

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, SEPTEMBER 21, 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**

Council Member Ruh gave the Invocation.

**III. PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Raft 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; City Attorney Robbins; Deputy City Clerk Phillips

**V. PRESENTATIONS - None**

**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. Mr. Paul Gomez**, Vice President, **Chaffey Community College District Board**, introduced President **Gary George**, and Immediate Past President **Lee McDougal**. He invited the City Council to **Chaffey College's** 16th Annual Report to the Community Event on October 13, 2015, from 11:30 a.m. to 1:30 p.m. at the **DoubleTree Hotel** in Ontario. He emphasized the College's immediate goal is to graduate 4,000 students by 2017-18, and noted **Chaffey's** recent achievement in being one of 21 California cities to receive a \$15 million presidential STEM (science, technology, engineering, and mathematics) grant for its manufacturing program.

**B. Mr. Christopher Craig**, Field Representative, **52nd District Assembly Member Freddie Rodriguez's District Office**, announced the following events:

*Pet Adoption Event*      Friday, October 9, 2015  
10:00 a.m. – 5:30 p.m.  
Inland Valley Humane Society Main Office  
500 Humane Way, Pomona

*Senior Scam Stopper Seminar* Friday, October 9, 2015  
9:00 – 11:00 a.m.  
Foothill Village Mobile Home Park  
301 E. Foothill Boulevard, Pomona

*Free Breast Cancer Informational Workshop* Saturday, October 10, 2015  
9:00 – 11:00 a.m.  
Pomona Community Health Center  
1450 Holt Boulevard, Pomona

## VII. PUBLIC HEARINGS

- A. **Consider Adoption of Resolution No. 15-3094 Approving an Amendment to the General Plan Land Use Map for 1.07 Acres at 10998 Central Avenue, Modifying the Land Use Designation from "General Commercial" to "Medium-Density Residential (8-14 Dwelling Units/Acre)"**

**Consider Adoption of Resolution No. 15-3095 Approving an Amendment to the City's Official Zoning Map for 1.07 Acres at 10998 Central Avenue, Modifying the Zoning Designation from "R-1(20)" (Single-Family Residential, Minimum 20,000 Square-Foot Lot Area) to "R-3" (Medium-High Density Residential)**

**Consider Approval of Tentative Tract Map No. 19971 for a Single-Lot Subdivision for a 13-Unit Residential Condominium Development at 10998 Central Avenue**

Mayor Eaton declared it the time and place set for public hearing related to adoption of Resolution No. 15-3094 approving an amendment to the General Plan Land Use Map for 1.07 acres at 10998 Central Avenue, modifying the land use designation from "General Commercial" to "Medium-Density Residential (8-14 dwelling units/acre)"; adoption of Resolution No. 15-3095 approving an amendment to the City's Official Zoning Map for 1.07 acres at 10998 Central Avenue, modifying the zoning designation from "R-1(20)" (Single-Family Residential, minimum 20,000 square-foot lot area) to "R-3" (Medium-High Density Residential); and adoption of Tentative Tract Map No. 19971 for a single-lot subdivision for a 13-unit residential condominium development at 10998 Central Avenue, 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 Dutrey asked if there are any potential requests for residential General Plan amendments from other developers.

City Manager Starr noted there have been several developers interested in residential projects that would require General Plan Amendments but none will make it to the Council before the end of the year.

Community Development Director Lustro advised the same developer is also looking at two additional sites along Mission and Holt Boulevards, which would require General Plan amendments and changes to the Zoning Map or Specific Plan to accommodate potential projects for those sites.

Council Member Dutrey recognized **Crestwood Communities** for its several quality developments in the City and emphasized his appreciation for the developer's presence at tonight's meeting, but stated his concerns regarding the small size of the site and the developer's inability to purchase the adjacent site to the south to accommodate a larger project. He asked whether the developer considered acquiring the vacant lot behind **Farmer Boys**, which is adjacent to the subject site to the north. He stated his concerns

stem from whether a Homeowners' Association on such a small site will be able to sustain itself and maintain the property many years down the road.

Council Member Dutrey noted that, due to changes in the economy and development trends, he strongly feels the City needs to review and update its General Plan, which was last updated in the late '90s. He recommended this be done at a workshop meeting in the near future.

Council Member Dutrey stated he would like to recommend continuing this item to the next regular meeting to give the applicant a chance to review this information and prepare a response.

Mayor Pro Tem Raft stated her concerns related to the Homeowners' Association's financial ability to maintain the property with such a small resident base; future proposed projects that may require additional General Plan amendments; and a deviation from the City's plan for Central Avenue to contain commercial developments.

Council Member Martinez requested clarification of the zoning changes requested.

City Manager Starr stated the applicant is requesting approval of a zoning change to allow for medium-high density residential development on a site that was previously zoned for commercial use. He advised the developed and undeveloped properties to the north and south would retain commercial designations unless the property owners or developers request zoning changes for those properties. He reiterated that the zoning change requested tonight would only affect the parcel at 10998 Central Avenue.

Council Member Ruh noted his confusion with the constantly-changing desire for certain types of development projects in the City, noting at one time the Council wanted to see more detached homes, yet when a detached project is presented by a reputable and quality developer, the Council seems to have changed its tune to wanting something else. He stated that the Planning Commission has approved and recommended this project, and he feels the developer has done all it can and should not be punished based on the adjacent property owner's refusal to come to a reasonable sale price to purchase the parcel. He noted several recent successful residential development projects in the City and stated it is important to provide for the increasing demand for detached homes.

Council Member Ruh stated he is comfortable with this project as it stands and does not wish to delay the developer. He noted that, although he believes it will not pass, he feels inclined to make a motion for approval of this item.

Moved by Council Member Ruh and seconded by Council Member Martinez that Resolution No. 15-3094, 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 1.07 Acres of Land at 10998 Central Avenue from 'General Commercial' to 'Medium-Density Residential (8-14 DU/AC)' to Facilitate Construction of a 13-Unit Residential Condominium Development Thereon (APN 1011-334-03),**" and Resolution No. 15-3095, 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 1.07 Acres of Land at 10998 Central Avenue from 'R-1(20)' (Single-Family Residential, Minimum 20,000 Square-Foot Lot Area) to 'R-3' (Medium-High Density Residential) to Facilitate Condominium Development Thereon (APN 1011-334-03)**" be adopted, and

Tentative Tract Map No. 19971 be approved.\*

Council Member Dutrey noted he understands everything that has been discussed tonight and is not opposed to residential projects, but stated developments in north Montclair like the Arrow Station project followed the North Montclair Specific Plan, which was developed using various studies to determine how to best utilize the area for economic viability rather than through developers requesting zone changes for their own individual projects. He noted he feels that as a good planning principle, one cannot look at a zone change for a single acre, but instead must look at the entire site including the surrounding current and potential developments.

Council Member Dutrey stated that he would prefer that this public hearing be continued to the next regular meeting.

Council Member Ruh stated he would amend his motion provided there is concurrence from the Council to work with the developer in good faith.

\*Moved by Council Member Ruh and seconded by Council Member Martinez to amend the previous motion to a motion to continue the public hearing to the next regular meeting. Motion was carried unanimously to continue the public hearing to Monday, October 5, 2015, at 7:00 p.m. in the City Council Chambers to consider the following:

1. Adoption of Resolution No. 15-3094 approving an amendment to the General Plan Land Use Map for 1.07 acres at 10998 Central Avenue, modifying the land use designation from "General Commercial" to "Medium-Density Residential (8-14 dwelling units/acre)."
2. Adoption of Resolution No. 15-3095 approving an amendment to the City's Official Zoning Map for 1.07 acres at 10998 Central Avenue, modifying the zoning designation from "R-1(20)" (Single-Family Residential, minimum 20,000 square-foot lot area) to "R-3" (Medium-High Density Residential).
3. Approval of Tentative Tract Map No. 19971 for a single-lot subdivision for a 13-unit residential condominium development at 10998 Central Avenue.

## VIII. CONSENT CALENDAR

City Attorney Robbins noted the City Council was provided with an amended version of *Agreement No. 15-87* with Aegis-ITS, Inc., this evening, which is requested to be considered in place of the copy that was included in Council's agenda packets. She advised that revisions were made to the insurance provisions of the agreement.

Moved by Council Member/Director Dutrey, seconded by Mayor Pro Tem/Vice Chairperson Raft, and carried unanimously to approve the Consent Calendar, as presented/amended:

### A. Approval of Minutes

#### 1. Minutes of the Regular Joint City Council/Successor Agency Board/MHC Board/MHA Commission/MCF Board Meeting of September 8, 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 September 8, 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 August 31, 2015.

### **2. Approval of City Warrant Register and Payroll Documentation**

The City Council approved the City Warrant Register dated September 21, 2015, totaling \$477,985.27; and the Payroll Documentation dated September 6, 2015, amounting to \$554,752.14 gross, with \$387,622.16 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 August 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 8.01.15–8.31.15 in the amounts of \$23,640.33 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 August 31, 2015.

### **6. Approval of MHC Warrant Register**

The MHC Board approved the MHC Warrant Register dated 8.01.15–8.31.15 in the amount of \$139,754.46.

### **7. Receiving and Filing of MHA Treasurer's Report**

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

### **8. Approval of MHA Warrant Register**

The MHA Commissioners approved the MHA Warrant Register dated 8.01.15–8.31.15 in the amount of \$0.00.

### **9. Authorization to Advertise for Bid Proposals for the Human Services and Recreation Building Remodel Project Phase 2**

The City Council authorized staff to advertise for bid proposals for the Human Services and Recreation Building Remodel Project Phase 2.

### **10. Approval of Montclair Housing Authority Commissioners' Approval of a Transfer of Monies to the Montclair Housing Corporation for Operation and Maintenance of Housing Properties**

The Montclair Housing Authority Commissioners approved the transfer of \$500,000 to the Montclair Housing Corporation.

**C. Agreements**

**1. Approval of *Agreement No. 15-87* with Aegis-ITS, Inc., for Traffic Signal Maintenance Services**

The City Council approved *Agreement No. 15-87* with Aegis-ITS, Inc., for traffic signal maintenance services, as amended by City Attorney Robbins.

**D. Resolutions**

**1. Adoption of Resolution No. 15-3097 Consenting to the Inclusion of Properties Within the City of Montclair's Incorporated Area in the California Home Finance Authority (CHF) Community Facilities District No. 2014-1 to Finance Renewable Energy Generation, Energy and Water Efficiency Improvements, Electric Vehicle Charging Infrastructure Improvements, and Approving Associate Membership in CHF**

**Adoption of Resolution No. 15-3098 Consenting to the Inclusion of Properties Within the City of Montclair's Incorporated Area in the California Home Finance Authority (CHF) Property Assessed Clean Energy (PACE) Program to Finance Renewable Energy Generation, Energy and Water Efficiency Improvements, Electric Vehicle Charging Infrastructure, and Approving Associate Membership in CHF**

The City Council took the following actions:

- (a) Adopted Resolution No. 15-3097 consenting to the inclusion of properties within the City of Montclair's incorporated area in the California Home Finance Authority (CHF) Community Facilities District No. 2014-1 to finance renewable energy generation, energy and water efficiency improvements, electric vehicle charging infrastructure improvements, and approving associate membership in CHF.
- (b) Adopted Resolution No. 15-3098 consenting to the inclusion of properties within the City of Montclair's incorporated area in the California Home Finance Authority (CHF) Property Assessed Clean Energy (PACE) Program to finance renewable energy generation, energy and water efficiency improvements, electric vehicle charging infrastructure, and approving associate membership in CHF.

**2. Adoption of Resolution No. 15-3099 Consenting to the Inclusion of Properties Within the City of Montclair's Incorporated Area in the California Statewide Communities Development Authority (CSCDA) to Finance Renewable Energy Generation, Energy and Water Efficiency Improvements, and Electric Vehicle Charging Infrastructure Improvements**

The City Council adopted Resolution No. 15-3099 consenting to the inclusion of properties within the City of Montclair's incorporated area in the California Statewide Communities Development Authority (CSCDA) to finance renewable energy generation, energy and water efficiency improvements, and electric vehicle charging infrastructure improvements.

**3. Successor Agency Board of Directors' Adoption of Resolution No. 15-04 Adopting a Recognized Obligation Payment Schedule for January 1, 2016, through June 30,**

**2016; Adopting an Administrative Budget for January 1, 2016, through June 30, 2016; and Authorizing Certain Other Actions Pursuant to Section 34177 of Part 1.85 of the Health And Safety Code**

The Successor Agency Board of Directors adopted Resolution No. 15-04 adopting a Recognized Obligation Payment Schedule for January 1, 2016, through June 30, 2016; adopting an Administrative Budget for January 1, 2016, through June 30, 2016; and authorizing Certain other actions pursuant to Section 34177 of Part 1.85 of the Health And Safety Code.

**IX. PULLED CONSENT CALENDAR ITEMS - None**

**X. RESPONSE**

**A. Response to Public Comment at the September 8, 2015, Regular Meeting of the City Council Regarding Parking Issues at the Paseos at Montclair North**

Council Member Dutrey noted his understanding that there are a total of 808 parking spaces, which would provide more than two parking spaces per unit. He noted he believes perhaps the parking spaces in demand are the ones closer to the residences because he drove by recently and saw that open parking spaces exist in the complex further away from the residences and in the underground parking structure. He added that he looked at Yelp reviews of the current property management company, which had many negative comments related to the cleanliness of the common areas since the management change. He also noted that when he drove by, he witnessed an open garage that was being used as storage and could not fit a vehicle, which could also add to the parking congestion in the open spaces. He asked that staff who has met with management provide comment on these issues.

Community Development Director Lustro noted the previous management company did not implement the City-approved Parking Management Plan and issued excessive parking permits in order to rent out its units more quickly. He noted the current management company is aware of the challenges they must overcome because of the previous management company's actions. He advised the new company is attempting to enforce all aspects of the parking policy including parking-only use of garages.

City Manager Starr agreed with Community Development Director Lustro's assessment of the old management company's mistakes and noted many residents are going to continue to write negative reviews on Yelp until the parking issue can be sorted out by the current management company.

Council Member Raft inquired about the number of units that received excessive parking permits.

Community Development Director Lustro stated that staff is only aware of one unit receiving five permits, and several that have received in excess of two permits, which is supposed to be the maximum issued to any single unit.

Council Member Martinez noted she feels the property is well-maintained and clean and stated she believes the parking issue is one that should be dealt with solely by the property management company, adding this is a common issue many apartment complexes face.

Council Member Ruh recognized that there are 2.3 parking spaces per unit at the **Paseos at Montclair North**, which should be sufficient if the Parking Management Plan is implemented

successfully. He noted he believes that the City can work to assist the management company in addressing the issue. He stated that many times residents have to park in available spaces farther away from their homes and that should not be seen as a failure on the part of the management company, as it is a common issue for those who live in shared parking communities.

## XI. COMMUNICATIONS

### A. City Department Reports

#### 1. Economic Development Department

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

- a. **International Conference of Shopping Centers (ICSC) 2015** – Last week, Economic Development staff represented Montclair at a booth at ICSC 2015 in San Diego. Staff spoke with many developers and companies that expressed interest in leasable and developable properties in Montclair.
- b. **Drought Tolerant Landscaping at MHA Properties** – MHC staff has completed upgrades to drought-tolerant landscaping at the following MHA properties:
  - 9916 Central Avenue (Por La Vida house)
  - 9945 Central Avenue
  - 5444 Palo Verde Street
  - 9815 Central Avenue
  - 10215 Central Avenue
  - 4811 and 4820 Canoga Street (Interior Apartment Courtyards)

Landscaping plans for the properties at 9741, 9751, and 9761 Central Avenue are currently in the design stage, and 10291 Greenwood Avenue is the next property on the list.

#### 2. Police Department

- a. **Montclair Police Officers Association (MPOA) Breast Cancer Awareness Fundraiser** – Police Captain Avels shared MPOA's partnership with the Montclair Police Department in a Breast Cancer Awareness fundraising campaign in October. He noted the Police Department will sell pink t-shirts to sworn uniform personnel, polo shirts for nonsworn personnel, and pink-trimmed Montclair Police Department patches to City staff for \$10 each, the proceeds from which will be donated to **City of Hope**.

#### 3. Fire Department

Interim Fire Chief Corbin reported the following:

- a. **Report of Statewide Wild Fires** – Montclair Fire personnel were dispatched to their second statewide fire response deployment on Friday, September 11, to the Butte County fire for 7 days, returning the evening of Friday, September 18, 2015. There are currently six significant fire incidents being tracked with a total of 400,000 acres burned, 2,700 structures destroyed including 1,605 single-family residences and 23 multifamily structures. The fires have caused six civilian fatalities. The fire behavior this year is like nothing seen

before; for example, the Valley Fire in the Napa County region burned over 62 square miles in the first twelve hours. Software used to track fires is not able to keep up with the rate at which these fires are burning.

- b. **California Office of Emergency Services (CalOES) Preseason Flood Coordination Meeting** - He attended the preseason flood coordination meeting in the **County's Office of Emergency Services** in Rialto, at which this year's El Niño season and related issues were discussed. The meeting addressed intergovernmental coordination for emergency response related to the predicted severity of this year's hurricane season.

The National Weather Service reported the following on this year's El Niño season:

- Ocean temperatures are peaking at 2.5 degrees Celsius above normal, which would indicate potential for the strongest El Niño on record.
- A strong El Niño does not signify a rainy year; in 1965-66 there was a similar prediction wherein San Diego received ten inches of rain in the month of November, which is typical for the entire year, but did not experience much more after that.
- The missed rainfall in the past four years of this drought has equated the total average rainfall for two full years.

This training ensures that the Montclair-Upland Fire Departments are prepared for anything, whether it is a "boom" or a "bust" year in rainfall.

#### 4. Finance Department - No Report

#### 5. Public Works Department

- a. **Capital Projects Update** - Public Works Director Hudson advised that the City has secured all funds for the **Monte Vista Avenue/Union Pacific Railroad Grade Separation Project** and anticipates design completion before the end of the year. He noted construction may not begin until late 2016 or early 2017 due to the required approvals that are still needed from the **California Public Utilities Commission** and **Caltrans**. He advised the project's construction is anticipated to take 18 months, which is six months shorter than it took to construct the **Ramona Avenue/Union Pacific Railroad Grade Separation Project**. He stated **San Bernardino Associated Govern-ments (SANBAG)** is the partner on this project and is currently in the process of receiving proposals for the construction management of this project, which are due at the end of next week and will be reviewed cooperatively by the City and **SANBAG** staff. He added that **SANBAG's Board of Directors** are expected to approve that contract in November, before the design is completed by **NCM Engineering Corp.**

#### 6. Community Development Department

- a. **Development Projects Update** - Community Development Director Lustro reported on the following projects:
  - An 18-unit single-family detached development from **Frontier Homes** at the southeast corner of Monte Vista Avenue and Howard Street is underway, with the first half-dozen units now under

construction.

- A five-unit infill single-family residential project is nearing completion on Fremont Avenue south of Grand Avenue.
- **Orchard Plaza**, a 40,000 square-foot commercial project located at the northwest corner of Holt Boulevard and Ramona Avenue, is well underway.
- **The Montclair Shoppes**, on Central Avenue across from **Costco**, has two completed buildings and construction will soon begin on the last. He noted staff's attendance at **ICSC 2015** in San Diego focused on seeking out companies to fill in unreserved units in this complex. He advised staff gave special attention to seeking a dessert company to fill in the last 1,200 square-foot unit, which would complement the other businesses in the complex. He noted representatives from **Baskin Robbins** expressed interest in the site at the conference.

## 7. Human Services Department

Human Services Director Richter reported the following:

- a. **October Human Services Activities** – The following activities are scheduled for the month of October:
  - *2015 Montclair Youth Talent Showcase* – The Talent Showcase is open to those in kindergarten through twelfth grade and who live or attend school in Montclair. Those interested in competing are encouraged to perfect their talents of singing, dancing, playing a musical instrument, or acting, and enter the contest. Entry forms are available from the Recreation and Youth Centers and on the City's website. Audition applications are due Saturday, October 3, 2015. Mandatory auditions will be held Wednesday, October 7, 2015, from 5:00 p.m. to 7:00 p.m., and selected acts will perform in the show on Friday, October 16, 2015, at 6:00 p.m. in the Community Center.
  - *Human Services Department's Annual Health Fair* – This year's health fair will be held on Tuesday, October 20, 2015, from 9:00 a.m. to noon. Flu shots will be available as well as several other medical screenings, door prizes, and refreshments. This year's fair is sponsored by both **Montclair** and **Chino Hospital Medical Centers** and the **Montclair-Ontario Junior Women's Club**.
  - *Lights On After School Event* – On Thursday, October 22, 2015, from 6:30 to 8:00 p.m., the **Montclair After-School Program** will host a showcase of its projects and programs.
  - *Community Halloween Party* – This year's party will be held on Halloween on Saturday, October 31, 2015, from 5:30 – 8:00 p.m. in the Community Center. The event is sponsored by the **Montclair-Ontario Junior Women's Club** and the **Montclair Plaza**. The event is open to families with children ages twelve and under. The costume contest starts at 6:45 p.m.

- b. **Community Action Committee Update** – CAC Chair Peggy Banas and Vice Chair Hollis Judkins have unfortunately both submitted resignation letters at CAC's last meeting due to medical reasons. CAC Member Laurie Milhiser was elected to serve as Interim Vice Chair. Board elections for a new Chair and Vice Chair will take place at the November meeting. The City Council will be updated after the CAC has chosen a new Chair and Vice Chair.

8. **City Clerk's Office**

- a. **Recall Petition Process Update** – Deputy City Clerk Phillips reported that proponents were sent via certified mail a Notice of Approval to Circulate Recall Petitions on Thursday, September 10, 2015, which initiated the 120-day period in which the recall proponents have to gather a minimum of 2,561 signatures from registered Montclair voters per petition. The deadline to file the petitions is January 7, 2016, at 6:00 p.m. Petitions will only be considered filed after the City Clerk's Office has examined the petitions and determines that there are a minimum of 2,561 signatures per petition. If the petitions do not contain the minimum number of signatures, they will be returned to the proponents to continue circulating until the deadline.

Deputy City Clerk Phillips also advised that there are **California Fair Political Practices Commission (FPPC)** filing requirements related to the recall process. A recall committee, which is a type of primarily formed ballot measure committee, must be established if \$1,000 or more is raised or spent in support or opposition of a recall effort. **FPPC** filing requirements for recall proponents and opponents begin once petitions are approved for circulation. The establishment of a new committee requires filing a Form 410 with the **Secretary of State** along with a \$50 annual active committee fee within ten days of a qualifying expenditure. Quarterly campaign finance reports must be filed for expenditures made by committees in relation to the recall effort. The first quarterly filing due date is October 31 for the period covering January 1, through September 30, 2015. Current officeholders may use their active election committees to oppose the recall, or establish a separate recall committee and bank account. Those using pre-existing officeholder committees may refer to **FPPC** Manual 2, and those forming recall committees may refer to **FPPC** Manual 3. Both manuals can be accessed on the **FPPC's** website at <http://www.fppc.ca.gov>.

B. **City Attorney**

City Attorney Robbins requested the City Council meet in closed session regarding the following four matters:

1. **Closed Session Pursuant to Government Code Section 54956.9(d)(1) Regarding Pending Litigation**  
*Montclair v. Beltran*
2. **Closed Session Pursuant to Government Code Section 54956.9(d)(1) Regarding Pending Litigation**  
*Camou v. Montclair*
3. **Closed Session Pursuant to Government Code Section 54956.9(d)(1) Regarding Pending Litigation**  
*Ament v. Montclair*

5. **Closed Session Pursuant to Government Code Section 54956.8 Regarding Real Property Negotiations**

Properties: 4304 Kingsley Street and 4324 Kingsley Street  
Agency: Marilyn Staats  
Negotiator: Deputy City Manager  
Negotiating Parties: City of Montclair and Cynthia L. Cox  
Under Negotiation: Recommendations Regarding Purchase Price

City Attorney Robbins noted the below item will not be discussed in tonight's closed session.

4. **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  
SBPE – Teamsters Local 1932

**C. City Manager/Executive Director**

City Manager/Executive Director Starr commented as follows:

1. The Montclair Police Department was awarded the COP Grant Award, which was only awarded to twenty-one cities in California. The grant will be spent on the Police Department's new Trust in Policing Program.
2. He discussed the **Gold Line** with **San Bernardino County Fourth District Supervisor Curt Hagman** at Montclair Day at the **L. A. County Fair**. In their conversation, **Supervisor Hagman** stated his commitment to support building the **Gold Line** to Montclair. Unfortunately, **Assembly Member Freddie Rodriguez** recently advised that he would not likely be able to present a bill to the **California State Assembly** for the sole purpose of building the **Gold Line** to Montclair because he did not feel it would garner enough support to pass. He advised that there is unfortunately a freeze on mass transit funding from the state due to pending litigation from mass transit employees related to the **California Public Employees Retirement Systems'** Pension Reform Act of 2013.
3. He noted he spoke with **CIM** representatives at **ICSC 2015** over the weekend and they have reconfirmed that they are still committed to pursuing the expansion of the **Montclair Plaza** (which has been newly renamed to **Montclair Place**), despite a few setbacks that they are currently experiencing in gaining support from the mall tenants.

**D. Mayor/Chairman**

Mayor/Chairman Eaton reported that he attended meetings of the **Southern California Regional Railroad Authority (Metrolink) Board**, **San Bernardino Associated Governments Board**, and **Public Works Committee**.

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

1. Council Member/Director Martinez announced that sadly, **President/Executive Director Darleen Curley** is soon retiring from the **Montclair Chamber of Commerce**. She asked that anyone who is interested and qualified to succeed **President/Executive Director Curley** contact the Chamber of Commerce at (909) 985-5104 to apply.
2. Mayor Pro Tem Raft commented as follows:
  - (a) She stated she was glad to learn that **President Obama** has approved \$250 million in aid for the California wild fires.
  - (b) She noted she was happy to see that Police Officers were the guests of honor at the **Ramona** and **Monte Vista Elementary Schools Patriot Day** programs.
3. Council Member/Director Dutrey commented as follows:
  - (a) He stated the Montclair Day at the **L. A. County Fair** program had a great turnout of Montclair representatives.
  - (b) He noted staff made a presentation at **Metro Honda's** grand opening event for its new showroom last Thursday and asked that the City invite the general manager to a future meeting to be formally recognized by the City Council.
4. Council Member/Director Ruh commented as follows:
  - (a) He discussed the State's dire situation related to the drought, noting the predictions of a severe El Niño is not a saving grace because the state does not have sufficient water retention basins, and El Niño rains are too warm to create snowcap in the Sierra Mountains, which is the main source of California's water. He added that the fires in the foothill areas will become mud slide hazards when the stormy season hits.
  - (b) He noted Montclair Day at the Fair was a great event shared with the cities of Rancho Cucamonga, Azusa, and Ontario. He noted he spoke with **Mayor Angel Carrillo** of Azusa about supporting the **Gold Line** as it continues on its track to reach Montclair in the near future.
  - (c) He reported his attendance with City Manager/Executive Director Starr at the dedication ceremonies for the **Azusa Downtown and Azusa Pacific University/ Citrus College Gold Line Stations**, and stated his frustration that many of the speakers discussing the ultimate goal of bringing the **Gold Line** to the **Ontario International Airport** are the same ones who did not support the bill that **Assembly Member Rodriguez** presented, which would have done exactly that.
  - (d) He noted he attended a retirement banquet for **Alameda Corridor-East Construction Authority** Project Director **Sharon Neely**. He noted he worked with **Ms. Neely** on several projects including the Monte Vista Grade Separation Project, which began in the late 1990s.

City Manager Starr noted he was reminded by Council Member Ruh's comments that at the Azusa Station dedication ceremony he met with **Mr. Phil Washington**, the new Chief Executive Officer of the **Metropolitan Transportation Authority**, and received **Mr. Washington's** assurance that he was fully on board with bringing the **Gold Line** to Montclair, is under clear instruction

from his Board to do just that, and will be working with the City to make sure that happens.

Council Member Ruh added that **U.S. Representative Grace Napolitano (California's 32nd Congressional District)** spoke at **Ms. Neely's** retirement banquet of her support of getting the **Gold Line** to Montclair.

**F. Committee Meeting Minutes**

**1. Minutes of Personnel Committee Meeting of September 8, 2015**

The City Council received and filed the Personnel Committee meeting minutes of September 8, 2015, for informational purposes.

**XII. COUNCIL WORKSHOP**

**A. David Turch & Associates, Federal Legislative Advocate Presentation**

Moved by Mayor Eaton, seconded by Council Member Ruh, and carried unanimously to continue this item to an adjourned meeting on Monday, October 5, 2015, at 5:45 p.m. in the City Council Chambers.

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

At 8:19 p.m., Chairman Eaton adjourned the Successor Agency and Montclair Housing Corporation Boards of Directors, the Montclair Housing Authority Commissioners, and the Montclair Community Foundation Board of Directors.

At 8:21 p.m., the City Council went into Closed Session regarding pending litigation and real property negotiations pursuant to Government Code Sections 54956.9(d)(1) and 54956.8, respectively.

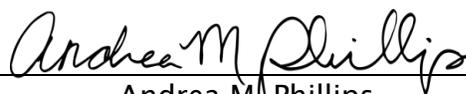
**XIV. CLOSED SESSION ANNOUNCEMENTS**

At 9:07 p.m., the City Council returned from Closed Session. Mayor Eaton announced the City Council met in Closed Session regarding pending litigation and real property 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 9:08 p.m., Mayor Eaton adjourned the City Council to Monday, October 5, 2015, at 5:45 in the City Council Chambers for the **David Turch & Associates**, federal legislative advocate presentation.

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