

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, AUGUST 17, 2015, AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS, 5111 BENITO STREET, MONTCLAIR, CALIFORNIA

I. CALL TO ORDER

Mayor/Chairman Eaton called the meeting to order at 7:00 p.m. and asked that everyone please silence their electronic devices as a courtesy to others while the meeting is in session.

II. INVOCATION

Pastor Vicki Brobeck, Grace Fellowship Foursquare Church, gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Council Member/Director Martinez led those assembled in the Pledge.

IV. ROLL CALL

Present: Mayor/Chairman Eaton; Mayor Pro Tem/Vice Chairperson Raft; Council Members/Directors Dutrey, Ruh, and Martinez; City Manager/Executive Director Starr; Deputy City Manager/Economic Development Executive Director Staats; Director of Community Development Lustro; Director of Public Works Hudson; Director of Finance Parker; Deputy City Attorney Holdaway; Deputy City Clerk Phillips

V. PRESENTATIONS

A. Red Cross Battle of the Badges 2015

Ms. Becky Cogley, Business Development Manager, **American Red Cross**, expressed appreciation on behalf of the **Red Cross** for the City of Montclair's partnership. She stated that this year, Montclair participated in the **9th Annual Battle of the Badges**, contributing 58 units of blood toward the 5,000 units collected over the course of the program, which will positively affect approximately 15,000 lives.

Ms. Cogley thanked Public Safety Executive Director deMoet and Lieutenant Brian Ventura for their hard work coordinating Montclair's participation. She presented a plaque to Lieutenant Ventura on behalf of the City of Montclair, and recognized his praiseworthy dedication and hard work.

Ms. Cogley noted the City will be participating in the 10th Annual Battle of the Badges starting February 16, 2016, and added that the Fire Department also plans to help out by hosting a blood drive at its open house and pancake breakfast event in October.

B. Farewell to Police Department Volunteer Services Coordinator Teresa Schneider

Public Safety Executive Director deMoet stated Police Department Volunteer Services Coordinator Teresa Schneider began her career with the Montclair Police Department as a Police Officer Trainee in 1990. She excelled in training and became a Police Officer assigned to patrol and serving as a K-9 Officer from 1995-1998. In late 2000, Teresa was involved in an on-duty traffic collision during

a pursuit, which resulted in injuries that led to her inability to perform her regular Police Officer duties. After her recovery, Teresa was assigned to a modified-duty Police Officer position. In 2005, Teresa resigned as a full-time Police Officer and accepted a position as a sworn, part-time Police Officer coordinating volunteer services and other duties, and later performed background investigations.

Public Safety Executive Director deMoet congratulated Volunteer Services Coordinator Schneider for her outstanding 25 years with the Montclair Police Department from 1990 to 2015, and presented her with a plaque and a Montclair Police Department honorably retired Police badge to symbolize her 25 years of committed service to the City and to the community.

C. Montclair Crime Statistics Report

Public Safety Executive Director deMoet presented the following information in a PowerPoint presentation related to crime statistics in Montclair:

1. **How Crime is Reported** – All law enforcement agencies send monthly uniform crime reports to the **U.S. Department of Justice (DOJ)** and the **Federal Bureau of Investigations (FBI)**. There are two primary categories: violent (homicide, rape, robbery, and aggravated assault) and property (burglary, larceny/theft, grand theft auto, and arson) crimes. These are also known as Part 1 crimes. The Montclair Police Department (MPD) has posted its uniform crime reports on the City's website for the past ten years, which is consistent with what is reported to **DOJ** and **FBI**.

Crime is also split into two categories: *reported* and *actual* crimes. Only certain crimes must be reported by mandate, which includes child and elder abuse and hate crimes. Law enforcement agencies determine which crimes to report outside of the mandated reported crimes. MPD reports all felonies and misdemeanors where a report is requested, but not all agencies have that policy. The inconsistent classification and reporting of crimes among law enforcement agencies makes it difficult to compare crime statistics between agencies.

Another thing that impacts statistical analysis of reports is when there are changes to the definitions of certain crimes. Montclair's rape crime category increased from 11 in 2013 to 22 in 2014 due to the expansion of the definition of rape to include any gender and all nonconsensual sexual penetration including statutory rape, whereas the former definition was limited to forcible sexual intercourse with a woman against her will. Although not yet mandated, MPD decided to abide with a reporting scheme based on the new definition in 2014. Had rape been reported in 2014 as it was in 2013, there would have been 11 rapes reported instead of 22—the same as the previous year.

The increase in homicides in Montclair from 2 in 2013 to 3 in 2014 can be interpreted as a 50 percent increase in homicide, which can be misleading because the difference is only one incident.

2. **Statewide Crime Trends through 2014** – When the number of crimes is low, the data is sensitive to trends, where even a slight increase can look like a major increase. Montclair's crime statistics are generally consistent throughout the past ten years with the exception of 2010 and 2011, which were anomaly low-crime years, and 2014, where the definition of rape was revised. However, 2014 still has the lowest overall

crime rate in the past ten years. Statewide, property and violent crimes have seen a general decline over the years through 2013.

3. **Change in the trend for 2015** – Media outlets are reporting an increase in crime throughout the state in 2015. This has incited fear that crime is on the rise. Many articles blame **Proposition 47** for this trend.
4. **Proposition 47 and AB 109** – **Proposition 47**, the "**Safe Neighborhoods and Schools Act**," was approved by California voters on November 4, 2014. The initiative reduced the classification of most "nonserious and nonviolent property and drug crimes" from a felony to a misdemeanor. Its intention was to improve public safety, reduce prison spending by decreasing inmate population, and dedicate hundreds of millions of dollars to K-12 schools, crime victim assistance, mental health treatment, and drug treatment. **AB 109** mandated a reduction in state prison populations, which allowed criminals to be transferred to already overcrowded county jails, or released early on probation or other home monitoring methods.

Proposition 47 is retroactive, therefore sentenced inmates may petition for a recall of their sentences. It applies to former and current offenders regardless of where they are in the justice system process. Contrary to what the proposition said it would do, offenders are not choosing treatment, which was supposed to help reduce recidivism and increase public safety.

A comparison of uniform crime reports for area cities for the first halves of 2014 and 2015 show increases in all Part 1 crimes, with only a few deviations showing decreases. Montclair had the lowest increase in violent crime (1 percent, compared to 14 percent regional average), and an above-average increase in property crime (18 percent, compared to 11 percent regional average). It is important to note that comparing year-to-year reports are less indicative of crime trends than using the average of five- or ten-year totals as a baseline comparison.

The increase of property crimes can likely be attributed to the early release of prisoners due to **Proposition 47**. Residential burglaries are down 18 percent in Montclair, whereas commercial burglaries are up 38 percent. There has also been a 59 percent increase in grand theft auto (GTA) and 21 percent increase of vehicle burglary for the first six months of this year, which can be attributed to densely populated areas with a lack of garage parking and the ease of breaking into the types of vehicles that are commonly owned by the demographic living in the city.

Council Member Ruh noted he has read that criminals prefer to commit GTAs at regional shopping centers that have close proximity to a major freeway so that they can get away quickly.

Public Safety Executive Director deMoet stated that is likely a factor considered when criminals plan their crimes, which could explain a higher concentration of GTAs in the **Montclair Plaza** area.

Public Safety Executive Director deMoet concluded that the categories of crimes experiencing major increases are the same crimes committed by those released early due to **Proposition 47** and **AB 109**. He added that the three strikes rule is no longer in effect, so criminals have a very low incentive to refrain from committing crimes. He predicted that these reduced consequences

will almost certainly result in an increase in crime. He stated that crime statistics can be interpreted in a variety of ways, especially in ways that are misleading. He emphasized that MPD believes in transparency and a full reporting of crime statistics. Overall, Montclair's crime is not spiraling out of control and increases are consistent with those that are occurring statewide.

Council Member Dutrey discussed the accusations made by a recall proponent about crime being up, noting that he reviewed MPD's crime statistics compared to area cities and concluded the same thing that Public Safety Executive Director deMoet reported this evening—that crime is not running rampant. He stated crime was expected to go up during the recession but, in fact, it decreased. He also noted police officers nationwide are under a very critical public eye due to the **Trayvon Martin** controversy and events that transpired in **Ferguson, Missouri**. He expressed his frustration with **Proposition 47** and emphasized residents' desire to feel safe in the City, and noted that the cost of police services is rising for cities due to the crime increase and the state is not willing to provide the money to fund that. He stated that he voted no on **Proposition 47** and hopes the state puts another initiative on the ballot to reverse it.

Public Safety Executive Director deMoet stated MPD's commitment is to follow trends and react to them. To specifically address the increase in auto thefts and commercial burglaries, he advised that MPD will soon be implementing new technology and surveillance methods.

Council Member Ruh emphasized the issue of undocumented residents not reporting incidents to the police due to a lack of trust and a fear that they will be reported for their undocumented status. He also noted white collar crimes do not show up in these reports, which can be devastating to businesses and individuals. He advised these crimes are more typical in affluent communities which appear to have low crime rates because these white collar crimes are not reported. He also stated that he believes that rehabilitation programs can and do work, but they are not going to work for everyone. He noted it is up to the individual to want to change.

Public Safety Executive Director deMoet stated that substance abuse is the root of many crime problems. He stated that before **Proposition 47**, many convicts chose to go to drug court instead of prison and completed it successfully; however, now nobody even chooses drug court because there is not a worse alternative besides a short period in jail.

Mayor Pro Tem Raft stated that this appears to be a vicious circle. She stated she voted no on **Proposition 47** as well, and hopes some of these laws will be overturned to help maintain safe communities.

Council Member Martinez asked if the **Nixle** communications have had any impact on reducing crime.

Public Safety Executive Director deMoet stated that it is hard to tell what the exact cause of reduction in crime is, but he believes that use of the **Nixle** system is contributing to reduction in crime. He noted he would like to do more community outreach besides **Nixle** to ensure connection with the entirety of the City's population.

Council Member Martinez stated she will assist in any way she can to get **Proposition 47** overturned.

Public Safety Executive Director deMoet advised there is cleanup legislation proposed for **Proposition 47** to put "date rape drugs" back into the felony category, and grand theft of a firearm. He

noted the primary provisions of **Proposition 47** are, unfortunately, here to stay.

Mayor Eaton thanked Public Safety Executive Director deMoet and stated that it is unfortunate that those who criticized Montclair for its crime statistics and policing tactics were not in attendance to hear the presentation.

D. Proclamation Declaring October as "Manufacturing Awareness and Appreciation Month" in the City of Montclair

Mayor Eaton read a proclamation declaring October 2015 as "Manufacturing Awareness and Appreciation Month" in the City of Montclair. He stated that the proclamation would be mailed to the **San Joaquin Valley Manufacturing Cluster**.

Mayor Eaton thanked audience members for their attendance and noted that those who would like to leave the meeting at this time could do so.

VI. PUBLIC COMMENT

Pursuant to Government Code Section 54954.3, Mayor/Chairman Eaton announced that this section is intended to provide members of the public with an opportunity to address the Council on any subject that does not appear on tonight's agenda. He stated that each speaker will be afforded five minutes to address the City Council, the Successor Agency and Montclair Housing Corporation Boards of Directors, the Montclair Housing Authority Commissioners, and the Montclair Community Foundation Board of Directors.

- A. Ms. Joni Lindhorst**, 5065 Kingsley Street, Montclair, thanked the City Council and Code Enforcement staff for addressing concerns she had brought up at the last City Council meeting. She stated the condition of her neighbor's yard has improved immensely.

VII. PUBLIC HEARINGS

- A. Consider Adoption of Resolution No. 15-3087 Approving an Amendment to the General Plan Land Use Map for 3.03 Acres at 5165 Mission Boulevard, Modifying the Land Use Designation from "General Commercial" to "Medium-Density Residential (8-14 Dwelling Units/Acre)"**

Consider Adoption of Resolution No. 15-3088 Approving an Amendment to the City's Official Zoning Map for 3.03 Acres at 5165 Mission Boulevard, Modifying the Zoning Designation from "C-2" (Restricted Commercial) to "R-3" (Medium-High Density Residential)

Consider Approval of Tentative Tract Map No. 19970 for a Single-Lot Subdivision for a 31-Unit Residential Condominium Development at 5165 Mission Boulevard

Mayor Eaton declared it the time and place set for public hearing related to adoption of Resolution No. 15-3087 approving an amendment to the General Plan Land Use Map for 3.03 acres at 5165 Mission Boulevard, modifying the land use designation from "General Commercial" to "Medium-Density Residential (8-14 dwelling units/acre)"; adoption of Resolution No. 15-3088 approving an amendment to the City's Official Zoning Map for 3.03 acres at 5165 Mission Boulevard, modifying the zoning designation from "C-2" (Restricted Commercial) to "R-3" (Medium-High Density Residential); and adoption of Tentative Tract Map No. 19970 for a single-lot subdivision for a 31-unit residential condominium development at 5165 Mission Boulevard, and invited comments from the public.

There being no one in the audience wishing to speak, Mayor Eaton closed the public hearing and returned the matter to the City Council for its consideration.

Mayor Pro Tem Raft asked why the City is limited to four general plan amendments per year.

City Manager Starr advised that four amendments per calendar year is the maximum allowed by state law, which is why staff will soon be setting a quarterly schedule for adoption of general plan amendments.

Council Member Martinez asked if infill projects count toward that four amendment maximum.

City Manager Starr stated that if the infill project requires a general plan amendment, then it would count. He advised several projects may be considered during the quarterly general plan amendments, which would likely be set for March, June, September, and December.

Council Member Dutrey noted he appreciates the fact that the proposed project's Covenants, Conditions, and Restrictions (CC&Rs) contains a requirement for property maintenance. He asked if this is a residential project and for its location.

City Manager Starr stated it is a residential project near the south end of the City.

Council Member Dutrey stated that he feels staff should look into some solutions to pay for the increased service demands that an influx of new residents will put on the City.

City Manager Starr stated that, while staff is sensitive to the issues mentioned, a feasibility study has not been discussed as an option but may be considered as part of a future General Plan update.

Council Member Dutrey asked if the plan would include a physical analysis of the residential versus commercial makeup of the community, emphasizing his concern is with paying for increased service demands with an influx of new high density residences.

City Manager Starr advised it would be part of the study, but noted dynamic changes are occurring in society that are impacting the way people live and shop, including online retail and an increase in urban centers.

Council Member Dutrey stated his concern relates to the increase in residential density having an impact on the demand for Police and Fire services, and whether property taxes or sales taxes will be sufficient to pay for those services, or if other revenue sources need to be developed.

City Manager Starr stated that these types of studies often lack financial analyses.

Council Member Ruh stated his support for this development project, noting he would have preferred a fully attached project allowing for more units and a more unified look. He added that retailers are seeking a captive market, which is a densely populated area where the shoppers live near retail centers. He advised there are studies that find millennials are seeking urban environments where they can work and shop within five miles of home, largely without a car.

Council Member Ruh advised it would be unfair to charge new residents fees that are not applied to all residents of the City, and

noted his hesitance to enact more fees due to home ownership issues related to the recent economic recession.

Council Member Ruh warned that the CC&Rs that reference the screening process for residents should be broadly implemented and observe **Fair Employment and Housing Act** guidelines, and asked that staff ensure these standards are implemented fairly.

Moved by Council Member Dutrey and seconded by Council Member Ruh that Resolution No. 15-3087, entitled, "**A Resolution of the City Council of the City of Montclair Approving an Amendment to the General Plan Land Use Map, modifying the Land Use Designation of 3.03 Acres of Land at 5165 Mission Boulevard from 'General Commercial' to 'Medium-Density Residential (8-14 DU/AC)' to Facilitate Construction of a 31-Unit Residential Condominium Development Thereon (APN 1011-333-69);**" Resolution No. 15-3088, entitled, "**A Resolution of the City Council of the City of Montclair Approving an Amendment to the Official Zoning Map of the City of Montclair Changing the Zoning Designation of 3.03 Acres of Land at 5165 Mission Boulevard from 'C-2' (Restricted Commercial) to 'R-3' (Medium-High Density Residential) to Facilitate Condominium Development Thereon (APN 1011-333-69);**" and Tentative Tract Map No. 19970 be adopted.

Resolution Nos. 15-3087 and 15-3088 and Tentative Tract Map No. 19970 were adopted by the following vote:

AYES: Martinez, Ruh, Dutrey, Raft, Eaton
NOES: None
ABSTAIN: None
ABSENT: None

B. Consider Adoption of Resolution No. 15-3089 Establishing Underground District No. 7 Generally Located Along Monte Vista Avenue from Holt Boulevard to Mission Boulevard

Mayor Eaton declared it the time and place set for public hearing related to adoption of Resolution No. 15-3089 establishing Underground District No. 7 generally located along Monte Vista Avenue from Holt Boulevard to Mission Boulevard and invited comments from the public.

There being no one in the audience wishing to speak, Mayor Eaton closed the public hearing and returned the matter to the City Council for its consideration.

Council Member Ruh expressed his support for this item, especially in relation to its timing with the Monte Vista Avenue/Union Pacific Railroad Grade Separation Project.

Council Member Dutrey stated he supports this item due to the high costs associated with the undergrounding of utilities and for its contribution to the beautification of Monte Vista Avenue.

Moved by Council Member Ruh and seconded by Council Member Dutrey that Resolution No. 15-3089, entitled, "**A Resolution of the City Council of the City of Montclair Establishing Utility Underground District No. 7 Along Monte Vista Avenue Between Holt Boulevard and Mission Boulevard,**" be adopted.

Resolution No. 15-3089 was adopted by the following vote:

AYES: Martinez, Ruh, Dutrey, Raft, Eaton
NOES: None
ABSTAIN: None
ABSENT: None

VIII. CONSENT CALENDAR

Moved by Council Member/Director Ruh, seconded by Council Member/Director Dutrey, and carried unanimously to approve the following Consent Calendar items, as presented:

A. Approval of Minutes

1. Minutes of the Regular Joint City Council/Successor Agency Board/MHC Board/MHA Commission/MCF Board Meeting of August 3, 2015

The City Council, City Council acting as successor to the Redevelopment Agency Board of Directors, Montclair Housing Corporation Board of Directors, Montclair Housing Authority Commissioners, and Montclair Community Foundation Board of Directors approved the minutes of the August 3, 2015 regular joint meeting.

B. Administrative Reports

1. Receiving and Filing of City Treasurer's Report

The City Council received and filed the City Treasurer's Report for the month ending July 31, 2015.

2. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated August 17, 2015, totaling \$1,027,028.29; and the Payroll Documentation dated August 9, 2015, amounting to \$603,169.25 gross, with \$417,514.88 net being the total cash disbursement.

3. Receiving and Filing of Successor Agency Treasurer's Report

The City Council acting as successor to the Redevelopment Agency Board received and filed the Successor to the Redevelopment Agency Treasurer's Report for the month ending July 31, 2015.

4. Approval of Successor Agency Warrant Register

The City Council acting as successor to the Redevelopment Agency Board approved the Successor to the Redevelopment Agency Warrant Register dated 7.01.15-7.31.15 in the amounts of \$33,174.78 for the Combined Operating Fund; \$0.00 for the Redevelopment Obligation Retirement Funds; \$0.00 from the Tax Exempt Bond Proceeds; and \$0.00 from the Taxable Bond Proceeds.

5. Receiving and Filing of MHC Treasurer's Report

The MHC Board received and filed the MHC Treasurer's Report for the month ending July 31, 2015.

6. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 7.01.15-7.31.15 in the amount of \$72,990.23.

7. Receiving and Filing of MHA Treasurer's Report

The MHA Commissioners received and filed the MHA Treasurer's Report for the month ending July 31, 2015.

8. Approval of MHA Warrant Register

The MHA Commissioners approved the MHA Warrant Register dated 7.01.15-7.31.15 in the amount of \$261.80.

9. Authorization of a \$1,503 Expenditure from the Federal Asset Forfeiture Fund to Purchase Additional Licensing for Existing Software to Support Remote Connectivity to Department Computers

The City Council authorized a \$1,503 expenditure from the Federal Asset Forfeiture Fund to purchase additional licensing for existing software to support remote connectivity to Police Department computers.

C. Agreements

1. Approval of *Agreement No. 15-69* with the City of West Covina for Mobile Data Computer Connectivity, Data Processing Equipment, Software, and Service of Computer-Aided Dispatch and Records Management System Programs

The City Council approved *Agreement No. 15-69* with the City of West Covina for mobile data computer connectivity, data processing equipment, software, and service of computer-aided dispatch and records management system programs.

2. Approval of *Agreement No. 15-70* with Kaiser Foundation Hospitals, Ontario, for the Montclair Golden Express Senior Transportation Program

The City Council approved *Agreement No. 15-70* with Kaiser Foundation Hospitals, Ontario, for the Montclair Golden Express Senior Transportation Program.

3. Montclair Community Foundation Board Of Directors' Approval of *Agreement No. 15-71* with Kaiser Foundation Hospitals, Ontario, to Support the Montclair Online to College Program

The Montclair Community Foundation Board approved *Agreement No. 15-71* with Kaiser Foundation Hospitals, Ontario, to support the Montclair Online to College Program.

4. Approval of *Agreement No. 15-73* with the Assistance League of the Foothill Communities to Receive Teddy Bears for the Fire Department to Distribute to Children in Need of Comfort During Stressful Situations

The City Council approved *Agreement No. 15-73* with the Assistance League of the Foothill Communities to receive teddy bears for the Fire Department to distribute to children in need of comfort during stressful situations.

5. Approval of *Agreement No. 15-74* with Bilingual Family Counseling Services to Provide Case Management Services

The City Council approved *Agreement No. 15-74* with Bilingual Family Counseling Services to provide case management services.

6. Approval of Amendment No. 1 to *Agreement No. 15-39* with NCM Engineering Corporation for the Preparation of Design and Construction Drawings for the Monte Vista Avenue/Union Pacific Railroad Grade Separation Project

The City Council approved Amendment No. 1 to *Agreement No. 15-39* with NCM Engineering Corporation for the Monte Vista Avenue/Union Pacific Railroad Grade Separation Project.

D. Resolutions

1. Adoption of Resolution No. 15-3092 Opposing Redevelopment Budget Trailer Bill AB 113, Local Government

The City Council adopted Resolution No. 15-3092 opposing Redevelopment Budget Trailer Bill AB 113, Local Government.

IX. PULLED CONSENT CALENDAR ITEMS - None

X. RESPONSE - None

XI. COMMUNICATIONS

A. City Department Reports

1. Economic Development Department

Deputy City Manager/Economic Development Executive Director Staats reported the following:

- a. **2015 State of the City Event Information** - This year's State of the City Event is scheduled for Wednesday, October 7, 2015.
- b. **Report on North Montclair Infrastructure Study** - Staff has solicited proposals to perform an infrastructure engineering and planning study. Staff will request Council action within the next month to consider hiring a consultant to do that work. Improvements would include bikeways and walking paths in the north Montclair area.

2. Police Department

- a. **National Night Out Review** - Public Safety Executive Director deMoet reported that the **National Night Out** event in **Alma Hofman Park** on August 4, 2015, was a huge success. He recognized Lieutenant Kumanski for his work in organizing the event. He stated that next year, they are planning to have food trucks and a ceremonial presentation to provide an opportunity for dignitaries and community partners to speak.

3. Fire Department

- a. **Report of Fire Response to Statewide Fires** - Interim Fire Chief Corbin reported on the Montclair Fire Department's response to the fires in northern California. He advised OES 331 is a state-owned fire apparatus at Fire Station No. 2, and was dispatched to a fire in the Bass Lake area on July 30, was later sent to the Shasta Trinity National Forest fire, and was returned on Thursday. He noted job assignments included structure defense and backfire operations. He noted he is happy to report that all personnel returned with no injuries.

4. Finance Department

Finance Director Parker reported the following:

- a. **Housing Authority Property Tax Report** - As the result

of the tireless effort of the City's Housing and Economic Development staff, the Montclair Housing Corporation finally obtained tax-exempt status, resulting in the **County Auditor-Controller/Treasurer/Tax Collector** refunding the \$314,000 paid by the City for property taxes on its low- to moderate-income housing assets in 2013 as an unintended consequence of the dissolution of California redevelopment agencies.

- b. **Successor Agency State Controller's Audit** – The State Controller's Office has begun auditing successor redevelopment agencies as required by law, which included properly claiming obligations and property taxes, reconciliation of financial records, and appropriate documentation. The City was one of the first to be audited and has just completed its conference with the **State Controller's Office** with no findings, indicating full compliance with the law.

5. **Public Works Department**

- a. **Status Report on Public Works Projects** – Public Works Director Hudson reported that last Thursday, the City of Montclair scored a Grand Slam after the **SANBAG Commuter Rail and Transit Committee** and the **SANBAG Metro Valley Study Session** took action recommending several items for approval by the **SANBAG Board of Directors** at their September Board meeting. The actions taken are of great importance to the City, involving work associated with the **Gold Line** extension to Montclair, the Monte Vista Avenue widening project at I-10, and the **Monte Vista Avenue/UPRR Grade Separation Project**:

- The **Commuter Rail and Transit Committee** voted unanimously to amend **SANBAG's** FY2015/16 budget, adding a task number for costs related to the **Gold Line** extension, and recommended a transfer of \$50,000 to this Task Number for personnel time related to the work. This action represents the first time the **SANBAG** budget provided direct funding for **Gold Line**-related work and recognized the **Gold Line** extension-Montclair Segment as a distinct and separate transit project within San Bernardino County.
- The **Commuter Rail and Transit Committee** also recommended approval of a reimbursement agreement with the City of Montclair that the City Council approved last month. The agreement had been in development since last year as the City and **SANBAG** worked collaboratively to develop a reimbursement scenario acceptable to both agencies. The agreement guarantees reimbursement to the City of Montclair of \$3 million for oversight and design costs should the **Gold Line** extension to Claremont be funded in Los Angeles County. It is anticipated that a tax measure will go to Los Angeles County voters in November 2016 for approval. If the Los Angeles County measure is approved, work on extension of the **Gold Line** is expected to begin in 2017, with completion to Claremont in 2022. Montclair is currently seeking to develop a **Federal Transit Administration** Small Starts grant and state cap-and-trade funding for construction of the \$72 million Montclair segment.

The City's objective is to keep construction synchronized with **Phase 2B** from Azusa to Claremont and bring the **Gold Line** to Montclair in 2022.

The **Metro Valley Study Session**, another **SANBAG** Committee, took action on two items related to Montclair:

- The first was a Memorandum of Understanding and Cooperative Agreement for work related to widening Monte Vista Avenue at I-10 in conjunction with work that **SANBAG** and **Caltrans** are already studying with respect to adding additional lanes to I-10. The end result would be the complete removal of the I-10 bridge over Monte Vista Avenue and replacement with a two-span bridge crossing a widened Monte Vista Avenue having as many as four left turn pockets and six through lanes. Work is anticipated to begin in 2017.
- The second agreement recommended for approval was a construction management agreement between **SANBAG** and the City for the **Monte Vista Avenue/UPRR Grade Separation Project**. This agreement calls for **SANBAG** to hire an engineering firm to manage the construction of the grade separation project, a project that will also be funded by **SANBAG**. Work is expected to begin in 2017.

6. Community Development Department

- a. **Planning Commission Actions** - Community Development Director Lustro reported the Planning Commission recently approved the conditional use permit for the City's first microbrewery, as well as an 11,000 square foot warehouse building project on Oak Glen Avenue.

7. Human Services Department

Human Services Director Richter reported the following:

- a. **Online to College Activities** - The Human Services Department will be conducting an **Online to College (OTC)** program orientation for Montclair High School freshmen as well as career workshops throughout 2016 for **OTC** students. The Montclair Community Foundation recently received a generous contribution of \$10,000 from **Kaiser Foundation Hospitals, Ontario**, and \$7,500 from **Inland Empire United Way** for program funding. Community members, businesses, and organizations are invited to support the Montclair's **OTC** program through tax-deductible contributions to the Montclair Community Foundation. Program information and enrollment forms can be found on the City's website.
- b. **L.A. County Fair Tickets / Montclair Day at the Fair** - The fair will open Wednesdays through Sundays from September 4 - 27. The Human Services Department will be selling tickets beginning next week (cash only) in the Recreation Center. Tickets are \$12 for adult admission and \$6 for children ages 6-12, saving \$8 for adult and \$6 for child tickets compared to weekend ticket prices.

Montclair Day at the Fair is Friday, September 11, 2015, and the fair will be open from noon to midnight.

Montclair residents are eligible to receive a coupon good for \$5 admission to the fair on that day. Tickets can be purchased online or at the gate. The Montclair Day coupon is available at the recreation desk or on the City's website. Shuttle service via the Montclair Golden Express will be available for residents 18 and older for Montclair Day. Reservations to ride the Golden Express to the fair on Montclair Day can be made at the Senior Center. The two Montclair Community Heroes being recognized on Montclair Day are **Emma Casillas** and senior citizen **Irene Norquist**. More information about the times and locations for the parade and ceremony will be available soon.

Food Drive Fridays will be in effect on **Montclair Day at the Fair**, where residents are eligible for free admission with the donation of five canned goods at the gate.

8. City Clerk's Office

- a. **Recall Petition Process Update** – Deputy City Clerk Phillips reported that the second drafts of the three recall petitions are being reviewed, and a notice will be mailed to the proponents' legal representative to notify them whether the drafts have been approved for circulation or require further corrections.

B. City Attorney

Deputy City Attorney Holdaway requested the City Council meet in closed session regarding the following matters:

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

Ward v. Montclair

- 2. **Closed Session Pursuant to Government Code Section 54956.9(d)(4) Regarding Potential Litigation**

1 potential case

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

Agency: City of Montclair
Employee Management
Organizations: Montclair City Confidential Employees Assn.
Montclair Fire Fighters Association
Montclair Police Officers Association
San Bernardino Public Employees – Teamsters Local 1932

C. City Manager/Executive Director

City Manager/Executive Director Starr stated it is a shame that the recall proponents were not present this evening for the thorough presentation given by Public Safety Executive Director deMoet, the report from Finance Director Parker about the reimbursement of over \$300,000 from the County for the Montclair Housing Corporation's tax-exempt status, and the news about the **Gold Line** extension moving forward.

D. Mayor/Chairman

Mayor/Chairman Eaton reported that he attended a **Southern California Associated Governments** teleconference related to

airports in light of the recent acquisition of **Ontario International Airport** by the City of Ontario.

E. City Council/Successor Agency Board/MHC Board/MHA Board/MCF Board

1. Council Member/Director Martinez commented as follows:
 - (a) She stated that **Magdaleno's Banquets and Catering**, 220 North Central Avenue, Upland, will be hosting an open house event on Friday, September 11, 2015 from 4:30 - 7:30 p.m. to showcase its catering packages and provide a facility tour. Please RSVP to (909) 981-7000 by September 8, 2015, to reserve a spot.
 - (b) She stated that unfortunately, the **26th Annual Chamber of Commerce Golf Tournament** was postponed until spring next year due to extreme weather conditions including a heat advisory and monsoonal humidity on the scheduled day of the event.
 - (c) She reported that on Thursday, August 13, 2015, she attended the **Chamber of Commerce** monthly networking breakfast where **Ms. Maria Cecila Serret** of **Southern California Edison (SCE)** gave a presentation entitled "Powerful Solutions for your Organizations." She noted she was surprised to learn that information for most of **SCE's** discount programs can be found on the company's website and is not mailed with bills.
 - (d) She said she had a great time at the ice cream social put on by the Senior Center on Thursday, August 13, 2015.
 - (e) She thanked Mayor/Chairman Eaton for opening his home to the community for **Senator Connie Leyva's** Community Catch-Up event on Saturday, August 15, 2015. She thanked Council Member/Director Ruh for providing refreshments. She reported the event had a great turnout despite how hot it was. She noted **Senator Leyva** is very supportive of the **Gold Line** and is extremely opposed to and angered by the recall effort.
 - (f) She thanked **Senator Leyva's** office in jest for passing out whistles during the **National Night Out** event, which children had no qualms using during the movie. She noted that she hopes next year the free goodies will be less noisy.
2. Mayor Pro Tem/Vice Chairperson Raft commented as follows:
 - (a) She apologized for missing **Senator Leyva's** Community Catch-Up event, noting she wishes she could have been there.
 - (b) She stated **National Night Out** was a lot of fun and had a great turnout.
 - (c) She reported that there has been another case of West Nile Virus (WNV) discovered in the area. So far this season, 81 mosquitoes have tested positive for WNV. She advised the community to be careful in the current weather conditions, which are making the mosquito situation worse.
3. Council Member/Director Dutrey commented as follows:

- (a) He recognized the City of Ontario for their success in acquiring the airport through a court settlement and congratulated **Ontario Council Member Alan Wapner**.
- (b) He thanked **Kaiser Foundation Hospitals, Ontario, and Assistance League of the Foothill Communities** for their generous donations to the community through contracts approved by the City Council at tonight's meeting.
- (c) He reported that he participated in the Montclair Police Department's ride-along program on a seemingly crimeless evening.
- (d) He congratulated **Monte Vista Water District Board Members Tony Lopez and Manny Martinez**, noting that he heard an unofficial report that Montclair had reduced its water usage by 30 percent in the month of July, which is a 6 percent decrease over June's reduction when compared to 2013 water usage in the same months.

3. Council Member/Director Ruh commented as follows:

- (a) He stated **National Night Out** was a wonderfully successful event. He expressed his appreciation of **Target** for sponsoring and helping organize the event, and thanked the representatives of **Senator Connie Leyva, Assembly Member Freddie Rodriguez, and Fourth District County Supervisor Hagman** for attending. He noted **U.S. Representative Norma Torres** also made an appearance.
- (b) He stated **Senator Leyva's** Community Catch-Up event had a relatively good response considering it was 105 degrees at 9:30 a.m.
- (c) He thanked sworn and non-sworn fire suppression personnel for their valiant efforts fighting the wild fires throughout California. He emphasized his disgust at those who interfere with fire suppression efforts, whether it be drones or swimming in lakes in designated fire zones.
- (d) He thanked residents for decreasing their water usage as mandated by the state in an effort to conserve water during this drought.
- (e) He acknowledged that last Friday, August 15, 2015, marks the 70th anniversary of the end of **World War II**.

F. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of August 3, 2015

The City Council received and filed the Personnel Committee meeting minutes of August 3, 2015, for informational purposes.

XII. COUNCIL WORKSHOP

A. Discussion of Audit Responsibilities and Process with Governing Board of City (Audit Committee) by Van Lant & Fankhanel, LLP, the City of Montclair's Independent Auditing Firm

Moved by Council Member Ruh, seconded by Mayor Eaton, and carried unanimously to continue this item to an adjourned meeting

on Tuesday, September 8, 2015, at 5:45 p.m. in the City Council Chambers.

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

At 8:47 p.m., Chairman Eaton adjourned the Successor Agency and Montclair Housing Corporation Board of Directors, the Montclair Housing Authority Commissioners, and the Montclair Community Foundation Board of Directors.

At 8:48 p.m., the City Council went into Closed Session regarding pending and potential litigation and labor negotiations pursuant to Government Code Sections 54956.9(d)(1), 54956.9(d)(4), and 54957.6, respectively.

XIV. CLOSED SESSION ANNOUNCEMENTS

At 9:27 p.m., the City Council returned from Closed Session. Mayor Eaton announced the City Council met in Closed Session regarding pending and potential litigation and labor negotiations; information was received and direction given to staff; and no further announcements would be made at this time.

XV. ADJOURNMENT OF CITY COUNCIL

At 9:27 p.m., Mayor Eaton adjourned the City Council to Tuesday, September 8, 2015, at 5:45 p.m. in the City Council Chambers for the discussion of audit responsibilities and process with governing board of City (Audit Committee) by **Van Lant & Fankhanel, LLP**, the City of Montclair's independent auditing firm.

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



Andrea M. Phillips
Deputy City Clerk