

**CITY OF MONTCLAIR**

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

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

September 3, 2013

7:00 p.m.

*As a courtesy please silence your cell phones and other electronic devices while the meeting is in session. Thank you.*

*The CC/SA/MHC/MHA meetings are now available in audio format on the City's website at [www.ci.montclair.ca.us](http://www.ci.montclair.ca.us) and can be accessed the day following the meeting after 10:00 a.m.*

Page No.

- I. CALL TO ORDER** – City Council, Successor Agency and Montclair Housing Corporation Boards of Directors, and Montclair Housing Authority Commissioners

**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

**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, Montclair Housing Corporation Board of Directors, and Montclair Housing Authority Commissioners. (Government Code Section 54954.3)*

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

**VII. PUBLIC HEARINGS**

- A. Second Reading – Consider Adoption of Ordinance No. 13-936 Adding Chapter 9.12.190 to the Montclair Municipal Code Related to Barbecues, Fire Pits, and Open Fires in City Parks [CC] 4

**VIII. CONSENT CALENDAR**

- A. Approval of Minutes
  - 1. Minutes of the Regular Joint Council/Successor Agency Board/MHC Board/MHA Commission Meeting of August 19, 2013 [CC/SA/MHC/MHA]
- B. Administrative Reports
  - 1. Consider Adoption of the 2012 Edition of the Standard Specifications for Public Works Construction as the Standard Specifications for the City of Montclair [CC]  
  
Consider Adoption of the 2012 Edition of the Standard Plans for Public Works Construction as the Standard Plans for the City of Montclair [CC] 8
  - 2. Consider Authorization to Refinish Exterior of Peacekeeper Armored Vehicle [CC] 10
  - 3. Consider 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 Ramona Avenue Rehabilitation Project [CC]  
  
Consider Release of Retention 30 Days After Recordation of Notice of Completion [CC] 17
  - 4. Consider Approval of Warrant Register and Payroll Documentation [CC] 19
- C. Agreements
  - 1. Consider Approval of Agreement No. 13-75 With the Montclair Chamber of Commerce to Promote Local Economic Development [CC] 20
  - 2. Consider Approval of Agreement No. 13-76, a Memorandum of Understanding Between the City of Montclair and the Montclair Police Officers Association [CC] 26
- D. Resolutions
  - 1. Consider Adoption of Resolution No. 13-3004 Confirming the Mayor's Appointment of an Alternate Member to the Oversight Board Created by Health and Safety Code Section 34179, *et seq.*, Regarding Dissolution of the City of Montclair Redevelopment Agency [CC] 27
  - 2. Consider Adoption of Resolution No. 13-3005 Opposing California State Senate Bill 594 (Hill) – Use of Public Resources: Campaign Activities [CC] 32

3. Consider Adoption of Resolution No. 13-3006 Confirming the Mayor's Appointments to the Ontario International Airport-Inter Agency Collaborative [CC]

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**IX. PULLED CONSENT CALENDAR ITEMS**

**X. RESPONSE – None**

**XI. COMMUNICATIONS**

**A. City Attorney**

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

Agency: City of Montclair

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

**B. City Manager/Executive Director**

**C. Mayor/Chairman**

**D. Council/MHC Board**

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

- |   |    |
|---|----|
| 1. Minutes of the Public Works Committee Meeting of August 15, 2013     | 43 |
| 2. Minutes of the Code Enforcement Committee Meeting of August 19, 2013 | 50 |
| 3. Minutes of the Personnel Committee Meeting of August 19, 2013        | 52 |

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

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

**XIII. CLOSED SESSION ANNOUNCEMENTS**

**XIV. ADJOURNMENT OF CITY COUNCIL**

*The next regularly scheduled City Council, Successor Agency Board, Montclair Housing Corporation Board, and Montclair Housing Authority Commission meetings will be held on Monday, September 16, 2013, 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, Montclair Housing Corporation Board, and Montclair Housing Authority Commission after distribution of the Agenda packet are available for public inspection in the Office of the City Clerk located at 5111 Benito Street, Montclair, California, between 7:00 a.m. and 6:00 p.m., Monday through Thursday.*

*In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Deputy City Clerk at (909) 625-9416. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title II)*

*I, Yvonne L. Smith, Deputy City Clerk, hereby certify that I posted, or caused to be posted, a copy of this Agenda not less than 72 hours prior to this meeting on the bulletin board adjacent to the north door of Montclair City Hall on August 29, 2013.*

## AGENDA REPORT

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**SUBJECT:** CONSIDER ADOPTION OF ORDINANCE  
NO. 13-936 ADDING CHAPTER 9.12.190 TO  
THE MONTCLAIR MUNICIPAL CODE RELATED  
TO BARBECUES, FIRE PITS, AND OPEN FIRES  
IN CITY PARKS

SECOND READING

**DATE:** September 3, 2013

**SECTION:** PUBLIC HEARINGS

**ITEM NO.:** A

**FILE I.D.:** PRK200

**DEPT.:** PUBLIC WORKS

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**REASON FOR CONSIDERATION:** The City currently has no Ordinance regulating the use of fires and barbecues in City parks. City staff recognizes that barbecues in parks are an acceptable use of park areas, provided they are used in a safe manner. To provide for their safe use, certain regulations are necessary and are established through the Ordinance process. Ordinances require City Council consideration and approval.

**BACKGROUND:** The City owns or leases and maintains 12 park sites within the City ranging in size from about 2,000 square feet to five acres. Some park sites, like the Kingsley ball fields, are leased from Ontario-Montclair School District and used exclusively for sports. Some, like Alma Hofman Park, combine both active and passive uses. And others, like the unnamed mini park at Highland Street and Helena Avenue, are simply passive use picnic areas.

The use of barbecues at any of these parks is currently unregulated. Any barbecue from a small hibachi grill to a trailer-mounted Super Cooker can be legally used at any park site in the City. Trailer-mounted barbecues often take up too much parking area, inconveniencing other park users, or are towed onto turf areas, damaging grass and irrigation systems. Live coals or briquettes from the smaller, portable barbecues are sometimes dumped in trash cans or on the ground causing fires and other damage.

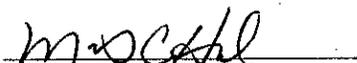
Proposed Ordinance No. 13-936 does not prohibit the use of barbecues in any City park, but does limit the type of barbecue that can be used. The Ordinance bans the use of towed and all nonliquid propane gas (LPG) barbecues; limits the size of grills of LPG barbecues to 1,000 square inches or less; and requires the barbecue be placed no closer than 25 feet to adjacent properties, walls, playground equipment, or other facilities where such use might constitute a hazard or inconvenience. It also prohibits open fires for obvious safety reasons. A violation of this Ordinance is considered an infraction under Chapter 1.12.10 of the Montclair Municipal Code with fines ranging from \$100 for a first offense to \$500 for a third offense within a 12-month period.

**FISCAL IMPACT:** Adoption of proposed Ordinance No. 13-936 would have some minor fiscal impact. It would be necessary to post the various park sites with signage indicating the barbecue restrictions. Most park sites will require one sign. Some may require two. It is estimated the total cost of signage will be \$1,500.

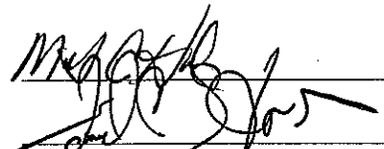
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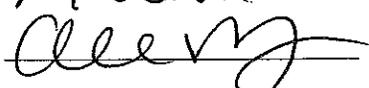
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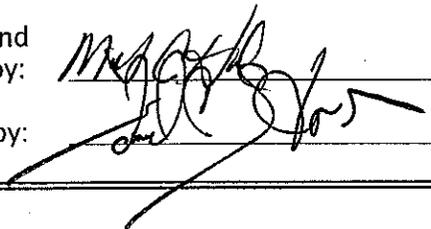
Reviewed and  
Approved by:



Proofed by:



Presented by:



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**RECOMMENDATION:** Staff recommends the City Council adopt Ordinance No. 13-936 adding Chapter 9.12.190 to the Montclair Municipal Code related to barbecues, fire pits, and open fires in City parks.

**ORDINANCE NO. 13-936**

**AN ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF MONTCLAIR ADDING  
CHAPTER 9.12.190 TO TITLE 9 OF THE  
MONTCLAIR MUNICIPAL CODE RELATED  
TO USE OF BARBECUES IN CITY PARKS**

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

**Section I.**

Chapter 9.12.190 of the Montclair Municipal Code is hereby added as follows:

**Chapter 9.12.190 Barbecues, Fire Pits, Open Fires**

A. It is unlawful for any person to violate any provision or fail to comply with any requirements of this section. In addition to other remedies provided by law, any person violating any provision of this section or failing to comply with any of the requirements of this section is deemed guilty of an infraction within the manner provided in Montclair Municipal Code Section 1.12.010.

B. Fire pits, fire rings, campfires, and all other open fires within any City-owned, -leased, or -maintained park are prohibited, except as herein permitted below as a barbecue.

C. The use of nonliquid propane gas (LPG) barbecues and grills is prohibited in all City-owned, -leased, or -maintained parks. This prohibition includes, but is not limited to, charcoal-, wood-, briquette-, and natural gas-fired barbecues.

D. LPG grills and/or barbecues shall be a patio size barbecue with a grill area not exceeding 1,000 square inches. No large barbecues or cookers that are towed behind vehicles are permitted. Barbecues shall be fully self-contained with a grill area, burners, and frame for mounting LPG tank.

E. No barbecue otherwise permitted by this section shall be placed within 25 feet of any adjacent property, playground equipment, buildings, fences, walls, or at the Alma Hofman Park Skate Park or Splash Pad facilities.

F. Exceptions: City-sponsored or special events shall be exempt from these restrictions upon approval by the City Manager, Deputy City Manager, Public Works Director, or Director of Public Safety.

**Section II. Severability.**

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section,

subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional.

**Section III. Effective Date.**

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

**Section IV. Posting.**

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

**APPROVED AND ADOPTED** this XX day of XX, 2013.

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Mayor

**ATTEST:**

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Deputy City Clerk

I, Yvonne Smith, Deputy City Clerk of the City of Montclair, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 13-936 of said City, which was introduced at a regular meeting of the City Council held on the XX day of XX, 2013, and finally passed not less than five (5) days thereafter on the XX day of XX, 2013, by the following vote, to-wit:

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

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Yvonne Smith  
Deputy City Clerk

## AGENDA REPORT

**SUBJECT:** CONSIDER ADOPTION OF THE 2012 EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION AS THE STANDARD SPECIFICATIONS FOR THE CITY OF MONTCLAIR

CONSIDER ADOPTION OF THE 2012 EDITION OF THE STANDARD PLANS FOR PUBLIC WORKS CONSTRUCTION AS THE STANDARD PLANS FOR THE CITY OF MONTCLAIR

**DATE:** September 3, 2013

**SECTION:** ADMIN. REPORTS

**ITEM NO.:** 1

**FILE ID.:** PUB114

**DEPT.:** PUBLIC WORKS

**REASON FOR CONSIDERATION:** To assist project managers in managing construction projects, plans and specifications for structures, materials, and methods are necessary. Many of these plans and specifications are used repeatedly and do not vary much from project to project. Because the plans and specifications are so common, different agencies have developed standard plans and specifications for certain types of work. In order to be used, agencies typically adopt these standards as their own. The City Council is requested to consider adoption of both the Standard Specifications for Public Works Construction and the Standard Plans for Public Works Construction.

**BACKGROUND:** The original edition of the Standard Specifications for Public Works Construction, commonly known as the "Greenbook," was first published in November 1966; and by January 1969, more than 50 cities had officially adopted these uniform regulations. To date, more than 200 cities, counties, agencies, and special districts in Southern California have adopted the Greenbook. The original authors of this document, the Joint Cooperative Committee of the Southern California Chapters of the Associated General Contractors (AGC) and the American Public Works Association (APWA), have since been replaced by Public Works Standards, Inc., a group composed of nine members representing the APWA, AGC, the Engineering Contractors Association, the Southern California Contractors Association, and BNI Publications, Inc. The Greenbook is published at three-year intervals with amendments added on a yearly basis. The current Greenbook is the 2012 edition and includes chapters dealing with General Provisions, Construction Materials, and Construction Methods.

Similar to the Standard Specifications, the Standard Plans for Public Works Construction was first developed in the 1980s. It includes detailed drawings for commonly used structures, such as catch basins, manholes, curbs, traffic signals, and irrigation systems. By specifying a standard drawing, a designer saves time designing and drawing the structure; and bidders and contractors save time in bidding and building the structures. Also, like the Greenbook, the Standard Plans is published at three-year intervals with the most current edition being the 2012 edition.

While the City Council has previously taken action on adopting earlier editions of the Greenbook, it has never adopted the Standard Plans. By adopting the Standard Plans, the

Prepared by: Mascha

Proofed by: Cherry

Reviewed and  
Approved by: [Signature]

Presented by: [Signature]

City Engineer will also be required to sign those plans in accordance with provisions of Chapter 7, Division 3, of the California Business and Professions Code.

**FISCAL IMPACT:** Adoption of the 2012 Edition of the Standard Specifications for Public Works Construction would have a positive fiscal impact by reducing design costs for City projects. Without the Standard Specifications, the City's design teams would need to write out all the specifications required for a project rather than just specifying the Greenbook.

There would be a minor expense associated with adopting the 2012 Edition of the Standard Plans for Public Works Construction. It would be necessary to purchase an electronic version of the Standard Plans and then affix the signature and seal of the City Engineer. The cost is anticipated to be under \$2,000.

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

1. Adopt the 2012 Edition of the Standard Specifications for Public Works Construction as the standard specifications for the City of Montclair.
2. Adopt the 2012 Edition of the Standard Plans for Public Works Construction as the standard plans for the City of Montclair.

## AGENDA REPORT

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**SUBJECT:** CONSIDER AUTHORIZATION TO REFINISH  
EXTERIOR OF PEACEKEEPER ARMORED  
VEHICLE

**DATE:** September 3, 2013

**SECTION:** ADMIN. REPORTS

**ITEM NO.:** 2

**FILE I.D.:** PDT360

**DEPT.:** POLICE

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**REASON FOR CONSIDERATION:** Completion of recent additions to the executive command staff management team has afforded the Police Department an opportunity to focus on developing the new Community Relations Division. The City Council is requested to consider authorizing the exterior of the Peacekeeper armored vehicle to be refinished to project a professional image of both the Police Department and the City.

**BACKGROUND:** The Police Department acquired the Peacekeeper armored vehicle at least ten years ago. The exterior has been painted only once during that time period. The vehicle's paint and decals have faded and present an unflattering image of the Department and the City. The vehicle is deployed on average two times per month on calls for service requiring a tactical law enforcement response as well as during service of search warrants in addition to its use at community events.

The following vendors responded to a bid request for refinishing the exterior of the vehicle:

<i>Vendor</i>	<i>Bid Amount</i>
SixFive Automotive, Inc.	\$1,809
Chaffey Auto Body	\$2,609
Montclair Auto Collision Center	\$3,200

Sixfive Automotive, Inc., submitted the lowest bid and is the recommended vendor for this purchase.

**FISCAL IMPACT:** The cost to refinish the exterior of the Peacekeeper is \$1,809. Funding in this amount is available in the State Asset Forfeiture Fund.

**RECOMMENDATION:** Staff recommends the City Council authorize refinishing the exterior of the Peacekeeper armored vehicle.

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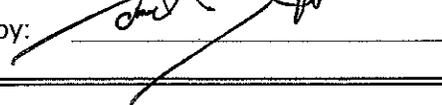
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Approved by:



Proofed by:



Presented by:



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SIXFIVE AUTOMOTIVE, INC

Direct Line: (909) 472-7200  
 10781 Ada Avenue  
 Ontario, CA 91762

**Invoice**

Date	Invoice #
8/20/2013	1459

Bill To
CITY OF MONTCLAIR

P.O. No.	Terms	Project

Quantity	Description	Rate	Amount
	description of vehicle.FLAT BLACK ARMORED TRUCK PEACE KEEPER.	0.00	0.00
		0.00	0.00
20	LABOR:PREP EXTERIOR PANELS.	45.00	900.00
8	LABOR:REFINISH EXTERIOR.	45.00	360.00
4	LABOR:ADD RHINO LINER ON REAR STEP BUMPER.	50.00	200.00
22.3	PAINT MATERIALS.	30.00	669.00
	DISCOUNT.	-320.00	-320.00
<i>ATT: Chris Weiske</i>		<b>Total</b>	\$1,809.00



A U T O B O D Y

**Chaffey Auto Body**

BAR:AL219125  
 EPA:CAL0000327582  
 Date: 8/21/2013  
 Time: 9:49:33AM

5534 Arrow Hwy.  
 Montclair, CA 91763  
 (909)-985-3083 Fax: (909)-931-0065

Estimate #059471

Estimate Page 1 of 2

Montclair Police Department Chris Weiske 4870 Arrow Highway Montclair, Ca 91763  Home: Work: *(909) 448-3600 Cell/Fax: Est.: JOHN TARRANT Scheduled Target:	Make: 1980 Jeep Model: Style: License: Color: Matte Black VIN: SWAT VEHICLE Miles In: Miles Out: Hat No.: Unit No.:	Adjuster: Ins. Co. Phone Claim #: Date of Loss: Source:
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\*\*\* Thank you for your patronage \*\*\*

Line	Line Items	Price	Labor	Paint	Other
C 1	Refinish Outside Complete Matte Finish Black				2,600.00M

# Chaffey Auto Body

Estimate #059471

BAR:AL219125  
 EPA:CAL0000327582  
 Date: 8/21/2013  
 Time: 9:49:33AM

5534 Arrow Hwy.  
 Montclair, CA 91763  
 (909)-985-3083 Fax: (909)-931-0065

Estimate Page 2 of 2

Montclair Police Department Chris Weiske 4870 Arrow Highway Montclair, Ca 91763  Home: Work: *(909) 448-3600 Cell/Fax: Est.: JOHN TARRANT Scheduled Target:	Make: 1980 Jeep Model: Style: License: Color: Matte Black VIN: SWAT VEHICLE Miles In: Miles Out: Hat No.: Unit No.:	Adjuster: Ins. Co. Phone Claim #: Date of Loss: Source:
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\*\*\* Thank you for your patronage \*\*\*

	Totals	Total \$		
Misc.(Untaxed) (M)		2,600.00		
Other Total		2,600.00		
Subtotal		2,600.00		
<b>Total</b>		<b>2,600.00</b>		
Customer Due		2,600.00		

All part prices in the Price column that are marked as (D) Domestic or (F) Foreign are new and made by the original equipment manufacturer (OEM). Part prices marked as (A) are aftermarket, new, non-OEM. Part prices marked as (U) are Used. Part prices marked as (O) are Other parts as described. See Totals area for additional price details. Other terms: Repl or R&R = Remove and Replace, O/H = Overhaul, R&I = Remove and Install.

I hereby acknowledge the above repair work has been done along with necessary materials. All workmanship is warranted for the life of the vehicle, by the original owner; paint is limited lifetime per MFG as parts are limited per the manufacturer. This document, which is non-transferable, is a complete and exclusive statement between the customer and repairer, and contains all the representations of both parties. This guarantee shall not be varied, supplemented, qualified, or interpreted by any prior course of dealing between the parties or by any usage of trade.

Thank You for choosing Chaffey !  
 We realize you may have been directed here by an Insurance Company. It is very important to me that you know you have the right to choose your own repair shop.  
 Our goal upon completion is that YOU CHOOSE CHAFFEY on your own.  
 Thank you for your business.  
 Owner  
 John Tarrant

SIGNED X \_\_\_\_\_ DATE \_\_\_\_\_

# MONTCLAIR AUTO COLLISION CENTER

4741 ARROW HWY  
 Montclair, CA 91763  
 Phone #: (909) 621-1052  
 Fax #: (909) 621-1053

Customer No: 3141  
 Report No: 2502  
 Claim #:  
 Assign No:

## Appraisal

8/26/2013

Vehicle Information	Owner - Monclair Police Dept	Accident Location
1980 [REDACTED]	5111 Benito street	
Style:	Monclair, CA 91763	
Color:	Home Phone: (800) -	Phone #1: -
Color Code:	Work Phone: (800) -	Phone #2: -
Production Date: / 0	Fax #: (800) -	<u>Claimant</u> -
License: State: CA	<u>Insured</u> -	
VIN:		
Miles In: 0		
Miles Out: 0	Home Phone: (800) -	Home Phone: (800) -
Condition:	Work Phone: (800) -	Work Phone: (800) -
Appraiser:	Fax #: (800) -	Fax #: (800) -
Date Assigned: 8/26/2013	Date of Loss: 8/26/2013	Date of Inspection: 8/26/2013

Description of Work	Part Number	Price	Labor	Paint	Other
<b>REAR BUMPER - BUMPER &amp; COMPONENTS, STEP TYPE</b>					\$200.00* sublet
* Refinish Rear step rhino lining SPRAY REAR STEP					
<b>Other operations</b>					
* Refinish COMPLETE ARMORED TRANSPOTAIN VEHICLE					32.5*
Repair color sand & buff			2.0* body*		
Repair color match			0.5* body*		
Repair corroision protection					0.4*
* Repair mask GLASS			1.0* body*		
* Repair Adhesive removal / STICKERS			\$20.00 *		
Repair mask for primer			\$7.00 *		
Repair cover car for paint			\$5.00 *		
Hazardddous Waste					\$9.06* sublet
<b>Sub Totals</b>		\$32.00	6.2	32.9	

	Hours	Rate	Total
Body Labor	6.2hrs	\$47.00/hr	\$291.40
Paint Labor	32.9hrs	\$47.00/hr	\$1,546.30
OEM Parts			\$32.00 T
Paint Supplies	32.9hrs	\$34.00/hr	\$1,118.60
Sublet			\$209.06
Tax	\$32.00 @ 8.2500%		\$2.64
<b>Grand Total</b>			<b>\$3,200.00</b>

Estimate based on MOTOR CRASH ESTIMATING GUIDE. Unless otherwise noted all items are derived from the Guide. NAGS Part Numbers and Benchmark Prices are provided by National Auto Glass Specifications. Labor operation times listed on the line with the NAGS information are MOTOR suggested labor operation times. NAGS labor operation times are not included. Guide used is (DE1GB81). 4/13

\* Indicates Appraiser's Judgement  
 T Indicates Taxed Item

Vehicle Identification No. 50090		Certificate No. CA-003-06			
Year 1980	Make of Vehicle Peace Keeper	Series or Model Armored Response Convoy		Body Style 3 Door	
Fuel Gas	No. of Cylinders 6	Weight (Shipping) 8420	GVWR 10000	Purchase Price	
Transferor (Accountable office, i.e., department or agency, subunit and address, ZIP Code) General Services Administration 450 Golden Gate Ave. San Francisco, CA 94102			Transferee (Name of dealer, individual, etc. and address including ZIP Code) Monclair Police Dept. 5111 Benito Street Monclair, CA 91763		

**CITY OF MONTCLAIR  
BID QUOTATION FORM**

DEPARTMENT: Police

DATE: August 27, 2013

REQUISITION NUMBER: \_\_\_\_\_

ITEM (S)/DESCRIPTION: Repainting the Exterior of the Peace Keeper Armored Vehicle

REASON FOR PURCHASE: Existing finish is faded and unprofessional

EMPLOYEE OBTAINING QUOTES: Chris Weiske

**VENDORS CONTACTED**

(1) NAME: Sixfive Automotive, Inc. CONTACT PERSON: \_\_\_\_\_

ADDRESS: 10781 Ada Avenue, Ontario, CA 91762 PHONE: (909) 472-7200

\* BID QUOTE: \$1,809

COMMENTS: \_\_\_\_\_

(2) NAME: Montclair Auto Collision Center CONTACT PERSON: \_\_\_\_\_

ADDRESS: 4741 Arrow Hwy., Montclair, CA 91763 PHONE: (909) 621-1052

\* BID QUOTE: \$3,200

COMMENTS: \_\_\_\_\_

(3) NAME: Chaffey Auto Body CONTACT PERSON: John Tarrant

ADDRESS: 5534 Arrow Hwy., Montclair, CA 91763 PHONE: (909) 985-3083

\* BID QUOTE: \$2,600

COMMENTS: \_\_\_\_\_

\*Quotes are to include tax and delivery charges.

RECOMMENDED VENDOR AND JUSTIFICATION: Sixfive Automotive was selected for the project due to pricing.

## AGENDA REPORT

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<b>SUBJECT:</b> CONSIDER 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 RAMONA AVENUE REHABILITATION PROJECT	<b>DATE:</b> September 3, 2013
	<b>SECTION:</b> ADMIN. REPORTS
	<b>ITEM NO.:</b> 3
	<b>FILE I.D.:</b> STA650
CONSIDER RELEASE OF RETENTION 30 DAYS AFTER RECORDATION OF NOTICE OF COMPLETION	<b>DEPT.:</b> PUBLIC WORKS

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**REASON FOR CONSIDERATION:** State law requires Notices of Completion to be recorded with the County Recorder upon acceptance of a public works project. The City Council is requested to consider approval of the filing of a Notice of Completion with the Office of the San Bernardino County Recorder and related to actions concerning the Ramona Avenue Rehabilitation Project.

**BACKGROUND:** On April 1, 2013, KAD Paving Company, Inc., was awarded a contract for construction of the Ramona Avenue Rehabilitation Project and entered into Agreement No. 13-23 with the City. All work required under Agreement No. 13-23 has been satisfactorily completed. Work included landscaping; sewer mainline repairs; removal and replacement of curb, gutter, and sidewalk; construction of new pedestrian ramps; pavement grinding; installation of new asphalt concrete pavement; and replacement of traffic striping.

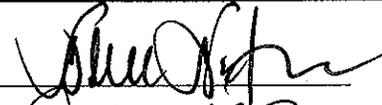
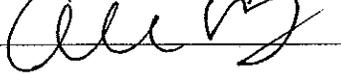
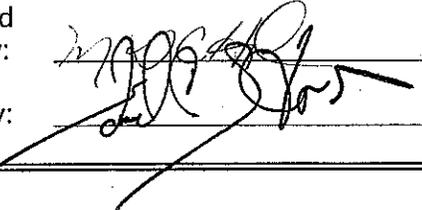
Project limits on Ramona Avenue were from Mission Boulevard to Phillips Street.

**FISCAL IMPACT:** KAD Paving Company, Inc., was awarded the construction contract for \$531,645. The award included a construction contingency of \$55,000. The project was funded by a combination of Gas Tax, Sewer Funds, and the County of San Bernardino. During the course of construction, it was necessary to extend construction limits at some locations and adjust a few quantities through construction change orders. The changes ultimately decreased the total construction cost from the awarded amount of \$531,645 to the final cost of \$450,323.10, a decrease of \$81,321.90.

**RECOMMENDATION:** Staff recommends the City Council take the following actions related to completion of the Ramona Avenue Rehabilitation Project:

1. Approve the filing of a Notice of Completion with the Office of the San Bernardino County Recorder.
2. Authorize reduction of the Faithful Performance Bond to 10 percent.
3. Authorize retention of the Payment Bond for six months.
4. Authorize release of retention 30 days after recordation of Notice of Completion.

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

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RECORDING REQUESTED BY:

**City of Montclair**

AND WHEN RECORDED MAIL DOCUMENT AND  
TAX STATEMENT TO:

NAME: **City of Montclair**

STREET ADDRESS: **5111 Benito Street**

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

Government Code 6103

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

## NOTICE OF COMPLETION

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

fee

The full name and address of the undersigned is  
Michael C. Hudson  
Public Works Director  
City Engineer  
5111 Benito Street  
Montclair, CA 91763

The work was completed on that certain work known as:

Ramona Avenue Rehabilitation Project

for the undersigned City of Montclair,  
a Municipal Corporation, on the 22nd day of August, 2013

The City accepted the job on the 22nd day of August, 2013

The Contractor on said job was  
KAD Paving Company, Inc.  
32147 Dunlap Blvd. Ste. K  
Yucaipa, Ca. 92399

The improvement consisted of:

Street Improvements

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

Ramona Avenue within the City of Montclair, CA 91763

### VERIFICATION

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

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

Executed on: August 28, 2013

at 5111 Benito Street, Montclair, California

\_\_\_\_\_  
Michael C. Hudson  
Public Works Director  
City Engineer

## AGENDA REPORT

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**SUBJECT:** CONSIDER APPROVAL OF WARRANT REGISTER AND PAYROLL DOCUMENTATION      **DATE:** September 3, 2013  
**SECTION:** ADMIN. REPORTS  
**ITEM NO.:** 4  
**FILE I.D.:** FIN540  
**DEPT.:** ADMIN SVCS.

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

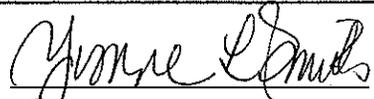
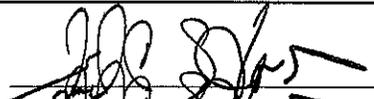
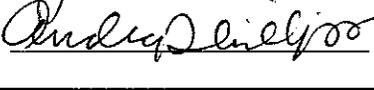
**BACKGROUND:** Mayor Pro Tem Ruh has examined the Warrant Register dated September 3, 2013, and Payroll Documentation dated July 14, 2013; finds them to be in order; and recommends their approval.

**FISCAL IMPACT:** The Warrant Register dated September 3, 2013, totals \$1,086,773.18. The Payroll Documentation dated July 14, 2013, totals \$548,166.35, with \$374,416.36 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:	

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## AGENDA REPORT

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**SUBJECT:** CONSIDER APPROVAL OF AGREEMENT  
NO. 13-75 WITH THE MONTCLAIR  
CHAMBER OF COMMERCE TO PROMOTE  
LOCAL ECONOMIC DEVELOPMENT

**DATE:** September 3, 2013

**SECTION:** AGREEMENTS

**ITEM NO.:** 1

**FILE I.D.:** COC050

**DEPT.:** REDEVELOPMENT

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**REASON FOR CONSIDERATION:** The City Council is requested to consider approval of Agreement No. 13-75 with the Montclair Chamber of Commerce to provide services to strengthen and enhance local economic development activities. A copy of proposed Agreement No. 13-75 is attached for the City Council's review and consideration.

**BACKGROUND:** The Montclair Chamber of Commerce was organized in 1958 and has offered its services to the local businesses community. The Chamber has since then been dedicated to promoting business growth and a business-friendly climate in Montclair.

Proposed Agreement No. 13-75 would provide funding to the Montclair Chamber of Commerce, a partner agency, for the following services to support economic development in the Montclair community:

- Monitor and aid in the retention, expansion, and development of existing businesses
- Promote Montclair as an attractive and prime location for business operations
- Provide for the support and nurturing of businesses and the development of an entrepreneurial environment through cooperation with other local, county, state, and federal economic development organizations
- Endeavor to represent all business interests wherever located in the community and to conduct its affairs in such a way as to benefit all businesses and areas of the City

The term of proposed Agreement No. 13-75 is July 1, 2013, through June 30, 2014.

**FISCAL IMPACT:** The Montclair Chamber of Commerce would receive \$15,000 annually payable in equal quarterly payments of \$3,750.

**RECOMMENDATION:** Staff recommends the City Council approve Agreement No. 13-75 with the Montclair Chamber of Commerce to promote local economic development.

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Prepared by: Miynd Javia

Reviewed and  
Approved by:

Proofed by: Yvonne Smith

Presented by:

## ECONOMIC DEVELOPMENT AGREEMENT

**THIS ECONOMIC DEVELOPMENT AGREEMENT** ("Agreement") is made and entered into this 1st day of July, 2013, by the City of Montclair, a municipal corporation, hereinafter referred to as the "CITY," and the Montclair Chamber of Commerce, a private not-for-profit corporation, hereinafter referred to as the "CHAMBER."

### 1. RECITALS

(a) The parties hereto agree that it is the best interest of the CITY and the CHAMBER to strengthen and enhance economic development activities within the CITY and the CHAMBER through an Agreement renewed annually by the close of each current fiscal year.

(b) The parties hereto agree that all funding provided by the CITY for this venture would be expended to fulfill a public purpose, that is economic development, and that periodic auditing will be performed in order to assure that the funds provided by the CITY would be utilized only for public purposes as set forth herein.

### 2. AGREEMENT

(a) NOW THEREFORE, in consideration of the mutual promises and covenants contained herein, the receipt and sufficiency of which are hereby acknowledged by the parties, the parties here to agree as follows:

#### ARTICLE 1 – RECITALS

The parties acknowledge and agree that above-stated recitals are true and correct and incorporated herein by reference.

#### ARTICLE 2 – SERVICES

The CHAMBER desires to engage in economic development efforts for the CITY area which shall include, but not limited to, the following:

(a) Employ a President/Chief Executive Officer who is an economic development professional with the requisite knowledge, skills, and expertise necessary to lead the economic development efforts.

(b) Advise private business concerns located within the CITY, existing businesses and the business community, of the available opportunities within the CITY and within its utilities service area of which they may take advantage and counsel them regarding their suitability to participate in available county, state, and federal economic development programs and grants.

(c) Monitor and aid in the retention, expansion, and development of existing businesses.

(d) Advise and counsel private business concerns about the development of infrastructure plans for the expansion of business districts and the creation of business and industrial parks.

(e) Advise and counsel private business concerns or strategies designed to foster the best possible pro-business environment within the CITY.

(f) Promote the CITY as a location for business operations, clean manufacturing, and research and development companies.

(g) Serve as an information source for those interested in economic development and provide relevant referrals to all requests for economic development information including up-to-date trade area demographics and inventories of available property (retail, industrial, office, etc.).

(h) Provide a CHAMBER web page to be linked to the CITY's website. The web page shall be updated continuously to provide the most current information concerning economic development in the CITY and surrounding trade area for the purpose of furthering the mission of the CHAMBER.

(i) Provide for the support and nurturing of businesses and the development of an entrepreneurial environment through cooperation with other local, county, state, and federal economic development organizations.

(j) Endeavor to represent all business interests wherever located in the CITY and to conduct its affairs in such a way as to benefit all businesses and areas of the CITY.

(k) Host the annual State of the City Address in collaboration with the CITY's Economic Development Coordinator, CITY staff, and the City Council.

### ARTICLE 3 - PLACE OF WORK

It is understood that the CHAMBER will administer services largely at 8880 Benson Avenue, Suite 110, Montclair, California 91763 but that the CHAMBER will, on request, come to City Hall or such other places as designated by the CITY to meet with CITY's representatives.

### ARTICLE 4 - PAYMENT

The CITY will pay the CHAMBER the total sum of \$15,000 annually payable in equal quarterly installments of \$3,750 on or before the 30th day of the beginning of each quarter.

### ARTICLE 5 - REPORTING

(a) The CHAMBER will submit and present to the CITY annually a receipt and expenditure report on the use of CITY funds.

## ARTICLE 6 – RELATIONSHIP OF PARTIES

(a) The CHAMBER is an independent entity and not a department, agency, or subdivision of the CITY. The CITY and the CHAMBER are two separate and autonomous entities.

(b) CHAMBER is and shall at all times remain as to the CITY a wholly independent contractor. The personnel performing the services under this Agreement on behalf of CHAMBER shall at all times be under CHAMBER's exclusive direction and control and shall not be construed to be employees of CITY for any purpose including eligibility under Public Employees Retirement Law. Neither CITY nor any of its officers, employees, or agents shall have control over the conduct of CHAMBER or any of CHAMBER's officers, employees, or agents, except as set forth in this Agreement. CHAMBER shall not at any time or in any manner represent that it or any of its officers, employees, or agents are in any manner officers, employees, or agents of the CITY. CHAMBER shall not incur or have the power to incur any debt, obligation, or liability whatever against CITY or bind CITY in any manner. No employee benefits shall be available to CITY in connection with the performance of this Agreement. Except for the fees paid to CHAMBER as provided in the Agreement CITY shall not pay salaries, wages, or other compensation to CHAMBER for performing services hereunder for CITY. CITY shall not be liable for compensation or indemnification to CHAMBER for injury or sickness arising out of performing services hereunder.

(c) The CITY and the CHAMBER acknowledge that this Agreement is not a delegation of any public function of the CITY and that neither party will play an integral part in either party's decision-making process by reason of this Agreement.

## ARTICLE 7 – DURATION

(a) The initial term of this Agreement shall be for a period of one (1) year and this AGREEMENT may be renewed annually.

(b) Either party terminate this Agreement after the one year term upon ninety (90) days' written notice to the other of its intention to terminate.

(c) Any notice required or allowed hereunder shall be in writing and sent by certified mail, return receipt requested, or in person with proof of delivery, to the address first listed above, or such other addresses as either party shall have specified by written notice to the other party delivered in accordance herewith.

## ARTICLE 8 – NONDISCRIMINATION

(a) The CHAMBER shall not discriminate against any employee or person served under this Agreement on account of race, color, sex, age, religion, ancestry, national origin, handicap, or marital status, or as otherwise prohibited by applicable law.

## ARTICLE 9 – MISCELLANEOUS

(a) The CHAMBER acknowledges that the CITY, during any fiscal year, shall not expend money, incur any liability, or enter into any agreement which, by its terms,

involves the expenditure of money in excess of the amounts budgeted or the reduction of revenues for those budgeted agreements that may be available for expenditure during such fiscal year. Any agreement, verbal or written, made in violation of this subsection is null and void; and no money may be paid on such agreement. Nothing herein contained shall prevent the making of agreement for a period of exceeding one year, but any agreement so made shall be executed only for the value of the services to be rendered or agreed to be paid for in succeeding fiscal years. Accordingly, the CITY's performance and obligation to pay under this Agreement is contingent upon annual appropriation.

(b) The CHAMBER shall obtain and possess throughout the term of this Agreement all licenses and permits applicable to its operations under federal, state, and local laws.

(c) The CHAMBER shall at all times maintain its status as a private not-for-profit corporation, organized and created under the laws of the State of California.

(d) This Agreement may be modified or amended by mutual written agreement of the parties, duly executed by both parties.

(e) This Agreement contains all the terms and conditions agreed upon by the parties.

(f) This Agreement shall be governed and construed in accordance with the laws of the State of California. The venue of any legal action to enforce or interpret this Agreement shall be in San Bernardino County, California.

(g) This Agreement shall inure to the benefit of and shall be binding upon the parties hereto and their respective successors and assigns.

(h) In the event any provision of this Agreement shall be held invalid or unenforceable by a court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

(i) If any party seeks to enforce or interpret this Agreement through litigation, each party shall bear its own attorney's fees and costs incurred.

(j) Each person executing this Agreement warrants that he or she has the authority to so execute this Agreement and that no further approval of any kind is necessary to bind the parties hereto.

(k) The CHAMBER shall keep itself informed of state and federal laws and regulations which in any manner affect those employed by it or in any way affect the performance of its services pursuant to this Agreement. The CHAMBER shall at all times observe and comply with all such laws and regulations. The CITY and its officers and employees shall not be liable at law or in equity occasioned by failure of the CHAMBER to comply with this Section.

(l) No member, officer, or employee of City, or their designees or agents, and no public official who exercises authority over or responsibilities with respect to the economic development activities during his/her tenure or for one year thereafter, shall have any interest, direct or indirect, in any agreement or subagreement, or the proceeds

thereof, for work to be performed in connection with the activities performed under this Agreement.

(m) CHAMBER agrees to defend, indemnify, and hold harmless the CITY, its officers, employees, agents, and volunteers from any and all liabilities for injury to persons and damage to property arising out of any act or omission of CHAMBER, its officers, employees, agents, or volunteers in connection with CHAMBER's performance of its obligations under this Agreement.

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement on the day and year first above written.

**CITY**  
5111 Benito Street  
Montclair, CA 91763  
(909) 626-8571

**CHAMBER**  
8880 Benson Avenue, Suite 110  
Montclair, CA 91763  
(909) 985-5104

\_\_\_\_\_  
Paul M. Eaton  
Mayor

\_\_\_\_\_  
Darleen Curley  
President/Chief Executive Officer

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
Yvonne L. Smith  
Deputy City Clerk

## AGENDA REPORT

**SUBJECT:** CONSIDER APPROVAL OF AGREEMENT NO. 13-76, A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MONTCLAIR AND THE MONTCLAIR POLICE OFFICERS ASSOCIATION

**DATE:** September 3, 2013

**SECTION:** AGREEMENTS

**ITEM NO.:** 2

**FILE I.D.:** MPO500

**DEPT.:** ADMIN. SVCS.

**REASON FOR CONSIDERATION:** The City Council is requested to consider approval of the Memorandum of Understand (MOU) between the City of Montclair and Montclair Police Officers Association (MPOA). A copy of the proposed MOU is included in the agenda packets for the City Council's review and consideration.

**BACKGROUND:** The City of Montclair and MPOA have reached agreement on the provisions related to the terms and conditions of employment. The proposed MOU shall be effective upon date of ratification by the City Council for the period July 1, 2011, through June 30, 2013. After June 30, 2013, the existing terms, conditions, and provisions of the proposed MOU shall remain in effect; and the City and employees agree to abide by those terms, conditions, and provisions unless otherwise altered by the meet-and-confer process or unless otherwise indicated in the proposed MOU.

Following is a summary of the changes in proposed MOU related to the terms and conditions of employment:

- Article 7 (Section 7.01): Changes made in the fiscal years covered by the MOU.
- Article 11: The changes in this section relate to members of MPOA paying 6 percent of the California Public Employees Retirement System (CalPERS) member contribution effective June 17, 2013, and incorporate the Public Employees' Pension Reform Act (PEPRA) that went into effect January 1, 2013.
- Article 45: The change relates to the term of the MOU.

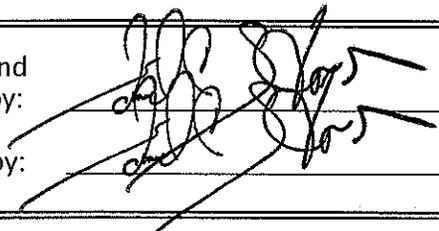
**FISCAL IMPACT:** There is no fiscal impact associated with ratifying the proposed MOU between the City of Montclair and MPOA other than what has been included in the 2011-13 Fiscal Year budgets.

**RECOMMENDATION:** Staff recommends the City Council approve Agreement No. 13-76, a Memorandum of Understanding between the City of Montclair and the Montclair Police Officers Association.

Prepared by:



Reviewed and Approved by:



Proofed by:



Presented by:

## AGENDA REPORT

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<b>SUBJECT:</b> CONSIDER ADOPTION OF RESOLUTION NO. 13-3004 CONFIRMING THE MAYOR'S APPOINTMENT OF AN ALTERNATE MEMBER TO THE OVERSIGHT BOARD CREATED BY HEALTH AND SAFETY CODE SECTION 34179, <i>ET SEQ.</i> , REGARDING DISSOLUTION OF THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY	<b>DATE:</b> September 3, 2013 <b>SECTION:</b> RESOLUTIONS <b>ITEM NO.:</b> 1 <b>FILE I.D.:</b> SA050 <b>DEPT.:</b> CITY MGR.
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**REASON FOR CONSIDERATION:** As the City Council is aware, the City of Montclair chose to become the Successor Agency to the former City of Montclair Redevelopment Agency in conformance with the terms of AB X1 26 (the Dissolution Act). The Dissolution Act required the creation of an Oversight Board whose primary function is to direct the staff of the Successor Agency in the management of the dissolution process. The Oversight Board is composed of seven members with two members of the Board appointed by the Mayor representing the Successor Agency. Staff has requested that the Mayor consider appointment of an alternate employee representative to the Oversight Board.

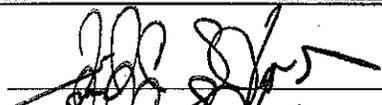
Resolution No. 13-3004 would confirm the Mayor's appointment of an alternate employee representative of the former City of Montclair Redevelopment Agency to the Oversight Board created for the purpose of overseeing the dissolution process of the City of Montclair Redevelopment Agency.

**BACKGROUND:** Following the California Supreme Court decision in *California Redevelopment Association, et al. v. Ana Matosantos, et al.*, all redevelopment agencies within the State of California were dissolved on February 1, 2012, in accordance with Part 1.85 of Division 24 of the Health and Safety Code, added by the Dissolution Act. Pursuant to Health and Safety Code Section 34173, the City of Montclair adopted Resolution No. 12-2934 on January 12, 2012, electing to serve as the Successor Agency to the City of Montclair Redevelopment Agency for the purpose of winding down the affairs of the former Redevelopment Agency. The Successor Agency's activities are subject to the review and approval of an appointed oversight board.

Health and Safety Code Section 34179(a) of the Dissolution Act provides that the oversight board is to be comprised of seven appointees from affected local taxing entities and the community that created the redevelopment agency as follows:

- One member appointed by the county Board of Supervisors.
- One member appointed by the mayor for the city that created the redevelopment agency.

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Prepared by: <u>M. STAATS</u>	Reviewed and Approved by: 
Proofed by: <u>Yvonne Smith</u>	Presented by: 

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- One member appointed by the largest special district, by property tax share, with territory in the territorial jurisdiction of the redevelopment agency that is eligible to receive property tax revenues pursuant to Section 34188. (For the City of Montclair, this special district is the Inland Empire Utilities Agency.)
- One member appointed by the county Superintendent of Education.
- One member appointed by the Chancellor of the California Community Colleges.
- One member of the public appointed by the county Board of Supervisors.
- One member representing the employees of the former redevelopment agency appointed by the mayor or chairman of the Board of Supervisors, as the case may be, from the recognized employee organization representing the largest number of former redevelopment agency employees employed by the successor agency at that time.

As prescribed, the Mayor was authorized to make two appointments to the Oversight Board on behalf of the City of Montclair. On April 2, 2012, the Mayor selected, and the City Council confirmed, the selection of Mayor Pro Tem Bill Ruh as the member appointed by the Mayor and the selection of Janet Kulbeck as the member representing the employees of the former City of Montclair Redevelopment Agency.

Given the deadlines for approval of documents imposed by the Department of Finance, it is sometimes difficult to hold Oversight Board meetings on the regularly scheduled date. Staff has found it necessary to hold many special meetings to meet such deadlines. It is, therefore, difficult for all Oversight Board members to attend all meetings. In order to assist in obtaining a quorum, staff has requested that the Mayor consider appointing an alternate member representing the employees of the former City of Montclair Redevelopment Agency. The Mayor requests that the City Council confirm his appointment of Finance Supervisor Michael Piotrowski as an alternate member of the Oversight Board representing the employees of the former City of Montclair Redevelopment Agency.

Adoption of proposed Resolution No. 13-3004 would confirm the Mayor's appointments to the Oversight Board.

**FISCAL IMPACT:** The action to recommend appointment of an alternate to the Oversight Board would have no direct fiscal impact on the City.

**RECOMMENDATION:** Staff recommends the City Council adopt Resolution No. 13-3004 confirming the Mayor's appointment of an alternate member to the Oversight Board created by Health and Safety Code Section 34179, *et seq.*, regarding dissolution of the City of Montclair Redevelopment Agency.

**RESOLUTION NO. 13-3004**

**A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF MONTCLAIR CONFIRMING THE  
MAYOR'S APPOINTMENT OF AN ALTERNATE  
MEMBER TO THE OVERSIGHT BOARD CREATED  
BY HEALTH AND SAFETY CODE SECTION 34179,  
ET SEQ., REGARDING DISSOLUTION OF THE  
CITY OF MONTCLAIR REDEVELOPMENT AGENCY**

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

**WHEREAS**, the City of Montclair Redevelopment Agency ("Agency") engaged in activities to implement the Redevelopment Plans for the above-cited Project Areas pursuant to the provisions of the California Community Redevelopment Law (Health and Safety Code Sections 33000 *et seq.*) ("CRL"); and

**WHEREAS**, on June 28, 2011, as part of the 2011-12 State of California budget bill, companion bills Assembly Bill X1 26 ("AB X1 26") and Assembly Bill X1 27 ("AB X1 27") were enacted, suspending all new redevelopment activity of the Agency and dissolving the Agency, unless the City elected to participate in the "Alternative Voluntary Redevelopment Program" established by AB X1 27 and pay an annual "community remittance" payment to the County of San Bernardino; and

**WHEREAS**, on December 29, 2011, the California Supreme Court issued its opinion in the Legal Action upholding AB X1 26, invalidating AB X1 27, extending certain statutory deadlines under Health and Safety Code Sections 34170 through 34191, and dissolving redevelopment agencies throughout the state effective February 1, 2012; and

**WHEREAS**, AB X1 26 designated a successor agency to the dissolved Agency, and provides that, with certain exceptions, all authority, rights, powers, duties, and obligations previously vested with the dissolved agency, under the CRL, are vested in the successor agency; and

**WHEREAS**, on January 12, 2012, the City Council adopted Resolution No. 12-2934 electing to serve as the successor agency to the dissolved Agency; and

WHEREAS, AB X1 26 further provided that the City's actions, as successor agency to the dissolved Agency, are subject to review and approval by an oversight board ("Oversight Board") to be created pursuant to Health and Safety Code Section 34179 *et seq.*; and

WHEREAS, the Oversight Board is to be comprised of seven appointees from affected local taxing entities and the City including two (2) members appointed by the Mayor; and

WHEREAS Section 34179(a) of the CRL provides that the mayor of the city that authorized the creation of the redevelopment agency may elect to appoint one at-large member to the Oversight Board of the successor agency to the former redevelopment agency; and

WHEREAS, Section 34179(a) of the CRL provides that the mayor of the city that authorized the creation of a redevelopment agency may also elect to appoint one employee of the former redevelopment agency as an oversight board member; and

WHEREAS, it has been found necessary to have an alternate member of the Oversight Board representing the employees of the former Redevelopment Agency; and

WHEREAS, after careful consideration, the Mayor of the City of Montclair has submitted the appointment of Finance Supervisor Michael Piotrowski as the alternate representative employee member from the former Redevelopment Agency to the Oversight Board of the Successor Agency; and

WHEREAS, the Mayor may appoint alternate members to the Oversight Board should the need arise.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Montclair does hereby confirm the Mayor's appointment of an alternate representing the employees of the former City of Montclair Redevelopment Agency to the Oversight Board created by Health and Safety Code Sections 34179, *et seq.*, related to dissolution of the City of Montclair Redevelopment Agency.

APPROVED AND ADOPTED this XX day of XX, 2013.

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Mayor

ATTEST:

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Deputy City Clerk

I, Yvonne L. Smith, Deputy City Clerk of the City of Montclair, DO HEREBY CERTIFY that Resolution No. 13-3004 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, 2013, and that it was adopted by the following vote, to-wit:

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

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Yvonne L. Smith  
Deputy City Clerk

## AGENDA REPORT

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<b>SUBJECT:</b> CONSIDER ADOPTION OF RESOLUTION NO. 13-3005 OPPOSING CALIFORNIA STATE SENATE BILL 594 (HILL) - USE OF PUBLIC RESOURCES: CAMPAIGN ACTIVITIES	<b>DATE:</b> September 3, 2013 <b>SECTION:</b> RESOLUTIONS <b>ITEM NO.:</b> 2 <b>FILE I.D.:</b> STG200 <b>DEPT.:</b> CITY MGR.
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**REASON FOR CONSIDERATION:** Earlier this month, California State Senator Gerald A. Hill introduced Senate Bill 594 – Use of Public Resources: Campaign Activities. SB 594 seeks to (1) prohibit nonprofit organizations and their employees, officers, or agents from using funds received from local agencies for campaign purposes; and (2) require nonprofit organizations that receive specified amounts of money from local agencies to maintain a separate bank account for campaign activities and disclose the sources of those funds.

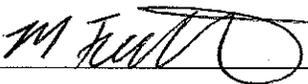
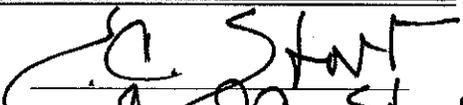
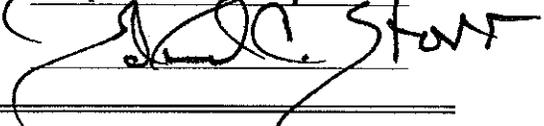
The City Council is requested to consider adoption of Resolution No. 13-3005 opposing SB 594. A copy of proposed Resolution No. 13-3005 is attached for the City Council's review and consideration.

**BACKGROUND:** SB 594 was originally a career technical education bill authored by California State Senator Darrell Steinberg. Entitled the "Dropout Reduction and Workforce Development Bond Act of 2013," SB 594 was intended to provide career-oriented curriculum and training for California students by enhancing the connections between schools and industry.

On August 7, 2013, SB 594 was stripped of its original content and author and reintroduced as a campaign restriction bill authored by Senator Hill. In its new form, SB 594 seeks to prohibit a nonprofit organization from using any public resources for campaign activities including public resources received in exchange for consideration (*i.e.* services). In addition, SB 594 would require any nonprofit organization receiving at least 20 percent of its total revenue from public resources to maintain a separate bank account for campaign activities and disclose the sources of those funds and how the funds are to be spent.

Existing law prohibits an elected or appointed official, public employee, or consultant from using "public resources" for political campaign activity. In addition, the Political Reform Act requires qualifying individuals and organizations to disclose specified information about campaign funding sources and expenditures in statements filed with the Fair Political Practices Commission.

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

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According to Senator Hill, nonprofit groups like the League of California Cities (LCC) and the California State Association of Counties (CSAC) receive funding from local governments and agencies that is inappropriately comingled with nonpublic sources and used for political activity. In the author's opinion, allowing nonprofit organizations to spend public resources on campaign activity not only violates the spirit of the law but also allows nonprofits to not report the sources of their campaign expenditures.

LCC, CSAC, the Urban Counties Caucus, California District Attorneys Association, California Police Chiefs Association, California Special Districts Association, the Rural County Representatives of California, and several other nonprofit organizations strongly oppose SB 594 in part because of the substance of the bill.

#### *Key Elements of SB 594*

- Makes it unlawful for a nonprofit organization to use or permit others to use public resources including, but not limited to, public resources received in exchange for consideration from any local agency for any campaign activity not authorized by law. It would prohibit an officer, employee, or agent of a nonprofit organization from expending or authorizing the expenditure of any public resources from any local agency to support or oppose the approval or rejection of a ballot measure or the election or defeat of a candidate.
- Defines "campaign activity" to mean any payment used to expressly advocate for the approval or disapproval of a ballot measure or the election or defeat of a clearly identified candidate.
- Defines "public resources" to include not just monetary funding but any property or asset owned by a local agency including, but not limited to, "cash, land, buildings, facilities, funds, equipment, supplies, telephones, computers, vehicles, travel, and local government compensated time that is provided to a nonprofit organization."
- Defines "public resources" to include any resources for which the nonprofit organization has given consideration. In other words, any service performed by a nonprofit for a local agency, and for which it receives payment, would be considered "public resources" under SB 594.
- Would require a nonprofit organization that engages in campaign activity to biennially disclose to the California Attorney General, and post on its website, the identity and amount of each specific source of funds it receives for campaign activity, a description of the campaign activity, and the identity and amount of payments that the organization makes from the required separate account.
- Would require the California Attorney General to biennially audit the qualifying nonprofit organizations, issue a written audit report, and transmit the report to the district attorney for the county in which the nonprofit organization is domiciled.
- Would silence several trusted organizations out of state and local ballot measures. Organizations impacted would include the California State Sheriffs' Association, California Fire Chiefs Association, California Police Chiefs Association, California School Boards Association, Community College League of California, California State Association of Counties, League of California Cities, Association of California School Administrators, local chambers of commerce, etc.

**FISCAL IMPACT:** Adoption of proposed Resolution No. 13-3005 would produce no fiscal impact to the General Fund; however, if SB 594 were to be adopted, it would severely weaken the ability of local government to voice opinions regarding major policy decisions that affect local government. Many local governments work closely with nonprofit organizations, such as the League of California Cities and the California State Association of Counties, to advocate on issues that affect local government. These nonprofit organizations advocate for policy decisions that benefit local government and advocate against policy decisions that negatively affect local government. Under SB 594, nonprofit organizations would no longer be able to advocate on behalf of government entities given the proposed restrictions on using public resources. Nonprofits that receive the bulk of funding from public resources would be severely restrained in advocating for policies that affect them, their members, and the community at large.

The ability of the City of Montclair to advocate for policy decisions would be virtually eliminated given that (1) the City is a member of several nonprofit organizations that advocate on behalf of the City regarding policy decisions; and (2) local governments are prohibited from using public funds to actively and independently engage in policy reform and political campaigns. Creating a special set of criteria that prohibits nonprofit organizations from taking positions on ballot measures would only further diminish discussion on policy decisions that affect all Californians.

It should be noted that over the years, the California ballot process has become a major policy forum where decisions are made that have widespread impacts on all Californians. Many organizations and entities have become active on ballot measures to ensure the public has a full understanding of the effect of these measures, and many of them have potential financial or policy impact on local governments.

**RECOMMENDATION:** Staff recommends the City Council adopt Resolution No. 13-3005 opposing California State Senate Bill 594 (Hill) – Use of Public Resources: Campaign Activities.

**RESOLUTION NO. 13-3005**

**A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF MONTCLAIR OPPOSING CALIFORNIA  
STATE SENATE BILL 594 (HILL) USE OF PUBLIC  
RESOURCES: CAMPAIGN ACTIVITIES**

**WHEREAS**, California State Senate Bill 594 (SB 594) would make it unlawful for a nonprofit organization to use or permit others to use public resources including, but not limited to, public resources received in exchange for services from any local agency for any campaign activity not authorized by law; and

**WHEREAS**, SB 594 would define public resources to include any property or asset owned by a local agency including, but not limited to cash, land, buildings, facilities, funds, equipment, supplies, telephones, computers, vehicles, travel, and local government compensated time that is provided to a nonprofit organization; and

**WHEREAS**, SB 594 would define campaign activity to mean any payment that is used to expressly advocate for the approval or disapproval of a ballot measure or the election or defeat of a clearly identified candidate; and

**WHEREAS**, SB 594 would require the California Attorney General to regularly audit the qualifying nonprofit organizations, issue a written audit report, and transmit the report to the district attorney for the county in which the nonprofit organization is domiciled; and

**WHEREAS**, SB 594 would severely weaken the ability of local government to voice opinions regarding major policy decisions that affect local government; and

**WHEREAS**, SB 594 would silence several trusted organizations out of state and local ballot measures. Organizations impacted would include the California State Sheriffs' Association, California Fire Chiefs Association, California Police Chiefs Association, California School Boards Association, Community College League of California, California State Association of Counties, League of California Cities, Association of California School Administrators, and local chambers of commerce.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Montclair does hereby oppose California State Senate Bill 594 (Hill) – Use of Public Resources: Campaign Activities.

**APPROVED AND ADOPTED** this XX day of XX, 2013.

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Mayor

**ATTEST:**

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Deputy City Clerk

I, Yvonne L. Smith, Deputy City Clerk of the City of Montclair, DO HEREBY CERTIFY that Resolution No. 13-3005 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, 2013, and that it was adopted by the following vote, to-wit:

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

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Yvonne L. Smith  
Deputy City Clerk

## AGENDA REPORT

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**SUBJECT:** CONSIDER ADOPTION OF RESOLUTION NO. 13-3006 CONFIRMING THE MAYOR'S APPOINTMENTS TO THE ONTARIO INTERNATIONAL AIRPORT-INTER AGENCY COLLABORATIVE

**DATE:** September 3, 2013

**SECTION:** RESOLUTIONS

**ITEM NO.:** 3

**FILE I.D.:** LDU330

**DEPT.:** CITY MGR.

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**REASON FOR CONSIDERATION:** The California Department of Transportation (Caltrans) Division of Aeronautics recently approved the Ontario International Airport-Inter Agency Collaborative (ONT-IAC) Airport Land Use Compatibility Plan (ALUCP). Pursuant to Resolution No. 12-2953 and Agreement No. 12-43, the City of Montclair is required to appoint representative members to ONT-IAC upon approval of the ONT-IAC ALUCP by Caltrans.

A copy of proposed Resolution No. 13-3006 confirming the Mayor's appointments to ONT-IAC is attached for the City Council's review and consideration.

**BACKGROUND:** The Ontario International Airport-Inter Agency Collaborative (ONT-IAC) was formed to ensure that new development is compatible with the LA/Ontario International Airport (LA/ONT) Influence Area. The ONT-IAC implements the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) to prevent future incompatible land uses surrounding LA/ONT and minimizing the public's exposure to excessive noise and safety hazards. The ALUCP does not address existing incompatible land uses and does not place any restrictions on the airport or its flight operations.

ONT-IAC is represented by all agencies affected by existing and future airport impacts and administered by the City of Ontario. Member agencies include the County of San Bernardino and the cities of Chino, Fontana, Montclair, Ontario, Rancho Cucamonga, and Upland. This interagency partnership works to protect the health, safety, and welfare of the public; fulfill state requirements to protect the airport from encroachment of incompatible land uses; and protect the areas around the airport from environmental impacts.

The California State Aeronautics Act (Public Utilities Code Section 21670 *et. seq.*) requires that an ALUCP be prepared for all public use airports with a minimum 20-year horizon taking into consideration regional growth projections and future airport expansion plans. The ALUCP is intended to address future land uses and development and does not place any restrictions on the present and future role, configuration, or use of LA/ONT. State law requires local land use plans and individual development proposals to be consistent with the ALUCP. In most counties, an Airport Land Use Commission (ALUC) is established and

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Prepared by: \_\_\_\_\_

*M. F. A.*

Reviewed and Approved by: \_\_\_\_\_

Proofed by: \_\_\_\_\_

*Andrew Phillips*

Presented by: \_\_\_\_\_

*[Signature]*  
*[Signature]*

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responsible for preparing an ALUCP for all airports within the county including those located within the political boundaries of cities. The ALUC also establishes an Airport Influence Area (AIA) for each airport and evaluates projects for consistency with an ALUCP. State law allows local jurisdictions within San Bernardino County to be responsible for airport land use compatibility planning under the Alternative Process in place of a county-administered ALUC. Under the provisions of the Alternative Process, the City of Ontario is the designated agency having responsibility for airport compatibility planning for LA/ONT.

On June 4, 2012, the City Council adopted the LA/ONT ALUCP and associated Cooperative Agreement No. 12-43. On February 7, 2013, the City of Ontario received correspondence from Caltrans requesting the LA/ONT ALUCP move forward with the implementation phase.

#### *Cooperative Agreement Implementation*

Recently, approval was given by Caltrans to the ONT-IAC to begin the process of implementing the ONT-IAC's ALUCP Cooperative Agreement. The LA/ONT ALUCP contains the ONT-IAC operational framework and identifies three framework components:

1. A Technical Group (ONT-IAC Technical Advisory Staff) comprised of senior staff members from the participating agencies to review projects for consistency with the ALUCP.
2. An Appeals Body (ONT-IAC Mediation Board) to resolve consistency evaluation disputes.
3. An Administrative function (ONT-IAC Administration) managed by the City of Ontario.

As required by state law and pursuant to Section 5.2 of the Inter Agency Collaborative Agreement, all participating agencies are required to appoint representative members to ONT-IAC for consideration by the Ontario City Council as follows:

1. One Technical Advisory Staff Member to the ONT-IAC Technical Advisory Staff Group
2. Two Mediation Board Members to the ONT-IAC Mediation Board
3. Two public individuals to be considered as "At Large" Mediation Board Members to the ONT-IAC Mediation Board

#### *ONT-IAC Technical Advisory Staff*

The Technical Advisory Staff consists of senior staff members from the participating agencies appointed by each participating agency's elected officials. Technical Advisory Staff review projects for consistency with the ALUCP. Each appointee to the ONT-IAC serves as a liaison between the ONT-IAC and their representative agency.

#### *ONT-IAC Mediation Board*

The ONT-IAC Mediation Board is an official voting body established to formally hear disputes that are not resolved at the Technical Advisory Staff level. The ONT-IAC Mediation Board reviews only those matters appealed by affected agencies. Most projects within the AIA will be compliant with provisions of the ALUCP, and no further action would normally be required. In the event an agency wishes to appeal a decision of the Technical

Advisory Staff regarding consistency of a submitted project with the ALUCP, the ALUCP includes a provision for a Mediation Board. The Mediation Board is comprised of seven members appointed as follows:

1. City of Ontario: Two members from the City of Ontario appointed by the Ontario City Council.
2. Los Angeles World Airports (LAWA): One member from LAWA—the LA/ONT Manager or Director.
3. Public: Two public representatives to be appointed by the Ontario City Council, with recommendations from the other Participating Agencies to serve in "at large" positions representing the public. At least one member shall have aviation experience.
4. Participating Agency: Two members representing the agency within whose jurisdiction the disputed project is located, appointed by the participating agency's governing body. Members shall have land use planning or public hearing experience (*i.e.*, City Council Member or Planning Commissioner).

#### *Overruling the Mediation Board*

One of the benefits of the ALUCP process is the emphasis of local government involvement of the affected agencies within the AIA and local resolution. However, in the unlikely event that resolution is not attainable via the Mediation Board, the ALUCP process provides the governing body of the submitting agency the opportunity to overrule the Mediation Board's decision. Following is overruling process for the submitting agency to overrule the Mediation Board :

1. Make formal findings to support a conclusion that the proposed action would not:
  - (a) Impair the orderly expansion of LA/ONT
  - (b) Adversely impact the utility or capacity of the airport (such as by reducing the instrument approach procedure minimums)
  - (c) Expose the public to excessive noise and safety hazards
2. Notification and Voting Requirements to overrule the Mediation Board are as follows:
  - (a) The submitting agency must provide the City of Ontario and Caltrans a copy of the proposed decision and findings to overrule the Mediation Board 45 days prior to the hearing date as required by State law (Public Utilities Code Section 21676).
  - (b) The governing body of the submitting agency must hold a public hearing on the matter. The public hearing shall be noticed consistent with the submitting agency's established procedures.
  - (c) A decision by the governing body to overrule the Mediation Board must be made by a vote of at least two-thirds of the body's members.

- (d) The submitting agency must include any comments received from any affected agency, Mediation Board, Caltrans, and the Federal Aviation Administration (FAA) in the public record of any final decision to overrule the Mediation Board.

The two City of Montclair appointees serving as Mediation Board members representing the City would be indispensable in a standby action should a dispute arise in the future and it becomes necessary for the City to participate in the Mediation Board process. Additionally, the selection of up to two members from each agency for consideration by the Ontario City Council to serve as "At Large" Members is necessary to ensure the Mediation Board functions properly and has peer representation.

#### *ONT-IAC Administration*

The City of Ontario is the lead agency responsible for preparing the LA/ONT ALUCP and any amendments that may subsequently be proposed. The City of Ontario is also responsible for coordinating these efforts with affected agencies. Affected agencies are responsible for maintaining consistency between the LA/ONT ALUCP and the affected agency's General Plan, Specific Plans, Zoning Code, and other relevant land use planning documents.

The City of Ontario shall perform general administrative duties for the Mediation Board including, but not limited to, the following:

1. Arranging meeting places and schedules, preparing agendas, and recording meeting minutes.
2. Issuing required public notices for meetings of the ONT-IAC Mediation Board
3. Providing an annual report to the ONT-IAC Mediation Board and Caltrans on the compatibility planning actions reviewed over the course of the year.

**FISCAL IMPACT:** Confirming the Mayor's appointments to the ONT-IAC would have no direct fiscal impact on the City.

**RECOMMENDATION:** Staff recommends the City Council adopt Resolution 13-3006 confirming the Mayor's appointments to the Ontario International Airport-Inter Agency Collaborative.

**RESOLUTION NO. 13-3006**

**A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF MONTCLAIR CONFIRMING THE  
MAYOR'S APPOINTMENTS TO THE ONTARIO  
INTERNATIONAL AIRPORT-INTER AGENCY  
COLLABORATIVE**

**WHEREAS**, California State Law requires that an Airport Land Use Compatibility Plan (ALUCP) be prepared for all public use airports to protect the health, safety, and welfare of the public by ensuring orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards; and

**WHEREAS**, the City of Ontario's Resolution No. 95-34 established the City of Ontario as the responsible agency for land use compatibility planning for the LA/Ontario International Airport (LA/ONT); and

**WHEREAS**, the primary purpose of the ALUCP is to promote land use compatibility between LA/ONT and the land uses within the Airport Influence Area (AIA) from associated impacts from aircraft operations, such as safety, noise, airspace protection, and overflight notification; and

**WHEREAS**, the City of Montclair is within the AIA that will be affected by aircraft operations as described in the Simplified Airport Diagram within the ALUCP for LA/ONT; and

**WHEREAS**, on February 22, 2011, the City of Ontario Planning Commission conducted a public hearing to consider a Negative Declaration and the ALUCP and continued said hearing to March 22, 2011; and

**WHEREAS**, on March 22, 2011, the City of Ontario Planning Commission conducted a public hearing to consider the Negative Declaration and the ALUCP, concluded said hearing on that date, and adopted Resolution PC. 11-018 recommending approval of the LA/ONT ALUCP to the Ontario City Council; and

**WHEREAS**, on April 5, 2011, the Ontario City Council conducted a public hearing to consider the Negative Declaration and the ALUCP and introduced Ordinance No. 2935; and

**WHEREAS**, on April 19, 2011, the Ontario City Council adopted the Negative Declaration and approved the 2011 LA/ONT ALUCP by adopting Ordinance No. 2935; and

**WHEREAS**, on June 4, 2012, the City Council of the City of Montclair conducted a duly noticed public hearing on the LA/ONT ALUCP and concluded said hearing on that date; and

**WHEREAS**, following the public hearing, the Montclair City Council adopted Resolution No. 12-2953 approving participation in the LA/Ontario International Airport-Inter Agency Collaborative (ONT-IAC) for the implementation of the the LA/ONT ALUCP; and

**WHEREAS**, on February 7, 2013, the City of Ontario received correspondence from the State Division of Aeronautics requesting the LA/ONT ALUCP to move forward with the implementation phase; the next step for all participating agencies is implementation of the plan and the appointment of mediation board members; and

**WHEREAS**, all legal prerequisites prior to the adoption of this Resolution have occurred; and

**WHEREAS**, the appointment of mediation members to represent the City of Montclair fulfills the requirements of the ALUCP and the Cooperate Agreement between the City of Montclair and the ONT-IAC ; and

**WHEREAS**, after careful consideration, the Mayor of the City of Montclair has submitted the appointment of City Planner Michael Diaz as member of the Technical Advisory Staff to be the City representative and liasion between the City and ONT-IAC; and

**WHEREAS**, after careful consideration, the Mayor of the City of Montclair has submitted the appointments of Planning Commission Chairperson Tenice Johnson and Mayor Pro Tem Bill Ruh to represent the City of Montclair on the LA/ONT ALUCP Mediation Board; and

**WHEREAS**, after careful consideration, the Mayor of the City of Montclair has submitted the appointments of Director of Community Development Steve Lustro and Finance Director Don Parker to represent the City of Montclair as "At Large" Members on the LA/ONT ALUCP Mediation Board.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Montclair does hereby confirm the Mayor's appointments to the ONT-IAC.

**APPROVED AND ADOPTED** this XX day of XX, 2013.

\_\_\_\_\_

Mayor

**ATTEST:**

\_\_\_\_\_

Deputy City Clerk

I, Yvonne L. Smith, Deputy City Clerk of the City of Montclair, DO HEREBY CERTIFY that Resolution No. 13-3006 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, 2013, 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

**MINUTES OF THE REGULAR MEETING OF THE  
PUBLIC WORKS COMMITTEE HELD ON THURSDAY,  
AUGUST 15, 2013, AT 2:00 P.M. IN THE CITY HALL  
CONFERENCE ROOM, 5111 BENITO STREET,  
MONTCLAIR, CALIFORNIA**

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**I. CALL TO ORDER**

Committee Member Eaton called the meeting to order at 2:10 p.m. Chair Paulitz was not in attendance and, therefore, the Committee lacked a quorum. However, a resident of the community was in attendance to discuss the in-pavement flashers grant application. Rather than postpone the meeting, a discussion of items on the agenda continued, but no actions were taken.

**II. ROLL CALL**

Present: Committee Member Eaton; Public Works Director/City Engineer Hudson; Deputy City Manager/Director of Economic Development Staats; Director of Community Development Lustro; Public Works Superintendent Mendez; Office of Public Safety/Police Chief deMoet

Absent: Chair Paulitz; Facilities and Grounds Superintendent McGehee

Also Present: Resident Brad LeCount

**III. APPROVAL OF MINUTES**

**A. Minutes of the Public Works Committee Meeting of July 18, 2013**

Lacking a quorum, approval of the minutes from the July 18, 2013, meeting was deferred to the next Public Works Committee meeting.

**IV. PUBLIC COMMENT**

Brad LeCount, a resident of Montclair was in attendance to discuss the grant denial for in-pavement flashers on Orchard Street. He attended the October 18, 2012, Public Works Committee meeting regarding in-pavement flashers by Montclair High School at Orchard Street and Tudor Street. He recently found out the grant was denied. Mr. LeCount discussed that Measure P was recently passed and that he was told at his Over Watch Committee meeting that funds and resources from Measure P could be used in conjunction with City funds to get something going. He is not sure how much is allocated for Measure P or how the cost split would work.

In-pavement flashers are not something staff has given up on. Other funding sources are being looked at such as grants, additional revenues next fiscal year, and possibly Gas Tax funds. The in-pavement flashers at

Montera Elementary School cost approximately \$23,000, but did not include installation, restriping, and other work necessary to make a complete project. With these costs included, the total project cost was \$65,000. Public Works Director/City Engineer Hudson he would consider adding the project to the Capital Improvement Program for next year with funding requested from Gas Tax funds. It will need to go to City Council for approval.

There are still a lot of problems with kids crossing at the bus stop and mid block on Orchard Street. The only effective prevention is for the Police Department to cite them for jay walking. They are crossing within 600 feet of a controlled intersection so they are subject to jay walking. There are also un-controlled intersections at Camulos Avenue and Tudor Avenue where there are marked crosswalks. According to the accident history, in the last five years there have been three accidents involving pedestrians at Tudor Avenue, two accidents at Felipe Street, and none at Camulos Avenue. Public Works Superintendent Mendez explained that in the past the High School only allowed exiting at Camulos Avenue and the easterly part of the High School near Tudor Avenue where the crosswalks are. Now that there is a walkway through the center it changes the dynamics of where kids are going to cross. Since the bus stop is near the center gate it has to be left open. None of the kids use the gate at Camulos Avenue because there is no access to it anymore.

Public Works Superintendent Mendez brought up a complaint from his Street Sweeper that on the south side of Benito Street in front of Montclair High School there are posted areas for 1- and 2-hour parking on the south side of the street and cars are staying there all day. Mr. LeCount said the new parking lot just opened up a week ago so there should be plenty of parking.

## V. TRAFFIC SAFETY/CIRCULATION ISSUES

### A. Request for Crossing Guards at four locations

There was a request from Ontario-Montclair School District (OMSD) for crossing guards at four locations on Mission Boulevard for Howard Elementary School. The locations are Benson Avenue, Central Avenue, Monte Vista Avenue, and Ramona Avenue. Benson Avenue is outside of the City; Central Avenue is one quarter in the City and all of the pedestrians would be coming from the County area; Monte Vista Avenue and Ramona Avenue are both in the City. Public Works Director/City Engineer Hudson had a meeting with OMSD Deputy Superintendent Kim Stallings and he made a formal request which requires a formal response by the City. Crossing guard warrant analyses have been authorized at Monte Vista Avenue/Mission Boulevard and Ramona Avenue/Mission Boulevard intersections. More than likely these two locations will not meet the pedestrian or vehicular warrants. The study should be completed in two weeks. Public Works Director/City Engineer Hudson has asked the City's Traffic Engineer to look at all the signage around Howard

Elementary to ensure all the required signage is installed and if they recommend putting in any additional signage for safety purposes.

The Howard Elementary attendance boundary line extends to State Street on the north, to the west it goes to the Pomona City Line, and to the east it goes to San Antonio Avenue in Ontario. In the meeting with Deputy Superintendent Kim Stallings the attendance boundaries were discussed and they seemed a little odd because kids that are assigned to Howard Elementary have to walk past Mission Elementary or Ramona Elementary to get to Howard Elementary. They cannot attend the schools they live near because the schools attendance is peaked and are at capacity. The area between Mission Boulevard and State Street is mostly industrial but there are a couple of mobile home parks, old houses, and motels that people may be living in but the area will more than likely still not meet the 40 pedestrian warrant.

## **VI. POLICE DEPARTMENT UPDATES/ITEMS**

### **A. Speed Feedback Signs**

Public Works Director/City Engineer Hudson has researched speed feedback signs and has been contacted by three vendors. A meeting will be set-up with Public Works Director/City Engineer Hudson, Office of Public Safety/Police Chief deMoet, and one of the vendors to view and go over speed feedback signs. One of the vendors has a shop in Chino and the cost of the speed feedback signs range from \$3,000 to \$7,000. The speed feedback signs are semi-permanent. A permanent sign post is set in concrete, but the sign itself can be moved from place to place as long as a sign post is available to set it on. They have the ability to be programmed to get continual reports as to speeds and traffic volumes. Public Works Director/City Engineer Hudson has received feedback from three vendors and all of them offer solar powered speed feedback signs.

## **VII. COMMUNITY DEVELOPMENT DEPARTMENT PROJECT UPDATES/ITEMS**

At the Planning Commission meeting Monday night the precise planning and design was approved for Metro Honda to construct a 23,000 square foot expansion. The expansion will primarily be for their sales department but also expand their service department as well. They are currently in plan check so the project will probably get started in the fall.

Planning staff has been speaking with a developer who wants to develop the vacant lot directly across the street from Costco. Staff is going to meet with the developer the last week of August to discuss options for the property. The developer has submitted a site plan and City staff has commented on it and sent the developer an alternate site plan that may work better. In the conceptual plan they plan to construct a minimum of three buildings, two of which would accommodate multiple commercial tenants. They are also looking at doing a drive-thru food business. They are trying to maximize the square footage. The property is very

challenging because the deepest part of the lot is only 120 feet. There has been discussion on whether the developer would keep Tommy's Burgers. There is also a possibility that they might add a second drive-thru fast food restaurant or a Starbucks.

The Central Avenue Construction yard site (across from Costco) has been cleared of all construction equipment, stock piles, and other materials that were objectionable.

## **VIII. PUBLIC WORKS DEPT.-MAINTENANCE ACTIVITIES UPDATES/ITEMS**

### **A. Maintenance Reports**

Everything is going good.

### **B. Discuss City Wide Carwash Contract with House of Carwash**

Vaskin, the owner of House of Carwash, wanted to discuss the price the City pays for vehicles to be washed and is requesting a price increase. Currently the City pays \$699 per month for unlimited washes of all City vehicles. There is an average of 119 vehicles per month being washed which works out to be about \$5.88 per vehicle. Some of the time the driver of the vehicle gives the person who cleans the vehicle a tip, but 80 percent of the vehicles that go to the carwash are from the Police Department. Cadets take the vehicles and they are not able to tip out of their own pockets every time they go. So 80 percent of the time there is no tip given. It takes anywhere from 20-40 minutes for a vehicle to be washed. There is currently no written agreement between the City and House of Carwash. There has never been a price increase and he has never asked for one until now. The City Council likes to keep business in the City and currently this is the only full service carwash in the City. Public Works Superintendent Mendez has been approached by carwashes in the City of Chino and the City of Upland who are willing to match the current price. People have complained about how long it takes for their vehicles to be washed. Vaskin is requesting a flat fee per vehicle of \$9.00 which would include the tip for the person who cleaned the vehicle. Public Works Superintendent Mendez let Vaskin know that nothing would be able to be done until mid-year budget at the earliest.

Community Development Director Lustro suggested meeting with Metro Honda about using their automated carwash. The amount of time it would take for the vehicles to be cleaned would be cut down significantly. The only thing that staff would have to do is vacuum the vehicles. The carwash system is all automated and takes about five minutes to go through the whole thing. The basic carwash is \$6.00.

**IX. PUBLIC WORKS DEPT. ENGINEERING DIVISION UPDATES/ITEMS**

None

**X. CAPITAL PROJECT UPDATES**

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

**A. MONTE VISTA AVENUE/UPRR GRADE SEPARATION PROJECT**

The NEPA environmental process is complete. Public Works Director/City Engineer Hudson received a proposal from a consultant for completing the design and the cost is a little over \$600,000. He will be negotiating the proposal and scope of services necessary with AECOM, the successor company to LAN Engineering with whom the City originally contracted for the design. Once the contract is negotiated, the design can be completed. The County is no longer involved in the project since the annexation was done years ago.

**B. MONTE VISTA AVENUE WIDENING PROJECT - MISSION BOULEVARD TO HOWARD STREET**

This project will widen Monte Vista Avenue on the east side between Mission Boulevard and Howard Street. Landmark Fence is going to start work next week with clearing Ms. Whitaker's shed from the City's right-of-way. Project Manager Steve Stanton has met with Ms. Whitaker a few times and she seems calm about the work being done but she is concerned about the knick-knacks she has in her shed. Landmark Fence is going to inventory everything in the shed, take them off-site for storage while the construction is going on, and then restock them once the shed modifications are complete. The contract is approximately \$9,000 for this portion of work. The funding will come from the development impact fees that are being used as matching funds for the state grant.

**C. RAMONA AVENUE PAVEMENT REHABILITATION-MISSION BOULEVARD TO PHILLIPS BOULEVARD**

This project resurfaced a portion of Ramona Avenue south of Mission Boulevard to Phillips Boulevard. The project is complete and a Notice of Completion will be presented at the first City Council meeting in September.

**D. COMMUNITY CENTER RESTROOMS**

In the Community Center the current restrooms are not ADA compliant and are inadequate for the size of the building. New restrooms are being built. The old restrooms will eventually be converted to storage closets. The new restrooms are complete but there is still work to be done on the doors in the gymnasium and the meeting rooms. The set of double doors at the southeast corner of

the gymnasium are supposed to be replaced next week. A Notice of Completion should be presented at the first City Council meeting in September.

#### **E. RECREATION BUILDING REMODEL**

This project will update some of the facilities in the Recreation Building. A contract with Frick, Frick, and Jetté will be submitted for City Council approval at the Monday night meeting for the design work. The project is funded by Community Development Block Grant (CDBG) funds. The design and plan checking process will probably take three to four months. This project will probably be ready to advertise January 2014.

#### **F. CENTRAL AVENUE/UPRR GRADE SEPARATION RECONSTRUCTION**

Staff was successful in getting a \$15 million federal grant for the replacement of the bridge at Central Avenue. \$150,000 is available this fiscal year to further refine the scope of services necessary for the bridge work. The State feels the bridge is not in bad enough shape to warrant a complete removal and reconstruction of the bridge. Staff is going to meet with the State bridge inspector that does inspections for this area on a biennial basis. His last rating was in the 70s (out of a possible 100), which is not too bad. The City's consultant inspector rated it in the 50s. According to the State a bridge with a score lower than 70 should be replaced. The consultant inspector did a more thorough inspection with the intent of finding everything wrong with the bridge in order to justify doing a complete replacement. The state inspector and the consultant inspector are going to get together to hash it out. Public Works Director/City Engineer Hudson sent a letter to the County to see who they want as part of the project design team since the southerly approach and a portion of the bridge suspends a portion of the County. The County does need to be involved with the project. One of the comments the state had was they were aware it was partially in the County but there was no County involvement. Construction permits will probably be needed from the County to do work in their right-of-way.

The bridge is not pedestrian friendly. The sidewalk grade is in excess of 7.5 percent which is beyond federal requirements for approaches. It is limited to 6 percent. Ramona Avenue grade separation and Monte Vista Avenue grade separation are both designed at 6 percent.

Public Works Director/City Engineer Hudson has had discussions with Monte Vista Water District about how the bridge would potentially impact their property. The bridge was originally shifted considerably to the east in order to keep Central Avenue open during construction in the 1960s. Once it was constructed the old improvements were removed but the right-of-way was not vacated.

The City still owns the right-of-way. Public Works Director/City Engineer Hudson's intent is to remove half of the bridge and construct about 75 percent of the new bridge on the west side of the right-of-way. Once that is open to traffic then the rest of the bridge can be demolished and the last 25 percent of the bridge can be added on. The bridge will be six lanes with a raised center median and sidewalks on both sides.

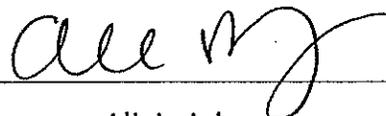
There are a total of twelve bridges in the City and most of them are located along the San Antonio Channel. All of them qualify as bridges but they are more like box culverts. However, they meet the state definition of a bridge. Most of the bridges get inspected every four years and most of the items that show up on the inspection reports Public Works Superintendent Mendez is able to take care of. The only thing that has not been able to be done is on the Central Avenue overpass bridge to apply methacrylate. For the past ten years the state has recommended to apply a layer of methacrylate in order to seal the cracks. It is pointless to apply methacrylate because the spalling that has occurred has occurred because the cover over the concrete is minimal. There is less than an inch of cover over the concrete so water is able to penetrate the concrete and rust the rebar, the rust then expands and the concrete spalls. This is one of the problems that cannot be cured by methacrylate or a thin layer of concrete called white topping.

## XII. ADJOURNMENT

Committee Member Eaton noted that the next scheduled meeting of the Public Works Committee would be for September 19, 2013. Deputy City Manager/Director of Economic Development Staats and Director of Community Development Lustro will not be at the next scheduled meeting because of the International Conference of Shopping Centers (ICSC). Public Works Director/City Engineer Hudson stated that if there were no new items for the agenda then the meeting could be cancelled.

At 2:50 p.m., Committee Member Eaton adjourned the meeting.

Submitted for Public Works Committee approval,



Alicia Johnson  
Transcribing Secretary

**MINUTES OF THE MEETING OF THE MONTCLAIR  
CODE ENFORCEMENT COMMITTEE HELD ON  
MONDAY, AUGUST 19, 2013, AT 6:00 P.M. IN  
THE CITY HALL CONFERENCE ROOM, 5111  
BENITO STREET, MONTCLAIR, CALIFORNIA**

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**I. CALL TO ORDER**

Mayor Eaton called the meeting to order at 6:00 p.m.

**II. ROLL CALL**

Present: Mayor Eaton, City Manager Starr; Director of Community Development Lustro, Director, Office of Public Safety/Police Chief deMoet, Deputy City Manager/Director, Office of Economic Development Staats, City Attorney Robbins

Excused: Council Member Paulitz and Council Member Dutrey

**III. APPROVAL OF MINUTES**

**A. Minutes of Code Enforcement Committee Meeting of July 15, 2013**

Consideration of the minutes of the Code Enforcement Committee meeting of July 15, 2013 was deferred because of lack of a quorum.

**IV. PUBLIC COMMENT**

None.

**V. OLD BUSINESS**

1. Déjà Vu Showgirls, 5282 Mission Boulevard. Community Development Director Lustro stated there is no news to report.
2. Shopping Cart Containment Ordinance. Community Development Director Lustro reported that work has not yet begun on this ordinance but he would have a draft for the Committee's review in the near future.

## VI. NEW BUSINESS

1. Transcenter Vending Ordinance. Community Development Director Lustro said that he will be preparing an ordinance to prohibit individuals from selling food and other items at the Transcenter. The ordinance would be modeled after the existing code section that prohibits vending in parks.
2. Construction Staging Yards.
  - a. 9339 Central Avenue. The contractor has vacated the property.
  - b. 5050 Arrow Highway. At the request of the Committee, staff contacted International Line Builders (the contractor occupying the property) to request they install green screen on the chain link fencing and that it needs to be maintained if it is vandalized. The contractor has agreed to the installation.

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

Included in the agenda packet was the updated list of problem properties for the Committee's reference. Community Development Director Lustro commented that progress is being made on some of the properties and is ongoing.

## VIII. NEXT MEETING

The next Code Enforcement Committee meeting is scheduled for Monday, September 16, 2013, at 6:00 p.m. in the City Hall Conference Room.

## IX. ADJOURNMENT

At 6:12 p.m., Mayor Eaton adjourned the Code Enforcement Committee.

Submitted for Code Enforcement  
Committee approval,



Laura Berke  
Administrative Secretary

**MINUTES OF THE MEETING OF THE MONTCLAIR  
PERSONNEL COMMITTEE HELD ON MONDAY,  
AUGUST 19, 2013, AT 8:22 P.M. IN THE CITY  
ADMINISTRATIVE OFFICES, 5111 BENITO STREET,  
MONTCLAIR, CALIFORNIA**

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**I. CALL TO ORDER**

Mayor Eaton called the meeting to order at 8:22 p.m.

**II. ROLL CALL**

Present: Mayor Eaton; Council Member Raft; and City Manager Starr

**III. APPROVAL OF MINUTES**

**A. Minutes of the Regular Personnel Committee Meeting of August 5, 2013.**

Moved by City Manager Starr, seconded by Council Member Raft, and carried unanimously to approve the minutes of the Personnel Committee meeting of August 5, 2013.

**IV. PUBLIC COMMENT - None**

**V. CLOSED SESSION**

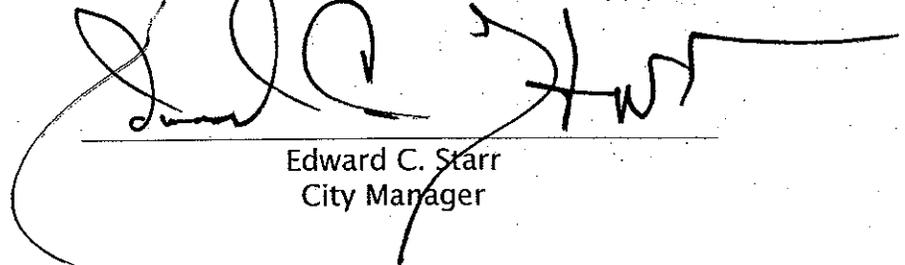
At 8:23 p.m., the Personnel Committee went into Closed Session regarding personnel matters related to appointments, resignations/terminations, and evaluations of employee performance.

At 8:36 p.m., the Personnel Committee returned from Closed Session. Mayor Eaton stated that no announcements would be made at this time.

**VI. ADJOURNMENT**

At 8:36 p.m., Mayor Eaton adjourned the Personnel Committee.

Submitted for Personnel Committee approval,



Edward C. Starr  
City Manager