



**REGULAR JOINT MEETING OF THE  
CITY COUNCIL, SUCCESSOR AGENCY, MONTCLAIR HOUSING CORPORATION,  
MONTCLAIR HOUSING AUTHORITY, AND MONTCLAIR COMMUNITY FOUNDATION**

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

Tuesday, February 20, 2024  
7:00 p.m.

*Remote Participation Information:*

Zoom Link: <https://zoom.us/j/93717150550>  
Dial Number: 1 (669) 900-6833  
Meeting ID: 937-1715-0550

*Please be advised that those participating via Zoom do so at their own risk. The meeting will not be suspended or cancelled if any technical issues occur during the meeting.*

*If you want to provide comments on an agenda item, including public hearing and closed session items, please complete a Speaker Card located in the Council Chambers or online at <https://www.cityofmontclair.org/public-comment/>. The Mayor/Chair (or the meeting's Presiding Officer) will call on those who submitted requests to speak at the appropriate times during the meeting. Those who did not submit a request to speak who are present at the meeting location may raise their hand during Public Comment to request to speak. Those participating remotely may request speak using the "raise hand" function in Zoom or may dial \*9 if on the phone, and then \*6 to un-mute when called on to speak. Written comments (200-word limit per agenda item, and 200-word limit for all non-agenda items combined) and requests to speak can also be emailed to [cityclerk@cityofmontclair.org](mailto:cityclerk@cityofmontclair.org) at least one hour before the meeting begins.*

*Video recordings of Council meetings are available on the City's website at <https://www.cityofmontclair.org/council-meetings/> and can be accessed by the end of the business day following the meeting.*

## **AGENDA**

- I. CALL TO ORDER** City Council [CC], Successor Agency Board [SA],  
Montclair Housing Corporation Board [MHC],  
Montclair Housing Authority Commission [MHA],  
Montclair Community Foundation Board [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. Introduction of Promoted Police Department Employee

**VI. PUBLIC COMMENT**

*During Public Comment, you may comment on any subject that **does not** appear on this agenda. Each speaker has up to five minutes. The meeting's presiding officer may provide more or less time to accommodate speakers with special needs or a large number of speakers waiting in line. (Government Code Section 54954.3).*

*If you submitted a Speaker Card to speak on an item that does appear on the agenda, the presiding officer will be notified by the City Clerk and will call on you to speak at the time of the item's consideration.*

*Under the provisions of the Brown Act, the meeting bodies are prohibited from participating in substantial discussion of or taking action on items not listed on the agenda.*

**VII. PUBLIC HEARINGS**

- A. Consider Continuing First Reading of Ordinance No. 24-1007 Amending Title 11 of the Montclair Municipal Code Relating to Urban Lot Splits and Two-Unit Projects in the R-1 Single-Family Residential Zones Within City Limits (Case No. 2023-37) to Monday, March 4, 2024, at 7:00 p.m. in the City Council Chambers [CC] 4

**VIII. CONSENT CALENDAR**

- A. Approval of Minutes
  - 1. Special Meeting — January 16, 2024 [CC] 41
  - 2. Regular Joint Meeting — February 5, 2024 [CC/SA/MHC/MHA/MCF] 42
- B. Administrative Reports
  - 1. Consider Receiving and Filing of Treasurer’s Report [CC] 5
  - 2. Consider Approval of Warrant Register & Payroll Documentation [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 Declaring a 2000 Chevrolet S-10 Blazer (Unit 223) and a 2003 Honda CRV (Unit 204) as Surplus Vehicles Available for Parts or for Sale at Auction [CC] 13
  - 10. Consider Approval of Parcel Map No. 20393 Located on the North Side of Mission Boulevard Approximately 250 Feet East of Monte Vista Avenue [CC]  
Consider Authorizing Parcel Map No. 20393 to be Recorded with the Office of the San Bernardino County Recorder, Subject to Final Approval by the City Engineer [CC] 14
- C. Agreements
  - 1. Consider Approval of Agreement No. 24-17 with the United States Marshals Service to Assign One Montclair Police Department Officer to its Pacific Southwest Regional Fugitive Task Force  
Consider Authorizing Police Chief Jason Reed to Sign Said Agreement [CC] 19

- 2. Consider Authorizing Task Order No. 1 Pursuant to Agreement No. 23-67 with Epic Land Solutions to Provide Administrative Right-of-Way Services Related to Easement Acquisitions Along the San Antonio Creek Channel [CC]

Consider Authorizing a \$965,475 Allocation from 2021 Lease Revenue Bond Funds for Costs Associated with the Task Order and Acquisition of Easement Rights [CC]

26

D. Resolutions — None

**IX. PULLED CONSENT CALENDAR ITEMS**

**X. COUNCIL WORKSHOP**

A. Police Department Update

*(The City Council may consider continuing this item to an adjourned meeting on Monday, March 4, 2024, at 5:45 p.m. in the City Council Chambers)*

**XI. COMMUNICATIONS**

A. Department Reports

- 1. Public Works — Upcoming Tree Planting Events

B. City Attorney

C. City Manager/Executive Director

D. Mayor/Chairperson

E. Council Members/Directors

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

- 1. Personnel Committee Meeting — February 5, 2024 [CC]

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**XII. ADJOURNMENT**

*The next regular joint meeting of the City Council, Successor Agency Board, Montclair Housing Corporation Board, Montclair Housing Authority Commission, and Montclair Community Foundation Board will be held on Monday, March 4, 2024 at 7:00 p.m.*

*Reports, backup materials, and additional materials related to any item on this Agenda distributed to the meeting bodies after publication of the Agenda packet are available for public inspection in the Office of the City Clerk between 7:00 a.m. and 6:00 p.m., Monday through Thursday. Please call the City Clerk's Office at (909) 625-9416 or send an e-mail to [cityclerk@cityofmontclair.org](mailto:cityclerk@cityofmontclair.org) to request documents via e-mail.*

*If you need special assistance to participate in this meeting, please contact the City Clerk's Office at (909) 625-9416 or e-mail [cityclerk@cityofmontclair.org](mailto:cityclerk@cityofmontclair.org). Notification 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. Myrick, 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 City's website at <https://www.cityofmontclair.org/agendas/> and on the bulletin board adjacent to the north door of Montclair City Hall at 5111 Benito Street, Montclair, CA 91763 on Thursday, February 15, 2024.*



# CITY COUNCIL AGENDA REPORT

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**DATE:** FEBRUARY 20, 2024

**FILE I.D.:** CDV110

**SECTION:** PUBLIC HEARINGS

**DEPT.:** COMMUNITY DEV.

**ITEM NO.:** A

**PREPARER:** M. DIAZ

**SUBJECT:** CONSIDER CONTINUING FIRST READING OF ORDINANCE NO. 24-1007 AMENDING TITLE 11 OF THE MONTCLAIR MUNICIPAL CODE RELATING TO URBAN LOT SPLITS AND TWO-UNIT PROJECTS IN THE R-1 SINGLE-FAMILY RESIDENTIAL ZONES WITHIN CITY LIMITS (CASE NO. 2023-37) TO MONDAY, MARCH 4, 2024, AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS

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**REASON FOR CONSIDERATION:** City Council action is required to amend the Montclair Municipal Code (MMC). Proposed Ordinance No. 24-1007 would make changes to the MMC and establish local regulations in compliance with Government Code sections 66411.7 and 65852.21, also known as California Senate Bill 9 ("SB 9"), mandating the ministerial approval of Urban Lot Splits and Two-Unit Projects.

Staff is requesting the City Council continue the item to its next regularly scheduled meeting on Monday, March 4, 2024, to enable staff additional time to complete refinements to the proposed ordinance. Since this item was advertised as a public hearing, the City Council is requested to open the public hearing to receive any public testimony, then consider the request for continuation of the first reading of the Ordinance.

**FISCAL IMPACT:** Continuing the hearing to March 4, 2024, would have no fiscal impact.

**RECOMMENDATION:** Staff recommends the City Council continue first reading of Ordinance No. 24-1007 amending Title 11 of the Montclair Municipal Code, relating to Urban Lot Splits and Two-Unit Projects in the R-1 Single-family Residential zones within City limits (Case No. 2023-37) to Monday, March 4, 2024, at 7:00 p.m. in the City Council Chambers.



# CITY COUNCIL AGENDA REPORT

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<b>DATE:</b>	FEBRUARY 20, 2024	<b>FILE I.D.:</b>	FIN520
<b>SECTION:</b>	CONSENT - ADMIN. REPORTS	<b>DEPT.:</b>	FINANCE
<b>ITEM NO.:</b>	1	<b>PREPARER:</b>	J. KULBECK
<b>SUBJECT:</b>	CONSIDER RECEIVING AND FILING OF TREASURER'S REPORT		

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**REASON FOR CONSIDERATION:** The City Council is requested to consider receiving and filing the City of Montclair Treasurer's Report for the month ending January 31, 2024.

**BACKGROUND:** Included in the City Council's agenda packet is a copy of the Treasurer's Report for the period ending January 31, 2024.

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

**RECOMMENDATION:** Staff recommends the City Council receive and file the Treasurer's Report for the month ending January 31, 2024.



# CITY COUNCIL AGENDA REPORT

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<b>DATE:</b>	FEBRUARY 20, 2024	<b>FILE I.D.:</b>	FIN540
<b>SECTION:</b>	CONSENT - ADMIN. REPORTS	<b>DEPT.:</b>	FINANCE
<b>ITEM NO.:</b>	2	<b>PREPARER:</b>	A. VONG/V. FLORES
<b>SUBJECT:</b>	CONSIDER APPROVAL OF WARRANT REGISTER AND PAYROLL DOCUMENTATION		

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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 Johnson has examined the Warrant Register dated February 20, 2024; and the Payroll Documentation dated January 28, 2024, and recommends their approval.

**FISCAL IMPACT:** The Warrant Register dated February 20, 2024, totals \$2,269,494.22.

The Payroll Documentation dated January 28, 2024, totals \$859,719.96 gross, with \$614,715.32 net being the total cash disbursement.

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



# CITY COUNCIL AGENDA REPORT

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<b>DATE:</b>	FEBRUARY 20, 2024	<b>FILE I.D.:</b>	FIN510
<b>SECTION:</b>	CONSENT - ADMIN. REPORTS	<b>DEPT.:</b>	SA
<b>ITEM NO.:</b>	3	<b>PREPARER:</b>	C. RAMIREZ
<b>SUBJECT:</b>	CONSIDER RECEIVING AND FILING OF TREASURER'S REPORT		

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**REASON FOR CONSIDERATION:** The City Council acting as Successor to the Redevelopment Agency Board of Directors (Successor Agency Board) is requested to consider receiving and filing the Successor to the Redevelopment Agency Treasurer's Report for the month ending January 31, 2024, pursuant to state law.

**BACKGROUND:** Included in the Successor Agency Board's agenda packet is a copy of the Successor to the Redevelopment Agency Treasurer's Report for the period ending January 31, 2024.

**FISCAL IMPACT:** Routine—report of the Successor Agency's cash.

**RECOMMENDATION:** Staff recommends the Successor Agency Board receive and file the Successor to the Redevelopment Agency Treasurer's Report for the month ending January 31, 2024.



# CITY COUNCIL AGENDA REPORT

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<b>DATE:</b>	FEBRUARY 20, 2024	<b>FILE I.D.:</b>	FIN530
<b>SECTION:</b>	CONSENT - ADMIN. REPORTS	<b>DEPT.:</b>	SA
<b>ITEM NO.:</b>	4	<b>PREPARER:</b>	C. RAMIREZ
<b>SUBJECT:</b>	CONSIDER APPROVAL OF WARRANT REGISTER		

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**REASON FOR CONSIDERATION:** The City Council acting as Successor to the Redevelopment Agency Board of Directors is requested to consider receiving and filing the Successor to the Redevelopment Agency Warrant Register for the month ending January 31, 2024, pursuant to state law.

**BACKGROUND:** Vice Chair Johnson has examined the Successor to the Redevelopment Agency Warrant Register dated 01.01.24-01.31.24 in the amounts of \$4,897.22 for the Combined Operating Fund and \$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 Chair Johnson recommends the City Council as Successor to the Redevelopment Agency Board of Directors approve the Successor to the Redevelopment Agency Warrant Register for the period ending January 31, 2024.





# CITY COUNCIL AGENDA REPORT

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<b>DATE:</b>	FEBRUARY 20, 2024	<b>FILE I.D.:</b>	FIN525
<b>SECTION:</b>	CONSENT - ADMIN. REPORTS	<b>DEPT.:</b>	MHC
<b>ITEM NO.:</b>	5	<b>PREPARER:</b>	C. RAMIREZ
<b>SUBJECT:</b>	CONSIDER RECEIVING AND FILING OF TREASURER'S REPORT		

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**REASON FOR CONSIDERATION:** The Montclair Housing Corporation Board of Directors is requested to receive and file the Montclair Housing Corporation Treasurer's Report for the month ending January 31, 2024, pursuant to state law.

**BACKGROUND:** Included in the Montclair Housing Corporation Board agenda packet is a copy of the Treasurer's Report for the period ending January 31, 2024.

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

**RECOMMENDATION:** Staff recommends the Montclair Housing Corporation Board of Directors receive and file the Treasurer's Report for the month ending January 31, 2024.



# CITY COUNCIL AGENDA REPORT

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<b>DATE:</b>	FEBRUARY 20, 2024	<b>FILE I.D.:</b>	FIN545
<b>SECTION:</b>	CONSENT - ADMIN. REPORTS	<b>DEPT.:</b>	MHC
<b>ITEM NO.:</b>	6	<b>PREPARER:</b>	C. RAMIREZ
<b>SUBJECT:</b>	CONSIDER APPROVAL OF WARRANT REGISTER		

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**REASON FOR CONSIDERATION:** The Montclair Housing Corporation Board of Directors is requested to consider receiving and filing the Warrant Register for the month ending January 31, 2024, pursuant to state law.

**BACKGROUND:** Vice Chair Johnson has examined the Warrant Register dated 01.01.24-01.31.24 in the amount of \$144,661.13 for the Montclair Housing Corporation and finds it to be in order.

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

**RECOMMENDATION:** Vice Chair Johnson recommends the Montclair Housing Corporation Board of Directors approve the Warrant Register for the period ending January 31, 2024.



# CITY COUNCIL AGENDA REPORT

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<b>DATE:</b>	FEBRUARY 20, 2024	<b>FILE I.D.:</b>	FIN525
<b>SECTION:</b>	CONSENT - ADMIN. REPORTS	<b>DEPT.:</b>	MHA
<b>ITEM NO.:</b>	7	<b>PREPARER:</b>	C. RAMIREZ
<b>SUBJECT:</b>	CONSIDER RECEIVING AND FILING OF TREASURER'S REPORT		

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**REASON FOR CONSIDERATION:** The Montclair Housing Authority Commission is requested to receive and file the Montclair Housing Authority Treasurer's Report for the month ending January 31, 2024, pursuant to state law.

**BACKGROUND:** Included in the Montclair Housing Authority Commission's agenda packet is a copy of the Treasurer's Report for the period ending January 31, 2024.

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

**RECOMMENDATION:** Staff recommends the Montclair Housing Authority Commission receive and file the Treasurer's Report for the month ending January 31, 2024.



# CITY COUNCIL AGENDA REPORT

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<b>DATE:</b>	FEBRUARY 20, 2024	<b>FILE I.D.:</b>	FIN545
<b>SECTION:</b>	CONSENT - ADMIN. REPORTS	<b>DEPT.:</b>	MHA
<b>ITEM NO.:</b>	8	<b>PREPARER:</b>	C. RAMIREZ
<b>SUBJECT:</b>	CONSIDER APPROVAL OF WARRANT REGISTER		

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**REASON FOR CONSIDERATION:** The Montclair Housing Authority Commission is requested to consider receiving and filing the Warrant Register for the month ending January 31, 2024, pursuant to state law.

**BACKGROUND:** Vice Chair Johnson has examined the Warrant Register dated 01.01.24-01.31.24 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 Chair Johnson recommends the Montclair Housing Authority Commission approve the Warrant Register for the period ending January 31, 2024.



# CITY COUNCIL AGENDA REPORT

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**DATE:** FEBRUARY 20, 2024                      **FILE I.D.:** VEH125  
**SECTION:** CONSENT - ADMIN. REPORTS                      **DEPT.:** PUBLIC WORKS  
**ITEM NO.:** 9    **PREPARER:** M. LAWRENCE  
**SUBJECT:** CONSIDER DECLARING A 2000 CHEVROLET S-10 BLAZER (UNIT 223) AND A 2003 HONDA CRV (UNIT 204) AS SURPLUS VEHICLES AVAILABLE FOR PARTS OR FOR SALE AT AUCTION

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**REASON FOR CONSIDERATION:** The City Council is requested to consider declaring a 2000 Chevrolet S-10 Blazer (Unit 223) and a 2003 Honda CRV (Unit 204) as surplus vehicles available for parts or for sale at auction.

**BACKGROUND:** The 2000 Chevy Blazer (Unit 223) and 2003 Honda CRV (Unit #204) are out of commission due to the need of major repairs. Unit 223 has developed a severe engine oil leak that would require engine removal and interior repair that needs replacement due to sun exposure. Unit 204 has electrical system issues and high mileage that would not make the vehicle feasible to repair.

Year and Model	Unit No.	Mileage	VIN	Estimated Value
2000 Chevrolet Blazer	223	51,635	1GNCS13W9Y2374787	\$1,000
2003 Honda CRV	204	88,826	1JHLRD68493C005340	\$1,000

**FISCAL IMPACT:** Staff estimates the City could receive up to \$2,000 dollars for declaring Units 223 and 204 as surplus and auctioning the vehicles.

**RECOMMENDATION:** Staff recommends the City Council declare a 2000 Chevrolet S-10 Blazer (Unit 223) and a 2003 Honda CRV (Unit 204) as surplus vehicles available for parts or for sale at auction.



# CITY COUNCIL AGENDA REPORT

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**DATE:** FEBRUARY 20, 2024                      **FILE I.D.:** LDU350  
**SECTION:** CONSENT - ADMIN. REPORTS                      **DEPT.:** PUBLIC WORKS  
**ITEM NO.:** 10    **PREPARER:** M. HEREDIA

**SUBJECT:** CONSIDER APPROVAL OF PARCEL MAP NO. 20393 LOCATED ON THE NORTH SIDE OF MISSION BOULEVARD APPROXIMATELY 250 FEET EAST OF MONTE VISTA AVENUE

CONSIDER AUTHORIZING PARCEL MAP NO. 20393 TO BE RECORDED WITH THE OFFICE OF THE SAN BERNARDINO COUNTY RECORDER, SUBJECT TO FINAL APPROVAL BY THE CITY ENGINEER

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**REASON FOR CONSIDERATION:** Land subdivisions, including parcel maps and tract maps, are allowed by the Subdivision Map Act, subject to City Council approval. The City Council is requested to consider approval of Parcel Map No. 20393 located on the north side of Mission Boulevard approximately 250 feet east of Monte Vista Avenue, and authorize the recordation of the parcel map with the Office of the San Bernardino County Recorder subject to final approval by the City Engineer.

**BACKGROUND:** On April 25, 2022, the City Council adopted Resolution No. 22-1965, approving Tentative Parcel Map No. 20393, located on the north side of Mission Boulevard approximately 250 feet east of Monte Vista Avenue. The parcel map consolidates three existing parcels on the project site into one parcel. This 5.13-acre project site will be developed as a 115,350-square-foot industrial warehouse building with associated site improvements. Construction activities for the project consist of demolishing a freestanding 8,500-square-foot building, grading, building construction, undergrounding, paving, and landscaping. The site will connect to the existing sanitary sewer system on Mission Boulevard. The existing utility poles and overhead wires on the site and street frontage will be removed.

**FISCAL IMPACT:** Approval of Parcel Map No. 20393 will create an unknown but positive fiscal impact to the City through increased property values and sales taxes.

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

1. Approve Parcel Map No. 20393 located on the north side of Mission Boulevard approximately 250 feet east of Monte Vista Avenue.
2. Authorize Parcel Map No. 20393 to be recorded with the Office of the San Bernardino County Recorder, subject to final approval by the City Engineer.



1 PARCEL  
5.13 ACRES (NET & GROSS)  
MADOLE AND ASSOCIATES, INC.

# PARCEL MAP NO. 20393

IN THE CITY OF MONTCLAIR, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA.

BEING A SUBDIVISION OF PARCELS 1, 2, 3, & 4 of PARCEL MAP NO. 3172, AS PER MAP RECORDED IN BOOK 28 PAGE 89 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

SHEET 2 OF 4 SHEETS  
JUNE, 2023

### NOTARY ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_  
ON \_\_\_\_\_ (DATE) BEFORE ME, \_\_\_\_\_ (NAME AND TITLE OF THE OFFICER)

PERSONALLY APPEARED \_\_\_\_\_ (NAME OF PERSON SIGNING)  
WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/OTHER AUTHORIZED CAPACITY(ES), AND THAT BY HIS/HER/OTHER SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.  
I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.  
WITNESS MY HAND AND OFFICIAL SEAL.

SIGNATURE OF OFFICER \_\_\_\_\_  
MY PRINCIPAL PLACE OF BUSINESS IS IN \_\_\_\_\_ COUNTY.  
MY COMMISSION NUMBER: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

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SIGNATURE OF OFFICER \_\_\_\_\_  
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MY COMMISSION NUMBER: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

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STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_  
ON \_\_\_\_\_ (DATE) BEFORE ME, \_\_\_\_\_ (NAME AND TITLE OF THE OFFICER)

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I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.  
WITNESS MY HAND AND OFFICIAL SEAL.

SIGNATURE OF OFFICER \_\_\_\_\_  
MY PRINCIPAL PLACE OF BUSINESS IS IN \_\_\_\_\_ COUNTY.  
MY COMMISSION NUMBER: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

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COUNTY OF \_\_\_\_\_  
ON \_\_\_\_\_ (DATE) BEFORE ME, \_\_\_\_\_ (NAME AND TITLE OF THE OFFICER)

PERSONALLY APPEARED \_\_\_\_\_ (NAME OF PERSON SIGNING)  
WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/OTHER AUTHORIZED CAPACITY(ES), AND THAT BY HIS/HER/OTHER SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.  
I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.  
WITNESS MY HAND AND OFFICIAL SEAL.

SIGNATURE OF OFFICER \_\_\_\_\_  
MY PRINCIPAL PLACE OF BUSINESS IS IN \_\_\_\_\_ COUNTY.  
MY COMMISSION NUMBER: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

### NOTARY ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_  
ON \_\_\_\_\_ (DATE) BEFORE ME, \_\_\_\_\_ (NAME AND TITLE OF THE OFFICER)

PERSONALLY APPEARED \_\_\_\_\_ (NAME OF PERSON SIGNING)  
WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/OTHER AUTHORIZED CAPACITY(ES), AND THAT BY HIS/HER/OTHER SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.  
I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.  
WITNESS MY HAND AND OFFICIAL SEAL.

SIGNATURE OF OFFICER \_\_\_\_\_  
MY PRINCIPAL PLACE OF BUSINESS IS IN \_\_\_\_\_ COUNTY.  
MY COMMISSION NUMBER: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_



1 PARCEL  
5.13 ACRES (NET & GROSS)  
MADOLE AND ASSOCIATES, INC.

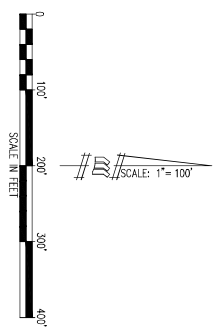
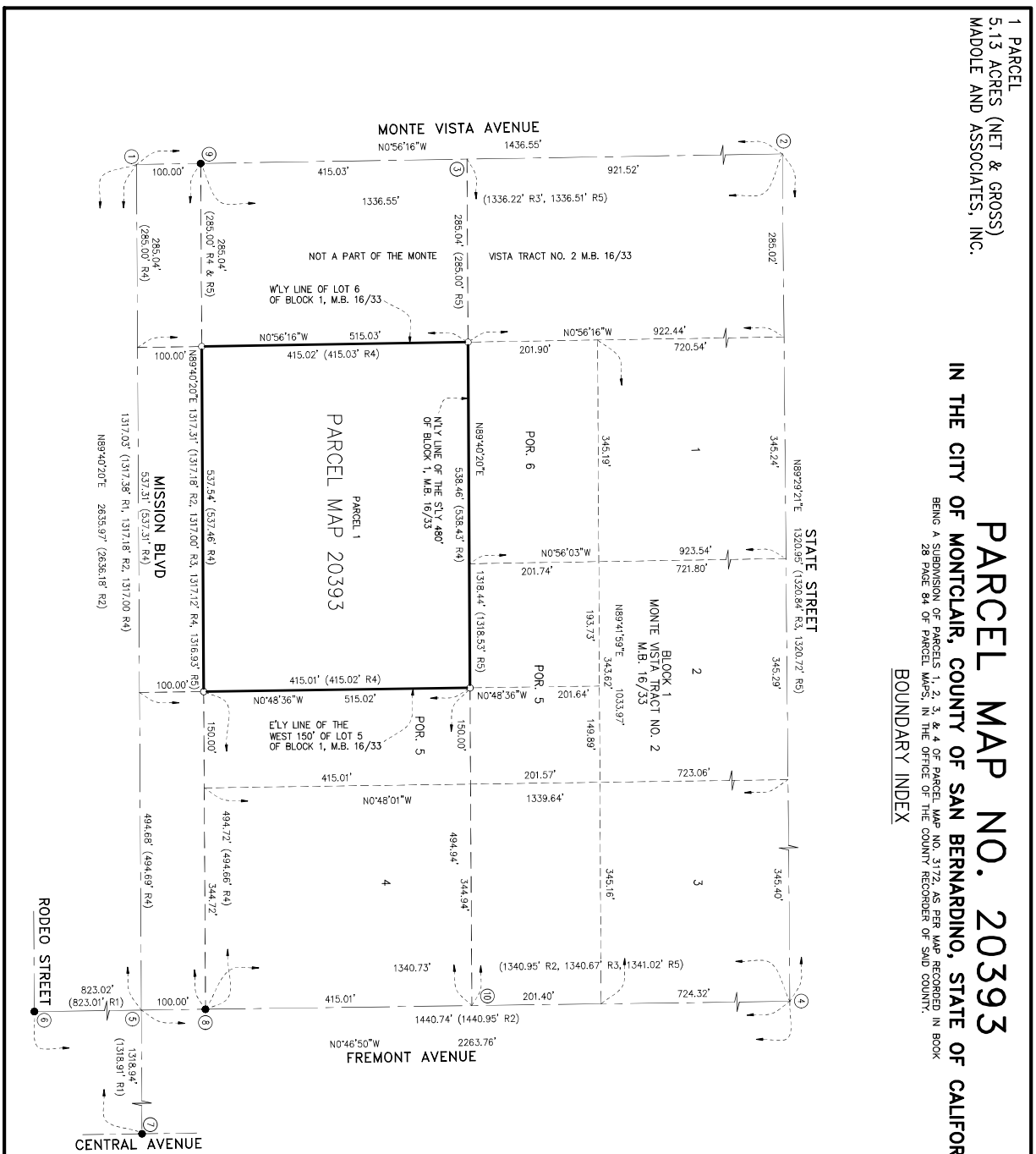
# PARCEL MAP NO. 20393

IN THE CITY OF MONTCLAIR, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA.

BOUNDARY INDEX

BEING A SUBDIVISION OF PARCELS 1, 2, 3, & 4 OF PARCEL MAP NO. 3172, AS PER MAP RECORDED IN BOOK 28 PAGE 84 OF THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

SHEET 3 OF 4 SHEETS  
JUNE, 2023



**EASEMENT NOTES**  
SEE SHEET 4 FOR EASEMENT NOTES AND EASEMENT LOCATIONS

**BASIS OF BEARINGS**  
THE BEARINGS OF N89°40'20"E, ALONG THE NORTH RIGHT-OF-WAY LINE OF MISSION BLVD, PARCELS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

**LEGEND**  
 ( ) INDICATES BOUNDARY OF LAND BEING SUBDIVIDED BY THIS MAP.  
 ● INDICATES RECORD DATA PER REFERENCE MAP BELOW.  
 ○ INDICATES FOUND MONUMENT AS NOTED.  
 ○ INDICATES SPRING SET "1" IRON PIPE WITH TAG STAMPED "P.L.S. 7653" OR A LUMP AND TACK WITH TAG STAMPED "P.L.S. 7653".  
 ○ INDICATES SPRING SET "2" IRON PIPE WITH TAG STAMPED "P.L.S. 7653" OR A SPRING & WASHER STAMPED "P.L.S. 7653".

**MONUMENTATION NOTES**  
 ① SPR. ESTABLISHED FROM CITY NOTES 88-A, ACC. AS Q.I. INTERSECTION.  
 ② SPR. ESTABLISHED FROM CITY NOTES 88-B, ACC. AS Q.I. INTERSECTION.  
 ③ SPR. ESTABLISHED BY INTERSECTION.  
 ④ SPR. ESTABLISHED FROM CITY NOTES 86-A, ACC. AS Q.I. INTERSECTION.  
 ⑤ SPR. ESTABLISHED BY INTERSECTION, ACC. AS Q.I. INTERSECTION.  
 ⑥ SPR. ESTABLISHED BY INTERSECTION, ACC. AS Q.I. INTERSECTION.  
 ⑦ TO. NAIL: NO REFERENCE, ACC. AS Q.I. INTERSECTION.  
 ⑧ TO. WALL FLUSH, ACC. AS Q.I. INTERSECTION OF PENNY AVENUE AND THE NORTHERLY RIGHT-OF-WAY LINE OF MISSION BOULEVARD PER R3.  
 ⑨ TO. WALL FLUSH, ACC. AS Q.I. INTERSECTION OF MONTE VISTA AVENUE AND THE NORTHERLY RIGHT-OF-WAY LINE OF MISSION BOULEVARD PER R3.  
 ⑩ SPR. ESTABLISHED BY INTERSECTION.

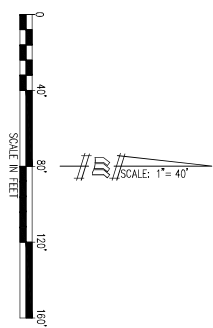
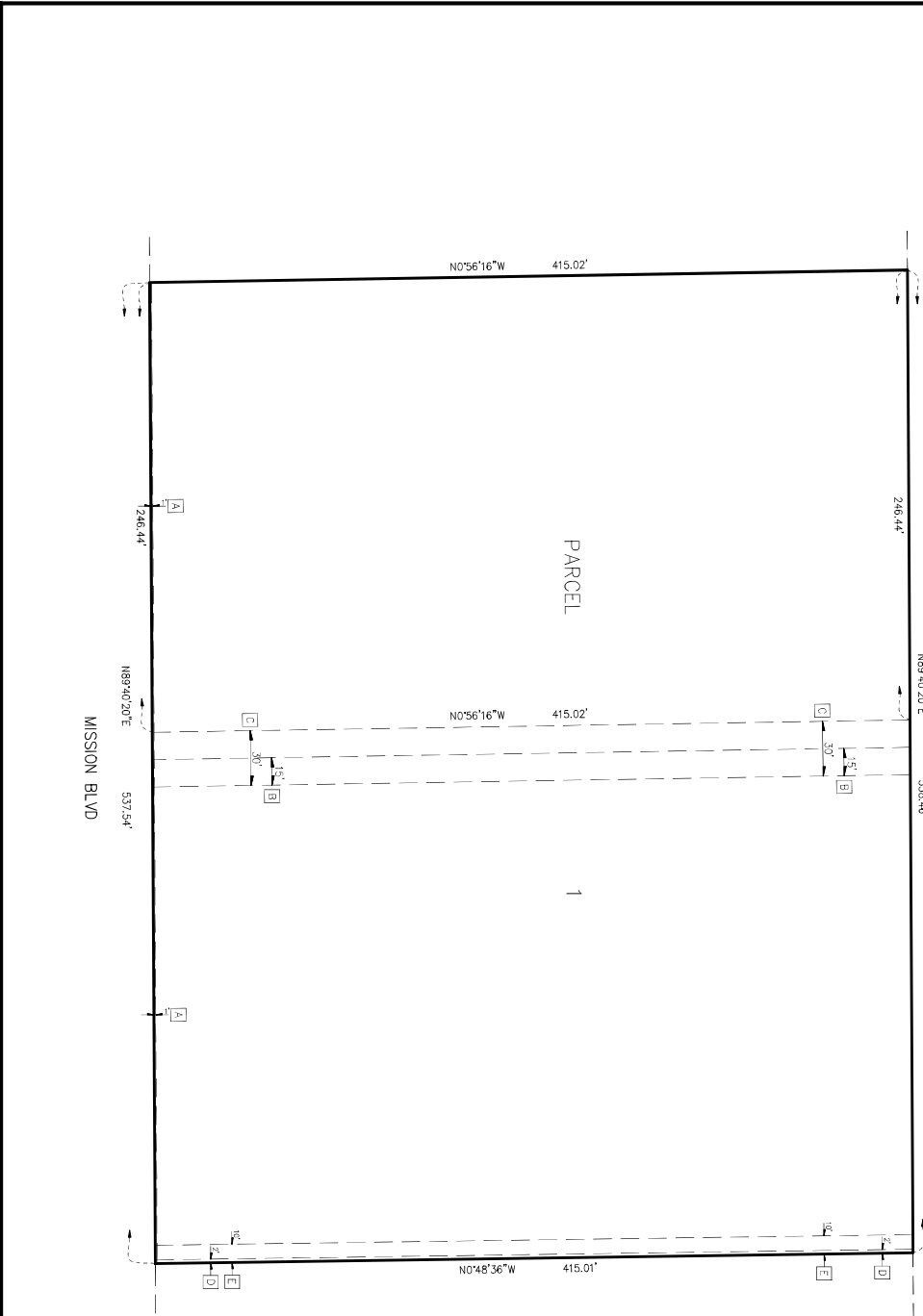
1 PARCEL  
5.13 ACRES (NET & GROSS)  
MADOLE AND ASSOCIATES, INC.

# PARCEL MAP NO. 20393

SHEET 4 OF 4 SHEETS

JUNE, 2023

IN THE CITY OF MONTCLAIR, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA.  
BEING A SUBDIVISION OF PARCELS 1, 2, 3, & 4 OF PARCEL MAP NO. 3172, AS PER MAP RECORDED IN BOOK 28 PAGE 84 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.  
**EASEMENT DETAILS**



**EASEMENT TABLE**

TRK	DESCRIPTION
A	AN EASEMENT, 100 FEET WIDE, DEDICATE TO ENERGY AND TELEPHONE COMPANY, TO CONSTRUCT, OPERATE, REPAIR, MAINTAIN AND TELEPHONE COMMUNICATION STRUCTURES, RECORDED 10/23/1947 BOOK 2906, PAGE 286 OFFICIAL RECORDS, AS SHOWN HEREON.
B	AN EASEMENT, 15,00 FEET WIDE, DEDICATE TO MORGENTHAU MANUFACTURING, INC., FOR INGRESS AND EGRESS PURPOSES, RECORDED 5/17/1919 IN BOOK 828, PAGE 507 OF OFFICIAL RECORDS, AS SHOWN HEREON. THE TERMS "MORGENTHAU MANUFACTURING, INC." SHALL BE DEEMED TO INCLUDE ANY SUCCESSORS, ASSIGNS, HEIRS, ADMINISTRATORS, LIENS, ETC. OF SAID COMPANY. RECORDED 4/17/2007 AS INSTRUMENT NO. 2007-0234338, OF OFFICIAL RECORDS.
C	AN EASEMENT, 30.00 FEET WIDE, FOR PRIVATE ROAD FOR INGRESS AND EGRESS PURPOSES, DEDICATED PER PARCEL MAP NO. 3172, AS PER MAP FILED IN BOOK 28 PAGE 84 OF PARCEL MAPS, OFFICIAL RECORDS OF SAN BERNARDINO COUNTY, AS SHOWN HEREON.
D	AN EASEMENT, 200 FEET WIDE, DEDICATE TO GENERAL TELEPHONE COMPANY, TO CONSTRUCT, USE, REPAIR, UNDERGROUND AND AERIAL FACILITIES FOR TRANSMISSION OF ELECTRIC ENERGY, RECORDED 1/4/1967 IN BOOK 692, PAGE 908 OF OFFICIAL RECORDS, AS SHOWN HEREON.
E	AN EASEMENT, 10.00 FEET WIDE, DEDICATE TO SOUTHERN CALIFORNIA GAS COMPANY, FOR INGRESS AND EGRESS PURPOSES, RECORDED 1/8/1967 IN BOOK 6798, PAGE 615 OF OFFICIAL RECORDS, AS SHOWN HEREON.



# CITY COUNCIL AGENDA REPORT

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**DATE:** FEBRUARY 20, 2024                      **FILE I.D.:** PDT175  
**SECTION:** CONSENT - AGREEMENTS                      **DEPT.:** POLICE  
**ITEM NO.:** 1    **PREPARER:** B. VENTURA  
**SUBJECT:** CONSIDER APPROVAL OF AGREEMENT NO. 24-17 WITH THE UNITED STATES MARSHALS SERVICE TO ASSIGN ONE MONTCLAIR POLICE DEPARTMENT OFFICER TO ITS PACIFIC SOUTHWEST REGIONAL FUGITIVE TASK FORCE

CONSIDER AUTHORIZING POLICE CHIEF JASON REED TO SIGN SAID AGREEMENT

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**REASON FOR CONSIDERATION:** The City Council is requested to consider approval of Agreement No. 24-17 with the United States Marshals Service (USMS) to assign one Montclair Police Department (MPD) officer to its Pacific Southwest Regional Fugitive Task Force (PSWRFTF), and consider authorizing Police Chief Jason Reed to sign said Agreement.

Proposed Agreement No. 24-17 has been reviewed by the City Attorney and is attached for City Council review and consideration.

**BACKGROUND:** The PSWRFTF began operations in April of 2002 under the Presidential Threat Protection Act of 2000. With partnership agreements established in over 60 federal, state, and local agencies, the PSWRFTF has been able to successfully apprehend over 200,000 fugitives since inception. The PSWRFTF has made an extraordinary impact on the apprehension of the region’s most dangerous and violent fugitives, striving to make their communities and citizens safer. The City would reap these same benefits by entering into Agreement No. 24-17—a Memorandum of Understanding—and by assigning an MPD officer to this Task Force.

USMS oversees the nation's regional fugitive task forces, such as the PSWRFTF, which are congressionally funded. The purpose of regional fugitive task forces is to combine the efforts of federal, state, and local law enforcement agencies to locate and apprehend the most dangerous fugitives and assist in high-profile investigations.

The primary mission of the PSWRFTF is to investigate and arrest persons who have active warrants for their arrest, as part of joint law enforcement operations with San Bernardino County Sheriff’s Department (SBSD) and MPD. The intent of the joint effort is to investigate and apprehend federal, local, and state fugitives, thereby improving public safety and reducing violent crime. Each participating law enforcement agency agrees to refer cases for which they hold the primary warrant for the subject to the Task Force for adoption, investigation, and apprehension.

In April 2002, SBSB joined the PSWRFTF. This Task Force is based out of San Bernardino and is responsible for assisting the west end San Bernardino County cities, which includes the City of Montclair. The Task Force is comprised of dually sworn state and federal law enforcement officers. These Task Force officers are highly trained investigators and Special Weapons and Tactics (SWAT) operators.

In the past, the MPD has relied on the assistance of the Task Force for multiple violent criminal investigations and apprehensions. Specifically, in 2022, the Task Force assisted MPD with apprehending two homicide suspects and locating an additional suspect hiding in Mexico from their murder charge. Currently, the Task Force is cooperating with Mexico officials with the ongoing extradition of the homicide suspect. Additionally in 2022, the MPD investigated another homicide involving the arrest of six suspects. The Task Force assisted with the surveillance, apprehension, and physical arrest of all six suspects.

In 2023, the MPD investigated a homicide involving four outstanding suspects. The Task Force was called to assist again with coordinating the arrest and extradition of one suspect from Georgia. Another suspect was identified and discovered to be hiding in Mexico, which the Task Force is currently working with Mexico officials on their extradition back to the County of San Bernardino. Another homicide occurred in 2023 involving nine suspects. The Task Force was once again called to assist the MPD and coordinate the apprehension and extradition of one suspect hiding in Texas. Two more suspects were located and arrested by the Task Force as well.

The MPD officer assigned to the Task Force would be deputized as a Special Deputy U.S. Marshal. The duties and benefits along with the City's responsibilities involved with proposed Agreement No. 24-17 are as follows:

- The MPD officer assigned to the Task Force would investigate high-profile cases, including all the cases referred to the Task Force by MPD; identify additional investigative resources; collect evidence and author search warrants; complete appropriate reports and documentation; and assist in final apprehension of suspects. The officer would report to the Task Force Sergeant, but ultimately would report to the MPD Support Services Lieutenant. This assignment would be similar to the MPD officer currently assigned to the Inland Regional Narcotics Enforcement Team (IRNET).
- This officer would be required to follow all City and Department policies—the City would be responsible for the acts or omissions of the officer.
- The officer would wear plain clothes while assigned to the Task Force unless participating in a tactical operation. During these incidents, the officer would be required to wear a special operations tactical uniform, including an outer vest with a metal plate. This uniform would cost approximately \$1,000 and would be paid for out of the MPD Uniforms Budget. SBSB would provide a helmet for the officer to wear during a tactical operation.
- The officer assigned to the Task Force would use their City-assigned vehicle, although USMS is in the process of trying to acquire a vehicle for this officer to use while assigned to the Task Force.
- SBSB would provide all the necessary tools for the Task Force officer.
- The officer would use their Department-issued firearm, rifle, and less-lethal shotgun. Once the Department implements its Body-Worn Camera (BWC) Program, the officer assigned to the Task Force would be required to wear their Department-issued BWC per Department policy.
- The assignment would be for four years, which is the same for MPD officers assigned to the Detective Bureau and IRNET. Participating agencies may withdraw their participation without cause after providing 30 days advanced notice to the Task Force; however, an officer could temporarily be reassigned back to the City

for less than 30 days should the need arise. This arrangement could be granted by the MPD Support Services Lieutenant and the Task Force Lieutenant.

- The officer's regular salary and 4 percent special premium pay would be covered by the City. The officer who would be assigned to this Task Force is already assigned to the Detective Bureau and is currently receiving this 4 percent special pay as a detective. MPD would select an officer from the current eligibility list for detective to replace the officer assigned to the Task Force. The Department recently hired four lateral police officers and anticipates they will be assigned to patrol as solo independent officers by early March and mid-April; therefore, the Department does not foresee any negative impact to regular deployment of police officers with this reassignment.
- SBSB would pay for the Task Force Officer to receive any required specialized training, including SWAT school and tactical operator training.
- USMS would reimburse the MPD for overtime up to \$19,000 annually as well as other costs associated with joint law enforcement operations, such as travel and training. This would eliminate some City costs towards overtime of current personnel working or investigating high-profile violent cases.
- The Detective Bureau would lose one officer to the Task Force, but another MPD officer would be assigned to the position of detective to investigate crimes committed in Montclair. The Montclair community would not lose personnel resources to solve crimes committed in Montclair.
- It is anticipated that 25-50 MPD cases would be turned over to the PSWRFTF annually. The Detective Bureau would still work a Montclair case until a warrant is issued. At that time, the case would be turned over to the Task Force to locate and apprehend the suspect. Once apprehension occurs, the Detective Bureau would take back the case to prepare for legal proceedings. During the time the case is assigned to the Task Force, detectives can focus on solving other crimes.
- The Task Force funds all investigative resources associated with the cases including cell phone pings and final apprehension. The City would save an additional \$2,000 to \$5,000 annually in cell phone pings.

If the City experiences a significant incident, the PSWRFTF would act as a force multiplier and multiple assets would be diverted to the City to assist the MPD. The PSWRFTF also has a Technical Operations Group and a Financial Surveillance Unit to assist with Montclair Police investigations with regards to technological, electronic, and financial capabilities at no cost to the City. Additionally, the PSWRFTF has technology and resources the MPD does not have or have access to. High-profile cases require advanced technology for investigative needs, safe and tactical apprehension or extradition of the suspect or suspects, ultimately for successful prosecution.

**FISCAL IMPACT:** If the City Council approves Agreement No. 24-17, overtime incurred by the MPD officer assigned to PSWRFTF would be reimbursed by the USMS up to \$19,000 annually beginning February 21, 2024, through the remainder of Fiscal Year 2023-24. The Department would pay for the officer's special operations tactical uniform (approximately \$1,000) out of Uniform Patrol Uniforms Account No. 1001-4426-51100-400-00000.

The services provided by the Task Force would have a positive fiscal impact on the City. These officers receive highly specialized training at no cost to the City; the Task Force utilizes special resources, such as helicopters, tactical munition, and highly trained

negotiators that the City does not have; and the Task Force oftentimes performs surveillance and apprehension at odd hours, which would save the City overtime costs. In just the past month and a half, the Detective Bureau, consisting of one sergeant and four detectives, dedicated 12, 10-hour regular working days and 65 overtime hours to apprehending Montclair fugitives at a cost to the City of approximately \$47,800. Most of these cases would have been assigned to the Task Force if MPD had an officer been assigned to the team.

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

1. Approve Agreement No. 24-17 with the United States Marshals Service to assign one Montclair Police Department officer to its Pacific Southwest Regional Fugitive Task Force.
2. Authorize Police Chief Jason Reed to sign said Agreement.

**United States Marshals Service  
Fugitive Task Force  
Memorandum of Understanding**

Rev. 01/2021

**PARTIES AND AUTHORITY:**

This Memorandum of Understanding (MOU) is entered into by the **MONTCLAIR POLICE DEPARTMENT**

and the United States Marshals Service (USMS) pursuant to 28 U.S.C. § 566(e)(1)(B). As set forth in the Presidential Threat Protection Act of 2000 and directed by the Attorney General, the USMS has been granted authority to direct and coordinate permanent Regional Fugitive Task Forces consisting of Federal, state, and local law enforcement authorities for the purpose of locating and apprehending fugitives. The authority of the USMS to investigate fugitive matters as directed by the Attorney General is set forth in 28 USC § 566. The Director's authority to direct and supervise all activities of the USMS is set forth in 28 USC § 561(g) and 28 CFR 0.111. The authority of United States Marshals and Deputy U.S. Marshals, "in executing the laws of the United States within a State . . . [to] exercise the same powers which a sheriff of the State may exercise in executing the laws thereof" is set forth in 28 USC § 564. Additional authority is derived from 18 USC § 3053 and Office of Investigative Agency Policies Resolutions 2 & 15. (See also) "Memorandum for Howard M. Shapiro, General Counsel, Federal Bureau of Investigation" concerning the "Authority to Pursue Non-Federal Fugitives", issued by the U.S. Department of Justice (DOJ), Office of Legal Counsel, dated February 21, 1995. (See also) Memorandum concerning the Authority to Pursue Non-Federal Fugitives, issued by the USMS Office of General Counsel, dated May, 1, 1995. (See also) 42 U.S.C. § 16941(a)(the Attorney General shall use the resources of federal law enforcement, including the United States Marshals Service, to assist jurisdictions in locating and apprehending sex offenders who violate sex offender registration requirements).

**MISSION:** The primary mission of the task force is to investigate and arrest, as part of joint law enforcement operations, persons who have active warrants for their arrest. The intent of the joint effort is to investigate and apprehend local, state, tribal, territorial, and federal fugitives, thereby improving public safety and reducing violent crime. Each participating agency agrees to refer cases for which they hold the primary warrant for the subject to the RFTF (Regional Fugitive Task Force) or VOTF (Violent Offender Task Force) for adoption and investigation. Cases will be adopted by the RFTF/VOTF at the discretion of the RFTF/VOTF Chief Inspector/Chief Deputy. Targeted crimes will primarily include violent crimes against persons, weapons offenses, felony drug offenses, failure to register as a sex offender, and crimes committed by subjects who have a criminal history involving violent crimes, felony drug offenses, and/or weapons offenses. Upon receipt of a written request, the RFTF/VOTF may also assist non-participating law enforcement agencies in investigating, locating and arresting their fugitives. Task force personnel will be assigned federal and adopted fugitive cases for investigation. Investigative teams will consist of personnel from different agencies whenever possible. Participating agencies retain responsibility for the cases they refer to the RFTF/VOTF. Federal fugitive cases referred to the task force for investigation by any participating agency will be entered into the National Crime Information Center (NCIC) by the USMS or originating agency, as appropriate. State, local, tribal, or territorial fugitive cases will be entered into NCIC (and other applicable state or local lookout systems) as appropriate by the concerned agency.

**SUPERVISION:** The RFTF/VOTF may consist of law enforcement and administrative personnel from federal, state, local, tribal, and territorial law enforcement agencies. Agency personnel must be approved by the RFTF/VOTF Chief Inspector/Chief Deputy prior to assignment to the RFTF/VOTF. Agency personnel may be removed at any time at the discretion of the RFTF/VOTF Chief Inspector/Chief Deputy. Direction and coordination of the RFTF/VOTF shall be the responsibility of the USMS RFTF/VOTF Chief Inspector/Chief Deputy. Administrative matters which are internal to the participating agencies remain the responsibility of the respective agencies. Furthermore, each agency retains responsibility for the conduct of its personnel. A Task Force Advisory Committee, consisting of representatives of participating agencies and USMS RFTF/VOTF personnel, may be established at the discretion of the RFTF/VOTF Chief Inspector/Chief Deputy and will meet and confer as necessary to review and address issues concerning operational matters within the RFTF/VOTF.

**PERSONNEL:** In accordance with Homeland Security Presidential Directive 12, personnel assigned to the task force are required to undergo background investigations in order to be provided unescorted access to USMS offices, records, and computer systems. The USMS shall bear the costs associated with those investigations. Non-USMS law enforcement officers assigned to the task force will be deputized as Special Deputy U.S. Marshals. Task force personnel may be required to travel outside of the jurisdiction to which they are normally assigned in furtherance of task force operations. State, local, tribal, or territorial task force officers (TFOs) travelling on official business at the direction of the USMS shall be reimbursed directly by the USMS for their authorized travel expenses in accordance with applicable USMS policy, federal laws, rules, and regulations.

**REIMBURSEMENT:** If the Marshals Service receives Asset Forfeiture funding for either 1) overtime incurred by state, local, tribal, or territorial investigators who provide full time support to USMS RFTF/VOTF joint law enforcement task forces; or 2) travel, training, purchase lease of police vehicles, fuel, supplies or equipment for state, local, tribal, or territorial investigators in direct support of state, local, tribal or territorial investigators, the USMS shall, pending availability of funds, reimburse your organization for expenses incurred, depending on which

category of funding is provided. Reimbursement of overtime work shall be consistent with the Fair Labor Standards Act. Annual overtime for each state or local law enforcement officer is capped the equivalent 25% of a GS-1811-12 Step 1, of the general pay scale for the Rest of United States. Reimbursement for all types of qualified expenses shall be contingent upon availability of funds and the submission of a proper request for reimbursement which shall be submitted quarterly on a fiscal year basis, and which provides the names of the investigators who incurred overtime for the RFTF/VOTF during the quarter; the number of overtime hours incurred, the hourly regular and overtime rates in effect for each investigator, and the total quarterly cost. The request for reimbursement must be submitted to the RFTF/VOTF Chief Inspector/Chief Deputy, who will review the request for reimbursement, stamp and sign indication that services were received and that the request for reimbursement is approved for payment. Supporting documentation must accompany requests for reimbursement for equipment, supplies, training, fuel, and vehicle leases.

**VEHICLES:** Pending the availability of asset forfeiture funding, the USMS may acquire vehicles to be utilized by state, local, tribal, or territorial investigators assigned to the RFTF/VOTF. Vehicles provided by the USMS remain in the control of the USMS and must be used solely in support of RFTF/VOTF operations. The vehicles must be available for exclusive use of the TFOs assigned to the RFTF/VOTF by the undersigned participant agency for the duration of the agency's participation on the task force. If the agency is no longer a participating member of the RFTF/VOTF, any USMS vehicle provided to the agency for use by TFO(s) must be returned to the USMS. Operators of USMS-provided vehicles must adhere to USMS policy regarding the use of government owned vehicles. Any violation of the USMS vehicle policy may result in the vehicle being repossessed by the USMS and the operator and/or agency forfeiting the opportunity to utilize a USMS-provided vehicle in the future. Vehicles provided to state, local, tribal, or territorial investigators may be subject to additional regulations or restrictions pursuant to USMS lease agreements. Replacement or removal of any vehicle provided by the USMS will be at the discretion of the USMS and/or subject to lease agreement terms.

**EQUIPMENT:** Pending the availability of Asset Forfeiture funding, the USMS may purchase equipment for state, local, tribal, or territorial investigators assigned to the RFTF/VOTF. Equipment purchased by the USMS using Asset Forfeiture funding must be used solely in support of RFTF/VOTF operations. The equipment must be available for exclusive use of the TFOs assigned to the RFTF/VOTF by the undersigned participant agency for the duration of the agency's participation on the task force. If the agency is no longer a participating member of the RFTF/VOTF, any equipment purchased with Asset Forfeiture and provided to TFOs from the agency may be retained by the agency. Equipment provided by the USMS that is not purchased using Asset Forfeiture funding remains the property of the USMS and will be issued to state, local, tribal, or territorial investigators for exclusive use in support of the RFTF/VOTF. If the investigator or agency is no longer a participating member of the RFTF/VOTF, any equipment issued that was not purchased with Asset Forfeiture funding will be returned to the USMS.

**BODY-WORN CAMERAS AND TASK FORCE OFFICERS:** As per DOJ Policy dated October, 29, 2020, Body Worn Cameras (BWC) may be worn by TFOs operating on a Federal Task Force when their parent agency mandates their use by personnel assigned to the task force. A partner agency must formally request to participate in the TFO BWC program and, upon approval, comply with all DOJ and USMS policies, procedures, documentation, and reporting during their participation. Moreover, pursuant to the DOJ BWC Policy, the USMS will inform all partner agencies of which other partner agencies, if any, have been authorized to have their TFOs wear BWCs on the Task Force, and provide all partner agencies with a copy of the DOJ BWC Policy. That information will be provided separately. Accordingly, all partner agencies should be aware that TFOs may be participating in the TFO BWC program and may be operating with BWCs on USMS task force operations in their agency's jurisdiction. TFOs whose parent agency is not approved for participation in the TFO BWC program are not allowed to deploy with BWCs on USMS missions.

**RECORDS AND REPORTS:** After the RFTF/VOTF has adopted a warrant, all investigative reports, evidence, and other materials generated, seized or collected by the RFTF/VOTF, relating to the fugitive investigation, shall be material within the custody and control of the RFTF/VOTF. Physical evidence, such as drugs, firearms, counterfeit credit cards, and related items may be released to the appropriate prosecuting agency. Records and information obtained during the RFTF/VOTF fugitive investigation are not evidence and may not be released. A participating agency may retain copies of RFTF/VOTF investigative reports, and other documents or materials, but they may be released only upon approval of the USMS Office of General Counsel (OGC), in consultation with the local U.S. Attorney's Office, if and as applicable. If an applicable state law mandates the release of records or reports pertaining to RFTF/VOTF activities, those documents may only be released after coordination with USMS OGC.

All investigative reporting will be prepared in compliance with existing USMS policy and procedures utilizing USMS case management systems. Every effort should be made to document investigative activities on USMS forms, such as USM-11s and USM- 210s. Reports should never contain information related to sensitive USMS programs that are deemed privileged and not subject to reporting. RFTF/VOTF records and documents, including reports on RFTF/VOTF activity prepared in cases assigned to TFOs, will be maintained in USMS electronic records. Task force statistics will be maintained in the USMS case management systems. Statistics will be made available to any participating agency upon request. This section does not preclude the necessity of individual TFOs completing forms required by their employing agency. However, reports documenting task force related investigations or activities prepared by a TFO on their parent agency form, or authorized TFO BWC recordings during RFTF/VOTF operations, and any TFO's task force related email or text exchanges are deemed federal records under the control and purview of USMS, regardless of where these records are generated or kept. If an applicable state records law mandates the disclosure of task force records, the parent agency must coordinate with the USMS prior to any proposed disclosure. If information developed during a RFTF/VOTF investigation is included in such a form, the TFO's department will maintain the information as an agent of



the RFTF/VOTF. Documents containing information that identifies, or tends to identify, a USMS confidential source, a USMS sensitive program, or the use of sensitive equipment/techniques shall not be released outside of the USMS unless approved by the Office of General Counsel. No information related to RFTF/VOTF activities may be disseminated at any time to any third party (including a non-task force law enforcement officer, other law enforcement agency, or prosecutor's office) by any task force member without the express permission of the RFTF/VOTF Chief Inspector/Chief Deputy or his/her designee, in consultation with USMS OGC where appropriate. This prohibition applies to formal and informal communications, as well as reports, memoranda, or other records compiled during the course of RFTF/VOTF operations.

**CONFIDENTIAL SOURCES / CONFIDENTIAL INFORMANTS:** Pending the availability of funds, the USMS may provide funding for payment of Confidential Sources (CS) or Confidential Informants (CI). The use of CS/CIs, registration of CS/CIs and all payments to CS/CIs shall comply with USMS policy. USMS payment to an individual providing information or "tip" related to a USMS offered reward on an active fugitive case shall be accomplished by registering the individual or "tipster" through the established USMS CS payment process.

**USE OF FORCE:** All members of the RFTF/VOTF will comply with their agencies' guidelines concerning the use of firearms, deadly force, and less-than-lethal devices, to include completing all necessary training and certification requirements. All members of the RFTF/VOTF will read and adhere to the DOJ Policy Statement on the Use of Less-Than-Lethal Devices, dated May 16, 2011, and their parent agencies will review the Policy Statement to assure that they approve. Copies of all applicable firearms, deadly force, and less-than-lethal policies shall be provided to the RFTF/VOTF Chief Inspector/Chief Deputy and each concerned TFO. In the event of a shooting involving task force personnel, the incident will be investigated by the appropriate agency(s). Additionally, in the event of a shooting, the required reporting for the FBI National Use of Force Data Collection (NUOFDC) should be accomplished by the involved task force personnel's employing agency when the TFO is inside their primary/physical jurisdiction and by the USMS when the TFO is outside their employing agency's primary/physical jurisdiction. If the employing agency wishes to submit such NUOFDC entries regardless of the physical location of the event, that is allowed under this MOU with prior written notice to the USMS.

**NEWS MEDIA:** Media inquiries will be referred to the RFTF/VOTF Chief Inspector/Chief Deputy. A press release may be issued, and press conference held, upon agreement and through coordination with participant agencies' representatives. All press releases will exclusively make reference to the task force and participant agencies.

**RELEASE OF LIABILITY:** Each agency shall be responsible for the acts or omissions of its employees. Participating agencies or their employees shall not be considered as the agents of any other participating agency. Nothing herein waives, limits, or modifies any party's sovereign rights or immunities under applicable law.

**EFFECTIVE DATE AND TERMINATION:** This MOU is in effect once signed by a law enforcement participant agency. Participating agencies may withdraw their participation after providing 30 days advanced written notice to the RFTF/VOTF Chief Inspector/Chief Deputy.

Task Force: PACIFIC SOUTHWEST REGIONAL FUGITIVE TASK FORCE

**UNITED STATES MARSHAL or RFTF COMMANDER:**

Print Name: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**PARTICIPANT AGENCY:**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Location (City and State): \_\_\_\_\_

**PARTICIPANT AGENCY REPRESENTATIVE(S):**

Print Name and Title: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**INVESTIGATIVE OPERATIONS DIVISION:**

Print Name: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_



# CITY COUNCIL AGENDA REPORT

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<b>DATE:</b>	FEBRUARY 20, 2024	<b>FILE I.D.:</b>	EDD100
<b>SECTION:</b>	CONSENT - AGREEMENTS	<b>DEPT.:</b>	ECONOMIC DEV.
<b>ITEM NO.:</b>	2	<b>PREPARER:</b>	M. FUENTES

**SUBJECT:** CONSIDER AUTHORIZING TASK ORDER NO. 1 PURSUANT TO AGREEMENT NO. 23-67 WITH EPIC LAND SOLUTIONS TO PROVIDE ADMINISTRATIVE RIGHT-OF-WAY SERVICES RELATED TO EASEMENT ACQUISITIONS ALONG THE SAN ANTONIO CREEK CHANNEL

CONSIDER AUTHORIZING A \$965,475 ALLOCATION FROM 2021 LEASE REVENUE BOND FUNDS FOR COSTS ASSOCIATED WITH THE TASK ORDER AND ACQUISITION OF EASEMENT RIGHTS

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**REASON FOR CONSIDERATION:** The City Council is requested to consider authorizing the City to enter into Task Order No. 1 with Epic Land Solutions (EPIC) to provide administrative right-of-way services related to easement acquisitions along the San Antonio Creek Channel and consider authorizing a \$965,475 allocation from the 2021 Lease Revenue Bonds to cover costs associated with the Task Order and acquisition of easement rights.

A copy of proposed Task Order No. 1 is attached for the City Council's review and consideration.

**BACKGROUND:** On October 28, 2020, the City Council approved a Restricted Grant Agreement (RGA) with the California Department of Transportation for preparation of a feasibility study related to the San Antonio Creek Channel Multimodal Connectivity Plan.

On February 16, 2021, the City Council approved Agreement No. 21-05 with Alta Planning + Design, Inc. (Alta) for preparation of a feasibility study related to the San Antonio Creek Channel Multimodal Connectivity Plan.

On June 28, 2022, the City Council hosted a City Council Workshop Meeting, where Alta presented an overview of the San Antonio Creek Channel Trail Feasibility Study and answered questions from those in attendance, including the City Council, general public, and stakeholders.

On July 18, 2022, the City Council received and filed the San Antonio Creek Channel Trail Feasibility Study and directed staff to work on acquiring the necessary right-of-way easements in order to facilitate the future construction of the San Antonio Creek Channel Trail. In addition, staff was directed to seek out and identify potential state and federal funding opportunities that the City of Montclair could apply for in order to construct the project.

In reviewing other trail projects that were successful in receiving state and or federal grants for construction of their respective trail projects, it became apparent to staff that the City of Montclair would need to have right-of-way easements in place prior to seeking any potential funding sources. By not having secured easement rights, the City of Montclair would not be considered competitive enough for either state and or federal grants.

## ***EPIC Right-of-Way Services Scope of Work***

Staff requested and obtained a quote from Epic Land Solutions (EPIC), the City of Montclair's right-of-way consultant via Agreement No. 23-67, related to administrative right-of-way services to facilitate the acquisition of easement rights along the San Antonio Creek Channel.

In total, the City of Montclair would need to obtain easement rights from 77 property owners in order to allow for construction of the San Antonio Creek Channel Trail, as presented in the feasibility study. Of the 77 properties, 39 are owned by private property owners and 38 are owned by public entities.

*It should be noted that EPIC was not asked to include costs associated with administrative right-of-way services for easement acquisition for the 38 properties that are owned by public entities. City staff intends to coordinate with the public entities to obtain easement rights via interagency agreements. This process of acquiring easement rights via interagency agreements was conducted for Phase 1 of the San Antonio Creek Channel Trail for Sunset Park. The City of Montclair entered into an agreement with the United States Army Corps of Engineers for use of their property along Sunset Park.*

*The list of public entities that own property along the length of the San Antonio Creek Channel include the following: Chino Basin Water Conservation District, Monte Vista Water District, San Bernardino County Flood Control District, San Bernardino County Transportation Authority, San Bernardino County, and the United States Army Corps of Engineers.*

Epic proposes to provide administrative right-of-way acquisition services to obtain easement rights from a total of 39 privately held properties along the San Antonio Creek Channel at a cost of roughly \$555,475.

Proposed services to be provided by EPIC will include Right-of-Way Project Management, Appraisal and Appraisal Review, Acquisition Negotiations, Title and Escrow coordination, Condemnation Support, and Caltrans Right-of-Way Certification. A summary of the proposed scope of work to be provided include the following:

- **Right-of-Way Project Management**

EPIC will work closely with City staff to review project assignments and establish clear lines of communication, procedure, and protocols to keep the team on-track to reach project goals. Professional right-of-way services performed by EPIC will follow all prevailing local, state, and federal policies and regulations, where applicable, including the Uniform Relocation Assistance and Real Property Acquisition Act (URA).

- **Title Examination**

EPIC will obtain preliminary title reports (PTRs) for proposed acquisition areas. EPIC will perform a desk review of the title reports and survey exhibits, including legal descriptions and plat maps to research and verify real property ownership and identify any encumbrances.

- **Legals and Plat Maps**

EPIC's subconsultant, LD King Engineers and Surveyors, will prepare 39 separate Legal Descriptions and corresponding Plat Maps for the proposed public easements for the San Antonio Creek Trail. The surveyor will provide a field boundary survey to assist in setting the channel right-of-way through the project

boundaries. The legal descriptions for the individual parcels will be based on the legal descriptions and back-up documents included in Preliminary Title Reports.

- **Appraisal Services**

A qualified appraiser subcontracted by EPIC will provide an opinion of fair market value for the proposed acquisition areas in the form of appraisal reports. Appraisals will conform to the Uniform Standards of Professional Appraisal Practice (USPAP), the Appraisal Institute's Code of Ethics, and federal policies and regulations, where applicable.

- **Document Preparation and Property Owner Negotiations**

EPIC will negotiate with property owners for the purchase of property rights in good faith. Upon initiating the negotiation process, EPIC's agents will establish a positive rapport, trust and a reliable working relationship with the property owner in order to create an atmosphere in which successful negotiations can be conducted. The property owner will be given a detailed explanation of the property interest being acquired and the proposed design and construction details as it affects the property.

- **Escrow Coordination Services**

Once EPIC has obtained signatures from the property owner and the client on acquisition agreement(s) we will open escrow with the City's preferred escrow company. EPIC will obtain signature on all necessary documentation such as grant deeds and temporary construction easement deeds to convey title.

- **Eminent Domain Support**

EPIC will make all efforts to negotiate a fair settlement between the City and the property owner to the point of Resolution of Necessity. If condemnation does become necessary, EPIC will prepare a summary memo outlining efforts made and the reason(s) for impasse and provide necessary documents and diary logs for litigation support. EPIC will work closely with the City's eminent domain counsel and will prepare an impasse letter addressed to the property owner to begin condemnation tasks.

- **Caltrans Right-of-Way Certification**

All federally funded projects require Caltrans Right-of-Way Certification. During this process, EPIC will coordinate and attend certification planning activities and meet with the City, project partners and stakeholders to determine project requirements. EPIC will prepare the submittal package that will include the certification form and compilation of the necessary backup documents.

In total, the scope of work to be provided by EPIC for administrative right-of-way services needed to facilitate the acquisition of the easement rights along the San Antonio Creek Channel totals roughly \$555,475.

*It should also be noted that the quote provided by EPIC for right-of-way services does not include costs associated with acquisition of the easement right, but merely the administrative work needed to facilitate the acquisition of the easement rights.*

**Costs Associated with Acquisition of Easement rights**

As referenced above, costs associated with acquisition of easement rights was not included as part of the quote provided by EPIC. Staff anticipates that the costs associated with the acquisition of the easement rights, for all 39 of the privately held properties along the San Antonio Creek Channel, would be roughly \$410,000.

Staff calculated the estimated costs associated with acquisition of easement rights based on the following: (1) the total sq. ft. of easement rights to be acquired – 163,766 sq. ft., (2) a \$2.00 per sq. ft. value associated with the easement rights– \$327,532, and (3) a 25% contingency component added to the value associated with the easement rights – \$81,883 for a total estimated cost of \$409,415

Below is a summary of the formula used by staff to calculate costs:

$$\begin{aligned}
 & \text{(Easement sq. ft.)} \times \text{(\$2.00 sq. ft. value associated with easement)} + \\
 & \text{(25\% contingency based on sq. ft. value associated with easement)} \\
 & = \text{estimated total amount for easement rights} \\
 \\
 & (163,766 \text{ sq. ft.} \times \$2.00 \text{ per sq. ft.} = \$327,532) \\
 & (\$327,532 \times 25\% \text{ contingency} = \$81,883) \\
 & \$327,533 + \$81,844 = \$409,415
 \end{aligned}$$

*It should be noted that the amount provided above is an estimated amount for costs associated for acquisition of the easement rights.*

In total, staff is estimating that the costs associated with acquisition of easement rights and the administrative right-of-way services to be completed in order to facilitate the acquisition of the easement rights along the San Antonio Creek Channel will total roughly \$965,475. The estimated costs are further described in **Table 1**, below.

**Table 1  
Total Estimated Cost for Acquisition of Easement Rights  
Along the San Antonio Creek Channel**

<i>Tasks</i>	
Right-of-Way Services Project Management	\$3,848
Title Examination	\$4,011
Legals & Plat Maps	\$3,692
Appraisal Services Oversight	\$5,443
Document Preparation and Property Owner Negotiations	\$202,426
Escrow Coordination	\$17,270
Eminent Domain Support	\$3,363
Caltrans Right-of-Way Certification	\$7,567
<b>Total of Task Cost</b>	<b>\$247,620</b>
<b><i>Other Direct Costs (ODCs)</i></b>	
Mileage (IRS allowable rate)	\$350
Postage/Overnight Packages	\$800
Property Ownership and Real Estate Data	\$1,200
Preliminary Title Reports [assumes 39 reports @\$795 each]	\$31,005
Appraisal Reports [Up to 39 reports at \$3,100 each]	\$120,900
Survey Services: Preparation of Legals and Plats [Up to 39 parcels at \$2,600 per easement]	\$106,800
<b>Total of ODCs</b>	<b>\$307,855</b>
<b>Total Task and ODCs</b>	<b>\$555,475</b>
<b>Costs Associated with Acquisition of Easement rights</b>	<b>\$410,000</b>
<b>Total Project Cost</b>	<b>\$965,475</b>

**FISCAL IMPACT:** The costs associated with entering into a Task Order with Epic Land Solutions to provide administrative right-of-way services related to easement acquisitions along the San Antonio Creek Channel is estimated to cost \$555,475. Costs associated with the acquisition of easement rights is estimated at \$410,000.

In total, staff is estimating that the costs associated with acquisition of easement rights and the administrative right-of-way services to be completed in order to facilitate the acquisition of the easement rights along the San Antonio Creek Channel will total roughly \$965,475.

Staff proposes allocating \$965,475 from 2021 Lease Revenue Bond funds to cover costs associated with the Task Order and acquisition of easement rights.

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

1. Authorize Task Order No. 1 pursuant to Agreement No. 23-67 with Epic Land Solutions to provide administrative right-of-way services related to easement acquisitions along the San Antonio Creek Channel.
2. Authorize a \$965,475 allocation from 2021 Lease Revenue Bond funds for costs associated with the proposed Task Order and acquisition of easement rights.



Epic Land Solutions, Inc.  
Corporate Headquarters  
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Riverside, CA 92507  
(951) 321-1800  
epicland.com

January 19, 2024

Mikey Fuentes  
Director of Economic Development  
City of Montclair  
5111 Benito Street  
Montclair, CA 91763  
(909) 625-9497 | mfuentes@cityofmontclair.org

RE: Right of Way Consultant Proposal for City of Montclair  
Contract Task Order (CTO) No. 1 – San Antonio Creek Channel Trail Right of Way Acquisitions  
[Master Contract No. 23-67 Agreement for General Real Estate Consultant Services]

Dear Mikey,

Epic Land Solutions, Inc. is pleased to propose our scope and fee for the City of Montclair’s San Antonio Creek Channel Multi-Use Trail project Right of Way Acquisition phase. This document outlines our firm’s approach, understanding, deliverables, assumptions, and professional services fee.

Please contact us with any questions. We are looking forward to working with you and making this project a success.

Sincerely,  
Epic Land Solutions, Inc.

**Darcy Mendoza, SR/WA, R/W-NAC**  
Assistant Regional Manager – California  
[Senior Project Manager/Single Point of Contact]  
dmendoza@epicland.com  
(310) 626-4843

**Kari Anvick, SR/WA, R/W-RAC**  
Senior Regional Manager – California  
[Authorized Signatory]  
kanvick@epicland.com  
(951) 329-9666

## EXHIBIT A - PROJECT UNDERSTANDING & SCOPE

### Project Understanding

The City of Montclair (CITY) is planning to construct a multi-use trail along the San Antonio Creek Channel. The proposed design will build new multi-use trail facilities and walking paths along both sides of the Creek Channel spanning the entire western length of the CITY (approximately three miles). It is anticipated that this project will utilize federal aid to fund the construction phase. When federal aid is involved in any phase of project development, design, and/or construction, the Agency must follow federal aid requirements for the right of way process, as defined by the Caltrans Local Agency Procedures Manual (LAPM) and Caltrans Right of Way Manual. Federal aid requirements for the right of way process include Independent Appraisal Reviews in addition to the Appraisal Reports, as well as Caltrans Right of Way Certification.

Partial fee acquisition, permanent easements, and/or temporary construction easements are required from private and public property owners adjacent to the creek channel. The CITY has already initiated negotiations with two property owners (APN #1009-383-17-0000 - Owner, Boyce and Green Inc.; and APN #1009-391-20-0000 Owner, Cynthia Cox) and intends to utilize CITY staff to complete those transactions. Our research has found 39 tax parcels owned by 37 unique entities in the project area that need to be approached for property rights acquisitions. [Please refer to *Exhibit C* of this document for a list of privately owned parcels that remain to be acquired.] As the pre-qualified, on-call General Real Estate Services Consultant to the CITY, Epic Land Solutions (EPIC) will deliver comprehensive right of way acquisition services to obtain easements from the 37 private property owners remaining to clear the property rights in the creek channel on behalf of the CITY. Services will include Right of Way Project Management, Appraisal and Appraisal Review, Acquisition Negotiations, Title and Escrow coordination, optional Condemnation Support, and Caltrans Right of Way Certification.

Additional parcels in the project area that are owned by public entities including Chino Basin Water Conservation District, Monte Vista Water District, San Bernardino County Flood Control District, and San Bernardino County Transportation Authority, and US Army Corps of Engineers. This proposal assumes that CITY staff will coordinate with the public property owners to obtain easement rights or other types of inter-agency agreements, as needed.

### Approach to Scope of Services

EPIC will fulfill the following tasks and milestones to complete the right of way and appraisal services required for the CITY to construct the project:

#### Task #1 - Right of Way Project Management

EPIC's Right of Way Project Manager, Darcy Mendoza, SR/WA, R/W-NAC, will work closely with the CITY or its designated consultant to review project assignments and establish clear lines of communication, procedure, and protocols to keep the team on-track to reach project goals. Professional right of way services performed by EPIC will follow all prevailing local, state, and federal policies and regulations, where applicable, including the Uniform Relocation Assistance and Real Property Acquisition Act (URA).

#### Deliverables:

**Timeline:** Full Project  
Duration (approx. 12 months)

#### Assumptions:

- Assumes up to 12 virtual client meetings, monthly status report preparation, and related tasks for 12 months.
- Assume one 2-hour meeting for Project Kick-off.



## Task #2 - Title Examination

At the Notice to Proceed (NTP), EPIC will obtain preliminary title reports (PTRs) for proposed acquisition areas. EPIC will perform a desk review of the title reports and survey exhibits, including legal descriptions and plat maps to research and verify real property ownership and identify any encumbrances. EPIC will assist in clearing encumbrances prior to closing.

<p><b>Deliverables:</b></p> <ul style="list-style-type: none"> <li>Up to 39 reviewed Preliminary Title Reports (PTRs)</li> </ul> <p><b>Timeline:</b> 15 days</p>	<p><b>Assumptions:</b></p> <ul style="list-style-type: none"> <li>EPIC will obtain and review preliminary title reports (PTRs) for proposed property acquisition areas.</li> <li>This proposal does not include fees for litigation guarantees.</li> <li>Survey exhibits, including legal descriptions and plat maps, shall be provided by the CITY.</li> </ul>
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## Task #3 – Legals and Plat Maps

EPIC’s subconsultant, LD King Engineers and Surveyors, shall prepare 39 separate Legal Descriptions and corresponding Plat Maps for the proposed Temporary Construction Easements, Public Access Easements, and/or partial fee interests for the San Antonio Creek Channel Multi-Use Trail. The scope of work for the survey will include boundary research and collection of record maps and Record of Surveys to assist in setting the parcel and Channel boundaries. The surveyor will provide a field boundary survey to assist in setting the channel right of way through the project boundaries. The legal descriptions for the individual parcels will be based on the legal descriptions and back-up documents included in Preliminary Title Reports.

<ul style="list-style-type: none"> <li><b>Deliverables:</b> Up to 39 legal descriptions and plat maps sets</li> </ul> <p><b>Timeline:</b> 12-18 weeks</p>	<p><b>Assumptions:</b></p> <ul style="list-style-type: none"> <li>Assumes boundary survey is required.</li> <li>Topographic Survey and/or Record of Survey will be provided by the CITY, if required.</li> <li>It is assumed that the surveyor will prepare and deliver the legal descriptions and plat maps into six (6) phases, bound by city block segments.</li> <li>The type of easement required, either a temporary construction easement or public access easement and/or partial fee interest will be determined by the CITY. If available, CITY to provide CAD files of the proposed right-of-way acquisition and easement locations and CITY borders.</li> <li>Includes one round of review by the CITY and addressing any comments, as needed.</li> <li>Professional Licensed Surveyor (PLS) to stamp and sign legal description and plat map exhibits.</li> <li>Fees do not include submittal or processing fees, if applicable.</li> </ul>
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## Task #4 - Appraisal Services (Appraisal Reports and Reviews)

A qualified appraiser subcontracted by EPIC will provide an opinion of fair market value for the proposed acquisition areas in the form of appraisal reports. Appraisals will conform to the Uniform Standards of Professional Appraisal Practice (USPAP), the Appraisal Institute’s Code of Ethics, and federal policies and

regulations, where applicable. To initiate the task, the appraiser will coordinate and attend a pre-appraisal meeting with the CITY to outline the scope of work needed. The appraisal will then draft and send a Notice of Decision to Appraise (NODA) letter inviting each property owner to accompany the appraiser on the real property inspection in accordance with California Eminent Domain Law. The property inspection will involve visual inspection to identify property attributes, including the availability of utilities, topography, drainage, external site influences, traffic patterns and surrounding uses, access, frontage, visibility, and quantity, quality and condition of improvements. Following the inspection, the appraiser will research and analyze market conditions relevant to the property type and investigate public records for the property’s zoning, entitlement status, general plan, and flood hazard area classification, as well as investigate the property tax assessor’s records for attributes of the property and project details and mapping, if applicable. Once these identifications are made, the highest and best use conclusion is formed, and data can be gathered to apply the appropriate approaches to value. These approaches are the sales comparison, cost, and income. The final step is reconciliation of the various indications of value into a single estimate. After the appraisal has been performed, an appraisal report which conforms to USPAP will be provided.

Due to federal funding, a licensed and qualified review appraiser employed by EPIC will provide Independent Desk Review of the appraisal reports, in accordance with federal aid requirements defined by the Caltrans Local Agency Procedures Manual (LAPM) and Caltrans Right of Way Manual. The Review Appraiser will verify the appraisal report’s conformance with the Uniform Standards of Professional Appraisal Practice (USPAP), the Appraisal Institute’s Code of Ethics, and federal policies and regulations, where applicable.

Upon completion of both the appraisal report and review appraisal, the documents will be provided to the CITY for approval of Amount of Just Compensation.

***\*\*Cost-Saving Option\*\**** Whenever possible, EPIC will attempt to complete waivers in lieu of appraisal reports. These may benefit the project with reduced time and budget, however the risk of still needing to complete an appraisal report and review will remain if a property owner is resistant to negotiations.

<p><b>Deliverables:</b></p> <ul style="list-style-type: none"> <li>• Coordination and attendance at pre-appraisal meeting with the Agency, as needed</li> <li>• Notice of Decision to Appraise (NODA) letters</li> <li>• Up to 39 Appraisal Reports</li> <li>• Up to 39 Appraisal Review Certificates</li> </ul> <p><b>Timeline:</b>                  90 days Appraisal Reports                  30-45 days for Appraisal Reviews</p>	<p><b>Assumptions</b></p> <ul style="list-style-type: none"> <li>• Appraisal pricing assumes 39 tax parcels owned by 37 unique entities. Up to six tax parcels may be combined into three larger parcels and reduce the overall appraisal report and review fees, however larger parcels are determined by the real property appraiser during the research and determination of values for the appraisal report.</li> <li>• Appraisal Reports will be completed within 90 days of Notice to Proceed (NTP) and the appraiser’s receipt of all pertinent documents (e.g., preliminary title reports, appraisal maps, legal descriptions, plat maps, mitigation plans).</li> <li>• Appraisal Reviews will be completed within 30-45 days of delivery of each appraisal report to the independent review appraiser.</li> <li>• Assumes appraisal reviews will be desk reviews.</li> <li>• Appraisal fees assumes temporary construction easements (TCEs) and/or partial acquisitions only; no full acquisitions or relocations.</li> <li>• Appraisals will consider and evaluate impacts to improvements pertaining to realty.</li> <li>• No Phase I or Phase II Site Assessments will be required.</li> </ul>
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## Task #5 – Document Preparation and Property Owner Negotiations

EPIC will negotiate with property owners for the purchase of property rights in good faith. Upon initiating the negotiation process, EPIC’s agents will establish a positive rapport, trust and a reliable working relationship with the property owner in order to create an atmosphere in which successful negotiations can be conducted. The property owner will be given a detailed explanation of the property interest being acquired and the proposed design and construction details as it affects the property. EPIC will assign one agent to be the primary point of contact for each property owner. EPIC will advise regarding the acquisition process and the construction (timing, phasing, type, etc.). We will review all project files for quality assurance to make sure all acquisition files meet all local, state, and federal laws and regulations, as well as being compliant with federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) requirements. Specifically, EPIC will:

- Prepare purchase offer documents, including purchase offer letter, appraisal report, and list of compensable items, in accordance with state or federal regulations and the approval of the CITY.
- Present written purchase offer to owner or their representative.
- Follow-up and negotiate with property owner, as necessary.
- Prepare and assemble acquisition contracts, deeds, and related acquisition documents required for the acquisition of all necessary property interests.
- Transmit closed acquisition documents to the CITY.

### Deliverables:

- Acquisition Documents including Appraisal Report containing amount of Just Compensation
- Administration Settlement Memorandums (where applicable)

**Timeline:** 90-120 days

### Assumptions:

- Assumes up to 39 parcels owned by 37 unique entities are impacted.
- Assumes temporary construction easements (TCEs) and/or partial acquisitions only; no full acquisitions or relocations.
- Assumes CITY will provide Right of Way document templates. EPIC can provide for an additional fee.

## Task #6 - Escrow Coordination Services

Once EPIC has obtained signatures from the property owner and the client on acquisition agreement(s) we will open escrow with the CITY’s preferred escrow company. We will oversee escrow instructions and will deliver to the CITY for approval. We coordinate payment between the Grantor, client, and the Escrow Company. EPIC will obtain signature on all necessary documentation such as grant deeds and temporary construction easement deeds to convey title. If the only property interests acquired are confirmed to be temporary construction easements (TCE), EPIC can work directly with the CITY to process an in-house escrow. In-house escrow can provide a cost savings to the CITY through reduced escrow closing fees.

**\*\*Cost-Saving Option\*\*** If the only property interests acquired are confirmed to be temporary construction easements (TCE), EPIC can work directly with CITY to process an in-house escrow. In-house escrow can provide a cost savings to CITY through reduced escrow closing fees.

### Deliverables:

- Escrow Documents including Escrow Instructions and Escrow Closing Schedule
- Final Title Policy

**Timeline:** 30-60 days

## Task #7 - Eminent Domain Support [OPTIONAL – AS NEEDED]

EPIC will make all efforts to negotiate a fair settlement between the CITY and the property owner to the point of Resolution of Necessity. If condemnation does become necessary, EPIC will prepare a summary memo outlining efforts made and the reason(s) for impasse and provide necessary documents and diary logs for litigation support. EPIC will work closely with the CITY’s eminent domain counsel and will prepare an impasse letter addressed to the property owner to begin condemnation tasks. Condemnation support can also include preparation of litigation briefings and recommendations and court testimony, as needed. Each contact with concerned parties will be meticulously documented (including the date, place and names) and maintained in the parcel file throughout the negotiation process.

<p><b>Deliverables:</b></p> <ul style="list-style-type: none"> <li>• Impasse Letters and other required condemnation support documents (where applicable)</li> </ul> <p><b>Timeline:</b> Up to 6 months</p>	<p><b>Assumptions:</b></p> <ul style="list-style-type: none"> <li>• Assumes eminent domain support will include impasse letters, and copies, owner files and diaries sent to the attorney. Additional eminent domain services may charge. Deposition, court testimony and expert witness fees are additional, to be compensated on a time and materials basis.</li> <li>• Assumes City attorney will provide eminent domain documentation, where applicable.</li> <li>• Assumes EPIC will provide necessary documents and diary logs for litigation support in the event an acquisition is unable to be settled via voluntary means.</li> </ul>
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## Task #8 - Caltrans Right of Way Certification

All federally funded projects require Caltrans Right of Way Certification. The Right of Way EPIC is prepared to obtain right of way approval or certification documenting that real property interests have been secured and that all right of way activities were conducted in accordance with the applicable policies and procedures. During this process, EPIC will coordinate and attend certification planning activities and meet with the CITY, project partners and stakeholders to determine project requirements. EPIC will prepare the submittal package that will include the certification form and compilation of the necessary backup documents. This would generally include deeds, resolutions of necessity, and final orders of condemnation, access agreements, cooperative agreements and permits and utility documents, among others. EPIC will evaluate right of way for correctness and consistency following Caltrans review check-off information as part of the project process. EPIC understands Caltrans rules and will supply accurate information for certification of right of way at project closeout.

<p><b>Deliverables:</b></p> <ul style="list-style-type: none"> <li>• Caltrans Certification forms and document packet</li> </ul> <p><b>Timeline:</b> 30 days</p>	<p><b>Assumptions:</b></p> <ul style="list-style-type: none"> <li>• EPIC will address one (1) set of review comments from Caltrans</li> <li>• Assumes Engineer and Local Agency will provide any necessary documentation (such as plans)</li> <li>• Assumes Local Agency attorney will provide eminent domain documentation, where applicable</li> </ul>
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## EXHIBIT B - COST PROPOSAL

EPIC will perform the scope of services described herein to be invoiced on a time-and-materials basis within a fee amount **Not to Exceed (NTE) \$555,475.**

Tasks	Total Cost
1. Right of Way Services Project Management	\$3,848
2. Title Examination	\$4,011
3. Legals & Plat Maps	\$3,692
4. Appraisal Services Oversight	\$5,443
5. Document Preparation and Property Owner Negotiations	\$202,426
6. Escrow Coordination	\$17,270
7. Eminent Domain Support [OPTIONAL – AS NEEDED]	\$3,363
8. Caltrans Right of Way Certification	\$7,567
<b>Sub Total Labor</b>	<b>\$247,620.</b>
<b>Other Direct Costs (ODCs)</b>	
Mileage (IRS allowable rate)	\$350
Postage/Overnight Packages	\$800
Property Ownership and Real Estate Data	\$1,200
Preliminary Title Reports [assumes 39 reports @\$795 each]	\$31,005
Appraisal Reports [Up to 39 reports at \$3,100 each]	\$120,900
Appraisal Reviews [Up to 39 reviews at \$1,200 each]	\$46,800
Survey Services: Preparation of Legals and Plats [Up to 39 parcels at \$2,600 per easement]	\$106,800
<b>Sub Total ODCs</b>	<b>\$307,855</b>
<b>TOTAL LABOR AND ODCs (NOT-TO-EXCEED)</b>	<b>\$555,475</b>

*NOTE ABOUT FAR RATES: The fee above is based upon the direct salary rates for individuals that are currently anticipated to participate in work under this contract. The actual rate billed shall be based on the direct salary of the individual having performed the work, plus overhead and profit. These rates will be re-calculated at the beginning of each calendar year. Staff billing rates provided include the Federal Acquisition Regulation (FAR) approved overhead rate for Epic Land Solutions, Inc. and are suitable for state and federally funded projects.*



## EXHIBIT C - PARCEL LIST DETAIL

The CITY is seeking temporary construction easements (TCEs), easements and/or partial fee interests in the following tax parcels located in the project area:

#	APN	Owner	Address (Montclair, CA)	Land Use/ Zoning
1	1012-031-07	ALDINGER HOLDINGS LLC	10588 SILICON AVE	LIGHT INDUSTRIAL
2	1012-031-05	ALL ENTERPRISES INC	10598 SILICON AVE	LIGHT INDUSTRIAL
3	1009-531-38	BELLAFINA COMMUNITY ASSOCIATION	Unknown address	RESIDENTIAL
4	1009-233-04	BRIZUELA, NICASIO	9858 RAMONA AVE	VACANT LAND/RESIDENTIAL
5	1012-201-13	BURDO, RONEN D	3894 MISSION BLVD	COMMERCIAL
6	1012-021-34	CHAVEZ, JONATHAN	10631 OAK GLEN AVE	COMMERCIAL
7	1009-241-43	CHEN, SANDY HONG	9729 RAMONA AVE	RESIDENTIAL
8	1009-321-39	DE LA TORRE, JUAN RAMON	4368 ORCHARD ST	RESIDENTIAL
9	1009-513-46	DICKSON, PATRICIA	4195 KINGSLEY ST UNIT 15st	RESIDENTIAL
10	1012-021-41	GONZALEZ, BONIFACIO	10561 OAK GLEN AVE	RESIDENTIAL
11	1009-241-46	GONZALEZ, MARIE POWELL	4527 SAN BERNARDINO ST	RESIDENTIAL
12	1009-172-12	GREGOROWICH, VIRGINIA J	SAN BERNARDINO AVE	VACANT LAND/RESIDENTIAL
13	1012-201-12	GROUP VIII COVINA PROPERTIES LP	3900 MISSION BLVD	RESIDENTIAL/MULTI-FAMILY
14	1012-021-33	HERNANDEZ, LUIS FERNANDO	10641 OAK GLEN AVE	COMMERCIAL
15	1012-031-01	IGLESIA NI CRISTO	4159 HOLT BLVD	MISC/RELIGIOUS
16	1009-241-40	JAMINDAR, MANAGEMENT P	9779 RAMONA AVE	RESIDENTIAL
17	1009-241-33	LE, COUNT A	9789 RAMONA AVE	RESIDENTIAL
18	1012-021-36	LIM, HOUY	10611 OAK GLEN AVE	RESIDENTIAL
19	1012-021-40	MARRON, PRISCILLA MARINA	10571 OAK GLEN AVE	COMMERCIAL
20	1009-172-14	MONTCLAIR CHRISTIAN CH OF SAN, BDNO C	4518 SAN BERNARDINO ST	MISC/RELIGIOUS
21	1009-521-55	MONTCLAIR FAMILY HOUSING PTNRS LP	10410 PRADERA AVE	RESIDENTIAL/MULTI-FAMILY

22	1009-331-56	MURRAY, ARTHUR L	BENITA ST	VACANT LAND/WASTE LAND/MARSHES
23	1012-021-35	PATEL, ANJANA	10625 OAK GLEN AVE	COMMERCIAL
24	1012-201-14	PATEL, BIRVA A	E MISSION BLVD	VACANT LAND/INDUSTRIAL
25	1012-021-54	PHAM, TRAC NGOC	10601 OAK GLEN AVE	INDUSTRIAL/PUBLIC STORAGE/ WAREHOUSE
26	1012-021-01	POMONA VALLEY EDUCATIONAL JOINT	MILLS AVE	COMMERCIAL/ PARKING LOT
27	1009-521-59	RESTOP REALTY COMPANY	HOLT BLVD MONTCLAIR, CA 91763	VACANT LAND/WASTE LAND/MARSHES
28	1009-331-55	RUELAS, EDUARDO	4399 BENITO ST MONTCLAIR, CA 91763	RESIDENTIAL
29	1009-224-20	S CALIF DIST COUNCIL ASSEMBLIES, OF G	Unknown address	VACANT LAND
30	1009-233-34	S CALIF DIST COUNCIL ASSEMBLIES, OF G	9828 RAMONA AVE MONTCLAIR, CA 91763	MISC/RELIGIOUS
31	1009-241-42	SALCEDO, VICTOR	9739 RAMONA AVE MONTCLAIR, CA 91763	RESIDENTIAL
32	1009-241-41	SANTANA, BRUCE C	9769 RAMONA AVE MONTCLAIR, CA 91763	RESIDENTIAL
33	1012-031-02	SCHEFFLER PROPERTIES LLC	10580 SILICON AVE MONTCLAIR, CA 91763	INDUSTRIAL
34	1012-011-05	SO PACIFIC RAILWAY CO	Unknown address	MISC/ROADWAY
35	1012-021-30	SO PACIFIC RAILWAY CO	Unknown address	VACANT LAND
36	1009-321-60	STEVENS, JUDITH	4350 ORCHARD ST MONTCLAIR, CA 91763	RESIDENTIAL
37	1007-722-03	VULCAN MATERIALS COMPANY FOUNDATON	4700 HUNTINGTON DR MONTCLAIR, CA 91763	VACANT LAND
38	1012-201-18	WEHBY, RONALD	4002 STATE ST MONTCLAIR, CA 91763	COMMERCIAL
39	1012-021-51	Z & X LLC	4067 HOLT BLVD MONTCLAIR, CA 91763	INDUSTRIAL/PUBLIC STORAGE/ WAREHOUSE

**MINUTES OF THE MEETING OF THE MONTCLAIR  
PERSONNEL COMMITTEE HELD ON MONDAY,  
FEBRUARY 5, 2024, AT 6:18 P.M. IN THE CITY  
ADMINISTRATIVE OFFICES, 5111 BENITO STREET,  
MONTCLAIR, CALIFORNIA**

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**I. CALL TO ORDER**

Mayor Pro Tem Johnson called the meeting to order at 6:18 p.m.

**II. ROLL CALL**

Present: Mayor Pro Tem Johnson, Council Member Ruh, City Manager Starr; and Assistant City Manager/Director of Human Services Richter

**III. APPROVAL OF MINUTES**

**A. Minutes of the Regular Personnel Committee Meeting of January 16, 2024.**

Moved by Council Member Ruh, seconded by Mayor Pro Tem Johnson, and carried unanimously to approve the minutes of the Personnel Committee meeting on January 16, 2024.

**IV. PUBLIC COMMENT - None**

**V. CLOSED SESSION**


At 6:19 p.m., the Personnel Committee went into Closed Session regarding personnel matters related to appointments, resignations/terminations, and evaluations of employee performance.

At 6:36 p.m., the Personnel Committee returned from Closed Session. Mayor Pro Tem Johnson stated that no announcements would be made at this time.

**VI. ADJOURNMENT**

At 6:36 p.m., Mayor Pro Tem Johnson adjourned the Personnel Committee.

Submitted for Personnel Committee approval,

  
\_\_\_\_\_  
Edward C. Starr  
City Manager



MINUTES OF THE SPECIAL MEETING OF THE MONTCLAIR CITY COUNCIL HELD ON TUESDAY, JANUARY 16, 2024 AT 5:45 P.M. IN THE CITY COUNCIL CHAMBERS, 5111 BENITO STREET, MONTCLAIR, CALIFORNIA

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I. CALL TO ORDER

Mayor/Chair Dutrey called the meeting to order at 5:45 p.m.

II. ROLL CALL

Present: Mayor Dutrey; Mayor Pro Tem Johnson; Council Members Ruh, Martinez, and Lopez

City Manager Starr; Assistant City Manager/Director of Human Services Richter; Director of Finance Kulbeck; Director of Community Development Diaz; Director of Public Works/City Engineer Heredia; Police Chief Reed; Fire Chief Pohl; City Attorney Robbins; City Clerk Myrick

III. COUNCIL WORKSHOP

A. Saratoga Park Update

Director of Public Works/City Engineer Heredia introduced the architects and consultants and advised they will be presenting information and answering questions on the project.

**Greg Denson**, Director of Design, **Architerra Design Group**, provided an overview of the designs presented, addressing current issues such as lighting, fencing, draining, elevation, and ADA compliance, and explained the various solutions proposed.

**David Forman**, Project Architect, **SVA Architects**, provided an overview of the architecture and elevation of the proposed structures that contain restrooms, snack bars, storage rooms, and meeting rooms.

Representatives from Architerra Design Group provided clarification on the following comments from council:

- Parking and grading between the parking lot and the baseball field.
- Parking lot enclosure.
- Location of Scorer's table.
- Set-up of speaker system and mitigating the effect on neighboring residents.
- Perimeter fencing and mutually shared wall, possibility of a mural that faces the baseball fields.
- Lighting to ensure safety during night time hours and mitigating the effect on neighboring residents.
- Restroom facilities remaining open after baseball games have concluded.
- Issues of vandalism.
- Possibility of surveillance.


IV. PUBLIC COMMENT

- **Monique Borja**, resident, expressed concerns over lack of parking, loitering at the park, and cleanliness of the bathroom and park areas.
- **Isabel Doujuan**, resident, thanked the City for their work on this project and spoke in favor of the proposed trail around the park.

V. ADJOURNMENT

At 6:41 p.m., the Montclair City Council was adjourned.

Submitted for City Council approval,

  
\_\_\_\_\_  
Andrea Myrick,  
City Clerk

MINUTES OF THE REGULAR JOINT MEETING OF THE MONTCLAIR CITY COUNCIL, SUCCESSOR AGENCY AND MONTCLAIR HOUSING CORPORATION BOARDS, MONTCLAIR HOUSING AUTHORITY COMMISSION, AND MONTCLAIR COMMUNITY FOUNDATION BOARD HELD ON MONDAY, FEBRUARY 5, 2024 AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS, 5111 BENITO STREET, MONTCLAIR, CALIFORNIA

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I. CALL TO ORDER

Mayor/Chair Dutrey called the meeting to order at 7:00 p.m.

II. INVOCATION

Minister Eddie Bravo, Calvary Montclair, gave the invocation.

III. PLEDGE OF ALLEGIANCE

Fire Chief Pohl led meeting participants in the Pledge.

IV. ROLL CALL

Present: Mayor/Chair Dutrey; Mayor Pro Tem/Vice Chair Johnson; Council Members/Directors Ruh, Martinez, and Lopez

City Manager/Executive Director Starr; Assistant City Manager/Director of Human Services Richter; Director of Finance Kulbeck; Director of Community Development Diaz; Director of Public Works/City Engineer Heredia; Police Chief Reed; Fire Chief Pohl; City Attorney Robbins; City Clerk Myrick

V. PRESENTATIONS

A. Introduction of New and Promoting Fire Department Employees

Fire Chief Pohl announced the recent promotions of Assistant Fire Chief Ryon Dierck and Fire Engineer Joseph Metzo, and introduced recently hired Firefighter/Paramedic Lucas Timm. He also congratulated Fire Engineer Metzo on receiving the 2023 Firefighter of the Year Award.

Mayor Dutrey and Council Members congratulated Assistant Fire Chief Dierck, Fire Engineer Metzo, and welcomed Firefighter/Paramedic Timm to the Montclair City family.

B. Introduction of New Police Officers

Police Chief Reed introduced four recently hired Police Officers: Brandie Diaz, Angel Gutierrez, Anthony Maldonado, and Francisco Soberanes. Mayor Dutrey and Council Members welcomed the new Police Officers to the Montclair City family.

VI. PUBLIC COMMENT

- **Ruby Long**, Field Representative for **San Bernardino County Fourth District Supervisor Curt Hagman**, announced the Supervisor's Office, in partnership with the City of Montclair, is hosting a free document shredding event at City Hall on Saturday, March 16, 2024, from 9:00 a.m. to noon.

VII. PUBLIC HEARINGS

A. **Second Reading — Consider Adoption of Ordinance No. 24-1005 Amending Title 11 of the Montclair Municipal Code, Chapters 11.02 (Definitions), 11.38 (Development Standards Generally), and 11.77 (Administrative Permit) to allow Monitored Electrified Security Fences in Specified Commercial and Industrial Zones within City Limits (Case No. 2023-35)**

Mayor Dutrey opened the public hearing and invited comments from the public.

**Xavier Mendez**, resident, spoke in favor of adopting Ordinance No. 24-1005 noting it will help small businesses to protect themselves. Mayor Dutrey closed the public hearing and returned the matter to the City Council for its consideration.

ACTION - Public Hearings - Item A	
<b>ACTING:</b>	City Council
<b>MOTION:</b>	Conduct the second reading of Ordinance No. 24-1005 by number and title only, waive further reading, and adopt Ordinance No. 24-1005.
<b>MADE BY:</b> <b>SECOND BY:</b>	Council Member Ruh Council Member Lopez
<b>AYES:</b> <b>NOES:</b> <b>ABSTAIN:</b> <b>ABSENT:</b>	Lopez, Martinez, Ruh, Johnson, Dutrey None None None
<b>RESULT:</b>	Motion carried 5-0.

**B. Consider Projects and Prioritization of Funding for the Fiscal Year 2024-25 Community Development Block Grant Program**

Mayor Dutrey opened the public hearing and invited comments from the public. There being no one in the audience wishing to speak, Mayor Dutrey closed the public hearing and returned the matter to the City Council for consideration.

Mayor Dutrey received clarification on CDBG Funding and how it applies to Consent Calendar Item C-2, Award of Contract to Sequel Contractors, Inc.

ACTION - Public Hearings - Item B											
<b>ACTING:</b>	City Council										
<b>MOTION:</b>	Approve the following projects and prioritization of funding for the Fiscal Year 2024-25 Community Development Block Grant Program: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding-left: 20px;">Code Enforcement Program</td> <td style="text-align: right;">\$ 50,000</td> </tr> <tr> <td style="padding-left: 20px;">Kingsley Street/Canoga Street Alleyway Improvements</td> <td style="text-align: right;">176,650</td> </tr> <tr> <td style="padding-left: 20px;">Graffiti Abatement</td> <td style="text-align: right;">30,000</td> </tr> <tr> <td style="padding-left: 20px;">Senior Transportation Services (Golden Express Transportation)</td> <td style="text-align: right;">9,997</td> </tr> <tr> <td style="padding-left: 20px;"><b>TOTAL</b></td> <td style="text-align: right;"><b>\$ 266,647</b></td> </tr> </table>	Code Enforcement Program	\$ 50,000	Kingsley Street/Canoga Street Alleyway Improvements	176,650	Graffiti Abatement	30,000	Senior Transportation Services (Golden Express Transportation)	9,997	<b>TOTAL</b>	<b>\$ 266,647</b>
Code Enforcement Program	\$ 50,000										
Kingsley Street/Canoga Street Alleyway Improvements	176,650										
Graffiti Abatement	30,000										
Senior Transportation Services (Golden Express Transportation)	9,997										
<b>TOTAL</b>	<b>\$ 266,647</b>										
<b>MADE BY:</b> <b>SECOND BY:</b>	Council Member Ruh Mayor Pro Tem Johnson										
<b>AYES:</b> <b>NOES:</b> <b>ABSTAIN:</b> <b>ABSENT:</b>	Lopez, Martinez, Ruh, Johnson, Dutrey None None None										
<b>RESULT:</b>	Motion carried 5-0.										

**VIII. CONSENT CALENDAR**

<b>ACTION - Consent Calendar</b>	
<b>ACTING:</b>	City Council Successor Agency Board Montclair Housing Corporation Board Montclair Housing Authority Commissioners Montclair Community Foundation Board
<b>DISCUSSION:</b>	Items C-1, C-2, C-4, C-5, and D-4
<b>MOTION:</b>	Pull Item C-3 and approve the remainder of the Consent Calendar as presented.
<b>MADE BY: SECOND BY:</b>	Mayor Pro Tem/Vice Chair Johnson Council Member/Director Martinez
<b>AYES: NOES: ABSTAIN: ABSENT:</b>	Lopez, Martinez, Ruh, Johnson, Dutrey None None None
<b>RESULT:</b>	Motion carried 5-0.

**A. Approval of Minutes**

**1. Regular Joint Meeting — January 16, 2024**

<b>ACTION - Consent Calendar - Item A-1</b>	
<b>ACTING:</b>	City Council Successor Agency Board Montclair Housing Corporation Board Montclair Housing Authority Commissioners Montclair Community Foundation Board
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0.

**B. Administrative Reports**

**1. Consider Approval of City Warrant Register and Payroll Documentation**

<b>ACTION - Consent Calendar - Item B-1</b>	
<b>ACTING:</b>	City Council
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0.

**2. Consider Authorizing the Destruction of Certain Obsolete Public Records Pursuant to the City of Montclair Records Retention Schedule**

<b>ACTION - Consent Calendar - Item B-2</b>	
<b>ACTING:</b>	City Council
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0.

**3. Consider Authorizing a \$54,200 Appropriation from the Federal Asset Forfeiture Fund to Purchase Three New Servers for the Police Department**

<b>ACTION - Consent Calendar - Item B-3</b>	
<b>ACTING:</b>	City Council
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0.

**4. Consider Declaring a 2012 Toro GM4000 Wide Area Mower (Unit 410) as Irreparable and Authorizing its Disposal and Removal from Inventory**

Xavier Mendez, resident, commented that he would like to see the City continue to keep maintenance services in-house rather than contracted out.

<b>ACTION - Consent Calendar - Item B-4</b>	
<b>ACTING:</b>	City Council
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0.

**5. Consider Authorizing an Allocation of up to \$15,000 from Donation Funds from the Montclair Community Foundation for the Purchase of Items for the 2024 Montclair to College Graduation Ceremony**

<b>ACTION - Consent Calendar - Item B-5</b>	
<b>ACTING:</b>	Montclair Community Foundation
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0.

**C. Agreements**

**1. Consider Approval of Agreement Nos. 24-04, 24-05, and 24-06 with Montclair Little League and Golden Girls Softball League for the use of Ball Field Facilities, Subject to Any Revisions Deemed Necessary by the City Attorney**

Mayor Pro Tem Johnson received clarification that the fields will be ready in time before the start of the season.

Council Member Lopez asked if the City could extend the contracts until the end of the calendar year instead of the expiration date of August 31, 2024, as the Leagues' prior practice is to come back to the City for the same use for winter.

Assistant City Manager/ Director of Human Services Richter informed the Council that a break in the contract is needed to address field maintenance and public usage issues.

<b>ACTION - Consent Calendar - Item C-1</b>	
<b>ACTING:</b>	City Council
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0

**2. Consider Award of Contract to Sequel Contractors, Inc. in the Amount of \$2,696,433.75 for Construction of the Alleyway Improvements Project**

**Consider Approval of Agreement No. 24-08 with Sequel Contractors, Inc. for the Construction of the Alleyway Improvements Project, Subject to Any Revisions Deemed Necessary by the City Attorney**

**Consider Authorizing a \$966,433.75 Appropriation from the 2021 Lease Revenue Bond Fund for Costs Related to the Construction of the Alleyway Improvements Project**

**Consider Authorizing a \$270,000 Construction Contingency for the Alleyway Improvements Project**

Xavier Mendez, resident, expressed concern that the City may not receive quality work by always accepting the lowest bid.

Council Member Lopez received clarification on funding sources for specific alleyways and timing of the project.

Mayor Dutrey asked how many alleys will be completed using CDBG funds.

Public Works Director Heredia advised that there are two alleys located at Canoga Street/Kingsley Street and the third is on Poulsen Avenue, South of Kingsley Street.

ACTION - Consent Calendar - Item C-2	
ACTING:	City Council
RESULT:	Approved on Consent Calendar; motion carried 5-0

**4. Consider Approval of Agreement No. 24-10 with Claremont Graduate University School of Community and Global Health to Implement a Field Internship Program for Master in Public Health and Applied Biostatics, and Doctorate in Public Health Students, Subject to Any Revisions Deemed Necessary by the City Attorney**

Council Members Martinez and Ruh commented in support of the internship program agreement.

ACTION - Consent Calendar - Item C-4	
ACTING:	City Council
RESULT:	Approved on Consent Calendar; motion carried 5-0

**5. Consider Approval of Agreement No. 24-11 with Firehouse Subs Public Safety Foundation, Inc. Authorizing the Receipt of a Grant Award for \$28,067.50 to Purchase Automated External Defibrillators**

**Consider Authorizing City Manager Edward C. Starr to Sign Said Agreement**

Xavier Mendez, resident, thanked Firehouse Subs for the grant and added he would love a Firehouse Subs location in Montclair.

Mayor Pro Tem Johnson expressed her gratitude to Firehouse Subs Public Safety Foundation for the grant award that will aid in the purchase of AEDs.

ACTION - Consent Calendar - Item C-5	
ACTING:	City Council
RESULT:	Approved on Consent Calendar; motion carried 5-0

**6. Consider Approval of Agreement No. 24-15 with the San Bernardino County Office of Emergency Services Authorizing the Receipt of \$16,021 from the Fiscal Year 2022 Homeland Security Grant Program**

**Consider Authorizing City Manager Edward C. Starr to Sign Said Agreement**

**Consider Authorizing a \$16,021 Appropriation from the Public Safety Grant Fund to Purchase a Firewall and a Maintenance Service Agreement for the Police Station and Fire Station**

ACTION - Consent Calendar - Item C-6	
ACTING:	City Council
RESULT:	Approved on Consent Calendar; motion carried 5-0

7. **Consider Approval of Agreement No. 24-16 with the United States Department of Energy to Accept the Energy Efficiency and Conservation Block Grant Equipment Rebate Voucher Award**

**Consider Authorizing Public Works Director Monica Heredia to Sign Said Agreement and Other Program-Related Documents**

<b>ACTION - Consent Calendar - Item C-7</b>	
<b>ACTING:</b>	City Council
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0

**D. Resolutions**

1. **Consider Adoption of Resolution No. 24-3426 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Charges**

<b>ACTION - Consent Calendar - Item D-1</b>	
<b>ACTING:</b>	City Council
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0

2. **Consider Adoption of Resolution No. 24-3427 Rescinding and Superseding Resolution No. 23-3424 Identifying and Correcting Updated Terms and Conditions for a Fire Department Response Away from its Official Duty Station when Assigned to an Emergency Incident and Modifying Language at the Direction of the State of California Governor's Office of Emergency Services**

<b>ACTION - Consent Calendar - Item D-2</b>	
<b>ACTING:</b>	City Council
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0

3. **Consider Adoption of Resolution No. 24-3428 Declaring that Certain Real Property Located at 9795 Central Avenue, Montclair, is Exempt Surplus Land Pursuant to Government Code Section 54221 and Finding that Such Declaration is Exempt from Environmental Review Under the California Environmental Quality Act**

**Consider Adoption of Resolution No. 24-3429 Approving Agreement No. 24-12, an Affordable Housing Agreement with the Montclair Housing Authority and the Montclair Housing Corporation; Authorizing the Transfer of 9795 Central Avenue, Montclair, to the Montclair Housing Authority for use as an Affordable Housing Unit**

<b>ACTION - Consent Calendar - Item D-3</b>	
<b>ACTING:</b>	City Council
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0

**Consider Adoption of MHC Resolution No. 24-01 Approving Agreement No. 24-12, an Affordable Housing Agreement with the City of Montclair and the Montclair Housing Authority**

<b>ACTION - Consent Calendar - Item D-3</b>	
<b>ACTING:</b>	Montclair Housing Corporation Board
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0

**Consider Adoption of MHA Resolution No. 24-01 Approving Agreement No. 24-12, an Affordable Housing Agreement with the City of Montclair and the Montclair Housing Corporation, and Accepting the Transfer of Certain Real Property from the City of Montclair**

**Consider Authorizing a \$100,000 Appropriation from the Housing Trust Fund for Rehabilitation of the Property Located at 9795 Central Avenue, Montclair**

<b>ACTION - Consent Calendar - Item D-3</b>	
<b>ACTING:</b>	Montclair Housing Authority Commissioners
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0

4. **Consider Adoption of Resolution No. 24-3430 Authorizing the Appointment of Merry Westerlin as a Retired Annuitant into the Temporary Part-Time Position of Building Official Pursuant to Government Code Section 21221(h) Effective February 6, 2024**

**Consider Authorizing the Commencement of a Recruitment for a Permanent Building Official on February 6, 2024**

Xavier Mendez, resident, stated his heart goes out to Building Official Michael Dorsey's family, friends, and City family.

Mayor Dutrey thanked Merry Westerlin for assisting the City during this difficult time.

<b>ACTION - Consent Calendar - Item D-4</b>	
<b>ACTING:</b>	City Council
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0

**IX. PULLED CONSENT CALENDAR ITEMS**

**C. Agreements**

3. **Consider Approval of Agreement No. 24-09 with Blais & Associates, Inc. For Grant Writing Services, Subject to Any Revisions Deemed Necessary by the City Attorney**

**Consider Authorizing a \$100,000 Appropriation from the Contingency Reserve Fund for Costs Related to Agreement No. 24-09**

Xavier Mendez, resident, commented that he was under the impression that grant writing was completed in-house.

Council Member Lopez stated he will abstain from voting, as he works with a competitor of Blais & Associates, Inc.

<b>ACTION - Consent Calendar - Item C-3</b>	
<b>ACTING:</b>	City Council
<b>MOTION:</b>	Approve Item C-3
<b>MADE BY:</b> <b>SECOND BY:</b>	Council Member Ruh Mayor Pro Tem Johnson
<b>AYES:</b> <b>NOES:</b> <b>ABSTAIN:</b> <b>ABSENT:</b>	Martinez, Ruh, Johnson, Dutrey None Lopez None
<b>RESULT:</b>	Motion carried 4-0-1 (Lopez Abstained)



**X. RESPONSE**

**A. Consider Receiving the Response to an Inquiry from the City Council Regarding Costs Associated with, and Potential Dissemination of, a Public Information Communication to Montclair Households Addressing all Cost Components Related to Garcia/Fuentes v. Lopez, Including Expenditures Related to Legal Claims, Conducting Investigations, Mediation, City Staff Services, Settlement with Plaintiffs and Litigation, and Other Matters Thereof; and Providing any Further Direction Thereto**

Council Member Martinez commented on findings of the independent investigator that was hired to investigate allegations of misconduct by Council Member Lopez, stressing that these findings were not taken lightly by City Council, adding there has been no apology or recognition by Council Member Lopez. She furthered noted her observation that Council Member Lopez has acted in a way that is detrimental to the residents and she feels he needs to resign.

Mayor Dutrey stated that it is important for the public to be aware of this and would like to publish the staff reports pertaining to the City Council censure of Council Member Lopez and expenditures related to the matters of Garcia/Fuentes v. Lopez on the City’s website after the March 5, 2024 Primary Election, due to Council Member Lopez’s candidacy for the Republican Central Committee, and return to City Council at a later date with additional information on disseminating public information via email.

Council Member Lopez received clarification from City Clerk Myrick that staff reports within the agenda packet are currently available on the City’s website.

Mayor Pro Tem Johnson commented she is in support of posting the information separately on the City’s website, adding that when residents have questions about the details and impact of these lawsuits on the City, it would be nice to be able to direct them to one page with the information.

Council Member Ruh asked, why post the information again on the City’s website if this information is already in the posted agenda packets? He stated that he is not in favor of it based on his concern that this could be construed as electioneering. He added that this has already been fully covered by newspaper articles published in the *Inland Valley Daily Bulletin*.

<b>ACTION - Response - Item A</b>	
<b>ACTING:</b>	City Council
<b>MOTION:</b>	Publish staff reports pertaining to the City Council censure of Council Member Ben Lopez and expenditures related to the matters of Garcia/Fuentes v. Lopez on the City website after the March 2024 primary election and return to City Council at a later date with additional information on disseminating public information via e-mail.
<b>MADE BY:</b> <b>SECOND BY:</b>	Mayor Dutrey Council Member Martinez
<b>AYES:</b> <b>NOES:</b> <b>ABSTAIN:</b> <b>ABSENT:</b>	Martinez, Johnson, Dutrey Lopez, Ruh None None
<b>RESULT:</b>	Motion carried 3-2.

Mayor Dutrey read an excerpt from a statement that was posted on the Chino Tea Party website, presumably written by Council Member Lopez, characterizing the City’s investigation, findings, and lawsuit as a political, personal, and financial attack by the “woke mob.” He reiterated findings of the independent investigator that was hired to investigate allegations of misconduct by Council Member Lopez. He further commented on the lack of participation and attendance of Council Member Lopez at various mediations and sexual harassment trainings, and is in agreeance that he needs to resign.

## XI. COMMUNICATIONS

### A. Department Reports — None

### B. City Attorney — None

### C. City Manager/Executive Director

City Manager/Executive Director Starr gave a brief report on a meeting with representatives from the City of Montclair, **San Bernardino County Transportation Authority**, **Metro Gold Line Foothill Extension Construction Authority**, and **LA Metro** to discuss the extension of the Gold Line to Montclair, adding that \$500 million has already been approved by the State of California.

### D. Mayor/Chair

1. Mayor/Chair Dutrey announced the City Council will be holding a special meeting on February 21, 2024 at 6:00 p.m. to discuss the Midyear Budget Review.
2. Mayor/Chair Dutrey recognized February as Black History Month and complimented the 2nd Annual Black History Fair hosted by **Christian Development Center** that was held at the Alma Hofman Park on Saturday, February 3, 2024; added that February is American Heart Month and President's Day is on Monday, February 19, 2024; recognized **Montclair High School's** girls' water polo and wrestling teams, and boys' and girls' basketball and soccer teams for qualifying for CIF, and the boys soccer team for qualifying for the Open League, the highest league in CIF; and announced that **City of Colton Mayor Frank Navarro** replaced him as Chair of the **Omnitrans** Board.

### E. Council Members/Directors

1. Council Member/Director Ruh pointed out that funding for the Gold Line extension will not come all at once and added that parking should be accessible and free of charge in perpetuity; commented on Black History Month; informed members of the public that February 10, 2024, is the start of the Chinese Lunar New Year, which is the Year of the Wooden Dragon; announced a scholarship opportunity for high school and college students from **So. Cal. Gas Company**, where fifteen \$1,000 scholarships will be awarded, with an application deadline of March 19, 2024; and commented that February 14 is Ash Wednesday and the beginning of Lent.
2. Council Member/Director Lopez commented that he missed the February 1, 2024 grand re-opening of the Chamber of Commerce at its new location, but heard it was a great event; commented on the 2nd Annual Black History Fair; reminded everyone that it will be raining until Friday and asked drivers to remain safe and drive slowly; advised residents to inform the City of any potholes, flooding, and downed trees or wires, and advised that residents can pick up ten free sandbags from the City Yard; stated **Monte Vista Water District** is sending a notice to all residents to be aware of impersonators claiming to be employees of the water district; congratulated and welcomed the four new Police Officers and spoke on cost savings due to the Police Department's Hiring Bonus Program; spoke on a meeting with City staff to discuss the Housing Trust Fund; and received clarification on political sign size limitations in the City.
3. Mayor Pro Tem/Vice Chair Johnson thanked Economic Development Director Fuentes for his assistance with the **Chamber of Commerce** relocation and thanked those who attended the grand re-opening event; spoke on the 2nd Annual Black History Fair and thanked Police Chief Reed for having a

table for the Montclair Police Department at the event; additionally thanked Council colleagues Ruh and Martinez, City Manager Starr and Assistant City Manager/Director of Human Services Richter for their attendance at the Black History Fair; and spoke on recent reports of homeless encampments at the Montclair Transcenter.

4. Council Member/Director Martinez recognized Mayor Pro Tem Johnson for all of the hard work she puts into volunteering for the **Chamber of Commerce**; welcomed the new Firefighter/Paramedic and Police Officers; and congratulated promoting Fire personnel.

**F. Committee Meeting Minutes**


The following committee minutes were received and filed for informational purposes:

1. Personnel Committee – January 16, 2024

**XII. ADJOURNMENT**

At 8:33 p.m., the City Council, Successor Agency Board, Montclair Housing Corporation Board, Montclair Housing Authority Commission, and Montclair Community Foundation Board were adjourned.

Submitted for City Council/Successor Agency Board/Montclair Housing Corporation Board/Montclair Housing Authority Commission/Montclair Community Foundation Board approval,



Andrea Myrick,  
City Clerk

*The meeting was adjourned in memory of Montclair Building Official **Michael Dorsey**.*

**CITY OF MONTCLAIR  
TREASURER'S REPORT  
FOR THE MONTH ENDING**

**January 31, 2024**

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**SCHEDULE 3**

STATEMENT OF CASH AND INVESTMENT ACCOUNTS

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CASH AND INVESTMENTS BY TYPE

**CITY OF MONTCLAIR  
STATEMENTS OF COMPLIANCE WITH THE INVESTMENT POLICY  
AND INVESTMENT STRATEGY**

**January 31, 2024**

COMPLIANCE STATEMENT

The City has the following amount invested in various financial instruments. This conforms with the investment policy approved by the City Council.

Total Investments \$ 49,469,256

During the current month the City was in compliance with the internal control procedures set forth in the Investment Policy.

INVESTMENT STRATEGY FOR THE UPCOMING MONTH

During the upcoming month, surplus moneys will be invested in the Local Agency Investment Fund and other investments authorized in the Investment Policy. The City has sufficient monies available to meet expenditures during the next six month period.

CITY OF MONTCLAIR  
STATEMENT OF CASH AND INVESTMENTS BY FUND  
AS OF January 31, 2024

Fund	Beginning Balance	Receipts	Disbursements	Interfund Transfers	Ending Balance
General Fund	\$ (6,016,118.34)	\$ 5,952,889.22	\$ 2,793,565.25	\$ (147,306.40)	\$ (3,004,100.77) (1)
Gas Tax Fund	114,929.90	76,928.16	91,716.01	-	100,142.05 (2)
Road Maintenance - Section 2032	2,488,821.65	68,650.40	-	-	2,557,472.05
Measure I Fund	6,170,259.27	71,786.13	-	-	6,242,045.40
Traffic Safety	138,546.63	2,048.87	-	-	140,595.50
Disability Access Fund - Bus. License	57,123.50	939.60	97.60	-	57,965.50
Park Maintenance	(4,617.54)	3,332.31	8,719.02	-	(10,004.25)
Park Development	1,541,907.06	700.00	-	-	1,542,607.06
CDBG	(57,755.17)	-	6,946.98	-	(64,702.15) (2)
SB2 Planning Grant	(55,425.00)	55,425.00	-	-	- (2)
Air Quality Improvement Trust	(32,056.91)	53,333.66	(6,500.00)	-	27,776.75
Senior Nutrition Program	(59,526.63)	20,410.94	20,139.69	-	(59,255.38) (2)
American Rescue Plan	-	-	-	-	-
Forfeiture Fund - State	102,854.70	-	-	-	102,854.70
Proposition 30/SB 109	71,693.28	-	10.42	-	71,682.86
SB 509 Public Safety	98,567.00	44,974.00	16,235.26	13,844.00	141,149.74
Forfeiture Fund-Federal/DOJ	626,836.75	5,281.83	10,044.21	-	622,074.37
Asset Seizure Fund	3.41	-	(0.20)	-	3.61
Section 11439 Subfund	29,277.10	-	-	-	29,277.10
Fed Asset Forfeiture-Treasury	128,001.12	5,407.27	-	-	133,408.39
School District Grant Fund	71,496.00	-	-	-	71,496.00
State Supplemental Law Enforce	433,596.86	36,050.46	-	-	469,647.32
Local Law Enforcement Block Gr	48,438.51	-	-	(13,844.00)	34,594.51
PC 1202.5 Crime Prevention	2,484.85	21.08	-	-	2,505.93
Recycling Grant Fund	113,336.96	-	-	-	113,336.96
Statewide Park Dev Grant	(0.32)	-	-	-	(0.32) (2)
Homeless Housing Assist/Preven	(18,003.88)	-	20,292.00	-	(8,211.88) (2)
LEAP Grant	(89,243.75)	-	-	-	(89,243.75) (2)
After School Program Fund	(1,030,009.79)	988,738.00	129,807.68	-	(171,079.47) (2)
City of Hope	1,290.78	-	-	-	1,290.78
Safety Dept. Grants	48,375.66	-	27,509.84	-	20,865.82
OSMD Immunization Grant	1,370.50	-	-	-	1,370.50
Kaiser Permanente Grant	2,304.71	-	-	-	2,304.71
Resource Center Grant - OMSD	18,339.89	-	225.89	-	18,114.00
Title IIB Sr Support Services	(12,877.60)	1,980.56	2,371.08	-	(13,268.12) (2)
Healthy Community Strategic Plan	7,739.46	-	-	-	7,739.46
ASES Supplemental Grant	48,439.00	-	-	-	48,439.00
E.M.S. - Paramedic Fund	(7,610.22)	3,966.71	1,273.33	-	(4,916.84) (3)
Economic Development	3,194,763.84	-	1,382.02	-	3,286,341.96
City Contributions/Donations Fund	1,700.00	-	188,505.01	92,960.14	1,700.00
Sewer Operating Fund	1,704,570.44	572,321.01	-	-	2,086,386.44
Sewer Replacement Fund	2,675,540.73	-	-	-	2,675,540.73
CFD 2011-1 (Phase0)	131,785.68	-	4,811.81	-	126,973.85
CFD 2011-2 (Arrow Station)	104,286.82	1,154.14	(6,323.58)	-	105,440.96
Inland Empire Utility Agency	5,167,345.77	-	-	-	5,173,669.35
Sewer Expansion Fee Fund	1,003,145.44	613.65	-	-	1,003,759.09
Developer Impact Fees - Local	1,572,248.99	149.00	-	-	1,572,397.99
Developer Impact Fees - Regional	932,863.77	333.00	-	-	933,196.77
Burntec Pavement Impact Fees	294,124.17	26,078.90	-	-	320,203.07
PLC Reimbursement Fund-MVGS	219,720.15	-	-	-	219,720.15
Utility Underground In-Lieu	383,396.52	-	-	-	383,396.52
General Plan Update Fee	111,766.90	813.34	-	-	112,600.24
Housing Fund	879,108.20	-	-	-	879,108.20
Public Education/Govt. PEG Fee Fund	137,307.61	-	-	-	137,307.61
Infrastructure Fund	(2,825,330.37)	50,388.00	138,983.84	-	(2,913,926.21) (4)
COVID-19	-	-	-	-	-
Successor Agency Bonds-Taxable	4,963,351.84	49,868.45	-	-	5,013,221.29
Successor Agency Bonds-Tax Exempt	8,056,006.54	81,510.97	-	-	8,126,333.91
2021 Lease Revenue Bond Proceeds	(642,095.27)	733,564.85	210,521.41	(97,544.58)	(216,596.41)
2014 Lease Revenue Bond Debt Svc	(922,707.18)	225,561.71	-	-	(697,145.47) (5)
2021 Lease Revenue Bond Debt Svc	1,666,758.88	-	-	-	1,666,758.88
Pension Obligation Bond Debt Svc	3,683,299.92	-	-	-	3,683,299.92
Contingency Fund	0.96	-	-	-	0.96
Assigned General Fund Reserves	33,016,461.02	23,449.19	4,053.00	151,890.84	33,187,748.05 (1)
TOTALS	\$ 70,492,030.75	\$ 9,162,673.41	\$ 3,675,571.17	\$ -	\$ 75,979,132.99

Negative Cash Notes follow this presentation.

### Notes on Negative Cash Balances

- (1) The General Operating Fund may have a negative cash for the majority of the fiscal year awaiting property and sales tax collections. This is covered by the Contingency Fund and other General Fund Reserve Funds until those collections are received. As Contingency and General Reserves exceed this negative, the City is not utilizing restricted resources.
- (2) These are reimbursable grant funds that utilize general pool monies initially to cover expenditures pending reimbursement from the granting agencies. Therefore, it is not uncommon for these to be negative until that reimbursement is received.
- (3) This fund has operational deficits annually. At the end of the fiscal year it is restored by a General Fund Transfer.
- (4) The Infrastructure Fund receives transfers from other funds to accomplish infrastructure projects. Those transfers are usually recorded when the projects nears completion or prior to mid-year budget preparation. Any negative in that fund will be eliminated at those times. Transfers from these funds (C.D.B.G., Gas Tax, Measure I, etc.) may go negative on cash pending collections of these revenues. In this way we can determine if obligations for projects are exceeding current resources.
- (5) This debt service operation utilizes transaction and use taxes which are part of the sales tax and Successor Agency property taxes. These have been sufficient in prior fiscal years to cover the necessary debt service; however, they are not completely received until fiscal year-end. Once debt service is covered the excess will be transferred to the General Fund.

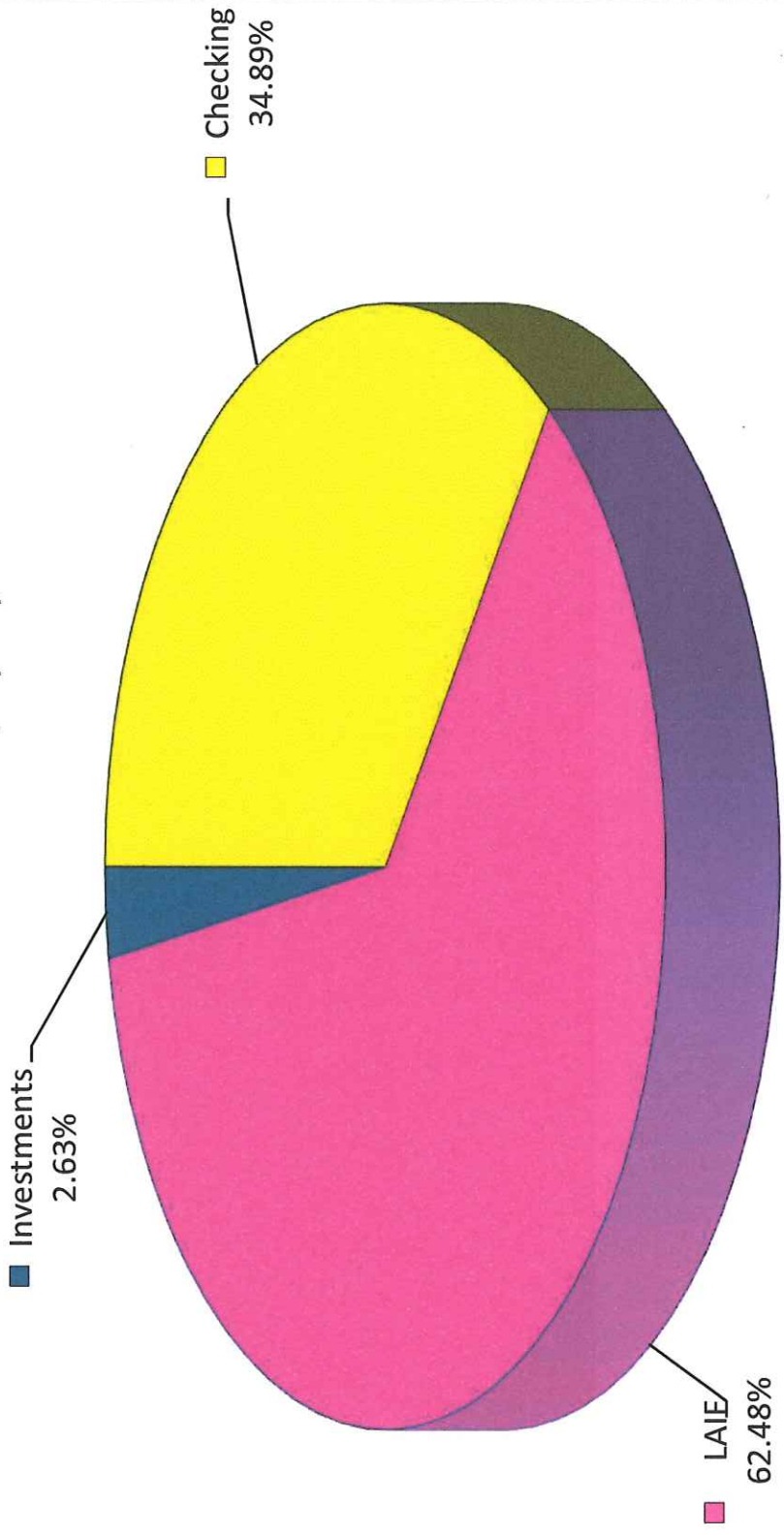


**CITY OF MONTCLAIR  
STATEMENT OF CASH AND INVESTMENT ACCOUNTS  
AS OF January 31, 2024**

	Par Value	Purchase Date	Maturity Date	Coupon Interest Rate	Current Market Value	Balance at Cost	Totals
<b>CHECKING ACCOUNT</b>							
Checking Account							\$ 26,507,404.30
Asset Seizure Account							\$ 2,472.26
<b>CASH W/FISCAL AGENT, CD's, LAIF DEPOSITS, AND SHORT-TERM U.S. AGENCY SECURITIES</b>							
Local Agency Investment Fund (LAIF)				4.030%	46,555,993.51	47,469,256.43	
First American Government					2,000,000.00	2,000,000.00	
					<u>\$ 48,555,993.51</u>		\$ 49,469,256.43
<b>U.S. AGENCY SECURITIES</b>							
					\$ -		\$ -
<b>TOTAL</b>							<u>\$ 75,979,132.99</u>

Current market values obtained from US Bank.

**CITY OF MONTCLAIR**  
**CASH AND INVESTMENTS BY TYPE**  
January 31, 2024  
**Total Cash & Investments \$75,979,133**



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

**FOR THE MONTH ENDING**

**January 31, 2024**

**CITY OF MONTCLAIR AS SUCCESSOR TO  
THE REDEVELOPMENT AGENCY  
STATEMENT OF CASH BY FUND  
January 31, 2024**

**COMBINED OPERATING FUND**

Operating	<u>(7,798.89)</u>	\$ (7,798.89)
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**LRPRP Fund**

Operating	<u>0.00</u>	\$ 0.00
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**RORF**

	3,499,779.34	
RORF Area I	0.00	
RORF Area II	0.00	
RORF Area III	0.00	
RORF Area IV	0.00	
RORF Area V	0.00	
RORF Area VI	0.00	\$ 3,499,779.34

**TOTAL CASH**

**\$ 3,491,980.45**

**CITY OF MONTCLAIR AS SUCCESSOR TO  
THE REDEVELOPMENT AGENCY  
STATEMENT OF CASH  
January 31, 2024**

**Checking Account**

US Bank

**3,491,980.45**

**TOTAL CASH**

**3,491,980.45**

**NOTE:**

In accordance with State law, the Successor Agency receives the monies necessary to cover its obligations for the upcoming six month period. The monies are received in January and June of each year.

The Successor Agency has sufficient funds available to meet expenditures during the upcoming six-month period.

**CITY OF MONTCLAIR AS SUCCESSOR TO  
THE REDEVELOPMENT AGENCY  
WARRANT REGISTER**

**FOR THE MONTH ENDING**

**January 31, 2024**

City of Montclair  
 Final Warrant Register  
 Council Date 02/20/2024  
 Regular Warrants  
 Checking Account: Successor to the RDA

	Warrants	US Bank transfers	<b>Area Totals</b>
SRDA Combined Operating Fund	0.00	4,897.22	<b>4,897.22</b>
RORF (Redevelopment Obligation Retirement Funds)	0.00	0.00	<b>0.00</b>
	0.00	4,897.22	
<b>January 2024 Total</b>			<b>4,897.22</b>

Note: Reimburse City for 1/04 payrolls  
 Reimburse City for 1/18 payrolls

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**Vice Chair Johnson**

# Book Transfer Daily Activity Detail

CITY OF MONTCLAIR

SinglePoint

Reported Activity From 01/02/2024 To 01/31/2024

Printed on 02/08/2024 at 8:13 AM PST



Effective Date	Amount	From: Debit Account Number	To: Credit Account Number	Status
01/18/2024	\$2401.98	153499275813	153499275805	Completed

**Debit Account Name** CITY OF MONTCLAIR SUCCESSOR AGENCY  
**Debit Account Type** DDA  
**Credit Account Name** CITY OF MONTCLAIR GENERAL ACCOUNT  
**Credit Account Type** DDA  
**Template Name** .  
**Memo** Reimb City for 01/18/24 Payroll  
**Initiate Date** 01/18/2024  
**Initiate Time** 12:38PM CDT  
**Initiated By** JKULBECK  
**Completed Date** 01/18/2024  
**Completed Time** 12:38PM CDT

Effective Date	Amount	From: Debit Account Number	To: Credit Account Number	Status
01/08/2024	\$2495.24	153499275813	153499275805	Completed

**Debit Account Name** CITY OF MONTCLAIR SUCCESSOR AGENCY  
**Debit Account Type** DDA  
**Credit Account Name** CITY OF MONTCLAIR GENERAL ACCOUNT  
**Credit Account Type** DDA  
**Template Name** .  
**Memo** Reimb City for 01/04/24 Payroll  
**Initiate Date** 01/08/2024  
**Initiate Time** 10:08AM CDT  
**Initiated By** JKULBECK  
**Completed Date** 01/08/2024  
**Completed Time** 10:08AM CDT

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**Total Number of Book Transfers:** 2  
**Total Amount of Book Transfers:** \$4,897.22

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--- End of Report ---



**CITY OF MONTCLAIR  
HOUSING CORPORATION  
TREASURER'S REPORT**

**FOR THE MONTH ENDING**

**January 31, 2024**

**TABLE OF CONTENTS**

**SCHEDULE 1 - STATEMENT OF CASH AND INVESTMENTS**

**CASH AND INVESTMENTS GRAPH**

CITY OF MONTCLAIR  
HOUSING CORPORATION  
STATEMENT OF CASH AND INVESTMENTS  
January 31, 2024

	<u>Interest Rate</u>	<u>Market Value</u>	<u>Book Value</u>
<b>Checking Account</b>			
US Bank			211,549.35
<b>Investments</b>			
LAIF	4.08%	1,066,342.51	<u>1,081,145.84</u>
<b>TOTAL CASH &amp; INVESTMENTS</b>			<u><u>1,292,695.19</u></u>

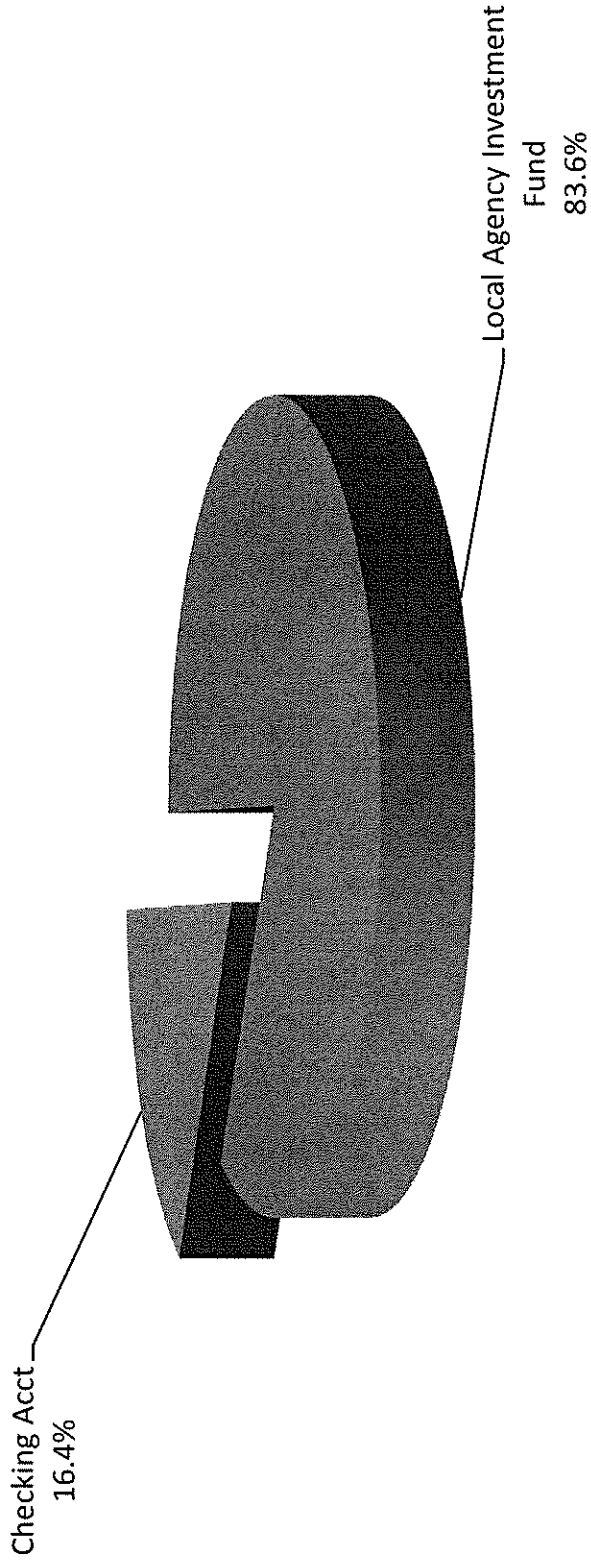
**NOTE:**  
Pursuant to the Corporation's Investment Policy, all moneys are invested in banks, the Local Agency Investment Fund, and in securities with maturities of no greater than three years.

The Corporation has sufficient funds available to meet expenditures during the upcoming six-month period.

The Corporation is in compliance with the internal control procedures set forth in its Investment Policy.

**CITY OF MONTCLAIR  
HOUSING CORPORATION  
CASH AND INVESTMENTS GRAPH  
January 31, 2024**

**Total Cash & Investments - \$1,292,695**



**CITY OF MONTCLAIR  
HOUSING CORPORATION  
WARRANT REGISTER**

**FOR THE MONTH ENDING**

**January 31, 2024**

City of Montclair  
Final Warrant Register  
Council Date 02/20/2024  
Regular Warrants  
Checking Account: MHC

<u>Warrants</u>	<u>ACH Transfers</u>	<u>Voided Checks</u>	<u>US Bank transfers</u>	<u>Totals</u>
144,648.26	0.00	0.00	12.87	<b>144,661.13</b>

**January 2024 Total**

**144,661.13**

US Bank transfers:

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**Vice Chair Johnson**

# Accounts Payable

## Checks by Date - Summary by Check Number

User: cramirez  
Printed: 2/8/2024 8:08 AM



Check No	Vendor No	Vendor Name	Check Date	Check Amount
5596	Nagc006	NAGCO GLASS	01/10/2024	828.91
5597	Perf003	Performance Construction & Remodeling I	01/10/2024	3,500.00
5598	SCE-Res	Southern California Edison Co	01/10/2024	261.07
5599	sout021	Southern California Gas Co	01/10/2024	14.08
5600	Dina001	Dina Contractor Services	01/18/2024	43,382.40
5601	JGL001	JGL Electric Company, Inc.	01/18/2024	1,250.00
5602	land012	Landscape Maintenance Unlimited	01/18/2024	4,690.00
5603	mont002	City of Montclair	01/18/2024	2,133.30
5604	mont074	Monte Vista Water District	01/18/2024	3,538.28
5605	Nagc006	NAGCO GLASS	01/18/2024	175.00
5606	Nati051	National Community Renaissance of Califo	01/18/2024	78,144.00
5607	Perf003	Performance Construction & Remodeling I	01/18/2024	3,000.00
5608	SCE-Res	Southern California Edison Co	01/18/2024	483.28
5609	Sout018	Southern California Edison Co	01/18/2024	818.74
5610	sout021	Southern California Gas Co	01/18/2024	1,134.20
5611	Obli001	The Obliterator	01/18/2024	1,295.00
Report Total (16 checks):				144,648.26

# Book Transfer Daily Activity Detail

CITY OF MONTCLAIR

SinglePoint

Reported Activity From 01/02/2024 To 01/31/2024

Printed on 02/08/2024 at 8:12 AM PST



Effective Date	Amount	From: Debit Account Number	To: Credit Account Number	Status
01/03/2024	\$12.87	153499275821	153499275805	Completed

**Debit Account Name** MONTCLAIR HOUSING CORPORATION  
**Debit Account Type** DDA  
**Credit Account Name** CITY OF MONTCLAIR GENERAL ACCOUNT  
**Credit Account Type** DDA  
**Template Name** .  
**Memo** Transfer funds for MHC expense made with Calcard  
**Initiate Date** 01/03/2024  
**Initiate Time** 11:23AM CDT  
**Initiated By** RBADAWI  
**Completed Date** 01/03/2024  
**Completed Time** 11:23AM CDT

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**Total Number of Book Transfers:** 1  
**Total Amount of Book Transfers:** \$12.87

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--- End of Report ---



**CITY OF MONTCLAIR  
HOUSING AUTHORITY  
TREASURER'S REPORT  
FOR THE MONTH ENDING**

**January 31, 2024**

Schedule 1

CITY OF MONTCLAIR  
HOUSING AUTHORITY  
STATEMENT OF CASH  
January 31, 2024

	<u>Amount</u>
<b>Checking Account</b>	
US Bank	3,183,037.57
<b>TOTAL CASH</b>	<b>\$ <u>3,183,037.57</u></b>

**NOTE:**

During the upcoming month, surplus moneys will be invested in the Local Agency Investment Fund. The MHA has sufficient monies available to meet expenditures during the next six month period.

**CITY OF MONTCLAIR  
HOUSING AUTHORITY  
WARRANT REGISTER**

**FOR THE MONTH ENDING**

**January 31, 2024**

City of Montclair  
Final Warrant Register  
Council Date 02/20/2024  
Regular Warrants  
Checking Account: MHA

<u>Warrants</u>	<u>Voided Checks</u>	<u>US Bank transfers - out.</u>	<u>Totals</u>
0.00	0.00	0.00	0.00
<b>January 2024 Total</b>			<b><u><u>0.00</u></u></b>

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Vice Chair Johnson