

**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

May 2, 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](http://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 (CC), Successor Agency Board of Directors (SA), Montclair Housing Corporation Board of Directors (MHC), Montclair Housing Authority Commissioners (MHA), and Montclair Community Foundation Board of Directors (MCF)

**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. Proclamation Declaring May 5, 2016 as "National Day of Prayer" in the City of Montclair
- B. Introduction of Police Department Canine, Cù Bòcan
- C. Presentation of Certificates of Recognition to Montclair Community Members in Recognition of Acts Related to the "State Incident" Fire
- D. Presentation of Lifesaving Awards to Montclair Police Officers in Recognition of Acts Related to the "State Incident" Fire

**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 (Acting Bodies). (Government Code Section 54954.3)*

*Under the provisions of the Brown Act, the Acting Bodies are prohibited from taking action on items not listed on the agenda.*

**VII. PUBLIC HEARINGS**

- A. First Reading — Introduction of Ordinance No. 16-956 Amending Sections 9.20.460 and 9.20.465 of the Montclair Municipal Code Related to the Equivalent Dwelling Unit Value and Setting a Public Hearing for Second Reading and Adoption of Ordinance No. 16-956 on Monday, June 6, 2016, at 7:00 P.M. in the City Council Chambers [CC] 4

**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 April 18, 2016 [CC/SA/MHC/MHA/MCF]
- B. Administrative Reports
  - 1. Consider Waiving All Plan Checking and Permit Fees Associated with the Construction of the Monte Vista Avenue/Union Pacific Railroad Grade Separation Project [CC] 8
  - 2. Consider Adoption of the City of Montclair City Council Policy and Appointment Process Manual, 2016 Edition [CC] 9
  - 3. Consider Approval of Warrant Register and Payroll Documentation [CC] 11
- C. Agreements
  - 1. Consider Approval of Agreement No. 16-37, a Cooperative Agreement with Monte Vista Water District for Pavement Rehabilitation of Denver Street [CC]  
  
Consider Authorizing City Manager Edward C. Starr to Sign the Agreement, Subject to Final Approval by City Attorney [CC] 12

**IX. PULLED CONSENT CALENDAR ITEMS**

**X. RESPONSE** — None

**XI. COMMUNICATIONS**

- A. City Department Reports — None
- B. City Attorney
- C. City Manager/Executive Director
- D. Mayor/Chairman
  - 1. Announcement of Vacancies on the Community Action Committee
  - 2. Cancellation of May 16, 2016 Regular Joint CC/SA/MHC/MHA/MCF Meeting
- E. Council/SA Board/MHC Board/MHA Commissioners/MCF Board

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

- |   |    |
|---|----|
| 1. Minutes of the Code Enforcement/Public Safety Committee Meeting of April 18, 2016 [CC] | 17 |
| 2. Minutes of the Personnel Committee Meeting of April 18, 2016 [CC]                      | 19 |

**XII. APPEAL HEARING OF ANDREW SCHWAB**

*(Council may consider continuing this item to an adjourned meeting on Thursday, June 2, 2016, at 6:30 p.m. in the City Council Chambers.)*

**XIII. ADJOURNMENT OF CITY COUNCIL, SUCCESSOR AGENCY BOARD OF DIRECTORS, MONTCLAIR HOUSING CORPORATION BOARD OF DIRECTORS, MONTCLAIR HOUSING AUTHORITY COMMISSIONERS, AND MONTCLAIR COMMUNITY FOUNDATION BOARD OF DIRECTORS**

*The next regularly scheduled joint City Council, Successor Agency Board, Montclair Housing Corporation Board, Montclair Housing Authority Commission, and Montclair Community Foundation meeting on May 16, 2016, has been cancelled. The next regularly scheduled joint meeting will be held on Monday, June 6, 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 Acting Bodies after distribution of the Agenda packet are available for public inspection in the City Clerk's Office 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, Stephanie N. Hickerson, Administrative Technician, 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, 5111, Benito Street, Montclair, California, on April 28, 2016.*

# AGENDA REPORT

**SUBJECT:** FIRST READING — INTRODUCTION OF ORDINANCE NO. 16-956 AMENDING SECTIONS 9.20.460 AND 9.20.465 OF THE MONTCLAIR MUNICIPAL CODE RELATED TO THE EQUIVALENT DWELLING UNIT VALUE AND SETTING A PUBLIC HEARING FOR SECOND READING AND ADOPTION OF ORDINANCE NO. 16-956 ON MONDAY, JUNE 6, 2016, AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS

**DATE:** May 2, 2016  
**SECTION:** PUBLIC HEARINGS  
**ITEM NO.:** A  
**FILE I.D.:** SEW125  
**DEPT.:** PUBLIC WORKS

**REASON FOR CONSIDERATION:** Inland Empire Utilities Agency has proposed new rates for connections to sewer systems that discharge to its sewage treatment facilities. Adjustments to the fee currently charged by the City are now required. Since the connection fee is set by the Montclair Municipal Code, adjustments to the fee must be made by ordinance. An ordinance requires a public hearing and consideration by the City Council.

**BACKGROUND:** The Regional Sewage Supplemental Capital Outlay Fee for residential, commercial, and industrial structures, commonly known as the connection fee, is set forth in Chapter 9.20.460 of the Montclair Municipal Code. This fee, which is established by the Inland Empire Utilities Agency (IEUA) and assessed by the City at the time a building permit is issued, must be paid to IEUA for each new building connected to a sewer. In addition, the City also charges a fee for connection to the sewer system to assist with future expansion of the system.

IEUA has proposed a multiple-year step increase. Corresponding to the rates, staff proposes increases to existing City rates as well. The rates and effective dates as adopted by the IEUA Board of Directors are as follows:

Adopted IEUA Rate	Proposed City Rate	Effective Date
\$5,415	\$540	January 1, 2016
\$6,009	\$600	January 1, 2017
\$6,309	\$630	July 1, 2017
\$6,624	\$660	July 1, 2018
\$6,955	\$700	July 1, 2019

Prepared by:

Fiscal Impact  
Finance Review:

Proofed by:

Reviewed and  
Approved By:

The connection fee is a pass through fee collected by the City and then sent to IEUA when a call is made for them. The interest earned on these fees until a call is made is kept by the City and can be used by the City for any sewer related purpose. All agencies served by IEUA are able to do this. In addition to the interest earned on the connection fees, a few agencies, including the City of Montclair, add on a surcharge to the connection fee in order to expand their own facilities.

**FISCAL IMPACT:** Failure to adopt the recommended fee increases would result in a negative fiscal impact to the sewer fund as the City would still be responsible for payment of the increased fees to IEUA whenever a call for funds is made.

**RECOMMENDATION:** Staff recommends the City Council introduce Ordinance No. 16-956 amending Sections 9.20.460 and 9.20.465 of the Montclair Municipal Code related to the equivalent dwelling unit value, and set a public hearing for second reading and adoption of Ordinance No. 16-956 on Monday, JUNE 6, 2016 at 7:00 p.m. in the Council Chambers.

**ORDINANCE NO. 16-956**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR AMENDING SECTIONS 9.20.460 AND 9.20.465 OF THE MONTCLAIR MUNICIPAL CODE RELATED TO THE REGIONAL SEWAGE SUPPLEMENTAL CAPITAL OUTLAY FEE**

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

**Section I. Amendment to Code.** Section 9.20.460 of Title 9 of the Montclair Municipal Code is hereby amended as follows:

Section 9.20.460: Equivalent dwelling unit value.

The Regional Sewage Supplemental Capital Outlay Fee for residential, commercial, and industrial structures shall be the equivalent dwelling unit (EDU) number multiplied by the EDU value of Five Thousand Four Hundred Fifteen Dollars (\$5,415) as established by the Inland Empire Utilities Agency effective January 1, 2016; Six Thousand Nine Dollars (\$6,009) as established by the Inland Empire Utilities Agency effective January 1, 2017; Six Thousand Three Hundred Nine Dollars (\$6,309) as established by the Inland Empire Utilities Agency effective July 1, 2017; Six Thousand Six Hundred Twenty-Four Dollars (\$6,624) effective July 1, 2018; and Six Thousand Nine Hundred Fifty-Five Dollars (\$6,955) as established by the Inland Empire Utilities Agency effective July 1, 2019. The EDU value is based on construction costs and takes into consideration the current Engineering News-Record Construction Cost Index nationwide using the 20-city average.

Section 9.20.465 is hereby is hereby amended as follows:

Section 9.20.465: Sanitary Sewer Expansion Fee

The Sanitary Sewer Expansion Fee for residential, commercial, and industrial structures shall be the equivalent dwelling unit (EDU) number multiplied by the EDU value of Five Hundred Forty Dollars (\$540) effective January 1, 2016; Six Hundred Dollars (\$600) effective January 1, 2017; Six Hundred Thirty Dollars (\$630) effective July 1, 2017; Six Hundred Sixty Dollars (\$660) effective July 1, 2018; and Seven Hundred Dollars (\$700) effective July 1, 2019.

**Section II. Severability.**

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

**Section III. Effective Date.**

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

**Section IV. Posting.**

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

APPROVED AND ADOPTED this XX day of XX, 20XX.

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Mayor

ATTEST:

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Deputy City Clerk

I, Andrea M. Phillips, Deputy City Clerk of the City of Montclair, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 16-956 of said City, which was introduced at a regular meeting of the City Council held on the XX day of XX, 20XX, and finally passed not less than five (5) days thereafter on the XX day of XX, 20XX, by the following vote, to-wit:

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

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Andrea M. Phillips  
Deputy City Clerk

## AGENDA REPORT

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<b>SUBJECT:</b> CONSIDER WAIVING ALL PLAN CHECKING AND PERMIT FEES ASSOCIATED WITH THE CONSTRUCTION OF THE MONTE VISTA AVENUE/UNION PACIFIC RAILROAD GRADE SEPARATION PROJECT	<b>DATE:</b> May 2, 2016
	<b>SECTION:</b> ADMIN. REPORTS
	<b>ITEM NO.:</b> 1
	<b>FILE I.D.:</b> STA110
	<b>DEPT.:</b> PUBLIC WORKS

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**REASON FOR CONSIDERATION:** Work done by private contractors within public rights-of-way or on private property typically require construction or building permits issued by the City. Fees for permits are set by City Council resolution and waiving these fees is subject to City Council action.

**BACKGROUND:** A request has been made by San Bernardino Associated Governments (SANBAG), the lead agency and funding agency for the construction of the Monte Vista Avenue/Union Pacific Railroad Grade Separation Project, to waive permit fees associated with the project. Typically, construction permit fees are waived by the City for City-sponsored projects, and Building Division permit fees are waived when a City-sponsored project is funded by the General Fund or certain restricted funds. There is currently no policy for waiving fees for projects funded by other government agencies, except by specific Council action.

The requested action by SANBAG does not affect business license fees. Those fees will still be required of the general contractor and all subcontractors performing work on this project.

**FISCAL IMPACT:** The Building Division has estimated plan review and building permit fees for the construction of the Monte Vista Avenue/Union Pacific Railroad Grade Separation Project to be approximately \$8,700. If the fees are waived, costs associated with plan checking and inspections will be absorbed by the General Fund.

**RECOMMENDATION:** Staff recommends the City Council waive all plan checking and permit fees associated with the construction of the Monte Vista Avenue/Union Pacific Railroad Grade Separation Project.

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

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# AGENDA REPORT

**SUBJECT:** CONSIDER ADOPTION OF THE CITY OF MONTCLAIR CITY COUNCIL POLICY AND APPOINTMENT PROCESS MANUAL, 2016 EDITION

**DATE:** May 2, 2016  
**SECTION:** ADMIN. REPORTS  
**ITEM NO.:** 2  
**FILE I.D.:** ADM110  
**DEPT.:** CITY MGR.

**REASON FOR CONSIDERATION:** It is necessary to update the City Council Policy and Appointment Process Manual periodically in order to keep the information current and to revise appointment processes.

A copy of the proposed City Council Policy and Appointment Process Manual, 2016 Edition is included in the City Council's agenda packet for review and consideration.

**BACKGROUND:** On March 4, 1996, the City Council formalized the appointment process for various commissions, boards, and committees by adopting the City Council Policy and Appointment Process Manual. The manual was amended on August 16, 1999, to add other City Council policies and state laws regulating the conduct of public meetings in order to make it a more complete and useful resource; however, it has not been updated since that time. Many items are now outdated, inaccurate, and some appointment procedures included advertisements published in the newspaper, which has become extremely costly in recent years compared to the late 1990s.

Proposed amendments in the 2016 Edition of the manual include:

- Information related to compensation for serving on the City Council was updated pursuant to Ordinance No. 06-872, and the Community Action Committee and Planning Commission compensation levels were also updated pursuant to Resolution No. 06-2644. Currently the manual reflects the 1999 compensation levels.
- The City Council's "Policy Statement Related to the Appointment of City Council Members," which was originally adopted by the Montclair City Council in 1984 pursuant to Ordinance No. 84-588, was repealed pursuant to Ordinance No. 96-758; however, it was inadvertently left in the 1999 version of the manual. The manual now correctly reflects that this policy was repealed, and that Government Code Section 36512(b) governs the process for filling a City Council vacancy.
- The advertisement process for Community Action Committee (CAC) and Planning Commission (PC) vacancy notices was amended. The new proposed advertisement guidelines would eliminate the requirement to publish notices of vacancy for CAC and PC in the *Inland Valley Daily Bulletin* and increase the

Prepared by: Andrea M Phillips

Fiscal Impact  
Finance Review: Donald L Parker

Proofed by: M [Signature]

Reviewed and  
Approved By: [Signature]

number of posting outlets to include the City's Facebook and Twitter social media pages, in addition to posting to the City's website, the City Manager's Weekly Report, all City facilities, the Montclair Branch Library, the Chamber of Commerce, public access cable television, and the City's announcement slideshow on display in the City Hall lobby.

- Contact information related to the West Valley Mosquito and Vector Control District (WVMVCD) Board was updated, and some amendments are proposed including categorizing it as an appointment to an external agency board, and changing the appointment procedure from an open application procedure that requires newspaper advertisements, to an appointment procedure where the Mayor appoints a representative from the City Council.

The past two appointment procedures have yielded no applicants besides the current appointee, and advertising the vacancy costs roughly \$3,000 per application period. There have also been issues in the past with appointees not attending the WVMVCD Board meetings, resulting in their removal and the requirement to conduct additional vacancy advertisements.

According to WVMVCD staff, other cities represented on the Board have assigned Council Members as their representatives. Appointing a Council Member would ensure more accountable representation at the WMVCD Board meetings, and would allow the appointee to consistently report to the Montclair community at regular City Council meetings.

- Committees were re-ordered and categorized in the Manual based on whether they are active, ad hoc, inactive, or dissolved.
- Revised departments and staff members assigned to specific duties in relation to appointment processes and meeting procedures — Certain positions, such as the City Manager's Secretary, no longer exist and some staff position titles that were assigned as liaison to committees have changed—revisions reflect current departments, positions, and staff assignments.
- Government Code section references and excerpts that have changed since the Policy's last amendment in 1999, including the most recent version of the Ralph M. Brown Act, were updated.
- Minor revisions were made to forms used during appointment processes over the years, such as small formatting changes and the addition of lines to request biographical and contact information.
- Election/Appointment histories, Local Appointment List, and City Council Liaison Assignments were updated.
- Spelling and grammatical errors were corrected and formatting inconsistencies were addressed throughout the manual.

**FISCAL IMPACT:** The proposed changes to the posting guidelines for vacancy notices would save the City approximately \$3,000 per year in newspaper advertisement costs per body that currently requires advertisement of vacancies in a newspaper, plus the cost of any unanticipated vacancies that occur other than by a term ending.

**RECOMMENDATION:** Staff recommends that the City Council adopt the City of Montclair City Council Policy and Appointment Process Manual, 2016 Edition.

# AGENDA REPORT

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**SUBJECT:** CONSIDER APPROVAL OF WARRANT REGISTER AND PAYROLL DOCUMENTATION      **DATE:** May 2, 2016  
**SECTION:** ADMIN. REPORTS  
**ITEM NO.:** 3  
**FILE I.D.:** FIN540  
**DEPT.:** ADMIN. SVCS.

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

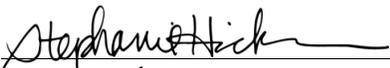
**BACKGROUND:** Mayor Pro Tem Raft has examined the Warrant Register dated May 2, 2016, and the Payroll Documentation dated April 17, 2016, and recommends their approval.

**FISCAL IMPACT:** The Warrant Register dated May 2, 2016, totals \$1,453,214.83. The Payroll Documentation dated April 17, 2016, totals \$582,999.15 gross, with \$411,111.16 net being the total cash disbursement.

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

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

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## AGENDA REPORT

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<b>SUBJECT:</b> CONSIDER APPROVAL OF AGREEMENT NO. 16-37, A COOPERATIVE AGREEMENT WITH MONTE VISTA WATER DISTRICT FOR PAVEMENT REHABILITATION OF DENVER STREET	<b>DATE:</b> May 2, 2016
	<b>SECTION:</b> AGREEMENTS
	<b>ITEM NO.:</b> 1
	<b>FILE I.D.:</b> STA650
CONSIDER AUTHORIZING CITY MANAGER EDWARD C. STARR TO SIGN THE AGREEMENT, SUBJECT TO FINAL APPROVAL BY CITY ATTORNEY	<b>DEPT.:</b> PUBLIC WORKS

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**REASON FOR CONSIDERATION:** Monte Vista Water District (District) has requested the City to delete some pavement rehabilitation for Denver Street from its contract with Gentry Brothers, Inc., to allow time for the District to replace a water line. Upon completion of the water line work, District will resurface the street and be reimbursed by the City for the pavement work. A cooperative agreement is required for this work. Agreements with the City require City Council approval.

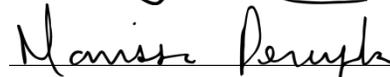
A copy of proposed Agreement No. 16-37 between the City of Montclair and Monte Vista Water District for pavement rehabilitation of Denver Street is attached for the City Council's review and consideration.

**BACKGROUND:** On April 18, 2016, the City Council entered into Agreement No. 16-30 with Gentry Brothers, Inc. (Gentry), for the Eastern Zone 3 Montclair Street Rehabilitation Project. This project is intended to repair uplifted curb, gutter, and sidewalk, as well as resurface residential streets throughout a large area of eastern Montclair. Project limits are from San Bernardino Street on the north, Benson Avenue on the east, Orchard Street on the south, and Central Avenue on the west. Included within these limits is Denver Street between Bel Air and Del Mar Avenues.

Subsequent to the award of the construction contract with Gentry, Monte Vista Water District informed the City of the District's need to replace the water line in Denver Street, and requested the City to delay the pavement rehabilitation for this street. The District estimated the delay to be two months. Gentry informed the City that it expected to be done with the full rehabilitation project before the District could even start the water line work, and that to come back and complete the street resurfacing work for that section of Denver Street would result in additional charges. Furthermore, it could be a few months before Gentry would be able to return due to other contractual obligations.

The District proposed having the City delete the Denver Street portion of the work from the City's contract with Gentry, and having the District include the deleted resurfacing in its water line contract. The District further proposed that the City pay to the District that amount of money saved from the Gentry contract to compensate the District for

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

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the resurfacing of Denver Street upon completion of the water line work.

The proposal is reasonable and a good alternative to the District cutting into Denver Street after it has been resurfaced by the City. Therefore, staff recommends approval of proposed Agreement No. 16-37.

The terms of the cooperative agreement and amount of work to be deleted from the Gentry contract are still being developed. Due to the cancellation of the May 16, 2016 Council meeting, staff is requesting that the City Council authorize the City Manager to sign proposed Agreement No. 16-37 once the details are all complete to the satisfaction of staff, the District, and the City Attorney.

**FISCAL IMPACT:** The proposed reduction of the scope of work for Gentry Brothers, Inc., will result in a savings that will be offset by the same amount in payment to the District for the resurfacing work. There is no net fiscal impact to the City.

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

1. Approve Agreement No. 16-37, a cooperative agreement with Monte Vista Water District for pavement rehabilitation of Denver Street.
2. Authorize City Manager Edward C. Starr to sign the agreement, subject to final approval by City Attorney.

**CITY OF MONTCLAIR**  
**COOPERATIVE AGREEMENT WITH MONTE VISTA WATER DISTRICT**  
**FOR PAVING OF DENVER STREET**

THIS AGREEMENT is made and effective this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by and between the City of Montclair, a municipal corporation ("City") and Monte Vista Water District, a county water district ("District").

**RECITALS**

**WHEREAS**, City has entered into Agreement No. 16-30 with Gentry Brothers, Inc., (Gentry) for public right-of-way and street improvements on a project known as the Eastern Zone 3 Street Pavement Rehabilitation Project, hereinafter referred as PROJECT; and

**WHEREAS**, City has begun construction on PROJECT; and

**WHEREAS**, District has requested the City to delete paving those portions of Project along Denver Street between Bel Air and Del Mar Avenues to accommodate the District installing its Denver Street Pipeline Project for which plans have been made available to the City; and

**WHEREAS**, the paving to be deleted consists of a curb-to-curb 2-inch grind and overlay and is estimated to be over an area of approximately 41,000 square feet; and

**WHEREAS**, District has offered to pave the before mentioned deleted portion of City's PROJECT and has requested the City to reimburse District for such paving in an amount not-to-exceed what it would have otherwise paid Gentry per the unit costs under City's PROJECT.

**NOW, THEREFORE, FOR GOOD AND SUFFICIENT CONSIDERATION, RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, IT IS AGREED** by and between City and

District as follows:

1. City shall delete the paving work from its contract with Gentry those areas within the District's Denver Street Pipeline project;
2. District shall pave said deleted paving areas within the Denver Street Pipeline Project to the same standard and specifications as identified in PROJECT;
3. City shall reimburse District for said paving in an amount not to exceed what it would have otherwise paid Gentry per the unit prices in City's contract with Gentry for PROJECT;
4. In the event that the paving costs incurred by the District exceed the amount that City would have otherwise paid under its contract with Gentry for PROJECT, District shall be solely responsible to bear that additional cost;
5. District shall commence with the Denver Street Pipeline project and before mentioned paving work as soon as practical,
6. City shall, within 30 days of invoicing by District, reimburse District for its actual paving costs in an amount not to exceed what the City would have otherwise have incurred under its PROJECT with Gentry.

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

**DISTRICT:**  
**MONTE VISTA WATER DISTRICT**

**CITY:**  
**CITY OF MONTCLAIR**

By: \_\_\_\_\_  
Mark Kinsey, General Manager

By: \_\_\_\_\_  
Edward C. Starr, City Manager

**ATTEST:**

By: \_\_\_\_\_

By: \_\_\_\_\_  
Andrea M. Phillips, Deputy City Clerk

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
Andrew Gagen,  
General Legal Counsel

By: \_\_\_\_\_  
Diane E. Robbins,  
City Attorney

**MINUTES OF THE MEETING OF THE MONTCLAIR  
CODE ENFORCEMENT/PUBLIC SAFETY COMMITTEE  
HELD ON TUESDAY, APRIL 18, 2016, AT 6:15 P.M.  
IN THE CITY HALL CONFERENCE ROOM,  
5111 BENITO STREET, MONTCLAIR, CALIFORNIA**

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**I. CALL TO ORDER**

Mayor Pro Tem Raft called the meeting to order at 6:15 p.m.

**II. ROLL CALL**

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

**III. APPROVAL OF MINUTES**

**A. Minutes of Code Enforcement/Public Safety Committee Meeting of February 16, 2016**

It was the consensus of the Code Enforcement Committee to approve the minutes of the Code Enforcement/Public Safety Committee meeting of February 16, 2016.

**IV. PUBLIC COMMENT**

None.

**V. OLD BUSINESS**

**1. Update on request by Augusta Communities to enforce Vehicle Code within three mobile home parks (PS)**

Police Chief/Executive Director, Office of Public Safety deMoet commented the owner thought he would be able to attend the meeting to share the results of the survey that was conducted; however, he will likely attend the May meeting.

Council Member Dutrey commented that he met with Suzanne Taylor from Augusta Communities. She gave him a tour and stated she wants the Police Department to have a way to enforce within the parks.

Police Chief/Executive Director, Office of Public Safety deMoet stated the Police Department would not oppose it.

City Attorney Robbins commented that we will need an indemnification agreement stating the Police Department will be enforcing at its discretion.

Discussion followed regarding other items to consider such as unregistered vehicles within the park, unregistered golf carts, golf carts and driver licenses, and skateboards.

## **VI. NEW BUSINESS**

1. 5505 Moreno, Suite 105 – Chubby’s Med House

A suspected medical marijuana dispensary that has been unresponsive was turned over to City Prosecutor Eckart’s office, which sent a letter to the property owner and the attorney for the tenant requesting consent to perform an inspection within ten days.

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

1. Senior Code Enforcement Officer Fondario updated the Committee on several problem properties.

## **VIII. NEXT MEETING**

The next meeting is scheduled for Monday, May 16, 2016, at 6:15 p.m. in the City Hall Conference Room.

## **IX. ADJOURNMENT**

At 6:27 p.m., Mayor Pro Tem Raft adjourned the Code Enforcement/Public Safety Committee.

Submitted for Code Enforcement/  
Public Safety Committee approval,



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Laura Embree  
Recording Secretary

**MINUTES OF THE MEETING OF THE MONTCLAIR  
PERSONNEL COMMITTEE HELD ON MONDAY,  
APRIL 18, 2016, AT 8:17 P.M. IN THE CITY  
ADMINISTRATIVE OFFICES, 5111 BENITO STREET,  
MONTCLAIR, CALIFORNIA**

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**I. CALL TO ORDER**

Mayor Pro Tem Raft called the meeting to order at 8:17 p.m.

**II. ROLL CALL**

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

**III. APPROVAL OF MINUTES**

**A. Minutes of the Regular Personnel Committee Meeting of April 4, 2016.**

Moved by City Manager Starr, seconded by Mayor Pro Tem Raft, and carried unanimously to approve the minutes of the Personnel Committee meeting of April 4, 2016.

**IV. PUBLIC COMMENT - None**

**V. CLOSED SESSION**

At 8:18 p.m., the Personnel Committee went into Closed Session regarding personnel matters related to appointments, resignations/terminations, and evaluations of employee performance.

At 8:35 p.m., the Personnel Committee returned from Closed Session. Mayor Pro Tem Raft stated that no announcements would be made at this time.

**VI. ADJOURNMENT**

At 8:35 p.m., Mayor Pro Tem Raft adjourned the Personnel Committee.

Submitted for Personnel Committee approval,



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Edward C. Starr  
City Manager