

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

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

May 4, 2015

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. Proclamation Recognizing and Congratulating the Community Action Partnership of San Bernardino County on 50 Years of Exemplary Service and Dedication to "Helping People, Changing Lives."

VI. PUBLIC COMMENT

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

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

VII. PUBLIC HEARINGS

- A. Second Reading – Consider Adoption of Ordinance No. 15-948 Adding Chapter 11.65 to the Montclair Municipal Code Related to Reasonable Accommodations for Disabled Individuals [CC] 5
- B. First Reading – Consider Adoption of Ordinance No. 15-949 Amending the Land Use Matrix (Table 3-1) of the North Montclair Specific Plan and Chapter 11.78 of the Montclair Municipal Code to Conditionally Permit Microbreweries in the Manufacturing Industrial Park Land Use District of the North Montclair Specific Plan [CC] 16

VIII. CONSENT CALENDAR

- A. Approval of Minutes
 - 1. Minutes of the Regular Joint City Council/Successor Agency Board/MHC Board/MHA Commission/MCF Board Meeting of April 20, 2015 [CC/SA/MHC/MHA]
- B. Administrative Reports
 - 1. Consider Setting a Public Hearing to Consider Adoption of Resolution No. 15-3075 Adjusting Transportation Development Impact Fees [CC] 32
 - 2. Consider Remising, Releasing, and Forever Quitclaiming to Montclair, LLC, the Maintenance Agreement Recorded April 19, 2007, as Instrument No. 2007-0239114, Official Records [CC] 38
 - 3. Consider Authorization to Sell/Trade-In All Existing MP-5 Submachine Guns and Tactical Assault Rifles to Acquire Colt Monolithic 10.3" Short Barrel Tactical Rifles [CC]

Consider Authorization to Utilize 2014 Justice Assistance Grant Funds and Federal Asset Forfeiture Funds to Purchase Sound Suppressors and Optical Sights [CC] 40
 - 4. Consider Authorization of a \$10,916.83 Appropriation from the Public Safety Grant Fund to Purchase One Lifelike Human Body Replica (Advanced Life Support Simulation Manikin) from Laerdal Medical Corporation [CC]

Consider Authorization to Receive \$10,589 from the FY2014 State Homeland Security Grant Program to Reimburse the Public Safety Grant Fund [CC] 44
 - 5. Consider Approval of Warrant Register and Payroll Documentation [CC] 57
- C. Agreements
 - 1. Consider Approval of Agreement No. 15-27 Amending Agreement No. 13-100 Between the Cities of Montclair and Upland for Joint Sharing of Fire Department Command Staff and Expansion of Automatic And Mutual Aid Through Mutual Agreement to Vacate Service Boundaries [CC]

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Consider Authorizing the City Manager to Execute All Documents on Behalf of the City of Montclair in Relation to Implementation of Agreement No. 15-27 [CC]	58
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D. Resolutions

1. Consider Adoption of Resolution No. 15-3072 Authorizing Mayor Paul M. Eaton to Sign Administering Agency-State Agreement Program Supplement Agreement No. 007-N (City Agreement No. 15-29) [CC]	
Consider Approval of Agreement No. 15-29, Program Supplement Agreement No. 007-N, with the Department of Transportation for the Traffic Signal Improvement Project at Central Avenue and San Bernardino Street [CC]	76
2. Consider Adoption of Resolution No. 15-3073 Identifying the Terms and Conditions for Fire Department Response Away from their Official Duty Station and Assigned to an Emergency Incident [CC]	85
3. Consider Adoption of Resolution No. 15-3074 Authorizing City Manager Edward C. Starr to Sign an Application for Cycle 2 Active Transportation Program for Funding Through California Department of Transportation and Southern California Association of Governments for the Development of a Bike And Pedestrian Master Plan and Safe Routes to School Plan [CC]	89

IX. PULLED CONSENT CALENDAR ITEMS

X. RESPONSE

XI. COMMUNICATIONS

A. City Attorney

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

Susana Okada v. Montclair

B. City Manager/Executive Director

C. Mayor/Chairman

1. Announcement of Vacancies on the Planning Commission and Community Action Committee

D. Council/SA/MHC/MHA Board

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

1. Minutes of the Personnel Committee Meeting of April 20, 2015	93
2. Minutes of the Code Enforcement/Public Safety Committee Meeting of April 20, 2015	94

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 May 18, 2015, meeting of the City Council, Successor Agency Board, Montclair Housing Corporation Board, and Montclair Housing Authority Commission has been canceled due to the lack of a quorum.

The next regularly scheduled meeting of the City Council, Successor Agency Board, Montclair Housing Corporation Board, and Montclair Housing Authority Commission, will be held on Monday, June 1, 2015, 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, Andrea M. Phillips, 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 April 30, 2015.

AGENDA REPORT

SUBJECT: CONSIDER ADOPTION OF ORDINANCE
NO. 15-948 ADDING CHAPTER 11.65 TO
THE MONTCLAIR MUNICIPAL CODE
RELATED TO REASONABLE ACCOMMO-
DATIONS FOR DISABLED INDIVIDUALS

SECOND READING

DATE: May 4, 2015
SECTION: PUBLIC HEARINGS
ITEM NO.: A
FILE I.D.: GPL250
DEPT.: COMMUNITY DEV.

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

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

Policy Action 3.1 requires staff to "Develop and adopt procedures to provide reasonable accommodations for persons with disabilities in compliance with the provisions of SB 520. These procedures shall include a formal written application and process."

The Federal Fair Housing Act and the California Fair Employment and Housing Act require that local governments make reasonable accommodations (i.e., modifications or exceptions) in their zoning laws and other land use regulations and practices when such accommodations "may be necessary to afford" disabled persons "an equal opportunity to use and enjoy a dwelling." The purpose of the proposed Ordinance is to comply with the laws and provide a process for individuals with disabilities to make requests for, and be provided with, reasonable accommodations in the application of the City's land use and zoning regulations. It is similar to a process where the City grants a variance from development standards. For example, the accommodation could include allowing a wheelchair ramp to encroach into the front yard setback.

The State Housing Element Law statute requires that each city have an approved Housing Element as part of its General Plan, and that the Housing Element must address reasonable accommodation procedures for disabled individuals. The purpose of the Ordinance is to meet both Federal and State requirements.

Proposed Ordinance No. 15-948 would add Chapter 11.65 to the Montclair Municipal Code, "Reasonable Accommodations for Disabled Individuals." The Ordinance would

Prepared by: 

Reviewed and
Approved by:



Proofed by: 

Presented by:



establish criteria and a formal procedure for persons with disabilities to make a request to the City for reasonable accommodations in the application of the City's zoning regulations for residential development. The Ordinance provides for two types of reasonable accommodation requests, "Minor" and "Major," which are defined as follows:

- ❑ "Reasonable Accommodation, Minor" is defined as any deviation requested and/or granted from the strict application of the City's laws, rules, policies, practices, and/or procedures, including land use and zoning regulations of this Title, and which can be removed or terminated in sixty (60) days or less after the need for the reasonable accommodation ends.
- ❑ "Reasonable Accommodation, Major" is defined as any deviation requested and/or granted from the strict application of the City's laws, rules, policies, practices, and/or procedures, including land use and zoning regulations of this Title, resulting in a physical modification to the property which cannot be restored or terminated within sixty (60) days or less after the need for the reasonable accommodation ends.

The process is summarized below:

1. Application (Section 11.65.040)

The Ordinance establishes requirements for an applicant to submit to the City factual and background information relative to the request for reasonable accommodation. *(Draft application attached to this agenda report.)*

2. Review (Section 11.65.050)

- a. Minor Reasonable Accommodation Application: The Community Development Director has the authority to consider and act on the application or to refer the matter to the Planning Commission.
- b. Major Reasonable Accommodation Application: The Planning Commission has the Authority to review, approve or deny the request.

3. Noticing

a. Minor Reasonable Accommodation Application:

Notice of the Community Development Director's meeting to review and act on the application shall be made in writing 10 days prior to the meeting and shall be mailed first class, postage pre-paid to the applicant and the adjacent property owners.

b. Major Reasonable Accommodation Application:

Notice of the Planning Commission meeting to review and act on the application shall be made in writing 10 days prior to the meeting and shall be mailed first class, postage pre-paid to the applicant, and the adjacent property owners within a 300-foot radius of the subject property boundaries.

4. Decision

A decision shall be made based on consideration of factors such as:

- The dwelling subject to the reasonable accommodation request will be occupied as a primary residence by the applicant/owner, making specific housing available to one or more individuals protected under the Fair Housing Laws;
- The request for reasonable accommodation will not impose an undue financial or administrative burden on the City; and
- The request will not require a fundamental alteration of the City's zoning regulations, development standards, building codes, policies and/or procedures.

5. Fees

There is no fee associated with the application for reasonable accommodation. However, fees adopted by City Council Resolution associated with building permits or other permits required to construct the requested improvements shall be paid at the time of permit issuance.

Staff notes that this is one of several General Plan and/or Municipal Code amendments related to implementation of the Policy Actions contained in the adopted Housing Element that are intended to be submitted to the Planning Commission and City Council for consideration. At its meeting on April 13, 2015, the Planning Commission unanimously recommended City Council approval of the proposed Ordinance.

FISCAL IMPACT: There would be no fiscal impact related to the City Council's adoption of Ordinance No. 15-948.

RECOMMENDATION: Staff recommends the City Council adopt Ordinance No. 15-948 adding Chapter 11.65 to the Montclair Municipal Code related to reasonable accommodations for disabled individuals.



APPLICATION FOR REASONABLE ACCOMMODATION

PLANNING DIVISION
COMMUNITY DEVELOPMENT DEPARTMENT
5111 BENITO STREET, P.O. BOX 2308, MONTCLAIR, CA 91763
(909) 625-9477
www.cityofmontclair.org

Applicants requesting accommodations under Fair Housing Laws or the Americans With Disabilities Act shall complete the following information. Attach additional sheets if necessary containing any relevant information supporting the request for reasonable accommodation. Applicants shall submit one or more of the following supporting documents to substantiate eligibility for a reasonable accommodation:

- A letter from a medical doctor or other qualified health care professional
- A State-issued disabled person license or placard
- Another acceptable form of evidence reliably demonstrating the applicant's disability

APPLICANT INFORMATION

Property Owner Name(s): _____

Property Address/City/Zip: _____

Phone Number: (____) _____ E-mail: _____

Applicant's Name (if different): _____

Phone Number: (____) _____ E-mail: _____

Is the applicant a disabled person under the Federal Fair Housing or Americans With Disabilities Acts? ___ Yes ___ No

Type of residence: Single-Family Duplex Multi-Family (3+ units) Other _____

Type of accommodation(s) required: Building Code Zoning Code Other _____

Specify the accommodation(s) that is/are requested and describe the proposed alterations to the property:

This request is for a:

Minor Reasonable Accommodation - any deviation requested and/or granted from the strict application the laws, rules, policies, practices and/or procedures of the City, including land use and zoning regulations of Title 11 of the Montclair Municipal Code, which can be removed or terminated within 90 days or less after the need for the reasonable accommodation ends.

Major Reasonable Accommodation - any deviation requested and/or granted from the strict application of the laws, rules, policies, practices and/or procedures of the City, including land use and zoning regulations of Title 11 of the Montclair Municipal Code, resulting in a physical modification to the property which cannot be restored or terminated within 90 days or less after the reasonable accommodation is terminated.

I/We, the undersigned, hereby declare under penalty of perjury that the foregoing is true and correct. Furthermore, I/we attest that the property that is the subject of this request for reasonable accommodation is the primary residence of the disabled person for whom the accommodation is requested.

Property Owner Signature: _____ Date: _____

Applicant's Signature: _____ Date: _____

ORDINANCE NO. 15-948

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR ADDING CHAPTER 11.65 TO THE MONTCLAIR MUNICIPAL CODE RELATED TO REASONABLE ACCOMMODATIONS FOR DISABLED INDIVIDUALS

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

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

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

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

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

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

WHEREAS, Policy Action 3.12 requires staff to "Develop and adopt procedures to provide reasonable accommodations for persons with disabilities in compliance with the provisions of SB 520. These procedures shall include a formal written application and process;" and

WHEREAS, in order to be in full compliance with the state's certification of the City's Housing Element, the City desires to provide a procedural process for disabled individuals to seek reasonable accommodation with respect to the City's zoning regulations and development standards; and

WHEREAS, such a procedural process for disabled individuals to seek reasonable accommodation is intended to comply with Federal and State requirements for fair housing and is intended to reasonably allow disabled individuals to integrate into residential areas; and;

WHEREAS, a grant of reasonable accommodation shall be specific to applying individuals and shall not apply to subsequent or changes in the ownership or uses of property by individuals other than those specifically granted a reasonable accommodation pursuant to the provisions of this Ordinance, except as may be required by Federal and/or State law; and

WHEREAS, the Planning Commission reviewed the subject Ordinance at its regular meeting on March 23, 2015, and recommended City Council adoption; and

WHEREAS, the adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Sections 15301(e) and 15303(e) of the State CEQA Guidelines. While the code amendment, in and of itself, does not approve any construction activities, it establishes criteria and procedures to provide reasonable accommodations for disabled individuals that would result in the construction of minor additions to existing residential structures.

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

SECTION I. Amendment of Code.

Chapter 11.65 is hereby added to the Montclair Municipal Code as follows:

**CHAPTER 11.65
REASONABLE ACCOMMODATIONS FOR DISABLED INDIVIDUALS**

Sections:

- 11.65.010 Intent and purpose.**
- 11.65.020 Definitions.**
- 11.65.030 Public notice of availability of accommodation process.**
- 11.65.040 Requesting reasonable accommodation.**
- 11.65.050 Decision on application.**
- 11.65.060 Required findings.**
- 11.65.070 Appeals.**
- 11.65.080 Waiver of time periods.**

11.65.010 Intent and purpose.

The intent of this Chapter, pursuant to Fair Housing Laws, is to provide individuals with disabilities reasonable accommodation in the application of the City's rules, policies, practices and procedures as necessary to ensure equal access to housing. The purpose of this Chapter is to provide a process for individuals with disabilities to make requests for, and be provided, reasonable accommodation, when reasonable accommodation is warranted based upon sufficient evidence, from the various laws, rules, policies, practices and/or procedures of the City, including land use and zoning regulations.

11.65.020 Definitions.

Applicant means a person, business, or organization making a written request to the City for reasonable accommodation in the strict application of land use or zoning provisions of this Title.

Director means the Director of Community Development.

Disabled or handicapped person or individual means an individual who has a physical or mental impairment that limits one or more of that person's major life activities; anyone who is regarded as having such impairment; or anyone who has a record of having such impairment, but not including an individual's current, illegal use of a controlled substance.

Fair Housing Laws means the "Fair Housing Amendments Act of 1988" (42 U.S.C. § 3601, *et seq.*), including reasonable accommodation required by 42 U.S.C. § 3604 (f)(3)(B), and the "California Fair Employment and Housing Act" (California Government Code Section 12900, *et seq.*), including reasonable accommodation required specifically by California Government Code Sections 12927(c)(1), 12955, and 65583(c)(3) as any of these statutory provisions now exist or may be amended from time to time.

Reasonable Accommodation, Major means any deviation requested and/or granted from the strict application of the laws, rules, policies, practices, and/or procedures of the City, including land use and zoning regulations of this Title, resulting in a physical modification to the property which cannot be restored or terminated within 90 days or less after the reasonable accommodation is terminated.

Reasonable Accommodation, Minor means any deviation requested and/or granted from the strict application of the laws, rules, policies, practices, and/or procedures of the City, including land use and zoning regulations of this Title, which can be removed or terminated within 90 days or less after the need for the reasonable accommodation ends.

11.65.030 Public notice of availability of accommodation process.

The City shall prominently display at the Community Development Department public counter in City Hall a notice advising individuals with disabilities or their representatives that they may request a reasonable accommodation in accordance with the procedures established in this Chapter. City employees shall direct individuals to the display whenever they are requested to do so or reasonably believe that individuals with disabilities or their representatives may be entitled to a reasonable accommodation.

11.65.040 Requesting reasonable accommodation.

A. In order to make specific housing available to an individual with a disability, a disabled individual or representative may request reasonable accommodation, pursuant to this Chapter, relating to the application of various land use, zoning, or building laws, rules, policies, practices and/or procedures of the City.

B. If an individual or representative needs assistance in making a request for reasonable accommodation, or appealing a determination regarding reasonable accommodation, the Community Development Department will endeavor to provide the assistance necessary to ensure that the process is accessible to the applicant or representative. The applicant may be represented

at all stages of the proceeding by a person designated by the applicant as his or her representative.

C. A request for reasonable accommodation with respect to the laws, rules, policies, practices and/or procedures of the City shall be filed on an application form provided by the Community Development Department, shall be signed by the owner of the property, and shall include the following information:

1. A description of how the property will be used by the disabled individual(s);
2. The basis for the claim that the Fair Housing Laws apply to the individual(s) and evidence satisfactory to the City supporting the claim, which may include a letter from a medical doctor or other licensed health care professional, a disabled person license or placard, or other appropriate evidence that establishes that the individual(s) needing the reasonable accommodation is disabled/handicapped pursuant to the Fair Housing Laws;
3. The specific reason the requested accommodation is necessary to make particular housing available to the disabled individual(s);
4. Verification by the applicant that the property is the primary residence of the person for whom reasonable accommodation is requested;
5. A filing fee in an amount as determined from time to time by Resolution of the City Council, but not to exceed the reasonable estimated costs to the City in processing the application.

11.65.050 Decision on application.

A. The Director shall have the authority to consider and act on any application for a Minor Reasonable Accommodation. The Director shall issue a written determination within 30 days of the date of receipt of a completed application and may: (1) grant the accommodation request; (2) grant the accommodation request subject to specified nondiscriminatory conditions; (3) deny the request; or (4) refer the matter to the Planning Commission, which shall render a decision on the application in the same manner as it considers an appeal. Notice of the Director's consideration of a Minor Reasonable Accommodation application shall be made in writing, ten (10) days prior to a decision and shall be mailed first class and postage pre-paid to the applicant and the adjacent property owners.

B. The Planning Commission shall have the authority to consider and act on any application for a Major Reasonable Accommodation or any Minor Reasonable Accommodation request referred to it by the Director. The Planning Commission shall consider an application at the next reasonably available public meeting after submission of an application for reasonable accommodation, after the submission of any additional information required pursuant to this Section, or after referral from the Director. The Planning Commission may: (1) grant the accommodation request; (2) grant the accommodation request subject to specified nondiscriminatory conditions; or (3) deny the request. Notice of the Planning Commission meeting to review and act on a Major Reasonable Accommodation application, or Minor Reasonable Accommodation application referred by the Director, shall be made in writing ten (10) days prior to the meeting and shall be mailed first class and postage pre-paid to the applicant and all property owners within a 300-foot radius of the project boundary.

C. All written determinations shall give notice of the right to appeal and the right to request reasonable accommodation on the appeals process, if necessary. The notice of determination shall be sent to the applicant by first class mail.

D. If necessary to reach a determination on any request for reasonable accommodation, the Director may request further information from the applicant consistent with this Chapter, specifying in detail what information is required. In the event a request for further information is made, the 30-day period to issue a written determination shall be stayed until the applicant reasonably responds to the request.

E. If, based upon all of the evidence presented to the Director or the Planning Commission, the findings required in this Chapter may reasonably be made, the Director, the Planning Commission, or City Council, as applicable, shall grant the requested reasonable accommodation.

F. A reasonable accommodation granted pursuant to this Chapter shall not require the approval of any variance as to the reasonable accommodation.

G. The reasonable accommodation shall be subject to any reasonable conditions imposed on the approval that are consistent with the purposes of this Chapter to further fair housing. Such conditions may generally include, but are not limited to the following restrictions:

1. That the reasonable accommodation shall only be applicable to a particular individual(s);
2. That the reasonable accommodation shall only be applicable to the specific use for which application is made; and/or
3. That any change in use or circumstances which negates the basis for the granting of the approval shall render the reasonable accommodation null and void and/or revocable by the City.

11.65.060 Required findings.

The following findings shall be made in order to approve a request for reasonable accommodation:

A. The housing that is the subject of the request for reasonable accommodation shall be occupied as the primary residence by an individual protected under the Fair Housing Laws.

B. The request for reasonable accommodation is necessary to make specific housing available to one or more individuals protected under the Fair Housing Laws.

C. The requested reasonable accommodation will not impose an undue financial or administrative burden on the City.

D. The requested accommodation will not require a fundamental alteration of the zoning or building laws, policies and/or procedures of the City.

11.65.070 Appeals.

A. Within ten (10) days of the date the City issues a written decision on a reasonable accommodation application, any person aggrieved or affected by a decision on an application requesting the accommodation may appeal such determination in writing to the Planning Commission or City Council, as applicable.

B. All appeals shall contain a statement of the grounds for the appeal.

C. No such appeal shall be accepted unless there is, paid concurrently with the filing of such appeal, a filing and processing fee in a sum set forth by Resolution of the City Council. Upon receipt of a timely filed appeal, together with the filing and processing fee, the Secretary of the Planning Commission or City Clerk shall set the matter for a hearing before the Planning Commission or City Council, as applicable, at its next reasonably available public meeting.

D. The Planning Commission or City Council, as applicable, shall hear the matter and render a determination as soon as reasonably practicable, but in no event later than sixty (60) days after an appeal has been filed, or after an application has been referred to it by the Director. All determinations shall address and be based upon the same findings required to be made in the original determination from which the appeal is taken.

E. An applicant may request reasonable accommodation in the procedure by which an appeal will be conducted.

F. An applicant requesting the accommodation may appeal an adverse determination or any conditions or limitations imposed by the Planning Commission's decision to the City Council in accordance with this Section. The decision of the City Council shall be final.

11.65.080 Waiver of time periods.

Notwithstanding any provisions in this chapter regarding the occurrence of any action within a specified period of time, the applicant may request additional time beyond that provided for in this chapter or may request a continuance regarding any decision or consideration by the city of the pending appeal. Extensions of time sought by applicants shall not be considered delay on the part of the city, shall not constitute failure by the city to provide for prompt decisions on applications and shall not be a violation of any required time period set forth in this chapter.

SECTION II. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional.

SECTION III. Effective Date.

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

SECTION IV. Posting.

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

APPROVED AND ADOPTED this XX day of XX, 2015.

Mayor

ATTEST:

Deputy City Clerk

I, Andrea M. Phillips, Deputy City Clerk of the City of Montclair, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 15-948 of said City, which was introduced at a regular meeting of the City Council held on the XX day of XX, 2015, and finally passed not less than five (5) days thereafter on the XX day of XX, 2015, by the following vote, to-wit:

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

Andrea M. Phillips
Deputy City Clerk

AGENDA REPORT

SUBJECT: CONSIDER ADOPTION OF ORDINANCE NO. 15-949 AMENDING THE LAND USE MATRIX (TABLE 3-1) OF THE NORTH MONTCLAIR SPECIFIC PLAN AND CHAPTER 11.78 OF THE MONTCLAIR MUNICIPAL CODE TO CONDITIONALLY PERMIT MICROBREWERIES IN THE MANUFACTURING INDUSTRIAL PARK LAND USE DISTRICT OF THE NORTH MONTCLAIR SPECIFIC PLAN

DATE: May 4, 2015
SECTION: PUBLIC HEARINGS
ITEM NO.: B
FILE I.D.: LDU457/750
DEPT.: COMMUNITY DEV.

FIRST READING

REASON FOR CONSIDERATION: Amendments to the Municipal Code and adopted Specific Plans require public hearing review and approval by the City Council.

BACKGROUND: In late 2014, staff was approached by an applicant interested in establishing a microbrewery in a business park lease space within the boundaries of the North Montclair Specific Plan. The Specific Plan, which was adopted in 1998, makes no reference to microbreweries as an allowable use in any land use district within its planning area. If the proposed amendment is approved, microbreweries would be added to the Land Use Matrix (Table 3-1) so they could be considered for approval in the MIP (Manufacturing Industrial Park) land use district of the Specific Plan, subject to approval of a Conditional Use Permit (CUP). Further, Section 11.78.030.C of the Montclair Municipal Code would be amended to be consistent with the Specific Plan. That Municipal Code section currently identifies microbreweries as a land use that could be allowed with a CUP, but only within the C-2 (Limited Commercial) and C-3 (General Commercial) zoning districts of the City.

Definition of a Microbrewery

A microbrewery is generally defined as a small facility that makes limited amounts of beers, ales, meads, hard ciders, and/or similar beer-based beverages. Microbreweries are typically independently owned, and most have modest-sized tasting rooms or areas where patrons can sample products produced on-site and/or purchase for off-site consumption.

The working end of a microbrewery consists of an area where various pieces of food grade equipment are arranged in an "assembly line" fashion to process the beer from raw materials to a drinkable beverage. At a minimum, the brew house portion of the use consists of a grain mill, a brew kettle, a heat source (such as a boiler), and fermenters. Other typical equipment includes such things as bright tanks for

Prepared by: 
Proofed by: 

Reviewed and Approved by: 
Presented by: 

carbonating the beer, heat exchangers, a walk-in cooler, and racks for raw material storage, bottles, and kegs.

A "nano-brewery" is a new and increasingly popular type of craft brewing which is intentionally kept very small. This type of brewery usually brews no more than one batch at a time, and is not set up for the wide distribution of its product(s).

Existing City Regulations

Section 11.78.030.C of the Montclair Municipal Code identifies microbreweries as a land use that could be allowed with a Conditional Use Permit (CUP), but only within the C-2 (Limited Commercial) and C-3 (General Commercial) zoning districts of the City. The two types of microbreweries identified in the Ordinance are:

- Microbrewery with on-site tasting (C-3 zone); and
- Microbrewery in conjunction with a bona fide eating establishment (C-2 and C-3 zones)

The City of Montclair does not currently have a microbrewery use within the City limits.

Department of Alcoholic Beverage Control (ABC) Requirements

A microbrewery use is subject to the requirements of the California Department of Alcoholic Beverage Control (ABC). According to ABC, a Brew Pub or Microbrewery is considered a small beer manufacturer and requires the issuance of a Type 23 license. As a "small manufacturing facility," ABC controls its size of operation, either through the area allowed for production or through a cap on the volume of daily or annual production. Production is measured in barrels and the maximum number of barrels that can be produced is capped at 60,000 per year. A producer of more than 60,000 barrels is considered to be a large scale manufacturer and requires a different ABC license. Only beverages produced at that location can be served within the tasting room.

ABC requires that a Determination of Public Convenience or Necessity (PCN) be made for businesses that sell alcohol for off-premises consumption when those uses are in areas that have a crime rate that is higher than the City average or where there is an overconcentration of off-sale licenses in the census tract where the business is proposed. The Planning Commission would be making the PCN determination as part the Conditional Use Permit review of a proposed microbrewery use and would be considered concurrently with the CUP at a public hearing.

ANALYSIS: During the last decade, the craft beer and microbrewery industry has seen increased growth nationwide. In recognition of the popularity of microbreweries, several cities, including many in the surrounding area, have modified their respective zoning ordinances or Specific Plans to accommodate them. The proposed amendment to allow microbreweries in the MIP land use district of the Specific Plan would be consistent with the trend described above.

Microbreweries are typically found in commercial and industrial districts, either as a permitted by-right use or by means of an approved Conditional Use Permit (CUP). While many of the microbreweries found in commercial districts are often associated with restaurants or bars, those found in industrial areas are primarily focused on the

manufacturing of beer products. Industrial areas are desirable locations for microbrewery uses because the availability of potential lease spaces at affordable rates is good and that industrial-type buildings are more suitable for the manufacturing activities associated with the operation of a microbrewery.

North Montclair Specific Plan

As previously noted, the North Montclair Specific Plan did not anticipate microbreweries as a use when it was adopted in 1998. This situation commonly occurs whenever new land use trends emerge after a zoning ordinance or Specific Plan is adopted.

The purpose/intent of the MIP land use district is to provide an appropriate physical environment for the establishment of light manufacturing and business services, including assembling, fabricating, processing and compounding; research and development; servicing of light vehicles; administrative offices; sale of materials/products wholly or partially manufactured on the site; and sale of goods and services required for the convenience of persons employed or living in the area. The MIP land use district also allows retail and wholesale uses if they do not occupy more than 50% of the building/property, and restaurants serving alcoholic beverages with a CUP. Given the general intent of the MIP land use district, staff recommends that microbreweries with on-site tasting, or a microbrewery operated in conjunction with a bona fide eating establishment be allowed as conditionally permitted uses (See Exhibits A and B). These types of businesses would be distinguished from a traditional liquor store business, which is not a permitted use in the MIP land use district of the Specific Plan.

In view of the above discussion, the proposed amendment would view a microbrewery as a hybrid use between two other allowable types of land uses within the MIP land use district of the Specific Plan. While some may view a microbrewery as being no different than a bar, they are differentiated from a typical bar operation in that the main use of the premises is for manufacturing beer with the tasting room serving as an ancillary use. In staff's opinion, a microbrewery in an industrial zone would be a logical connection between the two separate uses, as long as the manufacturing of beer remains the primary use of the site and the tasting room and sales area of the operation is clearly secondary in scope and physical arrangement. Moreover, the manufacturing process occurs entirely within the building, with little need for significant (if any) exterior modifications beyond that which is required for other manufacturing operations. Any modifications to the building would be subject to City review and approval by the Planning and Building Divisions.

Conditional Use Permit Review

Staff believes that the MIP land use district of the Specific Plan is an appropriate zone in which to allow a microbrewery use and that the CUP review process is the proper manner to analyze potential requests. The CUP review process allows the City to consider proposed applications on a case-by-case basis and determine if a proposed site is suitable for a microbrewery. As such, the approval of a CUP request is not guaranteed. If a CUP is approved, conditions of approval (general and specific) would apply to ensure that the new use would be operated in a manner that is compatible with surrounding uses. The CUP process would also give the City the ability to modify conditions or revoke a CUP approval if the applicant fails to dependably operate in

accordance with the approved conditions of approval. See Exhibit C for a draft partial list of conditions of approval that would likely be utilized for microbreweries.

In addition to reviewing the specific characteristics of a proposed microbrewery operation, other site conditions need to be factored into the decision to approve or deny a CUP request. One of the most important issues to address is parking. In industrial zones, parking requirements are often lower than what would be required for a commercial retail zone so the availability of on-site parking is a key consideration in making a final determination on a proposed microbrewery use. Parking for manufacturing uses in the City's MIP zones is one space for every 500 gross square feet (1:500), which would apply to the manufacturing portion of the microbrewery use and was likely accounted for when the site or industrial park was developed. However, tasting rooms would add to the overall parking requirement which could impact the availability of parking for other users. This is a reason why tasting rooms and areas (and outdoor patios) need to be maintained as an ancillary aspect of the microbrewery business.

Establishment of a microbrewery in conjunction with a bona fide restaurant in the MIP land use district of the Specific Plan would be allowed with the proposed amendments, but parking issues would similarly need to be adequately addressed or conditioned so that neighboring businesses within the same complex are not negatively impacted.

Thus, in order to approve a CUP, it would need to be demonstrated that ample parking is available to accommodate the microbrewery use, particularly in multi-tenant developments. As an alternative, the applicant may need to modify the scope of the business (e.g., hours of operation for the tasting room) so that ample parking is available to operate at the desired location. In some cases, tasting rooms or eating establishments could only be open during off-peak hours when other businesses in the industrial park are closed. If a more intense, commercially-oriented business is envisioned by the applicant then a new location would need to be identified.

Tasting Rooms

The defining feature of microbrewery use as envisioned by the proposed amendment is the tasting room. A tasting room consists of dedicated floor area where alcoholic beverages are consumed, including any bar and seating areas. According to ABC's Type 23 License, only the alcoholic beverages produced on-site are allowed to be served in the tasting room or sold from the premises. Further, ABC does not require food service, impose drink limits, or enforce age restrictions unless they are made mandatory by the City during the review of a proposal. Underage children are not prohibited from being at a microbrewery with a parent or legal guardian, although this is not encouraged.

In preparing this report, staff visited two facilities in the cities of Upland and Rancho Cucamonga to assess their respective operations. In both cases, staff found the microbreweries to be very clean and orderly with no visible problems. The tasting rooms for the facilities were informally arranged spaces consisting of a bar for dispensing and simple tables and chairs. Customer activity in the tasting rooms is highest on evenings and weekends.

From a Planning standpoint, the only concern related to the tasting room is its size. As part of any CUP application, the applicant would be required to submit a floor plan

depicting the layout of the business, including the size and layout of the tasting room. As long as the tasting room is clearly subordinate to the overall size of the lease space or building, it can likely be accommodated. As a general rule, tasting rooms larger than 750 square feet in area would be subject to additional building improvements as mandated by Fire and Building Code requirements. Since every lease space is different in size and shape, required improvements would be determined on a case-by-case basis. Outdoor patios could also be considered on a case-by-case basis, provided the space is immediately adjacent to the subject use, not within a parking area or required setback, and would be limited to no more than 400 square feet in area to minimize potential conflicts with adjoining land uses.

Food Vendors

In general, microbreweries within industrial settings do not include facilities to prepare food as part of their operation. Instead, they often arrange for food truck vendors to offer food to customers during evenings or weekend events. However, this situation raises a few issues of concern that need to be addressed in order to avert potential adverse impacts. The specific areas of concern are the frequency and length of time that food vendors could be present on the site. Staff recognizes that food vendors are popular at microbreweries, but if food vendors are allowed to be on-site on a continuous basis, then the nature of the microbrewery as primarily a manufacturing facility would be compromised.

The City's existing regulations on mobile vending are general in nature and address mobile vending operations in the City right-of-way, but do not contain specific location and operational requirements for mobile food vendors/trucks on private property (Section 8.36.070 of the Montclair Municipal Code). Food vendors are currently prohibited from standing or parking on City streets in excess of ten minutes.

One of the items on the Planning Division's work program is the development of a new mobile food vendor ordinance that would address the issue of food vendors on private property, including at approved microbrewery facilities. In the meantime, a microbrewery would be limited to four (4) special events per calendar year where food vendors could be allowed. Most special events are timed around seasonal holidays and last for an entire weekend (Friday - Sunday).

Maximum Number and Separation

Staff believes that in addition to the CUP requirement, a limit on the number of microbreweries per center is warranted to address the potential for overconcentration and secondary adverse impacts. While there is no specified separation requirement mandated by the State, staff believes that a good standard to utilize is a limit of one (1) per industrial park development. The limit helps to ensure that potential impacts are held to a minimum and that sufficient parking is maintained in each development. The type of industrial park development in the MIP land use district of the Specific Plan is fairly modest in nature and typically on parcels of land approximately two to five or more acres in size. There are 12 multi-tenant (2 or more lease spaces) industrial park developments in the MIP land use district of the Specific Plan.

Staff prefers limiting the number of microbreweries in an industrial park development rather than employing a simple separation requirement (e.g., 500 feet) between the proposed microbrewery and other uses, because the distance requirement may be too

restrictive both to the number of potential sites for microbreweries or make it more difficult to allow other appropriate uses in the same center without creating non-conforming situations. The only distance minimum that should be considered is the distance from adjacent residential development and/or uses. In this case, the distance minimum should be 100 feet from the nearest residential district boundary.

The Planning Commission reviewed this item at its meeting on April 13, 2015 and unanimously recommended Council approval of the amendments to the Specific Plan and Municipal Code.

FISCAL IMPACT: The cost to publish a Notice of Public Hearing in the *Inland Valley Daily Bulletin* related to Ordinance No. 15-949 should not exceed \$500.

RECOMMENDATION: Staff recommends the City Council adopt the first reading of Ordinance No. 15-949 amending the land use matrix (Table 3-1) of the North Montclair Specific Plan and Chapter 11.78 of the Montclair Municipal Code to conditionally permit microbreweries in the MIP (Manufacturing Industrial Park) land use district of the North Montclair Specific Plan.

Attachments – Exhibit "A" – Excerpt from North Montclair Specific Plan – Page III-8
Exhibit "B" – Excerpt from North Montclair Specific Plan – Page III-11
Exhibit "C" – Draft Partial Set of Conditions of Approval for an
Approved Microbrewery Use

Exhibit "A"
Excerpt from North Montclair Specific Plan – Page III-8
Proposed Modification to Land Use Table

Land Use Development Criteria

TABLE 3-1
LAND USE MATRIX (CONTINUED)

LAND USE ACTIVITY	R1/ SL	R1	R3	C2	C3	MIP	I
5. Eating and Drinking Establishments Commercial establishments which serve prepared food or beverages for consumption on or off the premises. Examples of allowable uses include, but are not limited to, the following:				P	P	P'	
a) Delicatessen/Sandwich Shop							
b) Night Clubs/Bars/Lounges					C		
c) Restaurants – No Drive-Thrus				P	P	P'	
d) Restaurants – With Drive-Thrus					C	C'	
e) Restaurants – Serving Alcoholic Beverages							
f) <u>Microbrewery with on-site tasting</u>						C ^s	
g) <u>Microbrewery in conjunction with a bona fide eating establishment</u>						C ^s	
6. Entertainment/Recreation Establishments							
a) Auditorium, Convention Halls and Theaters					C		
b) Commercial Recreation Facilities					C		
7. Financial							
Commercial establishments which engage in monetary transactions not directly related to the sale of a product/service (i.e. banks, savings and loans, etc.)				P	P	P'	
8. Medical/Care Facilities Commercial establishments which provide needed services of a medical/care nature. Examples of allowable uses include, but are not limited to, the following:							
a) Child Day Care (up to 6)	P	P	P	P	P	P	P
b) Child Day Care (7 or more children)	C	C	C	C	C		C
c) Doctors/Dentists Office					P	C'	P
d) Outpatient– Treatment Programs					C		P
e) Residential Care Facilities (convalescent care)			C				P

Exhibit "B"
Excerpt from North Montclair Specific Plan – Page III-11
Proposed Modification to Footnote Section

Land Use Development Criteria

TABLE 3-1
LAND USE MATRIX (CONTINUED)

LAND USE ACTIVITY	R1/ SL	R1	R3	C2	C3	MIP	I
d) Laboratories (medical, mechanical, optical)						P	
e) Processing (bottling, cleaning/dyeing, packaging; except hazardous materials)						P	
f) Research/Development (design of new products)						P	
g) Repairing (appliances, electronic equipment, plumbing/electrical shops)						P	
h) Storage (household items, office files, self-serve storage [indoors only])						P	
i) Treatment, Light (non-toxic coating/plating)						P	
j) Wholesaling (household goods, office supplies, electronic components)						P	
k) Welding, Machine and Sheet Metal Shops						P	
13. Other							
a) Assembly Facilities (clubs, lodges, meeting halls)					C		
b) Bus and Rail Facilities						P	
c) Funeral Parlors/Mortuaries					C		C
d) Ice and Cold Storage Plants						C	
e) Parking Structures					P	P	
f) Parks and Playgrounds	P	P	P	P			
g) Private Schools (trade schools)					C	C	
h) Public Schools		P					
i) Private Schools (parochial, elementary, business)					C		
j) Public Utility Facilities					C	C	
k) Religious Facilities	C	C	C	C	C		C

- 1 Retail or wholesale uses are permitted or conditionally permitted provided that they do not occupy more than 50% of the building/property area and provide the appropriate parking ratio for commercial use.
- 2 Subject to the provisions of Section 9-6.101 of the Montclair Municipal Code.
- 3 Subject to the provisions of Section 9-6.200 of the Montclair Municipal Code.
- 4 Subject to the provisions of Section 9-4.1816 of the Montclair Municipal Code.
- 5 Maximum of one (1) Microbrewery use per multi-tenant center. Minimum 100-foot separation from adjacent residential district boundary.

Exhibit "C"
Draft Partial Set of Conditions of Approval for
an Approved Microbrewery Use

As part of the review process for a Conditional Use Permit, approved uses are subject to conditions of approval that are specifically developed for each property to ensure compatibility with surrounding uses. Each CUP request is considered on a case by case basis with no guarantee of approval. If approved, each use would be subject to standard conditions of approval such as for hours of operation, required site improvements, etc. The following is a partial list of potential conditions of approval microbrewery uses:

1. The approved microbrewery operation shall be conducted entirely within the building per approved plans by the City of Montclair. No storage of any kind shall occur outside the building.
2. The alcoholic beverages served on, or sold from, the premises shall be limited to the products that are authorized to be manufactured and sold by the alcoholic beverage manufacturer under its license issued by the California Department of Alcoholic Beverage Control.
3. A tasting room is, and at all times shall remain, an ancillary use to the alcoholic beverage manufacturing use.
4. The sale and/or consumption of alcoholic beverages produced by the manufacturer shall be limited to the approved tasting room and/or outdoor patio area.
5. All persons serving alcohol shall be a minimum of 21 years of age and have completed LEADS alcohol safety training through the Department of Alcoholic Beverage Control (ABC).
6. No person under 21 years of age shall be served or allowed to consume alcoholic beverages of any kind on the subject premises governed by this approval or allowed to purchase any alcoholic beverages for off-site consumption.
7. No admission fee, cover charge, minimum purchase amounts, or drinking contests shall be allowed.
8. No video, electronic or other amusement devices or games shall be permitted.
9. There shall be no live entertainment, amplified music or dancing permitted on the premises at any time without issuance of proper permits as required by the City of Montclair.
10. Any food vendors shall comply with applicable city, state and federal regulations, and must obtain any necessary permits, including a business license, environmental health permits to ensure food safety and handling. In addition, the food vendor shall obtain a Seller's Permit from the California Board of Equalization.

11. A security plan shall require approval by the Montclair Police Department prior to operation. The security plan shall be formulated to deter unlawful conduct of employees and patrons, to promote the safe and orderly assembly and movement of persons and vehicles, and to prevent disturbances to surrounding uses and the neighborhood by excessive noise created by patrons entering or leaving the alcoholic beverage manufacturer's licensed premises.
12. The applicant shall take all reasonable and feasible measures to eliminate perceptible odor at the property line and/or reduce noise to within City's Noise Ordinance standards.

ORDINANCE NO. 15-949

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR AMENDING THE LAND USE MATRIX (TABLE 3-1) OF THE NORTH MONTCLAIR SPECIFIC PLAN AND CHAPTER 11.78 OF THE MONTCLAIR MUNICIPAL CODE TO CONDITIONALLY PERMIT MICROBREWERIES IN THE MIP (MANUFACTURING INDUSTRIAL PARK) LAND USE DISTRICT OF THE NORTH MONTCLAIR SPECIFIC PLAN.

WHEREAS, on January 12, 2015, Holualoa Montclair Business Park submitted a request to amend to the North Montclair Specific Plan to allow a microbrewery as a conditionally permitted use within the Manufacturing Industrial Park (MIP) land use district of the Specific Plan; and

WHEREAS, the amendment would apply to all properties with the Manufacturing Industrial Park (MIP) land use district designation within the boundaries of the North Montclair Specific Plan; and

WHEREAS, the North Montclair Specific Plan was adopted on January 5, 1998 (Resolution No. 2163). The planning area covered by the Specific Plan was originally approximately 640 acres and bounded by the north City boundary, Palo Verde Street on the south, Benson Avenue on the east, and the San Antonio Flood Control Channel on the west; and

WHEREAS, the North Montclair Specific Plan planning area consists primarily of retail commercial and light industrial uses, with Montclair Plaza and related commercial developments serving as the area's primary focus; and

WHEREAS, in 2006, the planning area covered by the North Montclair Specific Plan was modified and reduced in size when the North Montclair Downtown Specific Plan (NMDSP) was created from a portion of the northernmost area of the Specific Plan; and

WHEREAS, Section VI-9.C.1. of the North Montclair Specific Plan allows amendments to land use designations and development criteria upon review and approval of the Planning Commission and City Council; and

WHEREAS, the Specific Plan amendment will be consistent with the City's General Plan land use map, proposed uses and surrounding uses; and

WHEREAS, the North Montclair Specific Plan did not specifically identify microbreweries as permitted or conditionally permitted use when it was adopted in 1998; and

WHEREAS, the addition of microbreweries to the list of uses allowed with a CUP in the MIP land use district would simply allow both uses to be combined into a new specified use; and

WHEREAS, a microbrewery is a small-scale brewery operation that is dedicated solely to the production of specialty beers. In most cases, a tasting room at the manufacturing plant is an element of the business; and

WHEREAS, "Beer" is an alcoholic drink brewed mainly from malted barley, hops, yeast and water although other sources of fermentable carbohydrate (e.g., maize and wheat) and other natural ingredients may be added to create different styles and flavors. Beer comes in many styles, the most common of which are ales, porters, browns, stouts, or lagers; and

WHEREAS, a microbrewery use is subject to the requirements of California Department of Alcoholic Beverage Control (ABC). According to ABC, a Brew Pub or Microbrewery is considered a small beer manufacturer and requires the issuance of a Type 23 license. As a "small manufacturing facility," ABC controls its size of operation, either through the area allowed for production or through a cap on the volume of daily or annual production. Production is measured in barrels and the maximum number of barrels that can be produced is capped at 60,000 per year. A producer of more than 60,000 barrels is considered to be a large scale manufacturer and requires a different ABC license; and

WHEREAS, the Department of Alcoholic Beverage Control (ABC) requires that only beverages produced at that location can be served within the tasting room; and

WHEREAS, a microbrewery operation is subject to the County Health Department review and periodic inspections; and

WHEREAS, if approved, the Land Use Matrix (Table 3-1) contained in the North Montclair Specific Plan would be amended to add microbreweries under "5. Eating/Drinking Establishments" as a conditionally permitted use within the MIP (Manufacturing Industrial Park) land use district of the North Montclair Specific Plan; and

WHEREAS, Section 11.78.030.C of the Montclair Municipal Code would also be amended to allow microbreweries as a conditionally permitted use in said land use district; and

WHEREAS, the Planning Commission reviewed the subject Ordinance at its regular meeting on April 6, 2015, and recommended City Council adoption; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the proposed amendment to allow microbreweries as a conditionally permitted use within the MIP land use district of the North Montclair Specific Plan is deemed to be categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15305 of the State CEQA Guidelines. The proposed amendment is a minor alteration to land use limitations contained in the North Montclair Specific Plan, which already permits the manufacturing of products in general, and the sale of alcoholic beverages subject to a CUP.

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

Section I. Amendment of North Montclair Specific Plan.

Table 3-1 of the North Montclair Specific Plan is hereby amended as follows:

**TABLE 3-1
LAND USE MATRIX (CONTINUED)**

LAND USE ACTIVITY	R1/ SL	R1	R3	C2	C3	MIP	I
5. Eating and Drinking Establishments Commercial establishments which serve prepared food or beverages for consumption on or off the premises. Examples of allowable uses include, but are not limited to, the following:				P	P	P'	
a) Delicatessen/Sandwich Shop							
b) Night Clubs/Bars/Lounges					C		
c) Restaurants – No Drive-Thrus				P	P	P'	
d) Restaurants – With Drive-Thrus					C	C'	
e) Restaurants – Serving Alcoholic Beverages							
f) <u>Microbrewery with on-site tasting</u>						C^s	
g) <u>Microbrewery in conjunction with a bona fide eating establishment</u>						C^s	
6. Entertainment/Recreation Establishments							
a) Auditorium, Convention Halls and Theaters					C		
b) Commercial Recreation Facilities					C		
7. Financial							
Commercial establishments which engage in monetary transactions not directly related to the sale of a product/service (i.e. banks, savings and loans, etc.)				P	P	P'	
8. Medical/Care Facilities Commercial establishments which provide needed services of a medical/care nature. Examples of allowable uses include, but are not limited to, the following:							
a) Child Day Care (up to 6)	P	P	P	P	P	P	P
b) Child Day Care (7 or more children)	C	C	C	C	C		C
c) Doctors/Dentists Office					P	C'	P
d) Outpatient– Treatment Programs					C		P
e) Residential Care Facilities (convalescent care)			C				P

**TABLE 3-1
LAND USE MATRIX (CONTINUED)**

LAND USE ACTIVITY	R1/ SL	R1	R3	C2	C3	MIP	I
d) Laboratories (medical, mechanical, optical)						P	
e) Processing (bottling, cleaning/dyeing, packaging; except hazardous materials)						P	
f) Research/Development (design of new products)						P	
g) Repairing (appliances, electronic equipment, plumbing/electrical shops)						P	
h) Storage (household items, office files, self-serve storage [indoors only])						P	
i) Treatment, Light (non-toxic coating/plating)						P	
j) Wholesaling (household goods, office supplies, electronic components)						P	
k) Welding, Machine and Sheet Metal Shops						P	
13. Other							
a) Assembly Facilities (clubs, lodges, meeting halls)					C		
b) Bus and Rail Facilities						P	
c) Funeral Parlors/Mortuaries					C		C
d) Ice and Cold Storage Plants						C	
e) Parking Structures					P	P	
f) Parks and Playgrounds	P	P	P	P			
g) Private Schools (trade schools)					C	C	
h) Public Schools		P					
i) Private Schools (parochial, elementary, business)					C		
j) Public Utility Facilities					C	C	
k) Religious Facilities	C	C	C	C	C		C

- 1 Retail or wholesale uses are permitted or conditionally permitted provided that they do not occupy more than 50% of the building/property area and provide the appropriate parking ratio for commercial use.
- 2 Subject to the provisions of Section 9-6.101 of the Montclair Municipal Code.
- 3 Subject to the provisions of Section 9-6.200 of the Montclair Municipal Code.
- 4 Subject to the provisions of Section 9-4.1816 of the Montclair Municipal Code.
- 5 Maximum of one (1) Microbrewery use per multi-tenant center. Minimum 100-foot separation from adjacent residential district boundary.

Section II. Amendment of Code.

Section 11.78.030.C of the Montclair Municipal Code is hereby amended as follows:

4. Microbrewery with on-site tasting (C-3; MIP within NMSP);
5. Microbrewery in conjunction with a bona fide eating establishment (C-2, C-3; MIP within NMSP).

Section III. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional.

Section IV. Effective Date.

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

Section V. Posting.

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

APPROVED AND ADOPTED this XX day of XX, 2015.

Mayor

ATTEST:

Deputy City Clerk

I, Andrea M. Phillips, Deputy City Clerk of the City of Montclair, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 15-949 of said City, which was introduced at a regular meeting of the City Council held on the XX day of XX, 2015, and finally passed not less than five (5) days thereafter on the XX day of XX, 2015, by the following vote, to-wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Andrea M. Phillips
Deputy City Clerk

AGENDA REPORT

SUBJECT: CONSIDER SETTING A PUBLIC HEARING TO CONSIDER ADOPTION OF RESOLUTION NO. 15-3075 ADJUSTING TRANSPORTATION DEVELOPMENT IMPACT FEES	DATE: May 4, 2015 SECTION: ADMIN. REPORTS ITEM NO.: 1 FILE I.D.: TRN520 DEPT.: PUBLIC WORKS
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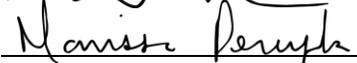
REASON FOR CONSIDERATION: Annual adjustments to the Transportation Development Impact Fees are required by San Bernardino Associated Governments (SANBAG). However, with the downturn in the economy beginning in 2007, no adjustments have been made to this fee since 2008. While construction costs dropped considerably between 2007 and 2010, they have been on the rise since then. Based on an analysis of construction prices since 2008, an adjustment to the fee is appropriate. Adjustments to the fee require City Council approval.

BACKGROUND: The reauthorization of Measure I approved by San Bernardino County voters in November 2004 included a requirement that each jurisdiction in the County adopt a Development Impact Mitigation Program to address transportation impacts caused by new development. The deadline for adoption was November 2006. The City Council held the second reading for adoption of Ordinance No. 06-887 on September 5, 2006, adding Chapter 3.18 to Title 3 of the Montclair Municipal Code, making the City compliant with Measure I requirements. In conjunction with the adoption of Ordinance No. 06-887, the City Council also adopted Resolution No. 06-2653 setting the development impact fees for various types of development.

Periodic adjustments to the Transportation Development Impact Fee (DIF) are required as construction prices increase. Up until 2008, the DIF adjustment was determined annually by SANBAG. No DIF increases have occurred since 2008 due to the state of the economy. However, SANBAG has determined that construction costs for Montclair projects are now approximately 3.6% higher today than they were in 2008. Therefore, it is appropriate to increase the DIF by 3.6%.

FISCAL IMPACT: The proposed fees and projects are shown in the attached resolution. Adoption of the resolution would have an unknown positive fiscal impact. The revenue generated from these fees would be a function of the amount of development in the City. The fees are applied to single-family, multifamily, office, retail, and industrial development.

Failure to adjust the fees would result in an undercollection of fees and could result in the loss of certain Gas Tax subventions and pass-through Measure I funds.

Prepared by: <u></u>	Reviewed and Approved by: <u></u>
Proofed by: <u></u>	Presented by: <u></u>

RECOMMENDATION: Staff recommends the City Council set a public hearing for Monday, June 1, 2015, at 7:00 p.m. in the Council Chambers to consider adoption of Resolution No. 15-3075 adjusting Transportation Development Impact Fees.

RESOLUTION NO. 15-3075

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR RESCINDING RESOLUTION NO. 08-2779 AND SETTING REVISED TRANSPORTATION DEVELOPMENT IMPACT FEES EFFECTIVE JUNE 1, 2015

WHEREAS, San Bernardino County voters approved Measure I, the one-half of one percent retail transactions and use tax for countywide transportation improvements, in November 2004; and

WHEREAS, the Measure I Ordinance requires each jurisdiction in the urbanized areas of San Bernardino County to adopt a Development Impact Mitigation Program to address regional transportation needs; and

WHEREAS, the Measure I Ordinance states that by November 2006, each jurisdiction in the San Bernardino Valley must adopt a mechanism that:

- Requires all future development to pay its fair share for transportation facilities that are needed as a result of the new development; and
- Complies with the Land Use/Transportation Analysis and Deficiency Plan provisions of the Congestion Management Program set by state law; and

WHEREAS, the City Council of the City of Montclair has previously adopted Ordinance No. 06-887 adding Chapter 3.18 to the Montclair Municipal Code establishing the City's right to assess and collect transportation development impact fees; and

WHEREAS, Section 3.18.030 of the Montclair Municipal Code states the City Council shall, by Council Resolution:

- Set forth the specific amount of the fee;
- List the projects to be financed by the fee;
- Describe the estimated cost of the facilities; and
- Describe the reasonable relationship between the fee and the various types of new developments; and

WHEREAS, the City Council adopted Resolution No. 08-2779 in compliance with Section 3.18.030 of the Municipal Code; and

WHEREAS, the Measure I Ordinance also states that the fee is to be reviewed and adjusted on an annual basis.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Montclair does hereby:

1. Set transportation development impact fees as follows:

<i>Land Use</i>	<i>Regional Fee</i>	<i>Local Fee</i>	<i>Total</i>
Single Family	\$1,340 per unit	\$596 per unit	\$1,935 per unit
Multifamily	\$938 per unit	\$416 per unit	\$1,354 per unit
Retail	\$6,176 per ksf	\$2,739 per ksf	\$8,915 per ksf
Office	\$1,533 per ksf	\$684 per ksf	\$2,217 per ksf
Industrial	\$982 per ksf	\$432 per ksf	\$1,414 per ksf

(ksf = 1,000 square feet of development)

2. Establish the following projects to be financed by the fee and the estimated project costs:

REGIONAL PROJECTS

<i>Project</i>	<i>Total Project Cost</i>	<i>Development Share</i>
State Route 60 at Ramona Avenue	\$ 27,681,965	\$ 672,276
State Route 60 at Central Avenue	27,681,965	93,152
I-10 at Monte Vista Avenue	26,363,776	4,666,388
Widen Monte Vista Avenue from San Bernardino Street to Arrow Highway from four lanes to six lanes	3,552,519	674,979
Widen San Bernardino Street from Los Angeles County Line to Benson Avenue from four lanes to six lanes	4,381,659	867,302
Monte Vista Avenue at UPRR Grade Separation	20,036,470	1,523,827
Widen Central Avenue at UPRR Grade Separation	4,086,385	348,002
Total Regional Projects	\$ 113,784,738	\$ 8,845,925

LOCAL PROJECTS

<i>Project</i>	<i>Total Project Cost</i>	<i>Development Share</i>
Widen Monte Vista Avenue from Mission Boulevard to Howard Street from 2 lanes to 4 lanes	COMPLETED	COMPLETED
Widen Monte Vista Avenue from Howard Street to Grand Avenue from 2 lanes to 4 lanes	\$ 791,000	\$ 791,000
Widen Monte Vista Avenue from Grand Avenue to Phillips Boulevard from 2 lanes to 4 lanes	330,000	330,000
Widen Ramona Avenue from Holt Boulevard to approximately 600 feet north including storm drain and signal modifications	250,000	250,000
Signal modification at Mission Boulevard and Pipeline Avenue	COMPLETED	COMPLETED
Traffic Signal Interconnect Palo Verde Street from Fremont to Central Avenue	92,300	92,300
Traffic Signal Interconnect San Bernardino Street from Fremont Avenue to Central Avenue	92,300	92,300
Traffic Signal Interconnect Holt Boulevard from Mills to Benson Avenue	COMPLETED	COMPLETED
Traffic Signal Interconnect Mission Boulevard from Roswell Avenue to Benson Avenue	712,000	712,000
Traffic Signal Interconnect Ramona Avenue from Mission Boulevard to Phillips Boulevard (not required until signal installed at Phillips Boulevard)	230,000	230,000
Traffic Signal Interconnect Monte Vista Avenue from Benito Street to Holt Boulevard	264,000	264,000
Traffic Signal Interconnect Monte Vista Avenue from Mission Boulevard to Phillips Boulevard (not required until signal installed at Phillips Boulevard)	230,000	230,000
Total Local Projects	\$2,991,600	\$2,991,600

3. Acknowledge that development does and continues to impact both local and regional transportation facilities, that existing transportation facilities have limited capacity, that increased development creates a need for additional capacity, that different types of development cause different impacts, that the ITE Trip Generation Manual (7th Edition) is a reasonable means by which to determine trip generation for different types of development, and that the ITE Trip Generation Manual (7th Edition) predicts the following number of trips per unit:

<i>Development</i>	<i>Trips</i>
Single Family	9.57 trips per unit
Multifamily	6.72 trips per unit
Retail	44.32 to 56.02 trips per 1,000 square feet
Office	11.01 to 11.57 trips per 1,000 square feet
Industrial	6.96 trips per 1,000 square feet

4. Further acknowledges that the additional capacity can be provided through the various projects listed above and that the fees assessed to developers and developments are reasonable for the impacts created.

APPROVED AND ADOPTED this XX day of XX, 2015.

Mayor

ATTEST:

Deputy City Clerk

I, Andrea M. Phillips, Deputy City Clerk of the City of Montclair, DO HEREBY CERTIFY that Resolution No. 15-3075 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, 2015, and that it was adopted by the following vote, to-wit:

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

Andrea M. Phillips
Deputy City Clerk

AGENDA REPORT

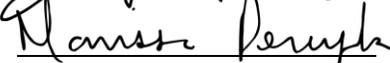
SUBJECT: CONSIDER REMISING, RELEASING, AND FOREVER QUITCLAIMING TO MONTCLAIR, LLC, THE MAINTENANCE AGREEMENT RECORDED APRIL 19, 2007, AS INSTRUMENT NO. 2007-0239114, OFFICIAL RECORDS	DATE: May 4, 2015 SECTION: ADMIN. REPORTS ITEM NO.: 2 FILE I.D.: LDA425 DEPT.: PUBLIC WORKS
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REASON FOR CONSIDERATION: Montclair, LLC, the developer for property located at 9303-9407 Central Avenue, has requested the City of Montclair quitclaim the maintenance agreement associated with the Water Quality Management Plan (WQMP) between the City and a previous property owner from an earlier project that was approved in 2007. Due to the state of the economy at that time, the project never proceeded. Nevertheless, the maintenance agreement remains an encumbrance on the property. Montclair, LLC, is requesting that the City quitclaim the maintenance agreement in order to acquire the funding necessary to proceed with the new development.

BACKGROUND: The current San Bernardino County MS4 Permit Order No. R8-210-0036, NPDES Permit No. CAS618036, is issued jointly to the San Bernardino County Flood Control District (District), the County of San Bernardino (County), and the sixteen incorporated cities in the Santa Ana River Watershed portion of San Bernardino County. The District is the Principal Permittee. The County and cities are known collectively as the Co-Permittees. The Co-Permittees are responsible for implementing individual program elements within their own jurisdiction.

One element of the MS4 permit is that the Co-Permittees require developers to design and construct stormwater treatment devices to mitigate any pollution that may run off from their project to City storm sewers during rain events. The property owner does this through the preparation of a WQMP. Furthermore, to ensure the stormwater treatment devices are maintained and stay functional throughout the life of the project, a maintenance agreement between the City and the property owner is signed and recorded.

In 2007, a WQMP was approved and the associated maintenance agreement was signed and recorded for the subject property. That original development has since been abandoned and replaced with a new development, WQMP, and agreement. Therefore, with the recently approved WQMP for 9307-9407 Central Avenue, and with Montclair, LLC, receiving City approval for its project currently under construction, the first WQMP and maintenance agreement is nullified. Maintenance agreements do not require City Council authorization to execute as there are no legal requirements for actions or

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

obligations incurred by the City. However, once it has been recorded as an encumbrance against the property, it is staff's and the City Attorney's opinion that in order to remove the encumbrance from the property, the City Council should approve a quitclaim relinquishing all interests in the agreement.

FISCAL IMPACT: There are no negative fiscal impacts to the City associated with this action. Should the City fail to take the recommended action, there is a potential negative impact on Montclair, LLC, in obtaining the construction financing that it needs.

RECOMMENDATION: Staff recommends the City Council remise, release, and forever quitclaim to Montclair, LLC, the maintenance agreement recorded April 19, 2007, as Instrument No. 2007-0239114, Official Records.

AGENDA REPORT

SUBJECT: CONSIDER AUTHORIZATION TO SELL/ TRADE-IN ALL EXISTING MP-5 SUBMACHINE GUNS AND TACTICAL ASSAULT RIFLES TO ACQUIRE COLT MONOLITHIC 10.3" SHORT BARREL TACTICAL RIFLES	DATE: May 4, 2015 SECTION: ADMIN. REPORTS ITEM NO.: 3 FILE I.D.: EQS225 DEPT.: POLICE
CONSIDER AUTHORIZATION TO UTILIZE 2014 JUSTICE ASSISTANCE GRANT FUNDS AND FEDERAL ASSET FORFEITURE FUNDS TO PURCHASE SOUND SUPPRESSORS AND OPTICAL SIGHTS	

REASON FOR CONSIDERATION: The City Council is requested to consider authorizing the sale/trade-in of the Police Department's existing stock of assault rifles and MP-5 submachine guns to acquire 24 Colt Monolithic 10.3" short barrel tactical rifles. The existing weapons have been in service for 9 to 21 years and often require parts to be changed out to ensure they are serviceable.

The City Council is also requested to consider authorizing the use of 2014 Justice Assistance Grant funds and Federal Asset Forfeiture funds to purchase sound suppressors and optical sights for the new Colt short barrel tactical rifles.

BACKGROUND: The Department purchased 24 Heckler & Koch MP-5 submachine guns between 1992 and 1998. During that era, law enforcement agencies recognized the need to deploy a high-round capacity, accurate, reliable, and soft-shooting pistol-caliber firearm. The MP5 was considered the elite patrol rifle for law enforcement use during that time.

As a result of critical incidents, such as the 1997 "North Hollywood Shootout," law enforcement agencies across the country recognized the need to deploy high-powered assault rifles. In September 2003, the Department purchased three, G-36 tactical assault rifles for Patrol deployment. Three years later, 22 Bushmaster tactical assault rifles were purchased to outfit each patrol vehicle with a high-powered tactical rifle.

The MP-5 submachine guns are over 20 years old and require frequent servicing and parts replacement to ensure they are field-ready. The Bushmaster tactical assault rifles are first generation-style rifles. They are over 10 years old and, like the MP-5's, will soon require replacement of parts to ensure serviceability.

Since 2006, the MP-5 submachine guns and Bushmaster tactical assault rifles have been the primary tactical rifles deployed in the field. Tactical rifles have since evolved tremendously and technological advances in the sights, lights, optics, and rail systems, have evolved to better suit officers' needs during hostile situations.

Prepared by:	<u>B. VENTURA</u>	Reviewed and Approved by:	<u>M. DEMOET</u>
Proofed by:	<u>Judy B.</u>	Presented by:	<u>[Signature]</u>

Staff proposes to purchase 24 Colt rifles, which are lightweight, magazine-fed, gas-operated, and air-cooled. The Colt rifle is significantly lighter than the Bushmaster rifles, shorter, easier to carry, and accommodates a full range of attachable modern equipment, making the weapon easier to handle and more versatile. The Department's existing rifles would require significant modification to accommodate modern equipment.

The existing weapons have a substantial trade-in value that would be used toward the purchase of the Colt Monolithic 10.3" short barrel tactical rifle, which is designed strictly for modern-day law enforcement purposes. All State Police Equipment Company has made arrangements with, Kentucky-based, Midwest Distributors to purchase the Department's submachine guns and tactical rifles. All State Police Equipment Company would facilitate the sale/trade-in and shipping of the Department's existing rifles to Midwest Distributors. Working with reputable firearms dealers would ensure the weapons are registered properly through ATF once the transaction is completed and guarantees the weapons would be legally resold, dismantled, or destroyed at Midwest Distributor's discretion.

All State Police Equipment Company possesses a National Federal Act, Class III Firearms Dealer License (Federal Firearms License (FFL) #9-95-037-01-7J-37108), and is authorized by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to handle, sell, ship, and transport machine guns and tactical rifles.

Midwest Distributors possesses a National Federal Act, Class III Firearms Dealer License (Federal Firearms License (FFL) #4-61-015-07-7H-04184), and is authorized by the ATF to handle, sell, ship, and transport submachine guns and tactical rifles. The MP-5's would be sold as "part kits" and not complete submachine guns in compliance with federal statute. The Bushmasters and G-36's would be sold as complete tactical rifles because they are not considered submachine guns.

Both the MP-5 and Bushmaster tactical assault rifles are currently deployed in each patrol vehicle. The move to a single model patrol rifle would ensure that officers are better trained in its use and functionality. Unlike the Bushmaster tactical assault rifles, the Colts are considered a short barrel tactical rifle. The State of California mandates training for all sworn law enforcement personnel in the use of short barrel rifles, which would ensure uniformity, ease of use, streamlined training, and enhanced marksmanship. This training requirement is not in place for the Bushmaster tactical assault rifles.

Trade-in offers were received from two of the most reputable law enforcement firearm vendors in the state, All State Police Equipment Company and ProForce Law Enforcement. Both were the only vendors contacted with the capability to facilitate the sale/trade-in of the Department's existing weapons and the purchase of new weapons. Offers received for the trade-in value of the Department's existing MP5's and tactical assault rifles are as follows:

<i>Vendor</i>	<i>Trade-in Value</i>
All State Police Equipment Company	\$28,819
ProForce Law Enforcement	\$24,300

All State Police Equipment Company is the selected vendor for this transaction based on the trade-in value of the Department's existing weapons.

Cost quotations received for the purchase of 24 Colt Monolithic 10.03" short barrel tactical rifles are as follows:

<i>Vendor</i>	<i>Bid Amount</i>
All State Police Equipment Company	\$27,799
ProForce Law Enforcement	\$30,450

All State Police Equipment Co. is the selected vendor for this purchase based on cost.

To fully outfit each Colt short barrel rifle, staff proposes to purchase sound suppressors and optical sights. Sound suppressors improve accuracy, eliminate the need for hearing protection, and increase officer safety by better concealing the officer's position.

Optical sights significantly enhance target acquisition and are compatible with a wider range of shooters, resulting in increased accuracy and reduced liability from errant or missed shots.

Lighting systems on the Department's existing weapons would be installed on the new Colt rifles, eliminating the need to purchase additional lighting equipment.

Cost quotations received for the purchase of 24 Gemtech sound suppressors are as follows:

<i>Vendor</i>	<i>Bid Amount</i>
Phoenix Distributors	\$ 7,964
Silencer Shop	\$15,096
SureFire	\$33,000

Phoenix Distributors is the selected vendor for this purchased based on cost.

Cost quotations received for the purchase of 24 Aimpoint PRO optical sights are as follows:

<i>Vendor</i>	<i>Bid Amount</i>
All State Police Equipment Co.	\$ 9,795
Brownells, Inc.	\$11,016
OpticsPlanet, Inc.	\$11,016

All State Police Equipment Co. is the selected vendor for this purchased based on cost.

On May 19, 2014, the City Council approved Agreement No. 14-36 with the County of San Bernardino concerning distribution of 2014 Justice Assistance Grant (JAG) funds. Staff proposes to use 2014 JAG funds in the amount of \$14,562 toward the purchase of the Gemtech sound suppressors and Aimpoint PRO optical sights. Because of the trade-in value of existing tactical rifles, the Department would be able to outfit the Patrol fleet with modern weaponry and sustain its need for tactical rifles for the next 15-20 years.

FISCAL IMPACT: If approved by the City Council, the sale/trade-in of existing weapons would result in a one-time payment of \$28,819 from Midwest Distributors to All State Police Equipment Company. Acting as facilitator of the transaction, All State Police Equipment Company would apply said payment to the Department's purchase of 24 Colt short barrel rifles in the amount of \$27,799. The City would net \$1,020 from the transaction, which would be applied toward the Aimpoint PRO optical sights, which are also being purchased from All State Police Equipment Company.

The total cost of the Gemtech sound suppressors and the Aimpoint PRO optical sights is \$17,759, which would be funded as follows:

Proceeds from gun sale/trade-in	\$ 1,020
Federal Asset Forfeiture funds	\$ 2,177
2014 Justice Assistance Grant funds	\$14,562

RECOMMENDATION: Staff recommends the City Council authorize the sale/trade-in of all existing MP-5 submachine guns and tactical assault rifles to acquire Colt short barrel tactical rifles. Staff also recommends the City Council authorize the use of 2014 Justice Assistance Grant funds and Federal Asset Forfeiture funds to purchase suppressor and optics.

AGENDA REPORT

SUBJECT: CONSIDER AUTHORIZATION OF A \$10,916.83 APPROPRIATION FROM THE PUBLIC SAFETY GRANT FUND TO PURCHASE ONE LIFE-LIKE HUMAN BODY REPLICA (ADVANCED LIFE SUPPORT SIMULATION MANIKIN) FROM LAERDAL MEDICAL CORPORATION

CONSIDER AUTHORIZATION TO RECEIVE \$10,589 FROM THE FY2014 STATE HOME-LAND SECURITY GRANT PROGRAM TO REIMBURSE THE PUBLIC SAFETY GRANT FUND

DATE: May 4, 2015
SECTION: ADMIN. REPORTS
ITEM NO.: 4
FILE I.D.: GRT115
DEPT.: FIRE

REASON FOR CONSIDERATION: The City Council is requested to consider authorizing a \$10,916.83 appropriation from the Public Safety Grant Fund to purchase one (1) life-like human body replica (advanced life support simulation manikin) from Laerdal Medical Corporation and consider authorizing the receipt of \$10,589 from the FY2014 State Homeland Security Grant Program (SHSGP) to reimburse the Public Safety Grant Fund.

BACKGROUND: The FY2014 SHSGP is responsible for distributing non-matching grant funds to local first responders to provide financial assistance for the purpose of purchasing equipment and supplies to improve emergency response capabilities. All eligible applicants are required to purchase equipment or supplies in advance and are entitled to 100 percent reimbursement through the grant program. The distribution of grant funds is coordinated by each Operational Area (OA). The coordinating agency for the City of Montclair is the San Bernardino County Fire Protection District. SHSGP funds are distributed to fire jurisdictions within San Bernardino County. Each jurisdiction is allocated a \$5,000 base with the remainder of the grant distributed on a per capita basis to each eligible jurisdiction. The Montclair Fire Department's allocation is \$10,589, which was secured through Agreement No. 14-103.

Staff applied to the San Bernardino County Fire Protection District (SBCFD) Grants Unit on June 23, 2014, requesting to have an equipment project included in the FY2014 SHSGP. The equipment project's objective is to purchase one (1) life-like human body replica (advanced life support simulation manikin). This type of manikin provides realistic training focused on a wide variety of advanced lifesaving skills for pre-hospital emergencies from advanced airway scenarios to IV therapy. This equipment will strengthen the Fire Department's ability to prepare for and respond to disasters, emergencies, and terrorist events. Maintaining a stable training program for our Department's paramedics is essential to our organization's ability to continue providing excellent emergency medical care to the citizens served. The SBCFD Grants Unit notified staff on December 19, 2014, that this project was approved and that staff

Prepared by: Marilyn J. Hall
Proofed by: Angelic Bird

Reviewed and Approved by: Rick Hayden
Presented by: [Signature]

was authorized to begin spending FY2014 SHSGP funds.

Fire Department staff utilized competitive negotiations to solicit written proposals from vendors for a life-like human body replica (advanced life support simulation manikin); however, staff was only able to identify two vendors that manufacture this type of simulation manikin. Bid quotations were received from the following two (2) vendors:

<u>Vendor</u>	<u>Bid Amount</u>
Laerdal Medical Corporation	\$10,916.83
Gaumard	\$13,320.10

Staff recommends the life-like human body replica (advanced life support simulation manikin) be purchased from Laerdal Medical Corporation as the lowest responsive bidder. Laerdal Medical Corporation is registered in the System for Award Management (SAM) and has no active exclusion records that would disbar that company from receiving Federal funds.

FISCAL IMPACT: The cost to purchase one (1) life-like human body replica from Laerdal Medical Corporation is \$10,916.83. Should the City Council approve this item, \$10,916.83 would be transferred from the Public Safety Grant Fund to the Personnel Development Program Small Equipment Account No. 1163-4533-51130-400-16507 for the purchase of one (1) life-like human body replica (advanced life support simulation manikin). The City would be reimbursed \$10,589 by the FY2014 HSGP.

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

1. Appropriate \$10,916.83 from the Public Safety Grant Fund to purchase one (1) life-like human body replica (advanced life support simulation manikin) from Laerdal Medical Corporation; and
2. Receive \$10,589 from the FY2014 State Homeland Security Grant Program (SHSGP) to reimburse the Public Safety Grant Fund.



SAN BERNARDINO COUNTY FIRE DISTRICT

1743 Miro Way • Rialto, CA 92376 • (909) 358-3998 • Fax (909) 358-3965

Office of Emergency
Services
www.sbcfire.org

Mark A. Hartwig
Fire Chief/Fire Warden

Mike Antonucci
Emergency Services
Manager

December 19, 2014

Paul Eaton, Mayor
City of Montclair Fire Department
PO Box 2308
Montclair, CA 91763

SUBJECT: FISCAL YEAR 2014 HOMELAND SECURITY GRANT PROGRAM PROJECT APPROVAL NOTIFICATION

This letter is to inform you that the project submitted by your jurisdiction has been approved by Cal OES (project worksheet attached). Please consider this letter as your authorization to begin the procurement process. During the procurement process, please make sure to follow grant guidelines and requirements.

Please follow the procedures below:

1. **First Milestone Deadline:** All projects must be at least 50% completed by 07/31/2015.
2. **Modifications:** Any change to the project requires obtaining pre-approval from the State prior to incurring any cost.
3. **Quotations/Bids:** Three (3) copies of the quotes/bids must be submitted with the reimbursement request. **NO EXCEPTIONS.**
4. **SAMS Verification:** Copy of a screen print out of the vendor verification report must be printed prior to hiring the vendor/contractor and must be submitted with the request for reimbursement.
5. **Performance Bond:** Is required for any equipment item over \$250,000, or any vehicle, aviation, or watercraft, regardless of the cost.
6. **Proof of Payment:** Submit copies of the front and the back of cancelled checks, as proof of payment for HSGP related expenditures. **NO EXCEPTIONS.**
7. **Sole Source:** Purchases over \$100,000 will require pre-approval from the State prior to procurement, followed up with your City Council, Board of Directors or Board of Supervisor and a cost benefit analysis will need to be included with the sole source request.
8. **Equipment Pictures:** Provide (2) photos in color or black & white of each grant purchased equipment item and a photo of the serial number, if applicable. Provide the intended location of deployment/assignment of the equipment.

Equipment purchased with grant funds must be accounted for and reconciled with the Grants Administration Unit's property records at each scheduled inventory inspection. You must develop a control tracking system to ensure adequate safeguards are in place to prevent loss, damage or theft of grant funded equipment. When equipment purchased with grant funds is no longer needed or is in need of being replaced, you must request disposition instructions from San Bernardino County Fire Protection District's Grants Administration Unit. If items are lost, stolen, or damaged, an explanation of how it happened and how your jurisdiction is going to prevent it from happening in the future is required documentation on the Damage, Lost, Stolen,

BOARD OF SUPERVISORS

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First District

Janice Rutherford
Chair, Second District

James Ramos
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Fourth District

Josie Gonzalez
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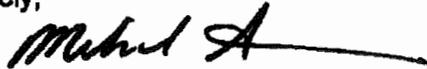
**FISCAL YEAR 2014 HOMELAND SECURITY GRANT PROGRAM PROJECT APPROVAL
NOTIFICATION**

**Page 2 of 2
12/19/14**

or Retired (DLSR) form. Please follow the additional grant information from the FY14 HSGP –
Time Sensitive – Letter sent on December 2, 2014.

If you have any questions please call our office at (909) 356-3998. Thank you and we
appreciate your attention to this matter.

Sincerely,



**MICHAEL ANTONUCCI, Emergency Services Manager
San Bernardino County Fire Protection District
Office of Emergency Services**

MA:es:kc

Attachments:

**Project Worksheet
FY14 HSGP Property and Equipment Inventory Policy
11 - EHP Screening Form -OMB 1660-0115
12 - EOC Request Form
13 - Aviation Request Form
14 - Watercraft Request Form**

**cc: Steve Jackson, Acting Deputy Fire Chief
Marilyn Hall, Administrative Aide**

CITY OF MONTCLAIR BID QUOTATION FORM

Department Fire Department **Date** 4/13/2015

Purchase Requisition No. _____

Item(s) Description: Life-like human body replica (advanced life support manikin)

Reason for Purchase: Hands-on training for paramedics to train for multi-hazard emergency medical scenarios. Will strengthen their ability to be prepared as a first responder at scene of an emergency or disaster.

Employee Obtaining Quotes Nathan Brooks

VENDORS CONTACTED

BID QUOTES*

(1) NAME	<u>Laerdal Medical Corporation</u>				6,765.00
ADDRESS	<u>167 Myers Corners Road, Wappingers Falls,</u>	<u>NY 12590</u>			3,250.80
PHONE NO.	<u>888-297-7772 xt 4448</u>	NAME OF REP.	<u>Barron Williams</u>	Subtotal	10,015.80
COMMENTS				Tax	826.30
				Shipping	74.73
				Labor	0.00
				Total	10,916.83
(2) NAME	<u>Gaumard</u>				11,995.00
ADDRESS	<u>14700 SW 136th Street</u>	<u>Miami, FL 33196</u>			0.00
PHONE NO.	<u>305-971-3790</u>	NAME OF REP.	<u>Anthony San Lucas</u>	Subtotal	11,995.00
COMMENTS				Tax	989.59
				Shipping	335.50
				Labor	0.00
				Total	13,320.09
(3) NAME	_____				0.00
ADDRESS	_____				0.00
PHONE NO.	_____	NAME OF REP.	_____	Subtotal	0.00
COMMENTS	<u>Unable to find a third vendor that carries this product.</u>			Tax	0.00
				Shipping	0.00
				Labor	0.00
				Total	0.00

*Quotations are to include tax and delivery charges

RECOMMENDED VENDOR AND JUSTIFICATION

As the lowest bidder, of two available vendors, we are recommending that we make the purchase from Laerdal Medical Corporation.

MFD A-4



Laerdal[®]
helping save lives

Laerdal Medical Corporation
167 Myers Corners Road
Wappingers Falls, NY 12590
Fax Order To: (800)227-1143
Phone Order To: 877-Laerdal
Tax ID: 13-2587752

TERRITORY MANAGER
Neha Shah
(800) 648-1851x2387
neha.shah@laerdal.com

INSIDE SALES REPRESENTATIVE
Barron Williams
(888) 297-7772x4448
barron.williams@laerdal.com

SALES SUPPORT SPECIALIST
Denise McGuigan
(800) 648-1851x4408
denise.mcguigan@laerdal.com

DATE : Monday, February 23, 2015

ATTN: Nathan Brooks

MONTCLAIR FIRE DEPARTMENT
8901 Mont Vista Avenue
Montclair CA 91763

nbrooks@cityofmontclair.org

QUOTE NUMBER : 1-104K20
CUSTOMER NUMBER : 00100342
EXPIRATION DATE : 04/24/2015

SHIP TO:

MONTCLAIR FIRE DEPARTMENT
8901 MONT VISTA AVENUE
MONTCLAIR CA 91763

QTY	PRODUCT	DESCRIPTION	LIST PRICE	UNIT PRICE	EXTENDED PRICE
1	200-05050	Megacode Kelly Advanced (simpad Capable)	\$8,250.00	\$6,765.00	\$6,765.00
1	200-30001	SimPad System (US and Canada) Includes SimPad hand held Remote Control, SimPad Link Box, AC Adapter, Battery, Wrist Strap, Manikin Strap, Manikin Adapter Cable, Ethernet Cable, SimPad Sleeve, USB Cable & DFU.	\$3,780.00	\$3,250.80	\$3,250.80
ITEM TOTAL:					\$10,015.80
ESTIMATED TAX:					\$826.30
SHIPPING & HANDLING:					\$74.73
TOTAL:					\$10,916.83

There are various payment options; please see bottom of your quote for further clarification.
Appropriate Sales Tax will be added to invoice – Pricing and Availability are subject to change
Shipping/Handling costs will be added to invoice

Terms:

- . Net 30 Days for approved open accounts; CIA; Credit Cards accepted. Financing options now available – sample leasing payment terms follow. For additional information, ask your Inside Sales Representative listed above.
- . One(1) year warranty on manufactured products and 90 day warranty on refurbished products
- . Two(2) year parts replacement warranty with technical assistance by phone on all Hill-Rom refurbished products
- . Delivery of product to a specific location within your building, if requested is at an additional charge and not included in this quote
- . Quotes that included training. Training must be booked and performed 1 year from installation. The training obligation expires one year from install



Gaumard[®]
Simulators for Health Care Education

Quotation

14700 SW 136th Street
Miami FL 33196
T: 305-971-3790 | F: 305-252-0755

Quote Number: 10478
Quote Date: 03/12/15

Page: 1 of 3

Quoted To:
Montclair Fire Department
8901 Monte Vista Avenue
Montclair CA 91763
USA

Ship To:
Montclair Fire Department
8901 Monte Vista Avenue
Montclair CA 91763
USA

Contact:
Nathan Brooks
909-997-8429
nbrooks@cityofmontclair.org

Customer ID	Good Through	Payment Terms	Shipping Method	Sales Representative
C107775	04/12/15	Net 20	UPS Ground	Anthony San Lucas

Qty.	Item	Description	For Serial Number	Unit Price	Disc %	Amount
1	S1000.L	HAL® light skin tone adult ALS simulator Airway sounds and programmable speech responses Real time CPR performance monitoring and reporting Tongue Edema, Laryngospasm Surgical airway Head tilt-chin lift and Jaw thrust Oral intubation (ET) or Nasal intubation Intubation depth detection Bilateral needle decompression Bilateral lung expansion with bag valve ventilation Ventilation are measured and logged Unilateral chest rise with right main stem intubation Bilateral chest drain sites Automatic spontaneous breathing Lung sounds (Anterior/Upper L/R) Intraosseous (I/O) access at right tibia IV training arm Oxygen saturation sensor placement detection Bilateral carotid, brachial left, femoral bilateral, radial left pulses (automatic) Blood pressure auscultation in left arm		11,995.00	0.000	\$ 11,995.00

Prices subject to change without notice.

To gather information about the products quote we invite you to visit our website: <http://www.gaumard.com>

If you should have any questions, please feel free to contact your sales representative Anthony San Lucas at anthonys@gaumard.com



14700 SW 136th Street
 Miami FL 33196
 T: 305-971-3790 | F: 305-252-0755

Quote Number: 10478
Quote Date: 03/12/15

Page: 2 of 3

Quoted To:
 Montclair Fire Department
 8901 Monte Vista Avenue
 Montclair CA 91763
 USA

Ship To:
 Montclair Fire Department
 8901 Monte Vista Avenue
 Montclair CA 91763
 USA

Contact:
 Nathan Brooks
 909-997-8429
 nbrooks@cityofmontclair.org

Qty.	Item	Description	For Serial Number	Unit Price	Disc %	Amount
		(modified cuff) Central cyanosis Intramuscular injection sites in deltoids and quadriceps for placement exercises CPR performance sensors Chest compressions are measured and logged and generate palpable pulses Depth of compressions are measured and logged Defibrillate and pace using real devices to skin sites or snap connectors Heart sounds, 4 Lead ECG Palpable landmarks including ribs and xiphoid process Oral suctioning Bowel sounds Gastric distension with excessive BVM Wired communication (Wireless communication upgrade available) Internal rechargeable battery GIGA – Simulator Control Software Preprogrammed scenarios Genuine Windows® 15in laptop (Microsoft Surface Pro upgrade available)				

Prices subject to change without notice.

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Gaumard[®]
 Simulators for Health Care Education

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 Miami FL 33196
 T: 305-971-3790 | F: 305-252-0755

Quotation

Quote Number: 10478
Quote Date: 03/12/15

Page: 3 of 3

Quoted To:
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 8901 Monte Vista Avenue
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Contact:
 Nathan Brooks
 909-997-8429
 nbrooks@cityofmontclair.org

Qty.	Item	Description	For Serial Number	Unit Price	Disc %	Amount
		Customer must supply Sales Tax Exempt Certificate and W-9 with Purchase Order, if applicable.				
		Please note that the exact shipping charges and taxes will be determined at the time of shipment.				
					Subtotal	\$ 11,995.00
					Other Discounts	
					Est. Sales Tax	\$ 989.60
					Est. Freight	\$ 335.50
					Total US\$	\$ 13,320.10

Estimated shipping date: Approximately 6 to 8 weeks after receipt of order.
 Shipment Via: UPS Ground

Gaumard Scientific is the sole source for this tether-less simulator(s).
 Our tether-less simulators interface with audio-visual systems such as those produced by KbPort and EMS; please confirm compatibility with custom systems designed to run with only one brand of simulator.

Prices subject to change without notice.

To gather information about the products quote we invite you to visit our website: <http://www.gaumard.com>

If you should have any questions, please feel free to contact your sales representative Anthony San Lucas at anthony@gaumard.com

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Current Search Terms: laerdal* medical* corporation*

Your search for "laerdal* medical* corporation*" returned the following results...

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Entity	LAERDAL MEDICAL CORPORATION	Status: Active
DUNS: 042791152	CAGE Code: 63783	View Details
Has Active Exclusion?: No	DoDAAC:	
Expiration Date: 07/31/2015	Delinquent Federal Debt? No	
Purpose of Registration: All Awards		

Glossary

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LAERDAL MEDICAL CORPORATION
DUNS: 042791152 CAGE Code: 63783
Status: Active

167 MYERS CORNERS RD
WAPPINGERS FALLS, NY, 12590-3827 ,
UNITED STATES

Expiration Date: 07/31/2015
Purpose of Registration: All Awards

Entity Overview

Entity Information

Name: LAERDAL MEDICAL CORPORATION
Business Type: Business or Organization
POC Name: Terry Frazier
Registration Status: Active
Activation Date: 07/31/2014
Expiration Date: 07/31/2015

Exclusions

Active Exclusion Records? No



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Entity Dashboard

- [Entity Overview](#)
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Gaumard Scientific Company, Inc.
 DUNS: 045467289 CAGE Code: 56666
 Status: Active

14700 SW 136th St
 Miami, FL, 33196-5691,
 UNITED STATES

Expiration Date: 11/24/2015
 Purpose of Registration: All Awards

Entity Overview

Entity Information

Name: Gaumard Scientific Company, Inc.
Business Type: Business or Organization
POC Name: Jacqueline Serra
Registration Status: Active
Activation Date: 11/24/2014
Expiration Date: 11/24/2015

Exclusions

Active Exclusion Records? No



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Search Results

Current Search Terms: gaumard*

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Entity	Gaumard Scientific Company, Inc.	Status: Active	View Details
DUNS: 045467289	CAGE Code: 56666		
Has Active Exclusion?: No	DoDAAC:		
Expiration Date: 11/24/2015	Delinquent Federal Debt? No		
Purpose of Registration: All Awards			

Glossary

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AGENDA REPORT

SUBJECT: CONSIDER APPROVAL OF WARRANT REGISTER AND PAYROLL DOCUMENTATION **DATE:** May 4, 2015
SECTION: ADMIN. REPORTS
ITEM NO.: 5
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 Raft has examined the Warrant Register dated May 4, 2015, and the Payroll Documentation dated April 19, 2015, and recommends their approval.

FISCAL IMPACT: The Warrant Register dated May 4, 2015, totals \$935,143.18. The Payroll Documentation dated April 19, 2015, totals \$571,763.70 gross, with \$395,023.78 net being the total cash disbursement.

COMMENDATION: Staff recommends the City Council approve the above referenced Warrant Register and Payroll Documentation.

Prepared by: Andrea M Phillips Reviewed and Approved by: [Signature]
Proofed by: Stephanie Hick Presented by: [Signature]

AGENDA REPORT

SUBJECT: CONSIDER APPROVAL OF AGREEMENT NO. 15-27 AMENDING AGREEMENT NO. 13-100 BETWEEN THE CITIES OF MONTCLAIR AND UPLAND FOR JOINT SHARING OF FIRE DEPARTMENT COMMAND STAFF AND EXPANSION OF AUTOMATIC AND MUTUAL AID THROUGH MUTUAL AGREEMENT TO VACATE SERVICE BOUNDARIES

DATE: May 4, 2015
SECTION: AGREEMENTS
ITEM NO.: 1
FILE I.D.: FRD060
DEPT.: CITY MGR

CONSIDER AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS ON BEHALF OF THE CITY OF MONTCLAIR IN RELATION TO IMPLEMENTATION OF AGREEMENT NO. 15-27

REASON FOR CONSIDERATION: On December 16, 2013, the City Council approved Agreement No. 13-100, a Memorandum of Understanding between the Cities of Montclair and Upland for joint sharing of Fire Department command staff and expansion of automatic and mutual aid through mutual agreement to vacate service boundaries. This Agreement set into action a two-year pilot program that is intended to determine the feasibility and practicality of combining Fire Department command/administrative structures into one single structure under direction of a jointly designated Fire Chief.

In order to fully implement all aspects of the two-two year pilot program, City staff proposes amending Agreement No. 13-100 to include expansion of shared-cost positions to include nonsafety administrative personnel and a reformulation in the proportionate formula for shared costs for the Fire Chief position.

A copy of proposed Agreement No. 15-27 is attached for the City Council's review and consideration, as well as *Exhibit A: Current and Proposed Fire Department Structure with Shared Command and Administrative Staff*, and *Exhibit B: Cost Benefit Analysis Expansion of Shared Cost Nonsafety Administrative Positions*.

BACKGROUND: At the November 3, 2014 City Council Meeting, the City Council was provided with a presentation from Fire Chief Richard Mayhew discussing the challenges and obstacles, as well as rewards, faced during the first year of the Joint Sharing of Fire Department Command Staff and Expansion of Automatic and Mutual Aid. Fire Chief Mayhew reviewed with the City Council the goals and objectives of the pilot program, discussed the phased approach toward full implementation, and provided an overview of each phase.

Prepared by:



Reviewed and Approved by:



Proofed by:

Presented by:



The City Council directed City staff to continue with the current phased approach for the full implementation of the pilot program.

IMPLEMENTATION OF PHASES ONE, TWO, AND THREE

Phase One: Command Staff Sharing. During the first phase of the program, the Montclair and Upland Fire Departments respectively implemented the intent of Agreement No. 13-100 by providing fire protection and emergency medical services under the direction of a unified command structure.

The purpose of *Phase One* was for Montclair and Upland to:

- Share designated fire command staff in order to reduce administrative costs, expand resources and enhance service quality;
- Eliminate duplication of administrative costs and duplicative requirements for specialized equipment; and
- Allow both cities to share in economic savings related to reduction of management and administrative staffing.

Command staff sharing was implemented on January 1, 2014, as part of *Phase One* of the Joint Sharing of Fire Department Command Staff and Expansion of Automatic and Mutual Aid plan.

Phase Two: Suspension of Service Boundaries. During the second phase of the program, the Cities of Montclair and Upland jointly entered into an agreement with Consolidated Fire Agencies of San Bernardino County (CONFIRE) for joint provision of dispatch services.

The purpose of *Phase Two* was for Montclair and Upland to:

- Suspend service boundaries for the delivery of fire protection and emergency medical services;
- Implement joint dispatching and communication of services;
- Reduce the requirement for personnel in specified service classifications; and
- Enhance training environments and mutual cooperation.

The transition to CONFIRE was pivotal for both agencies because it provided access to Automatic Vehicle Location (AVL) software, which allows dispatchers to know where fire units are located in real time via a satellite surveillance system. The use of AVL made it possible for the boundary drop concept to be fully implemented. The suspension of service boundaries has achieved equilateral sharing of resources and expanded the capacity of both agencies to provide superior service.

Suspension of service boundaries and joint dispatch service were implemented on June 23, 2014, as part of *Phase Two* of the Joint Sharing of Fire Department Command Staff and Expansion of Automatic and Mutual Aid Plan.

Phase Three: Integration of Training and Policy Manuals. During the third phase of the program, the Montclair and Upland Fire Departments began working towards the

creation of joint Policy and Training Manuals to be implemented by both agencies. The intent of creating joint Policy and Training Manuals is to streamline procedures and eliminate procedural inconsistencies that may affect the cohesion of both agencies. At this time, *Phase Three* has yet to be fully completed, and City staff from both Montclair and Upland are continuing their efforts to develop joint Policy and Training Manuals. *Phase Three* is expected to achieve full implementation before June of 2015.

PROPOSED IMPLEMENTATION OF PHASE FOUR

Currently, the two-year pilot program is in final development of *Phase Three*. Montclair and Upland staff are now preparing to begin implementation of *Phase Four*. Pursuant to the objectives and intent of the pilot program, *Phase Four* is intended to expand the shared-cost and staff-sharing to include nonsafety administrative personnel.

Agreement No. 13-100 includes provisions that allow for the expansion of shared-cost services and staff-sharing to include nonsafety administrative personnel; however, there is no specific language in the Agreement that indicates which nonsafety administrative personnel would be included under such provisions. City staff is proposing amending Agreement No. 13-100 to include language that specifies which nonsafety administrative personnel would be included under the shared-cost and staff-sharing provisions of Agreement No. 13-100.

In addition, City staff has reevaluated the proportionate share of costs for the Fire Chief position and the functional areas assigned to each Deputy Fire Chief. Based on this reevaluation, City staff is recommending adjustments to these provisions of Agreement No. 13-100.

Proposed Shared-Cost Nonsafety Administrative Positions

City staff is proposing the expansion of the shared-cost and staff-sharing provisions to include two nonsafety administrative personnel. The two proposed nonsafety administrative personnel to be included under the shared-cost and staff-sharing provisions are:

- Emergency Services Coordinator/Administrative Services Officer; and
- Senior Administrative Assistant

The two proposed shared-cost and staff-sharing positions would be subject to the shared-cost formulas currently included in Agreement No. 13-100. Expansion of the shared-cost and staff-sharing provisions to include nonsafety administrative personnel would fulfill the intent of *Phase Four* of the pilot program.

Emergency Services Coordinator/Administrative Services Officer. Montclair currently maintains one (1) Emergency Services Coordinator/Administrative Services Officer. The Emergency Services Coordinator/Administrative Services Officer would remain an employee of Montclair and subject to its employment rules and regulations.

Employment-related costs for wages and benefits would be shared between Montclair and Upland, with sixty-seven percent (67%) of employment costs assigned to Upland and thirty-three percent (33%) of employment costs assigned to Montclair, as stipulated in *Section III(R)(1)* of Agreement No. 13-100. Costs for this position would

be based on wages and benefits provided by the City of Montclair, as approved by action of the Montclair City Council.

The jointly shared Emergency Services Coordinator/Administrative Services Officers would coordinate the day-to-day activities of the Disaster Preparedness Programs for both Montclair and Upland, and perform a variety of tasks in support of the Montclair Fire Department administration, including supervision of the clerical staff.

A satellite office in the City of Upland may be established, at the discretion of the Upland City Manager and Fire Chief. If, at the time the proposed Agreement is executed, the Emergency Services Coordinator/Administrative Services Officer position is vacant, Montclair would conduct a promotional process to fill the vacant position.

Senior Administrative Assistant. Upland currently maintains one (1) Senior Administrative Assistant position. The Senior Administrative Assistant will remain an employee of Upland, subject to Upland employment rules and regulations.

Employment-related costs for wages and benefits would be shared between Montclair and Upland, with sixty-seven percent (67%) of employment costs assigned to Upland and thirty-three percent (33%) of employment costs assigned to Montclair, as stipulated in *Section III(R)(1)* of Agreement No. 13-100. Costs for this position will be based on wages and benefits provided by the City of Upland, as approved by action of the Upland City Council.

The jointly shared Senior Administrative Assistant would perform traditional administrative support duties for both Montclair, and Upland and supervise the part-time Clerk position in Upland. The Senior Administrative Assistant would report to the Emergency Services Coordinator/Administrative Services Officer in Montclair and to the Fire Chief in Upland.

A satellite office in the City of Montclair may be established, at the discretion of the Montclair City Manager and Fire Chief. If, at the time the proposed Agreement is executed, the Senior Administrative Assistant position is vacant, Upland would conduct a promotional process to fill the vacant position.

Formula for Proposed Shared-Cost Nonsafety Administrative Positions. Pursuant to terms and conditions of Agreement No. 13-100, Montclair and Upland proportionately share the costs of wages and benefits (exclusive of benefit costs identified in Agreement No. 13-100) for positions subject to cost sharing provisions: Upland's proportionate share of costs is sixty-seven percent (67%); Montclair's proportionate share of costs is thirty-three percent (33%).

Adoption of proposed Agreement No. 15-27 would not alter the original terms and conditions of Agreement No. 13-100 as stipulated in *Section III(R)(1) (Shared Costs of Service: Proportionate Formula for Shared Services)* in relation to the two proposed shared-cost, nonsafety administrative positions. However, the proposed Agreement does contain language that would alter the original terms and conditions of Agreement No. 13-100 *Section III(R)(1) (Shared Costs of Service: Proportionate Formula for Shared Services)* in relation to the proportionate share of costs for the Fire Chief position.

Under the proposed Agreement, Upland's proportionate share of costs for the Fire Chief position would decrease from sixty-seven percent (67%) to sixty percent (60%) and Montclair's proportionate share of costs would increase from thirty-three percent

(33%) to forty percent (40%). The proposed Agreement would state that Montclair and Upland would proportionately share the costs of wages and benefits (exclusive of benefit costs identified in Agreement No. 13-100) for the Fire Chief position.

The recommended changes are based on a 12-month evaluation of time spent by the Fire Chief between agencies. The evaluation found that the Fire Chief spent an equal amount of time between agencies in course of his work. As such, City staff is recommending that the proportionate formula for shared-cost for the Fire Chief be changed to reflect a more balanced approach towards costs for shared services.

Functional Areas Assigned to Deputy Fire Chiefs. As part of proposed Agreement No. 15-27 City staff is recommending an adjustment to the functional areas assigned to each Deputy Fire Chief position (excluding the shared-cost Deputy Fire Chief/Fire Marshal position). Under Agreement No. 13-100, the Montclair Deputy Fire Chief is assigned to oversee operations for both agencies and the Upland Deputy Fire Chief is assigned to oversee training for both agencies. After evaluating current operations of both agencies, City staff is recommending the functional area of assignments of the Deputy Fire Chiefs should be reversed in order to maximize the resources of each agency and the expertise of each incumbent.

Proposed Agreement No. 15-27 would change the functional areas assigned to each Deputy Fire Chief: the Montclair Deputy Fire Chief would oversee training for both agencies, and the Upland Deputy Fire Chief would oversee operations for both agencies.

FISCAL IMPACT: Proposed Agreement No. 15-27 promotes continued fiscal and operational efficiencies within the Montclair and Upland fire services, improves access to service resources, and maintains and increases the quality of fire protection and emergency medical services offered by the Cities of Montclair and Upland.

Proposed Agreement No. 15-27 would produce a savings to Montclair in relation to expansion of the shared-cost provisions to include nonsafety administrative positions. It is noted, however, that cost savings achieved by the expansion of the shared-cost provision would be reduced by the increase in the proportionate share of costs for the Fire Chief position.

To project annual personnel-related savings related to provisions of proposed Agreement No. 15-27, a cost-benefit analysis was conducted related to expansion of shared-cost, nonsafety administrative positions (Emergency Services Coordinator/Administrative Services Officer and Senior Administrative Assistant). Wages and benefits were calculated using current A-Step and E-Step estimates in order to calculate maximum potential savings related to implementation of proposed Agreement No. 15-27. The proposed expansion of shared-cost positions was also calculated based on current, actual wages and benefits because of the intricacies in formulas for benefits and wages. Costs were proportionately distributed based on the formula in Agreement No. 13-100—with Montclair liable for 33 percent of shared costs, and Upland liable for 67 percent of shared costs.

Following are cost-related impacts to Montclair, subject to approval of proposed Agreement No. 15-27:

- **Emergency Services Coordinator/Administrative Services Officer and Senior Administrative Assistant.** Expanding the shared-cost and staff-sharing pro-

visions to include the positions of Emergency Services Coordinator/ Administrative Services Officer and Senior Administrative Assistant is projected to save Montclair approximately \$25,956 to \$27,918 annually, based on A-Step and E-Step wages and benefits.

Montclair would be responsible for thirty-three percent (33%) of wages and benefits for both positions, resulting in projected annual costs between \$38,371 to \$48,165, based on A-Step and E-Step wages and benefits.

Based on current actual wages and benefits, the City is projected to save approximately \$25,555 annually.

- ***Proportionate Share of Costs for Fire Chief.*** Altering the original terms and conditions of Agreement No. 13-100 *Section III(R)(1) (Shared Costs of Service: Proportionate Formula for Shared Services)* in relation to the proportionate share of costs for the Fire Chief position would increase Montclair's share of wages and benefits for this position.

Under the proposed Agreement, Upland's proportionate share of costs would decline from sixty-seven percent (67%) to sixty percent (60%), and Montclair's proportionate share of costs would increase from thirty-three percent (33%) to forty percent (40%). Altering the proportionate formula would increase the City's proportion for wages and benefits by seven percent (7%).

Based on current A-Step and E-Step wages and benefits, the City is projected to see a cost increase of \$12,713 to \$17,097 annually.

Based on current actual wages and benefits, the City is projected to see a cost increase of approximately \$17,097 annually.

Based on the above analysis, Montclair has the ***potential*** to reduce annual Fire Department operating costs ***in the long term*** by approximately \$27,918. However, Montclair would be responsible for approximately \$17,097 in additional wages toward shared-cost positions, reducing projected annual cost savings to approximately \$10,821.

In the near term, approval of proposed Agreement No. 15-27 would produce approximately \$25,555 in first-year operating cost reductions. However, Montclair would also be responsible for \$17,097 in additional shared-cost distributions, reducing projected first-year savings to approximately \$8,459.

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

1. Approve Agreement No. 15-27 amending Agreement No. 13-100, a Memorandum of Understanding between the Cities of Montclair and Upland for Joint Sharing of Fire Department Command Staff and Expansion of Automatic and Mutual Aid through Mutual Agreement to Vacate Service Boundaries.
2. Authorize the City Manager to execute all documents on behalf of the City of Montclair in relation to implementation of Agreement No. 15-27.

**FIRST AMENDMENT TO MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITIES OF MONTCLAIR AND UPLAND
FOR JOINT SHARING OF FIRE DEPARTMENT COMMAND STAFF
AND EXPANSION OF AUTOMATIC AND MUTUAL AID THROUGH MUTUAL
AGREEMENT TO VACATE SERVICE BOUNDARIES**

THIS AGREEMENT ("Amendment") amending Agreement No. 13-100 ("Agreement"), a Memorandum of Understanding Between the Cities of Montclair and Upland for Joint Sharing of Fire Department Command Staff and Expansion of Automatic and Mutual Aid Through Mutual Agreement to Vacate Service Boundaries, is entered into as of this _____ day of _____, 2015, by and between the CITY OF MONTCLAIR, a municipal corporation, hereinafter referred to as "Montclair," and the CITY OF UPLAND, a municipal corporation, hereinafter referred to as "Upland." Montclair and Upland may be referred to in this Agreement individually as "Montclair" or "Upland" and jointly as "Cities" or "Parties."

WITNESSETH:

WHEREAS, Montclair and Upland previously entered into a Joint Sharing of Fire Department Command Staff and Expansion of Automatic and Mutual Aid Through Mutual Agreement to Vacate Service Boundaries effective January 1, 2014, for the provision of providing all-risk fire services, as stipulated in the Memorandum of Understanding Between the Cities of Montclair and Upland for Joint Sharing of Fire Department Command Staff and Expansion of Automatic and Mutual Aid Through Mutual Agreement to Vacate Service Boundaries dated in December of 2013 (the "Agreement"); and

WHEREAS, the Parties desire to amend certain terms of the Agreement as set forth in this Amendment.

NOW, THEREFORE, in consideration of the mutual covenants contained in Agreement No. 13-100, the Parties agree to the following revisions:

Section III. C. 1. Fire Chief Cost Distribution

The first paragraph of Section III. C. 1 of the Agreement is hereby replaced in its entirety with the following:

Fire Chief Cost Distribution. The Fire Chief is an employee of the City of Upland; accordingly, Upland's terms and conditions of employment for the Fire Chief will apply. Employment-related costs for wages and benefits shall be shared between Montclair and Upland, with sixty percent (60%) of employment costs assigned to Upland and forty (40%) of employment costs assigned to Montclair. Upland will be responsible for administering all wages and benefits provided to the Fire Chief, including the provision of any take home vehicle, fuel, and insurance. Montclair will reimburse Upland as specified in this Amendment for its share of costs related to employment of the Upland Fire Chief.

Section III. D. Deputy Fire Chief/Operations

Section III. D. of the Agreement is hereby replaced in its entirety with the following:

Deputy Fire Chief/Operations. Upland maintains or shall establish one (1) Deputy Fire Chief position. If, at the time this Agreement is executed, the Deputy Fire Chief/position is vacant, Upland shall conduct an in-house promotional process to fill the vacant position and reclassify the title to Deputy Fire Chief/Operations. Upland currently maintains three (3) Battalion Chief positions. Through an in-house promotional process, Upland shall promote one

of three (3) Battalion Chiefs to the Deputy Fire Chief/Operations position prior to or concurrent with the effective date of this Agreement. In order to achieve the objectives of this Agreement, the vacated Battalion Chief position shall remain unfilled upon successful promotion of the incumbent to the position of Deputy Fire Chief/Operations. Upland will be fully responsible for all labor-related costs associated with employing the Deputy Fire Chief/Operations. Costs for the Upland Deputy Fire Chief will be based on wages and benefits provided by the City of Upland, as approved by action of the Upland City Council. The Deputy Fire Chief will remain an employee of Upland, and Upland employment rules and regulations shall govern. Upland shall separately maintain an office and vehicle for the Upland Deputy Fire Chief. A satellite office in the City of Montclair may be established, for a minimal cost to the City of Montclair, at the discretion of the Montclair City Manager and Fire Chief.

Section III. F. Deputy Fire Chief/Training

Section III.F of the Agreement is hereby replaced in its entirety with the following:

Deputy Fire Chief/Training. Montclair maintains or shall establish one (1) Deputy Fire Chief position. If, at the time this Agreement is executed, the Deputy Fire Chief /position is vacant, Montclair shall conduct an in-house promotional process to fill the vacant position and reclassify the title to Deputy Fire Chief/Training. Montclair currently maintains three (3) Battalion Chief positions. Through an in-house promotional process, Montclair shall promote one of three (3) Battalion Chiefs to the Deputy Fire Chief/Training position prior to our concurrent with the effective date of this Agreement. In order to achieve the objectives of this Agreement, the vacated Battalion Chief position shall

remain unfilled upon successful promotion of the incumbent to the position of Deputy Fire Chief/Training. Montclair will be fully responsible for all labor-related costs associated with employing the Deputy Fire Chief/Training. Costs for the Montclair Deputy Fire Chief will be based on wages and benefits provided by the City of Montclair, as approved by action of the Montclair City Council. The Deputy Fire Chief will remain an employee of Montclair, and Montclair employment rules and regulations shall govern. Montclair shall separately maintain an office for the Montclair Deputy Fire Chief. A satellite office in the City of Upland may be established, for a minimal cost to the City of Upland, at the discretion of the Upland City Manager and Fire Chief.

Section III. G. Upland Battalion Chiefs.

Section III.G of the Agreement is hereby replaced in its entirety with the following:

Upland Battalion Chiefs. Upland currently maintains three (3) Battalion Chief positions. Unless the Upland Deputy Fire Chief/Operations and Fire Marshal positions are otherwise filled with incumbents, one of Upland's three (3) Battalion Chiefs shall be promoted to Deputy Fire Chief/Operations and one of Upland's three (3) Battalion Chiefs shall be promoted to Fire Marshal prior to or concurrent with implementation of this Agreement. In order to achieve the objectives of the Agreement for the Parties to mutually provide for three (3) Battalion Chief positions, the two Upland Battalion Chief positions vacated by promotion to Deputy Fire Chief/Operations and Fire Marshal shall remain vacant, the remaining Upland Battalion Chief position shall remain occupied by an Upland Battalion Chief, and Montclair shall provide for the remaining two Battalion Chief positions.

Section III. H. Montclair Battalion Chiefs.

Section III. H. of the Agreement is hereby replaced in its entirety with the following:

Montclair Battalion Chiefs. Montclair currently maintains (3) Division Chief positions. Unless the Montclair Deputy Fire Chief/Training position is otherwise filled with an incumbent, one of Montclair's three (3) Division Chiefs shall be promoted to Deputy Fire Chief/Training. In order to achieve the objectives of this Agreement, the Montclair Division Chief position vacated by promotion to Deputy Fire Chief/Training shall remain vacant and the remaining two Montclair Division Chief positions shall remain occupied by employees of the Montclair Fire Department.

Section III. K. Non-Sworn Administrative Positions.

Section III. K of the Agreement is hereby replaced in its entirety with the following:

1. Emergency Services Coordinator/Administrative Services Officer.

Montclair maintains one (1) Emergency Services Coordinator/Administrative Services Officer position. If, at the time this Amendment is executed, the Emergency Services Coordinator/Administrative Services Officer is vacant, Montclair shall conduct a promotional process to fill the vacant position. Employment-related costs for wages and benefits shall be shared between Montclair and Upland, with sixty-seven percent (67%) of employment costs assigned to Upland and thirty-three percent (33%) of employment costs assigned to Montclair as stipulated in Section III(R)(1) of this Agreement. Costs for the Montclair Emergency Services Coordinator/Administrative Services Officer will be based on wages and benefits provided by the City of

Montclair, as approved by action of the Montclair City Council. The Emergency Services Coordinator/Administrative Services Officer will remain an employee of Montclair, and Montclair employment rules and regulations shall govern. Montclair shall separately maintain an office for the Montclair Emergency Services Coordinator/ Administrative Services Officer. A satellite office in the City of Upland may be established, for a minimal cost to the City of Upland, at the discretion of the Upland City Manager and Fire Chief.

2. **Senior Administrative Assistant.** Upland maintains one (1) Senior Administrative Assistant position. If, at the time this Amendment is executed, the Senior Administrative Assistant position is vacant, Upland shall conduct a promotional process to fill the vacant position. Employment-related costs for wages and benefits shall be shared between Montclair and Upland, with sixty-seven percent (67%) of employment costs assigned to Upland and thirty-three percent (33%) of employment costs assigned to Montclair as stipulated in Section III(R)(1) of this Agreement. Costs for the Upland Senior Administrative Assistant will be based on wages and benefits provided by the City of Upland, as approved by action of the Upland City Council. The Senior Administrative Assistant will remain an employee of Upland, and Upland employment rules and regulations shall govern. Upland shall separately maintain an office for the Upland Senior Administrative Assistant. A satellite office in the City of Montclair may be established, for a minimal cost to the City of Montclair, at the discretion of the Montclair City Manager and Fire Chief.

Section III. R. Shared Costs of Services.

Paragraph 1. of Section III. R. of the Agreement is hereby replaced in its entirety with the following:

1. Proportionate Formula for Shared Services. Montclair and Upland shall proportionately divide the mutually agreed upon shared costs for those employment positions defined and designated as shared and command positions, shared administrative positions, and other positions mutually agreed to be shared between Montclair and Upland, subject to the cost-sharing provisions contained herein. For purposes of this Agreement, and except as otherwise provided for in "Section III. C. Fire Chief. 1. Fire Chief Cost Distribution.", Upland's proportionate share of costs shall be sixty-seven percent (67%) for all shared costs, and Montclair's proportionate share of costs shall be thirty-three percent (33%) for all shared costs. Personnel-related cost-sharing shall be subject to the provisions of "Section III. R. 5." and "Section III. R. 6." of this Agreement.

PROVISIONS OF AGREEMENT. All other terms, conditions, and provisions of Agreement No. 13-100, to the extent not modified with this Amendment, shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the dates set forth below.

CITY OF UPLAND

Dated: _____

By: _____

Ray Musser
Mayor

Attest:

Dated: _____

By: _____

Stephanie A. Mendenhall
City Clerk

Approved as to Form:

Dated: _____

By: _____

Kimberly Hall Barlow
City Attorney

CITY OF MONTCLAIR

Dated: _____

By: _____

Paul M. Eaton
Mayor

Attest:

Dated: _____

By: _____

Andrea M. Phillips
Deputy City Clerk

Approved as to Form:

Dated: _____

By: _____

Diane E. Robbins
City Attorney

Exhibit A: Current and Proposed Fire Department Structure with Shared-Command and Administrative Staff

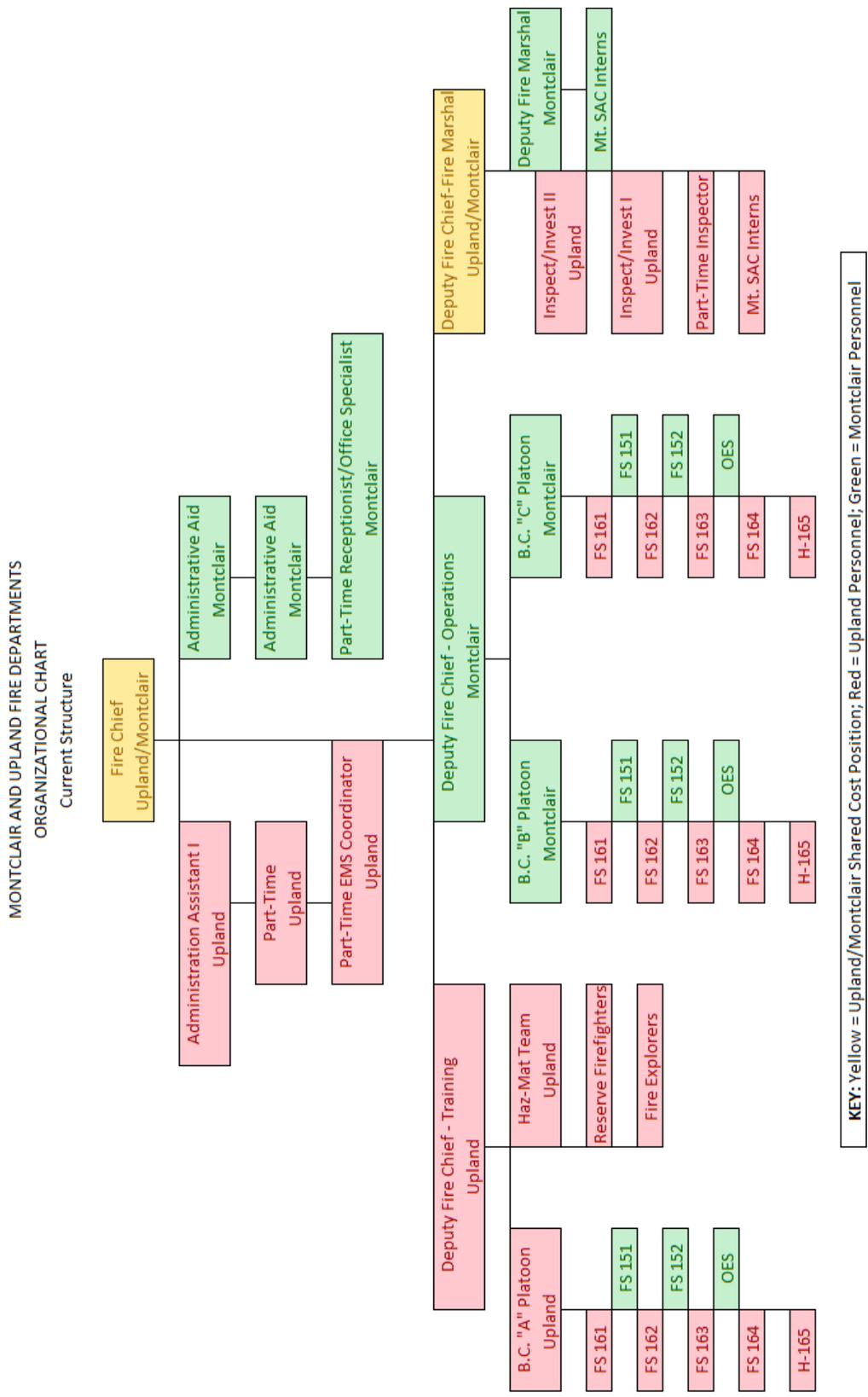
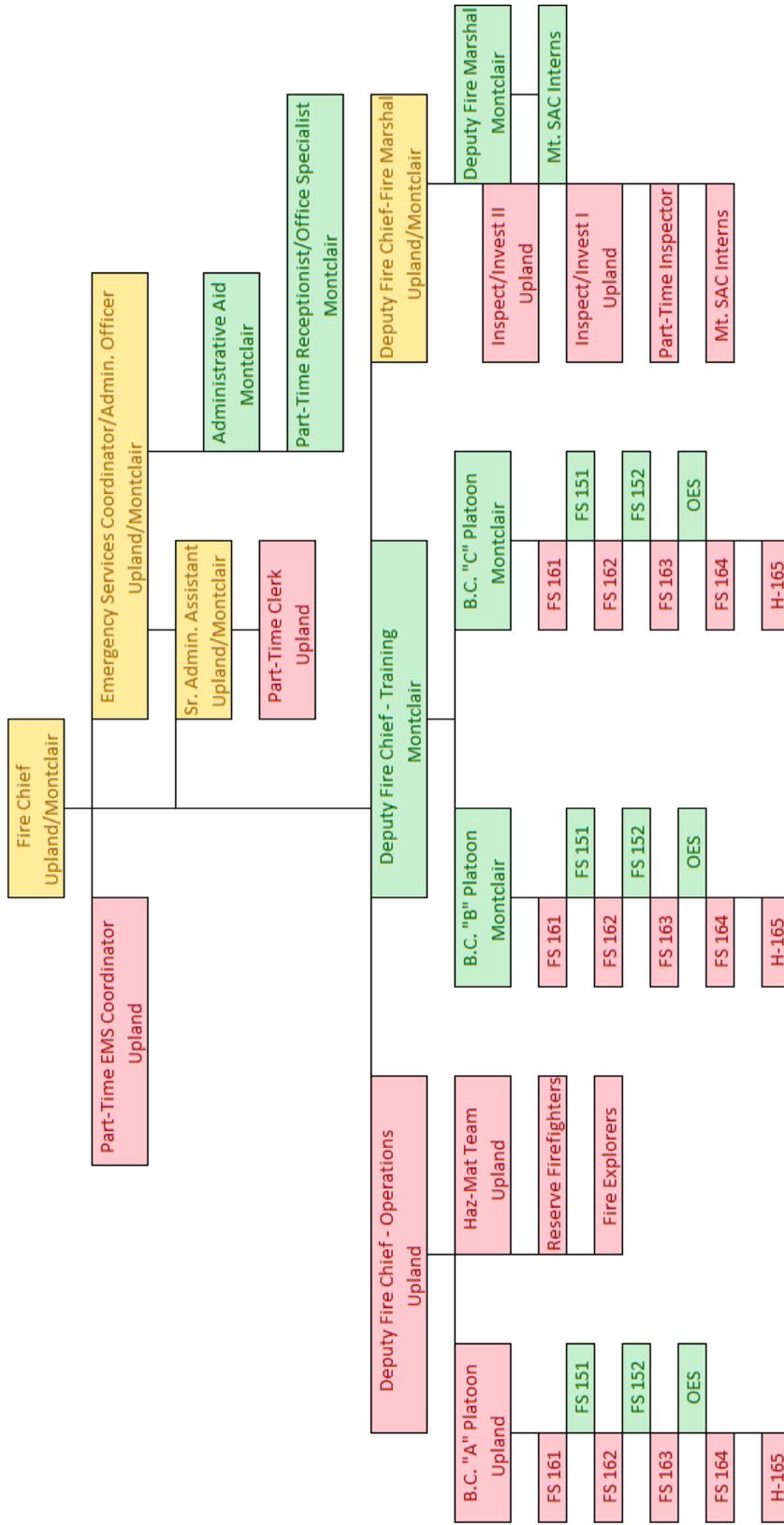


Exhibit A: Current and Proposed Fire Department Structure with Shared-Command and Administrative Staff

MONTCLAIR AND UPLAND FIRE DEPARTMENTS
ORGANIZATIONAL CHART
Proposed Structure



KEY: Yellow = Upland/Montclair Shared Cost Position; Red = Upland Personnel; Green = Montclair Personnel

A-Step Cost Analysis

Current Costs for Nonsafety Positions		
	Montclair	Upland
Emergency Service Coordinator	\$64,327	-0-
Administrative Aide	-0-	\$51,949
Total	\$64,327	\$51,949

Proposed Costs for Nonsafety Positions		
	Montclair	Upland
Emergency Service Coordinator	\$21,228	\$43,099
Administrative Aide	\$17,143	\$34,806
Total	\$38,371	\$77,905

Difference	\$25,956	(\$25,956)
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E-Step Cost Analysis

Current Costs for Nonsafety Positions		
	Montclair	Upland
Emergency Service Coordinator	\$76,084	-0-
Administrative Aide	-0-	\$69,872
Total	\$76,084	\$69,872

Current Costs for Nonsafety Positions		
	Montclair	Upland
Emergency Service Coordinator	\$25,108	\$50,976
Administrative Aide	\$23,058	\$46,814
Total	\$48,165	\$97,790

Difference	\$27,918	(\$27,918)
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Exhibit B: Cost Benefit Analysis Expansion of Shared-Cost Nonsafety Administrative Positions

A-Step

Current Cost for Fire Chief Position		
	Montclair	Upland
Fire Chief	\$59,932	\$121,681
Total	\$59,932	\$121,681

Proposed Cost for Fire Chief Position		
	Montclair	Upland
Fire Chief	\$72,645	\$108,968
Total	\$72,645	\$108,968

Difference	(\$12,713)	\$12,713
-------------------	-------------------	-----------------

E-Step

Current Cost for Fire Chief Position		
	Montclair	Upland
Fire Chief	\$80,601	\$163,644
Total	\$80,601	\$163,644

Proposed Cost for Fire Chief Position		
	Montclair	Upland
Fire Chief	\$97,698	\$146,547
Total	\$97,698	\$146,547

Difference	(\$17,097)	\$17,097
-------------------	-------------------	-----------------

AGENDA REPORT

SUBJECT: CONSIDER ADOPTION OF RESOLUTION NO. 15-3072 AUTHORIZING MAYOR PAUL M. EATON TO SIGN ADMINISTERING AGENCY-STATE AGREEMENT PROGRAM SUPPLEMENT AGREEMENT NO. 007-N (CITY AGREEMENT NO. 15-29)	DATE: May 4, 2015 SECTION: RESOLUTIONS ITEM NO.: 1 FILE I.D.: STA650 DEPT.: PUBLIC WORKS
CONSIDER APPROVAL OF AGREEMENT NO. 15-29, PROGRAM SUPPLEMENT AGREEMENT NO. 007-N, WITH THE DEPARTMENT OF TRANSPORTATION FOR THE TRAFFIC SIGNAL IMPROVEMENT PROJECT AT CENTRAL AVENUE AND SAN BERNARDINO STREET	

REASON FOR CONSIDERATION: In order to use funds identified by the Department of Transportation (DOT) for improvements of the Traffic Signal Improvement Project at Central Avenue and San Bernardino Street, the state requires the City approve an agreement and adopt a resolution designating and authorizing an individual to sign the agreement. Resolutions and agreements require City Council approval.

Proposed Resolution No. 15-3072 and Agreement No. 15-29 are attached for City Council review and consideration.

BACKGROUND: In July 2012, the Department of Transportation (DOT) issued a call for projects under the Highway Safety Improvement Program (HSIP) Competitive Grant Program. The funds are available on a competitive basis and are to be used to improve driver, pedestrian, and resident safety with respect to traffic-related incidents. Stipulations of the grant require a dollar-for-dollar local match for construction purposes from applicant counties or cities.

The Public Works Department identified the Traffic Signal Improvement Project at Central Avenue and San Bernardino Street as a potential project meeting the requirements and guidelines of HSIP and then prepared and submitted an application to DOT. The Traffic Signal Improvement Project at Central Avenue and San Bernardino Street will include new traffic signal equipment that will allow for protected left turn phasing in all four directions, replacement of non-compliant Americans with Disabilities Act (ADA) pedestrian ramps, removal of existing asphalt concrete pavement markings, and the addition of new striping and notification signs.

The City recently obtained approval from the California Department of Transportation to advertise the Traffic Signal Improvement Project at Central Avenue and San Bernardino Street. In order to use these funds, the state requires the City to execute a

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

supplement agreement that falls under the Agency-State Master Agreement No. 08-5326R. The state also requires the City to designate by resolution an individual authorized to sign the supplement agreement.

Resolution No. 15-3072 designates and authorizes Mayor Paul M. Eaton to sign the supplement agreement.

FISCAL IMPACT: The construction funds allocated by DOT for the Traffic Signal Improvement Project at Central Avenue and San Bernardino Street are \$112,500. The overall construction cost estimate for the project is \$245,000. The remaining funds for design and the local match will come from the Gas Tax fund. Failure to sign the master and supplement agreements will prevent the City from being able to obtain reimbursement of the \$112,500 grant.

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

1. Adopt Resolution No. 15-3072 authorizing Mayor Paul M. Eaton to sign Administering Agency-State Agreement Program Supplement Agreement No. 007-N (City Agreement No. 15-29).
2. Approve Agreement No. 15-29, Program Supplement Agreement No. 007-N, with the Department of Transportation for the Traffic Signal Improvement Project at Central Avenue and San Bernardino Street

RESOLUTION NO. 15-3072

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR AUTHORIZING MAYOR PAUL M. EATON TO SIGN PROGRAM SUPPLEMENT AGREEMENT NO. 007-N TO ADMINISTERING AGENCY-STATE AGREEMENT NO. 08-5326R

WHEREAS, funds available under the State Local Partnership Program (SLPP) Competitive Grant Program have been made available to the City by the Department of Transportation (DOT) for the construction of the Traffic Signal Improvements at the intersection of Central Avenue and San Bernardino Street; and

WHEREAS, before state funds can be made available for a specific program project, the local agency and state are required to enter into an agreement to establish terms and conditions applicable to the local agency when receiving state funds for a designated project facility and to the subsequent operation and maintenance of that completed facility; and

WHEREAS, the state has prepared a master agreement for administering such contracts, known as Administering Agency-State Master Agreement No. 08-5326R; and

WHEREAS, the state has prepared Program Supplement Agreement No. 007-N specific to the Traffic Signal Improvements at the intersection of Central Avenue and San Bernardino Street; and

WHEREAS, the state requires the local agency to designate by resolution the appropriate City official to sign the supplement agreement.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Montclair does hereby designate Mayor Paul M. Eaton as the local agency official authorized to sign Program Supplement Agreement No. 007-N to Administering Agency-State Master Agreement No. 08-5326R.

APPROVED AND ADOPTED this XX day of XX, 2015.

Mayor

ATTEST:

City Clerk

I, Andrea M. Phillips, Deputy City Clerk of the City of Montclair, DO HEREBY CERTIFY that Resolution No. 15-3072 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, 2015, and that it was adopted by the following vote, to-wit:

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

Andrea M. Phillips
Deputy City Clerk

DEPARTMENT OF TRANSPORTATION

Division of Local Assistance
1120 N STREET
P.O. BOX 942874, MS# 1
Sacramento, CA 94274-0001
TTY 711
(916) 654-3883
Fax (916) 654-2408



April 9, 2015

File : 08-SBD-0-MCL
HSIPL-5326(017)
Intersection of Central Avenue and
San Bernardino Street

Mr. Michael Hudson
Public Works Director
City of Montclair
5111 Benito Street
Montclair, CA 91763

Attn: Mr. Steve Stanton

Dear Mr. Hudson:

Enclosed are two originals of the Program Supplement Agreement No. 007-N to Administering Agency-State Agreement No. 08-5326R.

Please note that federal funding will be lost if you proceed with future phase(s) of the project prior to getting the "Authorization to Proceed" with that phase.

Please review the covenants and sign both copies of this Agreement and return both to this office, Office of Project Implementation - MS1 within 90 days from the receipt of this letter. If the signed Agreements are not received back in this office within 90 days, funds will be disencumbered and/or deobligated. Alterations should not be made to the agreement language or funding. **ATTACH YOUR LOCAL AGENCY'S CERTIFIED AUTHORIZING RESOLUTION THAT CLEARLY IDENTIFIES THE PROJECT AND THE OFFICIAL AUTHORIZED TO EXECUTE THE AGREEMENT.** A fully executed copy of the agreement will be returned to you upon ratification by Caltrans. No invoices for reimbursement can be processed until the agreement is fully executed.

A copy of the State approved finance letter containing the fund encumbrance and reversion date information will be mailed to you with your copy of the executed agreement.

Your prompt action is requested. If you have questions, please contact your District Local Assistance Engineer.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert Nguyen".

for ROBERT NGUYEN, Chief (Acting)
Office of Project Implementation - South
Division of Local Assistance

Enclosure

c: DLA AE Project Files
(08) DLAE - Sean Yeung

Agreement No. 15-29

PROGRAM SUPPLEMENT NO. N007
to
ADMINISTERING AGENCY-STATE AGREEMENT
FOR FEDERAL-AID PROJECTS NO 08-5326R

Adv Project ID **Date:** March 30, 2015
0814000241 **Location:** 08-SBD-0-MCL
 Project Number: HSIPL-5326(017)
 E.A. Number:
 Locode: 5326

This Program Supplement hereby adopts and incorporates the Administering Agency-State Agreement for Federal Aid which was entered into between the Administering Agency and the State on 08/14/08 and is subject to all the terms and conditions thereof. This Program Supplement is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. _____ approved by the Administering Agency on _____
(See copy attached).

The Administering Agency further stipulates that as a condition to the payment by the State of any funds derived from sources noted below obligated to this PROJECT, the Administering Agency accepts and will comply with the special covenants or remarks set forth on the following pages.

PROJECT LOCATION:

Intersection of Central Avenue and San Bernardino Street

TYPE OF WORK: Upgrade signals and install protected left-turn phasing **LENGTH:** 0.0(MILES)

Estimated Cost	Federal Funds		Matching Funds	
	LS30	\$112,500.00	LOCAL	OTHER
\$245,300.00			\$132,800.00	\$0.00

CITY OF MONTCLAIR

STATE OF CALIFORNIA
Department of Transportation

By _____
Title _____
Date _____
Attest _____

By _____
Chief, Office of Project Implementation
Division of Local Assistance
Date _____

I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance:

Accounting Officer *Jonnie Yeo* Date 3/30/15 \$112,500.00

Chapter	Statutes	Item	Year	Program	BC	Category	Fund Source	AMOUNT

SPECIAL COVENANTS OR REMARKS

1. A. The ADMINISTERING AGENCY will advertise, award and administer this project in accordance with the current published Local Assistance Procedures Manual.

B. ADMINISTERING AGENCY agrees that it will only proceed with work authorized for specific phase(s) with an "Authorization to Proceed" and will not proceed with future phase(s) of this project prior to receiving an "Authorization to Proceed" from the STATE for that phase(s) unless no further State or Federal funds are needed for those future phase(s).

C. Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer within 60 days of project contract award and prior to the submittal of the ADMINISTERING AGENCY'S first invoice for the construction contract.

Failure to do so will cause a delay in the State processing invoices for the construction phase. Attention is directed to Section 15.7 "Award Package" of the Local Assistance Procedures Manual.

D. ADMINISTERING AGENCY agrees, as a minimum, to submit invoices at least once every six months commencing after the funds are encumbered for each phase by the execution of this Project Program Supplement Agreement, or by STATE's approval of an applicable Finance Letter. STATE reserves the right to suspend future authorizations/obligations for Federal aid projects, or encumbrances for State funded projects, as well as to suspend invoice payments for any on-going or future project by ADMINISTERING AGENCY if PROJECT costs have not been invoiced by ADMINISTERING AGENCY for a six-month period.

If no costs have been invoiced for a six-month period, ADMINISTERING AGENCY agrees to submit for each phase a written explanation of the absence of PROJECT activity along with target billing date and target billing amount.

ADMINISTERING AGENCY agrees to submit the final report documents that collectively constitute a "Report of Expenditures" within one hundred eighty (180) days of PROJECT completion. Failure of ADMINISTERING AGENCY to submit a "Final Report of Expenditures" within 180 days of PROJECT completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance with the current Local Assistance Procedures Manual.

E. Administering Agency shall not discriminate on the basis of race, religion, age, disability, color, national origin, or sex in the award and performance of any Federal-assisted contract or in the administration of its DBE Program Implementation Agreement. The Administering Agency shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of Federal-assisted contracts. The Administering Agency's DBE Implementation Agreement is incorporated by reference in this Agreement. Implementation of the DBE Implementation Agreement, including but not limited to timely reporting of DBE commitments and utilization, is a legal

SPECIAL COVENANTS OR REMARKS

obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the Administering Agency of its failure to carry out its DBE Implementation Agreement, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

F. Any State and Federal funds that may have been encumbered for this project are available for disbursement for limited periods of time. For each fund encumbrance the limited period is from the start of the fiscal year that the specific fund was appropriated within the State Budget Act to the applicable fund Reversion Date shown on the State approved project finance letter. Per Government Code Section 16304, all project funds not liquidated within these periods will revert unless an executed Cooperative Work Agreement extending these dates is requested by the ADMINISTERING AGENCY and approved by the California Department of Finance.

ADMINISTERING AGENCY should ensure that invoices are submitted to the District Local Assistance Engineer at least 75 days prior to the applicable fund Reversion Date to avoid the lapse of applicable funds. Pursuant to a directive from the State Controller's Office and the Department of Finance; in order for payment to be made, the last date the District Local Assistance Engineer can forward an invoice for payment to the Department's Local Programs Accounting Office for reimbursable work for funds that are going to revert at the end of a particular fiscal year is May 15th of the particular fiscal year. Notwithstanding the unliquidated sums of project specific State and Federal funding remaining and available to fund project work, any invoice for reimbursement involving applicable funds that is not received by the Department's Local Programs Accounting Office at least 45 days prior to the applicable fixed fund Reversion Date will not be paid. These unexpended funds will be irrevocably reverted by the Department's Division of Accounting on the applicable fund Reversion Date.

G. As a condition for receiving federal-aid highway funds for the PROJECT, the Administering Agency certifies that NO members of the elected board, council, or other key decision makers are on the Federal Government Exclusion List. Exclusions can be found at www.sam.gov.

AGENDA REPORT

SUBJECT: CONSIDER ADOPTION OF RESOLUTION NO. 15-3073 IDENTIFYING THE TERMS AND CONDITIONS FOR FIRE DEPARTMENT RESPONSE AWAY FROM THEIR OFFICIAL DUTY STATION AND ASSIGNED TO AN EMERGENCY INCIDENT	DATE: May 4, 2015
	SECTION: RESOLUTIONS
	ITEM NO.: 2
	FILE I.D.: FRD040
	DEPT.: FIRE

REASON FOR CONSIDERATION: The City Council is requested to consider adoption of Resolution No. 15-3073 identifying the terms and conditions for Fire Department response away from their official duty station and assigned to an emergency incident.

BACKGROUND: The Montclair Fire Department responds to all-hazard events under the terms and conditions of the Agreement for Local Government Fire and Emergency Assistance, hereinafter referred to as the "California Fire Assistance Agreement" or "CFAA." The signatory agencies to the CFAA are United States Department of the Interior agencies (Bureau of Land Management, National Park Service, and Fish and Wildlife); State of California, Department of Forestry and Fire Protection (CAL FIRE); State of California Governor's Office of Emergency Services (Cal OES); and United States Forest Service.

At times of severe wildfire conditions and other emergencies, there is often a need for emergency apparatus and/or personnel to provide fire protection or perform other tasks to control the situation. Cal OES, through the California Fire and Rescue Mutual Aid System, has such emergency apparatus and personnel, which may be available from local jurisdictions for dispatch and use. Cal OES, CAL FIRE, and the Federal Fire Agencies will generally use the CFAA for engines, water tenders, and overhead to address an incident once local agreement resources are exhausted, or where a local agreement is not in place.

It is the intent of the signatories to the CFAA to compensate California Fire and Rescue Mutual Aid System agencies for the cost of assisting the State of California and the Federal Fire Agencies. The rates, methodologies, and formulas in the CFAA are intended to provide for such costs. The compensation shall be consistent with the assisting agency's normal internal business practices and any existing governing body resolution, which supports those business practices.

Adoption of proposed Resolution No. 15-3073 would accomplish the following (listed on next page):

Prepared by: <u>Angelie Bird</u>	Reviewed and Approved by: <u>Robyn Taylor</u>
Proofed by: <u>Marilyn J. Hall</u>	Presented by: <u>James J. ...</u>

1. Acknowledge that personnel are compensated (portal-to-portal) beginning at the time of dispatch to the return to jurisdiction when equipment and personnel are in service and available for agency response;
2. Establish the rates at which the classifications of Deputy Fire Chief, Fire Battalion Chief, Fire Captain, Fire Engineer/Paramedic, Fire Engineer, Firefighter/Paramedic, and Firefighter will be compensated for overtime while in the course of their employment and away from their official duty station and while assigned to an emergency incident, in support of an emergency incident, or pre-positioned for emergency response;
3. Satisfy the requirements set forth in Exhibit A, Section A-8.2 of the 2015 CFAA, to submit a governing body resolution to Cal OES Fire and Rescue Division that demonstrates the City's normal internal business practices for compensating its employees while in the course of their employment and away from their official duty station and while assigned to an emergency incident, in support of an emergency incident, or pre-positioned for emergency response; and
4. Reaffirm the City's commitment, in the spirit of cooperation, to fairly compensate its employees that may be called upon to work for indefinite periods during emergency situations.

Upon adoption of proposed Resolution No. 15-3073, the Fire Department will forward proof of the adoption to Cal OES with its 2015 Salary Survey. A Salary Survey is completed by Fire Department staff annually and submitted to Cal OES. This survey documents the average actual rate for each classification that may be assigned to an emergency incident. The information provided on the survey is used by Cal OES to generate reimbursements for those incidents that our agency responded to under the terms and conditions of the CFAA.

FISCAL IMPACT: Should the City Council adopt proposed Resolution No. 15-3073, the costs associated with compensating employees portal-to-portal while in the course of their employment and away from their official duty station and while assigned to an emergency incident, in support of an emergency incident, or pre-positioned for emergency response, will be funded by the Fire Department's Emergency Services Budget Program.

Depending on the severity of fire conditions throughout the State, the funds allocated towards this budget program may be sufficient or require adjustment. Historically, strike team responses have generated a considerable expenditure to the Emergency Services Budget Program; however, Fire Department staff has employed a strategy to reduce these expenditures by submitting reimbursement requests to Cal OES for expenses incurred by the City during strike team deployments.

Cal OES, CAL FIRE, and the Federal Fire Agencies use the CFAA as the fiscal authority for reimbursing local government agencies for the use of their resources when they are dispatched to incidents through the California Fire and Rescue Mutual Aid System.

RECOMMENDATION: Staff recommends the City Council adopt Resolution No. 15-3073 identifying the terms and conditions for Fire Department response away from their official duty station and assigned to an emergency incident.

RESOLUTION NO. 15-3073

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MONTCLAIR IDENTIFYING THE
TERMS AND CONDITIONS FOR FIRE
DEPARTMENT RESPONSE AWAY FROM
THEIR OFFICIAL DUTY STATION AND
ASSIGNED TO AN EMERGENCY INCIDENT**

WHEREAS, the Montclair Fire Department is a public agency located in the County of San Bernardino, State of California; and

WHEREAS, it is the City of Montclair's desire to provide fair and legal payment to all its employees for time worked; and

WHEREAS, the City of Montclair has in its employ, Fire Department response personnel including: Deputy Fire Chief, Fire Battalion Chief, Fire Captain, Fire Engineer/Paramedic, Fire Engineer, Firefighter/Paramedic, Firefighter; and

WHEREAS, the City of Montclair will compensate its employees portal to portal while in the course of their employment and away from their official duty station and assigned to an emergency incident, in support of an emergency incident, or pre-positioned for emergency response; and

WHEREAS, the City of Montclair will compensate its employees overtime in accordance with the rates stated below while in the course of their employment and away from their official duty station and while assigned to an emergency incident, in support of an emergency incident, or pre-positioned for emergency response:

1. The rank of Deputy Fire Chief is considered an exempt employee and would not normally receive overtime compensation for hours worked in excess of 40 hours per week; however, when this rank is assigned to an emergency incident that is away from its official duty station, compensatory time shall be accrued at straight-time for any hours worked beyond the normal 40-hour shift schedule.
2. The rank of Fire Battalion Chief shall be paid at a straight-time rate.
3. The ranks of Fire Captain, Fire Engineer/Paramedic, Fire Engineer, Firefighter/Paramedic, and Firefighter shall be paid at a rate of time and one-half.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Montclair does hereby find and determine that the conditions set forth in this resolution, as stated above, take effect upon adoption.

APPROVED AND ADOPTED this XX day of XX, 2015.

Mayor

ATTEST:

Deputy City Clerk

I, Andrea M. Phillips, Deputy City Clerk of the City of Montclair, DO HEREBY CERTIFY that Resolution No. 15-3073 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, 2015, and that it was adopted by the following vote, to-wit:

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

Andrea M. Phillips
Deputy City Clerk

AGENDA REPORT

SUBJECT: CONSIDER ADOPTION OF RESOLUTION NO. 15-3074 AUTHORIZING CITY MANAGER EDWARD C. STARR TO SIGN AN APPLICATION FOR CYCLE 2 ACTIVE TRANSPORTATION PROGRAM FOR FUNDING THROUGH CALIFORNIA DEPARTMENT OF TRANSPORTATION AND SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS FOR THE DEVELOPMENT OF A BIKE AND PEDESTRIAN MASTER PLAN AND SAFE ROUTES TO SCHOOL PLAN	DATE: May 4, 2015 SECTION: RESOLUTIONS ITEM NO.: 3 FILE I.D.: GRT125 DEPT.: HUMAN SVCS.
--	--

REASON FOR CONSIDERATION: In order to apply for Active Transportation Program (ATP) funds identified by California Department of Transportation (Caltrans) and Southern California Association of Governments (SCAG) for the development of a Bike and Pedestrian Master Plan and Safe Routes to School Plan, the state requires the signer have authorization by their governing council with the authority to commit the agency's resources and funds to the proposed ATP. It is requested that the City Council authorize the City Manager, Edward C. Starr, to sign the ATP application. Resolutions require City Council approval.

Proposed Resolution No. 15-3074 is attached for City Council review and consideration.

BACKGROUND: In September 2013, SB99 and AB101 were adopted, creating the ATP for the purpose of increasing biking and walking trips, improving non-motorized safety and mobility for non-motorized users, advancing the active transportation efforts of regional agencies to achieve greenhouse gas (GHG) reduction goals, enhancing public health (including reducing childhood obesity), ensuring that disadvantaged communities fully share the benefits of the program, and providing a broad spectrum of projects to benefit many types of active transportation users.

On March 26, 2015, the California Transportation Commission approved a call-for-projects, which will bundle three years of funding into one grant process. ATP projects do not require a local match. However, additional points are awarded for applications that provide a local match. Projects that are not awarded a portion of the \$180 million to be dispersed by the State may be awarded funds from SCAG's share of \$76 million of the available ATP grant funding. Qualifying projects include infrastructure, non-infrastructure, or a combination of both.

If awarded, ATP grant funding would be used to develop a Bike and Pedestrian Master Plan and a Safe Routes to School Plan. These plans will be consistent with the San

Prepared by: <u></u>	Reviewed and Approved by:	<u></u>
Proofed by: <u></u>	Presented by:	<u></u>

Bernardino County Non-Motorized Transportation Plan and the following ATP program goals:

- Increase the proportion of trips accomplished by biking and walking;
- Increase safety and mobility for non-motorized users;
- Advance the active transportation efforts of regional agencies to achieve greenhouse gas (GHG) reduction goals;
- Enhance public health;
- Ensure that disadvantaged communities fully share in the benefits of the program; and
- Provide a broad spectrum of projects to benefit many types of active transportation users.

The Human Services Department coordinated a Healthy Montclair meeting on March 25, 2015. The community was asked to give their feedback on active transportation within the City of Montclair by mapping areas that they think needed improvement and also areas that are assets to the community. This community input will be used to show the need for funding a Bike and Pedestrian Master Plan and Safe Routes to School Plan within the City.

FISCAL IMPACT: The requested grant amounts are still being determined by staff for the development of the Bike and Pedestrian Master Plan and Safe Routes to School Master Plan. The ATP application allocates extra points for projects that leverage local funds.

RECOMMENDATION: Staff recommends the City Council adopt Resolution No. 15-3074 authorizing City Manager Edward C. Starr to sign the Active Transportation Program Application for funding through California Department of Transportation and Southern California Association of Governments for the development of a Bike and Pedestrian Master Plan and Safe Routes to School Plan.

RESOLUTION NO. 15-3074

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR AUTHORIZING CITY MANAGER EDWARD C. STARR TO SIGN AN APPLICATION FOR FUNDING THROUGH CALIFORNIA DEPARTMENT OF TRANSPORTATION AND SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS FOR THE DEVELOPMENT OF A BIKE AND PEDESTRIAN MASTER PLAN AND SAFE ROUTES TO SCHOOL PLAN

WHEREAS, In September 2013, SB99 and AB101 were adopted, creating the Active Transportation Program (ATP) for the purpose of increasing biking and walking trips, improving non-motorized safety and mobility for non-motorized users, advancing the active transportation efforts of regional agencies to achieve greenhouse gas (GHG) reduction goals, enhancing public health (including reducing childhood obesity), ensuring that disadvantaged communities fully share the benefits of the program, and to provide a broad spectrum of projects to benefit many types of active transportation users; and

WHEREAS, On March 26, 2015, the California Transportation Commission approved a call-for- projects which will bundle three years of funding into one grant process; and

WHEREAS, If awarded, ATP grant funding would be use to develop a bike and pedestrian master plan and a safe routes to school plan; and

WHEREAS, the state requires the local agency to authorize the appropriate City official to sign the application.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Montclair does hereby designate City Manager Edward C. Starr as the local agency official authorized to sign the Active Transportation Program Application submitted on behalf of the City of Montclair.

APPROVED AND ADOPTED this XX day of XX, 2015.

Mayor

ATTEST:

Deputy City Clerk

I, Andrea M. Phillips, Deputy City Clerk of the City of Montclair, DO HEREBY CERTIFY that Resolution No. 15-3074 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, 2015, and that it was adopted by the following vote, to-wit:

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

Andrea M. Phillips
Deputy City Clerk

**MINUTES OF THE MEETING OF THE MONTCLAIR
PERSONNEL COMMITTEE HELD ON MONDAY,
APRIL 20, 2015, AT 9:05 P.M. IN THE CITY
ADMINISTRATIVE OFFICES, 5111 BENITO STREET,
MONTCLAIR, CALIFORNIA**

I. CALL TO ORDER

Mayor Pro Tem Raft called the meeting to order at 9:05 p.m.

II. ROLL CALL

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

III. APPROVAL OF MINUTES

**A. Minutes of the Regular Personnel Committee Meeting of
April 6, 2015.**

Moved by City Manager Starr, seconded by Mayor Pro Tem Raft,
and carried unanimously to approve the minutes of the Personnel
Committee meeting of April 6, 2015.

IV. PUBLIC COMMENT - None

V. CLOSED SESSION

At 9:05 p.m., the Personnel Committee went into Closed Session
regarding personnel matters related to appointments, resignations/
terminations, and evaluations of employee performance.

At 9:27 p.m., the Personnel Committee returned from Closed Session.
Mayor Pro Tem Raft stated that no announcements would be made at
this time.

VI. ADJOURNMENT

At 9:27 p.m., Mayor Pro Tem Raft adjourned the Personnel Committee.

Submitted for Personnel Committee approval,



Edward C. Starr
City Manager

**MINUTES OF THE MEETING OF THE MONTCLAIR
CODE ENFORCEMENT/PUBLIC SAFETY COMMITTEE
HELD ON MONDAY, APRIL 20, 2015, AT 6:00 P.M. IN
THE CITY HALL CONFERENCE ROOM, 5111 BENITO
STREET, MONTCLAIR, CALIFORNIA**

I. CALL TO ORDER

Council Member Dutrey called the meeting to order at 6:00 p.m.

II. ROLL CALL

Present: Council Member Dutrey, Mayor Pro Tem Raft, City Manager Starr; Deputy City Manager/Executive Director, Office of Economic Development Staats; Police Chief/Executive Director, Office of Public Safety deMoet; Community Development Director Lustro, City Attorney Robbins.

III. APPROVAL OF MINUTES

A. Minutes of Code Enforcement Committee Meeting of March 16, 2015

It was the consensus of the Code Enforcement Committee to approve the minutes of the Code Enforcement Committee meeting of March 16, 2015.

IV. PUBLIC COMMENT

None.

V. OLD BUSINESS

1. Status of code amendment regarding massage establishments (CE). The Committee was provided the second draft of an ordinance by City Attorney Robbins. City Attorney Robbins commented she felt the ordinance was comprehensive. Discussion followed regarding inspections, limits through zoning, requiring a conditional use permit, compliance with development standards by existing establishments, and concentration of establishments. The Committee agreed to go ahead and send the ordinance to the Planning Commission for review and approval and then the City Council.
2. Discussion about regulating exterior colors of residences (CE). Council Member Dutrey noted that it appeared the vast majority of

cities surveyed do not regulate house colors. Discussion followed how to something so subjective could be regulated and the pros and cons of adding language to the Code. The Committee left open the option for this item to be discussed in the future.

VI. NEW BUSINESS

Community Development Director Lustro commented that grading had started at the Montclair Shoppes project on Central Avenue.

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

Even though many of the properties that have been on the list for quite some time have been eliminated, a couple of new properties have been added to the list, including the Rocky's Pizza Center on Holt Boulevard.

VIII. NEXT MEETING

The next meeting is scheduled for Monday, June 15, 2015, at 6:00 p.m. in the City Hall Conference Room.

IX. ADJOURNMENT

At 6:25 p.m., Council Member Dutrey adjourned the Code Enforcement/Public Safety Committee.

Submitted for Code Enforcement/
Public Safety Committee approval,

A handwritten signature in cursive script, reading "Laura Embree", written over a horizontal line.

Laura Embree
Recording Secretary