

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

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

January 19, 2016

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/MCF 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 Board of Directors, Montclair Housing Corporation Board of Directors, Montclair Housing Authority Commissioners, and Montclair Community Foundation Board of Directors

II. INVOCATION

In keeping with our long-standing tradition of opening our Council meetings with an invocation, this 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 endorses any particular religious belief or form of invocation.

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL

V. PRESENTATIONS

- A. Military Banner Presentation
- B. Holiday Food and Toy Drive Certificates of Appreciation
- C. Senior Center Certificates of Appreciation
- D. Montclair High School Junior ROTC Check Presentation

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

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

VII. PUBLIC HEARINGS

VIII. CONSENT CALENDAR

A. Approval of Minutes

1. Minutes of the Regular Joint Council/Successor Agency Board/MHC Board/MHA Commission/MCF Board Meeting of January 4, 2016 [CC/SA/MHC/MHA/MCF]

B. Administrative Reports

1. Consider Receiving and Filing of Treasurer's Report [CC] 5
2. Consider Approval of Warrant Register and Payroll Documentations [CC] 6
3. Consider Receiving and Filing of Treasurer's Report [SA] 7
4. Consider Approval of Warrant Register [SA] 8
5. Consider Receiving and Filing of Treasurer's Report [MHC] 9
6. Consider Approval of Warrant Register [MHC] 10
7. Consider Receiving and Filing of Treasurer's Report [MHA] 11
8. Consider Approval of Warrant Register [MHA] 12
9. Consider Setting a Public Hearing to Consider Prioritization of Funding for Fiscal Year 2016-2017 Community Development Block Grant Projects [CC] 13
10. Consider Authorization of a \$14,571.58 Appropriation from the Technology Reserve Fund to Purchase a Crestron PRO3-Series Control System and Crestron TS-1051-C Tabletop Touch Screen Command Pad from Matrix Audiovisual Designs, Inc., for the Audiovisual Equipment in the Council Chambers [CC] 14
11. Consider Authorizing a \$4,584 Appropriation from the Federal Asset Forfeiture Fund to Complete the Modification of an Existing Patrol Vehicle to Accommodate a Police Canine [CC] 16

C. Agreements

1. Consider Approval of Agreement No. 16-08 with Mt. San Antonio Community College District to Continue Providing a Comprehensive Fitness Program for the Fire Department [CC] 18
2. Consider Approval of Agreement No. 16-09 Awarding a Procurement Contract to CBE Office Solutions for the Purchase and Maintenance of a Ricoh Pro 8120S Copier [CC] 23

D. Resolutions

1. Consider Adoption of Resolution No. 16-3108 Authorizing Submittal of an Application for Payment Programs and Related Authorizations for Beverage Container Recycling Programs to the Department of Resources Recycling and Recovery [CC] 28
2. Consider Successor Agency Board of Directors' Adoption of Resolution No. 16-01 Adopting a Recognized Obligation Payment Schedule for July 1, 2016, Through June 30, 2017;

Adopting Administrative Budgets for July 1, 2016, Through December 31, 2016, and for January 1, 2017, Through June 30, 2017; and Authorizing Certain Other Actions Pursuant to Section 34177 of Part 1.85 of the Health and Safety Code [SA]

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IX. PULLED CONSENT CALENDAR ITEMS

X. RESPONSE - None

XI. COMMUNICATIONS

A. City Department Reports

- 1. City Clerk's Office
 - a. Recall Update

B. City Attorney

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

Camou v. Montclair

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

Montclair v. Beltran

- 3. Closed Session Pursuant to Government Code Section 54957.6 Regarding Conference with Designated Labor Negotiator Edward C. Starr

Agency: City of Montclair

Employee Management

Associations: Montclair City Confidential Employees Association
Montclair General Employees Association
Montclair Fire Fighters Association
Montclair Police Officers Association

C. City Manager/Executive Director

D. Mayor/Chairman

E. Council/SA Board/MHC Board/MHA Commissioners/MCF Board

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

- 1. Minutes of the Real Estate Committee Meeting of December 21, 2015 44
- 2. Minutes of the Code Enforcement/Public Safety Committee Meeting of December 21, 2015 47
- 3. Minutes of the Personnel Committee Meeting of January 4, 2016 49

XII. ADJOURNMENT OF SUCCESSOR AGENCY BOARD OF DIRECTORS, MONTCLAIR HOUSING CORPORATION BOARD OF DIRECTORS, MONTCLAIR HOUSING AUTHORITY COMMISSIONERS, AND MONTCLAIR COMMUNITY FOUNDATION BOARD OF DIRECTORS

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

XIII. CLOSED SESSION ANNOUNCEMENTS

XIV. ADJOURNMENT OF CITY COUNCIL

The next regularly scheduled City Council, Successor Agency Board, Montclair Housing Corporation Board, Montclair Housing Authority Commission, and Montclair Community Foundation meetings will be held on Monday, February 1, 2016, 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, Montclair Housing Authority Commission, and Montclair Community Foundation Board after distribution of the Agenda packet are available for public inspection in the City Clerk's Office 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 City Clerk's Office 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 January 14, 2016.

AGENDA REPORT

SUBJECT: CONSIDER RECEIVING AND FILING OF
TREASURER'S REPORT

DATE: January 19, 2016

SECTION: ADMIN. REPORTS

ITEM NO.: 1

FILE I.D.: FIN520

DEPT.: ADMIN. SVCS.

REASON FOR CONSIDERATION: The City Council is requested to consider receiving and filing the City of Montclair Treasurer's Report for the month ending December 31, 2015, pursuant to state law.

BACKGROUND: Included in your agenda packet is a copy of the Treasurer's Report for the period ending December 31, 2015.

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

RECOMMENDATION: Staff recommends the City Council receive and file the Treasurer's Report for the month ending December 31, 2015.

Prepared by:

Janet Kuelbeck

Fiscal Impact
Finance Review:

Donald L. Parker

Proofed by:

Andrea M Phillips

Reviewed and
Approved By:

Donald L. Parker

AGENDA REPORT

SUBJECT: CONSIDER APPROVAL OF WARRANT REGISTER AND PAYROLL DOCUMENTATIONS **DATE:** January 19, 2016
SECTION: ADMIN. REPORTS
ITEM NO.: 2
FILE I.D.: FIN540
DEPT.: ADMIN. SVCS.

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

BACKGROUND: Mayor Pro Tem Raft has examined the Warrant Register dated January 19, 2016, and the Payroll Documentations dated December 27, 2015, and January 10, 2016, and recommends their approval.

FISCAL IMPACT: The Warrant Register dated January 19, 2016, totals \$1,635,281.27. The Payroll Documentation dated December 27, 2015, totals \$555,990.13 gross, with \$389,418.24 net being the total cash disbursement; and the Payroll Documentation dated January 10, 2016, totals \$559,502.29 gross, with \$387,635.10 net being the total cash disbursement.

RECOMMENDATION: Staff recommends the City Council approve the above referenced Warrant Register and Payroll Documentations.

Prepared by:	<u>Andrea M Phillips</u>	Fiscal Impact Finance Review:	<u>Michael Piotrowski</u>
Proofed by:	<u>Stephanie Hick</u>	Reviewed and Approved By:	<u>Michael Piotrowski</u>

AGENDA REPORT

SUBJECT: CONSIDER RECEIVING AND FILING OF
TREASURER'S REPORT

DATE: January 19, 2016

SECTION: ADMIN. REPORTS

ITEM NO.: 3

FILE I.D.: FIN510

DEPT.: SUCCESSOR RDA

REASON FOR CONSIDERATION: The City Council acting as Successor to the Redevelopment Agency Board of Directors is requested to consider receiving and filing the Successor to the Redevelopment Agency Treasurer's Report for the month ending December 31, 2015, pursuant to state law.

BACKGROUND: Included in your agenda packet is a copy of the Successor to the Redevelopment Agency Treasurer's Report for the period ending December 31, 2015.

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

RECOMMENDATION: Staff recommends the City Council acting as Successor to the Redevelopment Agency Board of Directors receive and file the Successor to the Redevelopment Agency Treasurer's Report for the month ending December 31, 2015.

Prepared by:

Michael Piotrowski

Fiscal Impact
Finance Review:

Donald L. Parker

Proofed by:

Andrea M. Phillips

Reviewed and
Approved By:

Donald L. Parker

AGENDA REPORT

SUBJECT: CONSIDER APPROVAL OF WARRANT REGISTER **DATE:** January 19, 2016
SECTION: ADMIN. REPORTS
ITEM NO.: 4
FILE I.D.: FIN530
DEPT.: SUCCESSOR RDA

REASON FOR CONSIDERATION: The City Council acting as Successor to the Redevelopment Agency Board of Directors is requested to consider receiving and filing the Successor to the Redevelopment Agency Warrant Register for the month ending December 31, 2015, pursuant to state law.

BACKGROUND: Vice Chairperson Raft has examined the Successor to the Redevelopment Agency Warrant Register dated 12.01.15-12.31.15 in the amounts of \$21,971.61 for the Combined Operating Fund; \$0.00 for the Redevelopment Obligation Retirement Funds and finds it to be in order.

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

RECOMMENDATION: Vice Chairperson Raft recommends the City Council as Successor to the Redevelopment Agency Board of Directors approve the Successor to the Redevelopment Agency Warrant Register for the period ending December 31, 2015.

Prepared by:	<u>Michael Piotrowski</u>	Fiscal Impact Finance Review:	<u>Donald L. Parker</u>
Proofed by:	<u>Andrea M. Phillips</u>	Reviewed and Approved By:	<u>Donald L. Parker</u>

AGENDA REPORT

SUBJECT: CONSIDER RECEIVING AND FILING OF
TREASURER'S REPORT

DATE: January 19, 2016

SECTION: ADMIN. REPORTS

ITEM NO.: 5

FILE I.D.: FIN525

DEPT.: MHC

REASON FOR CONSIDERATION: The Montclair Housing Corporation Board of Directors is requested to receive and file the Montclair Housing Corporation Treasurer's Report for the month ending December 31, 2015, pursuant to state law.

BACKGROUND: Included in your agenda packet is a copy of the Treasurer's Report for the period ending December 31, 2015.

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

RECOMMENDATION: Staff recommends the Montclair Housing Corporation Board of Directors receive and file the Treasurer's Report for the month ending December 31, 2015.

Prepared by:

Michael Piotrowski

Fiscal Impact
Finance Review:

Donald L. Parker

Proofed by:

Andrea M. Phillips

Reviewed and
Approved By:

Donald L. Parker

AGENDA REPORT

SUBJECT: CONSIDER APPROVAL OF WARRANT REGISTER **DATE:** January 19, 2016
SECTION: ADMIN. REPORTS
ITEM NO.: 6
FILE I.D.: FIN545
DEPT.: MHC

REASON FOR CONSIDERATION: The Montclair Housing Corporation Board of Directors is requested to consider receiving and filing the Warrant Register for the month ending December 31, 2015, pursuant to state law.

BACKGROUND: Vice Chairperson Raft has examined the Warrant Register dated 12.01.15-12.31.15 in the amount of \$55,841.04 for the Montclair Housing Corporation and finds it to be in order.

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

RECOMMENDATION: Vice Chairperson Raft recommends the Montclair Housing Corporation Board of Directors approve the Warrant Register for the period ending December 31, 2015.

Prepared by:	<u>Michael Piotrowski</u>	Fiscal Impact Finance Review:	<u>Donald L. Parker</u>
Proofed by:	<u>Andrea M Phillips</u>	Reviewed and Approved By:	<u>Donald L. Parker</u>

AGENDA REPORT

SUBJECT: CONSIDER RECEIVING AND FILING OF
TREASURER'S REPORT

DATE: January 19, 2016

SECTION: ADMIN. REPORTS

ITEM NO.: 7

FILE I.D.: FIN525

DEPT.: MHA

REASON FOR CONSIDERATION: The Montclair Housing Authority Board of Directors is requested to receive and file the Montclair Housing Authority Treasurer's Report for the month ending December 31, 2015, pursuant to state law.

BACKGROUND: Included in your agenda packet is a copy of the Treasurer's Report for the period ending December 31, 2015.

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

RECOMMENDATION: Staff recommends the Montclair Housing Authority Board of Directors receive and file the Treasurer's Report for the month ending December 31, 2015.

Prepared by:

Michael Piotrowski

Fiscal Impact
Finance Review:

Donald L. Parker

Proofed by:

Andrea M. Phillips

Reviewed and
Approved By:

Donald L. Parker

AGENDA REPORT

SUBJECT: CONSIDER APPROVAL OF WARRANT REGISTER **DATE:** January 19, 2016
SECTION: ADMIN. REPORTS
ITEM NO.: 8
FILE I.D.: FIN545
DEPT.: MHA

REASON FOR CONSIDERATION: The Montclair Housing Authority Board of Directors is requested to consider receiving and filing the Warrant Register for the month ending December 31, 2015, pursuant to state law.

BACKGROUND: Vice Chairperson Raft has examined the Warrant Register dated 12.01.15-12.31.15 in the amount of \$0.00 for the Montclair Housing Authority and finds it to be in order.

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

RECOMMENDATION: Vice Chairperson Raft recommends the Montclair Housing Authority Board of Directors approve the Warrant Register for the period ending December 31, 2015.

Prepared by:	<u>Michael Piotrowski</u>	Fiscal Impact Finance Review:	<u>Donald L. Parker</u>
Proofed by:	<u>Andrea M Phillips</u>	Reviewed and Approved By:	<u>Donald L. Parker</u>

AGENDA REPORT

SUBJECT: CONSIDER SETTING A PUBLIC HEARING
TO CONSIDER PRIORITIZATION OF FUNDING
FOR FISCAL YEAR 2016-2017 COMMUNITY
DEVELOPMENT BLOCK GRANT PROJECTS

DATE: January 19, 2016
SECTION: ADMIN. REPORTS
ITEM NO.: 9
FILE I.D.: GRT050
DEPT.: COMMUNITY DEV.

REASON FOR CONSIDERATION: Each fiscal year, the City of Montclair is required to conduct a public hearing to prioritize funding for various competing Community Development Block Grant (CDBG) projects. This hearing is conducted in compliance with requirements of the Department of Housing and Urban Development (HUD) and the County of San Bernardino Department of Community Development and Housing (CDH).

BACKGROUND: In December 2015, staff submitted its applications for CDBG funding to the County of San Bernardino. CDH has compiled a list of proposals eligible for funding from Montclair's annual CDBG allocation. Typically, in addition to City-sponsored programs and projects, CDH receives proposals from outside non-profit agencies and entities competing for funding from the City's annual allocation. However, no proposals were received from outside agencies requesting funding from the City's annual CDBG allocation during this funding cycle. Accordingly, details of the four eligible City proposals, along with the proposed Fiscal Year 2016-2017 funding, will be provided to Council for reference and consideration prior to the public hearing.

FISCAL IMPACT: The cost to publish a Notice of Public Hearing in the *Inland Valley Daily Bulletin* related to prioritizing funding for Fiscal Year 2016-2017 CDBG projects should not exceed \$500.

RECOMMENDATION: Staff recommends the City Council set a public hearing for Monday, February 1, 2016, at 7:00 p.m. in the City Council Chambers to consider prioritization of funding for Fiscal Year 2016-2017 CDBG projects.

Prepared by:




Fiscal Impact
Finance Review:




Proofed by:

Reviewed and
Approved By:

AGENDA REPORT

SUBJECT: CONSIDER AUTHORIZATION OF A \$14,571.58 APPROPRIATION FROM THE TECHNOLOGY RESERVE FUND TO PURCHASE A CRESTRON PRO3-SERIES CONTROL SYSTEM AND CRESTRON TS-1051-C TABLETOP TOUCH SCREEN COMMAND PAD FROM MATRIX AUDIOVISUAL DESIGNS, INC., FOR THE AUDIOVISUAL EQUIPMENT IN THE COUNCIL CHAMBERS

DATE: January 19, 2016

SECTION: ADMIN. REPORTS

ITEM NO.: 10

FILE I.D.: COM025

DEPT.: ADMIN. SVCS.

REASON FOR CONSIDERATION: On November 2, 2015, the City Council approved Agreement No. 15-22 with Matrix Audiovisual Designs, Inc., (Matrix Audio) for the furnishing, replacement, and installation of new microphones and audio equipment in the Council Chambers.

In order to ensure proper functionality and compatibility with the new microphones, audio equipment, and operating system, the existing Crestron control system must be replaced with a new control system. As such, the City Council is requested to consider authorization of a \$14,571.58 appropriation from the Technology Reserve Fund for the installation of a new control system.

BACKGROUND: Pursuant to Agreement No. 15-22, Matrix Audio was tasked with the furnishing, replacement, and installation of new microphones and audio equipment in the Council Chambers.

As part of the scope of work, Matrix Audio was further tasked with developing, installing, and integrating control systems and operating systems for the new microphones and audio equipment in the Council Chambers. Furthermore, Matrix Audio was tasked with reprogramming the existing Crestron control system to function with the new microphones, audio equipment, and operating system. The existing Crestron control system, along with the prior Council Chamber microphones and audio equipment, were installed in 2008 as part of the renovation and upgrade of technologies in the Council Chambers.

After several attempts to reprogram the existing Crestron control system to function properly with the new microphones, audio equipment, and operating systems, it became apparent that a reprogramming of the control system would not guarantee full functionality or compatibility between the microphones, audio equipment, and operating system.

Use of the existing Crestron control system with the new microphones, audio equipment, and operating system have resulted in a poor quality of audio recordings and amplification of sound, system crashes, and inability to properly function when

Prepared by:  Fiscal Impact Finance Review: 

Proofed by:  Reviewed and Approved By: 

needed. As a result, Matrix Audio was unable to ensure that the newly installed microphones, audio equipment, and operating system would be able to operate as intended utilizing the existing Crestron control system.

In order to address the functionality and compatibility issues stemming from the functionality and operational limitations of the existing Crestron control system, staff is recommending the purchase and installation of a new control system compatible with the newly installed microphones, audio equipment, and operating system.

Given the familiarity with the functionality and compatibility issues of the existing Crestron control system and the system requirements of the newly installed microphones, audio equipment, and operating systems needed to operate the microphones and audio equipment, staff is recommending utilizing Matrix Audio for the installation of a new control system for the microphones and audio equipment in the Council Chambers.

Matrix Audio staff recommend replacing and upgrading the existing Crestron control system with a Crestron PRO3-Series Control System and Crestron TS-1051-C Tabletop Touch Screen Command Pad.

The Crestron PRO3-Series Control System provides high-speed, real-time multi-tasking abilities and powerful processing capabilities for seamlessly running multiple programs simultaneously. The Crestron PRO3-Series Control System embodies a distinctively robust, dynamic, and secure platform that elevates operating systems to higher levels of performance and reliability.

The Crestron TS-1051-C Tabletop Touch Screen Command Pad is an intuitive tabletop touch screen controller for use with the Crestron PRO3-Series Control System. It provides capacitive touch screen technology, allowing for ease of use and an intuitive user interface. The Crestron TS-1051-C Tabletop Touch Screen Command Pad is equipped with a 10.1 inch wide diagonal touch screen color display.

Both the Crestron PRO3-Series Control System and Crestron TS-1051-C Tabletop Touch Screen Command Pad are fully programmable to work with the existing audiovisual equipment in the Council Chambers.

Staff recommends the City Council authorize a \$14,571.58 expenditure for costs associated with the purchase of a Crestron PRO3-Series Control System and Crestron TS-1051-C Tabletop Touch Screen Command Pad for the Council Chambers.

FISCAL IMPACT: The purchase of a Crestron PRO3-Series Control System and Crestron TS-1051-C Tabletop Touch Screen Command Pad for the Council Chambers would result in a cost to the City of \$14,571.58, payable from the Technology Reserve Fund.

The Technology Reserve Fund was established in Fiscal Year 1999-2000 to fund unanticipated and planned major technology upgrades.

RECOMMENDATION: Staff recommends the City Council authorize a \$14,571.58 transfer from the Technology Reserve Fund to the General Operating Fund, Account No. 1001-4316-62010-400-00000, for costs associated with the purchase of a Crestron PRO3-Series Control System and Crestron TS-1051-C Tabletop Touch Screen Command Pad from Matrix Audiovisual Designs, Inc., for the audiovisual equipment in the Council Chambers.

AGENDA REPORT

SUBJECT: CONSIDER AUTHORIZING A \$4,584 APPROPRIATION FROM THE FEDERAL ASSET FORFEITURE FUND TO COMPLETE THE MODIFICATION OF AN EXISTING PATROL VEHICLE TO ACCOMMODATE A POLICE CANINE

DATE: January 19, 2016

SECTION: ADMIN. REPORTS

ITEM NO.: 11

FILE I.D.: PDT050/PDT362

DEPT.: POLICE

REASON FOR CONSIDERATION: The City Council is requested to consider authorizing a \$4,584 appropriation from the Federal Asset Forfeiture Fund to modify an existing Patrol vehicle to accommodate the search and rescue canine recently purchased through the FY2014 Homeland Security Grant Program (HSGP).

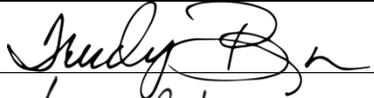
BACKGROUND: On November 2, 2015, the City Council authorized an appropriation from the Public Safety Grant Fund in the amount of \$17,492 to purchase a search and rescue canine, canine supplies, and modify an existing Patrol vehicle to accommodate the dog. The available fund balance of \$4,286 is insufficient to cover the cost of the vehicle modification. Staff proposes to use Federal Asset Forfeiture funds in the amount of \$4,584 to complete the vehicle modification.

Bid quotations received from three vendors that responded to staff's bid request for the vehicle modification are as follows:

<i>Vendor</i>	<i>Bid Amount</i>
West Coast Lights & Sirens, Inc.	\$7,989
Black & White Emergency Vehicles	\$8,870
10-8 Retrofit Inc.	\$10,089

Although West Coast Lights & Sirens, Inc. provided the lowest bid quotation, staff has selected Black & White Emergency Vehicles to perform the vehicle modification. The Department currently utilizes the services of Black & White Emergency Vehicles to perform modifications, custom fabrications, and removal and installation of emergency vehicle equipment throughout the entire Patrol fleet. Also, Black & White Emergency Vehicles has the schematic for the custom box that would hold supplies for the dog. This box, a major component of the modification, must be customized to fit the vehicle to ensure emergency equipment within the vehicle is readily accessible.

Black & White Emergency Vehicles has an excellent reputation among Southern California law enforcement agencies, and staff has come to rely on its expertise and quality workmanship with regard to installation of emergency vehicle equipment.

Prepared by:		Fiscal Impact Finance Review:	
Proofed by:		Reviewed and Approved By:	

FISCAL IMPACT: The total cost to modify one Patrol vehicle to accommodate the canine is \$8,870. An appropriation of \$17,492 from the Public Safety Grant Fund was authorized through a City Council action on November 2, 2015, for the purchase of the canine and supplies and modification of an existing Patrol vehicle. To date, \$13,206 from said fund has been expended to purchase the canine and supplies. The balance of \$4,286, Account Number 1163-4426-52480-400-16508, would be applied to the cost of the vehicle modification. Payment of the remaining \$4,584 needed to complete the vehicle modification would result in an appropriation and expenditure from the Federal Asset Forfeiture Fund in account number 1144-4426-52480-400-16508.

The City would receive full reimbursement of the \$4,286 through the FY2014 HSGP.

RECOMMENDATION: Staff recommends the City Council authorize a \$4,584 appropriation from the Federal Asset Forfeiture Fund to complete the modification of an existing Patrol vehicle to accommodate a police canine.

AGENDA REPORT

SUBJECT: CONSIDER APPROVAL OF AGREEMENT NO. 16-08 WITH MT. SAN ANTONIO COMMUNITY COLLEGE DISTRICT TO CONTINUE PROVIDING A COMPREHENSIVE FITNESS PROGRAM FOR THE FIRE DEPARTMENT	DATE: January 19, 2016 SECTION: AGREEMENTS ITEM NO.: 1 FILE I.D.: FRD205 DEPT.: FIRE
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REASON FOR CONSIDERATION: The City Council is requested to consider approval of Agreement No. 16-08 with Mt. San Antonio Community College District to continue providing a comprehensive fitness program for the Fire Department.

A copy of proposed Agreement No. 16-08 is attached for the City Council's review and consideration.

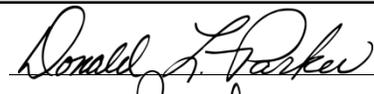
BACKGROUND: In 2003, the Fire Department established a formal Wellness and Fitness Program. Continuation of this program provides firefighters with the ability to maintain a training regimen to meet the rigorous physical demands required by the work they do and to prevent or minimize debilitating injuries.

The Mt. San Antonio Community College District's Exercise Science and Wellness Center offers a comprehensive program that has been beneficial in our ongoing efforts to minimize injuries to fire safety personnel. Proposed Agreement No. 16-08 would continue providing a fitness program that would include the following components:

1. A comprehensive fitness evaluation and health-risk assessment for all fire safety personnel participating in the program; and
2. A group lecture provided by certified instructors from the American College of Sports Medicine and/or National Strength and Conditioning Association that emphasizes development of exercise programs utilizing core training.

FISCAL IMPACT: The cost to continue the Wellness and Fitness Program is \$1,988 annually. This amount has been allocated in the Fiscal Year 2015-16 Fire Department Budget.

RECOMMENDATION: Staff recommends the City Council approve Agreement No. 16-08 with Mt. San Antonio Community College District to continue providing a comprehensive fitness program for the Fire Department.

Prepared by:		Fiscal Impact Finance Review:	
Proofed by:		Reviewed and Approved By:	



Mt. San Antonio College
Career and Contract Education
1100 N. Grand Avenue, Walnut CA 91789
www.mtsac.edu • 909-594-5611

AGREEMENT NO. 16-08

DEC 8 15 AM 11:24

AGREEMENT

1516-007

This Agreement is made on November 30, 2015 by and between Mt. San Antonio Community College District of 1100 North Grand Avenue, Walnut, California 91789 and Montclair Fire Department of 8901 Monte Vista, Montclair, California 91763.

The party who is contracting to receive services shall be referred to as "Client", and the party who will be providing the services shall be referred to as "District" in this Agreement.

The District has a background in Vocational Education and Training, and is willing to provide services to Client based on their background, and Client desires to have instructional services provided by District.

Therefore, the parties agree as follows:

1. **DESCRIPTION OF SERVICES.** Beginning on January 15, 2016 and ending on June 30, 2016 District will provide the following services, (collectively the "Services") for up to 18 participants.

Fitness Evaluation and Exercise Training/Lecture Program

The Fitness Evaluation is a screening tool used to evaluate an individual's health and fitness level. All tests are performed by a certified staff member. The Comprehensive Fitness Evaluation is comprised of a Health Risk Assessment Questionnaire, Fitness Evaluation, Cardiovascular Fitness Test and a Printed Report. All information is confidential and provided to the individual during the interpretation and to the Montclair Fire Department upon request. *(See Attachment A for details).*

COMPONENTS OF FITNESS EVALUATION - \$1,790

Health Risk Assessment Questionnaire

- Medical History
- Activity Index
- Cardiovascular Risk Profile
- Stress/Tension Level
- Nutrition Profile

Fitness Evaluation

- Resting Vitals – Heart Rate & Blood Pressure
- Height and Weight
- Bodyfat Analysis
- Muscular Strength and Endurance Assessment
- Range of Motion Evaluation

BOARD OF TRUSTEES:

Dr. Manuel Baca • Rosanne M. Bader • Judy Chen Haggerty, Esq. • Fred Chyr • Dr. David K. Hall • Robert F. Hidalgo • Laura Santos
William Scroggins - COLLEGE PRESIDENT / CEO

Cardiovascular Fitness Test

- Sub-Max Bike Test with Heart Rate Measurement

Printed Report

- Personalized Comprehensive Fitness Analysis
- Identified Flagged Events and Risk Factors
- Confidential Interpretation
- Exercise Program Recommendations

Note: Evaluations do not include blood panels or x-rays

COMPONENTS OF EXERCISE/LECTURE TOPICS

- **Lecture Module – 3 hours Core Training \$198**

Sessions emphasizing a variety of fitness and nutrition topics including exercise adherence, behavior modification, reducing the risk of injury, and weight loss. Nutrition discussion addressing meal planning and healthy cooking for weight loss and reducing risk of disease. All conducted by an ACSM, NSCA, and/or certified instructor in the topic area.

2. **PRESENTER(S).** The District shall have the sole discretion in determining who will be assigned to serve as presenter(s).
3. **PAYMENT.** The training that is the subject of the Agreement shall be for the exclusive benefit of the Client and shall be open to its designees only. In consideration of the instructional and related services provided by the District, the Client agrees to pay the District the amounts determined as follows. **Client will pay a total fee to District of \$1,988.** The balance to be paid as services are completed and invoiced by the District. Client agrees to pay all invoices 30 days from date of invoice. Upon termination of this Agreement, payments under this paragraph shall cease; provided, however, that District shall be entitled to payments for periods or partial periods that occurred prior to the date of termination and for which District has not yet been paid.
4. **TERM/TERMINATION.** This Agreement shall automatically terminate upon District's completion of the services required by this Agreement. The District retains the right to cancel any services that is offered under this Agreement no later than 10 days before the first meeting of the service class. The Client retains the right to cancel any training that is offered under this Agreement no later than 10 days before the first meeting of the service class.
5. **RELATIONSHIP OF PARTIES.** It is understood by the parties that the District and its Instructor(s) is an independent contractor with respect to Client, and not an officer, agent or employee of Client. Client will not provide fringe benefits, including health insurance benefits, paid vacation, or any other employee benefit, for the benefit of District and its Instructor(s)/Presenter(s). The Client further agrees not to enter into a separate competitive agreement with any of the District's Instructor(s)/Presenter(s) from the date of this agreement until two (2) years after the completion of this agreement.

BOARD OF TRUSTEES:

6. **NOTICES.** All notices required or permitted under this Agreement shall be in writing and shall be deemed delivered when delivered in person or deposited in the United States mail, postage prepaid, addressed as follows:

Client:

Paul Segalla, Fire Chief
Montclair Fire Department
8901 Monte Vista
Montclair, California 91763

District:

Paulo Madrigal, Director Community and Contract Education
Mt. San Antonio Community College District
1100 North Grand Avenue
Walnut, California 91789

Such address may be changed from time to time by either party by providing written notice to the other in the manner set forth above.

7. **NONDISCRIMINATION.** Neither party to this Agreement shall, on the basis of ethnic group identification, religion, age, sex, color, or physical or mental disability, unlawfully deny any person the benefits of or unlawfully subject any person to discrimination in the operation of this agreement.
8. **ENTIRE AGREEMENT.** This Agreement contains the entire agreement of the parties and there are no other promises or conditions in any other agreement whether oral or written. This Agreement supersedes any prior written or oral agreements between the parties.
9. **AMENDMENT.** This Agreement may be modified or amended if the amendment is made in writing and is signed by both parties.
10. **SEVERABILITY.** If any provision of this Agreement shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court finds that any provision of this Agreement is invalid or unenforceable, but that by limiting such provision it would become valid and enforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.
11. **WAIVER OF CONTRACTUAL RIGHT.** The failure of either party to enforce any provision of this Agreement shall not be construed as a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with every provision of this Agreement.

BOARD OF TRUSTEES:

Dr. Manuel Baca • Rosanne M. Bader • Judy Chen Haggerty, Esq. • Fred Chyr • Dr. David K. Hall • Robert F. Hidalgo • Laura Santos
William Scroggins - COLLEGE PRESIDENT / CEO

12. **INDEMNIFICATION.** District shall indemnify, defend and hold harmless Client, its subsidiaries, officers, agents, instructors, subcontractors, and employees from and against any and all liability and expenses including defense cost and legal fees and claims for damages or liability of any nature whatsoever, including bodily injury, death or personal injury, or for damage to or loss of use of property, arising out of the performance of the services described in this Agreement, caused in whole or in part by any negligent act or omission of District, or anyone directly or indirectly employed by District. This indemnification shall survive termination of this Agreement or final payment hereunder. This indemnification is in addition to any other rights or remedies which either party may have under the law or under this Agreement.

Client shall indemnify, defend and hold harmless District, its subsidiaries, officers, agents, instructors, subcontractors, and employees from and against any and all liability and expenses including defense cost and legal fees and claims for damages or liability of any nature whatsoever, including bodily injury, death or personal injury, or for damage to or loss of use of property, arising out of the performance of the services described in this Agreement, caused in whole or in part by any negligent act or omission of Client, or anyone directly or indirectly employed by Client. This indemnification shall survive termination of this Agreement or final payment hereunder. This indemnification is in addition to any other rights or remedies which either party may have under the law or under this Agreement.

13. **APPLICABLE LAW.** This Agreement shall be governed by the laws of the State of California.

14. **TO BECOME EFFECTIVE, THIS AGREEMENT MUST BE SIGNED AND RETURNED TO THE DISTRICT PRIOR TO COMMENCEMENT OF SERVICE(S).**

Agreed this day of November 30, 2015.

DISTRICT:

By: _____


Irene Malmgren, Vice President of Instruction
Mt. San Antonio Community College District

CLIENT:

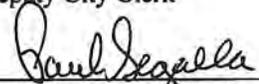
By: _____

Paul Eaton, Mayor
City of Montclair

By: _____

Attest
Andrea Phillips
Deputy City Clerk

By: _____


Paul Segalla, Fire Chief
Montclair Fire Department

95-6005731

Company Tax ID# (TIN)

BOARD OF TRUSTEES:

Dr. Manuel Baca • Rosanne M. Bader • Judy Chen Haggerty, Esq. • Fred Chyr • Dr. David K. Hall • Robert F. Hidalgo • Laura Santos

AGENDA REPORT

SUBJECT: CONSIDER APPROVAL OF AGREEMENT
NO. 16-09 WITH CBE OFFICE SOLUTIONS
AWARDING A PROCUREMENT CONTRACT
FOR THE PURCHASE AND MAINTENANCE
OF A RICOH PRO 8120S COPIER

DATE: January 19, 2016
SECTION: AGREEMENTS
ITEM NO.: 2
FILE I.D.: EQS175
DEPT.: ADMIN. SVCS.

REASON FOR CONSIDERATION: The City Council awards procurement contracts for services and/or capital purchases acquired by competitive selection.

A copy of proposed Agreement No. 16-09 with CBE Office Solutions for the purchase and ongoing maintenance of a Ricoh Pro 8120S copier is attached for the City Council's review and consideration.

BACKGROUND: The Ricoh Aficio MP 1350 copier in the City Hall mail and copy center is beyond its end of life cycle and needs to be replaced. The production copier was purchased in 2008 and has produced over 4.5 million copies and prints since entering service. Recently, the copier has been experiencing significant maintenance-related problems that frequently render the machine nonfunctional for extended periods of time, making the Ricoh Aficio MP 1350 no longer capable of handling the daily duplication functions that staff requires.

Ricoh has discontinued its current support for the Aficio MP 1350 and finding parts to continue to repair and troubleshoot hardware failures has proven difficult at times. Due to the frequent breakdown of the copier, staff has had to resort to finding alternative methods for printing daily duplication functions. The City currently expends roughly \$6,700 per year for maintenance and toner costs related to use of the Ricoh Aficio MP 1350 due to its age and diminishing state of repair.

Given the copier's age and constant operational malfunctions, staff recommends replacing the copier with a newer or different model. Competition within the copier industry has dramatically reduced the cost of maintenance and supplies on newer copiers.

Quotes were solicited from three competing copier vendors. These vendors responded with machine selections, features, and price estimates that satisfied criteria including digital and network capability, speed, reliability, cost per copy, document handling, finishing features, annual service/maintenance costs, functionality, processing power, and energy efficiency.

The following quotes were obtained from competing vendors for color copiers with

Prepared by:		Fiscal Impact Finance Review:	
Proofed by:		Reviewed and Approved By:	

comparable features.

<i>Vendor/Copier</i>	<i>Copier Cost</i>	<i>Annual Maintenance Cost</i>
CBE Office Solutions Ricoh Pro 8120S	\$32,194	\$1,500
Canon Oce VarioPrint VP135	\$61,500	\$1,440
ImageSource Xerox D136	\$52,850	\$1,470

Through the competitive process, staff recommends purchasing the Ricoh Pro 8120S copier from CBE Office Solutions and having CBE Office Solutions provide ongoing maintenance services.

This recommendation is based on the features of the copier, its competitive pricing, and the fact that CBE Office solutions provided the most responsive bid while being the most cost effective proposal. Staff reviewed all proposals based on costs, features, design, functionality, and quality.

The Ricoh Pro 8120S is the current upgrade to the existing Ricoh Aficio MP 1350 copier and has all the features that staff requires. Additionally, the printing, copier, and scanning features of the Ricoh Pro 8120S surpassed all other bidders in ease of use, simplicity, and functionality.

The Ricoh Pro 8120S includes 5 gigabytes of memory, with 1 terabyte of hard drive space. It prints 135 pages per minute in black and white and has a total paper capacity of 8,300 sheets.

CBE Office Solutions is a major reseller of copiers in Southern California. They provide same-day onsite technical service and repair and have a proactive approach to maintenance.

FISCAL IMPACT: The cost to purchase the Ricoh Pro 8120S copier from CBE Office Solutions would be \$32,194. Including sales tax, the cost would be \$35,091.46. Maintenance and toner costs for the Ricoh Pro 8120S copier would be \$1,500 annually.

There would be a reduction in costs related to maintenance fees in comparison to the amount spent on maintenance for the Ricoh Aficio MP 1350. The annual maintenance and toner costs for the current Ricoh Aficio MP 1350 system is \$6,700. The maintenance fee and toner costs for the recommended Ricoh Pro 8120S copier would be \$1,500 annually, resulting in an annual reduction of \$5,200 for maintenance expenses.

The purchase of the Ricoh Pro 8120S copier would result in a total cost to the City of 35,091.46 payable from the Technology Reserve Fund. The Technology Reserve Fund was established in Fiscal Year 1999-2000 to fund unanticipated and planned major technology upgrades.

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

1. Approve Agreement No. 16-09 with CBE Office Solutions awarding a procurement contract for the purchase and maintenance of a Ricoh Pro 8120S copier.
2. Authorize the City Manager to execute all documents on behalf of the City of Montclair in relation to a procurement contract with CBE Office Solutions for the purchase and maintenance of a Ricoh Pro 8120S copier.
3. Authorize a \$35,091.46 transfer from the Technology Fund to the General Operating Fund, Account No. 1001-4316-62010-400-00000, for costs associated with the purchase and maintenance of a Ricoh Pro 8120S copier.



Sales and Service Agreement

Purchase Order No. _____ Date: 12/17/15 Terms: _____ Salesperson: Chris Farry

Customer	SOLD TO: <u>City of Montclair</u>		SHIP TO: <u>Same</u>	
	<u>5111 Benito Street, PO Box 2308</u>			
	<u>Montclair, CA 91763</u>			
	Contact:	<u>John Nguyen</u>	Contact:	
	Phone:	<u>(909) 625-9409</u>	Phone:	
	E-mail:		E-mail:	

Equipment	Qty	Description	Amount
	1	Ricoh Pro 8120S Copy/Print/Scan System	\$32,194.00
	1	Duplexing Single Pass Document Feeder	
	1	5,000 Sheet Large Capacity Tray	
	1	100 Sheet Staple Finisher	
	1	GBC Streampunch Pro	
	1	3 Hole Die Set , 21 Hole Die Set	
	1	10.4" SVGA Touch Screen Monitor	
	1	High Voltage Surge Protector	
	1	Multitasking Controller	
	1	3,300 Paper Supply	

Service	Billing Options: Monthly	Term Length: Annual
	Includes: All Service, Parts, and Supplies	
	Excludes: Paper, Staples	
	Pricing: Base Rate: 0	Includes 0 B/W Copies 0 Color Copies
	Overages: \$ 0.0050 B/W Color Start Meter: 0	

Additional Notes: Free delivery, networking, training and set-up. Excludes extra cabling, if necessary. CBE will include a free Samsung Xpress C410W color printer and a free one year license of Sharp Cloud Portal Office, if this agreement is authorized by 12/23/2015. Prices plus tax.	Subtotal	\$ 32,194.00
	Initial Set-up	N/C
	Sales Tax	\$ 2,897.46
	Delivery	N/C
	Trade-In	
	Total Due	\$ 35,091.46
	Amount Paid	
	Balance Due	\$ 35,091.46

Acceptance	Customer Signature: _____ Title: _____ Date: _____
	X
Acceptance	CBE Acceptance _____ Title: _____ Date: _____

SIGNATURES BY BOTH PARTIES ACT AS A BINDING CONTRACT AND CANNOT BE CANCELLED OR TERMINATED AND CONFIRMS YOU HAVE READ AND UNDERSTAND THE MAINTENANCE TERMS AND CONDITIONS ON THE REVERSE SIDE OF THIS DOCUMENT

1. **GENERAL SCOPE OF COVERAGE** This Agreement covers both the labor and the material for adjustments, repair and replacements of parts as required by normal use of the equipment, subject to the exceptions in and in accordance with these terms and conditions. This Agreement does not cover charges for installation of equipment or de-installation of equipment if it is moved. Damage to the equipment or its parts arising out of or caused by misuse, abuse, negligence, attachment of unauthorized components, accessories or parts, use of substandard paper or substandard supplies or other causes beyond the control of CBE are not covered by this Agreement and may subject Customer to a surcharge or to cancellation of this Agreement. In addition, CBE may terminate this Agreement if the equipment is modified, damaged, altered or serviced by personnel other than the CBE Authorized Personnel, or if parts, accessories or components not meeting machine specifications are fitted to the equipment. This Agreement does not cover charges for repairs due to Customer or third party modifications to software or hardware.
2. **SERVICE CALLS** Service calls under this Agreement will be made during normal business hours at the installation address shown on the reverse side of this Agreement. Travel and labor time for service calls after normal business hours, on weekends and on holidays, if and when available, will be charged at the published overtime rates in effect at the time the service call is made. CBE Representatives will not handle, disconnect or repair unauthorized attachments or components; Customer is responsible for disconnecting and reconnecting unauthorized attachments or components. Customer hereby indemnifies and holds CBE and its Representatives harmless for claims for damages to any unauthorized parts, components or accessories resulting from service performed on CBE equipment. Labor performed during a service call includes lubrication and cleaning of the equipment and the adjustment, repair or replacement of parts described below.
3. **REPAIR AND REPLACEMENT OF PARTS** All parts necessary to the operation of the equipment, due to normal wear and tear, with the exception of the parts listed below, and subject to the general scope of coverage, will be furnished free of charge during a service call included in the maintenance service provided by this Agreement.
4. **RECONDITIONING THIS PARAGRAPH (4) IS NOT APPLICABLE TO EQUIPMENT COVERED BY A CBE CONTINUOUS MAINTENANCE GUARANTEE.** Rebuilding or major overhauls are not covered by this Agreement. In addition, when in its sole discretion CBE determines that a reconditioning is necessary, as a result of expected wear and tear of materials and age factors caused by normal office environment usage, in order to keep the equipment in working condition, CBE will submit to the Customer an estimate of needed repairs and their cost which will be in addition to the charge payable under this Agreement. If the Customer does not authorize such reconditioning, CBE may discontinue service of the equipment under this Agreement (refunding the unused portion of the maintenance charge) or may refuse to renew this Agreement upon its expiration. Thereafter, the CBE Representative may make service available on a "Per Call" basis based upon published rates in effect at the time of service.
5. **USE OF CBE SUPPLIES** If the Customer uses other than CBE supplies and if such supplies are defective or unacceptable for use in CBE machines and cause abnormally frequent service calls or service problems, then CBE may, at its option, assess a surcharge or terminate this Agreement. In this event, the Customer may be offered service on a "Per Call" basis based upon published rates. It is not a condition of this Agreement, however, that the Customer use only CBE authorized supplies.
6. **SUPPLY INCLUSIVE CONTRACTS** If supplies are included in the service provided under this Agreement, CBE will supply toner, ink and developer, unless otherwise stated in this Agreement, to the Customer based upon normal yields. If the Customer's usage of the supplies exceeds the normal yields for the equipment being serviced, CBE will invoice and the Customer agrees to pay, for the excess supplies at CBE's current retail prices then in effect. CBE reserves the right to charge for freight for all supply shipments.
7. **ELECTRICAL** In order to insure optimum performance by the CBE equipment, it is mandatory that specific models be plugged into a dedicated line and comply with manufacturer electrical specifications. These power standards are required by UL and/or local safety regulations. Reference CBE Bulletin A-00012.
8. **CHARGES** The initial non-refundable charge for maintenance under this Agreement shall be the amount set forth on the reverse side of this Agreement. The annual maintenance charge with respect to any renewal term, or second or third term of multi-term agreement, will be the charge in effect at the time of renewal. CBE may increase the rate up to 10% annually as costs increase. Customer shall pay all charges within 10 days of invoicing. If equipment is moved to a new CBE service territory, CBE shall have the option to charge, and the Customer agrees to pay the difference in published maintenance charges between the current territory and the new territory (on a pro-rata basis). If equipment is moved beyond CBE's service territory, CBE reserves the right to cancel or the Customer agrees to pay a fair and reasonable upcharge for continued service, taking into account the distance to Customer's new location and the published rates of CBE for service on a "Per Call" basis. Reestablishing network connection after a move is not covered under this Service Agreement and CBE has the option to charge the published rate for connectivity.
9. **TERM** This Agreement becomes effective upon CBE's receipt of the initial non-refundable maintenance charge provided on the reverse side of this Agreement or, if Customer is billed in arrears, upon the date indicated in the "Start Date" space thereon, and shall continue for the period as specified on the face of this Agreement. In the event a Customer reaches or exceeds the allowance specified on the face of this Agreement prior to the expiration of the one-year term, a new contract will be negotiated or the Customer will be charged for all excess meters, at the rate indicated on the opposite side of this document, through the end of the contract term.
10. **EVENT OF DEFAULT AND TERMINATION** The occurrence of the following shall constitute an Event of Default: the Customer fails to pay any portion of the charges for maintenance or parts, as provided under this Agreement when due, or the Customer fails to duly perform any covenant, condition or limitation of this Agreement. Upon an Event of Default, CBE may: (i) refuse to service the equipment; (ii) furnish service on a C.O.D. "Per Call" basis based upon published rates in effect at the time of service; and (iii) terminate this Agreement. Within sixty (60) days of the expiration or termination of this Agreement, CBE shall submit to Customer an itemized invoice for any fees or expenses, including any Per Call fees, theretofore accrued under this Agreement. Except as otherwise provided herein, Customer, upon payment of accrued amounts so invoiced, shall thereafter have no further liability or obligation to CBE whatsoever for any further fees or expenses arising hereunder. In the event CBE terminates this Agreement because of the breach of Customer, CBE shall be entitled to payment for work in progress plus reimbursements for out-of-pocket expenses.
11. **INDEMNITY** Customer shall indemnify, save and hold CBE, its affiliates, officers, directors, shareholders, employees, agents and representatives and its and their successors and assigns ("CBE Parties") harmless from and against any liability, loss, cost, expense or damage whatsoever caused by reason of any breach of this Agreement by Customer or by reason of any injury whether to body, property, business, character or reputation sustained by CBE Parties or to any other person by reason of any act, neglect, omission or default by Customer. Customer shall defend any action to which this indemnity shall apply. In the event Customer fails to defend such action CBE may do so and recover from Customer in addition, all costs and expenses including attorneys' fees in connection therewith. CBE shall be entitled to recover from Customer all costs and expenses, including, without limitation, attorneys' fees and disbursements, incurred by CBE in connection with actions taken by CBE or its representatives (i) to enforce any provision of this Agreement; (ii) to effect any payments or collections provided for herein; (iii) to institute, maintain, preserve, enforce and foreclose on CBE's security interest in or lien on the goods, whether through judicial proceedings or otherwise; or (iv) to defend or prosecute any actions or proceedings arising out of or relating to any CBE transactions with Customer. The foregoing provisions of this Paragraph 11 shall survive the termination or expiration of this Agreement.
12. **FULL AGREEMENT** This Agreement constitutes the entire agreement between the parties pertaining to the subject matter hereof and supersedes all prior agreements, understandings, negotiations and discussions, whether oral or written, of the parties, and may not be added to, modified, supplemented or waived in any way except in writing signed by the parties (other than pricing changes provided for herein).
13. **SUCCESSORS AND ASSIGNS; TERMINATION** This Agreement shall be binding on the parties hereto, their heirs, successors, and assigns. However, this Agreement may not be assigned by Customer without the consent of CBE.
14. **SEPARABILITY OF PROVISIONS** Each provision of this Agreement shall be considered separable, and, if for any reason any provision that is not essential to the effectuation of the basic purposes of this Agreement is determined to be invalid and contrary to any existing or future law, such invalidity shall not impair the operation of or affect those provisions of this Agreement that are valid.
15. **COUNTERPARTS AND SIGNATURES** This Agreement may be executed in several counterparts, each of which shall be deemed to be an original and all of which together shall constitute one Agreement binding on all parties hereto, notwithstanding that all the parties have not signed the same counterpart. A faxed or e-mailed signature of this Agreement bearing authorized signatures may be treated as an original.
16. **WAIVER OF JURY TRIAL ALL PARTIES HERETO HEREBY IRREVOCABLY WAIVE (a) THE RIGHT TO TRIAL BY JURY; AND (b) THE RIGHT TO INTERPOSE ANY AND ALL COUNTERCLAIMS IN ANY ACTION, PROCEEDING OR CLAIM ARISING OUT OF OR PERTAINING TO THIS AGREEMENT.**
17. **JURISDICTION** All parties hereby consent and voluntarily submit to personal jurisdiction in the State of California and in the courts in such State located in Orange County in any proceeding arising out of or relating to this Agreement.
18. **HOLD HARMLESS** In no event shall CBE be liable for any damages whatsoever including without limitation, special, incidental, consequential, or indirect damages for personal injury, loss of business profits, business interruption, loss of business information arising out of or inability to use this product. CBE is not liable for any claim made by a third party or made by you for a third party. The Customer acknowledges that the service coverage is such that the equipment may continue to provide copies and when configured function as a printer or scanner. Specifically, this Agreement is applicable to print volume only services and excludes help desk support, network support, software application support and any other connectivity support services.
19. **FORCE MAJEURE** CBE shall not be liable to Customer for any failure or delay caused by events beyond CBE's control, including, without limitation, Customer's failure to furnish necessary information; sabotage; failure or delays in transportation or communication; boycotts; embargoes; failures or substitutions of equipment; labor disputes; accidents; shortages of labor, fuel, raw materials, machinery, or equipment; technical failures; fire; storm; flood; earthquake; explosion; acts of the public enemy; war; insurrection; riot; public disorder; epidemic; quarantine restrictions; acts of God; acts of any government or any quasi-governmental authority, instrumentality or agency.
20. **NO WARRANTY CBE DISCLAIMS ALL WARRANTIES, EXPRESS OR IMPLIED, INCLUDING ANY IMPLIED WARRANTIES OF MERCHANTABILITY, TECHNICAL COMPATIBILITY, FITNESS FOR USE, OR FITNESS FOR A PARTICULAR PURPOSE. CUSTOMER AGREES THAT CBE IS NOT RESPONSIBLE FOR DIRECT, INCIDENTAL OR CONSEQUENTIAL DAMAGES INCLUDING, BUT NOT LIMITED TO, THE LOSS OF USE OF THE EQUIPMENT.**
21. **INSURANCE** Customer shall obtain and maintain, at its own expense, insurance relating to claims for injury and/or property damage (including commercial general liability insurance) based on its use of the equipment, goods and machinery.

AGENDA REPORT

SUBJECT: CONSIDER ADOPTION OF RESOLUTION NO. 16-3108 AUTHORIZING SUBMITTAL OF AN APPLICATION FOR PAYMENT PROGRAMS AND RELATED AUTHORIZATIONS FOR BEVERAGE CONTAINER RECYCLING PROGRAMS TO THE DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY	DATE: January 19, 2016
	SECTION: RESOLUTIONS
	ITEM NO.: 1
	FILE I.D.: REF275
	DEPT.: PUBLIC WORKS

REASON FOR CONSIDERATION: The Department of Resources Recycling and Recovery (CalRecycle) requires an applicant's governing body to declare by resolution authorizations related to their payment programs. The City Council is requested to consider adopting Resolution No. 16-3108, authorizing the City to submit application for payment programs for beverage container recycling programs.

A copy of proposed Resolution No. 16-3108 is attached for the City Council's review and consideration.

BACKGROUND: CalRecycle administers a beverage container recycling program with the goal of maintaining an 80 percent recycling rate for all California Refund Value (CRV) beverage containers.

Pursuant to Public Resources Code Section 14581(a)(4)(A) of the California Beverage Container Recycling and Litter Reduction Act, CalRecycle distributes funds to eligible cities and counties for beverage container recycling and litter cleanup activities.

In order for a city to receive these funds, a city must submit an application for payment programs. This requires a resolution authorizing application for payment programs.

FISCAL IMPACT: There is no immediate fiscal impact to the City with the adoption of Resolution No. 16-3108. The Resolution only authorizes the City to submit an application for payment programs in order to receive funds from CalRecycle.

Beverage Recycling Grant Fund revenue from the State of California for Fiscal Year 2014-15 was \$10,044. For Fiscal Year 2015-16, receipts so far from the State of California are \$10,096.

RECOMMENDATION: Staff recommends that the City Council adopt Resolution No. 16-3108 authorizing submittal of an application for payment programs and related authorizations for beverage container recycling programs to the Department of Resources Recycling and Recovery.

Prepared by:		Fiscal Impact Finance Review:	
Proofed by:		Reviewed and Approved By:	

RESOLUTION NO. 16-3108

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF MONTCLAIR AUTHORIZING SUBMITTAL
OF AN APPLICATION FOR PAYMENT PROGRAMS
AND RELATED AUTHORIZATIONS TO CALRECYCLE**

WHEREAS, pursuant to Public Resources Code Section 48000, et seq., the Department of Resources Recycling and Recovery (CalRecycle) has established various payment programs to make payments to qualifying jurisdictions; and

WHEREAS, in furtherance of this authority CalRecycle is required to establish procedures governing the administration of the payment programs; and

WHEREAS, CalRecycle's procedures for administering payment programs require, among other things, an applicant's governing body to declare by resolution certain authorizations related to the administration of the payment program.

NOW, THEREFORE, BE IT RESOLVED that the City of Montclair is authorized to submit an application to CalRecycle for any and all payment programs offered; and

BE IT FURTHER RESOLVED that the Mayor, or his/her designee, is hereby authorized as Signature Authority to execute all documents necessary to implement and secure payment; and

BE IT FURTHER RESOLVED that this authorization is effective until rescinded by the Signature Authority or this Governing Body.

APPROVED AND ADOPTED this XX day of XX, 2016.

Mayor

ATTEST:

Deputy City Clerk

I, Andrea M. Phillips, Deputy City Clerk of the City of Montclair, DO HEREBY CERTIFY that Resolution No. 16-3108 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, 2016, 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 SUCCESSOR AGENCY BOARD OF DIRECTORS' ADOPTION OF RESOLUTION NO. 16-01 ADOPTING A RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR JULY 1, 2016, THROUGH JUNE 30, 2017; ADOPTING ADMINISTRATIVE BUDGETS FOR JULY 1, 2016, THROUGH DECEMBER 31, 2016, AND FOR JANUARY 1, 2017, THROUGH JUNE 30, 2017; AND AUTHORIZING CERTAIN OTHER ACTIONS PURSUANT TO SECTION 34177 OF PART 1.85 OF THE HEALTH AND SAFETY CODE

DATE: January 19, 2016

SECTION: RESOLUTIONS

ITEM NO.: 2

FILE I.D.: SAG050

DEPT.: SUCCESSOR RDA

REASON FOR CONSIDERATION: AB 1484 was adopted by the State Legislature and signed by the Governor on June 29, 2012. This legislation is considered a cleanup bill to the Redevelopment Dissolution Bill legislation, AB X1 26. AB 1484 advanced the time for submittal of the Recognized Obligation Payment Schedules (ROPS) and an Administrative Budget. The ROPS had to be approved by the Oversight Board and sent to the Department of Finance (DOF) and the County Auditor–Controller no fewer than 90 days before the date of property tax distribution. The State Legislature approved and the Governor signed SB 107 on September 22, 2015. The legislation made certain changes to the Dissolution Bill. Legislative changes advanced the date for submittal of the ROPS to February 1, 2016 and changed the format of the ROPS from a six-month report to an annual report.

The City Council, acting as the successor to the City of Montclair Redevelopment Agency Board of Directors, is requested to adopt proposed Resolution No. 16-01 approving the ROPS for the 16-17 Fiscal Year and the Administrative Budgets for the periods from July 1, 2016, through December 31, 2016 and from January 1, 2017 through June 30, 2017.

A copy of proposed Resolution No. 16-01, the ROPS, and the Administrative Budgets are included in the agenda packets for review and consideration by the Successor Agency Board of Directors.

BACKGROUND: AB X1 26 added Parts 1.8 and 1.85 to Division 24 of the Health and Safety Code that caused the dissolution of all California redevelopment agencies. The California Supreme Court's decision in *California Redevelopment Association, et al., v. Matosantos* upheld AB X1 26.

On January 12, 2012, the City Council elected to become the Board of Directors of the "Successor Agency" to the City of Montclair Redevelopment Agency. On February 1, 2012, the Montclair Redevelopment Agency was dissolved and the City began to serve as the Successor Agency. As a successor agency, the City is required to administer the

Prepared by: Marilyn Staats Fiscal Impact Finance Review: Donald L. Parker

Proofed by: Archee M Phillips Reviewed and Approved By: Marilyn Staats

enforceable obligations of the Agency and unwind the Agency's affairs, all subject to review and approval by the Oversight Board. Prior to its dissolution and pursuant to Part 1.8, the Agency adopted an original and an amended Enforceable Obligation Payment Schedule (EOPS) and an Initial Recognized Obligation Payment Schedule (IROPS) for transmittal to the City (serving as Successor Agency), to the County Auditor–Controller, to DOF, and to the State Controller's Office.

On February 21, 2012, the City Council, acting as Successor Agency to the Redevelopment Agency, adopted the IROPS. The ROPS sets forth the minimum payment amounts and due dates of payments required by enforceable obligations for six-month fiscal periods. The first ROPS concerned the period from January 1, 2012, through June 30, 2012. The Successor Agency approved all subsequent ROPS for six-month fiscal periods. As the Successor Agency Board of Directors is aware, each ROPS must also be approved by the Oversight Board before submittal to the County and DOF. Since approval of the IROPS, the Oversight Board approved every subsequent ROPS each six-month fiscal period.

As indicated, SB 107 was approved by the Legislature and signed by the Governor on September 22, 2015. Among other provisions, this legislation changed the reporting period for the ROPS from a six-month fiscal period to a full fiscal year. In addition, the date for submittal of the ROPS was advanced to February 1, 2016. The prior report date for the six month fiscal period from July 1 through December 31 had been March 1. Accompanying the ROPS are the Administrative Budgets for July 1, 2016 through December 31, 2016, and for January 1, 2017, through June 30, 2017. The Administrative Budgets have been prepared in six-month fiscal year periods to follow the format established for the ROPS and because the six-month fiscal year format for administrative budgets remains the legal requirement.

The Successor Agency Board of Directors is now asked to consider adoption of Resolution No. 16-01 approving the ROPS and the Administrative Budgets for July 1, 2016, through December 31, 2016, and for January 1, 2017, through June 30, 2017.

FISCAL IMPACT: The purpose of the ROPS is to identify payments that must be made to satisfy former Redevelopment Agency obligations from July 1, 2016, through June 30, 2017. The City of Montclair became the Successor Agency to assure payments would be made to satisfy former Redevelopment Agency obligations. The action to adopt proposed Resolution No. 16-01 is a part of the process to allow the Successor Agency to receive property tax proceeds (once tax increment) to finance obligations associated with the former Redevelopment Agency. The ROPS requests the use of approximately \$250,000 in administrative costs. However, DOF has final decision-making authority regarding all ROPS expenditures.

The Administrative Budgets for the period from July 1, 2016, through December 31, 2016, and for January 1, 2017, through June 30, 2017, further detail the use of the administrative funds identified in the ROPS.

RECOMMENDATION: Staff recommends the City Council, acting as successor to the City of Montclair Redevelopment Agency Board of Directors, adopt Resolution No. 16-01 adopting a Recognized Obligation Payment Schedule for July 1, 2016, through June 30, 2017; adopting Administrative Budgets for July 1, 2016, through December 31, 2016, and for January 1, 2017, through June 30, 2017; and authorizing certain other actions pursuant to Section 34177 of Part 1.85 of the Health and Safety Code.

RESOLUTION NO. 16-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR, ACTING AS SUCCESSOR TO THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY, ADOPTING A RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR JULY 1, 2016, THROUGH JUNE 30, 2017; ADOPTING ADMINISTRATIVE BUDGETS FOR JULY 1, 2016, THROUGH DECEMBER 31, 2016, AND JANUARY 1, 2017, THROUGH JUNE 30, 2017; AND AUTHORIZING CERTAIN OTHER ACTIONS PURSUANT TO SECTION 34177 OF PART 1.85 OF THE HEALTH AND SAFETY CODE

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

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

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

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

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

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

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

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

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

WHEREAS, under Part 1.8 of the Dissolution Act, the Agency, prior to its dissolution, adopted an Initial Recognized Obligation Payment Schedule ("IROPS") and authorized the City Manager or authorized designee to augment or modify the IROPS and transmitted such IROPS to the City (to be serving as Successor Agency) and to the County Auditor–Controller, DOF, and the State Controller's Office; and

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

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

WHEREAS, the initial ROPS was approved by the Successor Agency to the City of Montclair Redevelopment Agency on February 21, 2012; and

WHEREAS, after the formation of the Oversight Board to the former City of Montclair Redevelopment Agency, the initial ROPS was approved by the Oversight Board for the period of January 1, 2012, through June 30, 2012, on April 25, 2012, and was subsequently revised by the Oversight Board on May 9, 2012; and

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

WHEREAS, the Oversight Board to the former City of Montclair Redevelopment Agency approved second ROPS for the period from July 1, 2012, through December 31, 2012, on June 13, 2012, and ordered its submittal to DOF and County Auditor–Controller's office; and

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

WHEREAS, the City, as Successor Agency, approved its third ROPS (January 1, 2013, through June 30, 2013) on August 20, 2012; and

WHEREAS, the Oversight Board to the former City of Montclair Redevelopment Agency approved the ROPS for the period from January 1, 2013, through June 30, 2013, on August 27, 2012; and

WHEREAS, the City, as Successor Agency, approved its fourth ROPS for the period from July 1, 2013, through December 31, 2013, on March 18, 2013; and

WHEREAS, the Oversight Board to the former City of Montclair Redevelopment Agency approved the ROPS for the period from July 1, 2013, through December 31, 2013, on February 27, 2013; and

WHEREAS, the fifth ROPS (January 1, 2014, through June 30, 2014) was approved by the City as Successor Agency on September 16, 2013; and

WHEREAS, the Oversight Board to the former City of Montclair Redevelopment Agency approved the ROPS for the period from January 1, 2014, through June 30, 2014, on September 11, 2013; and

WHEREAS, the sixth ROPS July 1, 2014, through December 31, 2014) was approved by the City as Successor Agency on February 18, 2014; and

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

WHEREAS, the seventh ROPS for January 1, 2015, through June 30, 2015, was approved by the City, as Successor Agency, on September 15, 2014; and

WHEREAS, the Oversight Board to the former City of Montclair Redevelopment Agency approved the ROPS for January 1, 2015, through June 30, 2015, on September 10, 2014; and

WHEREAS, the eighth ROPS for July 1, 2015, through December 31, 2015, was approved by the City, as Successor Agency, on March 2, 2015; and

WHEREAS, the Oversight Board to the former City of Montclair Redevelopment Agency approved the ROPS for the period from July 1, 2015, through December 31, 2015, on February 11, 2015; and

WHEREAS, the City, as Successor Agency, approved the ROPS for the period from January 1, 2016, through June 30, 2016, on September 21, 2015;

WHEREAS, Oversight Board approved the ROPS for the period from January 1, 2016, through June 30, 2016, on September 9, 2015; and

WHEREAS, the State Legislature passed and the Governor signed SB 107 into law on September 22, 2015, extending the existence and operation of local successor agencies and oversight boards under the Dissolution Act, and modifying law applicable to each ROPS, including but not limited to the date for submittal of each ROPS; and

WHEREAS, SB 107, in Code 34177(o)(1), required that a ROPS covering the period commencing July 1, 2016 through and including June 30, 2017 ("ROPS 2016-17"), approved by the Successor Agency and Oversight Board, be submitted to the County and State on or before February 1, 2016, subject to a \$10,000 per day fine for each day the ROPS 2016-17 is delinquent; and

WHEREAS, staff has requested that the Oversight Board adopt ROPS 2016-17 at its special meeting on January 20, 2016, and to authorize the Successor Agency to post the ROPS on the City/Successor Agency website and transmit the ROPS to the County Auditor-Controller, DOF, and the State Controller's Office; and

WHEREAS, pursuant to Code 34177(o)(1), DOF shall have until April 15, 2016, to consider and make its determination regarding ROPS 2016-17, subject to the Successor Agency's rights as specified in that same section.

WHEREAS, AB 1484 established a schedule for approval and adoption of an administrative budget related to each Recognized Obligation Payment Schedule ("ROPS") by successor agencies and oversight boards ("Administrative Budget") through June 30, 2016; and

WHEREAS, the State Legislature passed and the Governor signed SB 107 into law on September 22, 2015, and this legislation extended the existence and operation of local successor agencies and oversight boards under the Dissolution Act, and necessitated the preparation and approval of Administrative Budgets; and

WHEREAS, SB 107 included a major change in the approval process for Administrative Budgets in relation to each ROPS, *i.e.*, under Code Section 34179(h)(1), successor agencies are not required to submit an approved Administrative Budget to DOF for approval; and

WHEREAS, pursuant to Section 34177(j), the Successor Agency's Administrative Budget is to include all of the following: (a) estimated amounts of the Successor Agency's administrative costs for the upcoming six-month fiscal period; (b) the proposed sources of payment for the costs identified in (a); and (c) proposals for arrangements for administrative and operations services provided by the city serving as Successor Agency; and

WHEREAS, despite the new annual ROPS approval process, SB 107 did not alter the provisions of Health and Safety Code Section 34177(j) requiring the submittal of administrative costs based on a six-month fiscal year increments; and

WHEREAS, the Successor Agency's proposed Administrative Budgets for the two six month periods corresponding to its annual ROPS for July 1, 2016, through and including June 30, 2017, have been submitted to the Oversight Board for its review and approval on January 20, 2016; and

WHEREAS, administrative cost estimates from the Administrative Budgets, as approved by the Oversight Board, will be provided to the County of San Bernardino Auditor–Controller pursuant to Section 34177(k) so that the Successor Agency's estimated administrative costs in the approved Administrative Budgets will be paid from property tax revenues deposited into the Redevelopment Property Tax Trust Fund; and

WHEREAS, the Successor Agency desires to approve the proposed Administrative Budgets; and

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

WHEREAS, pursuant to Section 34177 a copy of the ROPS will be submitted to the State Controller's Office and DOF, and will be posted on the Successor Agency's Internet Web site; and

WHEREAS, pursuant to the Code 34179(h)(2), the actions of the Oversight Board, including those approved by this Resolution, do not become effective for five (5) business days after submission, pending any request for review by DOF.

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

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

Section 2. The ROPS for the period from July 1, 2016, through June 30, 2017, is approved together with such augmentation, modification, additions, or revisions as the City Manager or authorized designees may make thereto (Attachment No. 1).

Section 3. The Administrative Budgets for the periods from January 1, 2016, through December 31, 2016 and from January 1, 2017 through June 30, 2017, are approved together with such augmentation, modification, additions, or revisions as the City Manager or authorized designees may make thereto (Attachment Nos. 2 and 3).

Section 4. The City Council, acting as Successor to Board of Directors of the City of Montclair Redevelopment Agency, acknowledges that the ROPS will be transmitted to the County Auditor–Controller, the State Controller's Office, and the California Department of Finance after consideration by the Oversight Board; and further, will be posted on the City's website.

Section 5. The City Council, acting as Successor Agency to the Board of Directors to the City of Montclair Redevelopment Agency acknowledges that the Administrative Budgets for the periods from July 1, 2016, through December 31, 2016, and from January 1, 2017, through June 30, 2017, will be submitted the County Auditor–Controller's Office after consideration by the Oversight Board.

Section 6 The Deputy City Clerk acting as Successor to the Agency Secretary shall certify to the adoption of this Resolution and shall maintain this Resolution and the ROPS and the Administrative Budgets approved hereunder on file as public records.

APPROVED AND ADOPTED this XX day of XX, 2016.

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

ATTEST:

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

I, Andrea M. Phillips, Deputy City Clerk of the City of Montclair, acting as Successor to the Secretary of the City of Montclair Redevelopment Agency, DO HEREBY CERTIFY that Resolution No. 16-01 was duly adopted by the City Council acting as Successor to the Redevelopment Agency Board of Directors at a regular meeting thereof held on the XX day of XX 2016, 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,
Acting as Successor to the Secretary of
the City of Montclair Redevelopment Agency

Recognized Obligation Payment Schedule (ROPS 16-17) - Summary

Filed for the July 1, 2016 through June 30, 2017 Period

Successor Agency: Montclair
County: San Bernardino

Current Period Requested Funding for Enforceable Obligations (ROPS Detail)		16-17A Total	16-17B Total	ROPS 16-17 Total
Enforceable Obligations Funded with Non-Redevelopment Property Tax Trust Fund (RPTTF) Funding				
A	Sources (B+C+D):	\$ 3,785,742	\$ -	\$ 3,785,742
B	Bond Proceeds Funding	-	-	-
C	Reserve Balance Funding	3,785,742	-	3,785,742
D	Other Funding	-	-	-
E	Enforceable Obligations Funded with RPTTF Funding (F+G):	\$ 144,500	\$ 4,396,900	\$ 4,541,400
F	Non-Administrative Costs	19,500	4,271,900	4,291,400
G	Administrative Costs	125,000	125,000	250,000
H	Current Period Enforceable Obligations (A+E):	\$ 3,930,242	\$ 4,396,900	\$ 8,327,142

Certification of Oversight Board Chairman:
Pursuant to Section 34177 (o) of the Health and Safety code, I hereby certify that the above is a true and accurate Recognized Obligation Payment Schedule for the above named successor agency.

Name
/s/ _____
Signature

Date

Monclair Recognized Obligation Payment Schedule (ROPS 16-17) - ROPS Detail
 July 1, 2016 through June 30, 2017
 (Report Amounts in Whole Dollars)

A	B	C	D	E	F	G	H	I	J	K	16-17A				16-17B				W							
											L	M	N	O	P	Q	R	S		T	U	V	Trust Fund (Non-RPTTF)			
																							Bond Proceeds	Reserve Balance	Other Funds	Non-Admin
Item #	Project Name/Debt Obligation	Obligation Type	Contract/Agreement Execution Date	Contract/Agreement Termination Date	Payee	Description/Project Scope	Project Area	Total Outstanding Debt or Obligation	Retired	ROPS 16-17 Total	ROPS 16-17 Total	Bond Proceeds	Reserve Balance	Other Funds	Non-Admin	Admin	Bond Proceeds	Reserve Balance	Other Funds	Non-Admin	Admin	16-17B Total				
1	1997 Taxable Tax Allocation Bonds	Bonds Issued On or Before 12/31/10	11/1/1997	10/1/2021	Bank of New York Mellon	Bond Issue to Fund Non-Housing Projects	Project Area 1	\$ 64,282,322	N	\$ 62,680	\$ 8,327,142	\$ -	\$ 3,785,742	\$ -	\$ -	\$ -	\$ 3,930,242	\$ -	\$ -	\$ -	\$ -	\$ 4,271,800	\$ 4,398,900			
2	2007A Tax Allocation Refunding Bonds	Bonds Issued On or Before 12/31/10	9/27/2007	9/1/2035	Bank of New York Mellon	Bond Issue to Fund Non-Housing Projects	Project Area 3	31,005,996	N	\$ 3,182,900	\$ -	\$ 1,594,950	\$ -	\$ -	\$ -	\$ 1,594,950	\$ -	\$ -	\$ -	\$ -	\$ 1,597,950	\$ 1,597,950				
3	2007B Taxable Tax Allocation Bonds	Bonds Issued On or Before 12/31/10	9/27/2007	9/1/2027	Bank of New York Mellon	Bond Issue to Fund Non-Housing Projects	Project Area 3	3,015,600	N	\$ 597,533	\$ -	\$ 295,341	\$ -	\$ -	\$ -	\$ 295,341	\$ -	\$ -	\$ -	\$ -	\$ 302,192	\$ 302,192				
4	2004 Tax Allocation Bonds	Bonds Issued On or Before 12/31/10	2/23/2004	10/1/2031	Bank of New York Mellon	Bond Issue to Fund Non-Housing Projects	Project Area 4	5,170,500	N	\$ 742,000	\$ -	\$ 370,250	\$ -	\$ -	\$ -	\$ 370,250	\$ -	\$ -	\$ -	\$ -	\$ 371,750	\$ 371,750				
5	2001 Tax Allocation Bonds	Bonds Issued On or Before 12/31/10	7/6/2001	10/1/2030	Bank of New York Mellon	Bond Issue to Fund Non-Housing Projects	Project Area 5	9,944,585	N	\$ 1,531,920	\$ -	\$ 767,460	\$ -	\$ -	\$ -	\$ 767,460	\$ -	\$ -	\$ -	\$ -	\$ 764,460	\$ 764,460				
6	2006A Tax Allocation Bonds	Bonds Issued On or Before 12/31/10	6/16/2006	10/1/2033	Bank of New York Mellon	Bond Issue to Fund Non-Housing Projects	Project Area 5	8,765,163	N	\$ 1,142,009	\$ -	\$ 569,761	\$ -	\$ -	\$ -	\$ 569,761	\$ -	\$ -	\$ -	\$ -	\$ 572,248	\$ 572,248				
7	2006B Tax Allocation Bonds	Bonds Issued On or Before 12/31/10	6/16/2006	10/1/2033	Bank of New York Mellon	Bond Issue to Fund Non-Housing Projects	Project Area 5	5,198,388	N	\$ 311,600	\$ -	\$ 155,800	\$ -	\$ -	\$ -	\$ 155,800	\$ -	\$ -	\$ -	\$ -	\$ 155,800	\$ 155,800				
10	Contract for Legal Services	Legal	12/9/1981	6/30/2036	Smidling, Yocum, Carlson & Rauff	Bond Counsel/Legal Services	All Areas	4,000	N	\$ 4,000	\$ -	\$ 2,000	\$ -	\$ -	\$ 2,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,000	\$ 2,000				
12	Contract for Bond Trustee Service	Fees	12/9/1981	6/30/2036	Bank of New York Mellon	Annual Bond Trustee	All Areas	20,000	N	\$ 20,000	\$ -	\$ 10,000	\$ -	\$ -	\$ 10,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,000	\$ 10,000				
14	Contract for Bond Services	Fees	12/9/1981	6/30/2036	Bondlogistax, LLC	Bond Continuing Disclosure	All Areas	12,000	N	\$ 12,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 12,000	\$ 12,000			
15	Contract for Bond Services	Fees	12/9/1981	6/30/2036	Bondlogistax, LLC	Bond Arbitrage Rebate	All Areas	12,500	N	\$ 12,500	\$ -	\$ 7,500	\$ -	\$ -	\$ 7,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,000	\$ 5,000				
43	Administrative Cost Reimbursement Agreement	Admin Costs	6/3/2012	6/30/2036	City of Montclair	Administrative Reimbursement Agreement	All Areas	250,000	N	\$ 250,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 250,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 250,000	\$ 250,000			
45	Long Range Property Management Plan Administration	Property Dispositions	6/3/2012	6/30/2036	City of Montclair	Administrative Reimbursement Agreement	All Areas	-	N	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -			
46	Bond Indenture Reporting Requirements	Professional Services	6/3/2012	6/30/2036	City of Montclair	Administrative	All Areas	8,000	N	\$ 8,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 8,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 8,000	\$ 8,000			
49	City of Montclair Redevelopment Agency	Litigation	6/3/2012	6/30/2036	Best & Krieger LLP	Legal services related to litigation	All Areas	-	N	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -			
51	Property Management Housing Entry Administrative Cost Allowance	Housing Entry Admin Cost	2/18/2014	7/1/2018	Montclair Housing Authority - Successor Housing Entry	Administrative costs in connection with low and moderate income properties	All Areas	750,000	N	\$ 450,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 450,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 450,000			
52	Long Range Property Management Plan Preparation	Professional Services	6/3/2012	6/30/2014	City of Montclair	Prior unpaid LRPMP Costs - Unpaid Administrative Reimbursement Agreement	All Areas	-	Y	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -			
53	Successor Agency reserves improperly applied on ROPS 15-14B and utilized not for administrative costs but other obligations	Admin Costs	6/30/2014	6/30/2014	City of Montclair	Prior Reserves claimed on ROPS 15-14B to be used to pay administrative costs but incorrectly reflected by DCF against other obligations.	All Areas	-	Y	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -			
54	Contract for Appraisal Services	Project Management Costs	1/1/2014	6/30/2014	Integra Ellis	Continuing Appraisals of	All Areas	-	N	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -			
55									N	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -			
56									N	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -			
57									N	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -			
58									N	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -			
59									N	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -			
60									N	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -			
61									N	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -			
62									N	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -			
63									N	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -			
64									N	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -			
65									N	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -			
66									N	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -			
67									N	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -			
68									N	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -			
69									N	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -			

Montclair Recognized Obligation Payment Schedule (ROPS 16-17) - Report of Cash Balances
(Report Amounts in Whole Dollars)

A	B	C	D	E	F	G	H	I	Comments								
										Cash Balance Information by ROPS Period							
										Fund Sources							
Bond Proceeds	Reserve Balance	Other	RPTTF														
Bonds issued on or before 12/31/10 or after 01/01/11	Prior ROPS period balances and DDR RPTTF balances retained	Prior ROPS RPTTF distributed as reserve for future period(s)	Rent, grants, interest, etc.	Non-Admin and Admin													
Cash Balance Information by ROPS Period																	
ROPS 15-16A Actuals (07/01/15 - 12/31/15)																	
1	Beginning Available Cash Balance (Actual 07/01/15)	6,572,673				995,079	214,515		Line 7 ROPS 15-16B.								
2	Revenue/Income (Actual 12/31/15) RPTTF amounts should tie to the ROPS 15-16A distribution from the County Auditor-Controller during June 2015								Column H - By law ROPS payment must be made in January and June and San Bernardino County pays when they are due. Therefore, this Form is in Error as to show the amount as indicated would not allow reconciliation to actual cash balances. ROPS 15-16A was received in June 2015 and therefore it is included in the July 1, 2015 cash balances above and cannot be reported here and reconcile with the cash balance.								
3	Expenditures for ROPS 15-16A Enforceable Obligations (Actual 12/31/15)	2,608,894				4	4		Column C - Amount represents payments of \$2,608,894 for debt service made by trustee during six month period and on hand from ROPS 14-15B.								
4	Retention of Available Cash Balance (Actual 12/31/15) RPTTF amount retained should only include the amounts distributed as reserve for future period(s)																
5	ROPS 15-16A RPTTF Balances Remaining								Column H - Not Applicable as conversion to the annual ROPS did not require Prior Period Adjustment calculation. Therefore, any potential excess was not computed at this point in time.								
6	Ending Actual Available Cash Balance C to G = (1 + 2 - 3 - 4), H = (1 + 2 - 3 - 4 - 5)	\$ 3,963,779	\$ -	\$ -	\$ -	\$ 995,083	\$ 59,695		Agrees to December 31, 2015 cash balances.								
ROPS 15-16B Estimate (01/01/16 - 06/30/16)																	
7	Beginning Available Cash Balance (Actual 01/01/16) (C, D, E, G = 4 + 6, F = H4 + F4 + F6, and H = 5 + 6)	\$ 3,963,779	\$ -	\$ -	\$ -	\$ 995,083	\$ 59,695		Column H - ROPS 15-16B payment received from San Bernardino County January 2016.								
8	Revenue/Income (Estimate 06/30/16) RPTTF amounts should tie to the ROPS 15-16B distribution from the County Auditor-Controller during January 2016	3,785,742					3,007,091		Column C - Debt service on bonds through June 30, 2016. Column G - Net land sales proceeds transferred to trustee. \$995,078 was shown on ROPS 15-16B as reserves for use in reducing RPTTF allocation and in accordance with LRPMP it will be used for debt service on bonds.								
9	Expenditures for ROPS 15-16B Enforceable Obligations (Estimate 06/30/16)								Column H - Transfer to trustee of RPTTF obtained for bonds of \$2,790,663 and \$995,079 of land sale proceeds and interest. Remained is other enforceable obligation monies obtained.								
10	Retention of Available Cash Balance (Estimate 06/30/16) RPTTF amount retained should only include the amounts distributed as reserve for future period(s)	1,137,871				995,083	3,066,786		Column C - Debt service on bonds occurring after June 30, 2016 obtained from ROPS 15-16B.								
11	Ending Estimated Available Cash Balance (7 + 8 - 9 - 10)	\$ 3,963,779	\$ -	\$ -	\$ -	\$ -	\$ -		Column C - Debt service reserves, etc. held by trustee.								

**Successor Agency for the Redevelopment Agency of the City of Montclair
Administrative Budget
July 1 to December 31, 2016**

Attachment No. 2

Approved by Oversight Board on

Administrative Allowance

Staff Costs	% of Staff Time	Six Month Amount
City Manager	5.0%	7,957
Deputy City Manager	40.0%	45,282
Finance Director	25.0%	22,740
Finance Supervisor	5.0%	2,307
Accountant	15.0%	5,834
Office Specialist	10.0%	3,391
Deputy City Clerk	30.0%	12,140
Sub-Total		99,652
Administrative Costs		
Retiree Pension Costs		17,241
Sub-Total		17,241
Insurance Costs		
Share of City liability insurance, public employee bonds, etc.		5,000
Sub-Total		5,000
Legal Costs		
Robbins & Holdaway		500
Stradling, Yocca, Carlson, & Rauth		500
Edward Z. Kotkin		2,000
Sub-Total		3,000
Unallocated		
Unallocated administration to fund overages in other categories		107
Sub-Total		107
TOTAL SIX MONTH ROPS AMINISTRATIVE ALLOWANCE COSTS		125,000

Enforceable Obligations

Staff Costs	Six Month Amount
<u>Bond Indenture Reporting Requirements</u>	
Stradling, Yocca, Carlson & Rauth - Bond Counsel	2,000
Bank of New York Mellon - Trustee	10,000
Bondlogistix LLC - Arbitrage Computations	7,500
Sub-Total	19,500
TOTAL SIX MONTH SEPARATE ENFORCABLE OBLIGATION COSTS	19,500
TOTAL SIX MONTH ROPS ENFORCABLE OBLIGATION COSTS	144,500

**Successor Agency for the Redevelopment Agency of the City of Montclair
Administrative Budget
January 1 to June 30, 2017**

Attachment No. 3

Approved by Oversight Board on

Administrative Allowance

Staff Costs	% of Staff Time	Six Month Amount
City Manager	5.0%	7,957
Deputy City Manager	30.0%	33,962
Finance Director	25.0%	22,740
Finance Supervisor	5.0%	2,307
Accountant	15.0%	5,834
Office Specialist	10.0%	3,391
Deputy City Clerk	30.0%	12,140
Sub-Total		88,332
Administrative Costs		
Retiree Pension Costs		25,000
Sub-Total		25,000
Insurance Costs		
Share of City liability insurance, public employee bonds, etc.		5,000
Sub-Total		5,000
Legal Costs		
Robbins & Holdaway		1,000
Stradling, Yocca, Carlson, & Rauth		1,000
Edward Z. Kotkin		3,000
Sub-Total		5,000
Unallocated		
Unallocated administration to fund overages in other categories		1,668
Sub-Total		1,668
TOTAL SIX MONTH ROPS AMINISTRATIVE ALLOWANCE COSTS		125,000

Enforceable Obligations

Staff Costs	Six Month Amount
<u>Bond Indenture Reporting Requirements</u>	
Stradling, Yocca, Carlson & Rauth - Bond Counsel	2,000
Bank of New York Mellon - Trustee	10,000
Bondlogistix LLC - Continuing Disclosure Report	12,000
Bondlogistix LLC - Arbitrage Computations	5,000
Van Lant & Fankhanel, LLP - Certified Public Accountants	8,000
Sub-Total	37,000
TOTAL SIX MONTH SEPARATE ENFORCABLE OBLIGATION COSTS	37,000
TOTAL SIX MONTH ROPS ENFORCABLE OBLIGATION COSTS	162,000

**MINUTES OF THE CITY OF MONTCLAIR REAL
ESTATE COMMITTEE MEETING HELD ON
MONDAY, DECEMBER 21, 2015 AT 5:30 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 5:30 p.m.

II. ROLL CALL

Present: Council Member Dutrey (Chair); Mayor Eaton (Committee Member); City Manager Starr; Deputy City Manager Staats; Director of Community Development Lustro; City Attorney Robbins; Deputy City Clerk Phillips

III. APPROVAL OF MINUTES

Minutes of the Real Estate Committee of November 16, 2015, were approved.

IV. PUBLIC COMMENT - None.

V. DISCUSSION ITEMS

A. DEVELOPMENT PROPOSALS—PROJECTS NOT OFFICIALLY SUBMITTED FOR FORMAL CITY REVIEW:

1. PROPOSED TRACTS 19926 (22 DETACHED CONDOMINIUMS) AND 19926-1 (9 DETACHED SINGLE FAMILY RESIDENCES), 4975 MISSION BOULEVARD

The Committee reviewed and discussed a proposed site development plan from **Crestwood Communities**, as well as plans for adjacent properties that could potentially be incorporated into the project at a later date if the adjacent property owners decide to sell in the future. The proposed plans would require a General Plan amendment and zone change because the properties are currently designated for commercial use.

Mr. Kevin Kent, representing **Crestwood Communities**, commented on the status of negotiations for the adjacent properties and answered questions about floor plans, site security, design, and estimated price point for the condominiums. The Committee discussed creation of a Homeowners' Association for the 22 detached condominiums, long-term fiscal impact of the project on the City's General Fund, and the potential formation of a Community Facilities District.

The Committee recommended **Crestwood Communities** move

forward with its proposal as presented for consideration by the Planning Commission and City Council.

2. PROPOSED 51-UNIT ATTACHED CONDOMINIUM DEVELOPMENT ON 1.07 ACRES (APPROVED TRACT 19971) AND THE ADJACENT 2.24 ACRES OF VACANT LAND, 11000 BLOCK OF CENTRAL AVENUE

The Committee reviewed a request from **Crestwood Communities** to revise approved development plans for Tract 19971 which include new development on an adjacent property. The City Council approved a 13-unit detached condominium project on October 5, 2015, for Tract 19971 on Central Avenue south of **Farmer Boy's**. The developer approached the owner of the property to the south of the approved project again. With an increased likelihood of acquiring the property to the south, **Crestwood Communities** would propose to construct a 51-unit attached condominium development project on the combined properties, effectively scrapping the detached 13-unit plan. The Committee reviewed and discussed **Crestwood Communities'** request, and agreed that this project would produce a better product than the previously approved detached 13-unit project. The Committee recommended that **Crestwood Communities** proceed with developing new plans pending acquisition of the adjacent property.

3. PROPOSED COMMERCIAL AND INDUSTRIAL DEVELOPMENT PROJECT - 4500 BLOCK OF HOLT BOULEVARD AND THE NORTHEAST CORNER OF BROOKS AND RAMONA AVENUE (CASE NO. 2015-19)

The Committee reviewed and discussed the conceptual layout of the proposed project, which includes two quick-serve restaurants and two warehouse buildings. Community Development Director Lustro noted the current zoning designations on the property are Commercial, Industrial, and Business Park, which will need to be changed for this project. He stated staff has been working with the architect on design of the project and is pleased with how it is turning out. The Committee recommended that staff continue working with the developer on this project.

B. UPDATE ON PROPOSED MODIFICATIONS TO THE NORTH MONTCLAIR DOWNTOWN SPECIFIC PLAN TO EXPAND BOUNDARIES AND OTHER PROJECTS WITHIN THE BOUNDARIES OF THE NORTH MONTCLAIR DOWNTOWN SPECIFIC PLAN

Deputy City Manager Staats reported that staff met with the developer that is the main proponent for expanding the North Montclair Downtown Specific Plan (NMDSP) to cover the west side of Monte Vista Avenue across from the **Paseos** development. She noted modifying the NMDSP

would also allow staff to remedy some omissions and clean up some of the now-irrelevant aspects of the plan.

C. PROPOSED ORDINANCE REVISIONS REGARDING MEDICAL MARIJUANA DISPENSARIES AND CULTIVATION PURSUANT TO THE 2015 UPDATED MEDICAL MARIJUANA REGULATION AND SAFETY ACT (MMRSA) <http://www.cacities.org/medicalmarijuana>

City Attorney Robbins noted the Ordinance has had minor revisions since its introduction at the December 7, 2015 Council meeting, and the revised version would be introduced at tonight's Council meeting for a new First Reading.

D. PROGRESS ON DRAFT ORDINANCE ESTABLISHING STANDARDS FOR LED SIGNS RELATED TO AUTOMOBILE SALES

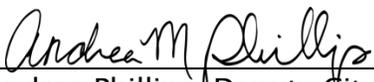
Deputy City Manager Staats noted that Community Development Director Lusto has just completed the first draft of the Ordinance establishing standards for LED signs related to automobile sales. She indicated that it would be brought to the Real Estate Committee after the consultant's review, and then staff may hold a public meeting with the auto dealers to discuss the Ordinance.

E. OTHER ITEMS – None.

VII. ADJOURNMENT

At 6:09 p.m., Council Member Dutrey adjourned the Real Estate Committee.

Submitted for Real Estate Committee approval,



Andrea Phillips, Deputy City Clerk

**MINUTES OF THE MEETING OF THE MONTCLAIR CODE
ENFORCEMENT/PUBLIC SAFETY COMMITTEE HELD ON
MONDAY, DECEMBER 21, 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; Senior Code Enforcement Officer Fondario, Deputy City Attorney Holdaway.

III. APPROVAL OF MINUTES

A. Minutes of Code Enforcement Committee Meeting of October 19, 2015

It was the consensus of the Code Enforcement Committee to approve the minutes of the Code Enforcement Committee meeting of October 19, 2015.

IV. PUBLIC COMMENT

None.

V. OLD BUSINESS

1. Request by Augusta Communities to enforce Vehicle Code within three mobile home parks (PS)

Police Chief/Executive Director, Office of Public Safety deMoet reviewed a staff report he prepared and distributed to the Committee. If this request moves forward, the City Council would have to conduct a hearing on whether or not to approve it and the property owner of the parks would have to post a notice of the meeting. The primary complaints at the parks are parking and speeding. If the City Council approves the request, the Montclair Police Department and its officers would not be required to enforce provisions of the Vehicle Code; it would be at the officers' discretion. The park rules would have to reflect the Vehicle Code. The prima facie speed limit would be 15 mph and anything over that would be in violation. If the property owners want a higher or lower speed limit, an engineering and traffic study must be conducted.

The Vehicle Code allows a city to apply the provisions of the Vehicle Code to

privately-owned property at the request of the property owner if appropriate signs are erected at the park's entrance advising that the property is subject to the Vehicle Code, a public hearing is conducted and the residents/homeowners in the park are given notice of the public hearing.

Council Member Dutrey asked that the park owner do a survey or send a letter to make sure the residents want this and to avoid a lot of angry owners. Police Chief/Executive Director, Office of Public Safety deMoet advised he would contact the park owner to inform him that a survey needs to be done.

2. Status of Police and Finance forms/applications related to massage ordinance (CE)

Sample letters addressed to property owners and business owners and sample forms for use by the Police and Finance Departments were drafted. City Attorney Robbins stated she reviewed the forms and letters and it is clear that the message will be that all employees of a massage establishment must be licensed with CAMTC. Discussion followed regarding compiling a list of the affected property owners/businesses and when the letter would be sent out.

VI. NEW BUSINESS

None.

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

Discussion followed regarding several properties.

VIII. NEXT MEETING

The next meeting is scheduled for Tuesday, January 19, 2016, at 6:00 p.m. in the City Hall Conference Room.

IX. ADJOURNMENT

At 6:47 p.m., Council Member Dutrey adjourned the Code Enforcement/Public Safety Committee.

Submitted for Code Enforcement/ Public Safety
Committee approval,



Laura Embree
Recording Secretary

**MINUTES OF THE MEETING OF THE MONTCLAIR
PERSONNEL COMMITTEE HELD ON MONDAY,
JANUARY 4, 2016, AT 7:45 P.M. IN THE CITY
ADMINISTRATIVE OFFICES, 5111 BENITO STREET,
MONTCLAIR, CALIFORNIA**

I. CALL TO ORDER

Mayor Eaton called the meeting to order at 7:45 p.m.

II. ROLL CALL

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

III. APPROVAL OF MINUTES

**A. Minutes of the Regular Personnel Committee Meeting of
December 21, 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 December 21, 2015.

IV. PUBLIC COMMENT - None

V. CLOSED SESSION

At 7:46 p.m., the Personnel Committee went into Closed Session
regarding personnel matters related to appointments, resignations/
terminations, and evaluations of employee performance.

At 7:52 p.m., the Personnel Committee returned from Closed Session.
Mayor Eaton stated that no announcements would be made at this time.

VI. ADJOURNMENT

At 7:52 p.m., Mayor Eaton adjourned the Personnel Committee.

Submitted for Personnel Committee approval,



Edward C. Starr
City Manager