of Land [CC] | 33 |
| 2. Consider Acceptance of Request by Low Bidder E. Avico, Inc., to Rescind Its Bid [CC] | |
| Consider Award of Contract for the Community Center Restroom Project to T. A. Pointer Enterprises, Inc., in the Amount of \$314,499 [CC] | |
| Consider Approval of Agreement No. 12-97 With T. A. Pointer Enterprises, Inc., for the Community Center Restroom Project [CC] | |
| Consider Authorization of a \$40,000 Construction Contingency [CC] | 49 |
| D. Resolutions | |
| 1. Consider Adoption of Resolution No. 12-2969 Adopting a Five-Year Capital Project Needs Analysis [CC] | 51 |
| 2. Consider Adoption of Resolution No. 12-2970 Urging Members of Congress to Pass and the White House to Sign Legislation to Avert Across-the-Board Fiscal Year 2013 Sequestration Cuts and to Come Together to Develop a Long-Term Budget Compromise [CC] | 54 |
| 3. Consider Adoption of Resolution No. 12-08, a Resolution of the Successor Agency to the City of Montclair Redevelopment Agency Approving the Housing Due Diligence Audit Review Completed by Teaman, Ramirez & Smith, Inc. [SA] | 58 |
| 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 Personnel Committee Meeting of October 1, 2012 63

XII. COUNCIL WORKSHOP

- A. AB 1484 (Amended Redevelopment Dissolution Legislation) and Montclair Successor Redevelopment Agency
- B. City Auditor's Report

(Council may consider continuing these items to an adjourned meeting on Monday, November 5, 2012, at 5:45 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 Board meetings will be held on Monday, November 5, 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 north and west doors of Montclair City Hall on October 11, 2012.

AGENDA REPORT

SUBJECT: CONSIDER RECEIVING AND FILING OF
TREASURER'S REPORT

DATE: October 15, 2012

SECTION: ADMIN. REPORTS

ITEM NO. 1

FILE I.D.: FIN520

DEPT.: ADMIN. SVCS.

REASON FOR CONSIDERATION: The City Council is requested to consider receiving and filing the City of Montclair Treasurer's Report for the month ending September 30, 2012, pursuant to state law.

BACKGROUND: Included in your agenda packet is a copy of the Treasurer's Report for the period ending September 30, 2012.

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

RECOMMENDATION: Staff recommends the City Council receive and file the Treasurer's Report for the month ending September 30, 2012.

Prepared by:

Michael Piroghe

Reviewed and
Approved by:

[Signature]

Proofed by:

[Signature]

Presented by:

[Signature]

AGENDA REPORT

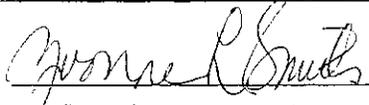
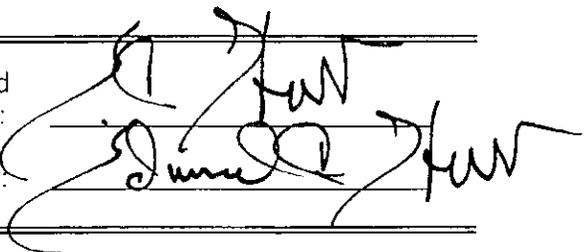
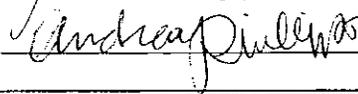
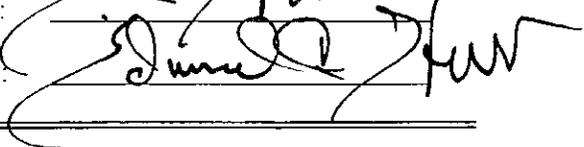
SUBJECT: CONSIDER APPROVAL OF WARRANT REGISTER AND PAYROLL DOCUMENTATIONS **DATE:** October 15, 2012
SECTION: ADMIN. REPORTS
ITEM NO.: 2
FILE I.D.: FIN540
DEPT.: ADMIN. SVCS.

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

BACKGROUND: Mayor Pro Tem Raft has examined the Warrant Register dated October 15, 2012, and Payroll Documentations dated August 26, 2012; and September 9, 2012; finds them to be in order; and recommends their approval.

FISCAL IMPACT: The Warrant Register dated October 15, 2012, totals \$1,056,841.02. The Payroll Documentation dated August 26, 2012, totals \$590,966.18, with \$417,818.00 being the total cash disbursement. The Payroll Documentation dated September 9, 2012, totals \$571,971.63, with \$402,992.34 being the total cash disbursement.

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

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

AGENDA REPORT

SUBJECT: CONSIDER RECEIVING AND FILING OF
TREASURER'S REPORT

DATE: October 15, 2012

SECTION: ADMIN. REPORTS

ITEM NO.: 3

FILE I.D.: FIN510

DEPT.: SUCCESSOR RDA

REASON FOR CONSIDERATION: The City Council acting as successor to the Redevelopment Agency Board of Directors is requested to consider receiving and filing the Successor to the Redevelopment Agency Treasurer's Report for the month ending September 30, 2012, pursuant to state law.

BACKGROUND: Included in your agenda packet is a copy of the Successor to the Redevelopment Agency Treasurer's Report for the period ending September 30, 2012.

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

RECOMMENDATION: Staff recommends the City Council acting as successor to the Redevelopment Agency Board of Directors receive and file the Successor to the Redevelopment Agency Treasurer's Report for the month ending September 30, 2012.

Prepared by:

Michael Piotrowski

Reviewed and
Approved by:

L. D. Baker

Proofed by:

S. A. Hart

Presented by:

James B. Hart

AGENDA REPORT

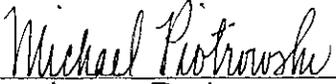
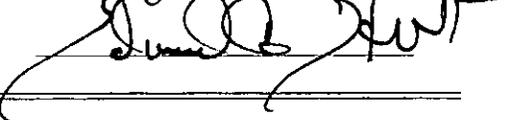
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| SUBJECT: | CONSIDER APPROVAL OF WARRANT REGISTER | DATE: | October 15, 2012 |
| | | SECTION: | ADMIN. REPORTS |
| | | ITEM NO.: | 4 |
| | | FILE I.D.: | FIN530 |
| | | DEPT.: | SUCCESSOR RDA |

REASON FOR CONSIDERATION: The City Council acting as successor to the Redevelopment Agency Board of Directors is requested to consider receiving and filing the Successor to the Redevelopment Agency Warrant Register for the month ending September 30, 2012, pursuant to state law.

BACKGROUND: Vice Chairperson Raft has examined the Successor to the Redevelopment Agency Warrant Register dated 09.01.12–09.30.12 in the amounts of \$67.73 for Project I; \$0.00 for Project II; \$22,686.17 for Project III; \$564.35 for Project IV; \$2,540.85 for Project V; \$0.00 for the Mission Boulevard Joint Redevelopment Project; and \$0.00 for the Redevelopment Obligation Retirement Funds and finds it to be in order.

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

RECOMMENDATION: Vice Chairperson Raft recommends the City Council as successor to the Redevelopment Agency Board of Directors approve the Successor to the Redevelopment Agency Warrant Register for the period ending September 30, 2012.

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

AGENDA REPORT

SUBJECT: CONSIDER RECEIVING AND FILING OF
TREASURER'S REPORT

DATE: October 15, 2012

SECTION: ADMIN. REPORTS

ITEM NO.: 5

FILE I.D.: FIN525

DEPT.: MHC

REASON FOR CONSIDERATION: The Montclair Housing Corporation Board of Directors is requested to receive and file the Montclair Housing Corporation Treasurer's Report for the month ending September 30, 2012, pursuant to state law.

BACKGROUND: Included in your agenda packet is a copy of the Treasurer's Report for the period ending September 30, 2012.

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

RECOMMENDATION: Staff recommends the Montclair Housing Corporation Board of Directors receive and file the Treasurer's Report for the month ending September 30, 2012.

Prepared by:

Michael Piotrowski

Reviewed and
Approved by:

[Signature]

Proofed by:

[Signature]

Presented by:

[Signature]

AGENDA REPORT

SUBJECT: CONSIDER APPROVAL OF WARRANT REGISTER **DATE:** October 15, 2012
SECTION: ADMIN. REPORTS
ITEM NO.: 6
FILE I.D.: FIN545
DEPT.: MHC

REASON FOR CONSIDERATION: The Montclair Housing Corporation Board of Directors is requested to consider receiving and filing the Warrant Register for the month ending September 30, 2012, pursuant to state law.

BACKGROUND: Vice Chairperson Raft has examined the Warrant Register dated 09.01.12-09.31.12 in the amount of \$39,705.34 for the Montclair Housing Corporation and finds it to be in order.

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

RECOMMENDATION: Vice Chairperson Raft recommends the Montclair Housing Corporation Board of Directors approve the Warrant Register for the period ending September 30, 2012.

Prepared by:

Michael Protopopu

Reviewed and
Approved by:

[Signature]

Proofed by:

[Signature]

Presented by:

[Signature]

AGENDA REPORT

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| SUBJECT: CONSIDER APPROVAL OF A TIME EXTENSION REQUEST FOR A PRECISE PLAN OF DESIGN FOR A 129-UNIT RESIDENTIAL DEVELOP- MENT WITHIN THE NORTH MONTCLAIR DOWNTOWN SPECIFIC PLAN | DATE: October 15, 2012 SECTION: ADMIN. REPORTS ITEM NO.: 7 FILE I.D.: LDU600 DEPT.: COMMUNITY DEV. |
|---|--|

REASON FOR CONSIDERATION: Staff is requesting the City Council consider approval of a time extension request for a Precise Plan of Design (PPD) for a 129-unit residential development within the North Montclair Downtown Specific Plan.

BACKGROUND:

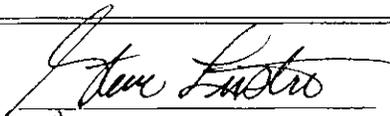
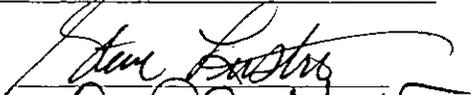
Project Proposal

Hutton Development Company is requesting a second one-year time extension for the PPD approved for the 129-unit Arrow Station residential development on a 6.94-acre site on the north side of Arrow Highway (approximately 213 feet east of Monte Vista Avenue) within the boundaries of North Montclair Downtown Specific Plan (NMDSP). The PPD, along with Tentative Tract Map No. 18803, was approved by the City Council on December 6, 2010. (No time extension request is necessary for the tract map as it has a three-year approval period pursuant to the State Subdivision Map Act.) Other than the time extension for the PPD, no other changes to the project have been requested. The time extension request was received by staff on September 24, 2012.

The applicants continue to make progress in the pre-development work necessary to implement the project as described in Exhibit A of the developer's letter attached to this agenda report. The applicants have indicated to staff that they fully expect to break ground on the project by late summer 2013.

Analysis

In a recent meeting with staff, the applicants indicated that they intend to move forward with the project as approved by Council. It is their view that the commencement and incremental completion of the adjacent 385-unit Paseos development will result in the City's goal of establishing North Montclair as an upscale, desirable place to live. Staff supports the time extension request as it will provide the needed time to complete the process of fully complying with all of the conditions of approval and also to allow the Paseos project to become established and substantially leased, allowing Arrow Station to be more complementary to the larger project to the south. Staff continues to find the project to be an important

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

component for implementing the goals of the NMDSP and the General Plan. Given the complexity of some of the conditions of approval, the extra time would be beneficial to the applicants. Staff is recommending that a one-year extension for the Arrow Station PPD be granted to a new expiration date of December 6, 2013.

City approval for this project will expire and become null and void if permits are not issued by the end of the extended time period. Thereafter, the applicants would be required to reapply for the review and approval of a new PPD and pay all associated fees if they wish to continue with a project on the subject site.

Public Notice and Comments

None required

Environmental Assessment

As part of its review, the City Council found the Arrow Station project to be exempt from the California Environmental Quality Act (CEQA) pursuant Sections 15162 and 15182 of the state CEQA Guidelines, as the proposal was consistent with the environmental impacts analyzed in the Environmental Impact Report (EIR) prepared for the North Montclair Downtown Specific Plan and its anticipated improvements. The EIR was approved on May 15, 2006.

FISCAL IMPACT: There would be no direct fiscal impact on the City's General Fund as a result of granting the requested time extension

RECOMMENDATION: Staff recommends the City Council find the proposed time extension request for the Precise Plan of Design related to the Arrow Station project to be appropriate and approve the request for a one-year PPD time extension to December 6, 2013.

Attachment – Correspondence from Arrow Station, LLC (developer), dated September 20, 2012

ARROW STATION, LLC

2520 N. Santiago Blvd., Orange, CA 92867

Ph. 714-921-1200 Fax 714-921-1201

September 20, 2012

Mr. Steve Lustro
Community Development Director
City of Montclair
5111 Benito St.
P.O. Box 2308
Montclair, CA 91763

Re: Arrow Station

Dear Steve,

Please accept this letter as Arrow Station L.P.'s request for a one year extension of the Arrow Station's Precise Plan of Design, which expires on December 6, 2012, to mirror the timing of the Tentative Map approval.

In the past year, we have been working on and completed a substantial number of tasks related to this community. This work includes all of the civil engineering for the community, public and private improvements, tract map, grading and hydrology.

I have attached Exhibit A, which details each of the tasks worked on and completed during the past year. This list of activities speaks for itself. We have spent a tremendous amount of time at a substantial cost to continue with the on-going plans for this community.

We have completed the demolition of the original improvements, removing an unattractive nuisance from the neighborhood, secured the site, cleaned the site so it is no longer an eye sore from the Montclair Regional Transportation Center and continue to maintain the Arrow Highway frontage improvements, including permanent fencing and landscaping. This was not a condition of approval. We made these changes because it improved the overall area and was another substantial step in helping change the area from an industrial area to the envisioned North Montclair Downtown Specific Plan.

In late fall of 2011, we were working with several home builder partners for the build out of the detached portion of the community. Unfortunately, this activity went on for almost five months. During this time, The Paseos at Montclair North development of 385 units just south of our community was actively moving forward with its development plans. By the time it was apparent that the transaction with the home builder partner was not able to move forward, we were substantially behind the timing of the Paseos to start construction.

Given the large amount of units in the Paseos development, we and our lenders in particular, were reluctant to move forward and directly compete with the Paseos. Since Arrow Station is approximately one quarter of the size of The Paseos at Montclair North, it is our belief that it made sense to have the Paseos substantially complete its development build out, without providing additional direct competition, which in our opinion would hurt both of our communities and the City of Montclair.

It is our view that the completion of the Paseos will allow a substantial, new quality community to reestablish the North Montclair area as an upscale, desirable area to live with quality housing options. To have Arrow Station build out at the same time made no sense and because of its much smaller size, would not have the same impact on the overall area.

It is our plan to start the build out of the Arrow Station community mid to the later part of 2013, which allows the Paseos to become established and substantially leased, which then makes for a much better competitive situation for the build out of Arrow Station.

We remain committed to the development of the Arrow Station community. However, with the economy the way it is, developers and their lenders need to be especially vigilant in their development activity. We believe it is prudent to allow the Paseos community to move further along in its development prior to providing direct competition across the street. In addition, the success of the Paseos makes it easier for additional communities in the immediate area to convince lenders and residents that the North Montclair area is a desirable long term area in which to live.

A community that is not successful or in an area that faces excessive competition and sits vacant or substantially vacant for a long period of time, kills that entire area for new development for an extensive time. Lenders will not and cannot lend in that situation, especially given the economy the past several years.

It is our belief that Arrow Station will remain a substantial contributor to the long term success of the entire area.

Sincerely,

ARROW STATION, LLC

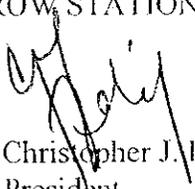

By: Christopher J. Felix
President

EXHIBIT A

The list below summarizes the pre-development work that Hutton has initiated and/or completed since the last 12 month Precise Plan of Design (PPD) approval extension.

- Obtained permits and demolished the site. While not a requirement, Hutton did this to eliminate the existing eye sore and enhance the property; also for public safety and liability reasons.
- Submitted detailed engineering plans to Public Works for the single family (urban side yard homes) portion of the site. These plans include public and private improvements, tract map, grading, and hydrology. Hutton worked through the plan check process and obtained approval of these plans in 2012.
- Submitted detailed engineering water plans to Monte Vista Water District (MVWD) for the single family (urban side yard homes) portion of the site. Due to the complexity of the site and various physical constraints, the water plans required over four plan checks and multiple meetings between Hutton, our engineer and MVWD. Hutton obtained approval of these plans in 2012.
- Submitted detailed engineering water plans to the Montclair Fire Department for their review of the plans after the MVWD completed its review. The plans were sent to an outside consultant for review and approval. Hutton obtained approval of these plans in 2012.
- Produced and submitted the mylars of the engineering plans, water plans and tract map to Public Works and MVWD for signatures.
- Made formal request to MVWD for fee letters in preparation for payment of water connection and maintenance impact fees.
- Interfaced with Marilyn Staats, Andrea Roess (David Taussig & Associates), Kim Byrens (Best Best & Krieger), and the Public Works Department, to finalize the maintenance and public safety figures and documentation for the CFD tax assessment.
- Worked with Mike Hudson of Public Works to determine the legal descriptions and maintenance of the storm drain bioswales as well as clarify and document other maintenance matters relating to the CFD.
- Attended a City Council meeting on December 5, 2011 to adopt resolution of intention to form the CFD.
- Attended a City Council meeting on January 17, 2011 to adopt the CFD formation resolution.
- Hutton obtained approval of the CFD in 2012.
- Obtain a revised soils report documenting the removal and complete remediation of asphaltic material identified on the site. This material needed to be removed to prepare the land for future grading and development.

- Developed and refined hard and soft cost budgets for the completion of the site work and building construction; a crucial pre-development task necessary to move forward with construction. Hutton has worked with several contractors in recent months on this task.
- Continue to maintain the Arrow Highway frontage. Hutton strives to be a good neighbor by keeping the landscaping along Arrow Highway in top condition during the pre-development stage.

AGENDA REPORT

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| SUBJECT: CONSIDER AUTHORIZATION TO RECEIVE \$12,681.35 FROM THE FY2011 STATE HOMELAND SECURITY GRANT PROGRAM FOR PURCHASE OF EMERGENCY MEDICAL GLOVES | DATE: October 15, 2012 |
| | SECTION: ADMIN. REPORTS |
| | ITEM NO.: 8 |
| CONSIDER AUTHORIZATION OF A \$12,681.35 APPROPRIATION FROM THE CONTINGENCY ACCOUNT TO PURCHASE EMERGENCY MEDICAL GLOVES FROM LIFE-ASSIST, INC. | FILE I.D.: GRT115 |
| | DEPT.: FIRE |

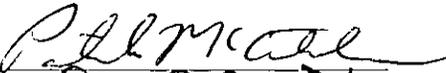
REASON FOR CONSIDERATION: The City Council is requested to consider authorizing the Fire Department to receive \$12,681.35 from the FY2011 State Homeland Security Grant Program (SHSGP) and appropriating \$12,681.35 from the Contingency Account to purchase emergency medical gloves from Life-Assist, Inc. The Fire Department would be entitled to a 100 percent reimbursement of the cost to purchase these items from the FY2011 SHSGP.

BACKGROUND: The FY2011 SHSGP is responsible for the distribution of approximately \$130 million in nonmatching grants to local first responders to provide financial assistance for the purpose of purchasing equipment and supplies to improve emergency response capabilities during terrorist events. All eligible applicants are required to purchase equipment or supplies in advance and will be entitled to a 100 percent reimbursement through the grant program.

The Fire Department has been authorized to receive \$16,457 in nonmatching grant funds from the FY2011 SHSGP to purchase emergency medical gloves. The total grant allocation for San Bernardino County for Fiscal Year 2012-13 is approximately \$3 million; the Montclair Fire Department's allocation is \$16,457. The distribution of grant funds is coordinated by each Operational Area (OA). The coordinating agency for the City of Montclair is the San Bernardino County Fire Department.

The recommended emergency medical gloves include the following:

- 140 cases of MICROFLEX Free Form EC Powder Free Nitrile Emergency Medical Gloves
- 34 cases of MICROFLEX Supreno EC Powder Free Nitrile Emergency Medical Gloves

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

Bid quotations received from three vendors that responded to staff's bid request for emergency medical gloves are as follows

| <i>Vendor</i> | <i>Bid Amount</i> |
|-----------------------------------|-------------------|
| Life-Assist, Inc. | \$12,681.35 |
| Emergency Responder Products | \$17,191.26 |
| Whitmer Public Safety Group, Inc. | \$19,913.19 |

The Fire Department is recommending the emergency medical gloves be purchased from Life-Assist, Inc., because the company provided the lowest bid.

FISCAL IMPACT: The cost to purchase the emergency medical gloves is \$12,681.35. Should the City Council approve this item, \$12,681.35 would be transferred from the Contingency Account to the Emergency Medical Services Program Supplies Account No. 1180-400-4539-51130 to pay for the emergency medical gloves. The City would be reimbursed \$12,681.35 by the FY2011 SHSGP for the cost of the emergency medical gloves.

RECOMMENDATION: Staff recommends the City Council authorize the following actions related to purchase of emergency medical gloves.

1. The Fire Department to receive \$12,681.35 from the FY2011 State Homeland Security Grant Program.
2. A \$12,681.35 appropriation from the Contingency Account for purchase of emergency medical gloves from Life-Assist, Inc.

CITY OF MONTCLAIR BID QUOTATION FORM

Department Fire Date 10/15/2012

Purchase Requisition No. _____

Item(s) Description: Emergency Medical Gloves

Reason for Purchase: Enhancing emergency response capabilities through the SHSGP

Employee Obtaining Quotes Troy Ament and Angelic Bird

VENDORS CONTACTED

| | | | | BID QUOTES* | |
|-----------------|---|---|---------------------|--------------------|--------------------|
| (1) NAME | <u>Life-Assist Inc.</u> | | | (1) | \$2,164.10 |
| | ADDRESS | <u>11277 Sunrise Park Dr., Rancho Cordova, CA 95742</u> | | Subtotal | \$9,660.00 |
| | PHONE NO. | <u>(800) 824-6016</u> | NAME OF REP. | Tax | \$857.25 |
| | COMMENTS | | <u>Chris Nelson</u> | Shipping | \$0.00 |
| | | | | Labor | \$0.00 |
| | | | | Total | \$12,681.35 |
| (2) NAME | <u>Witmer Public Safety Group, Inc.</u> | | | (2) | \$14,420.00 |
| | ADDRESS | <u>104 Independence Way, Coatesville, PA 19320</u> | | Subtotal | \$2,771.00 |
| | PHONE NO. | <u>(800) 852-6088</u> | NAME OF REP. | Tax | \$1,547.19 |
| | COMMENTS | | | Shipping | \$1,175.00 |
| | | | | Labor | \$0.00 |
| | | | | Total | \$19,913.19 |
| (3) NAME | <u>Emergency Responder Products</u> | | | (3) | \$13,062.00 |
| | ADDRESS | <u>P.O. Box 353, Old Bethpage, NY 11804</u> | | Subtotal | \$2,709.80 |
| | PHONE NO. | <u>(877) 572-9592</u> | NAME OF REP. | Tax | \$1,419.46 |
| | COMMENTS | | | Shipping | \$0.00 |
| | | | | Labor | \$0.00 |
| | | | | Total | \$17,191.26 |

*Quotations are to include tax and delivery charges

RECOMMENDED VENDOR AND JUSTIFICATION

The Fire Department is recommending the emergency medical gloves be purchased from Life-Assist, Inc.

Life-Assist, Inc.
11277 Sunrise Park Drive
Rancho Cordova, CA 95742
WWW.LIFE-ASSIST.COM
Phone # 800-824-6016
Fax # 800-290-9794

P A G E - 1

PRICE QUOTATION

To :
MONTCLAIR FIRE DEPT. STATION 1
8901 MONTE VISTA AVE
MONTCLAIR, CA 91763

** NEW ** Sign up at WWW.LIFE-ASSIST.COM and request a quote ONLINE! ** NEW **

| | | | |
|--------------------|--------------|--------------------|-----------------|
| Your Reference # : | | Our Quote # : | 029103 |
| Due Date : | | Quote Date : | 09/18/12 |
| Reply To : | | Quote Expiration : | 04/30/13 |
| Phone # : | 909-626-1217 | Customer # : | 91763FD CA-5998 |
| Fax # : | 909-621-5261 | Terms : | NET 30 DAYS |

| ITEM # | DESCRIPTION | QTY | UNIT PRICE | EXTENSION |
|-----------------------|---------------------------|-----|------------------|-----------|
| GL375L | GLOVE, SUPRENO EC, LARGE | 34 | 63.65 CS-500 | 2164.10 |
| GL775L | GLOVE, FREEFORM EC, LARGE | 140 | 69.00 CS-500 | 9660.00 |
| Ship : | U.P.S. GROUND | | Subtotal : | 11824.10 |
| FOB Point : | DESTINATION | | 7.25 Tax : | 857.25 |
| # of Days for Deliv : | 2 | | Freight : | 0.00 |
| Prepared By : | CHRIS NELSON 68-867 | | Misc. : | 0.00 |
| Title : | CONTRACT/PURCHASING AGENT | | TOTAL : | 12681.35 |
| Signature : | | | Terms Discount : | 0.00 |

Chris Nelson

If you have any questions, please give me a call.
Have a nice day.

Your Regional Manager is:
LAURIE DOERR, REGIONAL MANAGER
760-420-0240

QUOTE

**PO Box 353
Old Bethpage, NY 11804**

Tel. 877-572-9592
Fax 877-572-7793
sales@911erp.com

| | |
|-----------|----------|
| Date | Quote # |
| 9/12/2012 | 9121202Q |

| Name / Address |
|--|
| City of Mont Clair Troy Ament 8901 Monte Vista Avenue Mont Clair CA 91763 |

| Ship To |
|---|
| City of Mont Clair Troy Ament 8901 Monte Vista Avenue Mont Clair, CA 91763 |

| | |
|--------|-----|
| Terms | Rep |
| Net 30 | SK |

| Item | Description | Qty | Cost | Total |
|------------|---|-------|--------------|-------------|
| MF7FE775 | Free Form EC Powder Free Nitrile Gloves | 1,400 | 9.33 | 13,062.00 |
| MFSEC375-L | Powder Free Nitrile, Extended Cuff | 340 | 7.97 | 2,709.80 |
| Shipping | FREE FREIGHT | | 0.00 | 0.00 |
| | | | Total | \$15,771.80 |

Tax ID# 13-4341416



Witmer Public Safety Group

104 Independence Way
Coatesville, PA 19320

Phone: (800) 852-6088
Fax: (888) 335-9800

Quote ID: 115264
Date: 10/5/2012
Sales Person: ERICA R

Proposal To:

Montclair Fire Department
8901 Monte Vista Ave
Attn: Angelic Bird, Secretary
Montclair, CA 91763
Phone: (909) 447-3544
Fax: (909) 621-5261

Proposal ID 115264
Date 10/5/2012
Sales Person ERICA R

| Quantity | Item ID | Description | Unit | Amount |
|-------------------------|-------------|--|----------|-----------|
| MICROFLEX GLOVES | | | | |
| 140 | G5657996-CA | SPO Microflex Freeform EC Gloves PF Large, 50/BX, 10/Case | 103.00 | 14,420.00 |
| 34 | G5657125-CA | Microflex Supreno EC PF Nitrile Glove Large, 50/BX, 10/Case **Price Will Remain at \$81.50 If Purchased In Conjunction With 120 Cases Of Ultra One & Freeform Gloves. Price May Increase If Ordering Separately.** | 81.50 | 2,771.00 |
| | FREIGHT | Shipping & Handling via Old Dominion Freight Line | 1,175.00 | |

*** To accept this quote, sign and return this document via fax to 888-335-9800. You may also email your acceptance to quotes@WPSGInc.com. Prices shall remain firm for 30 days barring any manufacturer price increases. Please note sizes and colors before sending your order. ***

*** Custom information (shields, badges, plates etc) should be faxed or emailed with your acceptance. If this information has not been provided during your initial quote request. If you have any questions regarding this quote, call 800-852-6088 or email quotes@wpsginc.com. Canadian customers: Shipping & Handling does not include US Customs and Border Fees into Canada and is to be paid by the customer. Orders shipped into Canada will only be shipped via the customer's freight account which must be provided before placing an order. ***

| | | | |
|--|-----------------|-----------------|------------------|
| ACCEPTANCE OF PROPOSAL | | Subtotal | 17,191.00 |
| The above prices, specifications, and conditions are satisfactory and are hereby accepted. | Signature _____ | Tax | 0.00 |
| Proposal is valid until November 04, 2012 | Date _____ | Total | 17,191.00 |

AGENDA REPORT

SUBJECT: CONSIDER RECEIVING AND FILING THE RESULTS OF OMNITRANS' "GO SMART" COLLEGE FREE PASS PILOT PROGRAM

DATE: October 15, 2012

SECTION: ADMIN. REPORTS

ITEM NO.: 9

FILE I.D.: TRN250/ENV325

DEPT.: COMMUNITY DEV.

REASON FOR CONSIDERATION: On April 18, 2011, the City Council approved Agreement No. 11-48 with Omnitrans to help fund a one-year pilot program to provide free bus passes to students attending designated colleges and universities. Funding was provided through the City's AB 2766 Subvention Funds, which are disbursed annually by the South Coast Air Quality Management District and must be used for projects that reduce motor vehicle emissions. Omnitrans has provided the results of the pilot program in the memorandum attached to this agenda report for the City Council's review and information.

BACKGROUND: During the 2011-12 academic year, Omnitrans successfully assembled a partnership of 15 cities; the County of San Bernardino; California State University, San Bernardino; Chaffey College; Crafton Hills College; and San Bernardino Valley College to implement a College Free Pass pilot program. Montclair contributed \$7,350 from its AB 2766 Subvention Funds.

In spring 2012, students at Chaffey, Crafton Hills, and San Bernardino Valley Colleges passed referendums to establish a five-year self-sustaining student fee-based program to facilitate Omnitrans continuing the program, which was one of the original goals. Cal State San Bernardino decided not to place the item on a student referendum and is, instead, working to identify funding to extend the pilot program for another year.

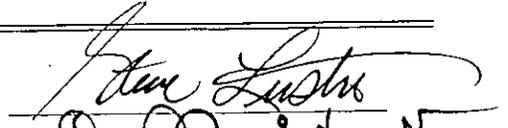
Students from Montclair took a total of 26,355 bus trips during the Go Smart pilot program. Ridership levels in Montclair increased slightly as more students became aware of the opportunity to ride the bus to and from school for free. Over both semesters, 199 individual students from Montclair tried Go Smart. During the spring term, an average of 90 unique students were regularly riding Omnitrans routes. Montclair students traveled to school by bus a combined 12,663 days, traveling an estimated 344,212 miles by bus. By using public transportation instead of private passenger vehicles, an estimated 4.67 tons of carbon monoxide (CO) was removed from the air while also reducing the levels of reactive organic gases (ROG), nitrogen oxide (NOx), and particulate matter (PM₁₀).

Omnitrans believes the Go Smart program to be a successful example of a public-public partnership that resulted in improved access to education, reduced emissions, and the development of a self-sustaining program.

Prepared by:



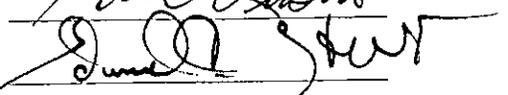
Reviewed and Approved by:



Proofed by:



Presented by:



FISCAL IMPACT: The City Council's acceptance of this agenda report would create no fiscal impact to the City's General Fund.

RECOMMENDATION: Staff recommends the City Council receive and file this report.

Attachment: Memo from Omnitrans dated September 18, 2012

DATE: September 18, 2012

TO: ✓ Steve Lustro, Director Community Development Dept., City of Montclair

CC: Mayor Paul Eaton, Omnitrans Board Member
Milo Victoria, CEO/GM, Omnitrans

FROM: Wendy Williams, Director of Marketing, Omnitrans 
Jeremiah Bryant, Planning & Scheduling Manager, Omnitrans

RE: City of Montclair Results from Go Smart College Student Free Ride Pilot Program

EXECUTIVE SUMMARY

- Fifteen cities, San Bernardino County, San Bernardino Valley College, Crafton Hills College, Chaffey College, California State University, San Bernardino and Omnitrans formed a partnership to fund a one-year pilot University Pass Program, known as Go Smart, that allowed students to ride Omnitrans buses fare free for the 2011-1012 academic year.
- Montclair helped fund the pilot program by providing \$7,350 from their allocation of AB2766 funds. Use of this funding source requires that data on emission reductions generated by project be reported to the South Coast Air Quality Management District (AQMD).
- In spring 2012, students passed referendums at Chaffey, Crafton Hills and San Bernardino Valley Colleges to establish 5-year self-sustaining student fee-based program.
- During the pilot program, Omnitrans delivered a total of 1.4 million student trips to 13,186 unique students, representing at least one trip for approximately 25% of the students at the partner schools. This eliminated 132 tons of carbon emissions.
- Omnitrans delivered 26,355 trips for 199 Montclair students that tried Go Smart. This eliminated 4.67 tons of carbon emissions.

BACKGROUND

The Go Smart pilot program was a partnership between the cities of Chino, Chino Hills, Colton, Fontana, Grand Terrace, Highland, Loma Linda, Montclair, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino, Upland and Yucaipa; the County of San Bernardino; Chaffey, San Bernardino Valley and Crafton Hills Colleges; California State University, San Bernardino; and, Omnitrans.

The purpose of the partnership was to fund a one-year pilot program that provided students at the partner colleges with fare-free public transportation on Omnitrans with the goal of establishing an ongoing self-funding, student fee-based transportation program. The one-year pilot was needed to serve as a proof of concept to reach a successful student referendum to establish the ongoing fee-based program.

The pilot program and any subsequent ongoing program provides multiple environmental benefits to the community including reduced emissions from students using public transportation rather than driving, reduced traffic congestion near the partner colleges, reduced parking demand on campus and in neighboring communities. There are also several educational benefits such as reducing the transportation costs for students and removing lack of transportation as a barrier to education.

REFERENDUM RESULTS

During the one-year pilot program, three partner colleges brought the fee-based program to a referendum. Students at each of these schools voted yes on the referendum with Chaffey Students voting 92% yes, San Bernardino Valley College Students voting 82% yes and Crafton Hills Students voting 55% yes. Each referendum extended the pilot program to a five-year ongoing program now funded by a \$15 per year student fee to be paid at registration.

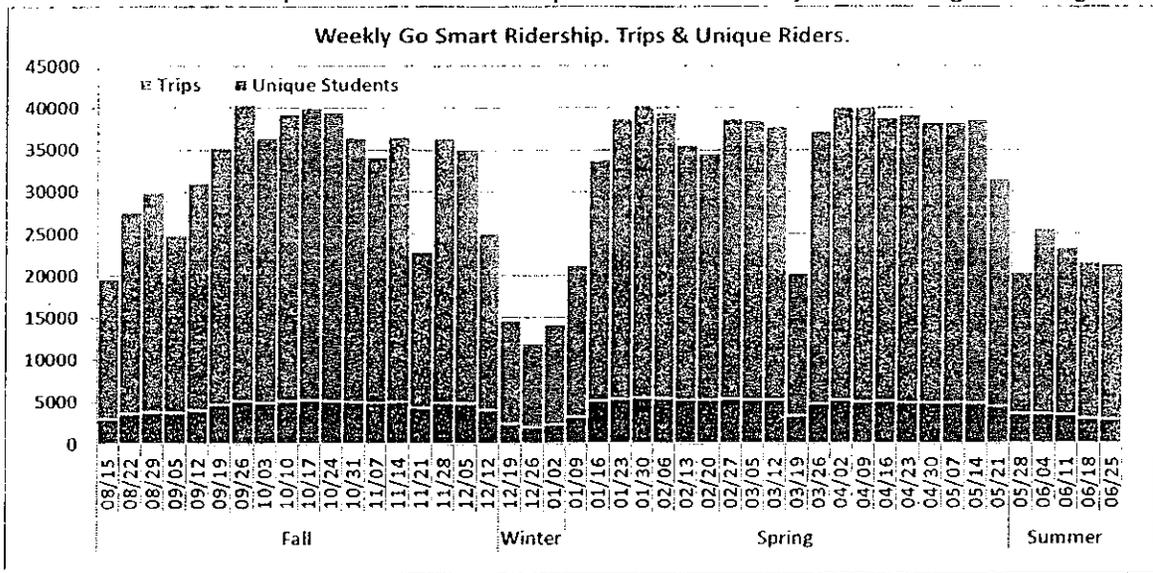
California State University, San Bernardino decided to not place the item on a student referendum and is working to identify funding to extend the pilot program for an additional year. The goal of this would be to bring a referendum to students at the close of the 2012-2013 school year.

The pilot program also brought interest from many other schools, primarily trade schools in the area. Omnitrans subsequently entered into a one-quarter pilot program with the Art Institute of California—Inland Empire. This was later extended to one-year program. Omnitrans and Loma Linda University met to discuss starting a similar program after University staff saw the potential. Similarly, staff at several high schools have inquired about developing similar partnerships based on requests from students and the value that Go Smart provided.

OVERALL RIDERSHIP RESULTS

Omnitrans delivered 1,464,234 trips to students during this program. The weekly number of trips taken can be seen in the blue bars in Exhibit 1. By the end of the spring term, students were averaging 39,000 trips per week. During the year, 41% of the trips were by Chaffey students, 37% by Valley students, 16% by CSUSB students and 6% by Crafton students.

Exhibit 1: Student Trips and Number of Unique Student Riders by Week during Pilot Program



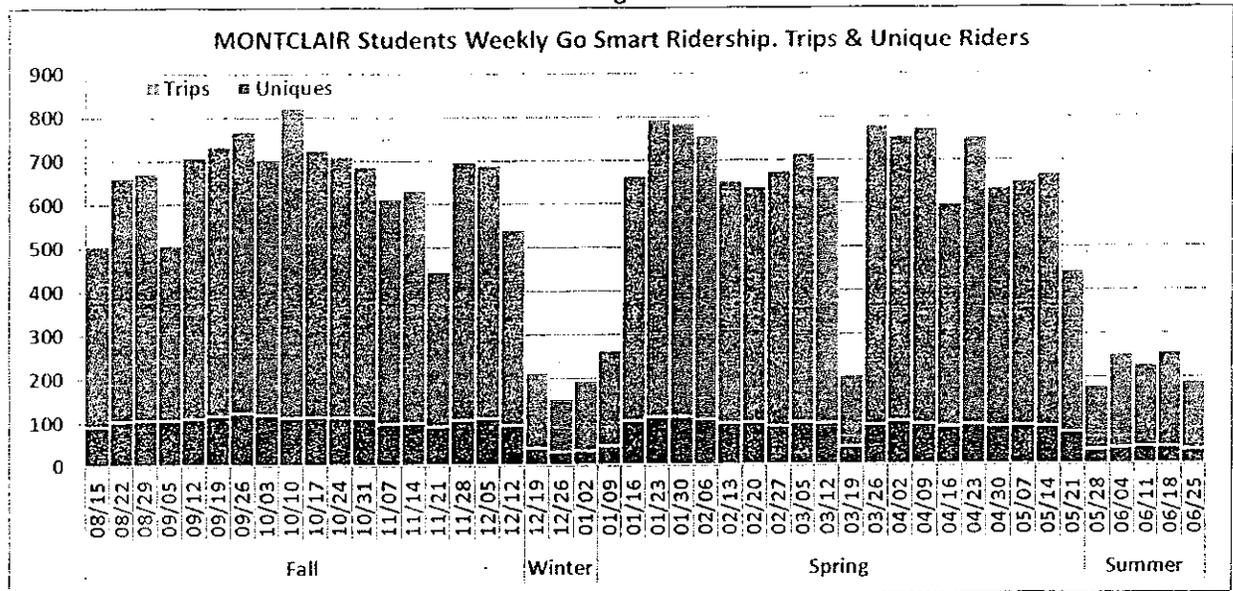
13,186 individual students made use of the Go Smart program during the one-year pilot program. This is equivalent to 24.8% of students that were enrolled at the beginning of the school year. In Exhibit 1, the red bars indicate the number of students who used Go Smart during each week. During the spring term, 5,100 unique students utilized Omnitrans during a typical week which means that 10% of students became regular transit riders, up from 2-4% prior to the beginning of the program.

CITY OF MONTCLAIR RESULTS

Students in Montclair took a total of 26,355 trips during the Go Smart pilot program. Ridership levels in Montclair edged up during the spring term as the referendum movement expanded students' awareness of the opportunity to ride transit free. During the spring semester, Omnitrans was delivering 199 trips for Montclair students during a typical week.

Over the course of the program, 199 individual students that reside in Montclair tried Go Smart. During the spring term, on average 90 unique students were regularly riding Omnitrans routes. Exhibit 2 shows the weekly ridership and student usage trends for Montclair student riders.

Exhibit 2: Montclair Student Trips and Number of Unique Student Riders by Week during Pilot Program



POLLUTION REDUCTIONS

Methodology: Pollution reduction calculations were based on the actual number of daily trips by students to each partner school. Farebox data let Omnitrans record which students used public transportation and how many total days it was used. The farebox data allowed us to match the student with the school and the school provided each student's zip code. Travel distance estimates were made from the center point of each zip code to the school for each day of student travel. The factors provided in Exhibit 3 were used to link the number of trips and the total distance of these trips to four emissions factors required by AQMD.

Exhibit 3: Calculation factors for Emissions Reduction Estimates

| | Grams per Mile | Grams per Trip End |
|------------------------------|-------------------|-----------------------|
| Reactive Organic Gases (ROG) | 0.39 | 1.48 |
| Nitrogen Oxide (NOX) | 0.49 | 0.65 |
| Particulate Matter (PM10) | 0.22 | 0.02 |
| Carbon Monoxide (CO) | 4.68 | 13.16 |

Results: Students in Montclair traveled by bus a combined 12,663 days to school traveling an estimated 344,212 miles by bus. By taking public transportation instead of driving, this removed 4.67 tons of carbon monoxide from the air while also reducing the levels of reactive organic gases, nitrogen oxide and particulate matter. Details by school and zip code can be seen in Exhibit 4 below.

Exhibit 4: City of Montclair Emissions Reductions by School

| School | Zip Code | Trip Days | One- Way Distance | Total Distance | Grams | | | |
|--------------|-------------|--------------|-------------------------|-------------------|-------------|-------------|-------------|-------------|
| | | | | | ROG | NOX | PM10 | CO |
| Chaffey | 91763 | 11,447 | 12.2 | 279,307 | 143,394 | 70,580 | 23,766 | 3,885,360 |
| Crafton | 91763 | -- | -- | -- | -- | -- | -- | -- |
| Valley | 91763 | 1,098 | 26.3 | 57,755 | 25,892 | 13,018 | 4,571 | 702,872 |
| CSUSB | 91763 | 118 | 30.3 | 7,151 | 3,153 | 1,587 | 560 | 85,600 |
| Total | | 12,663 | | 344,212 | 172,439 | 85,185 | 28,897 | 4,673,833 |
| | | | | Tons | 0.17 | 0.09 | 0.03 | 4.67 |

CONCLUSION

The Go Smart pilot program was a glowing example of public-public partnerships that resulted in improved access to education, reduced emissions and the development of a self-sustaining program. Omnitrans wishes to thank all partners for their participation in this program.

Omnitrans staff would be happy to present the results of this partnership to city staff and/or City Council upon request.

AGENDA REPORT

| | |
|--|--|
| SUBJECT: CONSIDER RECEIVING AND FILING STATUS REPORT ON EMERGENCY CONTRACTING PROCEDURES RELATED TO CERTAIN REPAIRS AT KINGSLEY PARK AND DETERMINING THERE IS A NEED TO CONTINUE THE ACTION | DATE: October 15, 2012 SECTION: ADMIN. REPORTS ITEM NO.: 10 FILE I.D.: PRK300 DEPT.: PUBLIC WORKS |
|--|--|

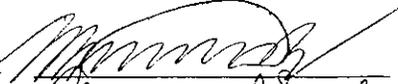
REASON FOR CONSIDERATION: By City Council action on October 1, 2012, Resolution No. 12-2967 was adopted declaring a need for emergency contracting procedures for certain repairs at Kingsley Park. Under Public Contract Code Section 22050, the governing body shall review the emergency action at its next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

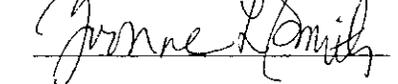
BACKGROUND: On October 1, 2012, a contract was awarded to Rymax Electric by the City Manager in accordance with authority delegated to him by Resolution No. 12-2967 for repair work at Kingsley Park. Construction of electrical repairs at Kingsley Park is currently underway and is expected to be complete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

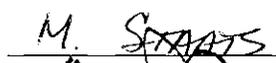
FISCAL IMPACT: Concurrent with adoption of Resolution No. 12-2967, the City Council appropriated \$15,000 for the repair work.

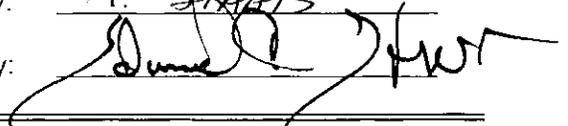
RECOMMENDATION: Staff recommends the City Council take the following actions:

1. Receive and file the status report on emergency contracting procedures related to certain repairs at Kingsley Park.
2. Determine there is a need to continue the action.

Prepared by: 

Proofed by: 

Reviewed and
Approved by: 

Presented by: 

AGENDA REPORT

| | |
|--|--|
| SUBJECT: CONSIDER MONTCLAIR HOUSING CORPORATION BOARD OF DIRECTORS' APPROVAL OF THE FILING OF A NOTICE OF COMPLETION, REDUCTION OF FAITHFUL PERFORMANCE BOND TO 10 PERCENT; AND RETENTION OF PAYMENT BOND FOR SIX MONTHS FOR THE 4791, 4811, AND 4820 CANOGA STREET IMPROVEMENT PROJECT | DATE: October 15, 2012 SECTION: ADMIN. REPORTS ITEM NO.: 11 FILE I.D.: MHC025 DEPT.: MHC |
|--|--|

CONSIDER RELEASE OF RETENTION 30 DAYS AFTER RECORDATION OF NOTICE OF COMPLETION

CONSIDER AUTHORIZATION OF ADDITIONAL \$729 CONSTRUCTION CONTINGENCY FOR COSTS RELATED TO PROJECT SCOPE OF SERVICES MODIFICATIONS

CONSIDER AUTHORIZATION OF A \$729 APPROPRIATION FROM THE MONTCLAIR HOUSING CORPORATION FISCAL YEAR 2012-13 BUDGET FOR COSTS ASSOCIATED WITH THE PROJECT

REASON FOR CONSIDERATION: The Montclair Housing Corporation Board of Directors is requested to consider approval of the Notice of Completion for the 4791, 4811, and 4820 Canoga Street Improvement Project pursuant to state law.

BACKGROUND: On April 16, 2012, Desert Ranger Construction, Inc., was awarded a contract for the 4791, 4811, and 4820 Canoga Street Improvement Project and entered into Agreement No. 12-22. The project improvements included specific environmental abatement conditions; new stucco, roofs, and windows; exterior patching and painting of the buildings; fascia repair; replacement of the pool fencing; and new lighting fixtures. There are a total of 32 units at the three properties.

FISCAL IMPACT: The construction contract was awarded to Desert Ranger Construction, Inc., for \$226,350 and included a construction contingency of \$22,635. Funding for the 4791, 4811, and 4820 Canoga Street Improvement Project was included in the Montclair Housing Corporation Fiscal Year 2011-12 Budget.

During the course of construction, it was necessary to modify the project scope of services. The scope of service modifications included mold treatment, insulation

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

installation, deck repair, and fascia replacements. The mold treatment and insulation installation became necessary after environmental remediation consultants discovered damp drywall conditions in the interior walls in certain areas. The changes ultimately increased the total construction cost from the awarded amount of \$226,350 to the final cost of \$249,714. This total exceeded the \$22,635 contingency by \$729.

RECOMMENDATION: Staff recommends the Montclair Housing Corporation Board of Directors take the following actions related to the 4791, 4811, and 4820 Canoga Street Improvement Project:

1. Approve the filing of a Notice of Completion with the Office of the San Bernardino County Recorder.
2. Reduce the Faithful Performance Bond to 10 percent.
3. Retain the Payment Bond for six months.
4. Release retention 30 days after recordation of Notice of Completion.
5. Authorize an additional \$729 construction contingency for costs related to project scope of services modifications.
6. Authorize a \$729 appropriation from the Montclair Housing Corporation Fiscal Year 2012-13 Budget for costs associated with the project.

AGENDA REPORT

SUBJECT: CONSIDER RECEIVING AND FILING
OF ALCOHOLIC BEVERAGE PERMIT
APPLICATION - BOWLIUM

DATE: October 15, 2012

SECTION: ADMIN. REPORTS

ITEM NO.: 12

FILE I.D.: FLP025

DEPT.: ADMIN. SVCS.

REASON FOR CONSIDERATION: Applications for Alcoholic Beverage Licenses are routinely presented to the City Council for review.

BACKGROUND: STP Entertainment LLC is the new owner of the Bowlum located at 4666 Holt Boulevard. STP Entertainment LLC has requested approval from the California Department of Alcoholic Beverage Control to have the existing Type 47 - "On-Sale General - Eating Place" license transferred into the company's name, thereby allowing the continued sale and service of beer, wine, and distilled spirits at the establishment.

ABC representatives have advised staff that there are no reported violations or issues with the current use, and staff has no objections to the transfer request.

FISCAL IMPACT: No fiscal impact

RECOMMENDATION: Staff recommends the City Council receive and file this item.

Prepared by:

Yvonne R. Smith

Reviewed and
Approved by:

[Signature]

Proofed by:

Andrea Phillips

Presented by:

AGENDA REPORT

SUBJECT: CONSIDER APPROVAL OF AGREEMENT
NO. 12-96 WITH MONTE VISTA WATER
DISTRICT REGARDING TRANSFERS OF
OWNERSHIP OF VARIOUS PARCELS OF
LAND

DATE: October 15, 2012

SECTION: AGREEMENTS

ITEM NO.: 1

FILE I.D.: LDA450

DEPT.: PUBLIC WORKS

REASON FOR CONSIDERATION: For several years there have existed informal agreements between the City and Monte Vista Water District (District) regarding the use of several parcels of land within the City. Some parcels are used by the City yet owned by the District while the converse is true of other parcels. Both the City and the District wish to make a more formal arrangement regarding the ownership and use of these parcels by transferring ownership and granting easements for various uses. Transfers or sales of City property require City Council approval.

BACKGROUND: In 1979 the City and District entered into an agreement to exchange a City-owned property south of the District's Central Avenue office where a former fire station was located for a District-owned property that was part of Sunset Park. The two parties also agreed to certain joint uses of the property where Moreno Vista Park was located including the construction and use of tennis courts on top of the District's George Reservoir. In the years thereafter, District occupied and exclusively used the fire station property and City exclusively used the Sunset Park property. The City, for awhile, also used the Moreno Vista Park tennis courts as part of its park facilities. For reasons that are not entirely clear at this time, the actual property transfers of title to the respective properties were never completed.

Proposed Agreement No. 12-96 contains four sets of exhibits. Exhibits A-1 and A-2 refer to the old fire station property located on the Central Avenue frontage road south of Holt Boulevard. Exhibits B-1 and B-2 refer to the Sunset Park property on Orchard Street. Exhibits C-1 and C-2 refer to the portion of Moreno Vista Park actually owned by the City. Exhibits D-1 and D-2 refer to the portion of Moreno Vista Park owned by the District and the location of the reservoir and tennis courts.

The old fire station site is owned by the City and would be transferred to the District. The District-owned portion of Sunset Park would be transferred to the City. With respect to Moreno Vista Park, the District drilled a well on a portion of the park several years ago. Through a lot line adjustment that will come before the City Council at a later date, the City will convey underlying fee title of the portion occupied by that well to the District. The District, in turn, will grant a revocable easement for park purposes to the City across a portion of the District-owned portion of the park. This portion includes the entire driveway and parking lot for the park. The easement gives the City a recorded legal right to

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

use the driveway and parking lot, which it is already doing, and the responsibility for maintenance of the turf and pavement, which it is also already doing. The proposed Agreement includes a provision for the District and City to share in the maintenance costs of the driveway and parking lot, something that does not currently exist.

FISCAL IMPACT: Proposed Agreement No. 12-96 includes a provision for sharing the costs for title reports for the various properties. The cost for the title reports is \$2,250, with the City's portion being \$1,125. The proposed Agreement requires the District to pay for all costs associated with preparing the lot line adjustment. This cost is unknown. Under the terms of the proposed Agreement, the City waives its normal fee of \$950 for submitting a lot line adjustment application. The City would be responsible for the cost of developing the legal description and plat for the easement. This cost will not exceed \$1,700. Finally, each agency will be responsible for recording its own grant deeds for the properties transferred. Normally, the Recorder's Office waives the fee for recordations involving government agencies.

RECOMMENDATION: Staff recommends the City Council approve Agreement No. 12-96 with Monte Vista Water District regarding transfers of ownership of various parcels of land.

EXHIBIT A-1

Legal Description

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.

EXHIBIT A-2

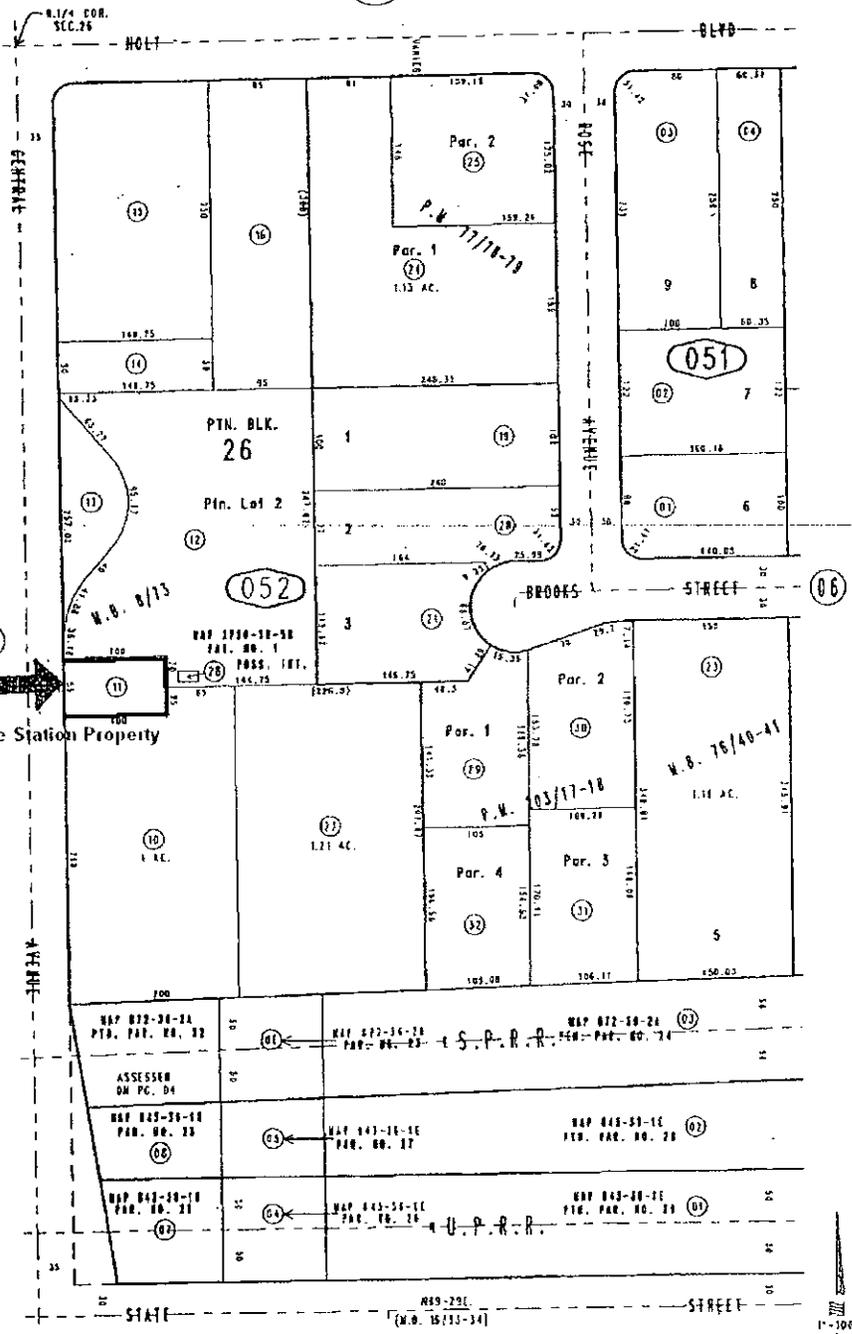
November 2004

THIS MAP IS FOR THE PURPOSE OF AD VALOREM TAXATION ONLY.



1010
60

Parcel Map No. 16371, P.M. 203/17-18
Parcel Map No. 2288, P.M. 27/78-79
Tract No. 6138, M.B. 76/40-41



Pin. N.E. 1/4, Sec. 26
T. 1 S., R. 8 W.

Assessor's Map 05
Book 1011 Page 05
San Bernardino County

City of Montclair
Tax Rate Area
1011 - 05
11010

REUDO
2/27/04 CA

EXHIBIT B-1

Legal Description

THE WEST 6 ACRES OF THE NORTHWEST 1/4 OF LOT 21, SAN ANTONIO TRACT, IN THE CITY OF MONTCLAIR, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 3 OF MAPS, PAGE 16, RECORDS OF SAID COUNTY.

EXCEPTING THEREFROM THE WESTERLY 260 FEET THEREOF, MEASURED AT RIGHT ANGLES FROM THE WESTERLY LINE OF SAID LOT 21.

ALSO EXCEPTING THAT PORTION IN PUBLIC STREETS AND HIGHWAYS.

ALSO EXCEPTING THAT PORTION LYING WEST OF THE UNITED STATES OF AMERICA FLOOD CONTROL CHANNEL.

EXHIBIT B-2

THIS MAP IS FOR THE PURPOSE
OF ASSESSING TAXATION ONLY.



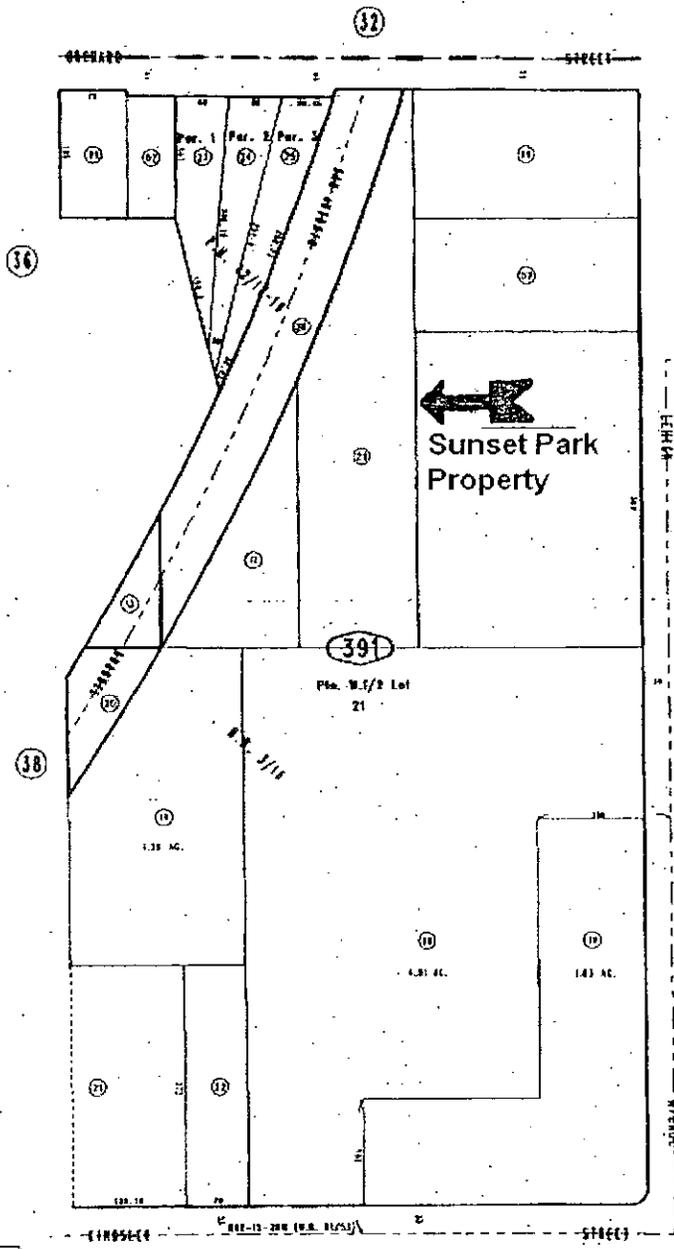
JANUARY 2004

Parcel Map No. 3117, P.S. 42718-15

Pln. S.W. 1/4, Sec. 22
T.15S., R.04W.

Assessor's Map
Book 1009 Page 39
San Bernardino County

RECORDED
APR 21 2004
10:00 AM



Pln. San Antonio Tract
M.B. 3/16

CITY of Montclair
Tax Rate Area
11017

1009 - 39

EXHIBIT C-1

ALL THAT PART OF LOT 20, CLAREMONT ORANGE TRACT, IN THE CITY OF MONTCLAIR, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 17 OF MAPS, PAGE 87, RECORDS OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH LINE OF SAID LOT, DISTANT EASTERLY THEREON 528 FEET FROM THE NORTHWESTERLY CORNER THEREOF, SAID POINT BEING A NORTHWESTERLY CORNER OF THAT CERTAIN PIECE OF PARCEL OF LAND CONVEYED BY R. R. SAWYER AND MYRTA A. SAWYER, HUSBAND AND WIFE, TO IRA J. CREE BY DEED DATED JANUARY 19, 1924 AND RECORDED FEBRUARY 20, 1924 IN BOOK 831, PAGE 245 OF DEEDS;

THENCE SOUTHERLY, ALONG A WESTERLY LINE OF SAID PARCEL OF LAND SO CONVEYED TO SAID IRA J. CREE, 450.5 FEET TO A POINT, WHICH IS DISTANT NORTH 220.00 FEET FROM THE SOUTH LINE OF SAID LOT, SAID POINT BEING ALSO IN A NORTHERLY LINE OF THE PARCEL OF LAND CONVEYED TO IRA J. CREE AFORESAID;

THENCE WESTERLY ALONG LAST NAMED LINE, PARALLEL WITH THE SOUTHERLY LINE OF SAID LOT, 198 FEET TO THE MOST NORTHWESTERLY CORNER OF SAID PARCEL OF LAND SO CONVEYED TO SAID IRA J. CREE;

THENCE NORTHERLY, PARALLEL WITH THE EASTERLY LINE OF SAID LOT, 450.5 FEET TO SAID NORTHERLY LINE OF SAID LOT;

THENCE EASTERLY, ALONG SAID LAST NAMED LINE, 198 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE NORTH 160.5 FEET OF SAID LOT.

NOTE: THE AREA AND DISTANCES OF THE ABOVE DESCRIBED PROPERTY ARE COMPUTED TO THE CENTERS OF THE ADJOINING STREETS SHOWN ON SAID MAP.

EXHIBIT C-2

THIS MAP IS FOR THE PURPOSE
OF THE FIDUCIARY SETTLEMENT ONLY.



Pln. Claremont Orange Tract
M.B. 17/87

City of Montclair
Tax Rate Area
1009 - 08
10098

February 2004

Parcel Map No. 0903, P.P. 28/30-31
Tract No. 0177, M.B. 13/58-53

Pln. M.E.1/4, Sec.15
T.1S.,R.8W.

Assessor's Map
Book 1009 Page 08
San Bernardino County

SHED
4444/1/18

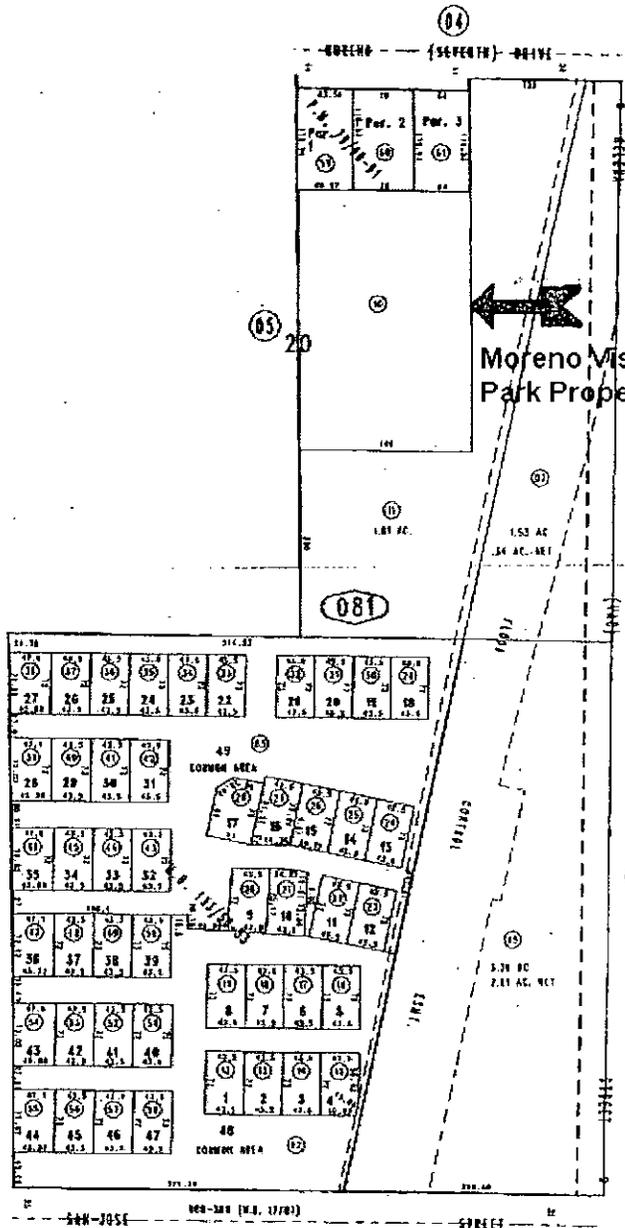


EXHIBIT D-1

THAT PORTION OF LOT 20, CLAREMONT ORANGE TRACT, IN THE CITY OF MONTCLAIR, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 17 OF MAPS, PAGE 87, RECORDS OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH LINE OF SAID LOT 20, 528 FEET EAST OF THE NORTHWEST CORNER OF SAID LOT;

THENCE EAST, ALONG SAID NORTH LINE, 132 FEET TO THE NORTHEAST CORNER OF SAID LOT;

THENCE SOUTH ALONG THE EAST LINE OF SAID LOT TO THE SOUTHEAST CORNER THEREOF;

THENCE WEST ALONG THE SOUTH LINE OF SAID LOT TO A POINT 330 FEET EAST OF THE SOUTHWEST CORNER THEREOF;

THENCE NORTH PARALLEL WITH THE EAST LINE OF SAID LOT, 670.5 FEET TO THE NORTHERLY LINE OF SAID LOT;

THENCE EAST ALONG LAST NAMED LINE, 198 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE NORTH 160.5 FEET OF THE WEST 198 FEET THEREOF.

ALSO EXCEPTING THEREFROM THAT PORTION OF SAID LOT 20, LYING EASTERLY OF THE WESTERLY BOUNDARY LINE OF THAT CERTAIN EASEMENT CONVEYED TO THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, A BODY CORPORATE AND POLITIC, BY DEED RECORDED JANUARY 26, 1921 IN BOOK 708, PAGE 294, OF DEEDS.

ALSO EXCEPTING THEREFROM ALL RIGHTS TO OIL, IN AND UNDER SAID LAND AS RESERVED IN THE DEED FROM IRA J. CREE AND ELLA M. CREE, HIS WIFE, RECORDED FEBRUARY 20, 1924 IN BOOK 831, PAGE 247, OF DEEDS.

ALSO EXCEPTING THEREFROM THAT PORTION OF SAID LOT 20 DESCRIBED IN THAT CERTAIN DEED TO THE CITY OF MONTCLAIR, A MUNICIPAL CORPORATION, RECORDED SEPTEMBER 6, 1973 IN BOOK 8262, PAGE 632, OF OFFICIAL RECORDS.

NOTE: THE AREA AND DISTANCES OF THE ABOVE DESCRIBED PROPERTY ARE COMPUTED TO THE CENTERS OF THE ADJOINING STREETS SHOWN ON SAID MAP.

THIS MAP IS FOR THE PURPOSE OF 30 BILLYEY ESTATE ONLY.



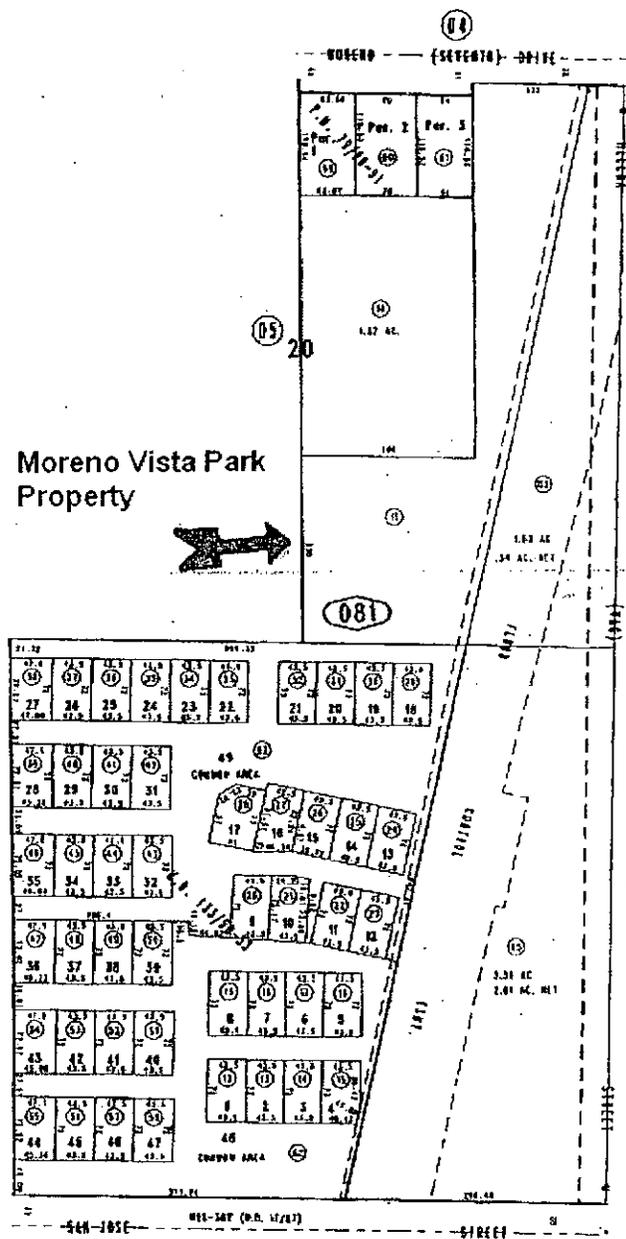
EXHIBIT D-2

FEBRUARY 2004

Project Map No. 0001, P.W. 78/98-51
Tract No. 0877, N.T. 120/50-51

Pln. Claremont Orange Tract
M.B. 17/87

City of Montclair, 1005 - 08
Tax Rate Area
10008



Moreno Vista Park Property

Pln. N.E. 1/4, Sec. 15,
T. 15, R. 8W.

Assessor's Map
Book 1008 Page 08
San Bernardino County

ISSUED
12/20/03

PURCHASE AND SALE AGREEMENT

This Agreement is entered into as of this ____ day of _____, 2012, by and between the MONTE VISTA WATER DISTRICT, a county water district ("District"), and the CITY OF MONTCLAIR, California, a municipal corporation ("City").

RECITALS

WHEREAS, City is the owner of certain real property located in the City of Montclair, County of San Bernardino, State of California, as described and shown in Exhibits A-1 and A-2 attached hereto and is commonly called the "Old Fire Station Property" and is referred to hereinafter as Parcel A; and

WHEREAS, District is the owner of certain real property located in the City of Montclair, County of San Bernardino, State of California, as described and shown in Exhibit B-1 and B-2 attached hereto and is commonly called the "Sunset Park Property" and is referred to hereinafter as Parcel B; and

WHEREAS, City is the owner of certain real property located in the City of Montclair, County of San Bernardino, State of California, as described and shown in Exhibits C-1 and C-2 attached hereto and is commonly called the "Moreno Vista Park Property" and is referred to hereinafter as Parcel C; and

WHEREAS, District is the owner of certain real property located in the City of Montclair, County of San Bernardino, State of California, as described and shown in Exhibits D-1 and D-2 attached hereto and is also commonly called the "Moreno Vista Park Property" and is referred to hereinafter as Parcel D; and

WHEREAS, Parcel C and Parcel D are adjacent to one another; and

WHEREAS, City and District entered into an agreement in 1979 to exchange the Fire Station Property for the Sunset Park Property and District's design and construction of tennis courts on top of its George Reservoir together with a license for City to use the tennis courts for park purposes. In the years thereafter District occupied and exclusively used the Fire Station Property and City exclusively used the Sunset Park Property and the Moreno Vista Park tennis courts as part of its park facilities. For reasons that are not entirely clear at this time the actual transfers of title to the respective properties were never completed. City and District now wish to complete the transfers of title that were described in their original agreement; and

WHEREAS, City desires to acquire Parcel B from District; and

WHEREAS, District desires to acquire Parcel A from City; and

WHEREAS, District desires to acquire from City a portion of Parcel C where an existing water well and appurtenances lie; and

WHEREAS, City and District desire to do a lot line adjustment between Parcels C and D.

WHEREAS, City desires to acquire a revocable easement over Parcel D from District for ingress and egress as well as parking in Moreno Vista Park; and

WHEREAS, City and District desire to share equally all costs for maintaining the easement area of Parcel D used for vehicular traffic and parking.

AGREEMENT

NOW, THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged and for the mutual covenants hereinafter contained, the parties agree as follows:

Section 1: Conveyances

- 1.1 City shall obtain title reports for Parcels A, B, C, and D using a title insurance company mutually acceptable to City and District.
- 1.2 City shall convey title of Parcel A to District free and clear of any and all encumbrances except those easements and exceptions noted in the preliminary title report to be obtained under Section 1.1.
- 1.3 District shall convey title of Parcel B to City free and clear of any and all encumbrances except those easements and exceptions noted in the preliminary title report to be obtained under Section 1.1.
- 1.4 City shall provide existing legal descriptions for Parcels C and D for District's use in preparing new legal descriptions for a lot line line adjustment affecting Parcels C and D.
- 1.5 District shall prepare new legal descriptions and plat maps for Parcels C and D for the lot line adjustment it requires for the water well and appurtenances over a portion of Parcel C. Said lot line adjustment shall not extend more than one foot beyond the area currently occupied by the existing well and appurtenances.
- 1.6 City shall prepare a legal description and plat map for a revocable easement over a portion of Parcel D for ingress and egress as well as parking in Moreno Vista Park in parallel with the lot line adjustment of Parcel C.
- 1.7 District shall convey a revocable easement to the City for ingress and egress as well as parking in Moreno Vista Park on and within Parcel D which City may utilize for park facilities. District, at its sole discretion, may revoke said easement at any time upon giving City at least 30 days advance written notice of such revocation. As long as the Parcel D easement remains in effect, District and City agree to equally share any third party costs to maintain the vehicular traffic and

parking area of Parcel D. Said equally shared third party costs shall not be incurred by either party without the prior written consent of the other party except in an emergency situation where it is deemed in the best interest of both parties hereto that repairs be made and costs incurred therefor without delay for the safety of persons or property. In the event such costs are incurred the party which incurs them shall promptly notify the other party verbally with follow-up written or electronic confirmation.

Section 2: Payment

- 2.1 District and City agree to share equally the cost of obtaining title reports for Parcels A, B, C and D. Upon receipt of invoice or invoices from title company, City shall prepare an invoice to District for half the amount invoiced by title company. District shall pay to City the amount invoiced within 30 days.
- 2.2 District and City agree that District will assist City in the in the preparation of the legal description and plat map for Parcel D revocable easement for ingress and egress as well as parking in Moreno Vista Park and City will reimburse District for all third party costs incurred by District and agreed to in advance by City. City shall pay District invoiced said amount with 30 days.
- 2.3 City agrees to convey title to Parcel A to District at no cost to District.
- 2.4 City agrees to convey title over a portion of Parcel C to District at no cost to District.
- 2.5 District agrees to convey title to Parcel B to City at no cost to City.
- 2.6 City and District mutually agree to a lot line adjustment as described in Section 1.5 at no cost to either City or District. City agrees to waive its normal fee for lot line adjustments.
- 2.7 District agrees to convey revocable easement for ingress and egress as well as parking in Moreno Vista Park over a portion of Parcel D to City at no cost to City.
- 2.7 City agrees to bear all costs, if any, related to its recording of grant deed for Parcel B and easement for Parcel D with San Bernardino County Recorder.
- 2.8 District agrees to bear all costs, if any, related to its recording of grant deed for Parcel A and said portion of Parcel C with County Recorder.
- 2.9 The party initiating the work to maintain the vehicular traffic and parking area of Parcel D shall invoice the other party for completed work or portions thereof and the other party shall remit payment to initiating party within 30 days.

Section 3: Representations and Warranties:

- 3.1 City represents and warrants to District that it owns Parcel A and has the right to convey title of Parcel A to District.
- 3.2 City represents and warrants to District that it owns Parcel C and has the right to convey title to District over a portion of Parcel C for water well and appurtenances.
- 3.3 District represents and warrants to City that it owns Parcel B and has the right to convey title of Parcel B to City.
- 3.4 District represents and warrants to City that it owns Parcel D and has the right to adjust property boundaries with adjacent property owners, subject to those owners' consent and to grant an easement of Parcel D to City.

Section 4: Indemnification:

- 4.1 City shall indemnify, defend, and hold harmless District and any and all of its employees, officials, and agents from and against any liability arising from, or as a consequence of, the performance of this agreement by City.
- 4.2 District shall indemnify, defend, and hold harmless City and any and all of its employees, officials, and agents from and against any liability arising from, or as a consequence of, the performance of this agreement by District.

Section 5: Entire Agreement:

- 5.1 This agreement contains the entire agreement between the parties respecting the subject matter hereof and supersedes all prior understandings and agreements, whether oral or in writing between the parties respecting the subject matter of this agreement. This Agreement shall not create or add any rights or obligations for either party in or to any and all of the parcels of real property described herein that are other than those rights and obligations expressly set forth herein.
- 5.2 This agreement shall be governed by the laws of the state of California

Section 6: Severability:

- 6.1 If any term, covenant, condition, or provision of this agreement, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the terms, covenants, conditions, or provisions of this agreement, or the application thereof to any other person or circumstance shall remain in full force and effect and shall in no way be affected, impaired or invalidated thereby.

Section 7: Waiver of Covenants, Conditions, and Remedies:

- 7.1 The waiver by one party of the performance of any covenant or condition under this agreement shall not invalidate this agreement nor shall it be considered a waiver by it or any other covenant or condition under this agreement. The waiver by either or both parties of the time for performing any act under this agreement shall not constitute a waiver of the time for performing any other act or an identical act required to be performed at a later time.

Section 8: Third Party Benefits:

- 8.1 This agreement is intended to benefit only the parties hereto and no other person or entity shall acquire rights hereunder.

Section 9: Further Acts:

- 9.1 Each party hereby agrees that it shall, upon request of the other, execute and deliver such further documents and do such other acts and things as are reasonably necessary and appropriate to effectuate the terms and conditions of this agreement.

Section 10: Attorneys' Fees:

- 10.1 In the event of any litigation involving the parties to this agreement to enforce any provision of this agreement, to enforce any remedy available upon default under this agreement, or seeking a declaration of the rights of either party under this agreement, the prevailing party shall be entitled to recover from the other such attorneys' fees and costs as may be reasonably incurred, including the costs of reasonable investigation, preparation, and professional or expert consultation incurred by reason of such litigation.
- 10.2 All other attorneys' fees and costs relating to this agreement and the transactions contemplated hereby shall be borne by the party incurring the same.

Section 11: Notices:

- 11.1 All notices and demands that either party is required or desires to give to the other shall be given in writing by United States mail, by personal delivery, by courier service, or by electronic mail as follows:

As to City:

Michael C. Hudson, City Engineer
City of Montclair
5111 Benito Street
Montclair, CA 91763
Fax: 909-621-1884
mhudson@cityofmontclair.org

As to District:

Van Jew, District Engineer
Monte Vista Water District
10575 Central Avenue
Montclair, CA 91763
909-624-0037
vjew@mvwd.org

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

CITY OF MONTCLAIR
a Municipal Corporation

MONTE VISTA WATER DISTRICT
a County Water District

Paul M. Eaton
Mayor

President, Board of Directors

Dated _____

Dated _____

ATTEST:

Yvonne L. Smith
Deputy City Clerk

General Manager

Dated _____

Dated _____

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Diane E. Robbins
City Attorney

General Legal Counsel

Dated _____

Dated _____

AGENDA REPORT

| | |
|---|------------------------|
| SUBJECT: CONSIDER ACCEPTANCE OF REQUEST BY LOW BIDDER E. AVICO, INC., TO RESCIND ITS BID | DATE: October 15, 2012 |
| CONSIDER AWARD OF CONTRACT FOR THE COMMUNITY CENTER RESTROOM PROJECT TO T. A. POINTER ENTERPRISES, INC., IN THE AMOUNT OF \$314,499 | SECTION: AGREEMENTS |
| CONSIDER APPROVAL OF AGREEMENT NO. 12-97 WITH T. A. POINTER ENTERPRISES, INC., FOR THE COMMUNITY CENTER RESTROOM PROJECT | ITEM NO.: 2 |
| CONSIDER AUTHORIZATION OF A \$40,000 CONSTRUCTION CONTINGENCY | FILE I.D.: CVC060 |
| | DEPT.: PUBLIC WORKS |

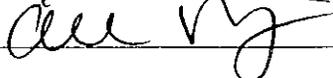
REASON FOR CONSIDERATION: Awards of contracts and agreements with the City require City Council approval.

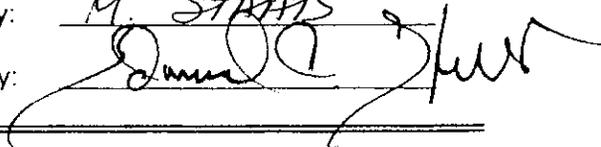
BACKGROUND: The City Council, at its meeting of March 5, 2012, authorized staff to advertise for bids for construction of the Community Center Restroom Project. The project is intended to convert existing Meeting Room A in the Community Center into public restrooms that are both compliant with the requirements of the Americans with Disabilities Act (ADA) and include the number of facilities appropriate for the size of the building. The project also will retrofit all other existing doors within the building to meet ADA requirements including the addition of two new electric sliding entry doors.

On Thursday, September 20, 2012, the Deputy City Clerk received and opened 15 bid proposals for construction of the Community Center Restroom Project. The bid results are shown on the following page.

Following the bid opening, the apparent low bidder, E. Avico, Inc., contacted staff in writing requesting that its bid proposal of \$298,774 be withdrawn because of a clerical error made by its plumbing subcontractor. The request for withdrawal is a legitimate reason for rescinding the company's bid and it is, therefore, rescinded. The remaining 14 bid proposals were reviewed for completeness and accuracy. The bid proposal of the second apparent low bidder, T. A. Pointer Enterprises, Inc., provided all the required documents.

It was found that one listed subcontractor for T. A. Pointer Enterprises, Inc., had a suspended license and was, therefore, ineligible to submit a bid. Section 4107 of the Public Contract Code prohibits the substitution of a subcontractor except under certain circumstances. One of those circumstances is that the subcontractor is not licensed

Prepared by: 
Proofed by: 

Reviewed and Approved by: 
Presented by: 

pursuant to the Contractors License Law. T. A Pointer Enterprises, Inc., with the City's approval, has replaced that subcontractor with no increase to its bid.

T. A. Pointer Enterprises, Inc., is deemed the lowest responsible, responsive bidder for the project. After a reference check of T. A. Pointer Enterprises, Inc., it appears as though the company has the personnel, equipment, and job experience necessary to complete this contract in accordance with the plans and specifications.

| <i>Bidder</i> | <i>Bid Amount</i> |
|---------------------------------------|---------------------|
| E. Avico Inc. | \$298,774.00 |
| Pointer Enterprises, Inc. | \$314,499.00 |
| Spec Construction | \$406,000.00 |
| <i>Engineer's Estimate</i> | \$335,000.00 |
| Avi-Con, Inc., dba CA Construction | \$407,000.00 |
| MDE Group, Inc. | \$409,675.00 |
| Interlog Hym Engineering | \$414,797.50 |
| D.L.E. Construction, Inc. | \$428,230.95 |
| Emerald Construction | \$449,730.00 |
| New Dynasty Construction | \$455,975.00 |
| Dalke & Sons Construction, Inc. | \$474,840.00 |
| Unique Performance Construction, Inc. | \$499,950.00 |
| K.A.R. Construction, Inc. | \$537,000.00 |
| Sean Malek Engineering & Construction | \$549,500.00 |
| W. E. Construction Inc. | \$576,500.00 |
| Fast Track Construction Corporation | \$588,895.00 |

FISCAL IMPACT: The project is fully funded by Community Development Block Grant funds.

RECOMMENDATION: Staff recommends the City Council take the following actions related to the Committee Center Restroom Project:

1. Accept the request by low bidder E. Avico, Inc., to rescind its bid.
2. Award a contract to T. A. Pointer Enterprises, Inc., in the amount of \$314,499.
3. Approve Agreement No. 12-97 with T. A. Pointer Enterprises, Inc.
4. Authorize a \$40,000 construction contingency.

AGENDA REPORT

SUBJECT: CONSIDER ADOPTION OF RESOLUTION
NO. 12-2969 ADOPTING A FIVE-YEAR
CAPITAL PROJECT NEEDS ANALYSIS

DATE: October 15, 2012

SECTION: RESOLUTIONS

ITEM NO.: 1

FILE I.D.: TRN510

DEPT.: PUBLIC WORKS

REASON FOR CONSIDERATION: The San Bernardino Associated Governments (SANBAG) requires each local jurisdiction to annually update its Five-Year Capital Needs Analysis. The City Council is requested to consider adoption of Resolution No. 12-2969 adopting the document pursuant to SANBAG requirements.

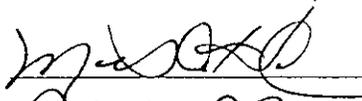
BACKGROUND: Measure I 2010-2040, the countywide transportation sales tax program, requires that each local jurisdiction applying for revenue from the Valley Major Street and Freeway Interchange Programs annually adopt and update a Five-Year Capital Project Needs Analysis (CPNA). The CPNA differs from the Measure I Capital Improvement Program in that the CPNA contains only projects that are included in SANBAG's Nexus program. Nexus projects typically include freeway interchange projects, arterial projects, and grade separation projects. Project funding also includes contributions from developers through the development impact fee program.

CPNA projects that could potentially make use of Valley Major Street and Freeway Interchange Program funds include the reconstruction of the Monte Vista Avenue/I-10 Freeway Interchange Project and the Monte Vista Avenue/Union Pacific Grade Separation Project.

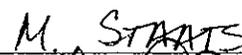
FISCAL IMPACT: There would be no immediate fiscal impact to the City with the adoption of proposed Resolution No. 12-2969. The CPNA, as its name implies, is a needs analysis allowing SANBAG to prioritize transportation improvement needs throughout the county. Having projects listed in the CPNA is no guarantee that funds would be made available when needed, but failure to have a project listed would further delay funding until the project is listed.

RECOMMENDATION: Staff recommends the City Council Adopt Resolution No. 12-2969 adopting a Five-Year Capital Project Needs Analysis.

Prepared by:



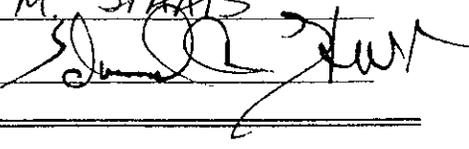
Reviewed and
Approved by:



Proofed by:



Presented by:



RESOLUTION NO. 12-2969

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MONTCLAIR ADOPTING THE
FIVE-YEAR CAPITAL PROJECTS NEEDS
ANALYSIS FOR FISCAL YEARS 2013/2014
THROUGH 2017/2018**

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

WHEREAS, revenue from the tax can only be used for transportation improvement and traffic management programs authorized in the Expenditure Plans set forth in Ordinance No. 04-1 of the Authority; and

WHEREAS, the Strategic Plan requires each local jurisdiction applying for revenue from the Valley Major Street and Freeway Interchange Programs to annually adopt and update a Five-Year Capital Project Needs Analysis.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Montclair does hereby adopt the Measure I Five-Year Capital Project Needs Analysis for Fiscal Years 2013/2014 through 2017/2018.

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. 12-2969 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

Capital Project Needs Analysis
City of Montclair
Valley Freeway Interchange Program
 (2012 dollars, in \$1,000s - SANBAG will apply escalation factors, by year)

53

| Project information | Phase | Funding | PRIOR* | FY 13/14 | FY 14/15 | FY 15/16 | FY 16/17 | FY 17/18 |
|--|---|---|--------|------------------|--------------------|--------------------|----------|-----------------------|
| Reconstruct Monte Vista Avenue/I-10 Interchange Total Project Cost: \$24,000 Total Measure I Request: (need to add cells with MIS) Comments: | PA&ED Total Cost: Fund Type: | \$500.00 DEV FEE MI VFI Other: _____ | | 120.50 379.50 | | | | |
| | PS&E Total Cost: Fund Type: | \$1,500.00 DEV FEE MI VFI Other: _____ | | | 361.50 1,138.50 | | | |
| | ROW Total Cost: Fund Type: | \$2,000.00 DEV FEE MI VFI Other: _____ | | | | 482.00 1,518.00 | | |
| | CONST Total Cost: Fund Type: | \$20,000.00 DEV LOAN MI VFI Other: _____ | | | | | | 4,820.00 15,180.00 |

*Prior includes any FY 2011-2012 allocation

AGENDA REPORT

| | | | |
|-----------------|--|-------------------|------------------|
| SUBJECT: | CONSIDER ADOPTION OF RESOLUTION NO. 12-2970 URGING MEMBERS OF CONGRESS TO PASS AND THE WHITE HOUSE TO SIGN LEGISLATION TO AVERT ACROSS-THE-BOARD FISCAL YEAR 2013 SEQUESTRATION CUTS AND TO COME TOGETHER TO DEVELOP A LONG-TERM BUDGET COMPROMISE | DATE: | October 11, 2012 |
| | | SECTION: | RESOLUTIONS |
| | | ITEM NO.: | 2 |
| | | FILE I.D.: | FDG015 |
| | | DEPT.: | CITY MGR. |

REASON FOR CONSIDERATION: The Budget Control Act of 2011 mandates that if Congress is unable to agree on a budget deficit reduction plan with at least \$1.2 trillion in cuts by the end of 2012, then starting January 2, 2013, \$1.2 trillion in federal spending cuts will be triggered affecting mandatory and discretionary spending from 2013 to 2021. This process, called sequestration, threatens the economic viability of federally funded projects at a time when state and local governments continue to suffer from a slow economic recovery.

BACKGROUND: The Budget Control Act of 2011 (BCA) is a federal statute that was signed into law by President Barack Obama on August 2, 2011, shortly after the Debt Ceiling Crisis that occurred in 2011. The agreement specifies that if Congress fails to produce a deficit reduction bill with at least \$1.2 trillion in cuts, then Congress may grant a \$1.2 trillion increase in the debt ceiling, which would trigger across-the-board spending cuts. These cuts would apply to mandatory and discretionary spending in the years 2013 to 2021 and would total an amount equal to the difference between \$1.2 trillion and the amount of deficit reduction enacted by the Joint Select Committee on Deficit Reduction.

The impending sequestration, mandated by the Budget Control Act, comes at a time when the economy is still enduring a fragile recovery. The across-the-board spending cuts pose a significant risk to the recovery of the national and local economies. The cuts in defense and nondefense programs are estimated to reduce the nation's GDP by \$215 billion; decrease personal workforce earnings by \$109.4 billion; and cost well over 2 million jobs in its first year alone.

As recently as August 22, 2012, the Congressional Budget Office (CBO) updated its Budget and Economic Outlook for Fiscal Year 2012 through 2022, warning that failure to alter the currently scheduled federal tax and spending policy changes would likely lead to economic conditions in 2013 that will probably be conducive to a recession.

The impending across-the-board budget cuts are one of the biggest economic threats to local metro economies since the Great Financial Meltdown of 2007. Currently, local metro economies represent over 90 percent of the nation's Gross Domestic Product (GDP), nearly 90 percent of all wage and salary income, 86 percent of the nation's employment, and 94 percent of future economic growth. Any cuts to programs that directly or indirectly

Prepared by: MIKEY FUENTES

Proofed by: A. SKURT

Reviewed and Approved by:

Presented by:

support local economies will severely dent any economic gains that have been made in the aftermath of the Great Recession.

Under the currently scheduled federal tax and spending policy, sequestration will cause deep reductions in nondefense discretionary spending, one third of which is currently directed to state and local programs: 36 percent is directed to education; 28 percent to housing and community development; 18 percent to health and the environment; 10 percent to workforce; and 5 percent to public safety and disaster response.

Additionally, the across-the-board cuts scheduled to occur would bring domestically appropriated funding well below historical levels, forcing inevitable cuts to a number of critical local services and dramatic job losses for teachers, first responders, and health care workers.

Fiscal responsibility is of the utmost importance; but punishing local and state governments for the political gridlock in Congress is as irresponsible as it is damaging to our local, state, and national economies during this period of fragile economic recovery.

A bipartisan and balanced approach to deficit reduction by incorporating spending cuts with additional revenue from sources, such as tax code reform, and closing unfair corporate tax loopholes is the only way to avoid the disastrous consequences that will occur if sequestration becomes a reality.

FISCAL IMPACT: Adoption of Resolution No. 12-2970 would create no significant fiscal impact to the City's General Fund.

RECOMMENDATION: Staff recommends the City Council adopt Resolution No. 12-2970 urging members of Congress to pass and the White House to sign legislation to avert across-the-board Fiscal Year 2013 sequestration cuts and to come together to develop a long-term budget compromise.

RESOLUTION NO. 12-2970

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR URGING MEMBERS OF CONGRESS TO PASS AND THE WHITE HOUSE TO SIGN LEGISLATION TO AVERT ACROSS-THE-BOARD FISCAL YEAR 2013 SEQUESTRATION CUTS AND TO COME TOGETHER TO DEVELOP A LONG-TERM BUDGET COMPROMISE

WHEREAS, the impacts of the \$1.2 trillion in across-the-board, forced federal cuts proposed under sequestration will have serious and deleterious effects on our local, regional, state, and national economies—putting at risk hundreds of thousands of high-wage, high-skill aerospace and other defense-related jobs as well as tens of thousands of nondefense jobs and countless critical social services programs in education, housing, healthcare, and other public service areas; and

WHEREAS, the George Mason University report titled "The Economic Impact of the Budget Control Act of 2011 on DOD & non-DOD Agencies" dated July 17, 2012 (GMU Report) states that the nation's economy will lose \$215 billion in gross domestic product, shed 2.14 million jobs, and swell the unemployment rate by as much as 1.5 percentage points as a result of sequestration cuts in the first two fiscal years alone; and

WHEREAS, the GMU Report states that California will be most directly and severely affected by these cuts, losing a total of 225,464 jobs (with 135,209 coming from defense-related cuts and 90,255 from nondefense related cuts), and \$22 billion in gross state product; and

WHEREAS, the current uncertainty surrounding the implementation of sequestration has already led many companies to issue layoff notices and reduce outlays in preparation of these looming cuts; and

WHEREAS, Southern California represents the heart of the nation's aerospace industry with total direct, indirect, and induced impacts of 276,000 jobs, \$20.6 billion in wages, more than \$66 billion in economic impact, and returning almost \$2.4 billion to state and local governments in tax revenue; and

WHEREAS, the County of Los Angeles has a long history with aerospace and other defense-related industries and currently has close to 60,000 direct jobs in aerospace and other defense-related industries with a significant wage premium, out-earning those in the manufacturing sector as a whole by 73 percent on average; and

WHEREAS, local efforts are currently underway and being led by the Los Angeles Jobs Defense Council—a coalition comprised of business, government, and labor leaders—to, first and foremost, avert sequestration but also to prepare the region for the impacts of sequestration should these forced cuts occur.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Montclair does hereby urge members of Congress to pass and the White House to sign legislation to avert across-the-board Fiscal Year 2013 sequestration cuts and to come together to develop a long-term budget compromise.

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. 12-2970 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

AGENDA REPORT

| | |
|---|---|
| SUBJECT: CONSIDER ADOPTION OF RESOLUTION NO. 12-08, A RESOLUTION OF THE SUCCESSOR AGENCY TO THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY APPROVING THE HOUSING DUE DILIGENCE AUDIT REVIEW COMPLETED BY TEAMAN, RAMIREZ & SMITH, INC. | DATE: October 15, 2012 SECTION: RESOLUTIONS ITEM NO.: 3 FILE I.D.: SAG060 DEPT.: SUCCESSOR AGENCY |
|---|---|

REASON FOR CONSIDERATION: Pursuant to Health and Safety Code Section 34179.5 (a) as amended by AB 1284, the Successor Agency was required to employ a licensed accountant, approved by the County Auditor–Controller, to conduct a due diligence audit review for the Low and Moderate Income Housing Fund to determine the unobligated balance in the Housing Fund available for transfer to the affected taxing agencies.

The Housing Due Diligence Audit Review is included in the agenda report and made a part of Resolution No. 12-08.

BACKGROUND: The Dissolution Act, Parts 1.8 and 1.85 of the California Health and Safety Code, as modified by the Supreme Court’s opinion in *California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. S194861 and as amended by Assembly Bill 1484 and effective June 27, 2012, in particular Section 34719.5, requires each successor agency to retain a licensed accountant for the purposes of determining the unobligated fund balances available for transfer to the taxing agencies. Two due diligence reviews are required, one relates to housing assets and obligations and the other relates to nonhousing assets and obligations. This accountant’s report, included in the agenda packet, pertains to the Low- and Moderate–Income Housing Fund (“LMIHF”).

The Housing Due Diligence Audit Review had to be submitted to the Oversight Board, the County Auditor–Controller (CAC), the State Controller’s Office (SCO), and the State Department of Finance (DOF) by October 1, 2012. Successor Agency staff in Montclair submitted the document by email to the Oversight Board, County, and State agencies on September 27, 2012. Unfortunately, given the deadlines imposed by the State legislation, there was inadequate time to provide the Successor Agency an opportunity to review the Housing Due Diligence Audit Review before it had to be submitted to the Oversight Board for consideration. The Oversight Board had until October 15, 2012, to complete a public comment session; review public comments and consider the results/opinions offered, if any, by the CAC; and then review, approve, and transmit the report again to the CAC, SCO, and DOF. A review related to nonhousing assets and obligations will be similarly conducted and is due by December 15, 2012.

Successor Agency staff selected and the County Auditor–Controller (“CAC”) approved Teaman, Ramirez & Smith, Inc., an accounting firm with experience and expertise in local government

Prepared by: M. STAATS
Proofed by: Gronne R Smith

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

accounting, to conduct the due diligence reviews to determine the unobligated balances available for transfer to taxing entities relating to housing and nonhousing assets and obligations in order to ascertain unobligated cash or cash equivalent balances that would be available for transfer to local taxing entities. Teaman, Ramirez & Smith, Inc., currently prepares the City's annual audit reports.

Teaman, Ramirez & Smith, Inc., could not commence work on the due diligence audit review until the review standards were developed and issued by DOF as below described. In July and August of this year, members of the Governmental Accounting and Auditing Committee of the California Society of Certified Public Accountants ("CalCPA"), along with the SCO and the DOF, developed the review standards/agreed-upon procedures. On August 30, 2012, the DOF posted the standards/procedures; and Teaman, Ramirez & Smith, Inc., began work on the housing due diligence review.

Pursuant to Section 34179.5 of the Health and Safety Code, the due diligence audit review requires the independent accountant to reconcile assets, balances, and liabilities with previous reports made to the State. Further, this review includes valuation of cash and cash equivalents (such as Local Agency Investment Fund deposits) and obligations. "At a minimum, the [due diligence] review required by this section shall include the following: ... '[a]n itemized statement of the values of any assets that are not cash or cash equivalents. This may include physical assets, land, records, and equipment.' ..."

The review and report occurs as to housing assets between August and November 2012 and as to nonhousing assets between November 2012 and April 2013. The review process entails several steps in order to be completed as required, and the penalty for failure to pay or transfer funds to the County will result in the DOF causing the equivalent amount(s) to be deducted from sales and use taxes and/or property taxes due to the City, as the sponsoring community.

Key dates include the following for both reviews:

| DUE DILIGENCE REVIEW SCHEDULE AND DEADLINES | | |
|--|--|--|
| | <i>Housing Review</i> | <i>Nonhousing Review</i> |
| Due Diligence Review Due From Successor Agency to Oversight Board, CAC, OSC, and Department of Finance | October 1, 2012 | December 15, 2012 |
| Oversight Board Deadline to Conduct Hearing, Review, Approve, and Submit Due Diligence Review | October 15, 2012 | January 15, 2012 |
| DOF Deadline to Issue a "Finding of Completion" | November 9, 2012 | April 1, 2013 |
| Successor Agency Deadline to Request a Meet and Confer with DOF about Reviews | Five Days of DOF Action, no later than November 16, 2012 | Five Days of DOF Action, no later than April 6, 2013 |
| Successor Agency Deadline to Make Transfers to County Auditor Controller based on DOF Findings | November 28, 2012 | April 10, 2013 |

Teaman, Ramirez & Smith, Inc., reviewed cash and noncash balances, expenditures, revenues, and transfers prior to and following dissolution on February 1, 2012. In general, the activities noted in the report reflect transactions associated with the former Agency in the course of implementation of its affordable housing responsibilities.

The Oversight Board conducted the mandatory meeting to receive public comment on the Housing Due Diligence Audit Review on October 2, 2012. Pursuant to Section 34179(b) of the Health and Safety Code, a meeting to receive public comment had to be conducted at least five business days prior to Oversight Board consideration of the Housing Due Diligence Audit Review. No public comment was received at the October 2, 2012 meeting. On October 10, 2012, the Oversight Board adopted Resolution No. 12-14 approving the Housing Due Diligence Audit Review. Subsequently, the action of the Oversight Board was reported to the CAC and DOF as required by the Health and Safety Code.

It should be noted that DOF has objected to the property located at 4113 Kingsley Street for the Special Needs Housing Project and a \$1 million loan from the Redevelopment Agency to the Montclair Housing Corporation as housing-related enforceable obligations. Teaman, Ramirez & Smith, Inc., found the assets objected to by DOF (the property at 4113 Kingsley Street and \$1 million loan to the Montclair Housing Corporation) to be enforceable housing obligations. Agency Special Counsel has also found the property and loan to be enforceable housing obligations. Successor Agency staff has requested a "Meet and Confer" session with DOF to discuss its determinations.

FISCAL IMPACT: The primary findings of the Housing Due Diligence Audit Review include the following:

1. Total Low- and Moderate-Income Housing Funds held by the Housing Successor Agency, the Montclair Housing Authority, on June 30, 2012: **\$25,099,686**
2. Asset deductions from total Housing Funds legally restricted for uses specified by covenants and/or grant restrictions: **(\$16,899,865)**
3. Asset deductions that are not cash or cash equivalents: **(\$120,373)**
4. Balances needed to satisfy Recognized Obligation Payment Schedules: **(\$1,208,865)**
5. Balance of Low- and Moderate-Income Housing Fund assets remaining with Successor Agency as of June 30, 2012, available for disbursement to the taxing agencies: **\$6,870,583**

RECOMMENDATION: Staff recommends the Successor Agency adopt Resolution No. 12-08 approving the Housing Due Diligence Audit Review completed by Teaman, Ramirez & Smith, Inc.

RESOLUTION NO. 12-08

**A RESOLUTION OF THE SUCCESSOR AGENCY
TO THE CITY OF MONTCLAIR REDEVELOP-
MENT AGENCY APPROVING THE HOUSING
DUE DILIGENCE AUDIT REVIEW COMPLETED
BY TEAMAN, RAMIREZ & SMITH, INC.**

WHEREAS, Assembly Bill 1X 26 (AB 26) was signed by the Governor on June 28, 2011 and upheld as constitutional by the California Supreme Court. On June 27, 2012, the Governor signed Assembly Bill 1484 (AB 1484). AB 26 and AB 1484 (together called the Dissolution Bills) eliminated California Redevelopment agencies statewide and established successor agencies to pay, perform, and effectuate the enforceable obligations of the former redevelopment agencies and to wind down the affairs of the former redevelopment agencies; and

WHEREAS, Health and Safety Code Section 34179.5 (a) as amended by AB 1484 and in furtherance of subdivision (d) of Section 34177 requires the Successor Agency to employ a licensed accountant, approved by the County Auditor-Controller and with experience and expertise in local government accounting, to conduct a due diligence review for the Low- and Moderate-Income Housing Fund to determine the unobligated balances available for transfer to the affected taxing agencies; and

WHEREAS, the Successor Agency, with the approval of the County of San Bernardino Auditor-Controller, contracted with Teaman, Ramirez & Smith, Inc., to perform the Due Diligence Audit Review for the Low and Moderate Income Housing Fund and has completed and issued the review that is attached; and

WHEREAS, Section 34179.5(a), as amended by AB 1484, also provides that the Due Diligence Audit Review for the Low- and Moderate-Income Housing Fund shall be submitted by October 1, 2012 to the County of San Bernardino Auditor-Controller's Office, the State Controller's Office, and the State Department of Finance at the same time that it submits the Due Diligence Review to the Oversight Board. The Successor Agency for the City of Montclair Redevelopment Agency submitted the completed Review to the Oversight Board, County, and State by email on September 27, 2012; and

WHEREAS, the Oversight Board has convened a public comment session on October 2, 2012, which was at least five business days before the Oversight Board held the approval vote specified in Section 34179.6 (c); and

WHEREAS, Section 34179.6 (c), as amended by AB 1484, requires by October 15, 2012, that the Oversight Board shall review, approve, and transmit to the County of San Bernardino Auditor-Controller, the State Controller, and the State Department of Finance the determination of the amount of cash and cash equivalents that are available for disbursement to the taxing agencies as determined by the Low- and Moderate-Income Housing Fund Due Diligence Audit Review and according to the method provided in Section 34179.5; and

WHEREAS, the Successor Agency of the City of Montclair Redevelopment Agency desires to approve the Low- and Moderate-Income Housing Fund Due Diligence Audit Review; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

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

Section 1. That the foregoing recitals are true and correct.

Section 2. The Successor Agency hereby accepts the Low- and Moderate-Income Housing Fund Due Diligence Audit Review and has received the results of the review conducted pursuant to Section 34179.5 for the Low- and Moderate-Income Housing Fund, to comply with AB1484 and the Health and Safety Code Section 34179.6 (a).

Section 3. The adoption of this Resolution is not intended to and shall not constitute a waiver by the Successor Agency of any rights the Successor Agency may have to challenge the effectiveness and/or legality of all or any portion of the Dissolution Bills through administrative or legal proceedings.

Section 4. The Successor Agency hereby approves the Low- and Moderate-Income Housing Fund Due Diligence Audit Review prepared by Teaman, Ramirez & Smith, Inc., with changes approved by the Oversight Board, if any.

Section 6. This Resolution shall take effect immediately upon its adoption.

Section 7. The Secretary of the Successor Agency shall certify as to the adoption of this Resolution.

APPROVED AND ADOPTED this XX day of XX, 2012.

Chairman

ATTEST:

Secretary

I, Yvonne L. Smith, Secretary of the Successor Agency to the City of Montclair Redevelopment Agency, DO HEREBY CERTIFY that Resolution No. 12-08 was duly adopted by the Redevelopment Agency Board of Directors at a regular meeting thereof held on the XX day of XX, 2012, and that it was adopted by the following vote, to-wit:

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

Yvonne L. Smith
Secretary

**MINUTES OF THE MEETING OF THE MONTCLAIR
PERSONNEL COMMITTEE HELD ON MONDAY,
OCTOBER 1, 2012, AT 6:25 P.M. IN THE CITY
ADMINISTRATIVE OFFICES, 5111 BENITO STREET,
MONTCLAIR, CALIFORNIA.**

I. CALL TO ORDER

Mayor Eaton called the meeting to order at 6:25 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
September 17, 2012.**

Moved by City Manager Starr, seconded by Council Member Ruh,
and carried unanimously to approve the minutes of the Personnel
Committee meeting of September 17, 2012.

IV. PUBLIC COMMENT - None

V. CLOSED SESSION

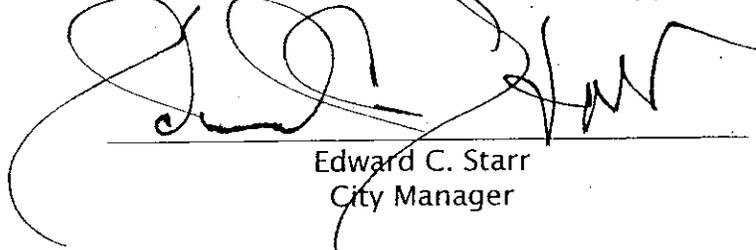
At 6:26 p.m., the Personnel Committee went into Closed Session
regarding personnel matters related to appointments, resignations/
terminations, and evaluations of employee performance.

At 6:40 p.m., the Personnel Committee returned from Closed Session.
Mayor Eaton stated that no announcements would be made at this time.

VI. ADJOURNMENT

At 6:40 p.m., Mayor Eaton adjourned the Personnel Committee.

Submitted for Personnel Committee approval,



Edward C. Starr
City Manager

CITY OF MONTCLAIR
TREASURER'S REPORT
FOR THE MONTH ENDING
September 30, 2012

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STATEMENT OF CASH AND INVESTMENTS BY FUND

SCHEDULE 3:

STATEMENT OF CASH AND INVESTMENT ACCOUNTS

GRAPH

CASH AND INVESTMENTS BY ACCOUNT

CITY OF MONTCLAIR
STATEMENTS OF COMPLIANCE WITH THE 2012 INVESTMENT POLICY
AND
INVESTMENT STRATEGY FOR OCTOBER 2012

September 30, 2012

COMPLIANCE STATEMENT

As of September 30, 2012, the City had \$1,549,339 invested in long-term securities. This amount is 5.28 percent and is within the 50 percent limitation established in the 2012 investment policy.

As of September 30, 2012, the City had 94.72 percent of the total portfolio invested to mature within one year. This is more than the 15 percent minimum required by 2012 investment policy.

During September, the City was in compliance with the internal control procedures set forth in the 2012 Investment Policy.


Janet Kuibeck
Junior Accountant

INVESTMENT STRATEGY FOR THE MONTH OF OCTOBER 2012

During October surplus moneys will be invested in the Local Agency Investment Fund and other investments authorized in the 2012 Investment Policy. The City has sufficient funds available to meet expenditures during the six month period ending March 31, 2013.

CITY OF MONTCLAIR
STATEMENT OF CASH AND INVESTMENTS BY FUND
AS OF September 30, 2012

| <u>Fund</u> | <u>Beginning Balance</u> | <u>Receipts</u> | <u>Disbursements</u> | <u>Interfund Transfers</u> | <u>Ending Balance</u> | |
|---|------------------------------|-----------------------|-----------------------|--------------------------------|---------------------------|-----|
| General Fund | (\$811,830.47) | \$1,314,665.35 | \$2,983,283.05 | (\$454,440.35) | (\$2,934,888.52) | (1) |
| Gas Tax Fund | \$2,268,334.84 | \$107,723.01 | \$160,976.54 | \$0.00 | \$2,215,081.31 | |
| Measure I Fund | \$777,545.33 | \$76,289.10 | \$0.00 | \$0.00 | \$853,834.43 | |
| Traffic Safety Fund | \$95,932.01 | \$32.98 | \$17,704.18 | \$0.00 | \$78,260.81 | |
| Park Development Fund | \$389,260.55 | \$1,173.50 | \$16,822.41 | (\$318.25) | \$373,293.39 | |
| C.D.B.G. Fund | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | |
| Air Quality Improvement Trust Fund | \$100,632.95 | \$1,517.76 | \$3,110.71 | \$0.00 | \$99,040.00 | |
| Older American Fund | (\$12,287.74) | \$11,098.29 | \$10,228.69 | (\$49.75) | (\$11,467.89) | (2) |
| Forfeiture Fund - State | \$4,284.55 | \$739.44 | \$0.00 | \$0.00 | \$5,023.99 | |
| SB 509 Public Safety Fund | (\$179,053.83) | \$29,849.00 | \$14,508.00 | (\$199.57) | (\$163,912.40) | (4) |
| Forfeiture Fund - Federal | \$24,171.67 | \$4,065.46 | \$0.00 | \$0.00 | \$28,237.13 | |
| Section 11489 Subfund | \$20,456.15 | \$130.49 | \$3,024.49 | \$0.00 | \$17,562.15 | |
| Federal Forfeiture Fund - Treasury | \$230.97 | \$0.00 | \$0.00 | \$0.00 | \$230.97 | |
| School Districts Grant Fund | \$0.00 | \$0.00 | \$0.00 | (\$129.36) | (\$129.36) | (2) |
| State Supplemental Law Enforcement Fund | \$47,875.06 | \$169,881.58 | \$0.00 | (\$455.46) | \$217,301.18 | |
| Local Law Enforcement Block Grant | \$112,942.49 | \$0.00 | \$81.01 | \$0.00 | \$112,861.48 | |
| Crime Prevention Fund | \$11,446.22 | \$0.00 | \$1,293.56 | \$0.00 | \$10,152.66 | |
| Recycling Grant | \$22,749.92 | \$0.00 | \$0.00 | \$0.00 | \$22,749.92 | |
| After School Program Fund | (\$164,892.26) | \$15,141.14 | \$119,426.56 | (\$1,550.09) | (\$270,727.77) | (2) |
| California Nutrition Network Grant Fund | (\$45,845.39) | \$0.00 | \$4,416.52 | (\$46.29) | (\$50,308.20) | (2) |
| Human Services Special Revenue Grant | \$5,524.41 | \$931.49 | \$0.00 | \$0.00 | \$6,455.90 | |
| Fire Department Grant Fund | \$1.81 | \$0.00 | \$0.00 | \$0.00 | \$1.81 | |
| Human Services Grant Fund | \$38,959.99 | \$16,458.00 | \$586.43 | \$0.00 | \$54,831.56 | |
| Paramedic Fund | (\$193,091.81) | \$5,366.96 | \$31,032.61 | (\$983.76) | (\$219,741.22) | (4) |
| Capital Projects | \$14,160,644.11 | \$0.00 | \$0.00 | \$0.00 | \$14,160,644.11 | |
| 2005 lease Revenue Bond Debt Service | (\$1,307,400.39) | \$1,307,400.39 | \$1,307,400.39 | \$0.00 | (\$1,307,400.39) | (3) |
| Sewer Maintenance Fund | \$1,196,756.03 | \$193,419.62 | \$204,434.04 | (\$13,724.44) | \$1,172,017.17 | |
| Sewer Replacement Fund | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | |
| C.B.M.W.D. Agency | \$2,607,814.28 | \$146,575.72 | \$145,050.00 | \$0.00 | \$2,609,340.00 | |
| Sewer Expansion Fee | \$2,296.26 | \$152.60 | \$0.00 | \$0.00 | \$2,448.86 | |
| Developer Impact Fees - Local | \$465,003.01 | \$0.00 | \$0.00 | \$0.00 | \$465,003.01 | |
| Developer Impact Fees - Region | \$1,049,042.45 | \$0.00 | \$0.00 | \$0.00 | \$1,049,042.45 | |
| Burrtec Pavement Impact Fee | \$24,421.06 | \$0.00 | \$0.00 | \$0.00 | \$24,421.06 | |
| Infrastructure Fund | \$740,113.52 | \$0.00 | \$31,241.39 | \$0.00 | \$708,872.13 | |
| Contingency Fund | \$3,410,473.78 | \$0.00 | \$0.00 | \$0.00 | \$3,410,473.78 | |
| Youth Sponsorship Fund | \$86,291.24 | \$0.00 | \$0.00 | \$0.00 | \$86,291.24 | |
| Assigned General Fund Reserves | \$6,041,349.09 | \$101,263.30 | \$90,361.19 | \$471,897.32 | \$6,524,148.52 | |
| TOTALS | \$30,990,151.86 | \$3,503,875.18 | \$5,144,981.77 | \$0.00 | \$29,349,045.27 | |

Notes on negative cash balances:

(1) The General Operational Fund has a negative cash for usually the first part of the year awaiting property and sales tax collections. This is covered by the Contingency Fund until those collections are received and the City is not utilizing restricted resources.

(2) These are reimbursable grant funds that utilize general pool monies initially to cover expenditures pending reimbursement from the granting agencies. Therefore, it is not uncommon for these to be negative until that reimbursement is received.

(3) This debt service operation will utilize transaction and use taxes which are part of the sales tax. These have not been received for the current year yet and the City has paid the October debt service as required which causes this temporary negative cash. The transaction and use taxes are estimated to cover debt service for the fiscal year.

(4) These funds have had operational deficits from prior years. That deficit has been addressed during the budgeting process and will be recaptured through future revenues or from the Contingency Fund at fiscal year-end.

**CITY OF MONTCLAIR
STATEMENT OF CASH AND INVESTMENT ACCOUNTS
AS OF September 30, 2012**

| | Par Value | Purchase Date | Maturity Date | Coupon Interest Rate | Current Market Value | Balance at Cost | Totals | | |
|---|-----------|---------------|---------------|----------------------|----------------------|-----------------|------------------|------------------|-----------------|
| CHECKING ACCOUNT | | | | | | | | | |
| Wells Fargo Bank | | | | 0.500% | | | \$ 11,913,088.87 | | |
| CASH W/FISCAL AGENT, CD's, LAIF DEPOSITS, AND SHORT-TERM U.S. AGENCY SECURITIES | | | | | | | | | |
| CD - Republic Bank | | 12/28/06 | | 5.000% | 0.00 | 0.00 | | | |
| CD - Metlife Bank | | 11/10/10 | 11/12/13 | 1.300% | 240,000.00 | 240,000.00 | | | |
| CD - GE Money Bank | | 11/12/10 | 05/12/13 | 1.000% | 240,000.00 | 240,000.00 | | | |
| CD - Ally Bank | | 11/12/10 | 11/12/13 | 1.350% | 148,000.00 | 148,000.00 | | | |
| Local Agency Investment Fund (LAIF) | | | | 0.340% | 15,172,326.30 | 15,172,326.30 | | | |
| Cash w/California Community Foundation | | | | Unknown | 86,291.24 | 86,291.24 | | | |
| \$ | | | | | \$ 15,886,617.54 | | \$ 15,886,617.54 | | |
| U.S. AGENCY SECURITIES (1 to 3 years) | | | | | | | | | |
| \$ | | | | | \$ 0.00 | | \$ 0.00 | | |
| U.S. AGENCY SECURITIES (Over 3 Years) | | | | | | | | | |
| 31315PQN2 | 1.01531 | FAMCA | 550,000 | 04/14/11 | 2/3/2014 | 1.340% | 557,749.24 | 549,338.86 | |
| 3136FRA37 | 1.01517 | FNMA | 1,000,000 | 07/19/11 | 07/19/16 | 2.125% | 1,015,170.00 | 1,000,000.00 | |
| | | | | | | \$ | 1,572,919.24 | | \$ 1,549,338.86 |
| TOTAL | | | | | | | | \$ 29,349,045.27 | |

Current market values obtained from First Tennessee Bank.

CITY OF MONTCLAIR
CASH AND INVESTMENTS BY ACCOUNT
September 30, 2012

Total Cash & Investments \$29,349,045

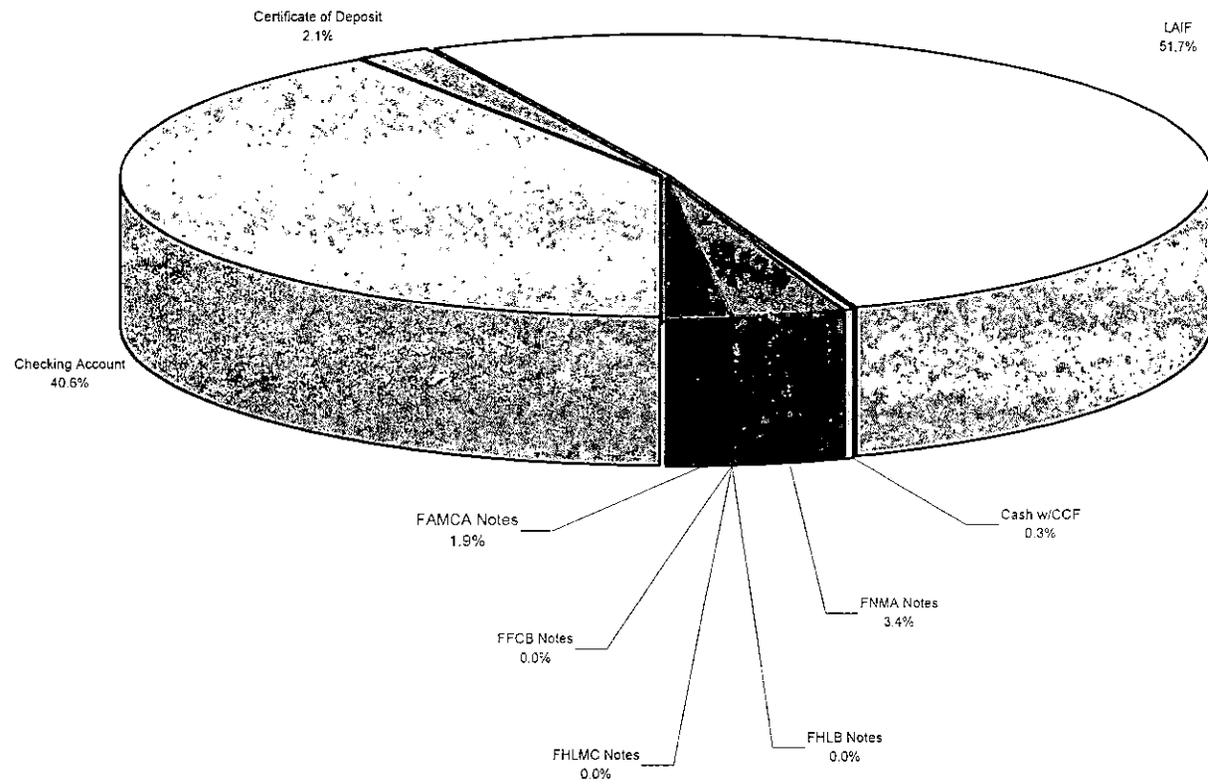


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SCHEDULE 1 - STATEMENT OF CASH AND INVESTMENTS BY FUND

SCHEDULE 2 - STATEMENT OF CASH AND INVESTMENTS BY ACCOUNT

CASH AND INVESTMENTS BY ACCOUNT GRAPH

Schedule 1

**CITY OF MONTCLAIR AS SUCCESSOR TO
THE REDEVELOPMENT AGENCY
STATEMENT OF CASH AND INVESTMENTS BY FUND
September 30, 2012**

PROJECT AREA NO. I

| | | | | |
|---------------|----|--------------------|--|---------------|
| Low Income | \$ | 151,259.21 | | |
| Tax Increment | | 56,846.02 | | |
| Operating | | <u>(28,214.35)</u> | | \$ 179,890.88 |

PROJECT AREA NO. II

| | | | | |
|-----------------|----|-------------------|--|--------------|
| Special Housing | \$ | 0.00 | | |
| Low Income | | 0.00 | | |
| Tax Increment | | 0.00 | | |
| Operating | | <u>(3,921.33)</u> | | \$ -3,921.33 |

PROJECT AREA NO. III

| | | | | |
|---------------|----|---------------------|--|-----------------|
| Low Income | \$ | 4,224,453.84 | | |
| Tax Increment | | 587,070.66 | | |
| Operating | | <u>3,745,969.12</u> | | \$ 8,557,493.62 |

PROJECT AREA NO. IV

| | | | | |
|---------------|----|-------------------|--|-----------------|
| Low Income | \$ | 742,930.89 | | |
| Tax Increment | | 516,051.44 | | |
| Operating | | <u>595,362.81</u> | | \$ 1,854,345.14 |

PROJECT AREA NO. V

| | | | | |
|---------------|----|---------------------|--|-----------------|
| Low Income | \$ | 2,818,573.60 | | |
| Tax Increment | | 1,226,845.93 | | |
| Operating | | <u>1,226,368.34</u> | | \$ 5,271,787.87 |

MISSION BLVD JOINT PROJECT

| | | | | |
|----------------------|----|------------|--|---------------|
| Low-Moderate Housing | \$ | 502,087.49 | | |
| Tax Increment | | 342,810.60 | | |
| Operating | | 31,442.10 | | \$ 876,340.19 |

ROPS

| | | | | |
|---------------|--|-------------|--|-------------|
| | | 0.00 | | |
| ROPS Area I | | 0.00 | | |
| ROPS Area II | | 0.00 | | |
| ROPS Area III | | 0.00 | | |
| ROPS Area IV | | 0.00 | | |
| ROPS Area V | | 0.00 | | |
| ROPS Area VI | | <u>0.00</u> | | <u>0.00</u> |

TOTAL CASH & INVESTMENTS BY FUND

\$ 16,735,936.37

**CITY OF MONTCLAIR AS SUCCESSOR TO
THE REDEVELOPMENT AGENCY
STATEMENT OF CASH AND INVESTMENTS BY ACCOUNT
September 30, 2012**

| | <u>Maturity Date</u> | <u>Interest Rate</u> | <u>Market Value</u> | <u>Book Value</u> |
|--|--------------------------|--------------------------|-------------------------|-------------------------|
| Checking Account | | | | |
| Wells Fargo, 984-002113 | | 0.05% | \$ 14,735,173.24 | \$ 14,735,173.24 |
| Cash and Investments | | | | |
| LAIF | | 0.34% | 763.13 | 763.13 |
| FHLMC Note | 01/09/15 | 0.850% | 1,001,760.00 | 1,000,000.00 |
| FHLMC Note | 01/09/15 | 0.850% | 1,001,760.00 | 1,000,000.00 |
| TOTAL CASH & INVESTMENTS BY ACCOUNT | | | \$ 16,739,456.37 | \$ 16,735,936.37 |
| NHPH - Cash with Fiscal Agent as of 6/30/11 | | | | |
| Wells Fargo, 193-9320899 (RDA Revolving) | | 0.050% | 89,046.36 | \$ 89,046.36 |
| Wells Fargo, 193-9320881 (Housing Oper) | | 0.050% | 16,971.90 | \$ 16,971.90 |

Current market values obtained from First Tennessee Bank.

NOTE:

Pursuant to the Successor Agency's 2012 Investment Policy, all moneys exclusive of tax exempt bond proceeds which are invested pursuant to the bond indenture, are invested in banks, the Local Agency Investment Fund and in securities with maturities of no greater than three years.

The Successor Agency has sufficient funds available to meet expenditures during the six-month period ending March 31, 2013.

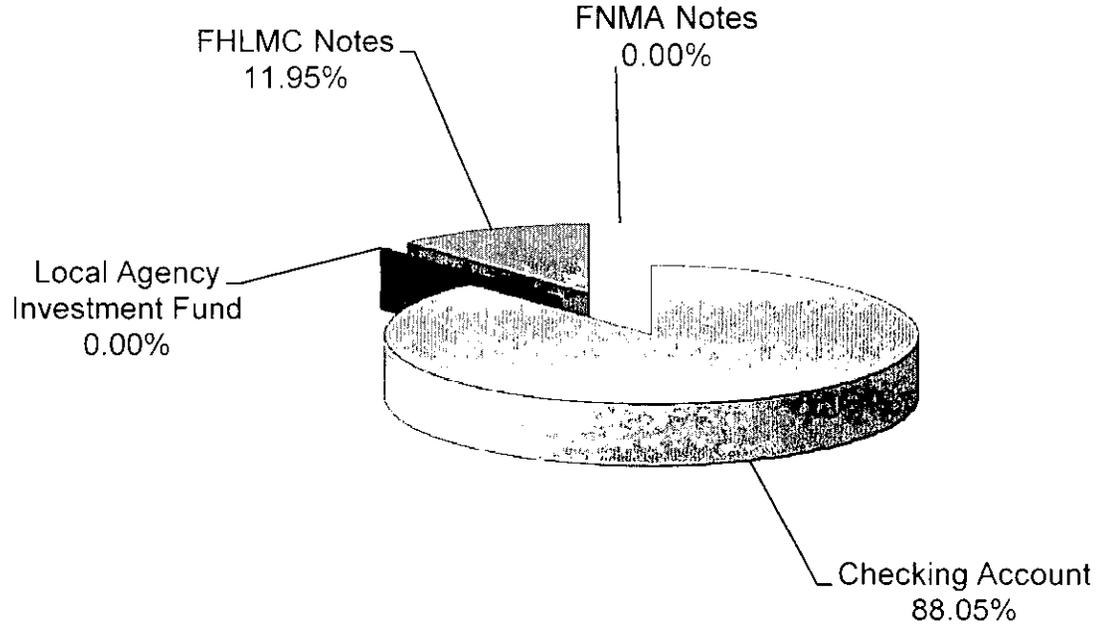
During September, the Successor Agency was in compliance with the internal control procedures set forth in the 2012 Investment Policy.



Michael Piotrowski
Senior Accountant

CITY OF MONTCLAIR AS SUCCESSOR TO THE REDEVELOPMENT AGENCY
CASH AND INVESTMENTS BY ACCOUNT GRAPH
September 30, 2012

Total Cash & Investments - \$16,735,936



**CITY OF MONTCLAIR AS SUCCESSOR TO
THE REDEVELOPMENT AGENCY
WARRANT REGISTER
FOR THE MONTH ENDING
September 30, 2012**

City of Montclair
 Final Warrant Register
 Council Date 10/15/12
 Regular Warrants
 Checking Account: Successor to the RDA

| | Warrants | Wire Transfers | Voided Checks | Electronic AP | Area Totals |
|--|-----------|-------------------|------------------|------------------|-------------------------|
| Project Area I | 135.46 | 0.00 | 67.73 | 0.00 | 67.73 |
| Project Area II | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Project Area III | 23,498.83 | 0.00 | 812.66 | 0.00 | 22,686.17 |
| Project Area IV | 1,128.70 | 0.00 | 564.35 | 0.00 | 564.35 |
| Project Area V | 3,353.51 | 0.00 | 812.66 | 0.00 | 2,540.85 |
| Project Area VI - Mission Blvd | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| RORF (Redevelopment Obligation Retirement Funds) | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| | 28,116.50 | 0.00 | 2,257.40 | 0.00 | |
| September 2012 Total | | | | | <u>25,859.10</u> |

Vice Chairperson Raft

10/08/12 15:59

CITY OF MONTCLAIR
FINAL WARRANT REGISTER
COUNCIL DATE: 10/16/12
REGULAR WARRANTS
CHECKING ACCOUNT: srda

| <u>Fund</u> | <u>Description</u> | <u>Amount</u> |
|-------------|--------------------------------|------------------|
| 2120 | Project Area I Operating Fund | 135.46 |
| 2320 | Project Area III Operating Fun | 23,498.83 |
| 2420 | Project Area IV Operating Fund | 1,128.70 |
| 2520 | Project Area V Operating Fund | 3,353.51 |
| | Report Total: | 28,116.50 |

Accounts Payable

Voucher Register By Vendor Number

User: mpiotrowski

Printed: 10/08/2012 - 3:59 PM



| Voucher | Vendor No/Name | Account Number | Description | Inv No | Inv Date | PO | Pmt Date | Amount | Check | |
|---------|--------------------------------|---------------------|---------------------------------------|---------------|------------|----|------------|-----------------|----------|--|
| 007439 | Best003 | 2320-4319-53210-400 | Successor Agency Services Rendered | 685407 | 09/07/2012 | | 09/12/2012 | 1,716.10 | 7439 | |
| | Best Best & Krieger LLP | | | | | | | | | |
| 007439 | Best003 | 2320-4319-53210-400 | Prep of CCRs for Foundation Area 11 | 685408 | 09/07/2012 | | 09/12/2012 | 71.40 | 7439 | |
| | Best Best & Krieger LLP | | | | | | | | | |
| | | | | | | | | Voucher: 007439 | 1,787.50 | |
| 007440 | Land012 | 2520-4319-52990-400 | August 2012 service | 4113/9/12 | 09/03/2012 | | 09/12/2012 | 75.00 | 7440 | |
| | Landscape Maintenance Unlimite | | | | | | | | | |
| | | | | | | | | Voucher: 007440 | 75.00 | |
| 007441 | Mont063 | 2120-4319-52630-400 | August 2012 Rent - Replace Check 7434 | August 2012 | 09/12/2012 | | 09/12/2012 | 67.73 | 7441 | |
| | Montclair Town Center LLC | | | | | | | | | |
| 007441 | Mont063 | 2320-4319-52630-400 | August 2012 Rent - Replace Check 7434 | August 2012 | 09/12/2012 | | 09/12/2012 | 812.66 | 7441 | |
| | Montclair Town Center LLC | | | | | | | | | |
| 007441 | Mont063 | 2420-4319-52630-400 | August 2012 Rent - Replace Check 7434 | August 2012 | 09/12/2012 | | 09/12/2012 | 564.35 | 7441 | |
| | Montclair Town Center LLC | | | | | | | | | |
| 007441 | Mont063 | 2520-4319-52630-400 | August 2012 Rent - Replace Check 7434 | August 2012 | 09/12/2012 | | 09/12/2012 | 812.66 | 7441 | |
| | Montclair Town Center LLC | | | | | | | | | |
| | | | | | | | | Voucher: 007441 | 2,257.40 | |
| 007442 | Robb004 | 2320-4319-53210-400 | Review Castlerock CC&Rs | 24215 00-1009 | 07/31/2012 | | 09/12/2012 | 105.00 | 7442 | |
| | Robbins & Holdaway | | | | | | | | | |
| | | | | | | | | Voucher: 007442 | 105.00 | |

| | <u>DR Amount</u> | <u>CR Amount</u> | <u>Acct Number</u> | <u>Description</u> | <u>Vendor</u> |
|---|------------------|------------------|---------------------|--------------------------|---------------|
| Fund: 2120 Project Area I Operating Fund | 67.73 | 0.00 | 2120-0000-00010-101 | Cash | |
| | 0.00 | 67.73 | 2120-4319-52630-400 | Rent - Land or Buildings | Mont063 |
| Total for Fund: 2120 | <u>67.73</u> | <u>67.73</u> | | | |
| Fund: 2320 Project Area III Operating Fun | 812.66 | 0.00 | 2320-0000-00010-101 | Cash | |
| | 0.00 | 812.66 | 2320-4319-52630-400 | Rent - Land or Buildings | Mont063 |
| Total for Fund: 2320 | <u>812.66</u> | <u>812.66</u> | | | |
| Fund: 2420 Project Area IV Operating Fund | 564.35 | 0.00 | 2420-0000-00010-101 | Cash | |
| | 0.00 | 564.35 | 2420-4319-52630-400 | Rent - Land or Buildings | Mont063 |
| Total for Fund: 2420 | <u>564.35</u> | <u>564.35</u> | | | |
| Fund: 2520 Project Area V Operating Fund | 812.66 | 0.00 | 2520-0000-00010-101 | Cash | |
| | 0.00 | 812.66 | 2520-4319-52630-400 | Rent - Land or Buildings | Mont063 |
| Total for Fund: 2520 | <u>812.66</u> | <u>812.66</u> | | | |
| Grand Total: | <u>2,257.40</u> | <u>2,257.40</u> | | | |

JTE
 70 3 2013
 JK

CITY OF MONTCLAIR
User: jkulbeck

Accounts Payable
Void Check Proof List

Printed: 09/12/2012 13:58

| <u>Account Number</u> | <u>Amount</u> | <u>Invoice No</u> | <u>Inv Date</u> | <u>Description</u> | <u>Reference</u> | <u>Task</u> | <u>Type</u> | <u>PO Number</u> | <u>Close PO?</u> | <u>Line Item</u> |
|-----------------------|---------------|---------------------------|-----------------|--------------------|------------------|-------------|-------------|------------------|------------------|------------------|
| Vendor: Mont063 | | Montclair Town Center LLC | | | | | | | | |
| Check No: 7434 | | Check Date: 08/09/2012 | | | | | | | | |
| 2120-4319-52630-400 | 67.73 | August 2012 | 08/09/2012 | Rent August 2012 | | - | | | No | 0003 |
| 2320-4319-52630-400 | 812.66 | August 2012 | 08/09/2012 | Rent August 2012 | | - | | | No | 0004 |
| 2420-4319-52630-400 | 564.35 | August 2012 | 08/09/2012 | Rent August 2012 | | - | | | No | 0005 |
| 2520-4319-52630-400 | 812.66 | August 2012 | 08/09/2012 | Rent August 2012 | | - | | | No | 0006 |
| Check Total: | 2,257.40 | | | | | | | | | |
| Vendor Total: | 2,257.40 | | | | | | | | | |
| Report Total: | 2,257.40 | | | | | | | | | |

**CITY OF MONTCLAIR
HOUSING CORPORATION
TREASURER'S REPORT
FOR THE MONTH ENDING
September 30, 2012**

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SCHEDULE 1 - STATEMENT OF CASH AND INVESTMENTS BY ACCOUNT

CASH AND INVESTMENTS BY ACCOUNT GRAPH

**CITY OF MONTCLAIR
HOUSING CORPORATION
STATEMENT OF CASH AND INVESTMENTS BY ACCOUNT
September 30, 2012**

| | <u>Interest Rate</u> | <u>Amount</u> |
|--|--------------------------|-------------------------------|
| Checking Account | | |
| Wells Fargo, 0654-893023 | 0.05% | \$ 982,899.02 |
| Cash and Investments | | |
| LAIF | 0.34% | \$ 1,573,727.08 |
| TOTAL CASH & INVESTMENTS BY ACCOUNT | | \$ <u>2,556,626.10</u> |

NOTE:

Pursuant to the Corporation's 2012 Investment Policy, all moneys are invested in banks, the Local Agency Investment Fund, and in securities with maturities of no greater than three years.

The Corporation has sufficient funds available to meet expenditures during the six-month period ending March 31, 2013.

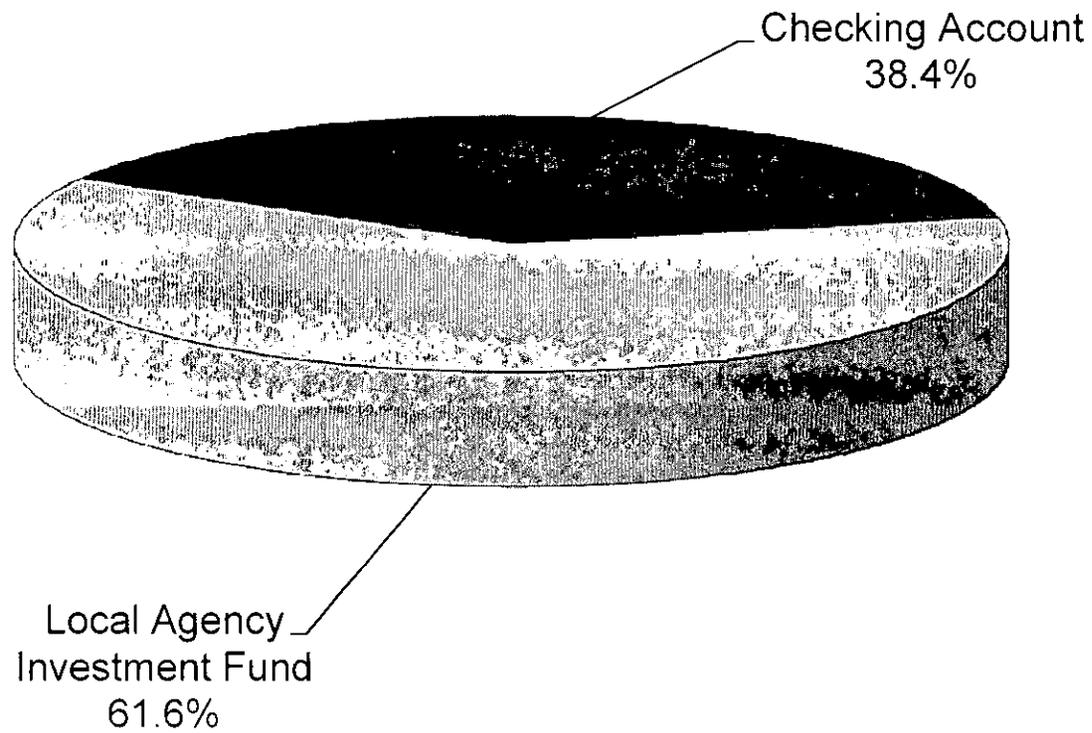
During September 2012, the Corporation was in compliance with the internal control procedures set forth in the 2012 Investment Policy.



Michael Piotrowski
Senior Accountant

CITY OF MONTCLAIR
HOUSING CORPORATION
CASH AND INVESTMENTS BY ACCOUNT GRAPH
September 30, 2012

Total Cash & Investments - \$2,556,626



**CITY OF MONTCLAIR
HOUSING CORPORATION
WARRANT REGISTER
FOR THE MONTH ENDING
September 30, 2012**

10/04/12 13:53

CITY OF MONTCLAIR
FINAL WARRANT REGISTER
COUNCIL DATE: October 15, 2012
REGULAR WARRANTS
CHECKING ACCOUNT: MHC

| <u>Fund</u> | <u>Description</u> | <u>Amount</u> |
|-------------|----------------------|------------------|
| 3001 | General Fund | 39,705.34 |
| | Report Total: | 39,705.34 |

Carolyn Raft - Vice Chairperson

Accounts Payable

Voucher Register By Vendor Number



User: mpiotrowski

Printed: 10/04/2012 - 1:53 PM

| Voucher | Vendor No/Name | Account Number | Description | Inv No | Inv Date | PO | Pmt Date | Amount | Check |
|-----------------|----------------|---------------------|-----------------------------------|-------------|------------|----|------------|--------|-------|
| 003187 | hele001 | 3001-2020-56060-400 | 4791 Canoga-Sept 2012 | Sept 2012 | 09/20/2012 | | 09/20/2012 | 109.95 | 3187 |
| | | | Helena Gardens Apartment | | | | | | |
| 003187 | hele001 | 3001-3001-56060-400 | Canoga-Sept 2012 | Sept 2012 | 09/20/2012 | | 09/20/2012 | 243.35 | 3187 |
| | | | Helena Gardens Apartment | | | | | | |
| Voucher: 003187 | | | | | | | | 353.30 | |
| 003188 | Land012 | 3001-1001-56100-400 | 10079 Central-Aug 2012 | 10079/9/12 | 09/03/2012 | | 09/20/2012 | 105.00 | 3188 |
| | | | Landscape Maintenance Unlimite | | | | | | |
| 003188 | Land012 | 3001-1002-56100-400 | 10087 Central-Aug 2012 | 10087/9/12 | 09/03/2012 | | 09/20/2012 | 105.00 | 3188 |
| | | | Landscape Maintenance Unlimite | | | | | | |
| 003188 | Land012 | 3001-1009-56100-400 | 10215 Central-Aug 2012, gopher | 10215/9/12 | 09/03/2012 | | 09/20/2012 | 175.00 | 3188 |
| | | | Landscape Maintenance Unlimite | | | | | | |
| 003188 | Land012 | 3001-1004-56100-400 | 10235 Ccntral-Aug 2012, gopher | 10235/9/12 | 09/03/2012 | | 09/20/2012 | 175.00 | 3188 |
| | | | Landscape Maintenance Unlimite | | | | | | |
| 003188 | land012 | 3001-1013-56100-400 | 10291 Greenwood-Aug 2012 | 10291/9/12 | 09/03/2012 | | 09/20/2012 | 125.00 | 3188 |
| | | | Landscape Maintenance Unlimite | | | | | | |
| 003188 | Land012 | 3001-2003-56100-400 | 10313 Amherst-Aug 2012 | 10313/9/12 | 09/03/2012 | | 09/20/2012 | 140.00 | 3188 |
| | | | Landscape Maintenance Unlimite | | | | | | |
| 003188 | Land012 | 3001-2001-56100-400 | 10323 Amherst-Aug 2012 | 10323/9/12 | 09/03/2012 | | 09/20/2012 | 140.00 | 3188 |
| | | | Landscape Maintenance Unlimite | | | | | | |
| 003188 | Land012 | 3001-2007-56100-400 | 10330 Amherst-Aug 2012, weed kill | 10330/9/12 | 09/03/2012 | | 09/20/2012 | 165.00 | 3188 |
| | | | Landscape Maintenance Unlimite | | | | | | |
| 003188 | Land012 | 3001-2002-56100-400 | 10333 Amherst-Aug 2012 | 10333/9/12 | 09/03/2012 | | 09/20/2012 | 140.00 | 3188 |
| | | | Landscape Maintenance Unlimite | | | | | | |
| 003188 | land012 | 3001-2009-56100-400 | 10333 Pradera-Aug 2012 | 10333P/9/12 | 09/03/2012 | | 09/20/2012 | 60.00 | 3188 |
| | | | Landscape Maintenance Unlimite | | | | | | |
| 003188 | Land012 | 3001-2006-56100-400 | 10380 Amherst-Aug 2012, weed kill | 10380/9/12 | 09/03/2012 | | 09/20/2012 | 165.00 | 3188 |
| | | | Landscape Maintenance Unlimite | | | | | | |
| 003188 | land012 | 3001-2010-56100-400 | 10380 Pradera-Aug 2012 | 10380P/9/12 | 09/03/2012 | | 09/20/2012 | 70.00 | 3188 |
| | | | Landscape Maintenance Unlimite | | | | | | |
| 003188 | land012 | 3001-2011-56100-400 | 10390 Pradera-Aug 2012 | 10380P/9/12 | 09/03/2012 | | 09/20/2012 | 70.00 | 3188 |
| | | | Landscape Maintenance Unlimite | | | | | | |

| Voucher | Vendor No/Name | Account Number | Description | Inv No | Inv Date | PO | Pmt Date | Amount | Check |
|---------|----------------|---------------------|---|----------------|------------|----|------------|-----------------|----------|
| 003188 | Land012 | 3001-2004-56100-400 | 10383 Amherst-Aug 2012 | 10383/9/12 | 09/03/2012 | | 09/20/2012 | 140.00 | 3188 |
| | | | Landscape Maintenance Unlimite | | | | | | |
| 003188 | Land012 | 3001-2008-56100-400 | 10390 Amherst-Aug 2012. weed kill | 10390/9/12 | 09/03/2012 | | 09/20/2012 | 165.00 | 3188 |
| | | | Landscape Maintenance Unlimite | | | | | | |
| 003188 | Land012 | 3001-2005-56100-400 | 10410 Amherst-Aug 2012. weed kill | 10410/9/12 | 09/03/2012 | | 09/20/2012 | 165.00 | 3188 |
| | | | Landscape Maintenance Unlimite | | | | | | |
| 003188 | land012 | 3001-2030-56100-400 | 4275 Kingsley-Aug 2012 | 4275/9/12 | 09/03/2012 | | 09/20/2012 | 140.00 | 3188 |
| | | | Landscape Maintenance Unlimite | | | | | | |
| 003188 | Land012 | 3001-3001-56100-400 | 4811 Canoga-Aug 2012 | 4811/9/12 | 09/03/2012 | | 09/20/2012 | 75.00 | 3188 |
| | | | Landscape Maintenance Unlimite | | | | | | |
| 003188 | Land012 | 3001-3001-56100-400 | 4820 Canoga-Aug 2012 | 4820/9/12 | 09/03/2012 | | 09/20/2012 | 150.00 | 3188 |
| | | | Landscape Maintenance Unlimite | | | | | | |
| 003188 | land012 | 3001-1011-56100-400 | 5225 Palo Verde-Aug 2012 | 5225/9/12 | 09/03/2012 | | 09/20/2012 | 110.00 | 3188 |
| | | | Landscape Maintenance Unlimite | | | | | | |
| 003188 | land012 | 3001-1005-56100-400 | 5290 Orchard-Aug 2012, gopher | 5290/9/12 | 09/03/2012 | | 09/20/2012 | 150.00 | 3188 |
| | | | Landscape Maintenance Unlimite | | | | | | |
| 003188 | land012 | 3001-1502-56100-400 | 9010 Fremont-Aug 2012, gopher | 9010/9/12 | 09/03/2012 | | 09/20/2012 | 110.00 | 3188 |
| | | | Landscape Maintenance Unlimite | | | | | | |
| 003188 | Land012 | 3001-1501-56100-400 | 9448 Carrillo-Aug 2012, weed killer | 9448/9/12 | 09/03/2012 | | 09/20/2012 | 75.00 | 3188 |
| | | | Landscape Maintenance Unlimite | | | | | | |
| 003188 | Land012 | 3001-1014-56100-400 | 9644 Central-Aug 2012, weed kill | 9644/9/12 | 09/03/2012 | | 09/20/2012 | 145.00 | 3188 |
| | | | Landscape Maintenance Unlimite | | | | | | |
| 003188 | Land012 | 3001-1006-56100-400 | 9741 Central-Aug 2012 | 9741/9/12 | 09/03/2012 | | 09/20/2012 | 105.00 | 3188 |
| | | | Landscape Maintenance Unlimite | | | | | | |
| 003188 | Land012 | 3001-1007-56100-400 | 9751 Central-Aug 2012 | 9751/9/12 | 09/03/2012 | | 09/20/2012 | 105.00 | 3188 |
| | | | Landscape Maintenance Unlimite | | | | | | |
| 003188 | Land012 | 3001-1008-56100-400 | 9761 Central-Aug 2012 | 9761/9/12 | 09/03/2012 | | 09/20/2012 | 105.00 | 3188 |
| | | | Landscape Maintenance Unlimite | | | | | | |
| 003188 | Land012 | 3001-1003-56100-400 | 9815 Central-Aug 2012, sprinkler | 9815/9/12 | 09/03/2012 | | 09/20/2012 | 150.00 | 3188 |
| | | | Landscape Maintenance Unlimite | | | | | | |
| 003188 | Land012 | 3001-1010-56100-400 | 9945 Central-Aug 2012, gopher | 9945/9/12 | 09/03/2012 | | 09/20/2012 | 100.00 | 3188 |
| | | | Landscape Maintenance Unlimite | | | | | | |
| 003188 | Land012 | 3001-1015-56100-400 | 9963 Central-Aug 2012, gopher, sprinkler | 9963/9/12 | 09/03/2012 | | 09/20/2012 | 245.00 | 3188 |
| | | | Landscape Maintenance Unlimite | | | | | | |
| | | | | | | | | Voucher: 003188 | 3,870.00 |
| 003189 | Mont001 | 3001-0000-00010-101 | Reimb City for PR 08/02/12 | PR Reimb 08/02 | 08/02/2012 | | 09/20/2012 | 10,654.90 | 3189 |
| | | | City of Montclair | | | | | | |
| 003189 | Mont001 | 3001-0000-00010-101 | Reimb City for PR 08/16/12 | PR Reimb 08/16 | 08/16/2012 | | 09/20/2012 | 13,641.42 | 3189 |
| | | | City of Montclair | | | | | | |
| 003189 | Mont001 | 3001-0000-00010-101 | Reimb City for PR 08/30/12 | PR Reimb 08/30 | 08/30/2012 | | 09/20/2012 | 9,986.17 | 3189 |
| | | | City of Montclair | | | | | | |

| Voucher | Vendor No/Name | Account Number | Description | Inv No | Inv Date | PO | Pmt Date | Amount | Check |
|---------|----------------|--------------------------------|-----------------------------------|-----------------|------------|----|------------|-----------------|-----------|
| | | | | | | | | Voucher: 003189 | 34,282.49 |
| 003190 | Mont043 | 3001-2009-56060-400 | 10333 Pradera-Sept 2012 | Sept 2012 | 09/20/2012 | | 09/20/2012 | 50.00 | 3190 |
| | | Montclair Meadows Owners Assoc | | | | | | | |
| 003190 | Mont043 | 3001-2010-56060-400 | 10380 Pradera-Sept 2012 | Sept 2012 | 09/20/2012 | | 09/20/2012 | 50.00 | 3190 |
| | | Montclair Meadows Owners Assoc | | | | | | | |
| 003190 | Mont043 | 3001-2011-56060-400 | 10390 Pradera-Sept 2012 | Sept 2012 | 09/20/2012 | | 09/20/2012 | 50.00 | 3190 |
| | | Montclair Meadows Owners Assoc | | | | | | | |
| | | | | | | | | Voucher: 003190 | 150.00 |
| 003191 | sout018 | 3001-3001-56020-400 | 4811 Canoga #gate 080912-091012 | 2024259988 0912 | 09/11/2012 | | 09/20/2012 | 24.74 | 3191 |
| | | Southern California Edison Co | | | | | | | |
| 003191 | sout018 | 3001-3001-56020-400 | 4820 Canoga 080912-091012 | 2038187969 0912 | 09/11/2012 | | 09/20/2012 | 291.97 | 3191 |
| | | Southern California Edison Co | | | | | | | |
| 003191 | sout018 | 3001-3001-56020-400 | 4811 Canoga 080912-091012 | 2038188173 0912 | 09/11/2012 | | 09/20/2012 | 172.07 | 3191 |
| | | Southern California Edison Co | | | | | | | |
| 003191 | sout018 | 3001-2010-56020-400 | 10380 Pradera 080812-090712 | 2185722790 0912 | 09/08/2012 | | 09/20/2012 | 66.08 | 3191 |
| | | Southern California Edison Co | | | | | | | |
| 003191 | sout018 | 3001-2011-56020-400 | 10390 Pradera 080812-090712 | 2185722824 0912 | 09/08/2012 | | 09/20/2012 | 41.11 | 3191 |
| | | Southern California Edison Co | | | | | | | |
| 003191 | sout018 | 3001-2006-56020-400 | 10380 Amherst 080812-082712 | 2315790089 0812 | 08/12/2012 | | 09/20/2012 | 79.69 | 3191 |
| | | Southern California Edison Co | | | | | | | |
| 003191 | sout018 | 3001-2005-56020-400 | 10410 Amherst 080812-090712 | 2315792325 0912 | 09/08/2012 | | 09/20/2012 | 36.49 | 3191 |
| | | Southern California Edison Co | | | | | | | |
| 003191 | sout018 | 3001-2006-56020-400 | 10380 Amherst 0812-090712 | 2315959668 0912 | 09/12/2012 | | 09/20/2012 | 40.42 | 3191 |
| | | Southern California Edison Co | | | | | | | |
| 003191 | sout018 | 3001-2007-56020-400 | 10330 Amherst 0812-090712 | 2315959668 0912 | 09/12/2012 | | 09/20/2012 | 36.94 | 3191 |
| | | Southern California Edison Co | | | | | | | |
| 003191 | sout018 | 3001-1017-56020-400 | 5444 1/2 Palo Verde 081012-091012 | 2336647847 0912 | 09/11/2012 | | 09/20/2012 | 6.09 | 3191 |
| | | Southern California Edison Co | | | | | | | |
| 003191 | sout018 | 3001-1017-56020-400 | 5444 Palo Verde 081012-091112 | 2337387070 0912 | 09/12/2012 | | 09/20/2012 | 5.65 | 3191 |
| | | Southern California Edison Co | | | | | | | |
| | | | | | | | | Voucher: 003191 | 801.25 |
| 003192 | sout021 | 3001-3001-56020-400 | 4811 Canoga 080912-091012 | 15782395006 09 | 09/12/2012 | | 09/20/2012 | 115.98 | 3192 |
| | | Southern California Gas Co | | | | | | | |
| 003192 | sout021 | 3001-3001-56020-400 | 4820 Canoga 080912-091012 | 18932395009 09 | 09/12/2012 | | 09/20/2012 | 115.98 | 3192 |
| | | Southern California Gas Co | | | | | | | |
| 003192 | sout021 | 3001-2008-56020-400 | 10390 Amherst 081312-091012 | 19572389484 09 | 09/12/2012 | | 09/20/2012 | 16.34 | 3192 |
| | | Southern California Gas Co | | | | | | | |

| Voucher | Vendor No/Name | Account Number | Description | Inv No | Inv Date | PO | Pmt Date | Amount | Check |
|---------|----------------|----------------|-------------|--------|----------|----|----------|--------|-------|
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| | | | | | | | | 248.30 | |
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| | | | | | | | | 39,705.34 | |
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