

**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

March 17, 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.cityofmontclair.org and can be accessed the day following the meeting after 10:00 a.m.

Page No.

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

II. INVOCATION

In keeping with our long-standing tradition of opening our Council meetings with an invocation, this City Council Meeting may include a nonsectarian invocation. Such invocations are not intended to proselytize or advance any faith or belief or to disparage any faith or belief. Neither the City nor the City Council endorse any particular religious belief or form of invocation.

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL

V. PRESENTATIONS

- A. Presentation of Certificate of Recognition to Montclair Resident
Shelby De Graff

VI. PUBLIC COMMENT

This section is intended to provide members of the public with an opportunity to comment on any subject that does not appear on this agenda. Each speaker will be afforded five minutes to address the City Council Members, Successor Agency Board of Directors, Montclair Housing Corporation Board of Directors, and Montclair Housing Authority Commissioners. (Government Code Section 54954.3)

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

VII. PUBLIC HEARINGS

- A. Consider Adoption of Resolution No. 14-3022 Amending the Master User Fee Schedule [CC] 5

VIII. CONSENT CALENDAR

A. Approval of Minutes

- 1. Minutes of the Regular Joint Council/Successor Agency Board/MHC Board/MHA Commission Meeting February 18, 2014 [CC/SA/MHC/MHA]
- 2. Minutes of the Regular Joint Council/Successor Agency Board/MHC Board/MHA Commission Meeting March 3, 2014 [CC/SA/MHC/MHA]

B. Administrative Reports

- 1. Consider Receiving and Filing of Treasurer's Report [CC] 22
- 2. Consider Approval of Warrant Register and Payroll Documentation [CC] 23
- 3. Consider Receiving and Filing of Treasurer's Report [SA] 24
- 4. Consider Approval of Warrant Register [SA] 25
- 5. Consider Receiving and Filing of Treasurer's Report [MHC] 26
- 6. Consider Approval of Warrant Register [MHC] 27
- 7. Consider Receiving and Filing of Treasurer's Report [MHA] 28
- 8. Consider Approval of Warrant Register [MHA] 29
- 9. Consider Adoption of Purchasing Policies and Procedures as Encompassed in the "City of Montclair Purchasing Manual," March 2014 Revised Edition, for Use by City Personnel in the Procurement of Goods and Services [CC] 30
- 10. Consider Acceptance of a Grant From the Community Clinic Association of San Bernardino County in the Amount of \$5,208.31 for Purchase Medical Equipment and Supplies for the Montclair Medical Clinic [CC] 58

C. Agreements

- 1. Consider Award of Contract to Southern California Landscape, Inc., in the Amount of \$11,000 Per Year [CC]
- Consider Approval of Agreement No. 14-20 With Southern California Landscape, Inc., for Monthly Landscape Maintenance of Paseos Park [CC]
- Consider Authorization of a \$3,500 Maintenance Contingency [CC] 59

D. Resolutions

1. Consider Adoption of Resolution No. 14-3023 Supporting California Senate Bill 1262 (Correa) Medical Marijuana Regulation [CC] 68
2. Consider Adoption of Resolution No. 14-3024 Authorizing Staff to Submit an Application for Grant Funding for Traffic Signal Coordination Along Mission Boulevard [CC]

Consider Amending the 2013-2018 Capital Improvement Program Adding the Traffic Signal Coordination Along Mission Boulevard Project [CC]

Consider Authorization of a \$52,000 Appropriation From Fund 1740-Local Transportation Development Impact Fund as Matching Funds for a \$156,000 MSRC Grant for the Traffic Signal Coordination Along Mission Boulevard Project [CC] 72

IX. PULLED CONSENT CALENDAR ITEMS

X. RESPONSE - None

XI. COMMUNICATIONS

A. City Attorney

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

Kenneth Pollich v. Montclair

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 18, 2014 76

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

(At this time, the City Council will meet in Closed Session regarding pending litigation.)

XIII. CLOSED SESSION ANNOUNCEMENTS

XIV. ADJOURNMENT OF CITY COUNCIL

The next regularly scheduled City Council, Successor Agency Board, Montclair Housing Corporation Board, and Montclair Housing Authority Commission meetings will be held on Monday, April 7, 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 March 13, 2014.

AGENDA REPORT

SUBJECT: CONSIDER ADOPTION OF RESOLUTION
NO. 14-3022 AMENDING THE MASTER
USER FEE SCHEDULE

DATE: March 17, 2014
SECTION: PUBLIC HEARINGS
ITEM NO.: A
FILE I.D.: FLP280
DEPT.: ADMIN. SVCS

REASON FOR CONSIDERATION: In 2013, the City Council adopted Resolution No. 13-2994 amending and adopting the Master User Fee Schedule. Over the course of implementing the new Master User Fee Schedule, staff has found it necessary to revise certain portions of the fee schedule to provide a more accurate user fee schedule.

A copy of proposed Resolution No. 14-3022 amending the Master User Fee Schedule is attached. *Exhibit A: Proposed Master User Fee Revisions* to Resolution No. 14-3022 is included in the City Council agenda packet for review. A copy of the Master User Fee Schedule adopted pursuant to Resolution No. 13-2994 on July 15, 2013, is included in the agenda packet for reference.

BACKGROUND: In 2003, the City Council directed staff to develop a uniform policy for establishing and recovering user fees and further directed that, to the extent possible, such fees be consolidated into a single Resolution subject to annual review. In 2006, the City Council adopted Resolution No. 06-2670 amending and adopting the Master User Fee Schedule as well as the User Fee Cost Recovery Policy. In 2007, pursuant to Resolution No. 06-2670, the City entered into an Agreement with Wohlford Consulting to conduct a cost allocation and user fee study that would allow the City to adjust fees based on a Cost-of-Service Study. In 2013, the City Council adopted Resolution No. 13-2994 amending and adopting the Master User Fee Schedule as well as electing to continue use of the User Fee Cost Recovery Policy.

Wohlford Consulting: Cost-of-Service Study

In 2007, the City Council engaged Wohlford Consulting to conduct a long-term objective analysis of incurred costs in support of various user fee-related activities. Wohlford Consulting is a firm with extensive experience in conducting detailed cost-of-service studies of user fee activities. The consultant's focus was to determine the full cost of providing specific services to the public, identify current fee levels, and determine the cost-impact of subsidies provided by the City for various services. Wohlford Consulting was also tasked with providing recommendations for appropriate fee ranges and development of a revised Master User Fee Schedule.

Prepared by:

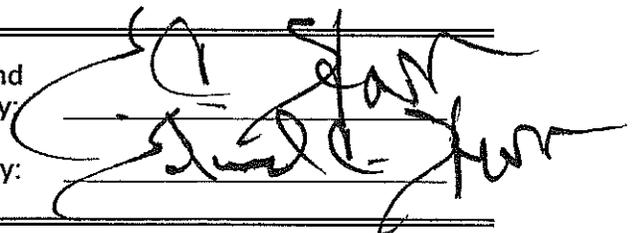


Proofed by:



Reviewed and
Approved by:

Presented by:



Wohlford Consulting used a unit cost buildup methodology to identify the full cost for individual fee activities in its Cost of User Fee Study. The study conducted by Wohlford Consulting took over three years to complete, and the results of the study were presented to the Council in October 2011.

Fee Comparison With Other Cities

Along with the Cost-of-Service Study conducted by Wohlford Consulting, the Administrative Services Department conducted a comprehensive survey in 2013 of neighboring cities to compare fee service levels and fee structures. A fee comparison component between municipal agencies was not part of the original Cost-of-Service Study completed by Wohlford Consulting. Data was compiled and used as a measuring tool to better comprehend what other cities in the area charged for user fees.

When calculating proposed fees for Montclair's Master User Fee Schedule revision in 2013, staff determined that a blended or hybrid approach was appropriate for determining the cost for each specific user fee.

The blended/hybrid approach for calculating each user fee took into consideration a variety of factors including the following:

- ✓ Current cost information
- ✓ Fee levels charged by surrounding agencies
- ✓ Market sensitivity
- ✓ Historically subsidized programs
- ✓ Recommendations made by Wohlford Consulting
- ✓ Local conditions

The hybrid/blended approach departed from both the singular direction of the Wohlford study and the limited reliability of assessing user fees based on neighboring community fees.

In the final analysis, the proposed 2013 Master User Fee Schedule revisions were calculated based on cost information, fee levels charged by neighboring municipal agencies, market sensitivity, historically subsidized programs, and recommendations made by Wohlford Consulting.

On July 15, 2013, the City Council adopted Resolution No. 13-2994 amending and adopting the Master User Fee Schedule.

Proposed 2014 Master User Fee Schedule Revisions:

In lieu of an annual review of the Master User Fee Schedule pursuant to Resolution No. 06-2670, staff recommends that only revisions to the Master User Fee Schedule adopted in 2013 be made in order to correct for any discrepancies. In administering the new Master User Fee Schedule, staff has identified several user fees that need to be revised, added, or removed to provide a more accurate user fee schedule. In certain circumstances, these revisions are necessary to comply with changes that have occurred in county, state, or federal law over the course of the year. These revisions also include adjustments based on changes to user fees that were inadvertently omitted from the schedule and clarifications to individual user fees.

It should be noted that the majority of the revisions being proposed relate to the correction of clerical errors relating to the adoption of Resolution No. 13-2994 amending and adopting the Master User Fee Schedule in 2013. Very few new user fees are being proposed as part of the current Master User Fee Schedule revision. As such, any new user fees being proposed fall within the City of Montclair statutory authority to impose fees, charges, and rates under its regulatory and police power as authorized pursuant to California Government Code Section 66000.

Emergency Medical Paramedic Subscription Program

On July 1, 2001, the Montclair Fire Department (MFD) implemented a new, integrated, fire based Emergency Medical Services (EMS) system that added paramedics to the emergency medical services provided by the MFD. Prior to July 1, 2001, the MFD ran two basic life support engines and one basic life support squad. Private ambulance services provided transportation. The EMS system utilizes paramedics on both fire engines and rescue squad to deliver rapid paramedic intervention in medical emergencies. Private paramedic ambulance responders work with firefighters to provide a comprehensive paramedic team.

As part of EMS program an Emergency Medical Services and Paramedic Subscription Program (EMSPSP) was implemented to help generate revenue to help offset costs of running the program. **Table 1** below identifies the fees for the EMSPSP as adopted pursuant to Resolution No. 13-2994 as well as proposed fee revisions.

Table 1

Emergency Medical Services and Paramedic Subscription Program Fees

<i>Subscription Fee</i>	<i>Adopted Fees Pursuant to Resolution No. 01-2308</i>	<i>Existing Fees Pursuant to Resolution No. 13-2994</i>	<i>Proposed Fee Revisions</i>
Residential subscription	\$24.00	\$48.00	\$24.00
Business subscription (15 or fewer employees)	\$50.00	\$100.00	\$50.00
Business subscription (16 or more employees)	\$100.00	\$150.00	\$100.00

It should be noted that while the current fees for the EMSPSP were adopted in 2013 pursuant to Resolution No. 13-2994, the fees were never implemented. The fees were never implemented to allow for further review by the City Council. The previous fees for the EMSPSP adopted pursuant to Resolution No. 01-2308 remained in effect. Staff recommends that the fees adopted pursuant to Resolution No. 13-2994 be revised to those fees adopted pursuant to Resolution No. 01-2308 in order to incentivize the continued use of the program and to maintain affordability.

Summary of Proposed Master User Fee Revision – Exhibit A

Attached as *Exhibit A* to Resolution No. 14-3022 is the proposed Master User Fee Schedule Revisions. The proposed Master User Fee Schedule Revisions contain current user-related fees that are being recommended for revision, the reason for the recommend revision, any increase or decrease in the user fee being revised, new user fee recommendations, and the reason for any new user fees being recommended. The Master User Fee Schedule Revisions are in order by department and fee number.

If adopted by the City Council, Resolution No. 14-3022 would allow the City's current Master User Fee Schedule to be amended with the proposed revisions included in *Exhibit A*, superseding all user fees included in the exhibit. Furthermore, if approved, Resolution No. 14-3022 would not supersede any user fee that is not included in *Exhibit A*.

FISCAL IMPACT: Pursuant to Resolution No. 06-2670, the City requires that fees be maintained to ensure associated costs for the delivery of specified services are appropriately charged to consumers to limit the cost burden on the City's General Fund. The proposed Master User Fee Schedule Revisions include various revisions of current user fees, removal of current user fees, various clerical clarifications, and additions of new user fees that were inadvertently omitted from the Master User Fee Schedule adopted pursuant to Resolution No. 13-2994.

If adopted, the City will see a minimal, if any, change in the amount of revenue received from services for which the City charges fees. As stated earlier, the majority of the revisions being proposed relate to the correction of clerical errors that were include in the Master User Fee Schedule adopted in 2013.

RECOMMENDATION: Staff recommends the City Council adopt Resolution 14-3022 amending the Master User Fee Schedule.

RESOLUTION NO. 14-3022

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MONTCLAIR AMEND-
ING THE MASTER USER FEE SCHEDULE**

WHEREAS, the City of Montclair has the statutory authority to impose fees, charges, and rates under its regulatory and police power as authorized pursuant to California Government Code Section 66000; and

WHEREAS, user fees are imposed for services rendered by the City of Montclair that will benefit a specific individual or group of individuals; and

WHEREAS, there is a need for the City of Montclair to recoup reasonable costs related to the provisions of specified services; and

WHEREAS, user fees are imposed to assign the cost of providing services to the specific individual or group of individuals receiving the benefits of said services, rather than funding said services from General Fund revenues; and

WHEREAS, it has been directed that all user fees, to the extent possible, are to be reviewed and amended annually, consistent with the User Fee Cost Recovery Policy; and

WHEREAS, the City of Montclair finds it necessary to correct and or adjust fees or add fees to the Master User Fee Schedule that was adopted pursuant to Resolution No. 13-2994.

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

Section 1. Master User Fee Revisions. The Master User Fee Schedule Revisions, attached hereto as "Exhibit A," are hereby adopted and all fees contained within shall be included in the City's current user fee schedule.

Section 2. Effective Date. Excluding those fees approved by separate action of the Montclair City Council with conflicting effective dates, this Resolution shall be in full force and effect thirty (30) days after passage.

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. 14-3022 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

Fee No.	Section/Title	Change	Description	Current Fee	Proposed Fee	Proposed Fee Change
Building: New Construction Inspection Fees						
28	Retail Sales - T.I.	Omitted from fee schedule	Add 1,500 sq. ft.		\$1,914.50	\$1,914.50
28	Retail Sales - T.I.	Unit amount clarification	Change in size from 2,000 sq. ft. to 3,000 sq. ft.	\$2,480.84	\$2,480.84	None
28	Retail Sales - T.I.	Unit amount clarification	Change in size from 4,000 sq. ft. to 6,000 sq. ft.	\$3,054.64	\$3,054.64	None
Building: New Construction Plan Check Fees						
28	Retail Sales - T.I.	Omitted from fee schedule	Add 1,500 sq. ft.		\$1,914.50	\$1,914.50
28	Retail Sales - T.I.	Unit amount clarification	Change in size from 2,000 sq. ft. to 3,000 sq. ft.	\$2,480.84	\$2,480.84	\$914.50
28	Retail Sales - T.I.	Unit amount clarification	Change in size from 4,000 sq. ft. to 6,000 sq. ft.	\$3,054.64	\$3,054.64	None
Building: Mechanical, Plumbing, Electric (MPE) Inspection Fees						
4	Mechanical Permit fees	Remove fee	Inadvertently referenced as fee			
10	Boiler or compressor, up to 3HP/Absorption system up to 100,000Btu/h.	Initial fee adjustment		\$47.91	\$33.52	(\$14.39)
11	Boiler or compressor, from 3HP to 15 HP/ Absorption system from 100,000 Btu/h to 500,000 Btu/h.	Initial fee adjustment		\$63.71	\$46.92	(\$16.79)
12	Boiler or Compressor, from 15 HP to 30 HP/ Absorption system from 500,000 Btu/h to 1,000,000 Btu/h.	Initial fee adjustment		\$46.92	\$47.01	\$0.09
14	Boiler or Compressor over 50 HP/ Absorption system over 1,750,000 Btu/h	Initial fee adjustment		\$33.52	\$63.71	\$30.19
15	Air-handling unit including attached ducts	Initial fee adjustment		\$37.02	\$32.66	(\$4.36)
16	Air-handling unit over 10,000 CFM	Initial fee adjustment		\$32.66	\$37.02	\$4.36

Fee No.	Section/Title	Change	Description	Current Fee	Proposed Fee	Proposed Fee Change
Building: Mechanical, Plumbing, Electric (MPE) Inspection Fees						
26	Plumbing/Gas Permit Fees	Remove Fee	Inadvertently referenced as fee			
27	Plumbing Fixtures	Unit amount clarification	Change increment to "per 5"	\$27.23	\$27.23	None
34	Water Piping and/or Water Treating Equipment	Unit amount clarification	Change increment to "per 5"	\$38.89	\$38.89	None
35	Repair or Alteration of Drainage or Vent Piping, each fixture	Unit amount clarification	Change increment to "per 5"	\$34.69	\$34.69	None
38	Atmospheric-type Vacuum Breakers: 1 to 5 units	Unit amount clarification	Change increment to "per 5"	\$28.81	\$28.81	None
39	Atmospheric-type vacuum breakers: each unit over 5 units	Unit amount clarification	Change increment to "per 5"	\$25.82	\$25.82	None
42	Electrical Permit fees	Remove fee	Inadvertently referenced as fee			
43	System fees	Remove Fee	Inadvertently referenced as fee			
49	Elevator	Fee title clarification	Add "Escalator" to title			
63	Branch Circuit	Initial fee adjustment		\$0.12 per sq. ft.	\$7.60	\$7.60
64	New single-family residence	Omitted from fee schedule	Inadvertently referenced as fee		\$0.12 per sq. ft.	\$0.12 per sq. ft.
65	Power apparatus	Remove fee				
73	Busways	Remove fee	Inadvertently referenced as fee			
83	Miscellaneous Apparatus, Conduits, and Conductors	Remove fee	Inadvertently referenced as fee			
	Gas Piping System	Omitted from fee schedule			\$31.10	\$31.10
	Swimming pool plumbing: Public pool	Omitted from fee schedule			\$116.20	\$116.20
	Swimming pool: public spa	Omitted from fee schedule			\$85.70	\$85.70
	Swimming pool: Private pool	Omitted from fee schedule			\$85.70	\$85.70
	Swimming pool: Private spa	Omitted from fee schedule			\$85.70	\$85.70

Fee No.	Section/Title	Change	Description	Current Fee	Proposed Fee	Proposed Fee Change
Building: Mechanical, Plumbing, Electric (MPE) Plan Check Fees						
4	Mechanical Permit fees	Remove fee	Inadvertently referenced as fee			
10	Boiler or compressor, up to 3HP/Absorption system up to 100,000Btu/h.	Initial fee adjustment		\$47.91	\$33.52	(\$14.39)
11	Boiler or compressor, from 3HP to 15 HP/ Absorption system from 100,000 Btu/h to 500,000 Btu/h.	Initial fee adjustment		\$63.71	\$46.92	(\$16.79)
12	Boiler or Compressor, from 15 HP to 30 HP/ Absorption system from 500,000 Btu/h to 1,000,000 Btu/h.	Initial fee adjustment		\$46.92	\$47.01	\$0.09
14	Boiler or Compressor over 50 HP/ Absorption system over 1,750,000 Btu/h	Initial fee adjustment		\$33.52	\$63.71	\$30.19
15	Air-handling unit including attached ducts	Initial fee adjustment		\$37.02	\$32.66	(\$4.36)
16	Air-handling unit over 10,000 CFM	Initial fee adjustment		\$32.66	\$37.02	\$4.36
26	Plumbing/Gas Permit Fees	Remove Fee	Inadvertently referenced as fee			
27	Plumbing Fixtures	Unit amount clarification	Change increment to "per 5"	\$27.23	\$27.23	None
34	Water Piping and/or Water Treating Equipment	Unit amount clarification	Change increment to "per 5"	\$38.89	\$38.89	None
35	Repair or Alteration of Drainage or Vent Piping, each fixture	Unit amount clarification	Change increment to "per 5"	\$34.69	\$34.69	None
38	Atmospheric-type Vacuum Breakers: 1 to 5 units	Unit amount clarification	Change increment to "per 5"	\$28.81	\$28.81	None
39	Atmospheric-type vacuum breakers: each unit over 5 units	Unit amount clarification	Change increment to "per 5"	\$25.82	\$25.82	None
42	Electrical Permit fees	Remove fee	Inadvertently referenced as fee			

Fee No.	Section/Title	Change	Description	Current Fee	Proposed Fee	Proposed Fee Change
Building: Mechanical, Plumbing, Electric (MPE) Plan Check Fees						
43	System fees	Remove Fee	Inadvertently referenced as fee			
49	Elevator	Fee title clarification	Add "Escalator" to title			
63	Branch Circuit	Initial fee adjustment		\$0.12 per sq. ft.	\$7.60	\$7.60
64	New single-family residence	Omitted from fee schedule	Inadvertently referenced as fee		\$0.12 per sq. ft.	\$0.12 per sq. ft.
65	Power apparatus	Remove fee				
73	Busways	Remove fee	Inadvertently referenced as fee			
83	Miscellaneous Apparatus, Conduits, and Conductors	Remove fee	Inadvertently referenced as fee			
	Gas Piping System	Omitted from fee schedule			\$31.10	\$31.10
	Swimming pool plumbing: Public pool	Omitted from fee schedule			\$116.20	\$116.20
	Swimming pool: public spa	Omitted from fee schedule			\$85.70	\$85.70
	Swimming pool: Private pool	Omitted from fee schedule			\$85.70	\$85.70
	Swimming pool: Private spa	Omitted from fee schedule			\$85.70	\$85.70
Building Misc. Fees Inspection Fees						
6	Deck (With Calcs)	Fee title clarification	Remove "With Calcs" from description			
37	Patio Enclosure	Remove fee	Inadvertently referenced as fee			
42	Enclosure Walls Under Existing Roof first 1,000 sq. ft. of enclosed area - Garage Conversion	Initial fee adjustment		\$100.00	\$311.25	\$211.25
44	Photovoltaic - Residential: First 10 arrays	Adjust fee and remove unit amount	Original fee not in compliance with state law	\$357.50	\$250.00	(\$107.50)
45	Photovoltaic - Residential: Each additional 10 arrays	Remove fee	Original fee not in compliance with state law			
46	Photovoltaic - Commercial: First 10 arrays	Adjust fee and remove unit amount	Original fee not in compliance with state law	\$357.50	\$500.00	\$142.50

Fee No.	Section/Title	Change	Description	Current Fee	Proposed Fee	Proposed Fee Change
Building Misc. Fees Inspection Fees						
47	Photovoltaic - Commercial: Each additional 10 arrays	Remove fee	Original fee not in compliance with state law			
52	First 50 sq. ft.	Omitted from fee schedule			\$118.00	\$118.00
52	First 50 sq. ft.	Unit amount clarification	Change increment to first 50 lf			
53	Each additional 50 sq. ft.	Omitted from fee schedule			\$62.25	\$62.25
53	Each additional 50 sq. ft.	Amount clarification	Change increment to each additional 50 lf			
54	Special Design, 3 to 10 ft. high (up to 50 lf)	Initial fee adjustment		per valuation	\$310.00	\$310.00
55	Each additional 50 lf	Initial fee adjustment		per valuation	\$155.00	\$155.00
56	Special Design, over 10 ft. high (up to 50 lf)	Initial fee adjustment		per valuation	\$439.50	\$439.50
57	Each additional 50 lf	Initial fee adjustment		per valuation	\$155.00	\$155.00
58	Residential remodel	Initial fee adjustment		\$285.00	\$142.50	(\$142.50)
58	Residential remodel	Unit amount clarification	Change increment to 500 sq. ft.			
63	Branch Circuit	Initial fee adjustment		\$0.12 per sq. ft.	\$7.60	\$7.60
64	New Single-Family Residence	Omitted from fee schedule			\$0.12 per sq. ft.	\$0.12 per sq. ft.
	Insulation	Omitted from fee schedule	per 1000 sq. ft.		\$42.25	\$42.25
	Drywall	Omitted from fee schedule	per 250 sq. ft.		\$42.25	\$42.25
	Pool Demolition	Omitted from fee schedule	each		\$126.75	\$126.75
	Acoustical Ceiling	Omitted from fee schedule	per 500 sq. ft.		\$42.25	\$42.25
	Framed Wall	Omitted from fee schedule	per 50 lf		\$42.25	\$42.25
Building Misc. Fees Plan Check Fees						
6	Deck (With Calcs)	Fee title clarification	Remove "With Calcs" from description			
24	0 to 50 cubic yards (cut and fill)	Omit from Building Schedule	Fee collection provided by Engineering	\$99.00	N/A	

Fee No.	Section/Title	Change	Description	Current Fee	Proposed Fee	Proposed Fee Change
Building Misc. Fees Plan Check Fees						
25	51 to 100 cubic yards	Omit from Building Schedule	Fee collection provided by Engineering	\$99.00	N/A	
26	Each additional 100 cubic yards or portion thereof	Omit From Building Schedule	Fee collection provided by Engineering	\$39.00	N/A	
27	1,000 cubic yards (minimum)	Omit from Building Schedule	Fee collection provided by Engineering	\$39.00	N/A	
28	Each additional 1,000 cubic yards or portion thereof	Omit from Building Schedule	Fee collection provided by Engineering	\$39.00	N/A	
29	10,000 cubic yards (minimum)	Omit from Building Schedule	Fee collection provided by Engineering	\$390.00	N/A	
30	Each additional 10,000 cubic yards or portion thereof	Omit from Building Schedule	Fee collection provided by Engineering	\$390.00	N/A	
37	Patio enclosure	Section clarification	Should be section title			
42	Enclosure Walls Under Existing Roof First 1,000 square feet of enclosed area - Garage Conversion	Initial fee adjustment		\$100.00	\$311.25	\$211.25
44	Photovoltaic - Residential: First 10 arrays	Adjust fee and remove unit amount	Original fee not in compliance with state law	\$357.50	\$250.00	(\$107.50)
45	Photovoltaic - Residential: Each additional 10 arrays	Remove fee	Original fee not in compliance with state law			
46	Photovoltaic - Commercial: First 10 arrays	Adjust fee and remove unit amount	Original fee not in compliance with state law	\$357.50	\$500.00	\$142.50
47	Photovoltaic - Commercial: Each additional 10 arrays	Remove fee	Original fee not in compliance with state law			
52	First 50 sq. ft.	Omitted from fee schedule			\$118.00	\$118.00
52	First 50 sq. ft.	Unit amount clarification	Change increment to first 50 lf			
53	Each additional 50 sq. ft.	Omitted from fee schedule				
53	Each additional 50 sq. ft.	Amount clarification	Change increment to each additional 50 lf		\$62.25	\$62.25
54	Special design, 3 to 10 ft. high (up to 50 lf)	Initial fee adjustment		per valuation	\$310.00	\$310.00

Fee No.	Section/Title	Change	Description	Current Fee	Proposed Fee	Proposed Fee Change
Building Misc. Fees Plan Check Fees						
54	Special design, 3 to 10 ft. high (up to 50 lf)	Initial fee adjustment		per valuation	\$310.00	\$310.00
55	Each additional 50 lf	Initial fee adjustment		per valuation	\$155.00	\$155.00
56	Special design, over 10 ft. high (up to 50 lf)	Initial fee adjustment		per valuation	\$439.50	\$439.50
57	Each additional 50 lf	Initial fee adjustment		per valuation	\$155.00	\$155.00
58	Residential Remodel	Initial fee adjustment		\$285.00	\$142.50	(\$142.50)
58	Residential Remodel	Unit amount clarification	Change increment. to 500 sq. ft.			
63	Branch Circuit	Initial fee adjustment		\$0.12 per sq. ft.	\$7.60	\$7.60
64	New Single-Family Residence	Omitted from fee schedule			\$0.12 per sq. ft.	\$0.12 per sq. ft.
	Insulation	Omitted from fee schedule	per 1000 sq. ft.		\$42.25	\$42.25
	Drywall	Omitted from fee schedule	per 250 sq. ft.		\$42.25	\$42.25
	Pool Demolition	Omitted from fee schedule	each		\$126.75	\$126.75
	Acoustical Ceiling	Omitted from fee schedule	per 500 sq. ft.		\$42.25	\$42.25
	Framed Wall	Omitted from fee schedule	per 50 lf		\$42.25	\$42.25
Fire						
7	Resident Subscription Option per year	Initial fee adjustment		\$48.00	\$24.00	(\$24.00)
9	Business Subscription Option (15 employees or fewer) per year	Initial fee adjustment		\$100.00	\$50.00	(\$50.00)
10	Business Subscription Option (16 employees or more) per year	Initial fee adjustment		\$150.00	\$100.00	(\$50.00)
12	Rental of Fire Department Classroom (7.00 a.m.-6:00 p.m.)	Unit amount clarification	Remove time period			

Fee No.	Section/Title	Change	Description	Current Fee	Proposed Fee	Proposed Fee Change
Fire						
12	Rental of Fire Department Classroom (7:00 a.m.-6:00 p.m.)	Initial fee adjustment		\$75.00	Residents \$30.00 per hr. Nonresidents \$60.00 per hr. Nonprofits \$15.00 per hr.	Residents \$30.00 per hr. Nonresidents \$60.00 per hr. Nonprofits \$15.00 per hr.
13	Rental of Fire Department Classroom (6:00 p.m.-9:00 p.m.)	Remove Fee				
14	Incident Reports	Unit amount clarification	Change increment to "per report"	\$1.00 per page	\$1.00 per report	\$1.00 per report
Human Services						
6	Summer Day Program (Low Cost School)	Fee title clarification	Remove "Low Cost School"			
11	Resident rate	Fee title clarification	Change to "Summer Youth Basketball Rate"			
12	Nonresident rate	Fee title clarification	Change to "Summer Youth Basketball Rate"			
51	Facility attendance and use	Fee title clarification	Add "Attendance: Up to 300 people"			
52	Attendance: Up to 300 people	Fee title clarification	Change to "Montclair residents"			
59	Mini School 12 weeks (3 to 5 years old)	Initial fee adjustment		\$120.00	\$60.00	(\$60.00)
59	Mini School 12 weeks (3 to 5 years old)	Unit amount clarification	Change increment to "6 weeks"			
70	Setup/Takedown	Fee title clarification	Remove "Montclair Community Group/Fund Raising Activity"			
74	Facility attendance and use	Fee title clarification	Add "Attendance: Up to 50 people"			
75	Attendance: Up to 50 People	Fee title clarification	Change to "Montclair residents"			
86	Facility Attendance and Use	Fee title clarification	Add "Attendance: Up to 150 people"			
87	Attendance: Up to 150 People	Fee title clarification	Change to "Montclair residents"			

Fee No.	Section/Title	Change	Description	Current Fee	Proposed Fee	Proposed Fee Change
Human Services						
105	Setup/Takedown	Fee title clarification	Remove "Montclair Community Group/Fund Raising Activity"			
109	Facility Attendance and Use	Fee title clarification	Add "Attendance: Up to 60 people"			
128	Setup/Takedown	Fee title clarification	Remove "Montclair Community Group/Fund Raising Activity"			
153	Counseling and Medical Clinic	Fee title clarification	Remove "Counseling"			
156	Lab Services	Remove fee		\$200		(\$200)
	Weight Room Monthly Membership	Omitted from fee schedule			\$5.00 per month	\$5.00 per month
	Adult Volleyball League Forfeit	Omitted from fee schedule			\$48.00	\$48.00
	Adult Volleyball League Referee	Omitted from fee schedule			\$12.00 per game	\$12.00 per game
	Soccer Field	Section omitted from fee schedule				
	Soccer Field Rental	Omitted from fee schedule			\$30.00 per hour	\$30.00 per hour
	Soccer Field Deposit	Omitted from fee schedule			\$100.00	\$100.00
	Soccer Field Cancellation	Omitted from fee schedule			Keep deposit	Keep deposit
	Soccer Field Staff	Omitted from fee schedule			\$25.00 per hour	\$25.00 per hour
	Soccer Field Youth Rental	Omitted from fee schedule			\$20.00 per hour	\$20.00 per hour
	Soccer Field Youth Deposit	Omitted from fee schedule			\$100.00	\$100.00
	Soccer Field Youth Cancellation	Omitted from fee schedule			Keep deposit	Keep deposit
	Soccer Field Youth Staff	Omitted from fee schedule			\$25.00 per hour	\$25.00 per hour
Planning						
	Cart Containment/Cart Retrieval Plan Review	Add fee	Nonresidential Development - New and Existing Development		\$200.00	\$200.00

Fee No.	Section/Title	Change	Description	Current Fee	Proposed Fee	Proposed Fee Change
Police						
14	Subpoena for Appearance as a Witness (noncriminal)	Fee title clarification	Title change to "Subpoena for Appearance of a Peace Officer or Firefighter as a Witness in a Civil Action or Proceeding Related to Course of Duties"			
14	Subpoena for Appearance as a Witness (noncriminal)	Description clarification	Add "plus actual expenses if actual expenses exceed deposit amount paid"			
15	Copies of traffic collision digital photos - Email	Initial Fee adjustment			None	
16	Copies of Traffic Collision Digital Photos - Printed (Requestor provides the medium)	Fee title clarification	Remove "Requestor provides the medium" replace with "Medium provided by City"			
26	Vehicle Storage/Impound Release for Vehicle Stored for Evidence Only	Description clarification	Victim or witness vehicle: If vehicle release is obtained within 72 hours of notification of availability for release - No charge; after 72 hours - \$150 - Vehicle associated with the suspect or arrestee: \$150			
	Subpoena for Employee (other than Peace Officer or Firefighter) for Appearance as a Witness in a Civil Action or Proceeding Related to Course of Duties	Omitted from fee schedule			\$150.00 deposit plus actual expenses if actual expenses exceed deposit amount paid	\$150.00 deposit plus actual expenses if actual expenses exceed deposit amount paid
	Audio/video recordings	Omitted from fee schedule			\$30.00	\$30.00
	Impound release administrative fee	Omitted from fee schedule			\$150.00	\$150.00

Fee No.	Section/Title	Change	Description	Current Fee	Proposed Fee	Proposed Fee Change
Police						
	Impounded vehicle towing	Omitted from fee schedule	\$150 for vehicles with a gross vehicle weight rating under 14,000 pounds		\$150.00	\$150.00
	Impounded vehicle towing	Omitted from fee schedule	\$170 for vehicles with a gross vehicle weight rating of 14,001 to 19,501 pounds		\$170.00	\$170.00
	Daily storage fee	Omitted from fee schedule	\$48 for vehicles less than 20 ft. in length		\$48.00	\$48.00
	Daily storage fee	Omitted from fee schedule	\$53 for vehicles greater than 20 ft. in length		\$53.00	\$53.00
	Lien processing	Omitted from fee schedule	\$70 for vehicles valued less than \$4,000*		\$70.00	\$70.00
	Lien processing	Omitted from fee schedule	\$100 for vehicles valued greater than \$4,000*		\$100.00	\$100.00
	Lien processing	Description clarification	First 72 hours - Release to registered or legal owner (legal owner repossession)		No lien fee	No lien fee
	Lien processing	Description clarification	After 72 hours, through Day 14 (Release to registered owner)		One-half of lien fee	One-half of lien fee
	Lien processing	Description clarification	After 72 hours, through Day 14 - Release to legal owner (Repossession)		No lien fee	No lien fee
	Lien processing	Description clarification	Day 15 or after - Release to registered owner or legal owner (Legal owner repossession) Lien process not complete		One-half of lien fee	One-half of lien fee
	Lien processing	Description clarification	Day 15 or after - Release to registered owner or legal owner (Legal owner repossession) Lien process is complete		Full lien fee	Full lien fee

AGENDA REPORT

SUBJECT: CONSIDER RECEIVING AND FILING OF
TREASURER'S REPORT

DATE: March 17, 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 February 28, 2014, pursuant to state law.

BACKGROUND: Included in your agenda packet is a copy of the Treasurer's Report for the period ending February 28, 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 February 28, 2014.

Prepared by:

Michael P. Piotrowski

Reviewed and
Approved by:

Ronald L. Parker

Proofed by:

George Blomley

Presented by:

[Signature]

AGENDA REPORT

SUBJECT: CONSIDER APPROVAL OF WARRANT REGISTER AND PAYROLL DOCUMENTATION	DATE: March 17, 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 March 17, 2014, and Payroll Documentation dated February 9, 2014, and recommends their approval.

FISCAL IMPACT: The Warrant Register dated March 17, 2014, totals \$1,364,534.17. The Payroll Documentation dated February 9, 2014, totals \$563,355.15, with \$393,930.31 being the total cash disbursement.

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

Prepared by: <i>George Smith</i>	Reviewed and Approved by: <i>[Signature]</i>
Proofed by: <i>Rain H. Shann</i>	Presented by: <i>[Signature]</i>

AGENDA REPORT

SUBJECT: CONSIDER RECEIVING AND FILING OF
TREASURER'S REPORT

DATE: March 17, 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 February 28, 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 February 28, 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 February 28, 2014.

Prepared by:

Michael P. Prohaska
Gyome L. Smith

Reviewed and
Approved by:

Ronald L. Parker
[Signature]

Proofed by:

Presented by:

AGENDA REPORT

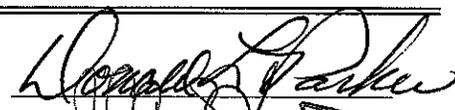
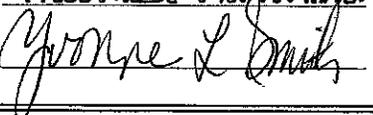
SUBJECT: CONSIDER APPROVAL OF WARRANT REGISTER **DATE:** March 17, 2014
SECTION: ADMIN. REPORTS
ITEM NO.: 4
FILE I.D.: FIN530
DEPT.: SUCCESSOR RDA

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 February 28, 2014, pursuant to state law.

BACKGROUND: Vice Chairman Ruh has examined the Successor to the Redevelopment Agency Warrant Register dated 02.01.14–02.28.14 in the amounts of \$119.00 for the Combined Operating Fund; \$3,689,928.00 for the Redevelopment Obligation Retirement Funds; \$0.00 from the Tax Exempt Bond Proceeds and \$0.00 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 February 28, 2014.

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

AGENDA REPORT

SUBJECT: CONSIDER RECEIVING AND FILING OF
TREASURER'S REPORT

DATE: March 17, 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 February 28, 2014, pursuant to state law.

BACKGROUND: Included in your agenda packet is a copy of the Treasurer's Report for the period ending February 28, 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 February 28, 2014.

Prepared by:

Michael Piotrowski
George Smith

Reviewed and
Approved by:

Ronald Parker
[Signature]

Proofed by:

Presented by:

AGENDA REPORT

SUBJECT: CONSIDER APPROVAL OF WARRANT REGISTER	DATE: March 17, 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 February 28, 2014, pursuant to state law.

BACKGROUND: Vice Chairman Ruh has examined the Warrant Register dated 02.01.14-02.28.14 in the amount of \$83,995.98 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 February 28, 2014.

Prepared by:

Michael P. Protopopu
Gronse & Smith

Reviewed and
Approved by:

Ronald F. Park
[Signature]

Proofed by:

Presented by:

AGENDA REPORT

SUBJECT: CONSIDER RECEIVING AND FILING OF
TREASURER'S REPORT

DATE: March 17, 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 February 28, 2014, pursuant to state law.

BACKGROUND: Included in your agenda packet is a copy of the Treasurer's Report for the period ending February 28, 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 February 28, 2014.

Prepared by:

Michael Piotrowski
Yvonne L. Smith

Reviewed and
Approved by:

Robert J. Parker

Proofed by:

Presented by:

AGENDA REPORT

SUBJECT: CONSIDER APPROVAL OF WARRANT REGISTER	DATE: March 17, 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 February 28, 2014, pursuant to state law.

BACKGROUND: Vice Chairman Ruh has examined the Warrant Register dated 02.01.14-02.28.14 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 February 28, 2014.

Prepared by: <u>Michael Piotrowski</u>	Reviewed and Approved by: <u>Donald L. Ruh</u>
Proofed by: _____	Presented by: <u>[Signature]</u>

AGENDA REPORT

SUBJECT: CONSIDER ADOPTION OF PURCHASING POLICIES AND PROCEDURES AS ENCOMPASSED IN THE "CITY OF MONTCLAIR PURCHASING MANUAL," MARCH 2014 REVISED EDITION, FOR USE BY CITY PERSONNEL IN THE PROCUREMENT OF GOODS AND SERVICES	DATE: March 17, 2014
	SECTION: ADMIN. REPORTS
	ITEM NO.: 9
	FILE I.D.: ADM625
	DEPT.: ADMIN. SVCS.

REASON FOR CONSIDERATION: The City Council has responsibility for adopting policies and procedures related to the procurement of goods and services as encompassed in a Purchasing Manual. Staff has prepared a March 2014 Revised Edition of the City of Montclair Purchasing Manual, which is attached hereto and presented for the City Council's review and consideration.

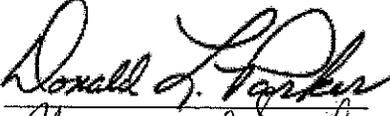
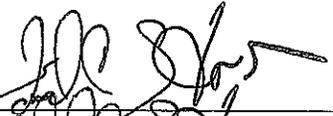
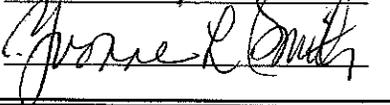
BACKGROUND: Section 3.08.010 of the City of Montclair Municipal Code states *"In order to establish efficient and cost-effective procedures and controls and to establish authority for the purchase of supplies, services and equipment, the City Council shall adopt a Purchasing Manual. The Purchasing Manual shall set forth procedures to be followed by all departments in the purchase of supplies, services and equipment."*

As set forth, the Purchasing Manual shall identify the powers and duties of the Purchasing Officer including the following:

1. Preparing and maintaining the Purchasing Manual
2. Reviewing and approving requisition requests
3. Directing the preparation, review, and approval of purchase orders

The City's current Purchasing Manual was last revised in July 1991 and no longer reflects current requirements and procedures applicable to City-related procurements. Additionally, fiscal limitations contained in the current Purchasing Manual are overly burdensome in relation to the procurement of goods and services. Furthermore, existing procedures impose significant administrative restrictions on the City's Finance Department.

To document current practices and provide enhanced controls over the acquisition of goods and services for the City, a new Purchasing Manual has been developed. The proposed purchasing manual defines, in comprehensive detail, policies and procedures for the procurement and disposition of goods and services. The proposed Purchasing Manual also adheres to the policy of establishing efficient procedures for the purchase of goods and general services at the lowest possible cost commensurate with the quality needed to

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

exercise positive financial control over purchases, to clearly define authority for the purchasing function, and to assure the quality of purchases.

The proposed purchasing manual does not cover all potential procurements including those involving grants and public works projects. Federal and state grant procurement requirements are specific and unique to those grants; furthermore, public works projects are governed by the Public Contract Code. Accordingly, grant procurements and public works projects are specifically excluded from the requirements of the proposed purchasing manual. Procurements related to grants and public works projects are processed directly by departments familiar with specified requirements or in concert with the granting agencies to achieve and perform to specified requirements.

For other procurements, the proposed Purchasing Manual focuses on the City's budgetary process, utilizing that process to dictate where additional approvals are required. This process expedites procurements that received approval during the budgeting process; concurrently, the proposed Purchasing Manual provides for an enhanced level of attention to procurements occurring outside the normal budgetary process.

Additionally, the proposed Purchasing Manual covers the use of City and personal credit cards and use of petty cash funds and provides sample forms for use by City personnel to document approvals and financial recording of transactions.

Internally, the proposed Purchasing Manual has been vetted by department heads and the City Attorney.

FISCAL IMPACT: Following the procedures specified in the proposed purchasing manual should lead to acquiring goods and services at the lowest responsible price, resulting in savings to the City. Anticipated savings are dependent upon how effectively City departments and personnel implement established procedures and, therefore, cannot be determined with accuracy.

RECOMMENDATION: Staff recommends the City Council adopt purchasing policies and procedures as encompassed in the "City of Montclair Purchasing Manual," March 2014 Revised Edition, for use by City personnel in the procurement of goods and services.



MONTCLAIR

CITY OF MONTCLAIR
PURCHASING MANUAL
REVISED: March 2014



MONTCLAIR

CITY OF MONTCLAIR PURCHASING MANUAL

Summary of Limitations

Contracting Authority

City Manager or his or her designee is authorized to enter into and sign of behalf of City (Section E):

- A purchase or contract for goods or services if funds have been appropriated in the budget. The City Manager may also enter into change orders or amendments, which, cumulatively, do not exceed 20 percent of the original contract price.
- A purchase or contract for professional services for up to \$15,000, if funds have been appropriated in the budget. All other contracts shall be approved and executed by the City Council.

Purchase Orders:

Purchase order is required when the amount exceeds \$1,000 (Section F):

Bidding:

Purchases over \$2,500 (Section F) Informal bids must be obtained and documented. Sole source vendors must be documented in a sole source memorandum.

General Services Contracts

Method of obtaining pricing varies by dollar value. For all, City Manager, or his/her designee, is authorized to sign contracts, up to \$15,000, for goods or services if funds have been appropriated in the budget. If funds have not been appropriated in the budget, or if the price exceeds this amount, the agreement needs to be approved and executed by the City Council:

- Services less than or equal to \$10,000 (Section H) – Verbal or written quote required (preferably three) and documented on Bid Quotation Form.
- Services between \$10,000 and \$50,000 (Section H) – Written quote required.
- Services greater than \$50,000 (Section H) – Formal bidding process required.

Professional Services Contracts

Architectural & Engineering Service Contracts (Section H)

- Less than \$15,000 – Selection from Consultant Register; prepare contract for City Manager to approve and sign.
- \$15,000 to \$75,000 – RFP process to minimum of three firms from Consultant Register. Department will negotiate fee with firms in order of best-qualified, followed by most responsive bidder; prepare contract and submit to City Council for approval and signature.
- Over \$75,000 – RFQ process to all consultants on Consultant Register. After review, a minimum of three and maximum of six of selected consultants are sent RFP and proposals obtained. Department will negotiate fee with firms in order of best-qualified, followed by most responsive bidder; prepare contract and submit to City Council for approval and signature.

Other Service Contracts

Method of obtaining pricing varies by dollar value. For all, City Manager, or his/her designee, is authorized to sign contracts for services, up to \$15,000, if funds have been appropriated in the budget. If funds have not been appropriated in the budget, or if the price exceeds this amount, the agreement needs to be approved and executed by the City Council:

- Services less than or equal to \$10,000 (Section H) – Verbal or written quote (preferably three) and documented on Bid Quotation Form; RFP or RFQ required.
- Services between \$10,000 and \$50,000 (Section H) – Written quotes (preferably three); RFP or RFQ required.
- Services greater than \$50,000 (Section H) – Formal bidding process required.



MONTCLAIR

CITY OF MONTCLAIR PURCHASING MANUAL

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MONTCLAIR

A. PURPOSE

These Purchasing Procedures implement the City's purchasing ordinance, adopted by the City Council (Municipal Code Section 3.08.010). These procedures define in more detail the policies and procedures for the procurement and disposition of goods and services for the City. **These policies and procedures cover general procurements only. Procurements utilizing grant monies or for projects covered by the Public Contract Code must be performed in accordance with those provisions and requirements. Additionally, compliance with granting agencies processes utilizing their forms and procedures will also have to be performed to. Certain moneys (asset forfeiture moneys) require specific designation by specified positions within the City, and requirements related to expenditure of these funds must be considered.**

B. POLICY

The City Manager (designated Purchasing Officer) directs and supervises the acquisition of all goods and services under authority of the City of Montclair's Municipal Code Section 3.08.010. The City Manager has assigned the responsibility for administering purchasing policies and procedures to individual departments. This decentralized system of purchasing provides the departments with the ability to solicit goods and service from vendors directly.

It is the City's policy to establish efficient procedures for the purchase of goods and general services at the lowest possible cost commensurate with quality needed, to exercise positive financial control over purchases, to clearly define authority for the purchasing function, and to assure the quality of purchases.

C. DEFINITIONS

Best value - The best value to the City based on all factors including: cost; contractor's ability, capacity, or skill; ability to perform within the time required; character, integrity, reputation, judgment, experience, and efficiency; quality of contractor's performance on previous purchases or contracts, if applicable; and the ability of the contractor to provide future maintenance, repair, parts, and services, if necessary.

Bid - A written offer, more formal than a quote, to furnish supplies, equipment, vehicles, services in conformity with the specifications, delivery terms, and conditions required at a guaranteed maximum cost. The initiating Department will sometimes prepare a Notice Inviting Bids, which is formal notification through posting and advertisement, that the City is soliciting goods or services. This gives widespread exposure to the City's needs, expanding the vendor base, and fulfills the legal responsibility of giving fair access to supplying the City's needs. The notice must include a general description of



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the goods or general services to be purchased; state where bid forms and specifications may be secured; and state the final time and place for submitting bids. For purchases of over \$50,000, the notice must be published at least ten days before the bid opening date. The Department Director, or a designee, will publicly open and declare the content of bids received at the time and place specified in the notice. The bid results will be made available to all interested parties as soon as possible following the bid reading.

Bid Security - Financial security provided to guarantee that a bidder will enter into a contract with the City if a bid is awarded. It may be in the form of cash, cashier's check, certified check, or surety bond in an amount not to exceed ten percent of the aggregate amount of the bid.

Professional Services or Consultant Services - The services of an attorney, architect, landscape architect, engineer, land surveyor, accountant, financial consultant, planning or environmental consultant, investment advisor, bank or trustee officer, or other professional.

Public Works Project - (1) construction, reconstruction, erection, alteration, renovation, improvement, demolition, or repair work involving any publicly owned, leased, or operated facility; or (2) painting or repainting of any publicly owned, leased, or operated facility. Public project does not include maintenance work: (1) routine, recurring, and usual work for the preservation or protection of any publicly owned or operated facility for its intended purposes; (2) minor repainting; (3) resurfacing of streets and highways at less than one-inch thickness; or (4) landscape maintenance.

Purchase Order (PO) - A document generated by the Finance Department to formalize a purchase transaction with a vendor or to assure the proper set-aside of funds for a purchase. The purchase order should contain sufficient information to fill the order in an accurate and timely fashion. The vendor's acceptance of a purchase order constitutes a contract.

Quote - A verbal or written promise from the vendor/contractor guaranteeing that the cost of specific goods, supplies, or services will not be exceeded.

Request For Proposal (RFP) - All documents used for soliciting competitive proposals. The RFP defines, in detail, the terms, conditions, and specifications of goods or services required by the City. An RFP is primarily intended for large, complex, projects where cost and performance are equally important.

Request For Qualifications (RFQ) - A request seeking a written presentation of the professional qualifications and experience of a proposed consultant/contractor.



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Supplies - Goods in a manufactured state kept in the ordinary course of business for regular use or consumption (e.g., pencils, light bulbs, street signs).

D. TYPES OF PURCHASING TRANSACTIONS

There are many types of purchasing transactions in the City. These policies relate primarily to the first two below—the purchase of goods and services.

1. Goods.

Goods include tangible goods, supplies, equipment, and vehicles and materials, printing, and insurance. If goods and services are combined in one contract, the requirements for a general services contract apply.

2. Services.

a. General services.

b. Professional services contracts.

3. Public works contracts.

4. Franchise agreements.

5. Labor contracts with employees.

E. PURCHASING GUIDELINES

1. Vendor Relations - City employees will conduct all purchasing functions in a professional manner and shall promote equal opportunity and fairness in all vendor relations.
2. Ethics and Standards of Behavior - All purchasing functions shall be conducted impartially to assure fair competitive access by responsible vendors. In addition, public employees should conduct themselves in a manner that will foster public confidence in the procurement process.
3. Local Preference - Purchasing goods and services from local vendors is desired because it stimulates the local economy and recognizes that our local vendors are valued members of our community. If factors such as quality, previous performance, and availability are equal among vendors, a vendor whose business is located in Montclair shall be awarded a contract, other than for grant-funded contract unless authorized by the funding agency's contracting process if its quote or bid is within 5 percent of the low bid.



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4. **Multiyear Contracts** - A contract for supplies or services may be entered into for any period of time deemed to be in the best interest of the City, provided that the term of the contract and renewal provisions are included in the original solicitation process. Adequate funds must be available to fulfill the first fiscal year's obligation at the time of contract execution. Subsequent years' appropriations are subject to authorization by the City Council. (Cal. Const. Art. XVI, §18). Contract extensions beyond the original term of the agreement require amended agreement(s) by the City Council unless otherwise delegated by the City Council to the City Manager.

5. **Purchasing Authority.**

Contracting Authority

The City Manager, or his or her designee, is authorized to enter into and sign on behalf of the City the following contracts, provided funding has previously been approved by the City Council. At the discretion of the City Manager, any contract may be submitted to the City Council for its approval. All other contracts will be approved by the City Council and executed by the Mayor or Mayor Pro Tem.

- a. **Goods and Services Contracts** - A purchase or contract for goods or services. The City Manager may also enter into change orders or amendments, which, cumulatively, do not exceed 20 percent of the original contract price.
 - b. **Professional Services Contracts** - A purchase or contract for professional services for up to \$15,000. The City Manager may also enter into change orders or amendments, which, cumulatively, do not exceed 20 percent of the original contract price.
6. **Business License** – In most instances, any person or company providing services or delivering goods to the City must have a City business license. However, specific exemptions exist and these should be considered as part of the procurement. The department making the purchase or contracting for the service is responsible for checking that the vendor or contractor has a City business license.
 7. **Insurance and Indemnity** - Insurance is required in connection with a purchase or contract: which involves service performed on City property; is a professional services contract; or whenever there is an inherent risk of personal injury in the activity involved. When insurance and indemnity are required, the contractor should hold the City harmless, agree to defend, and maintain insurance for property damage, general liability, and Workers' Compensation (if there are any employees) in the form and amounts determined by the City Attorney. See Subsection G below for further information.



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8. Recordkeeping - Each department is responsible for maintaining its own purchasing records. At the conclusion of a contract, the original contract and any bids, specifications, and other pertinent data shall be retained by the department for the period specified in the City of Montclair's record retention policy. These are public records, available for public inspection upon request.

F. PURCHASING AND PAYMENT PROCEDURES

Purchase Orders

1. Purchase Orders (PO) - Represents a commitment related to unperformed contracts for goods or services between a city department and a vendor. When a PO is executed, Finance staff enters the information into the accounting system and creates an "encumbrance" against the line-item budget identified in the PO. The use of encumbrance accounting is a critical element of budgetary control in governmental accounting systems and serves three distinct purposes:
 - a. Provides a written contract between the City of Montclair and a vendor.
 - b. Decreases the available budget by an amount equal to the purchase order. This procedure lessens the chance of overspending a line-item budget.
 - c. At the end of the fiscal year, unexpended encumbrances are added to the next fiscal year's line item budget so that sufficient budget is available to meet the prior fiscal year's commitments. Encumbrances without any activity for a period of one year will be released at the end of the fiscal year.
2. When is a Purchase Order Needed? A purchase order requisition shall be prepared under the following circumstances, and when the amount exceeds \$1,000:
 - a. Professional service contracts
 - b. Equipment purchases
 - c. Monthly maintenance contracts that exceed \$1,000 annually
 - d. Public Works contracts
3. Requesting a Purchase Order - Preparing purchase orders is the responsibility of the department. Individuals, which have been designated by the department head, are authorized to input purchasing requisitions into the Springbrook accounting software. As part of the process of requesting a PO, procurement information must be attached to the Springbrook purchasing requisition. For



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purchases over \$2,500, informal bids must be obtained and documented using a Bid Quotation Form (a copy is present in Appendix A). An electronic copy, in the form of a PDF file, must be attached to the requisition. If this is a sole-source vendor then a sole-source memorandum in electronic format must be attached indicating the reason this vendor qualifies as such. The purchasing requisition will be reviewed by Finance Department supervisors to ensure that accounting data is present, budgetary authorization exists and the details are fully completed. If all those aspects are present approval is obtained and a PO will be generated in the Accounts Payable system of Springbrook.

4. Processing Payments Against a Purchase Order - When an invoice is received against a PO please indicate the PO number on the invoice. This action will ensure that the invoice payment will be deducted from the outstanding encumbrance associated with the PO.
5. When Not to Use a Purchase Order - Do not prepare a PO request if you have received the goods or services and/or have received an invoice. A PO should be issued when a contract is executed or goods are ordered.
6. Special Situations
 - a. If the request is for a project that was not included in the annual or CIP budget, attach an electronic copy of the City Council Resolution or minutes, in a PDF format, showing approval of the expenditures. Please be sure to indicate the account that should be encumbered.
 - b. If funding needs to be transferred from one or more accounts, indicate the account where expenditures were originally budgeted. Provided the transfer is occurring between expenditure accounts within the department, the Finance Department will prepare the budget revision to transfer the funds at the same time the purchase order is prepared. If the transfer is from another department or accounting fund, City Manager and/or Council approval shall be obtained.

Accounts Payable Processing

1. Routine Payment - When in receipt of an invoice from a vendor which is covered by a PO, indicate on the invoice the PO number and approve the invoice for payment. Approval for payment shall be authorized by those individuals designated by the appropriate department head. Approval for payment shall only be authorized when the responsible signing party knows that goods and/or services specified by the subject invoice have been received.



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If the department wishes to pay a vendor not covered by a PO it must prepare a Payment Request Form to accompany the invoice to the Finance Department for payment (a copy is present in Appendix A of this manual).

- a. Complete the Payment Request Form indicating the vendor name and address, date, description of goods/services, account number to be used and amount. Make sure vendor name and address are correct and indicate if address has changed so the Finance Department can update its vendor records.
 - b. Attach the original invoice with an approval signature to indicate that good/services were received.
 - c. Submit documents to the Finance Department, Accounts Payable Section.
2. Urgent/emergency payment (manual check) - The issuance of manually prepared checks is discouraged and should be done only when the specific circumstances necessitate expediting payment. When requesting urgent/emergency payment, the requesting department should deliver (either personally or by electronic means) the request to the Finance Manager or Finance Director for approval.
- a. Complete the Payment Request Form indicating the vendor, date, description of goods/services, account number to be used and amount. Additionally, note on the request "EMERGENCY CHECK."
 - b. Note the date and time the check is needed on the Payment Request Form.
 - c. Note if the requested check should be held for pickup and who will be assigned to pick up the check.

Open accounts

Open accounts are created by the Finance Department and are entered into with vendors expected to supply products or services to the City on an ongoing and/or regular basis where the total volume or total dollar amount cannot be reasonably estimated. This process represents approval of the vendor and not of a specific purchase; therefore, applicable purchase requisition and purchase order requirements will still apply.

An open account may be requested by a department by contacting the Finance Department, Accounts Payable Section. If no other purchasing authority exists with the vendor, the department will be required to justify utilizing this vendor either through the informal procurement process or sole source process. Once established, a PO is prepared that authorizes the purchase of goods and/or services



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for a set period. The PO is mailed to the vendor and the department is then notified that the open account is valid. When an employee purchases an item on an open account, he/she should sign the receipt (legibly) and show a City photo identification card.

Credit Card Purchase

The Finance Department issues City credit cards through the CalCard system (or other designated credit card system), at the request of the department head with approval by the City Manager. **City-issued credit cards shall be used for City business only** - no cash withdrawals are allowed. Departmental credit cards will be issued to the department director who shall be responsible for controlling and assigning issued credit cards to departmental personnel for use.

Whenever possible, City credit cards should **NOT** be used to pay for either general or professional services to the City (maintenance agreements, rentals, etc). The IRS requires the City to send 1099s to many service providers, and the 1099 process in the Accounts Payable (A/P) system works only for payments made by check directly to the service provider. Payments charged to a credit card bypass A/P. All general/professional services are to be invoiced and paid for by City checks issued to vendors, and not charged to City credit cards.

Documentation requirements are applicable for City credit card charges as well as charges made through personal credit cards for which reimbursement is requested. Retain all receipts for every payment or purchase made with City or personal credit cards; turn in the original receipt as soon as possible after a trip or purchase by completing a Credit Card Expense Form (copy present in Appendix A of this manual) which details the item purchased, the meeting attended, etc. Whenever meals are charged, indicate on the Credit Card Expense Form the names of those attending and the business purpose of the meal. If the card was used for a phone or Internet order, provide a copy of the order confirmation, registration form, flyer, catalog page, or other documentation describing the purchase and the price. Documentation should be held until after the credit card statement arrives.

When a credit card statement arrives, a copy will be sent to the department/cardholder who will match it to the Credit Card Expense Forms, receipts and other documents being held. An authorized signer in the responsible department should promptly review the credit card statement and supportive documentation and send the statement and documentation to the Finance Department within one week of the department receiving the statement. The department director, or designee, should review the forms for all credit cardholders in the department and indicate approval before transmission to the Finance Department.



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Petty Cash

Petty cash is available to City staff as an advance for City purchases without the need to use personal monies, as well as for reimbursement if personal monies have already been used. A petty cash fund is maintained in the Finance and other departments. Petty cash should be used to make minor purchases (normally under \$100) when no other purchasing option is available.

For reimbursement of personal monies, not credit card charges, already spent:

1. Complete the Petty Cash Form including the date, amount, account code, and description.
2. Attach the receipt to the form.
3. Write the name of the person being reimbursed on the "Received By" line.
4. If someone other than that person collects the funds, they must initial the form.
5. Have an authorized signer for that department sign.

For a petty cash advance:

1. Follow steps a, c, and d above. The description should be "Advance for..." with a clear description of how the advance will be used.
2. After all purchases are complete, return the store receipt and any change to the petty cash custodian. For a large cash advance (several hundred dollars), please plan ahead and request a check from the Accounts Payable Section.

G. INSURANCE REQUIREMENTS

Insurance is required in connection with a purchase or contract: (1) which involves service performed on City property; (2) is a professional services contract; or (3) whenever there is a risk of personal injury in the activity involved. When insurance and indemnity are required, the contractor should indemnify, hold the City harmless, agree to defend, and maintain insurance for commercial general liability, automobile liability and Workers' Compensation (if there are any employees) in the form and amounts determined by the City Attorney. The duty to defend may be modified based upon the recommendation of an Executive Manager and with the approval of the City Manager or City Attorney. Such a modification would require, at a minimum, a certificate of additional insured with a rider guaranteeing defense of the City in the event of vendor liability. Further, the rider should require coverage of all City-related defense costs, inclusive of costs incurred to the point liability is determined. The



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City Attorney has prepared standard insurance requirements, which are included in the City professional service agreement templates. It is the responsibility of the department staff preparing the contract to obtain insurance certificates from the contractor evidencing the required insurance coverage and to obtain successor insurance certificates for coverage throughout the term of the contract and any renewal period.

1. **General Liability Insurance** - Each contractor engaged in service on City property is generally required to maintain commercial general liability insurance in an amount not less than \$1,000,000 per occurrence and \$2,000,000 general aggregate for public works contracts and \$1,000,000 for professional service contracts per occurrence for bodily injury, personal injury and property damage. The City of Montclair shall be named as an additional insured. The required amounts specified above may be modified based upon (type of business, available and/or existing insurance coverage limits or potential adverse impact on vendor of additional insurance) the recommendation of an Executive Manager. Any such modification must be approved by the City Manager or City Attorney. Certain high-risk activities may require higher limits.
2. **Automobile Liability Insurance** - Each contractor engaged in service on City property is required to maintain automobile liability insurance in an amount not less than \$1,000,000 covering bodily injury and property damage. The City of Montclair shall be named as an additional insured. Certain high-risk activities may require higher limits.
3. **Workers Compensation Insurance** - Each contractor engaged in service on behalf of the City is required to maintain workers compensation insurance and employer's liability insurance for his/her employees in accordance with the laws of the State of California. If contractor has no employees, he/she shall sign or initial an Exemption from Workers Compensation Insurance statement. An exemption form is attached to the City's standard Professional Services Agreement form.
4. **Professional Liability Insurance** - Each professional retained under a professional services agreement shall maintain professional liability insurance in an amount not less than \$1,000,000 unless this requirement is waived or reduced by the City Attorney.
5. **Policy Endorsements** - Each general liability and automobile liability insurance policy shall be with insurers possessing an A.M. Best Company rating of no less than A- and shall be endorsed with the following specific language:



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- a. The City of Montclair, its elected or appointed officers, officials, employees, agents and volunteers are to be covered as additional insureds with respect to liability arising out of work performed by or on behalf of the Consultant, including materials, parts or equipment furnished in connection with such work or operations. Further, all policies shall contain language to the effect that the insurer, insured and all subcontractors waive the right of subrogation against the City and City's elected officials, officers, employees, and agents.
- b. This policy shall be considered primary insurance as respects the City, its elected or appointed officers, officials, employees, agents and volunteers. Any insurance maintained by the City, including any self-insured retention the City may have shall be considered excess insurance only and shall not contribute with it.
- c. This insurance shall act for each insured and additional insured as though a separate policy had been written for each, except with respect to the limits of liability of the insuring company.
- d. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the City, its elected or appointed officers, officials, employees, agents or volunteers.
- e. The insurance provided by this policy shall not be suspended, voided, canceled, or reduced in coverage or in limits except after 30 days' written notice has been received by the City.

H. CONTRACTS

1. General Services Contracts. The following provisions apply to entering into general services agreements for goods or services. Splitting of the purchase of goods or services into smaller orders for purposes of evading the competitive bidding provisions is not permitted.
 - a. Services less than or equal to \$2,500. Previously used departmental vendors can be utilized as long as products/services have been provided in a satisfactory manner.
 - b. Services over \$2,500 but less than or equal to \$10,000.
 - 1) Obtain verbal or written quotes for services (preferably three). Document these on a Bid Quotation Form (copy present in Appendix A of this manual) and retain this in departmental files.



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- 2) Select quotation representing the best value and considering any local preference.
 - 3) Review vendor's contract form, prepare Professional Services Agreement or prepare purchase order/requisition.
 - 4) If using vendor's form, attach standard insurance requirements if work is to be performed on City property or involves unusual risk.
 - 5) Obtain appropriate insurance certificates from vendor, if required.
 - 6) If using Professional Services Agreement and work is to be performed on City property or involves unusual risk have city attorney initial contract to signify approval of insurance.
 - 7) Have vendor sign agreement and obtain business license.
 - 8) The City Manager, or his/her designee, is authorized to sign contracts for goods or services if funds have been appropriated in the budget.
 - 9) If funds have not been appropriated in the budget, City Council approval must be obtained.
- c. Services between \$10,000 and \$50,000
- 1) Obtain written quotes for services (preferably three).
 - 2) Select quotation representing the best value and considering any local preference.
 - 3) Review vendor's contract form, prepare Professional Services Agreement and prepare purchase order.
 - 4) If using vendor's form, attach standard insurance requirements (a sample copy of this form is included in the forms section of this manual) if work is to be performed on City property or involves unusual risk.
 - 5) Obtain appropriate insurance certificates from vendor, if required.
 - 6) If using Professional Services Agreement and if work is to be performed on City property or involves unusual risk have city attorney initial contract to signify approval of insurance.
 - 7) Have vendor sign agreement and obtain business license.



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- 8) The City Manager, or his/her designee, is authorized to sign contracts for goods or services up to \$15,000 if funds have been appropriated in the budget.
- 9) If funds have not been appropriated in the budget or the price is equal to or greater than \$15,000, City Council approval must be obtained and the Mayor or Mayor Pro Tem will execute the contract for the City.

d. Services greater than \$50,000

- 1) Prepare notice inviting bids including a general description of the articles or general services to be purchased; where bid forms and specifications may be secured; and final time and place for submitting bids.
- 2) Publish notice 10 days before the bid opening date at least once in a newspaper of general circulation.
- 3) Consider requiring bidder's security or performance bond, or both.
- 4) Open bids and prepare a tabulation of all bids received. Maintain tabulation of bids open for public inspection for at least 30 calendar days after the bid opening.
- 5) Department director awards contract to bid representing the best value.
- 6) Review vendor's contract form, prepare agreement and prepare purchase order.
- 7) If using vendor's form, attach standard insurance if work is to be performed on City property or involves unusual risk.
- 8) Obtain appropriate insurance certificates from vendor, if required.
- 9) If work is to be performed on City property or involves unusual risk, have City Attorney initial contract to signify approval of insurance.
- 10) Have vendor sign agreement and obtain business license.
- 11) City Council approval must be obtained of contract and the Mayor or Mayor Pro Tem will execute the contract.



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e. Exceptions

The department may dispense with quotation or bidding procedures for purchasing goods or general services in any of the following circumstances:

- 1) **Emergency.** Defined by Section 8558 (c), Chapter 7 of Division 1 of Title 2 of the Government Code, as specified under Section 6.3.1 of the City of Montclair's Emergency Operations Plan.

Expenditure made pursuant to a state of emergency shall be processed upon recommendation of the user department. City Manager, or his/her designee, shall award expenditure contracts made pursuant to a state of emergency. If the contract would normally have been awarded after formal advertising or by competitive negotiation, the City Manager, or his/her designee shall inform the City Council, at the next scheduled meeting, of the circumstances requiring the use of sole source purchasing and the important conditions and terms of the contract awarded.

If the need for an emergency purchase arises on a non business day, it shall be the user department's responsibility to enter into contracts pursuant to this section. On the following business day the City Manager, or his/her designee, shall be informed of the circumstances requiring the use of sole source purchasing and the conditions and terms of the contract awarded. The City Manager, or his/her designee, shall then make the required notifications to City Council as set forth above.

- 2) **Sole or Limited Source -** Occasionally, required goods are unique, of a proprietary nature, or of specific design or construction. Examples include hardware, software or communications equipment. In these cases, quotation or bidding procedures could be meaningless. The department shall keep a written record of the basis for this determination and it shall be approved by the City Manager, or his/her designee, and the City Council shall be informed as set forth above.
- 3) **Cooperative Purchasing -** If such purchases are based on an agreement or cooperative purchasing program entered into by any of the following, regardless of whether the City is a named party to the agreement or an actual participant in such a program: (a) any public agency situated within the state if the underlying purchase was made using quotation or bid procedure substantially similar to the City's; or (b) the California Multiple Award Schedules (CMAS).



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- 4) Other - Where goods or general services are purchased through negotiations. This exception applies when the purchase is for: (1) a specialized technology product; (2) an addition to, or repair or maintenance of, existing equipment which can be more efficiently added to, repaired or maintained by a particular company or manufacturer; or (3) equipment which must be compatible with existing equipment, by reason of the training of the personnel or an inventory of existing replacement parts kept by the City. The affected department head shall state in writing the basis for a determination that this section applies and it shall be approved by the City Manager, or his/her designee.

2. Professional Services Agreements.

Architectural and Engineering Consulting Services

As specified in Section 2.08.060 I. 3. of the City of Montclair Municipal Code, the selection process for architectural and engineering consulting services will vary depending upon the anticipated complexity of the project and fee. Projects shall be classified as minor, intermediate, or major. The City shall develop and maintain an Architectural and Engineering Consultant Register listing consultants, their areas of expertise, and locations.

- a. Minor Projects. Minor projects are defined as projects where the design fee will not be expected to exceed Fifteen Thousand Dollars (\$15,000). A one-step consultant selection process shall be used. Based on the services required, City staff will select a consultant from the Architectural and Engineering Consultant Register with whom to negotiate a scope of services and fee. Upon successfully negotiating a fee for the required services, a professional services contract approved by the City Attorney shall be prepared. For a minor project, the authority to sign on behalf of the City is delegated to the City Manager.
- b. Intermediate Projects. Intermediate projects are defined as projects where the design fee is expected to be between Fifteen Thousand Dollars (\$15,000) and Seventy-five Thousand Dollars (\$75,000). Unless otherwise authorized by the City Council, a two-step consultant selection process shall be used. Requests for proposals (RFPs) shall be sent to a minimum of three firms selected from the Architectural and Engineering Consultant Register professing expertise for the services required. After reviewing the submitted proposals, the City department requiring the services shall determine the best-qualified consultant and negotiate the required fee. If a fee cannot be successfully negotiated, the department will suspend negotiations with that firm and begin negotiations with the next best qualified firm, and so on, until a



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fee can be successfully negotiated. After negotiating the fee, the department shall prepare a professional services contract in a form acceptable to the City Attorney, and submit it to the City Council with a recommendation for approval and signature.

- c. Major Projects. Major projects are defined as projects where the design fee exceeds Seventy-five Thousand (75,000) Dollars. Unless otherwise authorized by the City Council, a three-step consultant selection process shall be used. Requests for qualifications and letters of interest (RFQs/LOIs) shall be sent to all consultants listed in the Architectural and Engineering Consultant Register professing expertise for the services required. After reviewing responses to the RFQs/LOIs, a minimum of three, and no more than six consultants, shall be selected to receive RFPs. After reviewing the submitted proposals, the City department requiring the services shall determine the best-qualified consultant and negotiate the required fee. If a fee cannot be successfully negotiated, the department will suspend negotiations with that firm and begin negotiations with the next best qualified firm, and so on, until a fee can be successfully negotiated. After negotiating the fee, the department shall prepare a professional services contract in a form acceptable to the City Attorney and submit the contract to the City Council with a recommendation for approval and signature.

Other Professional Services

The following provisions apply to contracts with professionals for services, other than architectural and engineering consulting services above, defined in the definition section of this manual.

- a. Services less than or equal to \$2,500. Previously used departmental vendors can be utilized as long as products/services have been provided in a satisfactory manner.
- b. Professional Services over \$2,500 but less than or equal to \$10,000:
 - 1) Obtain verbal or written quotes for services (preferably three) and document on a Bid Quotation Form or prepare requests for proposals (RFP) or requests for qualifications (RFQ) for large or complex projects.
 - 2) Select quotation representing the best value and consideration for local preference.
 - 3) Prepare short form Agreement.



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- 4) Have vendor sign agreement and obtain business license.
 - 5) Submit agreement and insurance certificates to City Attorney for approval.
 - 6) The City Manager, or his/her designee, is authorized to sign professional services agreements for services up to \$15,000 if funds have been appropriated in the budget.
 - 7) If funds have not been appropriated in the budget, City Council approval is required and the Mayor or Mayor Pro Tem will execute the agreement.
- c. Professional Services between \$10,000 and \$50,000
- 1) Obtain written quotes for services (preferably three) or prepare requests for proposals (RFP) or requests for qualifications (RFQ) for large or complex projects.
 - 2) Select quotation representing the best value and consideration for any local preference.
 - 3) Prepare Agreement.
 - 4) Have vendor sign agreement and obtain business license.
 - 5) Submit Agreement and insurance certificate to City Attorney for approval.
 - 6) The City Manager, or his/her designee, is authorized to sign professional services agreements for services up to \$15,000 if funds have been appropriated in the budget.
 - 7) If funds have not been appropriated in the budget, City Council approval must be obtained and the Mayor or Mayor Pro Tem will execute the agreement.
- d. Professional Services over \$50,000
- 1) Obtain written quotes for services (preferably three), or prepare requests for proposals (RFP) or requests for qualifications (RFQ) for large or complex projects.
 - 2) Select quotation representing the best value and consideration for any local preference.



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- 3) Prepare Agreement.
- 4) Have vendor sign agreement and obtain business license.
- 5) Submit agreement to City Council for approval.
- 6) Submit agreement and insurance certificate to City Attorney for approval after City Council authorizes entering into contract.
- 7) Mayor or Mayor Pro Tem will sign approved contract.

I. RECEIVING OF GOODS/EQUIPMENT

1. Inspections and Testing

The ordering Department shall inspect and/or test all goods upon receipt (or services upon completion) to assure conformance with the specifications set forth in the order. If a product is determined to be unusable, or not what was ordered, the Department shall reject it and return it to the vendor as the vendor directs, and at the vendor's expense if possible, for credit or replacement.

2. Acceptance

When goods have been received or a project has been completed to the satisfaction and specifications of the ordering Department, the packing slip and/or other completion documentation shall be signed-off by the employee receiving or inspecting the goods or project. Information to be noted on the documents must include, at a minimum, the employee's signature and a legible rendering of their name and the date of receipt/completion. The employee signing must note on the receiving documents any deviation from the exact ordering specifications. This acceptance must be sent to the Finance Department with the vendors invoice.

Sample Forms

CITY OF MONTCLAIR Credit Card Expense Form

CITY OF MONTCLAIR
 REDEVELOPMENT SUCCESSOR
 AGENCY
 HOUSING CORPORATION
 HOUSING AUTHORITY

DATE OF CHARGE(S)
 FROM _____
 TO _____

Description	Fund/Account No.(s)	Amount
Charge:		
Purpose:		
Charge:		
Purpose:		
Charge:		
Purpose:		
Charge:		
Purpose:		
Charge:		
Purpose:		
TOTAL		\$

STATE OF CALIFORNIA)
 COUNTY OF SAN BERNARDINO) ss.

I, the undersigned, hereby certify that the above claim is correct and just, and that to the best of my knowledge it is a proper charge against the CITY OF MONTCLAIR.

Date: _____

Preparer's Signature

Approved By

Sample Forms

CITY OF MONTCLAIR - BID QUOTATION FORM

DEPARTMENT: _____ DATE: _____

PURCHASE REQUISITION NO. _____

ITEM(S) DESCRIPTION _____

REASON FOR PURCHASE: _____

QUOTES OBTAINED BY: _____

VENDORS CONTACTED

		Quote (1):	
(1) NAME:	_____	Item #1	_____
REPRESENTATIVE:	_____	Item #2	_____
ADDRESS:	_____	Total	_____
		Tax	_____
TELEPHONE:	_____	Shipping	_____
COMMENTS:	_____	Labor	_____
		Total	_____

		Quote (2):	
(2) NAME:	_____	Item #1	_____
REPRESENTATIVE:	_____	Item #2	_____
ADDRESS:	_____	Total	_____
		Tax	_____
TELEPHONE:	_____	Shipping	_____
COMMENTS:	_____	Labor	_____
		Total	_____

		Quote (3):	
(3) NAME:	_____	Item #1	_____
REPRESENTATIVE:	_____	Item #2	_____
ADDRESS:	_____	Total	_____
		Tax	_____
TELEPHONE:	_____	Shipping	_____
COMMENTS:	_____	Labor	_____
		Total	_____

** Note: Quotations are to include tax and delivery charges.

RECOMMENDED VENDOR AND JUSTIFICATION:

Sample Forms

RECEIPT FOR EXPENDITURES - PETTY CASH REIMBURSEMENT

NO.: _____

PAY TO: _____

DATE: _____

DESCRIPTION OF ITEM(S)	ACCOUNT NUMBER	AMOUNT
RECEIVED PAYMENT	ENTERED	APPROVED

AGENDA REPORT

SUBJECT: CONSIDER ACCEPTANCE OF A GRANT FROM THE COMMUNITY CLINIC ASSOCIATION OF SAN BERNARDINO COUNTY IN THE AMOUNT OF \$5,208.31 FOR PURCHASE OF MEDICAL EQUIPMENT AND SUPPLIES FOR THE MONTCLAIR MEDICAL CLINIC	DATE: March 17, 2014 SECTION: ADMIN. REPORTS ITEM NO.: 10 FILE I.D.: CAC080 DEPT.: HUMAN SERVICES
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REASON FOR CONSIDERATION: The City Council is requested to consider acceptance of a grant from the Community Clinic Association of San Bernardino County and to approve the expenditure of these funds. The Montclair Medical Clinic is a member of CCASB and is, therefore, eligible to receive the grant funds.

BACKGROUND: The Community Clinic Association of San Bernardino County (CCASB), established in 2010, is focused on primary healthcare for residents in need of medical services. The Montclair Medical Clinic is a chartered member of CCASB and is one of ten clinics in the Association. CCASB received grant funding from the California Wellness Foundation to provide assistance to members of CCASB. As a member of CCASB, the Montclair Medical Clinic was selected to receive a portion of this grant funding and will use the funding to purchase new medical equipment and supplies.

FISCAL IMPACT: Should the City Council accept the grant from CCASB, the Montclair Medical Clinic would be awarded \$5,208.31 to purchase new medical equipment and supplies. The Finance Department has established Account No. 1164-4382-51132-400-0000 to be used specifically for these purchases.

RECOMMENDATION: Staff recommends the City Council accept a grant from the Community Clinic Association of San Bernardino County in the amount of \$5,208.31 for purchase of medical equipment and supplies for the Montclair Medical Clinic.

Prepared by: <u>M. Richter</u>	Reviewed and Approved by: <u>[Signature]</u>
Proofed by: <u>Christina Smedley</u>	Presented by: <u>[Signature]</u>

It is anticipated that ongoing landscape maintenance by the developer will end April 30, 2014. Maintenance by the City will begin May 1, 2014. This maintenance will be an annual contract with provisions for renewal except for the first term, which shall be 14 months terminating on June 30, 2015.

RECOMMENDATION: Staff recommends the City Council take the following actions related to monthly landscape maintenance of Paseos Park:

1. Award a contract to Southern California Landscape, Inc., in the amount of \$11,000.
2. Approve Agreement No. 14-20 with Southern California Landscape, Inc.
3. Authorize a \$3,500 maintenance contingency.

**AN AGREEMENT BY AND BETWEEN THE CITY OF
MONTCLAIR AND SOUTHERN CALIFORNIA
LANDSCAPE, INC., LANDSCAPE MAINTENANCE
SERVICES FOR PASEOS PARK**

THIS AGREEMENT, made effective as of the 1st day of May, 2014, by and between the CITY OF MONTCLAIR, a Municipal Corporation, County of San Bernardino, State of California, hereinafter referred to as "CITY"; and Southern California Landscape, Inc., hereinafter referred to as "CONTRACTOR."

WITNESSETH:

SECTION I

The CONTRACTOR, in consideration of the promises of the CITY hereinafter set forth, hereby agrees to furnish all tools, equipment, materials, labor, and transportation necessary to perform and complete the terms of this Agreement and to faithfully perform and maintain in a good and workmanlike manner the maintenance services on the areas as set forth and listed in this Agreement.

SECTION II

This Agreement is for a period of one (1) year from the date herein above set forth subject to the right of either party to cancel without cause by giving a minimum of thirty (30) days' written notice to the other of such cancellation. After the initial first year of this Agreement, if agreeable to both the City and CONTRACTOR, this Agreement may be extended for three additional three-year terms.

SECTION III

All of the work and services to be performed pursuant to this Agreement shall be performed in a good and workmanlike manner for the total monthly sum of \$875.00 including annual dethatching at a rate of \$500.00, with payments to be made on the 1st day of each and every calendar month, during the term of this agreement, which will be paid the CONTRACTOR for all work and services to be performed pursuant to this Agreement. CONTRACTOR shall pay prevailing wages in accordance with the laws of the State of California.

Payment of additional services requested, in writing, by CITY and not included in the scope of services as set forth in the Agreement shall be performed by the CONTRACTOR at the rate of \$35.00 per hour. This hourly rate is negotiable annually and shall include labor, equipment, overhead, and profit. Any and all work done under this Section of this Agreement will be with prior written approval from the CITY. If prior written approval is not obtained by the CITY, no payment will be approved. Charges for additional services shall be invoiced on a monthly basis and shall be paid by the CITY within a reasonable time after said invoices are received by the CITY.

SECTION IV

The CONTRACTOR shall defend, indemnify, and save harmless the CITY, its elected and appointed officials, officers, agents, and employees from all liability from loss, damage, or injury to persons or property including the payment by the CONTRACTOR of any and all legal costs and attorney's fees in any manner arising out of any negligent or intentional or willful acts or omissions of the CONTRACTOR or any of its agents, servants, employees, or licensees in the performance of this Agreement including, but not limited to, all consequential damages to the maximum extent permitted by law.

SECTION V

Not used.

SECTION VI

The CONTRACTOR shall not commence work under this Agreement until it has obtained all insurance required hereunder in a company or companies acceptable to the CITY nor shall the CONTRACTOR allow any employee to commence work on the maintenance services subject to this Agreement until all insurance required has been obtained. The CONTRACTOR shall take out and maintain, at all times during the term of this Agreement, the policies of insurance as set forth hereinafter.

SECTION VII

Workers' Compensation Insurance: Before beginning work, the CONTRACTOR shall furnish the CITY a Certificate of Insurance as proof that it has taken out full Workers' Compensation Insurance for all persons whom it may employ directly or through subcontractors in carrying out the work specified herein in accordance with the State of California.

In accordance with the provisions of California Labor Code Section 3700, every employer shall secure the payment of compensation to his employees. The CONTRACTOR shall, prior to commencing work, sign and file with the CITY a certification as follows:

I am aware of the provisions of Section 3700 of the California Labor Code, which requires every employer to be insured against liability for Workers' Compensation or to undertake self insurance with the provisions of the Code; and I will comply with such provisions before commencing the performance of the work of this Agreement.

SECTION VIII

Throughout the term of this Agreement, at the CONTRACTOR'S sole cost and expense, the CONTRACTOR shall keep, or cause to be kept, in full force and effect for the mutual benefit of the CITY and the CONTRACTOR comprehensive, broad form, general public liability, and

automobile insurance against claims and liabilities for personal injury, death, or property damage arising from the CONTRACTOR'S activities, providing protection of at least One Million Dollars (\$1,000,000) for bodily injury or death to any one person and Three Million Dollars (\$2,000,000) for any one accident or occurrence and at least One Million Dollars (\$1,000,000) for property damage.

SECTION IX

All insurance required by express provision of this Agreement shall be carried only in responsible insurance companies licensed to do business in the State of California and policies required under Section VIII shall name, as additional insured, the CITY, its elected officials, officers, employees, and agents. All policies shall contain language, to the extent obtainable, to the effect that (1) the insurer, insured, and all subcontractors waive the right of subrogation against the CITY, its elected officials, officers, employees, and agents; (2) the policies are primary and noncontributing with any insurance that may be carried by the CITY; and (3) they cannot be canceled or materially changed except after thirty (30) days written notice by the insurer to the CITY by certified mail. The CONTRACTOR shall furnish the CITY with copies of all such policies promptly upon receipt of them or certificate evidencing the insurance. The CONTRACTOR may effect for its own account insurance not required under this Agreement.

SECTION X

The CONTRACTOR shall, before any work begins, obtain and maintain the following: City of Montclair Business License, State of California Contractor's License (C27), and all State of California Pest Control Licenses and categories necessary to complete the provisions of this Agreement.

SECTION XI

The Public Works Superintendent, or his/her designated representative, shall be the judge of all work performed and shall approve all material provided by the CONTRACTOR before it is used. If the work is not satisfactory, the Public Works Superintendent, or his/her designated representative, may suspend the Agreement for any period of time or terminate the Agreement as set forth herein. No sums shall be due or payable to the CONTRACTOR for or during any time of such suspension or after termination.

It is further agreed that in the event the CONTRACTOR fails to furnish tools, equipment, materials, labor, or transportation in the necessary quantity or quality or fails to prosecute the work or any part thereof, the Public Works Superintendent or his/her designated representative shall so certify to the City Manager of the CITY, and if thereafter the CONTRACTOR, for a period of ten (10) days after receipt of a written demand from the Public Works Superintendent or his/her designated representative, fails to furnish tools, equipment, materials, labor, or transportation in the necessary quantity or quality and to prosecute said work and all parts thereof in a diligent and workmanlike manner, or after commencing to do so within said ten (10) days, fails to continue to do so, then the CITY may exclude the CONTRACTOR from the premises or any portion thereof, together with all materials and equipment thereon, and may complete the work contemplated by this Agreement or any portion of said work either by furnishing the tools, equipment, materials, labor, or transportation necessary therefore or by letting the unfinished portion of said work or the portion taken over by the CITY shall be a charge against the CONTRACTOR and may be deducted from any money due or becoming due to the CONTRACTOR for the CITY, or the CONTRACTOR may be compelled to pay the CITY the amount of said charge or the portion thereof unsatisfied. As used herein, the term "premises" shall include those areas and sites as set forth in SECTION XIV hereof.

SECTION XII

Contractor shall comply with the Federal Clean Water Act and City of Montclair Municipal Code Section 9.24 – Storm Drain System, employees from said contractor shall be trained in Stormwater Best Management Practices. No blowing and/or depositing of grass clippings, leaves, or any other yard waste out into the street and catch basins.

SECTION XIII

SPECIFIC

A. Trees, Plants, Shrubbery

1. All plants and shrubbery shall be properly irrigated, pruned, and shaped in season to produce the best possible effect and growth condition including tree skirts to have a minimum seven feet of clearance.
2. Tree trimming, planting, and staking shall be completed by the CITY.
3. The CITY may make periodic soil analyses to determine soil amendment requirements (gypsum, sulfur, iron chelates, etc.) as well as fertilization demands, and the Contractor is required to make the necessary applications within two weeks of notification. In lieu of soil tests, the CITY/AGENCY may require the CONTRACTOR to provide an all-purpose fertilizer for application.

B. Lawns

1. All lawn areas will be mowed and edged weekly. As work is completed, the clippings, trimmings, weeds, and other extraneous materials shall be removed, leaving the lawns in a neat and attractive condition. The CONTRACTOR is responsible for cost of disposing such material.
2. All lawns shall be fed with commercial fertilizer supplied by the CONTRACTOR two times each year. Time of application of fertilizer shall be as specified by the CITY. Prior to fertilizing, the CONTRACTOR shall first mow the lawn to the appropriate height. Selective weed killer supplied by the CONTRACTOR, shall be applied to provide complete dandelion, crabgrass, or other weed control. Chemicals used shall meet Department of Food and Agriculture regulations. The CONTRACTOR is liable for misuse.
3. All lawns shall be mowed between 2 and 2 1/2 inches.
4. All landscape areas will be monitored and treated for Gopher Control by the CONTRACTOR as needed. The CONTRACTOR, at no additional cost to the CITY, shall furnish chemicals and licenses necessary for Gopher Control.

C. Replacements

1. Any plant material that may expire from normal causes shall be replaced and replanted with a like or more desirable species without additional cost to the CITY.

2. Any plantings, cobblestone or stamped concrete areas, or portions of the irrigation systems that are damaged by vehicles, vandalism, or other means beyond the CONTRACTOR'S control shall be repaired and/or replaced by the CITY.

D. Irrigation System

1. Sprinkler heads shall be adjusted and kept clean to provide the best possible coverage. Missing, broken, worn, or sprinkler heads damaged while performing the duties pursuant to the Agreement shall be immediately replaced by CONTRACTOR to allow continuous irrigation without additional cost to the CITY.
2. Automatic irrigation controllers, remote control valves, and sprinkler heads will be properly checked and adjusted by the CONTRACTOR weekly.

The CONTRACTOR shall be responsible for immediately notifying City whenever a sprinkler system is not working properly. The CONTRACTOR shall be responsible for all repairs, upon approval by the CITY, at a flat rate of \$35.00 per hour plus costs of the materials needed. Repairs to damage caused by the CONTRACTOR'S operation, shall be borne by CONTRACTOR.

E. Debris

1. As work in any area is completed, the clippings, trimmings, and weeds shall be removed and the area shall be left in a neat and attractive condition. The CONTRACTOR is responsible for the cost of disposing all clippings, trimmings, and weeds.

F. Cobblestone Concrete, Bomanite, and Stamped Concrete Areas

1. All cobblestone, stamped concrete, Bomanite, and concrete areas shall be weeded and kept free of papers and other extraneous material on a weekly basis.

G. Management and Supervision

1. The sites defined by this Agreement shall be closely inspected by the CONTRACTOR'S Maintenance Superintendent to ensure proper work procedures are followed.
2. Monthly maintenance reports by CONTRACTOR'S Maintenance Superintendent shall be submitted for CITY'S information.
3. The landscape maintenance will be scheduled first to meet the requirements of the landscape and secondly to fit the working procedures of the CITY.

SECTION XIV

The area to be maintained is listed below; however, it is a general site description and is to be considered inclusive, not precise:

- A. **Paseos Park, 9000 block Sycamore Avenue, Montclair, California 91763 as per the construction drawings provided within the attached bid specifications.**

SECTION XV

In the event that additional areas require maintenance services, such areas may be added to this Agreement at a negotiated price; however, during the period of time the CONTRACTOR is negotiating a cost to maintain the new areas, it is the CONTRACTOR'S responsibility to provide maintenance service to any area in question. In the event a maintenance area is deleted from this Agreement, the contract price for that area shall be deducted from the negotiated price.

SECTION XVI

MISCELLANEOUS PROVISIONS

- A. **Assignment.** No assignment of this Agreement or of any part or obligation of performance hereunder shall be made, either in whole or in part, by the CONTRACTOR without the written consent of the CITY.
- B. **Independent Contractor.** The parties hereto agree that CONTRACTOR and its employees, officers, and agents are independent contractors under this Agreement, and shall not be construed for any purpose whatsoever to be employees of the CITY.
- C. **Compliance with Laws.** The CONTRACTOR shall comply with all applicable laws in performing its obligations under this Agreement.
- D. **Discrimination.** The CONTRACTOR agrees that no person shall be excluded from employment in the performance of this Agreement on grounds of race, creed, color, sex, age, marital status, or place of national origin. In this connection, the CONTRACTOR agrees to comply with all County, State, and Federal laws related to equal employment opportunity rights.
- E. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of California.
- F. **Attorney's Fees.** In the event that any legal proceeding is instituted to enforce any term or provisions of this Agreement, the prevailing party in said legal proceeding shall be entitled to recover attorney's fees and costs from the opposing party in an amount to be determined by the court to be reasonable.
- G. **Entire Agreement.** This Agreement supersedes any and all other agreements, either oral or in writing, between the parties with respect to the subject matter herein. Each party to this Agreement acknowledges that no representation by any other party that is not embodied herein nor any other agreement, statement, or promise not contained in this Agreement shall be valid and binding. Any modification of this Agreement shall be effective only if it is in writing, signed by all parties.

IN WITNESS WHEREOF, the parties hereto execute this Agreement as of the day and year first set forth herein above.

Contractor:

SOUTHERN CALIFORNIA LANDSCAPE, INC.

Name

Title

Date

City:

CITY OF MONTCLAIR

Paul M. Eaton
Mayor

Date

ATTEST:

Yvonne L. Smith
Deputy City Clerk

Date

APPROVED AS TO FORM:

Diane E. Robbins
City Attorney

Date

AGENDA REPORT

SUBJECT: CONSIDER ADOPTION OF RESOLUTION NO. 14-3023 SUPPORTING CALIFORNIA STATE SENATE BILL 1262 (CORREA) MEDICAL MARIJUANA REGULATION	DATE: March 17, 2014
	SECTION: RESOLUTIONS
	ITEM NO.: 1
	FILE I.D.: SUB100
	DEPT.: ADMIN. SVCS.

REASON FOR CONSIDERATION: Proposition 215, the Compassionate Use Act, decriminalized the use of marijuana for medical purposes, provided patients access to medical marijuana, and prevented doctors from being penalized for making medical marijuana recommendations. Since the passage of Proposition 215, no broad or feasible regulatory structure has been established to effectively regulate the usage of medical marijuana in accordance with Proposition 215. Senate Bill 1262 introduced by Senator Lou Correa would establish a regulatory structure to ensure Proposition 215 is properly implemented and supported to assist patients with legitimate medical needs in a manner that works for law enforcement, city and county governments, local community organizations, and medical professionals.

The City Council is requested to consider adoption of Resolution No. 14-3023 supporting SB 1262. A copy of proposed Resolution No. 14-3023 is attached for the City Council's review and consideration.

BACKGROUND: Since its approval by voters in 1996, Proposition 215, the Compassionate Use Act, has allowed Californians access to marijuana for medical purposes and prohibited punitive action against physicians for making medical marijuana recommendations. Adopted in 2003, Senate Bill 420 (SB 420), the Medical Marijuana Program Act, allowed patients and primary caregivers to cultivate marijuana for personal use and established at the Department of Public Health a medical marijuana card program for patients to use on a voluntary basis.

Since the adoption of SB 420, no broad or feasible regulatory structure has been established to properly regulate the use of medical marijuana in California. Implementation of Proposition 215 has been marked by conflicting authorities, regulatory chaos, intermittent federal enforcement action, and a series of lawsuits that have tested the limits of the act and focused on the extent of the authority of local government. More recently, California law has decriminalized marijuana possession so long as the amount does not indicate possession for sale.

Recent Medical Marijuana Legislative Attempts

Nearly all recent attempts at medical marijuana legislation in California have been geared toward state preemption and have been unsympathetic to the authority of local government.

Prepared by: M. Fort Reviewed and Approved by: [Signature]

Proofed by: Audrey Sullivan Presented by: [Signature]

No recent proposed legislation has been health-based despite the medical rationale that spawned Proposition 215 nor has any sought to impose any health and safety standards, despite the fact that the regulatory structure being proposed relates to oversight of a psychotropic substance. Finally, no legislation has squarely addressed the many public safety concerns triggered by such regulation.

SB 1262 Proposed Regulations

If adopted by the State Legislature, SB 1262 would do the following:

- Protect local control by precluding an operator from obtaining a state license unless the operator has first secured all necessary local permits from a particular jurisdiction.
- Uphold local governments' ability to ban dispensaries and all related facilities.
- Impose tighter regulations on doctors who issue medical marijuana recommendations including new training and recordkeeping requirements as well as fines and a strict regimen for recommendations to minors.
- Impose uniform quality assurance standards as well as health and safety standards to be administered by counties with oversight by the Department of Public Health.
- Require a series of detailed security measures to prevent diversion and recreational use at all medical cannabis facilities.

The proposed bill requires that recommending physicians have bona fide relationships with receiving patients and specifies that recommendations include the type of marijuana, dosage, and method-of-delivery requirement. Recommendations involving minors must also be approved by a board-certified pediatrician and may only be delivered in nonsmoking form. Physicians would be prohibited from recommending high THC (tetrahydrocannabinol) marijuana to minors. Physicians may not recommend high concentrate derivatives, such as butane hash oil (a chemical derivative of marijuana that can contain 80 percent THC), to anyone. Furthermore, SB 1262 would provide the California Medical Board with oversight responsibility for physician recommendations.

SB 1262 would further provide that all medical cannabis facilities be subject to the uniform health and safety standards of California's Sherman Food and Drug Act, prohibit the use of nonorganic pesticides in medical marijuana cultivation, and provide for health-based oversight of all cultivation activities.

It should be noted that on March 19, 2007, the City Council adopted Ordinance No. 07-891 amending Chapters 11.02 and 11.10 of the Montclair Municipal Code defining and prohibiting medical marijuana dispensaries in the City. If SB 1262 is adopted, it would not affect the validity of the City's Ordinance prohibiting medical marijuana dispensaries in the City.

FISCAL IMPACT: Adoption of proposed Resolution No. 14-3023 would have no fiscal impact to the City.

RECOMMENDATION: Staff recommends the City Council adopt Resolution No. 14-3023 supporting California State Senate Bill 1262 (Correa) Medical Marijuana Regulation.

RESOLUTION NO. 14-3023

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MONTCLAIR SUPPORTING CALIFORNIA STATE SENATE
BILL 1262 (CORREA) MEDICAL MARIJUANA REGULATION

WHEREAS, in 1996, voters of the State of California approved Proposition 215, codified as Health & Safety Code Sections 11362.5, *et seq.*, and entitled, "The Compassionate Use Act of 1996"; and

WHEREAS, the State enacted Senate Bill 420 in 2003 (SB 420) codified as Health & Safety Code Section 11362.7, *et seq.*, and entitled, "The Medical Marijuana Program Act," which clarified some implementation aspects of Proposition 215 including requiring the issuance of identification cards for qualified patients; and

WHEREAS, the California State Supreme Court issued its decision in *City of Riverside v. Inland Empire Patients Health and Wellness Center*, which affirmed that cities have the authority and the right to ban medical marijuana dispensaries within their boundaries; and

WHEREAS, Senate Bill 1262 (SB 1262) would protect local control by precluding a dispensary operator from obtaining a state license unless the operator has first secured all necessary local permits from a particular jurisdiction; and

WHEREAS, SB 1262 would uphold local governments' ability to ban dispensaries and all related facilities; and

WHEREAS, SB 1262 would impose tighter regulations on doctors who issue medical marijuana recommendations including new training and recordkeeping requirements as well as fines and a strict regimen for recommendations to minors; and

WHEREAS, SB 1262 would impose uniform quality-assurance standards as well as health and safety standards to be administered by counties with oversight by the Department of Public Health; and

WHEREAS, SB 1262 would require a series of detailed security measures to prevent diversion and recreational use at all medical marijuana facilities.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Montclair does hereby support California State Senate Bill 1262 (Correa) Medical Marijuana Regulation.

APPROVED AND ADOPTED this XX day of XX, 2014.

ATTEST:

Mayor

Deputy City Clerk

I, Yvonne L. Smith, Deputy City Clerk of the City of Montclair, DO HEREBY CERTIFY that Resolution No. 14-3023 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

AGENDA REPORT

SUBJECT: CONSIDER ADOPTION OF RESOLUTION NO. 14-3024 AUTHORIZING STAFF TO SUBMIT AN APPLICATION FOR GRANT FUNDING FOR TRAFFIC SIGNAL COORDINATION ALONG MISSION BOULEVARD

CONSIDER AMENDING THE 2013-2018 CAPITAL IMPROVEMENT PROGRAM ADDING THE TRAFFIC SIGNAL COORDINATION ALONG MISSION BOULEVARD PROJECT

CONSIDER AUTHORIZATION OF A \$52,000 APPROPRIATION FROM FUND 1740-LOCAL TRANSPORTATION DEVELOPMENT IMPACT FUND AS MATCHING FUNDS FOR A \$156,000 MSRC GRANT FOR THE TRAFFIC SIGNAL COORDINATION ALONG MISSION BOULEVARD PROJECT

DATE: March 17, 2014

SECTION: RESOLUTIONS

ITEM NO.: 2

FILE I.D.: TRC700

DEPT.: PUBLIC WORKS

REASON FOR CONSIDERATION: The Mobile Source Air Pollution Reduction Review Committee (MSRC) seeks to partner with County Transportation Commissions (CTC) on behalf of member cities, counties, and possibly regional California Department of Transportation districts to accelerate the implementation of traffic signal coordination, ramp metering, and technology enhancement projects that will improve traffic flow on arterial roadways in the South Coast region. To that end, the MSRC has allocated \$5 million in Clean Transportation Funding for the Traffic Signal Coordination CTC partnership program. The City Council is requested to consider adoption of Resolution No. 14-3024 authorizing staff to submit an application for grant funding for traffic signal coordination along Mission Boulevard.

BACKGROUND: The purpose of this MSRC funding opportunity is not to duplicate or displace other available funding sources. Rather, the MSRC hopes to partner with CTCs to accelerate the implementation of traffic signal coordination and synchronization projects throughout the region consistent with Senate Bill 375. The goal of the MSRC is to provide funds that can be used to match other sources of funding and in doing so: (1) remove potential financial barriers that may exist because of a shortfall in securing a required local match; (2) allow agencies that sponsor Call for Projects opportunities to potentially spread their funding more broadly as a result of available MSRC funding; and (3) allow projects that had to be reduced in scope because of funding constraints to be brought back to their originally-intended design. Thus, while the MSRC may be a minor partner in a project's overall funding, it is hoped that the infusion of MSRC funds will allow traffic flow improvement projects to be implemented sooner, on a broader scale, and with better inter-jurisdictional coordination.

Prepared by:

Proofed by:

Reviewed and Approved by:

Presented by:

The MSRC has allocated \$1.25 million in Clean Transportation Funding to each CTC within the South Coast Air Basin to support signal coordination projects. Projects implemented with Clean Transportation Funding are required to focus on air quality improvement-oriented traffic signal coordination projects. The following traffic signal coordination and synchronization project categories are eligible under this program opportunity and presented to illustrate the types of traffic coordination projects proven effective in mitigating air pollutant emissions:

- Arterial Corridor Traffic Signal Coordination within a single jurisdiction
- Multijurisdictional traffic signal coordination including regional programs
- Coordination of adjacent intersection traffic signals with Caltrans' freeway onramp metering
- Expansion and limited upgrades to existing traffic management/operations centers

The call for projects under the MSRC Funding Program has been delegated to San Bernardino Associated Governments (SANBAG) in this region. The grants are competitive, and one of the criteria in rating the applications is the amount of the local match.

City staff proposes submitting an application for funding signal coordination modifications for Mission Boulevard from the Pomona County line to Benson Avenue at the Ontario city limit. The modifications would include the installation of equipment to monitor traffic flow along Mission Boulevard and continuously adjust signal timing using preprogrammed timing plans to improve traffic flow.

FISCAL IMPACT: Staff has developed a cost estimate of \$205,100 for the required work including the design. A minimum local match of 20 percent is required; but to improve the City's ranking, staff is proposing a 25 percent match of \$52,000.

In 2006, the City established by Ordinance No. 06-887 a Transportation Development Impact Fee on development within the City. The fee was composed of two parts: one regional to address the requirements of Measure I approved by San Bernardino County voters in 2004, and the second local to accommodate local needs. The fees and projects were set by Resolution No. 06-2653. One of the local projects was identified as "Traffic Signal Interconnect Mission Boulevard from Roswell to Benson Avenues." Therefore, it is appropriate to fund the City's local match through this fee.

In the event the City is unsuccessful with its grant application, staff will likely recommend that this project be deferred until such time as other funds are available.

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

1. Adopt Resolution No. 14-3024 authorizing staff to submit an application for grant funding for traffic signal coordination along Mission Boulevard.
2. Amend the 2013-2018 Capital Improvement Program adding the Traffic Signal Coordination Along Mission Boulevard Project.
3. Authorize appropriation of \$52,000 from Fund 1740-Transportation Development Impact Fund as matching funds for a \$156,000 MSRC grant for the Traffic Signal Coordination Along Mission Boulevard Project.

RESOLUTION NO. 14-3024

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF MONTCLAIR AUTHORIZING STAFF TO
APPLY FOR GRANT FUNDING FOR TRAFFIC SIGNAL
COORDINATION ALONG MISSION BOULEVARD**

WHEREAS, the Mobile Source Air Pollution Reduction Review Committee (MSRC) seeks to partner with County Transportation Commissions on behalf of member cities, the County of San Bernardino, and possibly California Department of Transportation District 8 to accelerate the implementation of traffic signal coordination, ramp metering, and technology enhancement projects that will improve traffic flow on arterial roadways in the South Coast region; and

WHEREAS, the San Bernardino Associated Governments (SANBAG) is acting on behalf of the MSRC and has sent out a call for projects; and

WHEREAS, applications are due to SANBAG by March 21, 2014; and

WHEREAS, project applications need to indicate whether the applicant agency's Board of Directors/City Council has approved the matching funds necessary for any grant request; and

WHEREAS, staff recommends submittal of an application for grant funding for traffic signal coordination along Mission Boulevard.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Montclair does hereby authorize staff to submit an application for grant funding for traffic signal coordination along Mission Boulevard and a \$52,000 appropriation from Fund 1740-Local Traffic Development Impact Fund as matching funds for a \$156,000 MSRC grant for the Traffic Signal Coordination Along Mission Boulevard Project.

APPROVED AND ADOPTED this XX day of XX, 2014.

ATTEST:

Mayor

Deputy City Clerk

I, Yvonne L. Smith, City Clerk of the City of Montclair, DO HEREBY CERTIFY that Resolution No. 14-3024 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

Infrastructure Fund Capital Project Funding Information

Project Name: Traffic Signal Coordination along Mission Boulevard
 Project Details: This project will improve traffic signal coordination along Mission Boulevard by continuously monitoring traffic conditions and flow and adjusting signal timing at various intersections as necessary

Preparation Date: March 6, 2014 Department: Public Works Estimated Start Date: July 2014
 Project No. (Assigned by Finance): _____ Contact/Ext.: Michael Hudson 441

Phase	Prior Years	Fiscal Years			Total	Estimated Completion	Grant Billing Date	Fund/Program (Fund Name & Number)
		2013/2014	2014/2015	2015/2016				
Environmental								
Design		10,000.00	10,000.00		20,000.00	Dec 2014	1740-Local Dev. Imp. Fund	
R/W Acquisition			30,000.00		30,000.00	Dec 2014	MSRC Grant	
Construction			42,000.00		42,000.00	Dec 2015	1740-Local Dev. Imp. Fund	
			126,000.00		126,000.00	Dec 2015	MSRC Grant	
Total	0.00	208,000.00	208,000.00	0.00	208,000.00			

Approvals: _____ By: *MSRC* Date: March 6, 2014
 Department: Public Works
 Finance By: _____ Date: _____
 City Council Date: March 17, 2014 Total Project Cost: \$208,000.00
 Revision Number: _____

**MINUTES OF THE MEETING OF THE MONTCLAIR
PERSONNEL COMMITTEE HELD ON MONDAY,
MARCH 3, 2014, AT 7:32 P.M. IN THE CITY
ADMINISTRATIVE OFFICES, 5111 BENITO STREET,
MONTCLAIR, CALIFORNIA**

I. CALL TO ORDER

Mayor Eaton called the meeting to order at 7:32 p.m.

II. ROLL CALL

Present: Mayor Eaton; Mayor Pro Tem Ruh; and City Manager Starr

III. APPROVAL OF MINUTES

**A. Minutes of the Regular Personnel Committee Meeting of
February 18, 2014.**

Moved by City Manager Starr, seconded by Mayor Pro Tem Ruh,
and carried unanimously to approve the minutes of the Personnel
Committee meeting of February 18, 2014.

IV. PUBLIC COMMENT - None

V. CLOSED SESSION

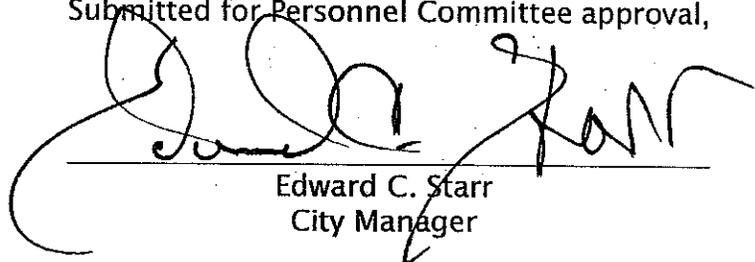
At 7:33 p.m., the Personnel Committee went into Closed Session
regarding personnel matters related to appointments, resignations/
terminations, and evaluations of employee performance.

At 7:42 p.m., the Personnel Committee returned from Closed Session.
Mayor Eaton stated that no announcements would be made at this time.

VI. ADJOURNMENT

At 7:42 p.m., Mayor Eaton adjourned the Personnel Committee.

Submitted for Personnel Committee approval,



Edward C. Starr
City Manager