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

February 18, 2014

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 and can be accessed the day following the meeting after 10:00 a.m.

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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.

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VII. PUBLIC HEARINGS

A. Consider Projects and Prioritization of Funding for Fiscal Year 2014-15 Community Development Block Grant Program [CC] 5

B. Second Reading - Consider Adoption of Ordinance No. 14-941 Adding Chapter 5.02 and Replacing Chapter 5.04 of Title 5 of the Montclair Municipal Code Related to Domestic Animals [CC] 9

VIII. CONSENT CALENDAR

A. Approval of Minutes

1. Minutes of the Regular Joint Council/Successor Agency Board/ MHC Board/MHA Commission Meeting January 21, 2014 [CC/SA/MHC/MHA]

B. Administrative Reports

1. Consider Receiving and Filing of Treasurer's Report [CC] 13

2. Consider Approval of Warrant Register and Payroll Documentation [CC] 14

3. Consider Receiving and Filing of Treasurer's Report [SA] 15

4. Consider Approval of Warrant Register [SA] 16

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6. Consider Approval of Warrant Register [MHC] 18

7. Consider Receiving and Filing of Treasurer's Report [MHA] 19

8. Consider Approval of Warrant Register [MHA] 20

9. Consider Setting a Public Hearing Regarding the Following:

Consider Adoption of Resolution No. 13-2996 Amending the Land Use Element of the General Plan [CC]

Consider Ordinance No. 13-935 Amending Chapters 11.22, 11.78, and 11.90 of the Montclair Municipal Code Related to Development Standards and Requirements in the R-3 (Residential Medium-High Density) Zoning District [CC] 21

10. Consider Declaring Certain City Property and Unclaimed Property in Police Custody as Surplus and Available for Auction [CC] 52

C. Agreements

1. Consider Approval of Agreement No. 14-17, a Memorandum of Understanding Between the City of Montclair and the Metro Gold Line Foothill Extension Construction Authority for the Cost of Advanced Conceptual Engineering and Environmental Clearance Work for that Portion of Phase 2B of the Metro Gold Line Extension Within the City of Montclair [CC] 55

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2. Consider Approval of Agreement No. 14-18 With The Planning Center to Provide Policy Briefs Related to Geographic Information System Mapping Done in Fiscal Year 2012-13 [CC] 66

D. Resolutions

1. Consider City Council, Acting as Successor to the City of Montclair Redevelopment Agency Board of Directors, Adoption of Resolution No. 14-01 Adopting a Recognized Obligation Payment Schedule for July 1, 2014, Through December 31, 2014; Adopting an Administrative Budget for July 1, 2014, Through December 31, 2014; and Authorizing Certain Other Actions Pursuant to Section 34177 of Part 1.85 of the Health and Safety Code [SA] 73

IX. **PULLED CONSENT CALENDAR ITEMS**

X. **RESPONSE** - None

XI. **COMMUNICATIONS**

A. City Attorney

1. Closed Session Pursuant to Government Code Section 54956.9(d)(2) Regarding Potential Litigation

   1 potential case

2. Closed Session Pursuant to Government Code Section 54956.9(d)(1) Regarding Pending Litigation

   Kenneth Pollich v. Montclair

3. 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/SA/MHC/MHA Board

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

1. Minutes of the Personnel Committee Meeting of February 3, 2014 79

XII. COUNCIL WORKSHOP

A. Successor Agency Update

(Council may consider continuing this item to an adjourned meeting on Monday, March 3, 2014, at 5:45 p.m. in the City Council Chambers.)

XIII. 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 potential litigation, pending litigation, and labor negotiations.)

XIV. CLOSED SESSION ANNOUNCEMENTS

XV. 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, March 3, 2014, 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 February 13, 2014.

AGENDA REPORT

SUBJECT:	CONSIDER PROJECTS AND PRIORITIZATION OF FUNDING FOR THE FISCAL YEAR 2014-15 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM	**DATE:**	February 18, 2014
		SECTION:	PUBLIC HEARINGS
		ITEM NO.:	A
		FILE I.D.:	GRT050
		DEPT.:	COMMUNITY DEV.

REASON FOR CONSIDERATION: Federal guidelines for the Community Development Block Grant (CDBG) Program require that each public agency conduct a public hearing to establish projects that will be funded in the upcoming 2014-15 fiscal year.

BACKGROUND: The total funding available for Montclair's Fiscal Year 2014-15 CDBG Program has tentatively been determined to be $291,239. This amount represents approximately a 14 percent increase in the City's CDBG allotment as compared to Fiscal Year 2013-14.

CDBG restrictions limit the amount of funding for "public service" activities to 15 percent of this year's allocation, or $43,686. Staff has recommended a continuance of funding for public service uses that have been funded by the City of Montclair in the past to the extent possible by funding restrictions. The County of San Bernardino will continue to implement HUD's recommendation that minimum grant amounts be established in order to justify the cost of administering funded projects. Accordingly, the minimum thresholds are $10,000 for public service projects and $75,000 for construction activities.

In addition to the City of Montclair project proposals, three outside agencies submitted project proposals directly to the County. A complete list of all proposals determined to be eligible for funding accompanies this report. The total requested by all applicants, including the City, for eligible proposals is $336,007, of which $118,401 is related to "public service" activities.

For the upcoming fiscal year, staff is recommending that additional funding be allocated to the accessibility improvements at the Recreation Center, which will include reconstruction of the existing public restrooms and showers, construction of an accessible staff restroom, and modification of the door to one of the racquetball courts so that it is disabled-accessible. The project plans are currently being reviewed by the Building Division, and it is expected the project will commence in spring 2014. In addition, funding in the amount of $75,000 is recommended for Code Enforcement activities in the CDBG target areas. It is expected this funding amount will be sufficient for Fiscal Years 2014-15.

Prepared by:	Steve Lustro	Reviewed and Approved by:	Steve Lustro
Proofed by:	Laura Embree	Presented by:	M. STARTS

The City Council will note that the amounts originally requested for each City-sponsored CDBG program and listed in the "Eligible Proposals" attachment differ from those being recommended in this report. The reason for that is that staff was told in November 2013 to expect the City's CDBG allocation to be the same as it was in Fiscal Year 2013-14 ($256,007). Last month, the County informed staff that Montclair's anticipated allocation is $291,239, an increase of approximately 14% over FY 2013-14. Accordingly, the recommended funding amounts for each CDBG program, except Code Enforcement, have been adjusted upward to reflect the anticipated increase in funding.

Staff recommends the City Council approve the projects and funding levels summarized as follows.

Accessibility improvements to the Recreation Center, including reconstruction of restrooms and showers and improvement of accessibility to (one) racquetball court	$172,553*
Code Enforcement	75,000
Graffiti Abatement	31,000**
Montclair Golden Express	12,686**
TOTAL	$291,239

*Total CDBG funding for this project: $556,994

**Total public service projects: $43,686

FISCAL IMPACT: The City expects to receive $291,239 for the Fiscal Year 2014-15 CDBG Program.

RECOMMENDATION: Staff recommends the City Council approve the above projects and prioritization of funding for the Fiscal Year 2014-15 Community Development Block Grant Program.

Montclair

2014-2015 CDBG Proposals by Benefit Area

Log No.	Primary Benefit Area/ Description:	Applicant: Activity Eligibility Benefit Eligibility	M&O Commit	Project/ Request/ Percent	Community		Request	Dist	Comments
40022	Montclair Continuation of ADA Improvements to the Restrooms and Entry Doors at the Community Center, Montclair	City of Montclair Steve Lustro, Director (909) 625-9477 5111 Benito Street P.O. Box 2308 Montclair, CA 91763 24 CFR 201(c) 24 CFR 208(a)(2)(ii)	N	$578,606 $142,606 24.0%	**Montclair**	**Total**	**$142,606** **$142,606**	4	Continuation of #108-36111/3613. Only handicapped accessible improvements are eligible. Project consists of ADA facility improvements. Project is funded 100% with CDBG funds $142,606.
40023	Montclair Continuation of Funding for Proactive Code Enforcement Program, Montclair	City of Montclair Steve Lustro, Director (909) 625-9477 5111 Benito Street P.O. Box 2308 Montclair, CA 91763 24 CFR 202(c) 24 CFR 208(a)(1)	N	$100,000 $75,000 75.0%	**Montclair**	**Total**	**$75,000** **$75,000**	4	Cont of #108-18417/1002 Enhanced code enforcement activities. Would be limited to target area. City must provide documentation defining blight, how area meets blight definition & provide statistics showing impact of code enforcement.
40024	Montclair Continuation of Transportation Services for Senior Citizens, Golden Express Transportation Program, Montclair	City of Montclair Steve Lustro, Director (909) 625-9477 5111 Benito Street P.O. Box 2308 Montclair, CA 91763 24 CFR 201(e) 24 CFR 208(a)(2)(i)(A)	N	$32,462 $10,212 31.0%	**Montclair**	**Total**	**$10,212** **$10,212**	4	Continuation of Public Service #108-27127/2220. Continuation of funding for transportation services for senior citizens.
40025	Montclair Continuation of Graffiti Eradication in Target Area, Montclair	City of Montclair Steve Lustro, Director (909) 625-9477 5111 Benito Street P.O. Box 2308 Montclair, CA 91763 24 CFR 201(e) 24 CFR 208(a)(1)	N	$60,789 $28,189 46.0%	**Montclair**	**Total**	**$28,189** **$28,189**	4	Continuation of Public Service #108-15317/0793 for graffiti eradication program in the City of Montclair's target area Cum. CDBG Alloc $865,439; CDBG Balance (as of 12/4/13) $28,189 - City bills quarterly.

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Montclair

2014-2015 CDBG Proposals by Benefit Area

Log No.	Primary Benefit Area/ Description:	Applicant: Activity Eligibility Benefit Eligibility	M&O Commit	Project/ Request/ Percent	Community		Request	Dist	Comments
40030	Montclair New - Provision of Crisis Intervention, Food, Clothing, Motel & Transportation Vouchers within the cities of Colton and Montclair	Mercy House Living Centers Timothy Huynh, Director of Grant Compliance (714) 836-7188 X109 P.O. Box 1905 Santa Ana, CA 92702 24 CFR 201(e) 24 CFR 208(a)(2)(i)(B)	N	$184,231 $10,000 5.0%	**Montclair** **Total**		**$10,000** **$10,000**	4	Public Service. Would require documentation of at least 51% low/mod income households.
40050	Montclair New - Food and Support Services to Homeless and Low/Mod Income Households - Inland Valley Hope Partners, Montclair	Inland Valley Hope Partners Wytske G. Visser, President/CEO (909) 622-3806 1753 N. Park Avenue Pomona, CA 91768 24 CFR 201(e) 24 CFR 208(a)(2)(i)(C)	N	$258,671 $10,000 3.0%	**Montclair** **Total**		**$10,000** **$10,000**	4	Public Service. Would require documentation of at least 51% low/mod income clientele.
40051	Montclair New - Motel Vouchers for Low-and Very Low-Income Residents of Montclair - Inland Valley Hope Partners, Montclair	Inland Valley Hope Partners Wytske G. Visser, President/CEO (909) 622-3806 1753 N. Park Avenue Pomona, CA 91768 24 CFR 201(e) 24 CFR 208(a)(2)(i)(B)	N	$258,671 $10,000 3.0%	**Montclair** **Total**		**$10,000** **$10,000**	4	Public Service. Short-term motel vouchers only for 180 days or less per household are eligible. Non-profit group pays motel directly. No monies go to low/mod households. Rental and mortgage assistance are not eligible.
40084	Countywide New - Provision of Emergency Shelter Services, Needs Assessment, Transitional Housing and Career and Education Development - Citadel Comm Dev Corp	Citadel Community Development Corp. Donise Jackson, Executive Director (909) 992-0929 x101 1616 Via Estrella Pomona, CA 91768 24 CFR 201(e) 24 CFR 208(a)(2)(i)(C)	N	$626,000 $300,000 47.0%	Colton Redlands **Montclair** Yucaipa Highland Grand Terrace Loma Linda **Total**		$50,000 $50,000 **$50,000** $40,000 $40,000 $40,000 $30,000 **$300,000**	7	Public Service. Would require documentation of at least 51% low/mod income persons served.

Totals for Montclair **Count: 8** **Amount: $336,007** **Proj Tot $586,007**

AGENDA REPORT

SUBJECT:	CONSIDER ADOPTION OF ORDINANCE NO. 14-941 ADDING CHAPTER 5.02 AND REPLACING CHAPTER 5.04 OF TITLE 5 OF THE MONTCLAIR MUNICIPAL CODE RELATED TO DOMESTIC ANIMALS SECOND READING	**DATE:**	February 18, 2014
		SECTION:	PUBLIC HEARINGS
		ITEM NO.:	B
		FILE I.D.:	STD200
		DEPT.:	PUBLIC WORKS

REASON FOR CONSIDERATION: To comply with new requirements set by the Santa Ana Regional Water Control Board, cities must include in their municipal codes language regulating animal waste. The City currently has no Ordinance addressing this issue. Staff recommends a revision to Title 5 of the Montclair Municipal Code.

BACKGROUND: On January 29, 2010, the Santa Ana Regional Water Quality Control Board adopted Order No. R8-2010-0036 National Pollutant Discharge Elimination System (NPDES) No. CAS618036. This action addressed Waste Discharge Requirements for the San Bernardino County Flood Control District, the County of San Bernardino, and cities and unincorporated County areas within the Santa Ana River drainage basin. This group of agencies includes the City of Montclair.

NPDES No. CAS618036 establishes requirements for each affected agency to update and/or revise its municipal code to comply with the various requirements of NPDES No. CAS618036. The Order identifies the Santa Ana River being impaired by bacteria and pathogens, with animal waste considered to be a primary source of the pollutants. Therefore, an ordinance regulating animal waste is required.

Proposed Ordinance No. 14-941, a copy of which is attached for the City Council's review and consideration, contains recommended changes to Title 5 of the Montclair Municipal Code. The changes include the addition of a definition of domestic animals, a revised definition of enforcing officer, and regulations regarding animal defecation.

FISCAL IMPACT: Adoption of Ordinance No. 14-941 would have no fiscal impact to the City.

RECOMMENDATION: Staff recommends the City Council adopt Ordinance No. 14-941 adding Chapter 5.02 and replacing Chapter 5.04 of Title 5 of the Montclair Municipal Code related to domestic animals.

Prepared by:		Reviewed and Approved by:	M. STAATS
Proofed by:		Presented by:	M. STAATS

ORDINANCE NO. 14-941

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR ADDING CHAPTER 5.02 TO TITLE 5 AND REPLACING CHAPTER 5.04 OF TITLE 5 OF THE MONTCLAIR MUNICIPAL CODE RELATED TO DOMESTIC ANIMALS

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

Section I.

Chapter 5.02 is hereby added to the Montclair Municipal Code and Chapter 5.04 of the Montclair Municipal Code is hereby replaced as follows:

Chapter 5.02 Definitions.

5.02.010 Domestic animals. For the purposes of this title, "domestic animal" means an animal of a species of vertebrates that has been domesticated by humans so as to live and breed in a tame condition and depend on humankind for survival. Domestic animals shall include, but not be limited to, any dog, cat, equine or bovine animal, goat, sheep, swine, poultry, or other domesticated beast or bird.

5.02.020 Enforcing Officer defined. For the purposes of this title, "Enforcing Officer" means the City Manager, the Chief of Police, the Humane Officer, the Health Officer, the Code Enforcement Officer, the NPDES Environmental Compliance Inspector, or such other person as the City Council may designate. The City Council, by contract, may delegate to a humane society or other person the collection of license fees and the performance of any of the duties of the Enforcing Officer.

Chapter 5.04 Animal defecation.

5.04.010 Prohibited acts.

beeA. A person having custody of a domestic animal shall not permit, either willfully or through failure to exercise due care or control, any such domestic animal to defecate upon sidewalk of any public right-of-way; or upon the floor of any common hall in any apartment building, condominium, townhome hotel, or other multiple dwelling; or upon any entranceway, stairway immediately abutting on a public sidewalk; or upon the floor of any shop, store, office building, or other building used in common by the public; or upon the floor or stairway of any public transportation station or public waiting room; or upon the floor, stairway, entranceway, office, lobby, or patio used in common by the public; or, without the consent of the owner or person in lawful occupation thereof, any lawn, yard, or any other private property whatever, which is either improved or occupied.

B. It is unlawful for the owner or person having custody of any domestic animal to permit, either willfully or through failure to exercise due care or control, any such domestic animal to defecate and to allow such feces to thereafter remain upon any public or private property not owned or possessed by the owner or person in control of the animal, provided that the person who owns, harbors, keeps or has charge or control of a domestic animal shall immediately and securely enclose all feces deposited by such domestic animal in a bag, wrapper, or other container and dispose of the same in a sanitary manner. Any person who has charge or control of a domestic animal in a location other than on the property of such person or the property of the owner of the domestic animal shall have in his possession a suitable wrapper, bag, or container (other than articles of personal clothing) for the purposes of complying with the requirements of this section. Any violation of this Section, including failure of such person to carry such wrapper, bag, or container when in charge or control of a domestic animal in a location other than on property of such or the property of the owner of the domestic animal shall subject said person to penalty as provided in Chapter 1.12 of this Code.

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 Deputy 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, 2014.

_____
Mayor

ATTEST:

_____
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. 14-941 of said City, which was introduced at a regular meeting of the City Council held on the XX day of XX, 2014, and finally passed not less than five (5) days thereafter on the XX day of XX, 2014, by the following vote, to-wit:

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

_____
Yvonne Smith
Deputy City Clerk

AGENDA REPORT

SUBJECT:	CONSIDER RECEIVING AND FILING OF TREASURER'S REPORT	**DATE:**	February 18, 2014
		SECTION:	ADMIN. REPORTS
		ITEM NO.	1
		FILE I.D.:	FIN520
		DEPT.:	ADMIN. SVCS.

REASON FOR CONSIDERATION: The City Council is requested to consider receiving and filing the City of Montclair Treasurer's Report for the month ending January 31, 2014, pursuant to state law.

BACKGROUND: Included in your agenda packet is a copy of the Treasurer's Report for the period ending January 31, 2014.

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

RECOMMENDATION: Staff recommends the City Council receive and file the Treasurer's Report for the month ending January 31, 2014.

Prepared by:	Michael Piotrowski	Reviewed and Approved by:	Donald L. Parker
Proofed by:	Yvonne L. Smith	Presented by:	M. STAATS

AGENDA REPORT

SUBJECT:	CONSIDER APPROVAL OF WARRANT REGISTER AND PAYROLL DOCUMENTATION	**DATE:**	February 18, 2014
		SECTION:	ADMIN. REPORTS
		ITEM NO.:	2
		FILE I.D.:	FIN540
		DEPT.:	ADMIN. SVCS.

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

BACKGROUND: Mayor Pro Tem Ruh has examined the Warrant Register dated February 18, 2014, and Payroll Documentation dated January 12, 2014, and recommends their approval.

FISCAL IMPACT: The Warrant Register dated February 18, 2014, totals $1,184,638.22. The Payroll Documentation dated January 12, 2014, totals $524,392.11, with $361,813.50 being the total cash disbursement.

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

Prepared by:	Yvonne L. Smith	Reviewed and Approved by:	
Proofed by:	Andy Sullivan	Presented by:	M. STAATS

AGENDA REPORT

SUBJECT:	CONSIDER RECEIVING AND FILING OF TREASURER'S REPORT	**DATE:**	February 18, 2014
		SECTION:	ADMIN. REPORTS
		ITEM NO.:	3
		FILE I.D.:	FIN510
		DEPT.:	SUCCESSOR RDA

REASON FOR CONSIDERATION: The City Council acting as successor to the Redevelopment Agency Board of Directors is requested to consider receiving and filing the Successor to the Redevelopment Agency Treasurer's Report for the month ending January 31, 2014, pursuant to state law.

BACKGROUND: Included in your agenda packet is a copy of the Successor to the Redevelopment Agency Treasurer's Report for the period ending January 31, 2014.

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

RECOMMENDATION: Staff recommends the City Council acting as successor to the Redevelopment Agency Board of Directors receive and file the Successor to the Redevelopment Agency Treasurer's Report for the month ending January 31, 2014.

Prepared by:	Michael Pirkowski	Reviewed and Approved by:	Donald L. Parker
Proofed by:	George L. Smith	Presented by:	M. STAATS

AGENDA REPORT

SUBJECT:	CONSIDER APPROVAL OF WARRANT REGISTER	**DATE:**	February 18, 2014
		SECTION:	ADMIN. REPORTS
		ITEM NO.:	4
		FILE I.D.:	FIN530
		DEPT.:	SUCCESSOR RDA

REASON FOR CONSIDERATION: The City Council acting as successor to the Redevelopment Agency Board of Directors is requested to consider receiving and filing the Successor to the Redevelopment Agency Warrant Register for the month ending January 31, 2014, pursuant to state law.

BACKGROUND: Vice Chairman Ruh has examined the Successor to the Redevelopment Agency Warrant Register dated 01.01.14-01.31.14 in the amounts of $45,121.59 for the Combined Operating Fund; $0.00 for the Redevelopment Obligation Retirement Funds; $43.50 from the Tax Exempt Bond Proceeds and $43.50 from the Taxable Bond Proceeds and finds it to be in order.

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

RECOMMENDATION: Vice Chairman Ruh recommends the City Council as successor to the Redevelopment Agency Board of Directors approve the Successor to the Redevelopment Agency Warrant Register for the period ending January 31, 2014.

Prepared by:	Michael Pirkowski	Reviewed and Approved by:	Donald L. Parker
Proofed by:	Yvonne L. Smith	Presented by:	M. STAATS

AGENDA REPORT

SUBJECT:	CONSIDER RECEIVING AND FILING OF TREASURER'S REPORT	**DATE:**	February 18, 2014
		SECTION:	ADMIN. REPORTS
		ITEM NO.:	5
		FILE I.D.:	FIN525
		DEPT.:	MHC

REASON FOR CONSIDERATION: The Montclair Housing Corporation Board of Directors is requested to receive and file the Montclair Housing Corporation Treasurer's Report for the month ending January 31, 2014, pursuant to state law.

BACKGROUND: Included in your agenda packet is a copy of the Treasurer's Report for the period ending January 31, 2014.

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

RECOMMENDATION: Staff recommends the Montclair Housing Corporation Board of Directors receive and file the Treasurer's Report for the month ending January 31, 2014.

Prepared by:	Michael Piotrowski	Reviewed and Approved by:	Donald L. Parker
Proofed by:	Yvonne L. Smith	Presented by:	M. STAATS

AGENDA REPORT

SUBJECT:	CONSIDER APPROVAL OF WARRANT REGISTER	**DATE:**	February 18, 2014
		SECTION:	ADMIN. REPORTS
		ITEM NO.:	6
		FILE I.D.:	FIN545
		DEPT.:	MHC

REASON FOR CONSIDERATION: The Montclair Housing Corporation Board of Directors is requested to consider receiving and filing the Warrant Register for the month ending January 31, 2014, pursuant to state law.

BACKGROUND: Vice Chairman Ruh has examined the Warrant Register dated 01.01.14-01.31.14 in the amount of $18,479.42 for the Montclair Housing Corporation and finds it to be in order.

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

RECOMMENDATION: Vice Chairman Ruh recommends the Montclair Housing Corporation Board of Directors approve the Warrant Register for the period ending January 31, 2014.

Prepared by:	Michael Pothowski	Reviewed and Approved by:	Donald L. Parker
Proofed by:	Marie L. Smith	Presented by:	M. STAATS

AGENDA REPORT

SUBJECT:	CONSIDER RECEIVING AND FILING OF TREASURER'S REPORT	**DATE:**	February 18, 2014
		SECTION:	ADMIN. REPORTS
		ITEM NO.:	7
		FILE I.D.:	FIN525
		DEPT.:	MHA

REASON FOR CONSIDERATION: The Montclair Housing Authority Board of Directors is requested to receive and file the Montclair Housing Authority Treasurer's Report for the month ending January 31, 2014, pursuant to state law.

BACKGROUND: Included in your agenda packet is a copy of the Treasurer's Report for the period ending January 31, 2014.

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

RECOMMENDATION: Staff recommends the Montclair Housing Authority Board of Directors receive and file the Treasurer's Report for the month ending January 31, 2014.

Prepared by:	Michael Piotrowski	Reviewed and Approved by:	Donald L. Parker
Proofed by:	Yoline L. Smith	Presented by:	M. STAATS

AGENDA REPORT

SUBJECT:	CONSIDER APPROVAL OF WARRANT REGISTER	**DATE:**	February 18, 2014
		SECTION:	ADMIN. REPORTS
		ITEM NO.:	8
		FILE I.D.:	FIN545
		DEPT.:	MHA

REASON FOR CONSIDERATION: The Montclair Housing Authority Board of Directors is requested to consider receiving and filing the Warrant Register for the month ending January 31, 2014, pursuant to state law.

BACKGROUND: Vice Chairman Ruh has examined the Warrant Register dated 01.01.14-01.31.14 in the amount of $0.00 for the Montclair Housing Authority and finds it to be in order.

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

RECOMMENDATION: Vice Chairman Ruh recommends the Montclair Housing Authority Board of Directors approve the Warrant Register for the period ending January 31, 2014.

Prepared by:	Michael Pinkowski	Reviewed and Approved by:	Donald L. Parker
Proofed by:	Jonne L. Smith	Presented by:	M. STAATS

AGENDA REPORT

SUBJECT:	CONSIDER SETTING A PUBLIC HEARING REGARDING THE FOLLOWING: CONSIDER ADOPTION OF RESOLUTION NO. 13-2996 AMENDING THE LAND USE ELEMENT OF THE GENERAL PLAN CONSIDER ORDINANCE NO. 13-935 AMENDING CHAPTERS 11.22, 11.78, AND 11.90 OF THE MONTCLAIR MUNICIPAL CODE RELATED TO DEVELOPMENT STANDARDS AND REQUIREMENTS IN THE R-3 (RESIDENTIAL MEDIUM-HIGH DENSITY) ZONING DISTRICT	**DATE:**	February 18, 2014
		SECTION:	ADMIN. REPORTS
		ITEM NO.:	9
		FILE I.D.:	GPL250
		DEPT.:	COMMUNITY DEV.

REASON FOR CONSIDERATION: Amendments to the General Plan and Municipal Code require public hearing review and approval by the City Council.

BACKGROUND: On February 3, 2014, the City Council adopted Resolution No. 14-3018 approving a General Plan Amendment adopting the 2014-2021 Housing Element Update. The "Policy Program" chapter of the adopted Housing Element sets forth 25 Policy Actions that are required to be undertaken by the City to successfully implement the adopted Housing Element. The Policy Actions being addressed by this agenda item include the following:

> Policy Action 3.7 requires staff to "examine the existing (minimum) unit size requirements and amend the City's Zoning Code, as appropriate, to ensure unit size thresholds do not constrain the provision of affordable housing;"
>
> Policy Action 3.9 states, "To ensure the City's parking requirements are not a constraint to residential development, especially new housing units affordable to lower and moderate income households, the City shall review the existing parking requirements, particularly the two-space 'garage' multi-family requirement, and revise the requirements, as appropriate;" and
>
> Policy Action 4.2 requires that "the City shall investigate increasing the maximum permitted density on parcels where the lot configuration, size, and adjacent zoning are such that the parcel is suitable for development at a higher density than currently permitted. Based on its findings, the City shall amend the density and other development standards as appropriate."

The Land Use Element of the General Plan, adopted in 1999, identifies the following four residential land use types:

Prepared by:	Steve Lustro	Reviewed and Approved by:	Steve Lustro
Proofed by:	Luisa Embree	Presented by:	M. STAATS

"Residential—Very Low Density Single-Family (0 to 2 units per acre)"
"Residential—Low Density Single-Family (3 to 7 units per acre)"
"Residential—Medium Density (8 to 14 units per acre)"
"Senior Housing"

Staff proposes to add a fifth housing category to the Land Use Element of the General Plan: "Residential—High Density (15 to 30 units per acre)."

Pursuant to Government Code Section 65860, the City's Zoning Code is required to be consistent with the adopted General Plan in order to implement its goals and policies. Accordingly, staff is also proposing to amend Chapters 11.22, 11.78, and 11.90 of the Montclair Municipal Code to achieve this required consistency.

Staff notes that this is the first of several General Plan and/or Municipal Code amendments related to implementation of the Policy Actions contained in the adopted Housing Element that are intended to be submitted to the Planning Commission and City Council for consideration. In order for the City to be in full compliance with the adopted 2014-2021 Housing Element, the City must implement the Policy Actions outlined in the document.

The proposed Resolution and Ordinance were originally considered by Council at its meeting on August 19, 2013. Because some concerns were raised with respect to some components of the proposed Zoning Code revisions, Council continued the item and requested that it be discussed at a future workshop. On November 18, 2013, staff presented the item to Council for discussion at a workshop preceding the regularly scheduled City Council meeting. At the workshop, Council asked staff to revisit the following proposed code revisions:

- ❑ Minimum lot area
- ❑ Lot dimensions
- ❑ Maximum density
- ❑ Minimum floor area of units

Proposed Resolution No. 13-2996, related to the General Plan Amendment, and revised Ordinance No. 13-935, amending Chapters 11.22, 11.78 and 11.90 of the Montclair Municipal Code, address the issues identified above and are attached to this report for reference.

Additionally, a legislative version of the proposed changes to the above-referenced Municipal Code chapters (Exhibit "A") and a condensed summary of the proposed code changes (Exhibit "B") are enclosed in the Council packets for reference.

FISCAL IMPACT: The cost to publish a Notice of Public Hearing in the ***Inland Valley Daily Bulletin*** related to this agenda item should not exceed $500.

RECOMMENDATION: Staff recommends the City Council set a public hearing for Monday, March 3, 2014, at 7:00 p.m. in the City Council Chambers to consider adoption of Resolution No. 13-2996, amending the Land Use Element of the General Plan, and to consider adoption of Ordinance No. 13-935, amending Chapters 11.22, 11.78 and 11.90 of the Montclair Municipal Code related to development standards and requirements in the R-3 (Residential Medium-High Density) zoning district.

RESOLUTION NO. 13-2996

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR APPROVING AN AMENDMENT TO THE LAND USE ELEMENT OF THE GENERAL PLAN

A. Recitals.

WHEREAS, the Land Use Element is one of seven statutorily-required elements of the General Plan; and

WHEREAS, Section 65358 of the California Government Code allows the City Council to amend all or part of an adopted General Plan if it deems such amendment to be in the public interest; and

WHEREAS, Section 65358(b) of the Government Code allows each mandatory element of the General Plan to be amended up to four times during any calendar year; and

WHEREAS, the City, through its consultant, RBF Consulting, prepared the 2006-2014 Housing Element, as an update to its previously adopted Housing Element in compliance with State law; and

WHEREAS, on September 19, 2011, the City Council adopted Resolution No. 11-2922 approving a General Plan Amendment, adopting the 2006-2014 Housing Element Update; and

WHEREAS, the "Policy Program" chapter of the adopted Housing Element sets forth 25 Policy Actions that are required to be undertaken by the City to successfully implement the adopted Housing Element; and

WHEREAS, Policy Action 4.2 requires that "the City shall investigate increasing the maximum permitted density on parcels where the lot configuration, size, and adjacent zoning is such that the parcel is suitable for development at a higher density than currently permitted. Based on its findings, the City shall amend the density and other development standards as appropriate"; and

WHEREAS, pursuant to Government Code Section 65860, the Zoning Code of the City of Montclair is required to be consistent with the adopted General Plan in order to implement its goals and policies; and

WHEREAS, the Land Use Element of the General Plan, which was adopted in 1999, identifies the following four residential land use types:

"Residential—Very Low Density Single-Family (0-2 units per acre)"
"Residential—Low Density Single-Family (3-7 units per acre)"
"Residential—Medium Density (8-14 units per acre)"
"Senior Housing"; and

WHEREAS, Ordinance No. 13-935 amending various development standards of the R-3 (Residential Medium-High Density) Zone proposes to increase the maximum density within the R-3 Zone to 30 units per acre; and

WHEREAS, in order to achieve consistency between the General Plan and Zoning Code, staff proposes to add a fifth housing category to the Land Use Element of the General Plan: "Residential—High Density (15-30 units per acre)"; and

WHEREAS, upon adoption of this Resolution, the official General Plan Land Use Map of the City of Montclair shall be amended as depicted in Exhibit "A"; and

WHEREAS, the City has prepared an Initial Study/Negative Declaration (IS/ND) in compliance with the California Environmental Quality Act (CEQA); and

WHEREAS, the minimum 30-day public review period for the IS/ND commenced on June 24, 2013 and concluded on August 12, 2013; and

WHEREAS, on June 24, 2013, the Notice of Availability of the IS/ND was filed with the San Bernardino County Clerk of the Board; and

WHEREAS, copies of the IS/ND were available during the public review period at the Community Development counter at City Hall; and

WHEREAS, public notice of this item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on June 28, 2013; and

WHEREAS, on August 12, 2013, commencing at 7:00 p.m. in the Council Chamber at Montclair City Hall, the Planning Commission conducted a public hearing at which time all persons wishing to testify in connection with the General Plan Amendment were heard and said application was fully studied; and

WHEREAS, the Planning Commission reviewed and considered the amendment to the Land Use Element, along with the information contained in the IS/ND, comments received during the public review period, and responses to comments; and

WHEREAS, the Planning Commission, as the responsible agency, reviewed and considered the environmental assessment based upon the findings in the Initial Study prepared for the project, and determined that there will be no significant impact on the environment as a result of the proposed amendments to the General Plan Land Use Element and Montclair Municipal Code; and

WHEREAS, the Planning Commission also adopted a Negative Declaration and a finding that there will be a DeMinimis impact on fish and wildlife; and

WHEREAS, based on its review and independent judgment, the City Council finds that the amendment to the Land Use Element of the General Plan will not have a significant effect on the environment; and

WHEREAS, on August 19, 2013, commencing at 7:00 p.m. in the Council Chamber at Montclair City Hall, the City Council conducted a public hearing at which time all persons wishing to testify in connection with the General Plan Amendment were heard, and said application was fully studied.

B. Resolution.

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

Section 1. The City Council hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.

Section 2. The City Council hereby approves the amendment to the Land Use Element of the General Plan associated with Case No. 2013-5, adding a new housing category of "Residential—High Density (15-30 units per acre)."

APPROVED AND ADOPTED this XX day of XX, 2014.

_____
Mayor

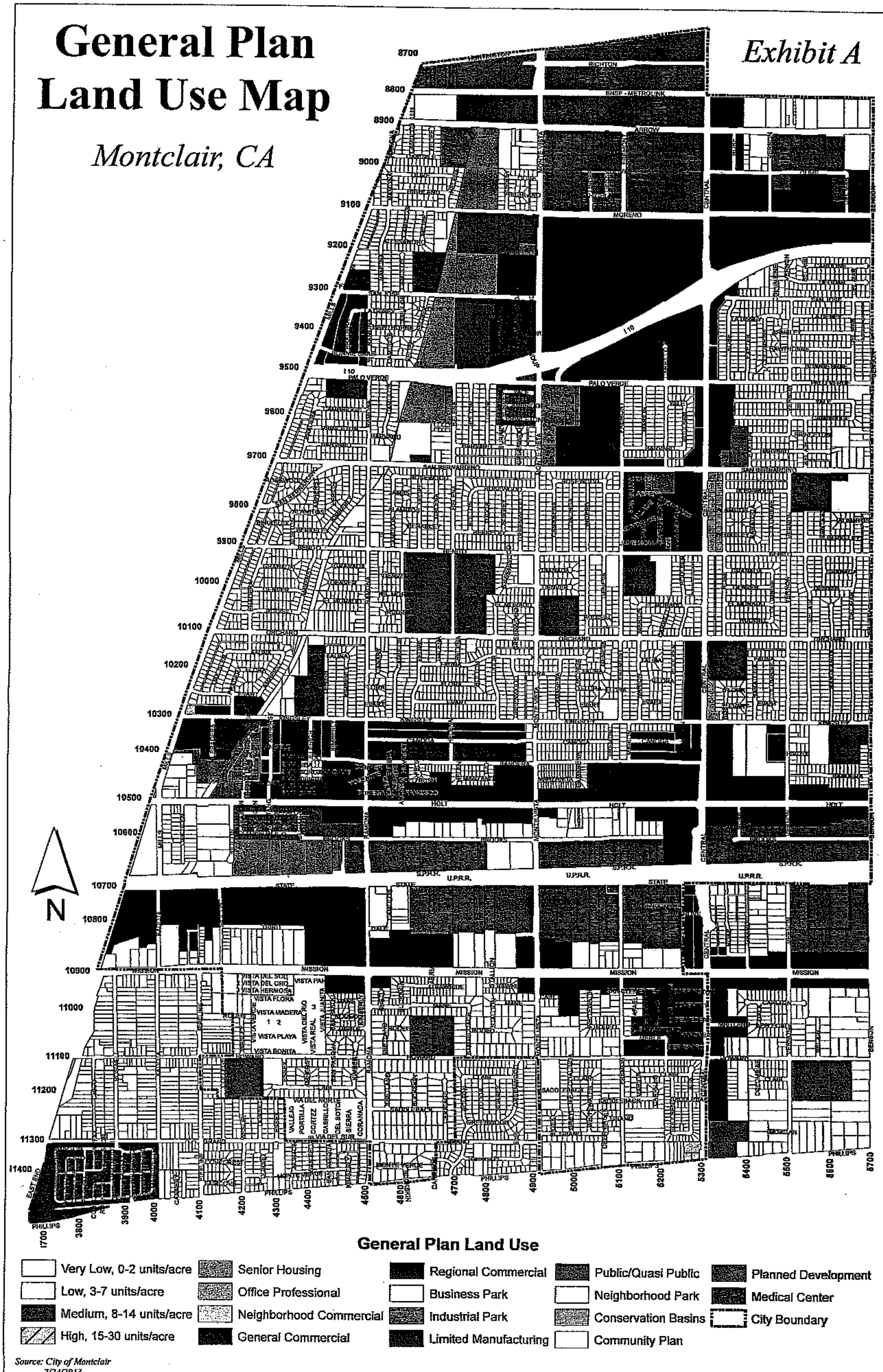
ATTEST:

_____
Deputy City Clerk

I, Yvonne L. Smith, Deputy City Clerk of the City of Montclair, DO HEREBY CERTIFY that Resolution No. 13-2996 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, 2014, 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


General Plan
Land Use Map
Montclair, CA
Exhibit A
RICHTON
BNSF - METROLINK
ARROW
MORENO
I10
PALO VERDE
SAN BERNARDINO
ORCHARD
KINGSLEY
HOLT
U.P.R.R.
STATE
MISSION
CENTRAL
MONTE VISTA
PHILLIPS
BENSON
N
General Plan Land Use
Very Low, 0-2 units/acre
Low, 3-7 units/acre
Medium, 8-14 units/acre
High, 15-30 units/acre
Senior Housing
Office Professional
Neighborhood Commercial
General Commercial
Regional Commercial
Business Park
Industrial Park
Limited Manufacturing
Public/Quasi Public
Neighborhood Park
Conservation Basins
Community Plan
Planned Development
Medical Center
City Boundary
Source: City of Montclair
7/24/2013

ORDINANCE NO. 13-935

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR AMENDING CHAPTERS 11.22, 11.78, AND 11.90 OF THE MONTCLAIR MUNICIPAL CODE RELATED TO DEVELOPMENT STANDARDS AND REQUIREMENTS IN THE R-3 (RESIDENTIAL MEDIUM-HIGH DENSITY) ZONING DISTRICT (CASE NO. 2013-5)

WHEREAS, the Housing Element is one of seven statutorily-required elements of the General Plan; and

WHEREAS, the California Government Code requires cities to review and update their Housing Elements according to a schedule set forth by the State's Housing and Community Development Department (HCD); and

WHEREAS, the City, through its consultant, RBF Consulting, prepared the 2014-2021 Housing Element as an update to its previously adopted Housing Element in compliance with State law; and

WHEREAS, in January 2014, HCD has provided the City with a letter of substantial compliance indicating that upon adoption by the City Council, the Housing Element would fully comply with State law; and

WHEREAS, on February 3, 2014, the City Council adopted Resolution No. 14-3018 approving a General Plan Amendment adopting the 2014-2021 Housing Element Update; and

WHEREAS, the "Policy Program" chapter of the adopted Housing Element sets forth 25 Policy Actions that are required to be undertaken by the City to successfully implement the adopted Housing Element; and

WHEREAS, Policy Action 3.7 requires staff to "examine the existing (minimum) unit size requirements and amend the City's Zoning Code, as appropriate, to ensure unit size thresholds do not constrain the provision of affordable housing"; and

WHEREAS, Policy Action 3.9 states, "To ensure the City's parking requirements are not a constraint to residential development, especially new housing units affordable to lower and moderate-income households, the City shall review the existing parking requirements, particularly the two-space 'garage' multi-family requirement, and revise the requirements as appropriate"; and

WHEREAS, Policy Action 3.13 states in part. "To ensure the City's permitting requirements are not a constraint to residential development, especially new housing units affordable to low- and moderate-income households, the City shall amend the Zoning (Code) to remove the conditional use permit requirement for development in the R-3 Zone that is three or more acres in size, two or more stories in height, or senior housing" and

WHEREAS, Policy Action 4.2 requires that "the City shall investigate increasing the maximum permitted density on parcels where the lot configuration, size, and adjacent zoning is such that the parcel is suitable for development at a higher density than currently permitted. Based on its findings, the City shall amend the density and other development standards as appropriate."

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONTCLAIR DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I. Amendment of Code.

Section 11.22.020 ("Uses permitted") of the Montclair Municipal Code is hereby repealed and replaced as follows:

11.22.020 Uses permitted.

Except as specifically provided elsewhere in this Title, any and every building, premises and/or land in the R-3 Zone shall be used for, or occupied, and every building shall be erected, constructed, established, altered, enlarged, maintained and moved into or within such R-3 Zone, exclusively and only in accordance with the provisions set forth in this Chapter, and subject to the approval of a Precise Plan of Design submitted and reviewed in accordance with the provisions of Chapter 11.80 of this Title.

A. The following shall be permitted as primary uses:

1. Planned residential developments, subject to the provisions set forth in Chapter 11.90 of this Title;

2. Apartments, subject to the provisions set forth in Sections 11.22.050 through 11.22.070 of this Chapter;

3. Mobile home parks; subject to the provisions set forth in Chapter 11.62 of this Title;

4. Residential care facilities for six or fewer persons;

5. Senior citizen housing.

B. The following shall be permitted as accessory uses:

1. Those uses permitted in Sections 11.18.030(D), (F), and (H) of this Title;

2. Signs, subject to the provisions of Chapter 11.72 of this Title;

3. Parking lots;

4. Home occupations, subject to the provisions of Chapter 11.58 of this Title.

SECTION II. Amendment of Code.

Section 11.22.030 ("Uses permitted subject to a conditional use permit") of the Montclair Municipal Code is hereby repealed and replaced as follows:

11.22.030 Uses permitted subject to a conditional use permit.

The following uses may be permitted subject to the issuance of a conditional use permit in accordance with the provisions of Chapter 11.78 of this Title:

A. Those uses permitted in Section 11.18.030(A), (E) and (K), and Section 11.20.020(B) of this Title;

B. Convalescent centers, skilled nursing facilities, and assisted living facilities.

SECTION III. Amendment of Code.

Section 11.22.050 ("Property development standards") of the Montclair Municipal Code is hereby repealed and replaced as follows:

11.22.050 Property development standards.

The following property development standards shall apply to all land and buildings in the R-3 Zone; provided, however, where a lot has a width, depth or area less than that required by the provisions of this Title and was held under separate ownership or was of official City record prior to June 30, 1984, such lot may be occupied by any use permitted in the R-3 Zone.

A. Lot Area. The net lot area shall be a minimum of one acre (43,560 square feet).

B. Lot Dimensions.

1. Width. The width of the lot shall be a minimum of 175 feet at the front lot line. However, if lots are located at the end of a cul-de-sac or another location that results in a wedge-shaped lot, the minimum width at the front building line shall be not less than 125 feet, provided the average width of the lot is not less than 175 feet.

2. Depth. The depth of the lot shall be a minimum of 200 feet.

C. Maximum Dwelling Unit Density. The maximum dwelling unit densities stated in this subsection are not automatically by-right; projects shall also be required to meet all applicable development standards contained in this Title.

1. The maximum dwelling unit density for market-rate courtyard, garden, rowhouse or stacked dwelling multifamily developments shall be 25 units per net acre.

2. The maximum dwelling unit density for courtyard, garden, rowhouse, or stacked dwelling multifamily developments on parcels with a net area of less than five (5) acres shall be 20 units per acre.

D. Building Height. The maximum building height shall be 50 feet with a maximum of four floors, except that any portion of a building within 200 feet of the boundary of any R-1 Zone shall be limited to 38 feet and a maximum of three floors. "Building height" as defined herein means the vertical distance from the average contact ground level of the building to the highest point of the parapet wall of a flat roof or the mean height level between the eaves and ridges for a gable or hip roof.

E. Building design.

1. Structures having dwelling units attached side-by-side shall have an offset or articulation in the front building line of at least four feet (4') for every two dwelling units within such structure. Similar architectural enhancement alternatives may be approved subject to a Precise Plan of Design approved by the Planning Commission.

2. Structures having dwelling units attached side-by-side or stacked above one another shall provide at least one third of the total number of units within such development as a flat or one-story unit.

F. Lot Coverage. Buildings and structures shall not cover more of a lot than would be permitted when satisfying all yard, open space, parking, and access requirements.

G. Minimum Floor Area of Dwelling Units. Multifamily dwelling units shall contain the following minimum floor areas:

1. For studio or one-bedroom units, 800 square feet.
2. For two-bedroom units, 950 square feet.
3. For three-bedroom units, 1,200 square feet.
4. For four-bedroom units, 1,400 square feet.

Said floor areas shall be exclusive of patios, balconies, carports, and garages.

H. Minimum Room Sizes. The minimum size of rooms shall comply with the currently adopted California Building Code, except that all bedrooms shall have a minimum area of 110 square feet and a minimum dimension of nine (9) feet.

I. Yards and Setbacks. Developments in the R-3 Zone shall have and maintain the following minimum yards and setbacks (see Sections 11.38.050 and 11.38.060 of this Title for additional requirements). Building setbacks shall be measured from the front property line.

1. Front Yards.

a. For buildings with three stories or less, a 25-foot minimum front yard setback shall be required.

b. For buildings with four stories, a 35-foot minimum front yard setback shall be required.

c. Notwithstanding the required front yard setbacks indicated herein, covered or uncovered porches and balconies that are open on three sides may encroach up to 7 feet into the required front yard setback.

d. The Planning Commission may require greater setbacks pursuant to a Precise Plan of Design because of the dimensions or bulk of a building, its relationship to the adjacent street(s), and/or to ensure compatibility with contiguous land uses.

e. No portion of the required front yard setback area shall be used for parking. Driveways of the minimum width necessary for vehicular access shall be permitted to traverse the front yard setback area.

2. Street Side Yards.

a. For buildings with three stories or less, a 25-foot minimum street side yard setback shall be required.

b. For buildings with four stories, a 35-foot minimum street side yard setback shall be required.

c. Notwithstanding the required street side yard setbacks indicated herein, covered or uncovered porches and balconies that are open on three sides may encroach up to 7 feet into the required street side yard setback.

d. The Planning Commission may require greater setbacks pursuant to a Precise Plan of Design because of the dimensions or bulk of a building, its relationship to the adjacent street(s), and/or to ensure compatibility with contiguous land uses.

e. No portion of the required street side yard setback area shall be used for parking. Driveways of the minimum width necessary for vehicular access shall be permitted to traverse the street side yard setback area.

3. Interior Side Yards.

a. For buildings with three stories or less, a 10-foot minimum interior side yard setback shall be required.

b. For buildings with four stories, a 15-foot minimum interior side yard setback shall be required.

c. Open patios on the first floor shall be permitted to encroach a maximum of 5 feet into any required interior side yard setback. Open patios above the first floor shall not be permitted to encroach into any required interior side yard setbacks.

d. The Planning Commission may require greater setbacks pursuant to a Precise Plan of Design because of the dimensions or bulk of a building and/or to ensure compatibility with contiguous land uses.

e. Interior side yard setback areas may be used for parking subject to approval of a Precise Plan of Design and provided that required fire lane access is maintained at all times.

4. Rear Yards.

a. For buildings with three stories or less, a 10-foot minimum rear yard setback shall be required.

b. For buildings with four stories, a 15-foot minimum rear yard setback shall be required.

c. Notwithstanding the required rear yard setbacks indicated herein, covered or uncovered porches and balconies that are open on three sides may encroach up to 7 feet into any required rear yard setback.

d. The Planning Commission may require greater setbacks pursuant to a Precise Plan of Design because of the dimensions or bulk of a building and/or to ensure compatibility with contiguous land uses.

e. Rear yard setback areas may be used for parking subject to approval of a Precise Plan of Design and provided that required fire lane access is maintained at all times.

J. Open Space. Each development shall provide outdoor open space for recreation and leisure activities within the development site in the following manner:

1. Common open/recreational space shall comprise not less than 35 percent of the net acreage. Public or private driveways, parking spaces, or other areas designed for operational functions are not considered open space. Common open/recreational space improvements shall be provided as follows:

a. Developments of 20 units or less shall provide at least two of the following amenities:

i. Permanent barbecue facilities with at least two grills and two table/bench arrangements;

ii. Playground and/or tot lot with permanently installed play equipment;

iii. Swimming pool or spa.

b. Developments of 21-40 units shall provide at least two of the amenities listed in subsection (a) of this Section plus at least one of the following amenities:

i. Sports court (tennis, volleyball, basketball, etc.);

ii. Community building with at least one full kitchen and a minimum of two rooms for meetings, games, activities, etc.

c. Developments of 41-100 units shall provide at least one of each of the five amenities in subsections (a) and (b) of this Section.

d. Developments of greater than 100 units shall provide at least one of each of the five amenities in subsections (a) and (b) of this Section plus at least two of the following:

i. A passive, open turf area (natural or synthetic), measuring at least 100 feet by 100 feet, for unstructured recreational activities;

ii. A fitness parcourse of at least one-quarter mile in length and a minimum of six (6) activity stations;

iii. Other amenity(ies) to the satisfaction of the Director of Community Development.

e. For projects of greater than 100 units, the Director of Community Development may require the developer to increase the size, number, and/or capacity of one or more required amenities to adequately serve the number of residents in the development.

2. Private porches, patios, and balconies attached to individual dwelling units may be included in the required outdoor open space calculation provided the minimum dimension is at least 10 feet and the minimum area is 150 square feet.

3. Swimming pools, spas, ponds, lakes, streams, and other water features provided for the common use or enjoyment of all residents may be constructed as part of the required outdoor open space; however, such facilities shall not comprise more than 50 percent of the required outdoor open space.

4. The outdoor open spaces created pursuant to the provisions of this Title shall remain open and available for such use for the life of the development.

K. Private Open Space. Each dwelling unit shall have a minimum private open space of 100 square feet with a minimum dimension of 7 feet. Such private open space shall be in the form of porches, patios, and/or balconies.

L. Landscaping. The design, installation, and maintenance of all landscape and hardscape areas shall be subject to approval of a Precise Plan of Design and shall fully comply with Chapter 11.60 of this Title.

M. Walls and Fences. The general development standards for walls and fences as provided in Sections 11.38.050(M), (N), and (O) of this Title shall apply provided, however, that the Planning Commission may require additional walls and fences if necessary to protect adjacent properties.

N. Vehicular Circulation.

1. Streets. Primary and secondary streets shall be designed to meet the following standards:

a. Traffic lanes no less than 10 feet in width and no more than 12 feet in width.

b. Where on-street parallel parking is provided, the parking lane shall be 8 feet in width. Where 90-degree or angled parking is provided as part of the street design, parking stall dimensions shall be 9 feet in width by 20 feet in length. A maximum 2-foot overhang may be allowed into landscape areas or walkways with a dimension of 6 feet or greater.

2. Driveways Serving Only Garages. If a private driveway serves only garages and the driveway is posted as a fire lane and/or to prohibit all other parking, the driveway may be constructed with a minimum width of 20 feet

provided, however, that if the driveway is double-loaded with garages on both sides, a minimum distance of 26 feet shall be provided as measured from building wall to building wall.

3. Access and On-Site Circulation.

a. Vehicular access to all developments shall be from a public street.

b. The design of all on-site vehicular circulation, including roadway widths, turning radii, and turnarounds shall be subject to approval by the Fire Department.

c. There shall be a minimum vertical clearance of 14 feet along all driveways and vehicular paths that provide access for emergency response vehicles.

O. Pedestrian Circulation. A pedestrian circulation system shall be incorporated into the residential development for the purpose of providing direct access to all dwelling units, trash enclosures, parking areas, recreation areas, and outdoor open space. The circulation system shall include the following:

1. A public sidewalk shall be constructed adjacent to all public streets bordering the project site with a minimum width of 5 feet in accordance with City standards.

2. An on-site walkway system of pedestrian walks and paths that fully complies with all disabled-accessibility standards with respect to surface material, width, grades, ramps, curbs, railings, and signage.

P. Parking Requirements.

1. Resident Parking. Each dwelling unit shall be provided with resident parking as indicated below. A minimum of one required parking space for each unit shall be within a carport or enclosed garage. Every effort shall be made to locate the required parking space(s) for each unit within 200 feet of the unit to which they are assigned.

a. Studio - 1 parking space.

b. 1-2 bedrooms - 2 parking spaces.

c. 3 or more bedrooms - 3 parking spaces.

2. Guest Parking. On-site parking for guests shall be provided at a ratio of one parking space for every 3 units, regardless of unit size. Guest parking shall be reasonably distributed throughout the development site.

3. Parking Space Dimensions.

a. Enclosed Garages. The minimum, clear inside dimensions of each parking space within an enclosed garage shall be 10 feet in width and 20 feet in length.

b. Carports. The minimum, clear dimensions of each parking space within a carport shall be 9 feet in width by 20 feet in length provided, however, that a 2-foot overhang may be allowed into landscape areas or walkways with a dimension of 6 feet or greater. Where a structural support post occurs for a carport, an additional 2 feet in width shall be added to each parking space on either side of the structural member.

c. Uncovered Parking. The minimum dimensions of each uncovered parking space shall be 9 feet by 20 feet in length provided, however, that a 2-foot overhang may be allowed into landscape areas or walkways with a dimension of 6 feet or greater.

4. Automatic garage door openers shall be shall be required for each enclosed garage.

5. Parking Lot Striping. Striping for uncovered parking spaces or those within carports shall be double-stripe or "hairpin" style, with the 9-foot dimension being measured to the center of the "hairpin."

6. Tandem Parking. Tandem parking shall only be permitted within enclosed garages and only when both spaces serve the same unit.

7. On-street parking on public streets shall not be used to satisfy any of the parking requirements contained herein.

Q. Signs. The general development standards for signs as set forth in Chapter 11.72 of this Title shall apply in addition to the following:

1. Permitted Signs.

a. Wall Signs. One illuminated or nonilluminated wall sign with the name of the development shall be permitted on each street frontage. Individual or script copy in durable materials is strongly encouraged. Externally illuminated signs shall be via wall-mounted fixtures that are complementary to the architecture of the development and do not create any nuisance light spill or glare to any of the residential units or the public right-of-way. Internally illuminated signs shall be limited to halo illumination only.

b. Address Signs. One illuminated or nonilluminated wall sign with the numerical address or numerical address and street name of the development shall be permitted on each building on each street frontage. Where a building also fronts on an internal private driveway or parking lot, additional numerical address(es) may be permitted to be displayed for safety and security purposes. Individual or script copy in durable materials is strongly encouraged. Externally illuminated signs shall be via wall-mounted fixtures that are complementary to the architecture of the development and do not create any nuisance light spill or glare to any of the residential units or the public right-of-way. Internally illuminated signs shall be limited to halo illumination only. Address and address/street name signs shall be a minimum of 8 inches in height and a maximum of 10 inches in height. Where more than one address sign is attached to multiple frontages of a single building as described above, the design, size and color of each sign shall be identical.

c. Freestanding Monument Signs. One illuminated or nonilluminated freestanding monument sign shall be allowed for developments with a minimum of 150 feet of continuous frontage on the same street.

i. Height. Monument signs shall be limited to a maximum height of 5 feet as measured from the grade of the adjacent public sidewalk.

ii. Sign Area. The sign face of monument signs shall be limited to a maximum of 40 square feet in size, not including the optional, detachable sign rider described in Subsection (c)(2) below.

1. Design and Illumination. Monument signs shall be of a high quality architectural design and be constructed of durable materials. If illumination is desired, it shall be via at-grade, flush-mounted fixtures to minimize nuisance glare to the adjacent public right-of-way. As an alternative, above-grade fixtures may be used if it can be demonstrated that the light source will not be directly visible to the public right-of-way or neighboring properties.

2. Sign Copy. The purpose of monument signs is to identify the development by its name and address. No additional sign copy, such as phone numbers, website addresses, or other forms of advertising, shall be permitted. A detachable rider to the sign containing sign copy, such as "Now Leasing," "Now Renting," "Vacancy," "No Vacancy," or the like, shall be permitted so long as its

design is complementary to the main sign. Such sign riders shall be no greater than 8 square feet in size.

3. Location. Monument signs shall be located within a fully landscaped area and set back a minimum of 5 feet from the back edge of the adjacent public sidewalk. In order to eliminate sight-distance obstructions, monument signs shall be located no less than 30 feet away from any vehicular driveway on the same side of the street, whether the driveway serves the subject development or an adjacent property.

d. Unit Signs. One illuminated or nonilluminated sign identifying the unit number, letter, or designation, not to exceed 1 square foot in size, shall be required and maintained for each dwelling unit.

e. Directional Signs. One or more pedestrian and/or vehicular-oriented directional signs, no larger than 6 square feet in size and 4 feet in height may be permitted within residential developments of 2 acres or greater, subject to administrative review and approval by the Director of Community Development.

2. Prohibited Signs. All signs not expressly permitted herein shall be prohibited, including those signs identified in Section 11.72.120 of this Title.

R. Operational Standards. In order to provide adequate management, maintenance and oversight for multifamily developments, the following operational standards shall be required for projects constructed after July 1, 2013:

1. For developments of 30 units or less, an on-site manager having the authority to perform or contract for emergency and nonemergency maintenance and repairs shall reside full-time in one of the dwelling units on the subject property.

2. For developments of greater than 30 units, the following requirements shall apply:

a. A permanent rental/leasing office shall be established and maintained on-site and staffed daily during regular business hours.

b. The property owner shall be required to contract with a professional property management company that is on-call 24 hours a day and shall be responsible for all landscape, common area, and building maintenance.

SECTION IV. Amendment of Code.

Section 11.22.060 ("Other general development standards") of the Montclair Municipal Code is hereby repealed and replaced as follows:

11.22.060 Other general development standards.

A. Trash Collection Areas. Each trash collection area shall be located within 200 feet of the farthest unit it is intended to serve. Such collection areas shall be designed and situated so as to minimize noise and visual intrusion on the subject property, adjacent properties, as well as to not create a fire hazard to nearby structures. Said trash collection areas shall be provided with a minimum illumination level of 500 lumens and designed to City standards to comply with stormwater runoff regulations.

B. Mail Collection Areas. Mail delivery service shall be provided within centrally located areas with easy accessibility from an internal driveway or parking area. Mail collection areas shall be located within a fully enclosed

building, covered breezeway, or other similar area that is adequately protected from inclement weather, and shall be provided with a minimum illumination level of 500 lumens.

C. Utility Service and Television Service. All utility services to multifamily residential developments, including, but not limited to electrical, telephone, cable and satellite television, and broadband service shall be installed underground and within building walls. Should exterior antennas and/or satellite dishes be allowed, the project shall be designed to provide areas on each building for such equipment that are not visible to public rights-of-way or neighboring properties.

D. Lighting. Multifamily residential developments shall comply with the following standards and requirements regarding illumination:

1. Site Lighting. A professionally prepared photometric analysis demonstrating that all parking areas, driveways, private streets, walkways, and other outdoor public spaces shall be illuminated to an adequate level for security and safety during all hours of darkness shall be required to be submitted for review and approval by the Community Development Department.

2. Garages. Fully enclosed garages shall be wired to include a fixture or fixtures that has/have the capacity to support light sources providing a minimum of illumination level of 1,500 lumens. Said illumination shall be in addition to any lighting that may be provided by the required automatic garage door opener.

SECTION V. Amendment of Code.

Section 11.22.070 ("Special development criteria") of the Montclair Municipal Code is hereby repealed and deleted in its entirety.

SECTION VI. Amendment of Code.

Section 11.78.030 ("Permitted uses"), Subsection (A), of the Montclair Municipal Code is hereby amended to read as follows:

11.78.030 Permitted uses.

In addition to those uses specifically identified in Chapters 11.22 through 11.30 of this Title as requiring a conditional use permit, the Planning Commission may grant a conditional use permit for any use listed in this Section as a permitted use subject to a conditional use permit:

A. Residential Uses.

1. Assisted living facilities (AP, C-2, C-3)
2. Convalescent care (AP, C-2, C-3)
3. Conversions of apartments to condominiums (R-3)
4. Student housing, dormitories, group quarters (AP, C-2, C-3)

SECTION VII. Amendment of Code.

The Table of Contents for Chapter 11.90 of the Montclair Municipal Code is hereby repealed and replaced as follows:

Chapter 11.90

RESIDENTIAL DEVELOPMENTS-PLANNED

Sections:

11.90.010 Findings, intent and purpose.
11.90.020 Objectives and purposes.
11.90.030 Application of chapter.
11.90.040 Authorization.
11.90.050 Permits required.
11.90.060 Preliminary review.
11.90.070 Precise plans required.
11.90.080 Application requirements.
11.90.090 Information to be submitted.
11.90.100 Development standards.
11.90.110 Site area.
11.90.120 Maximum density.
11.90.130 Site coverage.
11.90.140 Building design.
11.90.150 Building height.
11.90.160 Yards and setbacks.
11.90.170 Minimum floor area.
11.90.180 Common open/recreational space.
11.90.190 Vehicular circulation-private streets.
11.90.200 Pedestrian circulation.
11.90.210 Parking requirements.
11.90.220 Vehicular storage.
11.90.230 Landscaping.
11.90.240 Lighting.
11.90.250 Utility service and television service.
11.90.260 Laundry areas.
11.90.270 Trash collection areas.
11.90.280 Private storage areas.
11.90.290 Signs.
11.90.300 Operational standards.
11.90.310 Walls and fences.
11.90.320 Fire hydrant system.
11.90.330 Sewer and water systems.
11.90.340 Mail delivery.
11.90.350 Common areas.
11.90.360 Appearance standards.
11.90.370 Miscellaneous development standards.
11.90.380 Covenants, Conditions and Restrictions (CC&Rs)

SECTION VIII. Amendment of Code.

Section 11.90.050 ("Permits required") of the Montclair Municipal Code is hereby repealed and replaced as follows:

11.90.050 Permits required.

A. Planned residential development projects are permitted in the R-3 Zones subject to approval of a tentative and/or final tract maps as may be required by law. This requirement is in addition to other permits or certificates required by law.

B. No person shall construct, sell, lease, rent, convey, maintain or use a planned residential development project within the City without complying with the provisions of this Title.

SECTION IX. Amendment of Code.

Section 11.90.080 ("Application requirements") and Section 11.90.090 (Information to be submitted") of the Montclair Municipal Code are hereby repealed and replaced as follows:

11.90.080 Application requirements.

After the preliminary review, the applicant may file a development review application for a planned residential development and shall include the information required by this Chapter and any other information that may be required to adequately consider such proposal. A Precise Plan of Design and tentative tract map as required by the Chapter shall be submitted concurrently to the Planning Division for the purpose of review and formulation of a recommendation to the Planning Commission. Precise Plan of Design and tentative map applications, filed pursuant to this Chapter, shall be processed simultaneously.

11.90.090 Information to be submitted.

The information to be filed in conjunction with a planned residential development, in addition to the applicable requirements of Chapters 11.60, 11.80 and 11.86 of this Title, shall include the following:

A. A site plan depicting the following:

1. The arrangement and location of all buildings, structures and improvements proposed to be retained and constructed and the gross floor area and ground floor area of each unit and/or building type;

2. All off-site improvements, including street improvements, lighting, traffic signals, signage, and utility undergrounding;

2. The location and design of on-site circulation, including pedestrian paths, on-site parking and loading areas;

3. The location of all landscaped areas, surface water retention devices and improvements, fences, walls, trash enclosures and utility vaults and structures.

B. Landscape plans pursuant to Chapter 11.60 of this Title.

C. Detailed architectural drawings and renderings illustrating all elevations and floor plans of the proposed structures as they will appear upon completion. All exterior surface materials shall be specified by manufacturer and color and/or product name and samples provided on a color and material board.

D. Scaled drawings of all signs and exterior lighting specifying the size, location, colors, materials, copy, luminaire cut sheets and illumination source and intensity.

E. Preliminary grading plans when necessary to ensure that development will properly relate to the site and to surrounding properties and structures.

F. Calculations indicating the land area devoted to each proposed use in the planned residential development and its percentage of the total area.

G. Calculations of the required and proposed amounts of open space, usable common open space, private open space and active recreational areas, on a per unit and aggregate basis.

H. A map indicating any proposed division of land within the planned residential development site.

I. A preliminary title report showing the vested ownership and all covenants, conditions, restrictions and reservations of record.

J. For planned residential developments to be built in multiple phases, a phasing and access plan.

K. Any other drawings or additional information necessary to adequately consider the drawings required by this Section and determine compliance with the purpose and intent of this Title.

SECTION X. Amendment of Code.

Section 11.90.110 ("Site area") and Section 11.90.120 ("Maximum density") of the Montclair Municipal Code are hereby repealed and replaced as follows:

11.90.110 Site area.

The minimum net site area within an R-3 Zone, when developed pursuant to this Chapter, shall be one acre, except that sites with lesser area may be permitted when contiguous to an existing planned residential development or constitute a logical extension in the arrangement of buildings, facilities and open space.

11.90.120 Maximum density.

The maximum dwelling unit densities stated in this subsection are not automatically by-right; projects shall also be required to meet all applicable development standards contained in this Title.

1. The maximum dwelling unit density for market-rate courtyard, garden, rowhouse or stacked dwelling multifamily developments shall be 25 units per net acre.

2. The maximum dwelling unit density for courtyard, garden, rowhouse or stacked dwelling multifamily developments where a minimum of 50 percent of the dwelling units are reserved and deed restricted as affordable for very low-, low-, and/or moderate-income individuals or families shall be 30 units per net acre.

SECTION XI. Amendment of Code.

Section 11.90.140 ("Distance between units"), Section 11.90.150 ("Building height") and Section 11.90.160 ("Yards and setbacks") are hereby repealed and replaced as follows:

11.90.140 Building design.

1. Structures having dwelling units attached side-by-side shall have an offset or articulation in the front building line of at least four feet (4') for every two dwelling units within such structure. Similar architectural enhancement alternatives may be approved subject to a Precise Plan of Design approved by the Planning Commission.

2. Structures having dwelling units attached side-by-side or stacked above one another shall provide at least one-third of the total number of units within such development as a flat or one-story unit.

11.90.150 Building height.

The maximum building height shall be 50 feet with a maximum of four floors, except that any portion of a building within 200 feet of the boundary of any R-1 Zone shall be limited to 38 feet and a maximum of three floors.

"Building height" as defined herein means the vertical distance from the average contact ground level of the building to the highest point of the parapet wall of a flat roof or the mean height level between the eaves and ridges for a gable or hip roof.

11.90.160 Yards and setbacks.

Planned residential developments in the R-3 Zone shall have and maintain the following minimum yards and setbacks (see Sections 11.38.050 and 11.38.060 of this Title for additional requirements). Building setbacks shall be measured from the front property line.

1. Front Yards.

a. For buildings with three stories or less, a 25-foot minimum front yard setback shall be required.

b. For buildings with four stories, a 35-foot minimum front yard setback shall be required.

c. Notwithstanding the required front yard setbacks indicated herein, covered or uncovered porches and balconies that are open on three sides may encroach up to 7 feet into the required front yard setback.

d. The Planning Commission may require greater setbacks pursuant to a Precise Plan of Design because of the dimensions or bulk of a building, its relationship to the adjacent street(s) and/or to ensure compatibility with contiguous land uses.

e. No portion of the required front yard setback area shall be used for parking. Driveways of the minimum width necessary for vehicular access shall be permitted to traverse the front yard setback area.

2. Street Side Yards.

a. For buildings with three stories or less, a 25-foot minimum street side yard setback shall be required.

b. For buildings with four stories, a 35-foot minimum street side yard setback shall be required.

c. Notwithstanding the required street side yard setbacks indicated herein, covered or uncovered porches and balconies that are open on three sides may encroach up to 7 feet into the required street side yard setback.

d. The Planning Commission may require greater setbacks pursuant to a Precise Plan of Design because of the dimensions or bulk of a building, its

relationship to the adjacent street(s) and/or to ensure compatibility with contiguous land uses.

e. No portion of the required street side yard setback area shall be used for parking. Driveways of the minimum width necessary for vehicular access shall be permitted to traverse the street side yard setback area.

3. Interior Side Yards.

a. For buildings with three stories or less, a 10-foot minimum interior side yard setback shall be required.

b. For buildings with four stories, a 15-foot minimum interior side yard setback shall be required.

c. Open patios on the first floor shall be permitted to encroach a maximum of 5 feet into any required interior side yard setback. Open patios above the first floor shall not be permitted to encroach into any required interior side yard setbacks.

d. The Planning Commission may require greater setbacks pursuant to a Precise Plan of Design because of the dimensions or bulk of a building and/or to ensure compatibility with contiguous land uses.

e. Interior side yard setback areas may be used for parking subject to approval of a Precise Plan of Design and provided that required fire lane access is maintained at all times.

4. Rear Yards.

a. For buildings with three stories or less, a 10-foot minimum rear yard setback shall be required.

b. For buildings with four stories, a 15-foot minimum rear yard setback shall be required.

c. Notwithstanding the required rear yard setbacks indicated herein, covered or uncovered porches and balconies that are open on three sides may encroach up to 7 feet into any required rear yard setback.

d. The Planning Commission may require greater setbacks pursuant to a Precise Plan of Design because of the dimensions or bulk of a building and/or to ensure compatibility with contiguous land uses.

e. Rear yard setback areas may be used for parking subject to approval of a Precise Plan of Design and provided that required fire lane access is maintained at all times.

SECTION XII. Amendment of Code.

Section 11.90.170 ("Building bulk") of the Montclair Municipal Code is hereby repealed in its entirety.

SECTION XIII. Amendment of Code.

Sections 11.90.180 through 11.90.320 of the Montclair Municipal Code are hereby repealed, renumbered and replaced as follows:

11.90.170 Minimum floor area.

A. Dwelling units within a planned residential development shall contain the following minimum floor areas:

1. For studio or one-bedroom units, 700 square feet.
2. For two-bedroom units, 900 square feet.

3. For three-bedroom units, 1,100 square feet.

4. For four-bedroom units, 1,400 square feet.

Said floor areas shall be exclusive of patios, balconies, carports and garages.

B. Minimum Room Sizes. The minimum size of rooms shall comply with the currently adopted California Building Code, except that all bedrooms shall have a minimum area of 110 square feet and a minimum dimension of 9 feet.

11.90.180 Common open/recreational space.

A. Each planned residential development shall provide outdoor open space for recreation and leisure activities within the development site in the following manner:

1. Common open/recreational space shall comprise not less than 35 percent of the net acreage. Public or private driveways, parking spaces or other areas designed for operational functions are not considered open space. Common open/recreational space improvements shall be provided as follows:

a. Developments of ten units or less shall provide at least two of the following amenities:

i. Permanent barbecue facilities with at least two grills and two table/bench arrangements;

ii. Playground and/or tot lot with permanently installed play equipment;

iii. Swimming pool or spa.

b. Developments of 11 to 30 units shall provide at least two of the amenities listed in subsection (a) of this Section plus at least one of the following amenities:

i. Sports court (tennis, volleyball, basketball, etc.);

ii. Community building with at least one full kitchen and a minimum of two rooms for meetings, games, activities, etc.

c. Developments of 31 to 100 units shall provide at least one of each of the five amenities in subsections (a) and (b) of this Section.

d. Developments of greater than 100 units shall provide at least one of each of the five amenities in subsections (a) and (b) of this Section plus at least two of the following:

i. A passive, open turf area (natural or synthetic), measuring at least 100 feet by 100 feet, for unstructured recreational activities;

ii. A fitness parcourse of at least one-quarter mile in length and a minimum of six (6) activity stations;

iii. A media screening room/theater with a seating capacity of at least 20 and permanently installed audiovisual equipment, which may be a part of the community building or constructed as a stand-alone facility.

e. For projects of greater than 100 units, the Director of Community Development may require the developer to increase the size, number and/or capacity of one or more required amenities to adequately serve the number of residents in the development.

2. Private porches, patios and balconies attached to individual dwelling units may be included in the required outdoor open space calculation provided the minimum dimension is at least 10 feet and the minimum area is 150 square feet.

3. Swimming pools, spas, ponds, lakes, streams, and other water features provided for the common use or enjoyment of all residents may be constructed as part of the required outdoor open space; however, such facilities shall not comprise more than 50 percent of the required outdoor open space.

4. The outdoor open spaces created pursuant to the provisions of this Title shall remain open and available for such use for the life of the development.

B. Community and Recreational Facilities. Two or more of the following amenities shall be provided as an integral part of a planned residential development: swimming pool, playground, parcourse, outdoor cooking facilities, sports court, community building or similar facility/amenity to the satisfaction of the Director of Community Development. A community building shall be appropriately sized based on the number of units in the development and be capable of accommodating at least two of the following: meeting rooms, at least one having a full kitchen; fitness center; media screening room/theater; game room.

C. Private Open Space. Each dwelling unit shall have a minimum private open space of 100 square feet with a minimum dimension of 7 feet. Such private open space shall be in the form of porches, patios and/or balconies.

11.90.190 Vehicular circulation-private streets.

A. Streets. Primary and secondary streets shall be designed to meet the following standards:

1. Traffic lanes no less than 10 feet in width and no more than 12 feet in width.

2. Where on-street parallel parking is provided, the parking lane shall be 8 feet in width. Where 90-degree or angled parking is provided as part of the street design, parking stall dimensions shall be 9 feet in width by 20 feet in length. A maximum 2-foot overhang may be allowed into landscape areas or walkways with a dimension of 6 feet or greater.

B. Driveways Serving Only Garages. If a private driveway serves only garages, and the driveway is posted as a fire lane and/or to prohibit all other parking, the driveway may be constructed with a minimum width of 20 feet; provided, however, that if the driveway is double-loaded with garages on both sides, a minimum distance of 26 feet shall be provided as measured from building wall to building wall.

C. Access and On-Site Circulation.

1. Vehicular access to all developments shall be from a public street.

2. The design of all on-site vehicular circulation, including roadway widths, turning radii and turnarounds shall be subject to approval by the Fire Department.

3. There shall be a minimum vertical clearance of 14 feet along all driveways and vehicular paths that provide access for emergency response vehicles.

11.90.200 Pedestrian circulation.

A pedestrian circulation system shall be incorporated into the planned residential development for the purpose of providing direct access to all dwelling units, trash enclosures, parking areas, recreation areas and outdoor open space. The circulation system shall include the following:

A. A public sidewalk shall be constructed adjacent to all public streets bordering the project site with a minimum width of 5 feet in accordance with City standards.

B. An on-site walkway system of pedestrian walks and paths that fully complies with all disabled-accessibility standards with respect to surface material, width, grades, ramps, curbs, railings and signage.

11.90.210 Parking requirements.

A. Resident Parking. Each dwelling unit shall be provided with resident parking as indicated below. A minimum of one required parking space for each unit shall be within a carport or enclosed garage. Every effort shall be made to locate the required parking space(s) for each unit within 200 feet of the unit to which they are assigned.

1. Studio - 1 parking space.
2. 1-2 bedrooms - 2 parking spaces.
3. 3 or more bedrooms - 3 parking spaces.

B. Guest Parking. On-site parking for guests shall be provided at a ratio of one parking space for every 3 units, regardless of unit size. Guest parking shall be reasonably distributed throughout the development site.

C. Parking Space Dimensions.

1. Enclosed Garages. The minimum, clear inside dimensions of each parking space within an enclosed garage shall be 10 feet in width and 20 feet in length.

2. Carports. The minimum, clear dimensions of each parking space within a carport shall be 9 feet in width by 20 feet in length; provided, however, that a 2-foot overhang may be allowed into landscape areas or walkways with a dimension of 6 feet or greater. Where a structural support post occurs for a carport, an additional 2 feet in width shall be added to each parking space on either side of the structural member.

3. Uncovered Parking. The minimum dimensions of each uncovered parking space shall be 9 feet by 20 feet in length; provided, however, that a 2-foot overhang may be allowed into landscape areas or walkways with a dimension of 6 feet or greater.

D. Automatic garage door openers shall be shall be required for each enclosed garage.

E. Parking Lot Striping. Striping for uncovered parking spaces or those within carports shall be double-stripe or "hairpin" style, with the 9-foot dimension being measured to the center of the "hairpin."

F. Tandem Parking. Tandem parking shall only be permitted within enclosed garages and only when both spaces serve the same unit.

G. On-street parking on public streets shall not be used to satisfy any of the parking requirements contained herein.

11.90.220 Vehicular storage.

Outdoor areas for the storage of vehicles, trailers, watercraft, recreational vehicles and the like shall be prohibited unless specially designated areas for the exclusive storage of such vehicles are approved by the City as part of the final development plan and provided for in the homeowners association's Covenants, Conditions and Restrictions (CC&Rs). If such areas are provided, they shall be enclosed and screened from view from neighboring properties and public rights-

of-way by a decorative masonry wall, minimum 7'-6" in height, compatible and integrated with the architectural design of the development. Such storage areas shall be landscaped and illuminated to minimum levels during all hours of darkness. A vehicle wash area and/or RV wastewater disposal station may be provided within an approved vehicular storage area, subject to review and approval by the Director of Community Development and Director of Public Works.

11.90.230 Landscaping.

The design, installation and maintenance of all landscape and hardscape areas shall be subject to approval of a Precise Plan of Design and shall fully comply with Chapter 11.60 of this Title.

11.90.240 Lighting.

Planned residential developments shall comply with the following standards and requirements regarding illumination:

1. Site Lighting. A professionally prepared photometric analysis demonstrating that all parking areas, driveways, private streets, walkways, and other outdoor public spaces shall be illuminated to an adequate level for security and safety during all hours of darkness shall be required to be submitted for review and approval by the Community Development Department.

2. Garages. Fully enclosed garages shall be wired to include a fixture or fixtures that has/have the capacity to support light sources providing a minimum of illumination level of 1,500 lumens. Said illumination shall be in addition to any lighting that may be provided by the required automatic garage door opener.

3. Mail collection areas. Common mail collection areas shall be located within a fully enclosed building, covered breezeway, or other similar area that is adequately protected from inclement weather, and shall be provided with a minimum illumination level of 500 lumens.

11.90.250 Utility service and television service.

All utility services to planned residential developments, including, but not limited to electrical, telephone, cable and satellite television, and broadband service, shall be installed underground and within building walls. Should exterior antennas and/or satellite dishes be allowed, the project shall be designed to provide areas on each building for such equipment that are not visible to public rights-of-way or neighboring properties.

11.90.260 Laundry areas.

Laundry areas with plumbing connections meeting minimum building code standards shall be provided for in each residential unit within a planned residential development.

11.90.270 Trash collection areas.

Each trash collection area shall be located within 200 feet of the farthest unit it is intended to serve. Such collection areas shall be designed and situated so as to minimize noise and visual intrusion on the subject property, adjacent properties, as well as to not create a fire hazard to nearby structures. Said trash collection areas shall be provided with a minimum illumination level of 500

lumens and designed to City standards to comply with stormwater runoff regulations.

11.90.280 Private storage areas.

Units within a planned residential development that do not have a fully enclosed garage shall be provided with a minimum of 200 cubic feet of enclosed, secure private storage space that shall be provided within the planned residential development. The design and location of said storage spaces shall be integrated into the development to the satisfaction of the Director of Community Development.

11.90.290 Signs.

The general development standards for signs as set forth in Chapter 11.72 of this Title shall apply, in addition to the following:

A. Permitted Signs.

1. Wall Signs. One illuminated or nonilluminated wall sign with the name of the development shall be permitted on each street frontage. Individual or script copy in durable materials is strongly encouraged. Externally illuminated signs shall be via wall-mounted fixtures that are complementary to the architecture of the development and do not create any nuisance light spill or glare to any of the residential units or the public right-of-way. Internally illuminated signs shall be limited to halo illumination only.

2. Address Signs. One illuminated or nonilluminated wall sign with the numerical address or numerical address and street name of the development shall be permitted on each building on each street frontage. Where a building also fronts on an internal private driveway or parking lot, additional numerical address(es) may be permitted to be displayed for safety and security purposes. Individual or script copy in durable materials is strongly encouraged. Externally illuminated signs shall be via wall-mounted fixtures that are complementary to the architecture of the development and do not create any nuisance light spill or glare to any of the residential units or the public right-of-way. Internally illuminated signs shall be limited to halo illumination only. Address and address/street name signs shall be a minimum of 8 inches in height and a maximum of 10 inches in height. Where more than one address sign is attached to multiple frontages of a single building as described above, the design, size and color of each sign shall be identical.

3. Freestanding Monument Signs. One illuminated or nonilluminated freestanding monument sign shall be allowed for developments with a minimum of 150 feet of continuous frontage on the same street.

a. Height. Monument signs shall be limited to a maximum height of 5 feet as measured from the grade of the adjacent public sidewalk.

b. Sign Area. The sign face of monument signs shall be limited to a maximum of 40 square feet in size, not including the optional, detachable sign rider described in Subsection (3)(d) below.

c. Design and Illumination. Monument signs shall be of a high quality architectural design and be constructed of durable materials. If illumination is desired, it shall be via at-grade, flush-mounted fixtures to minimize nuisance glare to the adjacent public right-of-way. As an alternative, above-grade fixtures may be used if it can be demonstrated that the light source will not be directly visible to the public right-of-way or neighboring properties.

d. Sign Copy. The purpose of monument signs is to identify the development by its name and address. No additional sign copy, such as phone numbers, website addresses or other forms of advertising, shall be permitted. A detachable rider to the sign containing sign copy such as "Now Leasing," "Now Renting," "Vacancy," "No Vacancy" or the like, shall be permitted so long as its design is complementary to the main sign. Such sign riders shall be no greater than 8 square feet in size.

e. Location. Monument signs shall be located within a fully landscaped area and set back a minimum of 5 feet from the back edge of the adjacent public sidewalk. In order to eliminate sight-distance obstructions, monument signs shall be located no less than 30 feet away from any vehicular driveway on the same side of the street, whether the driveway serves the subject development or an adjacent property.

4. Unit Signs. One illuminated or nonilluminated sign identifying the unit number, letter or designation, not to exceed 1 square foot in size, shall be required and maintained for each dwelling unit.

5. Directional Signs. One or more pedestrian and/or vehicular-oriented directional signs, no larger than 6 square feet in size and 4 feet in height may be permitted within residential developments of 2 acres or greater, subject to administrative review and approval by the Director of Community Development.

B. Prohibited Signs. All signs not expressly permitted herein shall be prohibited, including those signs identified in Section 11.72.120 of this Title.

11.90.300 Operational standards.

In order to provide adequate management, maintenance and oversight for planned residential developments, the following operational standards shall be required for projects constructed after July 1, 2013:

1. For developments of 30 units or less, an on-site manager having the authority to perform or contract for emergency and nonemergency maintenance and repairs shall reside full-time in one of the dwelling units on the subject property.

2. For developments of greater than 30 units, the following requirements shall apply:

a. A permanent rental/leasing office shall be established and maintained on-site and staffed daily during regular business hours.

b. The property owner shall be required to contract with a professional property management company that is on-call 24 hours a day and shall be responsible for all landscape, common area and building maintenance.

11.90.310 Walls and fences.

The general development standards for walls and fences as provided in Sections 11.38.050(M), (N) and (O) of this Title shall apply; provided, however, that the Planning Commission may require additional walls and fences if necessary to protect adjacent properties.

Section XIV. Amendment of Code.

Sections 11.90.330 through 11.90.340 of the Montclair Municipal Code are hereby renumbered as follows:

11.90.320 Fire hydrant system.
11.90.330 Sewer and water systems.

SECTION XV. Amendment of Code.

Section 11.90.350 of the Montclair Municipal Code is hereby repealed and replaced as follows:

11.90.340 Mail delivery.

Mail delivery service shall be provided within centrally located areas with easy accessibility from an internal driveway or parking area. Mail collection areas shall be located within a fully enclosed building, covered breezeway, or other similar area that is adequately protected from inclement weather, and shall be provided with a minimum illumination level of 500 lumens.

SECTION XVI. Amendment of Code.

Sections 11.90.360 through 11.90.370 of the Montclair Municipal Code are hereby renumbered as follows:

11.90.350 Common areas.
11.90.360 Appearance standards.

SECTION XVII. Amendment of Code.

Sections 11.90.380 through 11.90.390 of the Montclair Municipal Code are hereby repealed, renumbered and replaced as follows:

11.90.370 Miscellaneous development standards.

The following development standards shall be applicable to planned residential developments in addition to those required elsewhere in this Chapter:

A. Grading: Notification of Completion and Written Certification Required. The permittee or his/her agent shall notify the Building Official when the grading operation is ready for final inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices, stormwater retention facilities and all erosion control measures have been completed in accordance with the final approved grading plan and the required reports have been submitted, including written certification that the work completed is in accordance with the final approved grading plan.

B. Landscaping: Notification of Completion and Written Certification Required. The permittee or his/her agent shall notify the Director of Community Development when the final landscaping installation is ready for inspection. Final approval shall not be given until all work, including installation of plant material and an automatic irrigation system, has been completed in accordance with the approved landscape plan, and the permittee has submitted written certification by a licensed professional that the work has been completed in accordance with the final approved landscape plan and all requirements of Chapter 11.60 of this Title.

C. Energy Conservation. The project shall be designed to meet or exceed all state and local energy conservation standards in effect at the time of construction.

D. Fire Detection System. Smoke and carbon monoxide detectors shall be installed in all habitable spaces as required by state and local ordinances at the time of construction.

E. Fire Suppression System. An automatic fire sprinkler system shall be installed in all dwelling units, and in all covered or enclosed nonhabitable spaces, such as garages, carports and trash enclosures as required by local ordinance at the time of construction.

F. Sound Attenuation. Planned residential developments shall be designed to comply with state noise attenuation standards and local building requirements in effect at the time of construction.

G. Solar Energy Systems. The goals and objectives of the General Plan encourage and promote an enhanced residential park-like environment through the implementation of aesthetically pleasing development and design standards of this Title. However, it is recognized that there is a need to encourage and promote awareness in the community of alternative means of conserving energy resources. It is further recognized that the use of solar energy can be a cost-effective means of water heating and space heating and cooling, but that the use of such systems may be inconsistent with the goals and objectives of the community and the aesthetic character of the City's residential neighborhoods.

The Planning Commission, in granting approval of a solar energy system, may impose conditions that are necessary and desirable to carry out the purposes of this Chapter and that are consistent with the policies, principles, regulation, criteria and standards applied to other properties, uses and developments in similar circumstances. Further, in considering a solar energy system, the Planning Commission shall impose conditions in order to provide a balance between the goals and objectives of the community and the General Plan, and the recognize desire to allow solar energy systems as an alternative energy source.

11.90.380 Covenants, conditions and restrictions (CC&Rs).

In order to ensure proper maintenance of all streets, parking areas, landscaping and other improvements within the common areas of a planned residential development, the following provisions shall be contained in the Covenants, Conditions and Restrictions (CC&Rs). No such CC&Rs shall be acceptable until approved by the Director of Community Development as to the adequacy and suitability for the proposed use and maintenance of all common areas, and by the City Attorney as to legal form and effect. These provisions shall include, but not be limited to, the following:

A. The final CC&Rs, upon approval by the City, shall be recorded with the final map.

B. The City shall be made a party to the CC&Rs and further provide that the City shall approve any changes or amendments to the CC&Rs.

C. The City shall be granted the power to enforce all provisions of the CC&Rs, including, but not limited to, the maintenance of all streets, parking areas, landscaping and other improvements within the common areas of the development.

D. The City shall be granted the express power to enforce all laws and ordinances of the State of California and/or the City of Montclair on the private streets, alleys and parking areas within the project. Nothing within the CC&Rs shall be construed as imposing an obligation or requiring the City to enforce any provision of the CC&Rs.

E. The City shall be entitled to prior written notice of any proposed amendment to the CC&Rs. Such notice shall be given by mailing a copy of the precise language of the proposed amendment to the City, in care of the City Clerk, together with a letter of transmittal explaining the proposed change in general terms. The City shall have an opportunity to review and comment upon the proposed amendment for a period of not less than 45 days prior to the effective date of any such proposed amendment.

F. Right of Entry. The City, through its duly authorized agents or employees, shall have the right to enter upon the common areas for the following purposes:

1. Inspection, maintenance and repair of the landscaping and private street components of the common areas where such maintenance and repair is required;

2. Enforcement of local traffic and/or parking regulations. All privately owned and maintained streets, alleys, driveways and parking areas shall be open for the use of the public for purposes of vehicle traffic and are so connected with highways and streets that provisions of the Vehicle Code of the State of California may be applied to them in their entirety. Whenever by this provision, or any other law of the City, parking is restricted or prohibited and signs are erected giving notice thereof, duly authorized representatives of the City of Montclair may cause the vehicles in violation thereof to be towed away and stored at the expense of the owner, operator or person to whom the vehicle is entitled to be released, and the vehicle shall not be released except upon payment of the towing and storage costs. In tow-away zones, the Public Works Department shall cause to be posted appropriate signs giving notice thereof.

G. Reimbursement of City Expenditures by the Association. All costs and expenses incurred by the City arising out of its maintenance and repair of the common areas, as provided in subsection (F)(1) and (2) of this Section, shall be charged as an expense of the homeowners association and shall be paid within 30 days of receipt of an invoice for same.

H. Assessments and Lien Rights of the City. If City maintenance costs are not paid within 30 days from the date due, said unpaid costs and expenses shall become a special assessment against the property, and upon hearing and confirmation by the City Council, shall be collected in the same manner as real property taxes and shall be subject to the same penalties, procedures and sale in case of delinquency as is provided for real property taxes.

SECTION XVIII. 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 XIX. Effective Date.

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

SECTION XX. 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, 2014.

_____
Mayor

ATTEST:

_____
Deputy City Clerk

I, Yvonne L. Smith, Deputy City Clerk of the City of Montclair, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 13-935 of said City, which was introduced at a regular meeting of the City Council held on the XX day of XX, 2014, and finally passed not less than five (5) days thereafter on the XX day of XX, 2014, by the following vote, to-wit:

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

_____
Yvonne L. Smith
Deputy City Clerk

AGENDA REPORT

SUBJECT:	CONSIDER DECLARING CERTAIN CITY PROPERTY AND UNCLAIMED PROPERTY IN POLICE CUSTODY AS SURPLUS AND AVAILABLE FOR AUCTION	**DATE:**	February 18, 2014
		SECTION:	ADMIN. REPORTS
		ITEM NO.:	10
		FILE I.D.:	EQS051/052
		DEPT.:	POLICE

REASON FOR CONSIDERATION: The City Council is requested to consider declaring certain City property and unclaimed property in Police custody as surplus so it may be made available for auction.

BACKGROUND: The items included on the attached lists are considered as surplus City property or as unclaimed property in Police custody. Upon being declared as surplus by the City Council, the items will be available for auction.

FISCAL IMPACT: There is no estimation as to the proceeds to be received through the auction of these items.

RECOMMENDATION: Staff recommends the City Council declare certain City property and unclaimed property in Police custody as surplus and available for auction.

Prepared by:	Sharon Agamar	Reviewed and Approved by:	M. STAATS
Proofed by:	Judy B	Presented by:	M. STAATS

MONTCLAIR POLICE DEPARTMENT
SURPLUS PROPERTY LIST
FEBRUARY 6, 2014

TAG NO.	QTY	DESCRIPTION	SERIAL NO.	CR #	NOTATION
1	1	RED MOUNTAIN BIKE "NEXT POWER" (335A)	SL0305700	12-0813	E
2	1	RED BIKE (326A)	CSC3C37010	13-0054	SK
3	1	RED UNISEX BIKE (350A)	K64989131812H207	13-1585	
4	1	SCHWIN 10 SPD (339A)	UNK	13-1858	F
5	1	BLK MONGOOSE MTN BIKE (339A)	AV05500715	13-1933	F
6	1	BLUE "NEXT" BIKE (351A)	54092163	13-2012	F
7	1	"NEXT" MTN BIKE (131B)	79266103	13-2250	F
8	1	BLUE SCOTT MULTISPEED BIKE (351C)	S5P07722	13-3241	SK
9	1	BLUE BMX BIKE (335A)	090829195	13-3706	F
10	1	BLUE BEACH CRUISER BIKE (351B)	SNHE105F29368	13-3525	SK
11	1	GOLD MONGOOSE BIKE (341A)	SNACE07G10082	13-3706	F
12	1	SILVER BMX BIKE (257A)	547C000974	13-3717	F
13	1	CHROME BXM BIKE (270A)	UNK	13-3855	F
14	1	RALEIGH BIKE (131B)	UNK	13-4030	SK
15	1	WHITE TIMBERLINE MOUNTAIN BIKE (339A)	UNK	12-1981	E
16	1	BLUE ROADMASTER BIKE (309A)	CW37129117	13-3921	SK
17	1	BLK/WHT MOUNTAIN BIKE (303B)	UNK	13-4178	SK
18	1	BLUE SPORT RESPONSE BIKE (353A)	CC101204	13-4660	SK
19	1	RED CHROME BIKE (284B)	UNK	07-2317	E
20	1	BIKE (303B)	UNK		
21	1	BLK/YLW BIKE (335A)	UNK		
22	1	GRAY MTN BIKE (325A)	UNK		
23	1	RED EAGLE RIDGE BIKE (332A)	UNK		
24	1	"NEXT" 18 SPD BIKE (301A)	UNK		
25	1	TOOL BOX W/ MISC TOOLS (318A)	UNK		
26	1	BLACK BOX W/NAIL GUN (318B)	UNK		
27	1	BACK PACK W/MISC TOOLS (318C)	UNK		
28	1	TOOLS (318D)	UNK		
29	1	BLACK BAG W/TOOLS (318E)	UNK		
30	1	BLACK TWO-DRAWER CONTAINER	UNK		

TAG NO.	QTY	DESCRIPTION	SERIAL NO.	CR #	NOTATION
31	1	BLACK LAPTOP CASE	UNK	04-2024	E
32	1	MONGOOSE BMX BIKE (330C)	5NXDS07602601	11-0865	E
33	1	RED SCOOTER (2028C)	UNK	13-4783	SK
34	1	NEXT BLK BIKE (284A)	UNK	07-4029	SK
35	1	BLK GT BIKE (284B)	UNK	07-4029	E
36	1	MTN BIKE (353A)	UNK	13-4903	E
37	1	BLK/BLU MONGOOSE BIKE (351E)	5NESD11FE0967	13-5136	E
38	1	GRN MAGNA BIKE (257C)	UNK	11-0131	E
39	1	SIL BMX BIKE (257D)	UNK	11-0131	E
40	1	GRAY HUFFY CHEROKEE BIKE (327A)	UNK	10-6046	E
41	1	GREEN BIKE (317A)	UNK	11-1391	E
42	1	SILVER SCOOTER (325B)	UNK	13-1368	E
43	1	SILVER SCOOTER (272A)	UNK	12-2503	E
44	1	RAZOR SCOOTER (326A)	UNK	13-3664	E
45	1	RAZOR SCOOTER (154A)	UNK	13-3290	F
46	1	RAZOR SCOOTER (154B)	UNK	13-3290	F
47	1	RAZOR SCOOTER (154C)	UNK	13-3290	F
48	1	RAZOR SCOOTER (141B)	UNK	13-2558	F
49	1	RED ALUM 7005 BIKE (334A)	UNK	11-3976	E

AGENDA REPORT

SUBJECT:	CONSIDER ADOPTION OF AGREEMENT NO. 14-17, A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MONTCLAIR AND THE METRO GOLD LINE FOOTHILL EXTENSION CONSTRUCTION AUTHORITY FOR THE COST OF ADVANCED CONCEPTUAL ENGINEERING AND ENVIRONMENTAL CLEARANCE WORK FOR THAT PORTION OF PHASE 2B OF THE METRO GOLD LINE EXTENSION WITHIN THE CITY OF MONTCLAIR	**DATE:**	February 18, 2014
		SECTION:	AGREEMENTS
		ITEM NO.:	1
		FILE I.D.:	TRN250
		DEPT.:	CITY MGR.

REASON FOR CONSIDERATION: On January 16, 2014, the San Bernardino Associated Governments (SANBAG) Commuter Rail and Transit Committee (CRTC) voted to establish funding priorities for public transit projects. As approved, the order of the top three funding priorities from top down were (1) the Redlands Passenger Rail Project; (2) Metrolink Double-Tracking Projects; and (3) that portion of Phase 2B of the Metro Gold Line Extension from Claremont to Montclair.

In establishing funding priorities, the CRTC failed to act on providing funding for work related to advanced conceptual engineering and environmental clearance consulting for the Metro Gold Line Extension to Montclair—consulting work that is expected to begin in April 2014. It is anticipated that failure of SANBAG to participate in advanced engineering and environmental consulting work for Phase 2B would bring the terminus of the Gold Line Extension to Claremont, rather than to Montclair. This failure would effectively end the opportunity for the Gold Line's entry into San Bernardino County and ultimately to Los Angeles/Ontario International Airport (ONT).

Entry of Metro Gold Line light rail service into San Bernardino County is viewed by many in the region as essential to the Inland Empire's social and environmental improvement and long-term economic recovery.

In order to retain the opportunity for Phase 2B of the Gold Line Extension to terminate at Montclair, the City Council is asked to consider approval of proposed Agreement No. 14-17, a Memorandum of Understanding between the City of Montclair and the Metro Gold Line Foothill Extension Construction Authority (Construction Authority) for $2.16 million, payable by Montclair in monthly installments, for consulting services related to advanced conceptual engineering and environmental clearance work for that portion of Phase 2B of the Metro Gold Line Extension from Claremont to Montclair.

BACKGROUND: The Metro Gold Line, in its current configuration, is a 19.7-mile light rail line running from East Los Angeles to Pasadena via Downtown Los Angeles. In the Downtown Los Angeles area, the Gold Line serves a number of local attractions and

Prepared by:	E. STARR	Reviewed and Approved by:	M. STAATS
Proofed by:	[illegible]	Presented by:	M. STAATS

neighborhoods including Little Tokyo, Union Station, the Southwest Museum, Chinatown, and Old Pasadena.

The Gold Line, which is one of six light rails lines in the Metro Rail System, entered service in 2003 and is operated by the Los Angeles County Metropolitan Transportation Authority (Metro). Trains run daily between 4:30 a.m. and 12:45 a.m., with service on Friday and Saturday nights continuing until 2:00 a.m. Trains operate every six minutes during peak hours, Monday through Friday. Midday service runs on 12-minute intervals; weekend service runs on 7- to 8-minute intervals; and nighttime service runs every 15 minutes, with 20-minute intervals during late weekend service. Average train speed is 21.9 miles per hour over the length of the system.

Metro Gold Line train cars are composed of articulated light rail vehicles that typically run in two-car configurations, except in the evenings and on weekends when they convert to single cars.

As of October 2013, the Gold Line's average weekday ridership stood at 43,923. In contrast, the Southern California Regional Rail Authority's Metrolink system, with 388 miles of track, has an average weekday ridership of less than 42,000. In 2013, Metrolink ridership system-wide declined by approximately 4.1 percent.

The Gold Line Foothill Extension is a planned extension of the Metro Gold Line corridor from its current terminus in Pasadena east through the Foothill cities of San Gabriel Valley to Montclair. The plan is currently being implemented as two separate mass transit projects known as Phase 2A and Phase 2B terminating in Montclair. A third project under consideration, Phase 2C, would extend the corridor further east to ONT. If Phase 2C is completed, ONT would be the only regional airport in Southern California with direct access by an east-west light rail system.

Phase 2 A and 2B of the Metro Gold Line Foothill Extension from Pasadena to Montclair is $1.7 billion, 23.6-mile extension of the Metro Gold Line light rail system being over-seen by the Metro Gold Line Foothill Extension Construction Authority, an independent transportation planning and construction agency created in 1998 by the California State Legislature.

The Gold Line Foothill Extension, as currently envisioned, is to be implemented/planned in two segments:

1. Phase 2A, currently under construction, is an 11.3-mile route that will extend the light rail system from Pasadena to Azusa—with stations in Arcadia, Monrovia, Duarte/City of Hope, Irwindale, Azusa, and APU/Citrus College. This phase of the project is fully funded by Los Angeles County's Measure R and is on schedule to be completed in September 2015, when it will be turned over to Metro for testing and pre-revenue service.

2. Phase 2B would extend the light rail system from Azusa to Montclair at a cost of approximately $1 billion—with stations in Glendora, San Dimas, La Verne, Pomona, Claremont, and Montclair. SANBAG would fund approximately $55 million for construction of that portion of the Gold Line from Claremont to Montclair. The 12.3-mile Azusa to Montclair project was environmentally cleared under CEQA in March 2013, when a Locally Preferred Alternative was selected.

The next step prior to the award of a design/build contract for the construction of Phase 2B is the completion of preliminary design related to advanced conceptual design and federal environmental clearance. Measure R is funding the majority of the cost associated with the advanced conceptual engineering and environmental work for the Azusa to Montclair segment—approximately $34 million—with SANBAG required to contribute $2.16 million for San Bernardino County's share of the work. Measure R is also paying for the Construction Authority's alternative analysis from Montclair to ONT.

The Construction Authority is working with Metro to develop the nearly $1 billion required to construct the Azusa to Claremont portion of the project. Metro anticipates placing a measure on the November 2016 General Election Ballot, asking voters in Los Angeles County to approve a tax measure to fund transit/transportation projects including Phase 2B of the Gold Line Extension to Claremont.

An earlier tax measure (Measure J) went before Los Angeles County voters in November 2012. Measure J narrowly lost, receiving 64.72 percent of the vote out of a required 66 percent. Press reports at the time speculate Measure J lost because of division within the Metro Board. Then Los Angeles Mayor Antonio Villaraigosa and his supporters pushed for transit projects that were focused in and around the City of Los Angeles. San Gabriel Valley voters rejected the Los Angeles-centric position, contributing to the defeat of Measure J. The current makeup of the Metro Board, led by current Mayor Gil Garcetti, is favorable toward the Gold Line Extension to Claremont.

It has been the history of the Construction Authority to engage in fund development concurrent with the conduct of studies for planned light rail segments. The current effort related to Phase 2B is reflective of Construction Authority operations and methodology. Furthermore, the completion of studies is considered a precursor event necessary to determine costs and feasibility.

On January 10, 2014, the Construction Authority issued a Request for Proposals for the Azusa to Montclair engineering and NEPA environmental consulting work, to be completed over the next two years. Completing the engineering and environmental work will advance the light rail project to a point where it would be ready for design-build procurement. Proposals are due March 5, 2014; and a contract award is anticipated in April 2014.

On January 16, 2014, the SANBAG CRTC approved a staff recommendation to establish the top three public transit priorities for the Valley Subarea of San Bernardino County.

The top three funding priorities, as recommended by CRTC for consideration by SANBAG's Board of Directors were:

No. 1. The Redlands Passenger Rail Project—funding requirements include $240,400,000 for capital and $158,118,923 for operation and maintenance over the life of Measure I.

No. 2. Metrolink Double-Tracking Project—funding requirements include $64 million for capital and $10 million for operation and maintenance over the life of Measure I.

No. 3. Phase 2B Gold Line Extension from Claremont to Montclair—funding requirements include $55 million for capital, $2.16 million for environmental clearance and

advanced engineering consulting work, $840,000 for project oversight and support by SANBAG staff, and $90 million for operation and maintenance over the life of Measure I.

Estimated funding requirements for each transit project covers the Fiscal Year 2014-2040 period. A copy of SANBAG's revenue and cost estimates for rail capital and operations is attached as ***Appendix 1.***

In its discussion of funding issues, the Commuter Rail and Transit Committee agenda report indicated SANBAG does not have the required "$2 million" in funding for the environmental clearance and advanced engineering consulting work nor an estimated $3 million annually for operation and maintenance. The agenda report appeared to be noncommittal on funding for construction—although it has since been determined that SANBAG has budgeted $55 million for construction of the Gold Line Extension from Claremont to Montclair. However, funding has not been developed for extension of the Gold Line to ONT.

Based on the SANBAG staff presentation and information contained in the agenda report, members of the Commuter Rail and Transit Committee apparently concluded that the two public transit programs close to achieving required funding are the Redlands Passenger Rail Project and portions of the Metrolink double-tracking project. Accordingly, the Commuter Rail and Transit Committee voted to established public transit priorities as indicated above.

Three days after the Commuter Rail and Transit Committee established transit priorities for the Valley Subarea, funding for the Claremont to Montclair portion of the Gold Line Extension reemerged as a concern when an email dated January 19, 2014 (attached as ***Appendix 2***) was sent by SANBAG executive staff to Construction Authority Executive Director Habib Balian—the email indicated funding did not exist for any aspect of the Gold Line Extension to Montclair including "$2 million" for advanced engineering, $55 million for final design and construction, and $3 million annually for operations and maintenance. The email went on to indicate a high probability that funding also did not exist for SANBAG's No. 2 priority transit project—Metrolink double-tracking.

The email strongly urged the Construction Authority to end all work on the alternative analysis to ONT (Phase 2C) stating "definite conflicts with our Metrolink double-tracking, right-of-way, and development plans for Montclair and Upland stations." Instead, the email indicated a preferred connection between a Metrolink station and ONT via shuttle, people mover, diesel multiple units, and/or bus rapid transit.

Effectively, the email allowed for the inference that out of $1.552 billion in revenue projections to be received by SANBAG over 26 years (2014 to 2040) for transit projects in the Valley Subarea, SANBAG funding was only adequate to cover the $398,518,923 estimated cost for construction, operation, and maintenance of the Redlands Passenger Rail Project. In contrast, the cost for each of the top three transit priorities recommended by the Commuter Rail and Transit Committee total approximately $618 million including construction and operation and maintenance through 2040.

Based on the content of the January 19, 2014 SANBAG email, Montclair's City Manager prepared a letter to SANBAG's Executive Director, attached as ***Appendix 3***, seeking clarification.

On January 29, 2014, Montclair hosted a meeting with representative from SANBAG, the Gold Line Construction Authority, and the City of Ontario to discuss the Gold Line Extension to Montclair. During the course of the meeting, SANBAG identified the following increased Gold Line-related costs, fund deficiencies, and fund status:

1. SANBAG's cost to participate with the Construction Authority for advanced engineering and environmental work would be approximately $3 million—$2.16 million (not the $2 million indicated in the Commuter Rail and Transit Committee agenda report) for participation with the Construction Authority in the consulting work, and $840,000 for SANBAG oversight.

2. Increased operation and maintenance for the Gold Line to Montclair—up from $1 million annually to $3 million annually. However, SANBAG representatives restated lack of funds for operation and maintenance, which they defined as costing approximately $30 million for the "2031 to 2040" timeframe—indicating the Gold Line would not see operation in Montclair any earlier than 2031, ten years after the Construction Authority's projected entry of the Gold Line to Montclair.

3. SANBAG representatives acknowledged a lack of funds for participation in the advanced engineering and environmental consulting work (approximately $3 million).

4. SANBAG Executive Director Wolfe indicated SANBAG would have approximately $55 million for construction of the Gold Line Extension from Claremont to Montclair—although the available date of construction funds appears unclear. In an email to Montclair's City Manager dated February 4, 2014 (attached as ***Appendix 4***), SANBAG Executive Director Wolfe indicated his commitment to seek federal small starts project funds to assist with construction and operation and maintenance of the Gold Line to Montclair and to avoid a project bottleneck in San Bernardino County if Metro and the Construction Authority are successful in securing funding for Phase 2B.

In a conversation with Construction Authority representatives, staff determined that failure to participate with the Construction Authority in the engineering and environmental consulting work for Phase 2B at this time would effectively end the opportunity for a Gold Line presence in San Bernardino County. This position is based, in part, on the cost to SANBAG if it failed to participate with the Construction Authority for engineering and environmental consulting work. Separately conducting similar consulting work for the Claremont to Montclair and ONT portion of the Gold Line Extension would cost SANBAG approximately $30 million. SANBAG's position to not participate is based largely on the presumption that Metro and the Construction Authority will not develop funding for Phase 2B; thus, SANBAG considers participation as an unnecessary expenditure.

At the conclusion of the January 29, 2014 meeting, an offer was made by Montclair's Mayor and City Manager to ask the City Council to approve advancing the cost of SANBAG's participation ($2.16 million) in the engineering and environmental consulting work—the advance to SANBAG would be a low-interest loan. SANBAG representatives agreed to the proposal upon modification as a no-interest loan to be forgiven if Metro/ Construction Authority failed to secure funding for the Gold Line Extension from Azusa to Montclair prior to the end of 2040.

Following the conclusion of the January 29, 2014 meeting, City staff was advised by SANBAG that an agreement regarding a Montclair advance for consulting work would not

be presented to CRTC any earlier than April 2014, placing it before the full SANBAG Board of Directors no earlier than May 2014. Concurrently, City staff was advised by the Construction Authority that advance engineering and environmental consulting work for Phase 2B would begin in April 2014; and an agreement with SANBAG must be reached in March 2014.

City staff approached the Construction Authority to inquire about entering into a mutual agreement to participate with the Construction Authority for Phase 2B consulting work. Both the Construction Authority and SANBAG are in agreement with Montclair contributing directly to the Construction Authority. The advance of $2.16 million would be billed to Montclair by the Construction Authority on a monthly basis. At the present time, it appears payments to the Construction Authority will be reimbursable to Montclair by SANBAG—the SANBAG Board of Directors is expected to approve reimbursement at a future meeting.

On February 5, 2014, upon motion by SANBAG Director Mayor Paul Eaton, the SANBAG Board of Directors voted 16 to 12 to return the transit funding/priority list to the CRTC. The motion carries direction for the Commuter Rail and Transit Committee to strip prioritization from the three transit projects (Redlands Passenger Rail, Metrolink Double-Tracking, and Gold Line Extension to Montclair), treat each project with equal weight, and return to the Board of Directors a recommendation to reimburse to Montclair the proposed $2.16 million advance for engineering and environmental consulting work—it is uncertain, at this writing, if the recommendation to the Board would include reimbursement to Montclair, or direct payment by SANBAG, for oversight of the engineering and environmental consulting work.

The CRTC has included on its agenda for February 13, 2014, an item to discuss a potential funding agreement for the Metro Gold Line Extension to Montclair.

FISCAL IMPACT: Approval of proposed Agreement No. 14-17 would require the distribution of approximately $2.16 million from the City's Economic Development Fund, payable in monthly installments to the Gold Line Foothill Extension Construction Authority for advanced conceptual engineering and environmental clearance consulting for that portion of Phase 2B of the Metro Gold Line Extension from Claremont to Montclair. Payments to the Construction Authority are not directly reimbursable by the Construction Authority.

At the January 29, 2014 meeting of representatives from Montclair, SANBAG, Ontario, and the Construction Authority Executive Director, Dr. Wolfe stated Montclair would be reimbursed the amount of the advance ($2.16 million) for participation with the Construction Authority in engineering and environmental consulting work; however, such reimbursement would be contingent upon the Construction Authority securing funds to complete construction of Phase 2B of the Metro Gold Line Extension from Azusa to Montclair.

In an email dated February 3, 2014 (attached as ***Appendix 5***), as corrected by an email dated February 4, 2014 (attached as ***Appendix 6***), SANBAG Executive Director Dr. Wolfe reconfirms SANBAG's commitment to reimburse Montclair for the cost of advanced engineering and environmental consulting work. Dr. Wolfe concurs with Montclair contracting directly with the Construction Authority for consulting work on Phase 2B. Dr. Wolfe also states it is Montclair's responsibility to pay SANBAG up to $840,000 for oversight of the advanced engineering and environmental consulting work.

In an email dated February 4, 2014 (***Appendix 4***), SANBAG Executive Director Dr. Wolfe indicates a "great shot at securing" federal small starts project funds for construction of the Gold Line from Claremont to Montclair and using existing construction dollars for operation and maintenance.

On February 5, 2014, upon motion by SANBAG Director Mayor Eaton, the SANBAG Board of Directors voted 16 to 12 to return the transit funding matter to CRTC. The motion carries direction for CRTC to strip prioritization from the three transit projects (Redlands Passenger Rail, Metrolink Double-Tracking, and Gold Line Extension to Montclair), treat each project with equal weight, and return to the Board of Directors a recommendation to reimburse to Montclair the proposed $2.16 million advance for engineering and environmental consulting work—it is uncertain, at this writing, if the recommendation to the Board will include reimbursement to Montclair as opposed to direct payment by SANBAG for oversight of the engineering and environmental consulting work.

An Agreement between Montclair and SANBAG for reimbursement of the $2.16 million advance to the Construction Authority for engineering and environmental consulting work will be presented to the City Council at a future meeting for consideration. Mayor Eaton will work with CRTC to include a recommendation that SANBAG fund its internal operating costs related to oversight of the consulting work.

RECOMMENDATION: Staff recommends the City Council approve Agreement No. 14-17, a Memorandum of Understanding between the City of Montclair and the Metro Gold Line Foothill Extension Construction Authority for $2.16 million, payable in monthly installments, for consulting related to advanced engineering and environmental clearance work for that portion of Phase 2B of the Metro Gold Line Extension within the City of Montclair.

MEMORANDUM OF UNDERSTANDING

PHASE 2B

ADVANCED CONCEPTUAL ENGINEERING AND

ENVIRONMENTAL WORK

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is made and entered into as of _____ 2014, by and between the Metro Gold Line Foothill Extension Construction Authority, a public entity of the State of California (the "Construction Authority"), and the City of Montclair ("MONTCLAIR"), the Construction Authority and MONTCLAIR referred to together herein as "Parties" or individually as "Party," with reference to the following facts:

A. The Construction Authority, formerly known as the Pasadena Metro Blue Line Construction Authority, was formed in accordance with Public Utilities Code Section 132400 *et seq.* for the purpose of planning, designing, and constructing the Los Angeles-Pasadena Metro Foothill Extension Gold Line light rail project extending from Union Station in the City of Los Angeles to Sierra Madre Villa Boulevard in the City of Pasadena ("Phase I") and any mass transit guideway that may be planned east of Sierra Madre Villa Boulevard along the rail right-of-way extending to the City of Montclair ("Phase II").

B. Phase II has been divided into two sub-phases, Phase 2A (Pasadena to Azusa), and Phase 2B (Azusa to Montclair). Phase 2A is currently under construction, with a scheduled completion date of September 2015.

C. On March 6, 2013, the Construction Authority certified an environmental impact report ("EIR") for Phase 2B and approved the proposed project. The Construction Authority is now engaged in advanced conceptual engineering and expects to engage in additional environmental work for Phase 2B.

D. The Authority is prohibited by its Funding Agreement with the Los Angeles County Metropolitan Transportation Authority ("Metro") from using the funds it obtains from Metro for Phase 2B for work on that portion of Phase 2B located outside of Los Angeles County.

E. MONTCLAIR has agreed to advance funds for the portion of the advanced conceptual engineering and environmental work related to the portion of Phase 2B located in San Bernardino County from the San Bernardino County Line to the Montclair TransCenter in Montclair (the "Montclair Portion").

NOW, THEREFORE, in consideration of the covenants contained herein, the parties hereto agree and memorialize their understanding as follows:

1. Extension of Phase 2B to Montclair.

Subject to the payment obligations of MONTCLAIR pursuant to Section 2 of this MOU, the Construction Authority agrees to incorporate the extension of Phase 2B to Montclair into the advanced conceptual engineering and environmental work (the "Work") being undertaken for Phase 2B.

2. MONTCLAIR to Pay Cost of Work in San Bernardino County.

MONTCLAIR agrees to pay for the cost of the Work for the Montclair Portion of the Project located in San Bernardino County. The Parties agree that the portion of Phase 2B located in San Bernardino County is six percent (6%) of the overall Project. Construction Authority estimates the total cost of the Work is approximately $36 million. The MONTCLAIR share is, therefore, estimated to be approximately $2.16 million.

Construction Authority will bill MONTCLAIR for its 6% share on a monthly basis. Each such invoice shall show the total costs incurred by the Construction Authority during the preceding month for the Work and MONTCLAIR's 6% share of the total costs. MONTCLAIR agrees to pay each such invoice within thirty (30) days of receipt.

3. Role of Parties in Completion of the Work.

The Parties shall cooperate with each other and the consultant(s) in completion of the Work including the provision of all requested data and maps available to MONTCLAIR.

4. Notices.

(a) Any notice, request, demand, report, or other communication given hereunder shall be in writing and sent by United States registered or certified mail, by fax (with a confirmation by registered or certified mail placed in the mail no later than the following day), or personally delivered by hand or a nationally or locally recognized overnight courier service, with postage prepaid, as follows:

If to Construction Authority:

Metro Gold Line Foothill Extension
Construction Authority
406 East Huntington Drive
Suite 202
Monrovia, California 91016
Attention: Habib F. Balian, Chief Executive Officer
Telephone: (626) 471-9050
Fax: (626) 471-9049

If to MONTCLAIR:

City of Montclair
5111 Benito Street
Montclair, California 91763
Attention: Edward C. Starr, City Manager
Telephone: (909) 625-9405
Fax: (909) 621-1584

(b) All notices, requests, demands, reports, or other communications that are personally delivered, sent by overnight courier service, or transmitted by fax shall be deemed to have been given upon transmittal thereof. All communications made by United States mail shall be deemed to have been given upon the third day after mailing.

(c) Any Party may, from time to time, by notice in writing served upon the other Party, designate an additional and/or a different mailing address or an additional and/or a different person to whom all such notices, requests, demands, reports and communications are thereafter to be addressed.

5. No Third-Party Beneficiaries. Nothing contained in this MOU is intended or shall be construed as creating or conferring any rights, benefits, or remedies upon, or creating any obligations of the Parties hereto toward, any person or entity not a party to this MOU.

6. Counterparts. This instrument may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

7. Amendments. This MOU may be altered, amended, or revoked only by an instrument in writing signed by each Party hereto.

8. Governing Law. This MOU shall be governed by and construed and enforced in accordance with the laws of the State of California. If any portion of this Agreement is determined to be invalid, illegal, or otherwise unenforceable, the remaining provisions shall continue in full force and effect, unless the purpose of the Agreement is frustrated.

9. Further Actions. The Parties agree to execute such further documents, agreements, instruments, and notices and to take such further actions as may be reasonably necessary or appropriate to effectuate the transactions contemplated by this MOU.

IN WITNESS WHEREOF, the Parties have executed this Memorandum of Understanding as of the date first written above.

[SIGNATURES ON NEXT PAGE]

METRO GOLD LINE FOOTHILL EXTENSION CONSTRUCTION AUTHORITY

By: _____
Name: Habib F. Balian
Title: Chief Executive Officer

APPROVED AS TO FORM:

Richards, Watson & Gershon

By: _____
Name: Michael Estrada
Title: General Counsel

CITY OF MONTCLAIR

By: _____
Name: Paul M. Eaton
Title: Mayor

ATTEST:

By: _____
Name: Yvonne L. Smith
Title: Deputy City Clerk

APPROVED AS TO FORM:

By: _____
Name: Diane E. Robbins
Title: City Attorney

AGENDA REPORT

SUBJECT:	CONSIDER APPROVAL OF AGREEMENT NO. 14-18 WITH THE PLANNING CENTER TO PROVIDE POLICY BRIEFS RELATED TO GEOGRAPHIC INFORMATION SYSTEM MAPPING DONE IN FISCAL YEAR 2012-13	**DATE:**	February 18, 2014
		SECTION:	AGREEMENTS
		ITEM NO.:	2
		FILE I.D.:	HSV044
		DEPT.:	HUMAN SERVICES

REASON FOR CONSIDERATION: The City Council is requested to consider approval of Agreement No. 14-18 with The Planning Center to provide policy briefs related to the Geographic Information System mapping done in Fiscal Year 2012-13. A copy of proposed Agreement No. 14-18 is attached for the City Council's review and consideration.

BACKGROUND: The Montclair Community Collaborative (MCC) was organized in 1996 as a partnership of the City of Montclair, the Ontario-Montclair School District, nonprofit agencies, colleges, businesses, and residents to strengthen the community. MCC works to provide "a quality community for all, by working together as diverse, committed individuals and organizations." It engages in ongoing strategic planning to identify resources and develop services for children, youth, and adults in the community.

The Montclair Community Collaborative's efforts resulted in the City of Montclair's successfully obtaining a one-year competitive grant from First 5, The Children and Families Commission for San Bernardino County (First 5 San Bernardino) to fund a health needs assessment for the cities of Montclair, Ontario, and Upland, which then resulted in First 5 San Bernardino extending the grant for two additional years. The City Council approved Agreement No. 13-42 with First 5 San Bernardino on June 17, 2013. This contract requires the delivery of services through subcontracts to partner agencies.

Agreement No. 14-18 would provide funding to partner agency The Planning Center for the following services:

- An analysis of the current issues in the City of Montclair as identified by the Geographic Information System mapping done in Fiscal Year 2012-13.
- Recommendations for several courses of actions regarding these issues.

The term of proposed Agreement No. 14-18 is October 1, 2013, through June 30, 2014.

FISCAL IMPACT: The Planning Center would be awarded $40,000 from the First 5 San Bernardino grant.

Prepared by:	M. Richter	Reviewed and Approved by:	M. STAATS
Proofed by:	Christine Smedely	Presented by:	M. STAATS

RECOMMENDATION: Staff recommends the City Council approve Agreement No. 14-18 with The Planning Center to provide policy briefs related to Geographic Information System mapping done in Fiscal Year 2012-13.

THE PLANNING CENTER DC&E

Service Authorization

PROJECT NO.	COMO-01.1	DATE	2/10/2014
PROJECT NAME	West End Children's Activity Resource Coalition		

TYPE OF AUTHORIZATION: ☐ Fixed Price Project ☒ Time and Materials Project

☐ Contract Extension ☐ Meetings Extra to Contract

Reimbursables: ☐ No Charge ☐ Extra to Contract ☒ 10% Markup on Subconsultants

RETAINER: $ 0.00 ☐ Yes* ☒ No

*All retainers are either applied to the final invoice or refunded at the close of the project.

BUDGET AMOUNT: $ 40,000.00 ☒ Not to Exceed ☐ Estimated

AGREEMENT BETWEEN:

CLIENT	City of Montclair	CONSULTANT	The Planning Center|DC&E
STREET ADDRESS	5111 Benito Street	STREET ADDRESS	3 MacArthur Place, Suite 1100
CITY STATE AND ZIP	Montclair, Ca 91763	CITY STATE AND ZIP	Santa Ana, CA 92707
CONTACT		CONTACT	Mark Hoffman
Hereinafter referred to as "Client."		Hereinafter referred to as "Consultant."	

This document authorizes the Consultant to execute the following services for the Client as indicated below:

SCOPE AND DURATION OF SERVICES:

Building on the prior GIS and analytical work done for MontclairWeCare, the Planning Center will prepare a series of policy briefs on topics of concern to the City of Montclair. The briefs will be as follows:

Task 1: Health Policy/Action Brief.
This policy brief will be designed to set forth the critical health and service issues facing residents in the City of Montclair. The policy brief will be based on data collected from the County Department of Public Health, local school districts, and other quantitative and qualitative sources that already exist. The focus of the policy brief is educational in nature, designed with user-friendly graphics, and photographs. The action/policy brief will be 6 to 10 pages subject to the qualifications noted below.

Task 2: Parks Policy/Action Brief
This policy brief will highlight park and recreation issues in Montclair, focusing on the availability of parks and recreation facilities serving residents. The policy brief will be based on data collected from earlier GIS work, City and school district programs, interviews with City staff, and other sources that already exist. The

focus of the policy brief is educational in nature, designed with user-friendly graphics, and photographs. As budget permits, we will also review traffic accident data to determine whether problem areas exist. The policy/action brief will conclude with practical recommendations or programs to implement. The action/policy brief will be 6 to 10 pages subject to the qualifications noted below.

Task 3: Food Policy/Action Brief
This policy brief will highlight the food environment in Montclair, focusing on the availability of grocery stores, fast food, and alcohol availability in the City of Montclair. The policy brief will be based on data collected from earlier GIS work, interviews with City staff, and other sources that already exist. The focus of the policy brief is educational in nature, designed with user-friendly graphics, and photographs. As budget permits, we will also review traffic accident data to determine whether problem areas exist. The policy/action brief will conclude with practical recommendations or programs to implement.The action/policy brief will be 6 to 10 pages subject to the qualifications noted below.

Task #4: Speaking Engagement
The Planning Center|DC&E will make a final presentation of the results of the policy/action briefs at a scheduled venue organized by the City of Montclair. This may include a City Council/Planning Commission hearing, a health summit organized by City staff, or other venue desired by the City. The presentation will be done in powerpoint, and organized in a way that City staff can conduct additional outreach in the form of presentations to groups in the community. For this outreach effort, we assume that the City will provide staffing and resources for the event, including noticing, food, and all other staff needed to organize and run the event. The Planning Center|DC&E will be responsible for the presentation and powerpoint.

Products:
1) Administrative Draft Briefs (10 black and White copies)
2) Public Review Draft Briefs (10 color copies)
3) Final Policy/Action Briefs (10 color copies)
4) Four Meetings with City staff or coalition staff
5) Powerpoint presentation draft and final

Budget
The budget is $40,000, with approximately $2,500 reserved for publication, printing, and other expenses. Should budgetary resources be available or the City desire shorter action briefs (6 pages versus 10 pages maximum), the Planning Center|DC&E will look at alternatives for producing a fourth policy/action brief of a topic to be determined at a later date building off data already collected by the Planning Center|DC&E.

RATE SCHEDULE:

Billing will be monthly based upon our standard hourly rates of $45 to $250, depending upon the professional's level of expertise.

GENERAL TERMS OF CONSULTING AGREEMENT:

These General Terms are a part of this contract. All of the services to be provided are referred to collectively as the "Work." This Proposal expires if the Agreement is not signed within three months from the date that the proposal was issued: Enter text here.

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(1) **Acceptance and Authorization to Proceed.** When Client signs and returns to Consultant a copy of this Proposal or Service Authorization, an Agreement will be formed authorizing Consultant to proceed with the Work as described.

(2) **Performance by Consultant.** Consultant will use all reasonable efforts to cause the Work to be performed by qualified persons under the supervision of Consultant. Except as provided below, the Work will proceed in accordance with the schedule included in this Agreement.

(3) **Scope of Work.** The scope of services set forth in this Agreement is based on facts known to Consultant at the time Consultant signed the Proposal or Service Authorization, including, if applicable, information supplied by Client. For some projects involving conceptual or process development services, scope may not be fully definable during initial phases. As the project progresses, facts discovered may indicate that scope must be redefined. Consultant will promptly provide Client with an amendment to this Agreement to recognize the additional information learned and changes in defining the scope and pricing for the Work. Client will have fifteen (15) days after receiving the proposed amendment to sign and return the amendment. If Client fails to sign and return the amendment within that time, Consultant may suspend work until satisfactory arrangements are agreed to in writing by Consultant and Client.

(4) **Coordination with Client.** Consultant and Client shall cooperate in proceeding with the Work under the direction and approval of the Client's Authorized Representative identified above, which representative or an alternate shall be available for Consultant at all reasonable times. Consultant and Client, recognizing that time is of the essence, agree that oral communications and instructions may be necessary. Consultant will, in the interest of the project, comply with such oral instructions. However, Consultant will promptly confirm its receipt of the oral instructions by sending Client a written memorandum by electronic or regular mail. The instructions will be deemed confirmed by the Client if the Consultant does not receive written withdrawal of or changes to the instructions within five (5) days after Consultant sent the confirmation to Client. If the instructions require changes in scope and pricing for the Work, Consultant will provide Client with an amendment for signature. Client will provide Consultant with access to the property which is the subject of the Work, along with all reports and other information which Client has concerning the Work.

(5) **Charges for Work.** Client will be charged for, and Client shall pay for without deduction or offset, the Work performed, in accordance with Consultant's current schedule of charges, billing rates, and expense reimbursement policies. Work will be limited by the amount included in the total of estimated costs stated in the proposal unless an increase is authorized in writing by Client. Although Consultant's schedule of charges and billing rates is subject to periodic review and revision, the current schedule will remain in effect for six months from the date a Proposal or Service Authorization is submitted by Consultant. Changes in the scope of the Work must be made in writing and will be charged for in accordance with this Agreement.

(6) **Unanticipated Delays.** Consultant shall not be liable for time delays or damages resulting from the actions or inactions of government agencies, including but not limited to, permit processings, environmental impact reports, general plans and amendments, and zoning matters. If the Work has not been completed in accordance with the schedule included in this Agreement, through no fault of Consultant, and the parties agree to an extension of the schedule, the fee schedule will be adjusted automatically to Consultant's current posted billing rates. Changes in a Client's Project Manager or changes in government plans, policies, programs, or ordinances may be a basis for Consultant to submit an Amendment to this Agreement addressing the impact of the change.

(7) **Reimbursable Expenses.** All of Consultant's expenses for document copying, FAX, delivery, travel, services, equipment and facilities are charged to Client at Consultant's cost.

(8) **Billing and Payment.** Time is of the essence in payment of invoices. Consultant invoices for Work performed will be issued at the close of each calendar month and upon completion of the Work. Any comments or questions which Client has concerning the contents of an invoice or the Work represented by an invoice must be submitted to Consultant in writing within fifteen (15) days after Client receives the invoice. If no such comments or questions are received by Consultant, the Work represented and the invoice shall be considered correct and accepted by Client. If payment for an invoice is not received by Consultant within forty-five (45) days after the date of the invoice, a reasonable late charge will be applied to all amounts outstanding, commencing thirty (30) days after the date of the invoice and continuing monthly until all amounts have been paid in full.

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(9) Suspension or Termination. Either party may suspend or terminate the Work at any time upon seven (7) days' written notice to the other party. Client shall pay all amounts due for the Work to the effective date of suspension or termination, plus all costs incurred by Consultant as a result of the termination or suspension.

(10) Client Files. When the Work is completed or this Agreement is terminated and Consultant has been paid in full, Consultant will, upon written request of Client, provide Client with all files reports and exhibits prepared by Consultant in performing the Work, except computer programs or data prepared by or for Consultant in connection with the Work. Reuse of any documents or other deliverables, including electronic media, pertaining to the project by Client for any purpose other than that for which such documents or deliverables were originally prepared, or alteration of such documents or deliverables Consultant's written consent, shall be at Client's risk. Client shall indemnify and defend against, and hold harmless from, all claims, losses, liabilities, and expenses asserted against or incurred by Consultant arising out of or connected with any such unauthorized reuse or alteration. Unless instructed otherwise in writing it is Consultant's policy to destroy Clients' files five (5) years after the date of final billing for the Work.

(11) Limitation of Liability. Consultant shall be liable to Client only for losses incurred by Client which are directly caused by (a) the acts or omissions of Consultant, in violation of this Agreement, and (b) willful misconduct or gross negligence of Consultant. Consultant shall not be liable to Client for (a) delays caused by factors beyond the reasonable control of Consultant, or (b) consequential damages. Consultant's liability to Client shall be further limited to the amount available from Consultant's insurance, if any. Except for claims for indemnification, the time period for bringing claims under this agreement expires one year after Consultant issues its final invoice for the Work.

(12) Insurance Cooperation. Client may, at Client's expense, obtain insurance to protect it against any risk resulting from this Agreement or the Work, and Consultant will cooperate with Client in obtaining such insurance.

(13) Indemnity to Consultant. Client shall indemnify and defend against, and hold Consultant harmless from all claims, losses, liabilities and expenses asserted against Consultant by third parties or incurred by Consultant as a result of such third party assertions.

(14) Confidentiality. Consultant will take reasonable steps to protect the confidentiality of information obtained by Consultant in performing the Work, when Client advises Consultant in writing of the confidential nature of such information. Consultant may use Client's name in general descriptions of the Work and services performed by Consultant.

(15) Employee Solicitation. Neither Client nor Consultant shall offer to employ or employ any employee of the other during, and for a period of six (6) months after termination of this Agreement.

(16) Settlement of Disputes. The parties will attempt in good faith to resolve any controversy or dispute arising out of or relating to this Agreement promptly by negotiations. If any party reaches the conclusion that the controversy or dispute cannot be resolved by unassisted negotiations, such party may notify the Judicial Arbitration and Mediation Service ("JAMS"), 500 North State College Boulevard, Suite 600, Orange, California 92668, (714) 939-1300. JAMS will promptly designate a mediator who is independent and impartial, and JAMS' decision about the identity of the mediator will be final and binding. The parties agree to conduct at least eight (8) consecutive hours of mediated negotiations within thirty (30) days after the notice is sent. If the dispute is not resolved by negotiation or mediation within thirty (30) days after the first notice to JAMS is sent, then, upon notice by any party to the other affected parties and to JAMS, the controversy or dispute shall be submitted to a sole arbitrator who is independent and impartial, selected by JAMS, for binding arbitration in accordance with JAMS' Rules for Non-Administered Arbitration of Business Disputes. The parties agree that they will faithfully observe the terms of this paragraph and will abide by and perform any award rendered by the arbitrator. The award or judgment of the arbitrator shall be final and binding on all parties. No litigation or other proceeding may be instituted in any court for the purpose of adjudicating, interpreting or enforcing any of the rights or obligations relating to the subject matter of this Agreement or for the purpose of appealing any decision of an arbitrator, except a proceeding instituted for the sole purpose of having the award of judgment of an arbitrator entered and enforced.

(17) Miscellaneous Provisions.

(a) Amendment. This Agreement may be changed only by a written amendment signed by Client and Consultant.

(b) Interpretation of Agreement. This Agreement shall be interpreted to give effect to its fair meaning and shall be construed as though it was prepared by both parties. This Agreement contains the entire agreement of Client and Consultant, and all

prior negotiations, documents, and discussions are superseded by this Agreement. The parties acknowledge there are no applicable representations, warranties, or terms which are not stated in this Agreement. The invalidity of any provision of this Agreement shall not affect the validity of any other provision of this Agreement. Section headings are for convenience and shall not be used in interpreting this Agreement.

(c) **References.** All references to this Agreement include reference to all amendments to this Agreement. All references to the Work include references to all or a part of the Work. References to Client or Consultant include, bind, and inure to the benefit of, their officers, agents, employees, successors in interest and assignees.

(d) **Time and Excusable Delays.** Reference to days in this Agreement means consecutive calendar days including weekends and holidays. The time for performance of an obligation, other than the payment of money, shall be extended for the period during which a party is prevented from performing by the act or omission of the other party, acts of God, government or other force or event beyond the reasonable control of such party.

(e) **Counterparts.** This Agreement may be executed in multiple counterparts all of which shall be one and the same Agreement.

(f) **Attorneys' Fees.** If any action is commenced to enforce or interpret the terms of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees and expenses, in addition to other relief as the court may award.

(g) **Prohibition of Assignment.** No right or remedy under this Agreement may be assigned by any party. Any attempted assignment shall be void.

(h) **Notices.** All notices required or allowed shall be in writing and shall be sent to the addresses shown at the beginning of this Agreement. A party may change its address for notices and consents by giving notice to the other party. Notice may be delivered by personal delivery, facsimile transmission during normal business hours of the recipient, an overnight delivery service, or U.S. Mail sent certified with return receipt requested. Notices and consents are effective on the earlier of the date received, the date of the delivery receipt, or the date delivery is refused, as applicable.

PLANNER:

PLANNER	The Planning Center|DC&E, a California Corporation		
STREET ADDRESS	3 MacArthur Place, Suite 1100		
CITY STATE AND ZIP	Santa Ana, CA 92707		
AUTHORIZED REPRESENTATIVE	Mark Hoffman	TITLE	Associate Principal

The Planning Center|DC&E's Authorized Representative _____ Date _____

CLIENT:

CLIENT	City of Montclair		
STREET ADDRESS	5111 Benito Street		
CITY STATE AND ZIP	Montclair, Ca 91763		
AUTHORIZED REPRESENTATIVE	Paul M. Eaton	TITLE	Mayor

Client's Authorized Representative _____ Date _____

AGENDA REPORT

SUBJECT:	CONSIDER CITY COUNCIL, ACTING AS SUCCESSOR TO THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY BOARD OF DIRECTORS, ADOPTION OF RESOLUTION NO. 14-01 ADOPTING A RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR JULY 1, 2014, THROUGH DECEMBER 31, 2014; ADOPTING AN ADMINISTRATIVE BUDGET FOR JULY 1, 2014, THROUGH DECEMBER 31, 2014; AND AUTHORIZING CERTAIN OTHER ACTIONS PURSUANT TO SECTION 34177 OF PART 1.85 OF THE HEALTH AND SAFETY CODE	**DATE:**	February 18, 2014
		SECTION:	RESOLUTIONS
		ITEM NO.:	1
		FILE I.D.:	SAG050
		DEPT.:	SUCCESSOR RDA

REASON FOR CONSIDERATION: AB 1484 was adopted by the State Legislature and signed by the Governor on June 29, 2012. This legislation is considered a cleanup bill to the Redevelopment Dissolution Bill legislation, AB X1 26. AB 1484 advanced the time for submittal of the Recognized Obligation Payment Schedules (ROPS) and an Administrative Budget. The ROPS must be approved by the Oversight Board and sent to the Department of Finance (DOF) and the County Auditor-Controller no fewer than 90 days before the date of property tax distribution. The ROPS for the period from July 1, 2014, through December 31, 2014, and the Administrative Budget for the same period is scheduled for consideration by the Oversight Board on February 26, 2014.

The City Council, acting as the successor to the City of Montclair Redevelopment Agency, is therefore requested to adopt proposed Resolution No. 14-01 approving the ROPS and the Administrative Budget for the period from July 1, 2014, through December 31, 2014. A copy of the ROPS and Administrative Budget is included in the agenda packets for review and consideration by the Successor Agency Board Members.

BACKGROUND: AB X1 26 added Parts 1.8 and 1.85 to Division 24 of the Health and Safety Code that caused the dissolution of all California redevelopment agencies. The California Supreme Court's decision in *California Redevelopment Association, et al., v. Matosantos* upheld AB X1 26. On January 12, 2012, the City Council elected to become the "Successor Agency" to the City of Montclair Redevelopment Agency. On February 1, 2012, the Montclair Redevelopment Agency was dissolved and the City began to serve as the Successor Agency. As a successor agency the City is required to administer the enforceable obligations of the Agency and unwind the Agency's affairs, all subject to review and approval by the Oversight Board. Prior to its dissolution and pursuant to Part 1.8, the Agency adopted an original and an amended enforceable obligation payment schedule ("EOPS") and an initial recognized obligation payment schedule ("IROPS") for transmittal to the City (serving as Successor Agency), to the County Auditor-Controller, to the Department of Finance, and to the State Controller's Office.

Prepared by:	M. STAATS	Reviewed and Approved by:	M. STAATS
Proofed by:	Yvonne L. Smith	Presented by:	M. STAATS

On February 21, 2012, the City Council, acting as Successor Agency to the Redevelopment Agency, adopted the initial Recognized Obligation Payment Schedule. The ROPS sets forth the minimum payment amounts and due dates of payments required by enforceable obligations for each six-month fiscal period. The first ROPS concerned the period from January 1, 2012, through June 30, 2012. The second ROPS setting forth the obligations of the former Redevelopment Agency for the period from July 1, 2012, through December 31, 2012, was approved by the Successor Agency Board of Directors on May 7, 2012. The third ROPS for the period from January 1, 2013, through June 30, 2013, was approved by the Successor Agency on August 20, 2012. The fourth ROPS for the period from July 1, 2013, through December 31, 2013, was approved by the Successor Agency Board of Directors on March 18, 2013. The fifth ROPS covering the period from January 1, 2014, through June 30, 2014, was approved by the Successor Agency on September 19, 2013. Adoption of Resolution No. 14-01 by the Successor Agency Board of Directors would approve the ROPS and the Administrative Budget for the second half of 2014 subject to approval by the Oversight Board.

FISCAL IMPACT: The purpose of the ROPS is to identify payments that must be made to satisfy former Redevelopment Agency obligations from July 1, 2014, through December 31, 2014. The City of Montclair became the Successor Agency to assure payments would be made to satisfy former Redevelopment Agency obligations. The action to adopt proposed Resolution No. 14-01 is a part of the process to allow the Successor Agency to receive property tax proceeds (once tax increment) to finance obligations associated with the former Redevelopment Agency. The ROPS requests the use of $125,000 in administrative costs. However, DOF has final decision-making authority regarding all ROPS expenditures.

The Administrative Budget for the period from July 1, 2014, through December 31, 2014, further details the use of the administrative funds identified in the ROPS.

RECOMMENDATION: Staff recommends the City Council, acting as successor to the City of Montclair Redevelopment Agency Board of Directors, adopt Resolution No. 14-01 adopting a Recognized Payment Obligation Schedule for July 1, 2014, through December 31, 2014; adopting an Administrative Budget for July 1, 2014, through December 31, 2014; and authorizing certain other actions pursuant to Section 34177 of Part 1.85 of the Health and Safety Code.

RESOLUTION NO. 14-01

A RESOLUTION OF THE CITY OF MONTCLAIR, ACTING AS SUCCESSOR TO THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY, ADOPTING A RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR JULY 1, 2014, THROUGH DECEMBER 31, 2014; ADOPTING AN ADMINISTRATIVE BUDGET FOR THE JULY 1, 2014, THROUGH DECEMBER 31, 2014; AND AUTHORIZING CERTAIN OTHER ACTIONS PURSUANT TO SECTION 34177 OF PART 1.85 OF THE HEALTH AND SAFETY CODE

WHEREAS, the Montclair Redevelopment Agency ("Agency") was a community redevelopment agency organized and existing under the California Community Redevelopment Law, Health and Safety Code Sections 33000, *et seq.* ("CRL") and has been authorized to transact business and exercise the powers of a redevelopment agency pursuant to action of the City Council ("City Council") of the City of Montclair ("City"); and

WHEREAS, the Agency was engaged in activities necessary and appropriate to carry out 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; and (vi) the Mission Boulevard Joint Redevelopment Project Area adopted by City Ordinance No. 03-836 on July 7, 2003, and adopted by County of San Bernardino Ordinance No. 3895 on July 8, 2003 (collectively, the "Redevelopment Plans"); and

WHEREAS, since adoption of the Redevelopment Plans, the Agency undertook redevelopment projects in the Project Areas to eliminate blight, to improve public facilities and infrastructure, to renovate and construct affordable housing, and to generate employment opportunities within the community; and

WHEREAS, Parts 1.8 and 1.85 of Division 24 of the Health and Safety Code were added to the CRL by AB X1 26, which laws caused the dissolution and wind down of all redevelopment agencies ("Dissolution Act"); and

WHEREAS, on December 29, 2011, in the petition *California Redevelopment Association, et al., v. Matosantos*, Case No. S194861, the California Supreme Court upheld the Dissolution Act and thereby all redevelopment agencies in California were dissolved as of and on February 1, 2012, under the dates in the Dissolution Act that were reformed and extended thereby ("Supreme Court Decision"); and

WHEREAS, the Agency is now a dissolved community redevelopment agency pursuant to the Dissolution Act; and

WHEREAS, by a Resolution considered and approved by the City Council at an open public meeting, the City chose to become and serve as the "Successor Agency" to the dissolved Agency under the Dissolution Act; and

WHEREAS, as of and after February 1, 2012, and as the "Successor Agency," the City will perform its functions as the successor agency under the Dissolution Act to administer the enforceable obligations of the Agency and otherwise unwind the Agency's affairs, all subject to the review and approval by a seven-member Oversight Board formed thereunder; and

WHEREAS, under Part 1.8 of the Dissolution Act, the Agency, prior to its dissolution, adopted an original and an amended enforceable obligation payment schedules ("EOPS") and authorized the City Manager or authorized designee to augment or modify the EOPS and transmitted the EOPS to the City (to be serving as Successor Agency) and to the County Auditor-Controller, the Department of Finance, and the State Controller's Office; and

WHEREAS, under Part 1.8 of the Dissolution Act, the Agency, prior to its dissolution, adopted an initial recognized payment schedule ("IROPS") and authorized the City Manager or authorized designee to augment or modify the IROPS and transmitted such IROPS to the City (to be serving as Successor Agency) and to the County Auditor-Controller, the Department of Finance, and the State Controller's Office; and

WHEREAS, pursuant Part 1.85 of the Dissolution Act, Section 34171(g), a "Recognized Obligation Payment Schedule" means the document setting forth the minimum payment amounts and due dates of payments required by enforceable obligations for each six-month fiscal period as provided in subdivision (m) of Section 34177; and

WHEREAS, pursuant to the dates in the Dissolution Act, Section 34177(k), as reformed by the Supreme Court Decision, every successor agency was required to consider and adopt a Recognized Obligation Payment Schedule (ROPS) by March 1, 2012; and

WHEREAS, the City as Successor Agency prepared its second ROPS for the period from July 1, 2012, through December 31, 2012, which was approved by the Successor Agency on May 7, 2012, for submittal to the State on May 15, 2012; and

WHEREAS, the State Legislature adopted AB 1484 which was signed by the Governor on June 29, 2012, and the State changed the date of submittal of the third ROPS from October 1, 2012, to September 1, 2012; and

WHEREAS, the City as Successor Agency approved its third ROPS on August 20, 2013; and

WHEREAS, the Oversight Board to the former City of Montclair Redevelopment Agency approved the ROPS for the period from July 1, 2013, through December 31,

2013, on February 28, 2013, and ordered its submittal to the Department of Finance and County Auditor-Controller's Office; and

WHEREAS, the fourth ROPS was approved by the City as Successor Agency on March 18, 2013; and

WHEREAS, the Oversight Board to the former City of Montclair Redevelopment Agency approved the ROPS for the period from January 1, 2014, through June 30, 2014, on September 11, 2014 and ordered its submittal to the Department of Finance and the County Auditor-Controller's Office; and

WHEREAS, the City as Successor Agency approved ROPS 13-14B on September 16, 2013; and

WHEREAS, by this Resolution, the City Council, serving as and on behalf of the Successor Agency, will duly consider ROPS 14-15A; and

WHEREAS, the Oversight Board to the former City of Montclair Redevelopment Agency is scheduled to consider the ROPS and the Administrative Budget for the period from July 1, 2014, through December 31, 2014, on February 26, 2014; and

WHEREAS, pursuant to Section 34177, a copy of the ROPS will be submitted to the County Auditor-Controller for review and certification, as to its accuracy, by an external auditor designated pursuant to Section 34182; and

WHEREAS, pursuant to Section 34177, a copy of the ROPS will be submitted to the State Controller's Office and the Department of Finance and will be posted on the Successor Agency's Internet website.

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

Section 1. The foregoing recitals are incorporated into this Resolution by this reference and constitute a material part of this Resolution.

Section 2. The ROPS and Administrative Budget for the period from July 1, 2014, through December 31, 2014, are approved together with such augmentation, modification, additions, or revisions as the City Manager or authorized designees may make thereto.

Section 3. The City Council, acting as Successor to Board of Directors of the City of Montclair Redevelopment Agency, acknowledges that the ROPS will be transmitted to the County Auditor-Controller, the State Controller's Office, and the Department of Finance after consideration by the Oversight Board and, further, will be posted on the City's website.

Section 4. This Resolution shall be effective immediately upon adoption.

Section 5. The Deputy City Clerk, acting as Successor to the Agency Secretary, shall certify to the adoption of this Resolution.

APPROVED AND ADOPTED this XX day of XX, 2014.

Mayor, Acting as Successor to the
Chairman of the City of Montclair
Redevelopment Agency

ATTEST:

Deputy City Clerk, Acting as Successor to
the Secretary of the City of Montclair
Redevelopment Agency

I, Yvonne L. Smith, Deputy City Clerk of the City of Montclair, acting as Successor to the Secretary of the City of Montclair Redevelopment Agency, DO HEREBY CERTIFY that Resolution No. 14-01 was duly adopted by the City Council acting as Successor to the Redevelopment Agency Board of Directors at a regular meeting thereof held on the XX day of XX, 2014, 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,
Acting as Successor to the Secretary of
the City of Montclair Redevelopment Agency

MINUTES OF THE MEETING OF THE MONTCLAIR PERSONNEL COMMITTEE HELD ON MONDAY, FEBRUARY 3, 2014, AT 8:36 P.M. IN THE CITY ADMINISTRATIVE OFFICES, 5111 BENITO STREET, MONTCLAIR, CALIFORNIA

I. CALL TO ORDER

Mayor Pro Tem Ruh called the meeting to order at 8:36 p.m.

II. ROLL CALL

Present: Mayor Pro Tem Ruh; Council Member Raft; and City Manager Starr

III. APPROVAL OF MINUTES

A. Minutes of the Regular Personnel Committee Meeting of January 21, 2014.

Moved by City Manager Starr, seconded by Council Member Raft, and carried unanimously to approve the minutes of the Personnel Committee meeting of January 21, 2014.

IV. PUBLIC COMMENT - None

V. CLOSED SESSION

At 8:37 p.m., the Personnel Committee went into Closed Session regarding personnel matters related to appointments, resignations/ terminations, and evaluations of employee performance.

At 8:59 p.m., the Personnel Committee returned from Closed Session. Mayor Pro Tem Ruh stated that no announcements would be made at this time.

VI. ADJOURNMENT

At 8:59 p.m., Mayor Pro Tem Ruh adjourned the Personnel Committee.

Submitted for Personnel Committee approval,

Edward C Starr

Edward C. Starr
City Manager

by LGS

CITY OF MONTCLAIR

TREASURER'S REPORT

FOR THE MONTH ENDING

January 31, 2014

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SCHEDULE 1

CITY OF MONTCLAIR
STATEMENTS OF COMPLIANCE WITH THE INVESTMENT POLICY
AND
INVESTMENT STRATEGY FOR FEBRUARY 2014

January 31, 2014

COMPLIANCE STATEMENT

As of January 31, 2014, the City had $9,692,654 invested in various financial instruments. This conforms with the investment policy approved by the City Council.

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

Janet Kulbeck
Accountant

INVESTMENT STRATEGY FOR THE MONTH OF FEBRUARY 2014

During February surplus moneys will be invested in the Local Agency Investment Fund and other investments authorized in the Investment Policy. The City has sufficient funds available to meet expenditures during the six month period ending July 31, 2014.

SCHEDULE 2

CITY OF MONTCLAIR
STATEMENT OF CASH AND INVESTMENTS BY FUND
AS OF January 31, 2014

Fund	Beginning Balance	Receipts	Disbursements	Interfund Transfers	Ending Balance	
General Fund	($4,921,785.87)	$5,356,176.58	$3,412,404.92	$243,681.81	($2,734,332.40)	(1)
Gas Tax Fund	$1,184,707.85	$127,377.09	$148,173.73	$0.00	$1,163,911.21	
Measure I Fund	$319,836.38	$39,212.39	$0.00	$0.00	$359,048.77	
Traffic Safety Fund	$138,955.84	$17,965.19	$0.00	$0.00	$156,921.03	
Disability Access Fee Fund	$2,357.00	$220.00	$0.00	$0.00	$2,577.00	
Park Development Fund	$496,910.99	$4,646.67	$79.23	$0.00	$501,478.43	
C.D.B.G. Fund	$48,246.48	$0.00	$0.00	$0.00	$48,246.48	
Air Quality Improvement Trust Fund	$107,233.43	$1,513.10	$2,373.86	$0.00	$106,372.67	
Senior Nutrition Fund	($558.47)	$4,139.78	$16,296.34	$0.00	($12,715.03)	(2)
Forfeiture Fund - State	$31,374.74	$16.91	$0.00	$0.00	$31,391.65	
Prop 30 / SB 109	$74,388.37	$0.00	$0.00	$0.00	$74,388.37	
SB 509 Public Safety Fund	($8,355.09)	$23,115.00	$11,337.61	$0.00	$3,422.30	
Forfeiture Fund - Federal	$54,390.17	$1,404.35	$0.00	$0.00	$55,794.52	
Section 11489 Subfund	$42,616.62	$2.98	$0.00	$0.00	$42,619.60	
Federal Forfeiture Fund - Treasury	$863.24	$10,748.29	$0.00	$0.00	$11,611.53	
School District Grant Fund	$0.00	$0.00	$0.00	$0.00	$0.00	
State Supplemental Law Enforcement Fund	$90,668.56	$0.00	$0.00	$0.00	$90,668.56	
Local Law Enforcement Block Grant	$7,621.67	$13,692.00	$0.00	$0.00	$21,313.67	
Crime Prevention Fund	$8,147.31	$92.37	$0.00	$0.00	$8,239.68	
Recycling Grant	$32,993.16	$0.00	$0.00	$0.00	$32,993.16	
After School Program Fund	($171,233.14)	$232,897.09	$137,097.07	$0.00	($75,433.12)	(2)
Champions for Change Grant Fund	($18,264.27)	$439.15	$2,110.44	$0.00	($19,935.56)	(2)
First 5 Grant Fund	$35,740.00	$8,399.65	$10,797.70	$0.00	$33,341.95	
Safety Department Grants	$0.00	$0.00	$0.00	$0.00	$0.00	
OMSD Immunization Grant	$32,162.69	$7,319.66	$4,055.55	$578.00	$36,004.80	
Mt. Baldy United Way Grant	$8,511.59	$0.00	$875.00	$0.00	$7,636.59	
Kaiser Permanente Grant	$24,063.66	$0.00	$13.22	$0.00	$24,050.44	
OMSD Resource Center Grant	$498.42	$125.23	$374.04	$0.00	$249.61	
Title IIIB Senior Support Services Grant	$577.00	$0.00	$0.00	$0.00	$577.00	
Community Foundation Grant	$7,153.03	$0.00	$0.00	$0.00	$7,153.03	
ASES Supplemental Grant	$44,217.00	$29,478.00	$0.00	$0.00	$73,695.00	
Hope Through Housing Grant	($1,485.34)	$8,783.17	$505.79	$0.00	$6,792.04	
Paramedic Fund	($531,434.74)	$10,905.81	$31,889.41	$0.00	($552,418.34)	(4)
Economic Development	$3,172,703.30	$0.00	$3,545.23	$0.00	$3,169,158.07	
2005 lease Revenue Bond Debt Service	($684,133.80)	$162,500.00	$0.00	($22,614.53)	($544,248.33)	(3)
Sewer Maintenance Fund	$362,889.72	$336,913.46	$265,168.85	($955.28)	$433,679.05	
Sewer Replacement Fund	$1,166,411.66	$0.00	$0.00	$0.00	$1,166,411.66	
Inland Empire Utility Agency Fund	$2,811,238.77	$173,314.30	$0.00	$0.00	$2,984,553.07	
Sewer Expansion Fee	$22,715.95	$17,307.20	$0.00	$0.00	$40,023.15	
Developer Impact Fees - Local	$294,572.36	$0.00	$0.00	$0.00	$294,572.36	
Developer Impact Fees - Region	$1,264,374.70	$0.00	$0.00	$0.00	$1,264,374.70	
Burrtec Pavement Impact Fee	$82,476.87	$12,777.83	$0.00	$0.00	$95,254.70	
Utility Undergrounding In Lieu	$46,883.20	$0.00	$0.00	$0.00	$46,883.20	
General Plan Update Fee	$46,265.50	$868.03	$0.00	$0.00	$47,133.53	
Infrastructure Fund	$104,262.44	$0.00	$21,247.54	$0.00	$83,014.90	
Contingency Fund	$3,385,810.63	$0.00	$0.00	$0.00	$3,385,810.63	(1)
Youth Sponsorship Fund	$95,770.43	$0.00	$0.00	$0.00	$95,770.43	
Assigned General Fund Reserves	$6,835,450.30	$0.00	$0.00	($220,690.00)	$6,614,760.30	(1)
TOTALS	$16,148,810.31	$6,602,351.28	$4,068,345.53	$0.00	$18,682,816.06	

Notes on negative cash balances:

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

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

(3) This debt service operation utilizes transaction and use taxes which are part of the sales tax. These have been sufficient in prior fiscal years to covered the necessary debt service. This excess will be transferred to the General Fund to reimburse it for prior year usages.

(4) This fund has had operational deficits from prior years. That deficit has been addressed during the budgeting process and will be recaptured through future revenues or from the Contingency Fund.

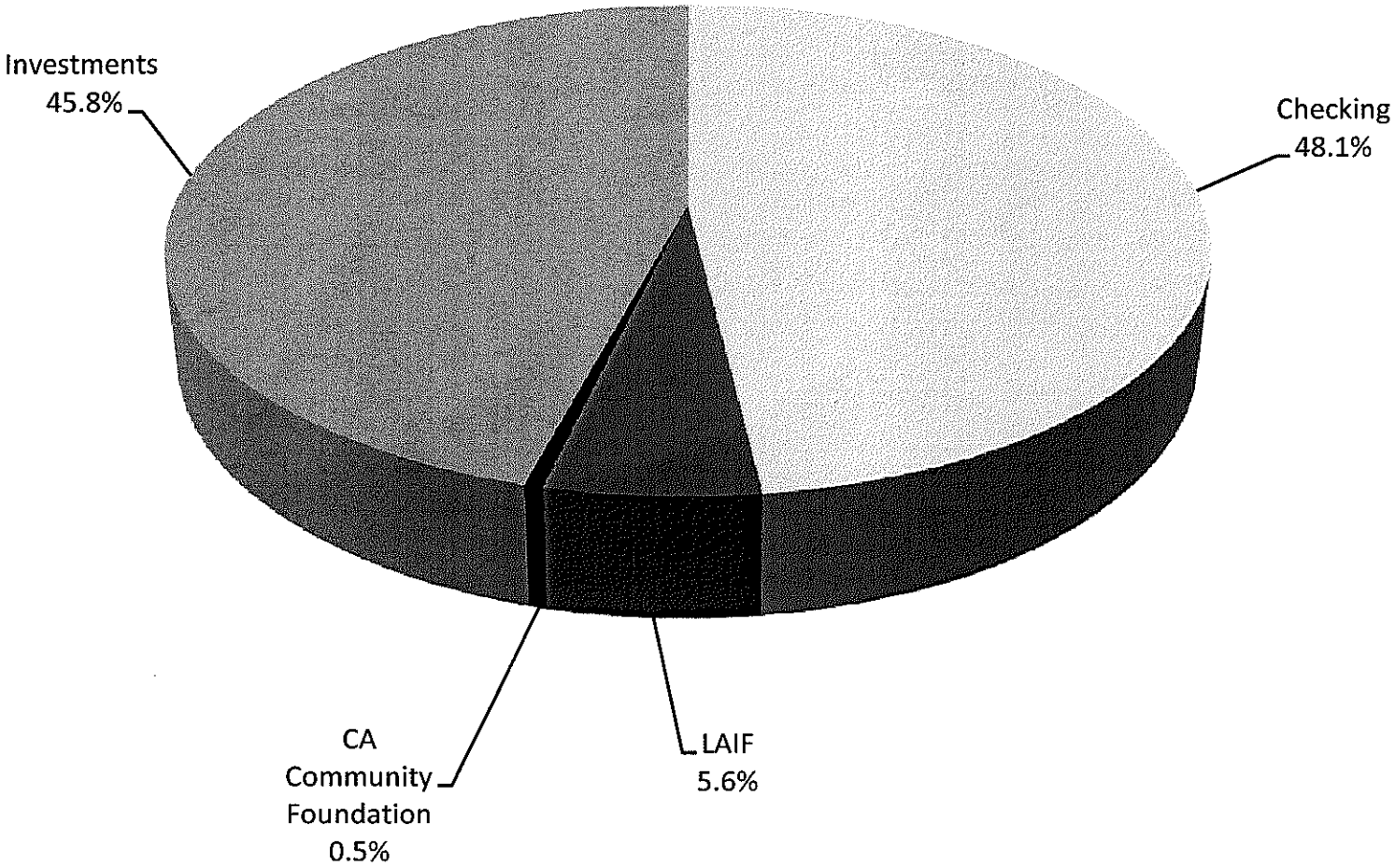
SCHEDULE 3

CITY OF MONTCLAIR
STATEMENT OF CASH AND INVESTMENT ACCOUNTS
AS OF January 31, 2014

	Par Value	Purchase Date	Maturity Date	Coupon Interest Rate	Current Market Value	Balance at Cost	Totals
CHECKING ACCOUNT							
Checking Account							$ **8,990,162.37**
CASH W/FISCAL AGENT, CD's, LAIF DEPOSITS, AND SHORT-TERM U.S. AGENCY SECURITIES							
Local Agency Investment Fund (LAIF)				0.230%	1,047,337.80	1,047,034.16	
Cash w/California Community Foundation				Unknown	95,770.43	95,770.43	
					$ 1,143,108.23		$ 1,142,804.59
U.S. AGENCY SECURITIES (1 to 3 years)							
FAMCA	550,000	04/14/11	2/3/2014	1.340%	549,849.10	549,849.10	
					$ 549,849.10		$ 549,849.10
U.S. AGENCY SECURITIES (Over 3 Years)							
FFCB	2,000,000	10/18/12	10/18/17	0.870%	1,987,400.00	2,000,000.00	
FHLB	2,000,000	11/13/12	11/13/17	0.875%	1,975,740.00	2,000,000.00	
FNMA	2,000,000	11/14/12	11/14/17	0.900%	1,976,400.00	2,000,000.00	
FNMA	2,000,000	11/15/12	11/15/17	1.000%	1,982,600.00	2,000,000.00	
					$ 7,922,140.00		$ 8,000,000.00
TOTAL							$ 18,682,816.06

Current market values obtained from First Tennessee Bank.

CITY OF MONTCLAIR
CASH AND INVESTMENTS BY ACCOUNT
January 31, 2014
Total Cash & Investments $18,682,816



CITY OF MONTCLAIR AS SUCCESSOR TO THE REDEVELOPMENT AGENCY TREASURER'S REPORT

FOR THE MONTH ENDING

January 31, 2014

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CASH AND INVESTMENTS GRAPH

Schedule 1

CITY OF MONTCLAIR AS SUCCESSOR TO
THE REDEVELOPMENT AGENCY
STATEMENT OF CASH AND INVESTMENTS BY FUND
January 31, 2014

COMBINED OPERATING FUND			
Operating	(20,338.49)	$	(20,338.49)
PROJECT AREA NO. I			
Operating	(16,637.28)	$	(16,637.28)
PROJECT AREA NO. III			
Operating	145,815.31	$	145,815.31
PROJECT AREA NO. IV			
Operating	(38,296.08)	$	(38,296.08)
PROJECT AREA NO. V			
Operating	84,352.01	$	84,352.01
MISSION BLVD JOINT PROJECT			
Operating	24,740.54	$	24,740.54
RORF	3,689,928.02		
RORF Area I	0.00		
RORF Area III	0.00		
RORF Area IV	0.00		
RORF Area V	0.00		
RORF Area VI	0.00	$	3,689,928.02
BOND PROCEED FUNDS			
Tax Exempt Bond Proceeds	9,876,573.70		
Taxable Bond Proceeds	4,481,968.68		14,358,542.38
TOTAL CASH & INVESTMENTS BY FUND		**$**	**18,228,106.41**

Schedule 2

CITY OF MONTCLAIR AS SUCCESSOR TO
THE REDEVELOPMENT AGENCY
STATEMENT OF CASH AND INVESTMENTS
January 31, 2014

	Maturity Date	Interest Rate	Market Value	Book Value
Checking Account				
US Bank			4,374,324.22	4,374,324.22
Less: Unreimbursed January payroll liability			(46,688.15)	(46,688.15)
Investments				
LAIF		0.23%	766.63	766.41
Bond proceed funds				
CA State Variable Purpose Refunding	10/01/18	5.00%	1,396,500.70	1,190,000.00
CA State Variable Purpose Refunding	04/01/20	5.00%	3,892,833.90	3,365,000.00
Chabot-Las Positas Comm College	08/01/19	3.00%	1,645,658.00	1,525,000.00
CA State Dept Water Central Valley	12/01/19	3.00%	1,188,096.70	1,085,000.00
Bay Area Toll Authority Refunding SF	04/01/21	5.00%	1,880,408.25	1,575,000.00
CA State Variable Purpose Refunding	02/01/20	4.00%	1,128,610.00	1,000,000.00
LA County Met Transportation Auth	07/01/20	5.00%	2,415,120.00	2,000,000.00
Premium paid on investments (to be recovered upon sale)				2,159,703.93
TOTAL CASH & INVESTMENTS			**17,875,630.25**	**18,228,106.41**

NOTE:
Pursuant to the Successor Agency's Investment Policy, all moneys exclusive of bond proceeds which are invested pursuant to the bond indenture, are invested in banks, the Local Agency Investment Fund and securities in accordance with the Investment Policy

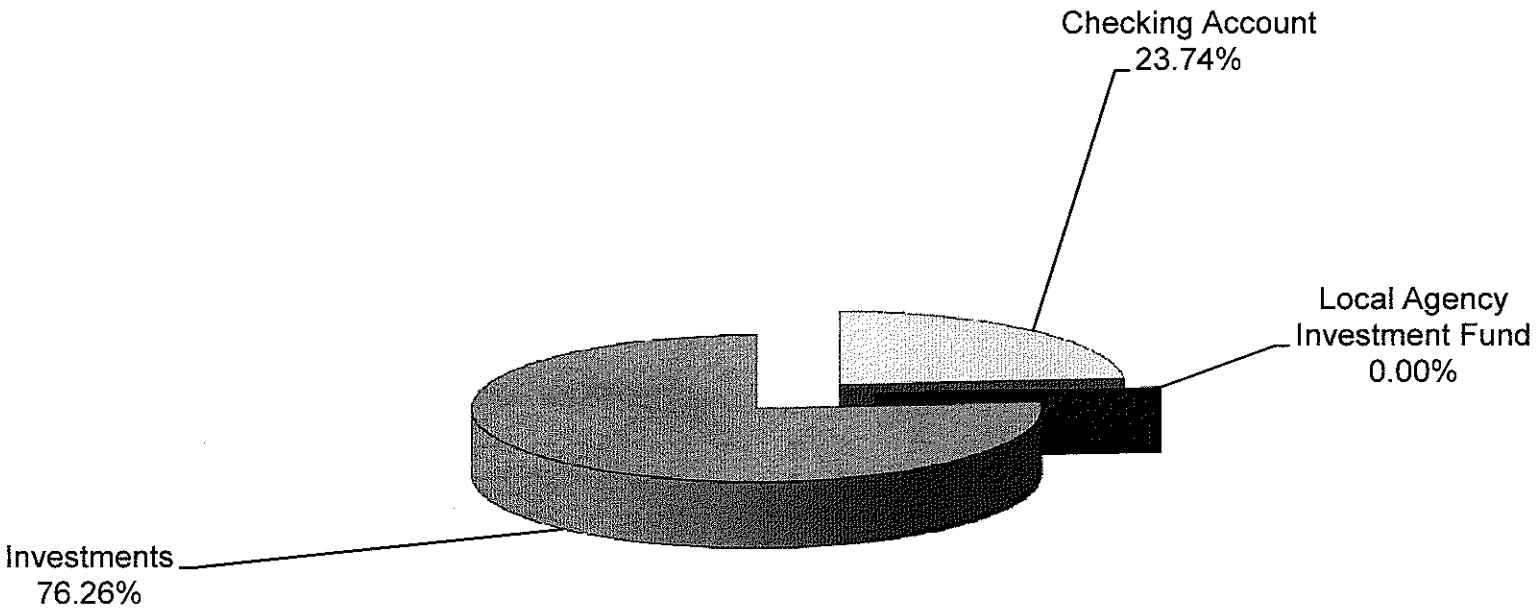
The Successor Agency has sufficient funds available to meet expenditures during the six-month period ending July 31, 2014.

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

Michael Piotrowski
Finance Supervisor

CITY OF MONTCLAIR AS SUCCESSOR TO THE REDEVELOPMENT AGENCY
CASH AND INVESTMENTS GRAPH
January 31, 2014

Total Cash & Investments - $18,228,106



CITY OF MONTCLAIR AS SUCCESSOR TO THE REDEVELOPMENT AGENCY WARRANT REGISTER

FOR THE MONTH ENDING

January 31, 2014

City of Montclair
Final Warrant Register
Council Date 2/18/14
Regular Warrants
Checking Account: Successor to the RDA

	Warrants	Voided Checks	US Bank transfers - out	**Area Totals**
SRDA Combined Operating Fund	7,000.00	0.00	38,121.59	**45,121.59**
RORF (Redevelopment Obligation Retirement Funds)	0.00	0.00	0.00	**0.00**
Tax exempt bond proceeds	43.50	0.00	0.00	**43.50**
Taxable bond proceeds	43.50	0.00	0.00	**43.50**
	7,087.00	0.00	38,121.59	

January 2014 Total **45,208.59**

Note:
US Bank transfers
Transfer out to City to reimburse for December 2013 payrolls 38,121.59

Vice Chairman Ruh

				Void Checks	Check Amount
Check No:	**8031**	**Check Date:**	**01/30/2014**		
Vendor:	Firs014	Vendor Name:	First Tennessee Bank	0.00	87.00
Check No:	**8032**	**Check Date:**	**01/30/2014**		
Vendor:	VanLa001	Vendor Name:	Van Lant & Fankhanel, LLP	0.00	7,000.00
			Date Total:		**7,087.00**
			Report Total:	**0.00**	**7,087.00**

02/10/14 09:18

CITY OF MONTCLAIR
FINAL WARRANT REGISTER
COUNCIL DATE: 2/18/14
REGULAR WARRANTS
CHECKING ACCOUNT: SRDA

Fund	Description	Amount
2020	SRDA Combined Operating Fund	7,000.00
2810	Tax Exempt Bond Proceeds	43.50
2820	Taxable Bond Proceeds	43.50
	Report Total:	**7,087.00**

Accounts Payable
Voucher Register By Vendor Number

User: mpiotrowski
Printed: 02/10/2014 - 9:18 AM

MONTCLAIR

Voucher	Vendor No/Name	Account Number	Description	Inv No	Inv Date	PO	Pmt Date	Amount	Check
008031	Firs014 First Tennessee Bank	2810-0000-37010-300-00000	Safekeeping fees 09/26/13-12/25/13	5038900	12/25/2013		01/30/2014	43.50	8031
008031	Firs014 First Tennessee Bank	2820-0000-37010-300-00000	Safekeeping fees 09/26/13-12/25/13	5038900	12/25/2013		01/30/2014	43.50	8031
						Voucher: 008031		87.00	
008032	VanLa001 Van Lant & Fankhanel, LLP	2020-4319-53290-400-00000	SRDA 2012-13 annual audit	SRDA Audit	01/22/2014		01/30/2014	7,000.00	8032
						Voucher: 008032		7,000.00	
						Report Total:		7,087.00	

Book Transfer Daily Activity Detail

CITY OF MONTCLAIR
SinglePoint
Reported Activity From 01/02/2014 To 01/31/2014
Printed on 02/10/2014 at 9:21 AM PST

Effective Date	Amount	From: Debit Account Number	To: Credit Account Number	Status
01/15/2014	$13,318.30	153499275813	153499275805	Completed

Debit Account Name	CITY OF MONTCLAIR SUCCESSOR AGENCY
Debit Account Type	DDA
Credit Account Name	CITY OF MONTCLAIR GENERAL ACCOUNT
Credit Account Type	DDA
Template Name	.
Memo	Reimburse City for SRDA 12/19/13 payroll costs
Initiate Date	01/15/2014
Initiate Time	04:06PM CDT
Initiated By	PIOTROWSKI
Completed Date	01/15/2014
Completed Time	04:06PM CDT

Effective Date	Amount	From: Debit Account Number	To: Credit Account Number	Status
01/15/2014	$24,802.79	153499275813	153499275805	Completed

Debit Account Name	CITY OF MONTCLAIR SUCCESSOR AGENCY
Debit Account Type	DDA
Credit Account Name	CITY OF MONTCLAIR GENERAL ACCOUNT
Credit Account Type	DDA
Template Name	.
Memo	Reimburse City for SRDA 12/5/13 payroll costs
Initiate Date	01/15/2014
Initiate Time	04:06PM CDT
Initiated By	PIOTROWSKI
Completed Date	01/15/2014
Completed Time	04:06PM CDT

Effective Date	Amount	From: Debit Account Number	To: Credit Account Number	Status
01/09/2014	$110,724.48	153499275805	153499286646	Completed

Debit Account Name	CITY OF MONTCLAIR GENERAL ACCOUNT
Debit Account Type	DDA
Credit Account Name	WORKERS COMPENSATION ACCOUNT
Credit Account Type	DDA
Template Name	.
Memo	Reimburse WComp acct for ck#'s 1595 - 1743
Initiate Date	01/09/2014
Initiate Time	07:29PM CDT
Initiated By	PIOTROWSKI
Completed Date	01/09/2014
Completed Time	07:29PM CDT

Total Number of Book Transfers:	3
Total Amount of Book Transfers:	$148,845.57

--- End of Report ---

CITY OF MONTCLAIR
HOUSING CORPORATION
TREASURER'S REPORT

FOR THE MONTH ENDING

January 31, 2014

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SCHEDULE 1 - STATEMENT OF CASH AND INVESTMENTS

CASH AND INVESTMENTS GRAPH

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CITY OF MONTCLAIR
HOUSING CORPORATION
STATEMENT OF CASH AND INVESTMENTS
January 31, 2014

	Interest Rate	Market Value	Book Value
Checking Account			
US Bank			684,981.29
Less:			
Unreimbursed December 2013 payroll			(62,294.17)
Investments			
LAIF	0.23%	1,580,958.85	1,580,504.27
TOTAL CASH & INVESTMENTS			**2,203,191.39**

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

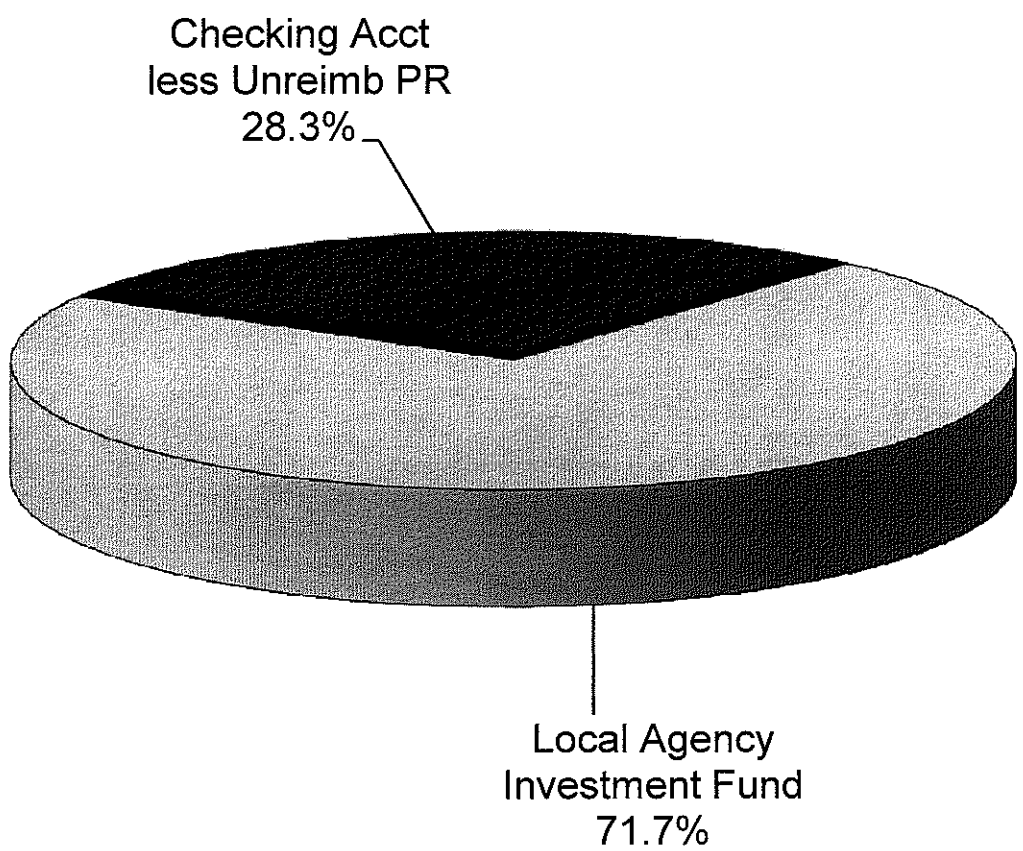
The Corporation has sufficient funds available to meet expenditures during the six-month period ending July 31, 2014.

During January 2014, the Corporation was in compliance with the internal control procedures set forth in its Investment Policy.

Michael Piotrowski
Finance Supervisor

CITY OF MONTCLAIR
HOUSING CORPORATION
CASH AND INVESTMENTS GRAPH
January 31, 2014

Total Cash & Investments - $2,203,191



CITY OF MONTCLAIR
HOUSING CORPORATION
WARRANT REGISTER

FOR THE MONTH ENDING

January 31, 2014

City of Montclair
Final Warrant Register
Council Date 2/18/14
Regular Warrants
Checking Account: MHC

Warrants	ACH Transfers	Voided Checks	US Bank transfers	**Totals**
18,479.42	0.00	0.00	0.00	**18,479.42**

January 2014 Total **18,479.42**

US Bank transfers:
None

Vice Chairman Ruh

02/10/14 15:58

CITY OF MONTCLAIR
FINAL WARRANT REGISTER
COUNCIL DATE: 2/18/14
REGULAR WARRANTS
CHECKING ACCOUNT: MHC

Fund	Description	Amount
3001	General Fund	18,479.42
	Report Total:	**18,479.42**

Accounts Payable
Voucher Register By Vendor Number

User: MPIOTROWSKI
Printed: 02/10/2014 - 3:58 PM

MONTCLAIR

Voucher	Vendor No/Name	Account Number	Description	Inv No	Inv Date	PO	Pmt Date	Amount	Check
004153	land012 Landscape Maintenance Unlimite	3001-4330-56100-400-00000	Dec 2013 - MHC Properties	Dec 2013	01/03/2014		01/16/2014	4,430.00	4153
						Voucher: 004153		4,430.00	
004154	West005 West Coast Arborists	3001-4330-56100-400-00000	All Properties-tree pruning	1-1204	01/14/2014		01/16/2014	2,929.70	4154
						Voucher: 004154		2,929.70	
004155	Mont002 City of Montclair	3001-4330-56100-400-00000	9815 Central 110113-123113	005254 01/14	01/07/2014		01/30/2014	91.56	4155
004155	Mont002 City of Montclair	3001-4330-56100-400-00000	5290 Orchard 110113-123113	005941 01/14	01/07/2014		01/30/2014	91.56	4155
004155	Mont002 City of Montclair	3001-4330-56100-400-00000	10087 Central 110113-123113	008156 01/14	01/07/2014		01/30/2014	91.56	4155
004155	Mont002 City of Montclair	3001-4330-56100-400-00000	10079 Central 110113-123113	008157 01/14	01/07/2014		01/30/2014	91.56	4155
004155	Mont002 City of Montclair	3001-4330-56100-400-00000	10380 Pradera 10/13-11/13	010822 12/13	01/14/2014		01/30/2014	366.24	4155
004155	Mont002 City of Montclair	3001-4330-56100-400-00000	10390 Pradera 10/13-11/13	010824 12/13	01/14/2014		01/30/2014	366.24	4155
004155	Mont002 City of Montclair	3001-4330-56100-400-00000	4275 Kingsley 10/13-11/13	010825 12/13	01/14/2014		01/30/2014	366.24	4155
004155	Mont002 City of Montclair	3001-4330-56100-400-00000	10333 Amherst 10/13-11/13	010827 12/13	01/14/2014		01/30/2014	366.24	4155
004155	Mont002 City of Montclair	3001-4330-56100-400-00000	4820 Canoga 10/13-11/13	010828 12/13	01/14/2014		01/30/2014	640.92	4155
004155	Mont002 City of Montclair	3001-4330-56100-400-00000	4820 Canoga 10/13-11/13	010829 12/13	01/14/2014		01/30/2014	640.92	4155
004155	Mont002 City of Montclair	3001-4330-56100-400-00000	4811 Canoga 10/13-11/13	010830 12/13	01/14/2014		01/30/2014	640.92	4155
004155	Mont002 City of Montclair	3001-4330-56100-400-00000	4811 Canoga 10/13-11/13	010831 12/13	01/14/2014		01/30/2014	640.92	4155

Voucher	Vendor No/Name	Account Number	Description	Inv No	Inv Date	PO	Pmt Date	Amount	Check
004155	Mont002 City of Montclair	3001-4330-56100-400-00000	9761 Central 110113-123113	012565 01/14	01/07/2014		01/30/2014	91.56	4155
004155	Mont002 City of Montclair	3001-4330-56100-400-00000	9751 Central 110113-123113	012567 01/14	01/07/2014		01/30/2014	91.56	4155
004155	Mont002 City of Montclair	3001-4330-56100-400-00000	9741 Central 110113-123113	012584 01/14	01/07/2014		01/30/2014	91.56	4155
004155	Mont002 City of Montclair	3001-4330-56100-400-00000	10383 Amherst 10/13-11/13	012600 12/13	01/14/2014		01/30/2014	366.24	4155
004155	Mont002 City of Montclair	3001-4330-56100-400-00000	10313 Amherst 10/13-11/13	012601 12/13	01/14/2014		01/30/2014	366.24	4155
004155	Mont002 City of Montclair	3001-4330-56100-400-00000	9945 Central 110113-123113	013220 01/14	01/07/2014		01/30/2014	91.56	4155
004155	Mont002 City of Montclair	3001-4330-56100-400-00000	10215 Central 10/13-11/13	013293 12/13	01/14/2014		01/30/2014	91.56	4155
004155	Mont002 City of Montclair	3001-4330-56100-400-00000	10215 Central 10/13-11/13	013386 12/13	01/14/2014		01/30/2014	366.24	4155
004155	Mont002 City of Montclair	3001-4330-56100-400-00000	5225 Palo Verde 110113-123113	013553 01/14	01/07/2014		01/30/2014	91.56	4155
004155	Mont002 City of Montclair	3001-4330-56100-400-00000	10291 Greenwood 10/13-11/13	013555 12/13	01/14/2014		01/30/2014	91.56	4155
004155	Mont002 City of Montclair	3001-4330-56100-400-00000	10380 Amherst 10/13-11/13	013584 12/13	01/14/2014		01/30/2014	366.24	4155
004155	Mont002 City of Montclair	3001-4330-56100-400-00000	10330 Amherst 10/13-11/13	013961 12/13	01/14/2014		01/30/2014	366.24	4155
004155	Mont002 City of Montclair	3001-4330-56100-400-00000	9448 Carrillo 110113-123113	014651 01/14	01/07/2014		01/30/2014	91.56	4155
004155	Mont002 City of Montclair	3001-4330-56100-400-00000	10410 Amherst 10/13-11/13	015871 12/13	01/14/2014		01/30/2014	366.24	4155
004155	Mont002 City of Montclair	3001-4330-56100-400-00000	10390 Amherst 10/13-11/13	017175 12/13	01/14/2014		01/30/2014	366.24	4155
004155	Mont002 City of Montclair	3001-4330-56100-400-00000	9963 Central 110113-123113	017666 01/14	01/07/2014		01/30/2014	91.56	4155
004155	Mont002 City of Montclair	3001-4330-56100-400-00000	9644 Central 110113-123113	017746 01/14	01/07/2014		01/30/2014	91.56	4155
004155	Mont002 City of Montclair	3001-4330-56100-400-00000	9010 Fremont 110113-123113	045202 01/14	01/07/2014		01/30/2014	91.56	4155
004155	Mont002 City of Montclair	3001-4330-56100-400-00000	10333 Pradera 10/13-11/13	047446 12/13	01/14/2014		01/30/2014	366.24	4155
						Voucher: 004155		8,331.96	
004156	Mont074 Monte Vista Water District	3001-4330-56100-400-00000	5444 Palo Verde 110513-010714	01101801 01/14	01/07/2014		01/30/2014	32.87	4156
004156	Mont074 Monte Vista Water District	3001-4330-56100-400-00000	9448 Carrillo 110513-010714	01113202 01/14	01/07/2014		01/30/2014	102.36	4156

Voucher	Vendor No/Name	Account Number	Description	Inv No	Inv Date	PO	Pmt Date	Amount	Check
004156	Mont074 Monte Vista Water District	3001-4330-56100-400-00000	5225 Palo Verde 110513-010714	01305203 01/14	01/07/2014		01/30/2014	226.66	4156
004156	Mont074 Monte Vista Water District	3001-4330-56100-400-00000	9644 Central 110513-010714	01307103 01/14	01/07/2014		01/30/2014	143.14	4156
004156	Mont074 Monte Vista Water District	3001-4330-56100-400-00000	9815 Central 110913-011314	03213204 01/14	01/13/2014		01/30/2014	238.04	4156
004156	Mont074 Monte Vista Water District	3001-4330-56100-400-00000	9761 Central 110913-011314	03214211 01/14	01/13/2014		01/30/2014	123.63	4156
004156	Mont074 Monte Vista Water District	3001-4330-56100-400-00000	9751 Central 110913-011314	03214408 01/14	01/13/2014		01/30/2014	175.66	4156
004156	Mont074 Monte Vista Water District	3001-4330-56100-400-00000	9741 Central 110913-011314	03214608 01/14	01/13/2014		01/30/2014	124.65	4156
						Voucher: 004156		1,167.01	
004157	Sout018 Southern California Edison Co	3001-4330-56100-400-00000	4811 Canoga Gate 11113-011314	2024259988 0114	01/14/2014		01/30/2014	28.02	4157
004157	Sout018 Southern California Edison Co	3001-4330-56100-400-00000	4820 Canoga 11113-011314	2038187969 0114	01/14/2014		01/30/2014	300.16	4157
004157	Sout018 Southern California Edison Co	3001-4330-56100-400-00000	4811 Canoga 11113-011314	2038188173 0114	01/14/2014		01/30/2014	297.37	4157
004157	Sout018 Southern California Edison Co	3001-4330-56100-400-00000	10380 Pradera 121013-011014	2185722790 0114	01/11/2014		01/30/2014	59.67	4157
004157	Sout018 Southern California Edison Co	3001-4330-56100-400-00000	10390 Pradera 121013-011014	2185722824 0114	01/11/2014		01/30/2014	59.80	4157
004157	Sout018 Southern California Edison Co	3001-4330-56100-400-00000	10410 Amherst 121013-011014	2315792325 0114	01/11/2014		01/30/2014	39.60	4157
004157	Sout018 Southern California Edison Co	3001-4330-56100-400-00000	10330 Amherst 121113-011314	2315959668 0114	01/15/2014		01/30/2014	41.63	4157
004157	Sout018 Southern California Edison Co	3001-4330-56100-400-00000	10380 Amherst 121113-011314	2315959668 0114	01/15/2014		01/30/2014	40.89	4157
004157	Sout018 Southern California Edison Co	3001-4330-56100-400-00000	5444 1/2 Palo Verde 121213-011414	2336647847 0114	01/15/2014		01/30/2014	8.31	4157
004157	Sout018 Southern California Edison Co	3001-4330-56100-400-00000	5444 Palo Verde 121213-011414	2337387070 0114	01/15/2014		01/30/2014	2.03	4157
						Voucher: 004157		877.48	
004158	Sout021 Southern California Gas Co	3001-4330-56100-400-00000	4811 Canoga 121013-011314	15782395006 114	01/15/2014		01/30/2014	361.18	4158
004158	Sout021 Southern California Gas Co	3001-4330-56100-400-00000	4820 Canoga 121013-011314	18932395009 114	01/15/2014		01/30/2014	342.76	4158
004158	Sout021 Southern California Gas Co	3001-4330-56100-400-00000	10390 Amherst 121013-011314	19572389484 114	01/15/2014		01/30/2014	39.33	4158

Voucher	Vendor No/Name	Account Number	Description	Inv No	Inv Date	PO	Pmt Date	Amount	Check
						Voucher: 004158		743.27	
						Report Total:		18,479.42	

CITY OF MONTCLAIR
HOUSING AUTHORITY
TREASURER'S REPORT

FOR THE MONTH ENDING

January 31, 2014

TABLE OF CONTENTS

SCHEDULE 1 - STATEMENT OF CASH AND INVESTMENTS

CASH AND INVESTMENTS GRAPH

Schedule 1

CITY OF MONTCLAIR
HOUSING AUTHORITY
STATEMENT OF CASH AND INVESTMENTS
January 31, 2014

	Interest Rate	Amount
Checking Account		
US Bank		565,819.00
Investments		
LAIF		$ 0.00
TOTAL CASH & INVESTMENTS		**$ 565,819.00**

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

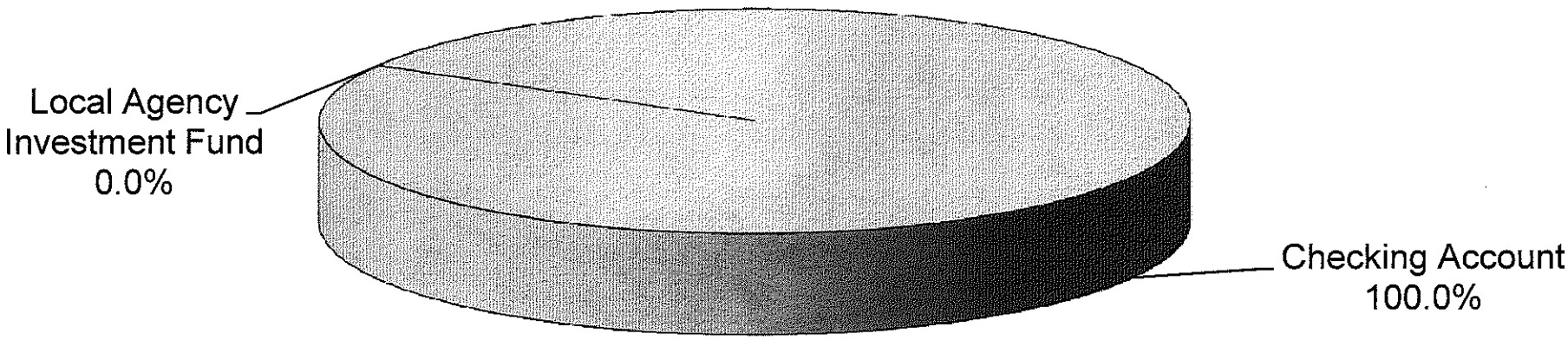
The Authority has sufficient funds available to meet expenditures during the six-month period ending July 31, 2014.

During January 2014, the Authority was in compliance with the internal control procedures set forth in its Investment Policy.

Michael Piotrowski
Finance Supervisor

CITY OF MONTCLAIR
HOUSING AUTHORITY
CASH AND INVESTMENTS GRAPH
January31, 2014

Total Cash & Investments - $565,819



CITY OF MONTCLAIR
HOUSING AUTHORITY
WARRANT REGISTER

FOR THE MONTH ENDING

January 31, 2014

City of Montclair
Final Warrant Register
Council Date 2/18/14
Regular Warrants
Checking Account: MHA

Warrants	Voided Checks	US Bank transfers - out.	**Totals**
0.00	0.00	0.00	**0.00**

January 2014 Total	**0.00**

No payables activity this period

Vice Chairman Ruh