

**NOTICE OF TEMPORARY MEETING
RELOCATION DURING CONSTRUCTION**

**THIS MEETING WILL BE HELD IN THE
MONTCLAIR SENIOR CENTER**

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

To be held in the Montclair Senior Center
5111 Benito Street, Montclair, California

October 21, 2019

7:00 p.m.

As a courtesy, please silence your cell phones and other electronic devices while the meeting is in session.

Persons wishing to speak on an agenda item, including closed session items, are requested to complete a yellow Speaker Information Card located at the entrance of the Council Chambers and present it to the City Clerk prior to consideration of the item. The Mayor/Chair (or the meeting's Presiding Officer) will recognize those who have submitted a card at the time of the item's consideration by the City Council/Board of Directors/Commissioners, and speakers may approach the podium to provide comments on the item at that time.

Audio recordings of the CC/SA/MHC/MHA/MCF meetings are available on the City's website at www.cityofmontclair.org and can be accessed by the end of the next business day following the meeting.

- 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. Recognition of Montclair Resident Joe Salaiz for Serving as 2018–2019 State Deputy for the California State Council of the Knights of Columbus

VI. PUBLIC COMMENT

This section is intended to provide members of the public with an opportunity to comment on any subject that does not appear on this agenda. Each speaker will be afforded up to five minutes to address the City Council/Boards of Directors/Commissioners. (Government Code Section 54954.3)

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

Page No.

- A. First Reading — Consider Ordinance No. 19-987 Amending Section 8.36.150 of the Montclair Municipal Code Related to Additional Parking Regulations on City-Owned Property [CC]

Consider Setting a Public Hearing for Second Reading and Adoption of Ordinance No. 19-987 for Monday, November 4, 2019, at 7:00 p.m. in the City Council Chambers, 5111 Benito Street, Montclair [CC]

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- Consider Approval of Agreement No. 19-98 with Rasmussen Brothers Construction, Inc., for Construction of the City of Montclair City Hall Remodel Phase 2 Project [CC]
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	<i>Agency: City of Montclair</i>
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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, November 4, 2019, at 7:00 p.m. in the City Council Chambers.

Reports, backup materials, and additional materials related to any item on this Agenda distributed to the Acting Bodies after publication of the Agenda packet are available for public inspection in the City Clerk's Office at 5111 Benito Street, Montclair, California, between 7:00 a.m. and 6:00 p.m., Monday through Thursday.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at (909) 625-9416. Notification 2 business days prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title II)

I, Andrea M. Phillips, City Clerk, hereby certify that I posted, or caused to be posted, a copy of this Agenda not less than 72 hours prior to this meeting on the bulletin board adjacent to the north door of Montclair City Hall at 5111 Benito Street, Montclair, CA 91763 on October 17, 2019.



AGENDA REPORT

DATE: OCTOBER 21, 2019 **FILE I.D.:** PKG275-D
SECTION: PUBLIC HEARINGS **DEPT.:** PUBLIC WORKS
ITEM NO.: A **PREPARER:** N. CASTILLO

SUBJECT: FIRST READING — CONSIDER ORDINANCE NO. 19-987 AMENDING SECTION 8.36.150 OF THE MONTCLAIR MUNICIPAL CODE RELATED TO ADDITIONAL PARKING REGULATIONS ON CITY-OWNED PROPERTY

CONSIDER SETTING A PUBLIC HEARING FOR SECOND READING AND ADOPTION OF ORDINANCE NO. 19-987 FOR MONDAY, NOVEMBER 4, 2019, AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS, 5111 BENITO STREET, MONTCLAIR

REASON FOR CONSIDERATION: Staff has encountered issues regarding an increasing amount of overnight and long-term parking at City-owned facilities, impacting parking availability for customers, residents, and community members doing business with the City or attending City events. In order to allow for the adjustment of parking regulations at City facilities as new issues arise, the City Council is requested to amend the Municipal Code to authorize the City Manager to approve changes to parking regulations at City facilities outside of the Civic Center and to authorize enforcement actions related to violations after the regulations have been posted.

The proposed Ordinance would amend section 8.36.150 of the Montclair Municipal Code to authorize the City Manager to adopt additional parking regulations as to City streets, alleys, and publicly-owned property within the City. The code amendment would allow enforcement and deter undesired parking on City streets and City properties.

A copy of proposed Ordinance No. 19-987 is attached for City Council review and consideration.

BACKGROUND: Section 22658 of the California Vehicle Code sets forth provisions governing the regulation of parking by towing or citation. Locally, Chapter 8.36 of the Montclair Municipal Code currently sets forth regulations concerning stopping, standing, and parking on City streets and other properties in the City.

Proposed Ordinance No. 19-987 would provide the City Manager with the authority to determine parking regulations at City-owned facilities, and the City Engineer to post required signage. While Section 8.36.140 currently allows for the enforcement of posted parking regulations at the Civic Center, the proposed Ordinance would provide the ability to post additional signs giving notice of parking regulations at City facilities outside of the Civic Center, such as the parking facilities at the Police and Fire stations, and other publicly-owned property such as streets and alleys. The code amendment would allow for the enforcement of posted regulations at those locations and deter undesired parking on publicly-owned streets and properties.

FISCAL IMPACT: Adoption of Ordinance No. 19-987 would have an undetermined, but most likely neutral fiscal impact on the City's General Fund.

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

1. Conduct First Reading of Ordinance No. 19-987 amending section 8.36.150 of the Montclair Municipal Code related to additional parking regulations on City-owned property; and
2. Set a public hearing to consider second reading and adoption of Ordinance No. 19-987 for Monday, November 4, 2019, at 7:00 p.m. in the City Council Chambers, 5111 Benito Street, Montclair.

ORDINANCE NO. 19-987

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR, CALIFORNIA AMENDING SECTION 8.36.150 OF CHAPTER 8.36 OF THE MONTCLAIR MUNICIPAL CODE, TO AUTHORIZE ADDITIONAL PARKING REGULATIONS AS TO CITY STREETS, ALLEYS AND PUBLICLY-OWNED PROPERTY

WHEREAS, Sections 22658 of the California Vehicle Code set forth provisions governing the regulation of parking by towing or citation; and

WHEREAS, Chapter 8.36 of the Montclair Municipal Code currently sets forth regulations concerning stopping, standing and parking on City streets and other property in the City; and

WHEREAS, it is determined to be in the best interests of the City and its residents to amend Chapter 8.36 of the Montclair Municipal Code to authorize the City Manager to adopt additional parking regulations as to City streets, alleys and publicly-owned property within the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONTCLAIR DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I. Amendment to Code. Section 8.36.150 of Title 8 of the Montclair Municipal Code is hereby repealed and replaced as follows:

8.36.150 - Additional parking restrictions on City streets, alleys and publicly-owned property.

- A. In addition to the specific parking restrictions identified in this chapter for the Civic Center parking facilities, it is unlawful for any person to operate or park a motor vehicle upon any publicly owned property contrary to the California Vehicle Code or this Code. Further, the City Engineer shall be authorized to post signs at any public property, alley or City street giving notice of such parking regulations as may be adopted by the City Manager, including, but not limited to, restrictions as to:
 1. Parking for official business only,
 2. Prohibitions on overnight parking,
 3. Duration or hours of permitted parking,
 4. Temporary or permanent no parking zones,
 5. Sweeping days,
 6. Loading zones,
 7. Alley parking.
- B. For purposes of this section, the prima facie speed limit within any publicly owned parking lot shall be 10 miles per hour (10 mph) unless pedestrians are present, lowering the prima facie speed limit to five miles per hour (5 mph).
- C. No such regulation of vehicle operation or parking shall be enforced unless, prior to enforcement, signs giving notice of the regulation are posted at each of the entrances to the public property.

SECTION II. Severability.

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

SECTION III. Effective Date.

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

SECTION IV. Posting.

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

APPROVED AND ADOPTED this XX day of XX, 2019.

Mayor

ATTEST:

City Clerk

I, Andrea M. Phillips, City Clerk of the City of Montclair, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 19-987 of said City, which was introduced at a regular meeting of the City Council held on the XX day of XX, 2019, and finally passed not less than five (5) days thereafter on the XX day of XX, 2019, by the following vote, to-wit:

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

Andrea M. Phillips
City Clerk



AGENDA REPORT

DATE:	OCTOBER 21, 2019	FILE I.D.:	FIN520
SECTION:	ADMIN. REPORTS	DEPT.:	ADMIN. SVCS.
ITEM NO.:	1	PREPARER:	J. KULBECK
SUBJECT:	CONSIDER RECEIVING AND FILING OF TREASURER'S REPORT		

REASON FOR CONSIDERATION: The City Council is requested to consider receiving and filing the City of Montclair Treasurer's Report for the month ending September 30, 2019, pursuant to state law.

BACKGROUND: Included in your agenda packet is a copy of the Treasurer's Report for the period ending September 30, 2019.

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 September 30, 2019.



AGENDA REPORT

DATE:	OCTOBER 21, 2019	FILE I.D.:	FIN540
SECTION:	ADMIN. REPORTS	DEPT.:	FINANCE
ITEM NO.:	2	PREPARER:	L. LEW/V. FLORES
SUBJECT:	CONSIDER APPROVAL OF WARRANT REGISTER AND PAYROLL DOCUMENTATION		

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

BACKGROUND: Mayor Pro Tem Raft has examined the Warrant Register dated October 21, 2019; and the Payroll Documentation dated September 29, 2019; and recommends their approval.

FISCAL IMPACT: The Warrant Register dated October 21, 2019, totals \$1,507,315.81; and the Payroll Documentation dated September 29, 2019, totals \$638,294.36 gross, with \$462,591.42 net being the total cash disbursement.

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



AGENDA REPORT

DATE:	OCTOBER 21, 2019	FILE I.D.:	FIN510
SECTION:	ADMIN. REPORTS	DEPT.:	SUCCESSOR RDA
ITEM NO.:	3	PREPARER:	C. RAMIREZ
SUBJECT:	CONSIDER RECEIVING AND FILING OF TREASURER'S REPORT		

REASON FOR CONSIDERATION: City Council acting as Successor to the Redevelopment Agency Board of Directors is requested to consider receiving and filing the Successor to the Redevelopment Agency Treasurer's Report for the month ending September 30, 2019, pursuant to state law.

BACKGROUND: Included in your agenda packet is a copy of the Successor to the Redevelopment Agency Treasurer's Report for the period ending September 30, 2019.

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

RECOMMENDATION: Staff recommends the City Council acting as Successor to the Redevelopment Agency Board of Directors receive and file the Successor to the Redevelopment Agency Treasurer's Report for the month ending September 30, 2019.



AGENDA REPORT

DATE:	OCTOBER 21, 2019	FILE I.D.:	FIN530
SECTION:	ADMIN. REPORTS	DEPT.:	SUCCESSOR RDA
ITEM NO.:	4	PREPARER:	C. RAMIREZ
SUBJECT:	CONSIDER APPROVAL OF WARRANT REGISTER		

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 September 30, 2019, pursuant to state law.

BACKGROUND: Vice Chairperson Raft has examined the Successor to the Redevelopment Agency Warrant Register dated 09.01.19–09.30.19 in the amounts of \$5,144.41 for the Combined Operating Fund; \$0.00 for the Redevelopment Obligation Retirement Funds and finds it to be in order.

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

RECOMMENDATION: Vice Chairperson Raft recommends the City Council as Successor to the Redevelopment Agency Board of Directors approve the Successor to the Redevelopment Agency Warrant Register for the period ending September 30, 2019.



AGENDA REPORT

DATE:	OCTOBER 21, 2019	FILE I.D.:	FIN525
SECTION:	ADMIN. REPORTS	DEPT.:	MHC
ITEM NO.:	5	PREPARER:	C. RAMIREZ
SUBJECT:	CONSIDER RECEIVING AND FILING OF TREASURER'S REPORT		

REASON FOR CONSIDERATION: Montclair Housing Corporation Board of Directors is requested to receive and file the Montclair Housing Corporation Treasurer's Report for the month ending September 30, 2019, pursuant to state law.

BACKGROUND: Included in your agenda packet is a copy of the Treasurer's Report for the period ending September 30, 2019.

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 September 30, 2019.



AGENDA REPORT

DATE:	OCTOBER 21, 2019	FILE I.D.:	FIN545
SECTION:	ADMIN. REPORTS	DEPT.:	MHC
ITEM NO.:	6	PREPARER:	C. RAMIREZ
SUBJECT:	CONSIDER APPROVAL OF WARRANT REGISTER		

REASON FOR CONSIDERATION: The Montclair Housing Corporation Board of Directors is requested to consider receiving and filing the Warrant Register for the month ending September 30, 2019, pursuant to state law.

BACKGROUND: Vice Chairperson Raft has examined the Warrant Register dated 09.01.19–09.30.19 in the amount of \$63,437.18 for the Montclair Housing Corporation and finds it to be in order.

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

RECOMMENDATION: Vice Chairperson Raft recommends the Montclair Housing Corporation Board of Directors approve the Warrant Register for the period ending September 30, 2019.



AGENDA REPORT

DATE:	OCTOBER 21, 2019	FILE I.D.:	FIN525
SECTION:	ADMIN. REPORTS	DEPT.:	MHA
ITEM NO.:	7	PREPARER:	C. RAMIREZ
SUBJECT:	CONSIDER RECEIVING AND FILING OF TREASURER'S REPORT		

REASON FOR CONSIDERATION: The Montclair Housing Authority Board of Directors is requested to receive and file the Montclair Housing Authority Treasurer's Report for the month ending September 30, 2019, pursuant to state law.

BACKGROUND: Included in your agenda packet is a copy of the Treasurer's Report for the period ending September 30, 2019.

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

RECOMMENDATION: Staff recommends the Montclair Housing Authority Board of Directors receive and file the Treasurer's Report for the month ending September 30, 2019.



AGENDA REPORT

DATE:	OCTOBER 21, 2019	FILE I.D.:	FIN545
SECTION:	ADMIN. REPORTS	DEPT.:	MHA
ITEM NO.:	8	PREPARER:	C. RAMIREZ
SUBJECT:	CONSIDER APPROVAL OF WARRANT REGISTER		

REASON FOR CONSIDERATION: The Montclair Housing Authority Board of Directors is requested to consider receiving and filing the Warrant Register for the month ending September 30, 2019, pursuant to state law.

BACKGROUND: Vice Chairperson Raft has examined the Warrant Register dated 09.01.19-09.30.19 in the amount of \$0.00 for the Montclair Housing Authority and finds it to be in order.

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

RECOMMENDATION: Vice Chairperson Raft recommends the Montclair Housing Authority Board of Directors approve the Warrant Register for the period ending September 30, 2019.



AGENDA REPORT

DATE:	OCTOBER 21, 2019	FILE I.D.:	PER020
SECTION:	ADMIN. REPORTS	DEPT.:	CITY MGR.
ITEM NO.:	9	PREPARER:	M. FUENTES

SUBJECT: CONSIDER AUTHORIZING THE CREATION OF AN INFORMATION RELATIONS OFFICER POSITION IN THE CITY MANAGER'S DEPARTMENT

CONSIDER AUTHORIZING THE TRANSFER OF AN AMOUNT NOT TO EXCEED \$94,816 FROM THE UNANTICIPATED PERSONNEL ADJUSTMENT RESERVE FUND TO THE CITY MANAGER DEPARTMENT PERSONNEL BUDGET

REASON FOR CONSIDERATION: The City Council is requested to consider authorizing the creation an Information Relation Officer position in the City Manager's Department and the transfer of unanticipated personnel adjustment reserve funds to the City Manager Department Personnel Budget.

BACKGROUND: The City of Montclair periodically provides outreach services to the community through the publication of printed mailers that provide factual content directed at bringing public awareness to civic issues and community events. The City of Montclair publishes an annual City Newsletter, as well as a triannual Human Services Activities and Programs brochure.

In recent years, however, progressive and routine changes in technology have produced a population increasingly sophisticated and diverse in the way it consumes and accesses information. Today, these information sources have grown beyond traditional printed media to encompass and embrace digital formats that include the internet, social media, e-mail, texting, and smartphone application-based programs.

Thanks to the convenience of digital information formats, today's public have a desire and an expectation for immediate access to information and resources. While this allows the population greater than ever access to information and the ability to share such information through social media and other digital formats, it also means members of the public can just as easily spread misinformation.

In order to better serve the diverse ways in which the public consumes and accesses information, and to ensure that the information provided to the public is accurate and fact-based, staff is recommending the creation of a new position in the City Manager's Department entitled Information Relations Officer (IRO).

Information Relations Officer Position

Under direction of the City Manager, the IRO will plan, manage, and coordinate the City's public information, media contacts and releases, social media platforms, and outreach programs for the purpose of enhancing the City's relations with the community, public, media, and other governmental agencies.

The IRO will coordinate advertisements for City functions and events; assist with personnel recruitment; coordinate, monitor and administer social media accounts; act as the City’s spokesperson; write and edit various City publications and notices; and interact with citizens, staff, elected officials, and other community stakeholders.

Salary Schedule

Staff conducted a survey of surrounding cities that have the position of IRO and are proposing a salary schedule ranging from A-step at \$60,000 to E-Step at \$72,936.

Table 1, below, identifies the proposed salary schedule from A-Step to E-Step for the position of Information Relations Officer. Staff is also proposing that the position of IRO be a full-time position.

**Table 1
Information Relations Officer
Proposed Salary Schedule**

A	B	C	D	E
5,000	5,250	5,513	5,788	6,078

FISCAL IMPACT: To project personnel-related costs associated with the creation of a new position, staff calculated wages and benefits using E-Step of the proposed salary schedule in order to calculate the maximum potential cost to the City.

Creation of an Information Relations Officer position at E-Step would result in an annual personnel cost to the City of \$72,936. When calculating benefits for the position of Information Relations Officer, staff calculated benefits based on the average benefit cost of 30% of total wages. Based on the annual E-Step amount of \$72,936, benefits are projected to cost roughly \$21,880 at E-Step for a total annual amount of \$94,816 for wages and benefits at E-Step.

Since the position of Information Relations Officer is a new position and was not contemplated during the Fiscal Year 2019-2020 budgetary process, there exists no allocated amount to cover the costs associated with the new position.

In order to cover the costs associated with the new position of Information Relations Officer, the City Council is requested to transfer an amount not to exceed \$94,816 from the Unanticipated Personnel Adjustment Reserve Fund to the City Manager Department personnel budget.

Ongoing personnel costs associated with the Information Relations Officer position will be incorporated into future budgets starting with Fiscal Year 2020-2021 Budget.

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

1. Authorize the creation an Information Relation Officer position in the City Manager's Department.
2. Authorize the transfer of an amount not to exceed \$94,816 from the Unanticipated Personnel Adjustment Reserve Fund to the City Manager Department personnel budget.



AGENDA REPORT

DATE: OCTOBER 21, 2019

FILE I.D.: MPL050

SECTION: AGREEMENTS

DEPT.: ECONOMIC DEV./
COMMUNITY DEV.

ITEM NO.: 1

PREPARER: M. STAATS

SUBJECT: CONSIDER APPROVAL OF AGREEMENT NO. 19-96, THE THIRD AMENDMENT TO AGREEMENT NO. 17-75 WITH DUDEK REGARDING PREPARATION OF THE ENVIRONMENTAL DOCUMENTATION FOR THE MONTCLAIR PLACE DISTRICT SPECIFIC PLAN

REASON FOR CONSIDERATION: As the City Council is aware, the City is currently working on development of the Montclair Place District Specific Plan (Specific Plan). A large portion of the proposed Specific Plan centers on the long-term repositioning (over 20 to 30 years) of Montclair Place and the adjoining retail uses. It is also the intent of the Specific Plan to interconnect with land use policies developed as a part of the amended North Montclair Downtown Specific Plan (NMDSP).

In consultation with San Bernardino County Transportation Authority (SBCTA), Dudek has determined that in order to complete the Traffic Analysis for the Environmental Impact Report (EIR), it will be necessary to study an additional 28 intersections adjacent to Montclair Place. Approval of Agreement No. 19-96 would authorize the analysis of the additional intersections.

A copy of Agreement No. 17-75 is included in the agenda packet for reference by the City Council, as well as the first and second Amendments thereto (Agreement Nos. 18-75 and 19-83).

BACKGROUND: On April 27, 2015, the Planning Commission approved a Precise Plan of Design (PPD) and a Mitigated Negative Declaration for a project to “expand and enhance Montclair Plaza (Place).” Among other elements, the proposed project called for the development of an additional 465,057 square feet of gross leasable area for retail shops and a new multiplex cinema.

The owners of Montclair Place, CIM Group, are currently working to implement a portion of the approved PPD that included the demolition of the former Broadway Department Store, construction of a new multiplex theater, and development of several new restaurants. However, CIM Group found that the market would not support the amount of retail space detailed in the PPD. CIM Group determined that the four new outdoor shopping districts and corresponding parking structures were not economically feasible given the decrease in demand for brick and mortar retail space and increased competition of online shopping.

As such, CIM Group sought to develop a long range strategy for redevelopment of Montclair Place and surrounding area in order to address the deviations affecting the PPD. In place of the PPD approval, development of a new Specific Plan was proposed. The area surrounding Montclair Place (including Ashley Furniture store location and

Entertainment Plaza) were also incorporated in its long range development plans. The non CIM Group-owned properties were incorporated in the project area because their inclusion forms a cohesive land use and zoning boundary. Because the planning area for the proposed specific plan includes areas outside of CIM Group's property ownership, the City became the applicant for the Specific Plan.

Agreement No. 17-75 with Dudek was approved by the City Council on September 5, 2017. The Agreement authorized Dudek to prepare the EIR for the Specific Plan. Agreement No. 18-75, the First Amendment to Agreement No. 17-75, authorized the conduct of a Water Supply Assessment pursuant to state legislation, and Agreement No. 19-83, the Second Amendment to the Agreement, extended the term of the Agreement from September 19, 2017 until March 18, 2019.

The currently-approved scope of services for traffic analysis was based on information collected for the EIR from the revision to the NMDSP. However, given the trip generation analysis for the Specific Plan and the SBCTA traffic model, it was determined that there was a need to study an additional 28 intersections and 8 freeway segments. The \$57,000 cost associated with the intersection studies are for traffic counts and additional SBCTA traffic modeling tasks.

The Specific Plan for the Montclair Place District is drafted and the Notice of Preparation of the EIR has been submitted for comment as required pursuant to CEQA. The need for additional traffic analysis will not appreciably slow completion of the EIR as other portions of the document are being undertaken.

FISCAL IMPACT: There would be no fiscal impact to the City associated with approving Agreement No. 19-96. Through Reimbursement Agreement No. 17-76, CIM Group would be required to reimburse the City for the \$57,000 cost of Agreement No. 19-96.

RECOMMENDATION: Staff recommends the City Council approve Agreement No. 19-96, the Third Amendment to Agreement No. 17-75 with Dudek regarding preparation of the Environmental Documentation for the Montclair Place District Specific Plan

MEMORANDUM

To: Marilyn Staats, Deputy City Manager/Office of Economic Development, City of Montclair

From: Ruta Thomas, Principal

Subject: Montclair Place District Specific Plan Project Budget Amendment Request #3

Date: September 26, 2019

cc: Michael Diaz, Planning Manager, City of Montclair
Noel Castillo, P.E., Public Works Director, City of Montclair
Dennis Pascua, Transportation Services Manager, Dudek

Attachment(s): Project Trip Generation; Study Area Figure; Project Trip Assignment

Per recent correspondence and our July 29, 2019 meeting with the City's Engineer and Public Works Director, Noel Castillo, P.E., please find attached, Dudek's request to amend our currently contracted budget to expand the scope of work of our traffic impact analysis (TIA) to include an expanded study area based on the recently revised Montclair Place Specific Plan (proposed project) project description and completion of *Task 1: Project Scoping* of our scope of work (under Subtask 2A: Prepare Traffic Impact Study), using the San Bernardino County Transportation Authority (SBCTA) travel demand model to determine the project study area (based on 50 peak hour trip threshold consistent with City and SBCTA guidelines). Per the study area requirements in the City's *Traffic Impact Study (TIS) Guidelines* (2018 Draft), and consistent with the San Bernardino County Congestion Management Program (CMP, 2016):

"...the 5-mile limit on study intersections has been removed from the City of Montclair Traffic Impact Analysis Guidelines. Intersections with more than 50 peak hour project trips will require analysis. In addition, roadway segments with more than 50 peak hour project trips could require analysis at locations where the ultimate street cross sections are not constructed, a segment analysis could be required. Freeway segments with more than 100 two way project trips and merge/diverge areas with more than 50 peak hour trips will also be required..."

The currently approved TIA scope was originally developed by Stantec in 2017 and is based on the following assumptions:

- Specific Plan development of 4,376 residential dwelling units (DUs), a 200 room hotel, and additional commercial uses above the Phase 1 mall approval.
- Study area of up to 28 intersections and 30 roadway/freeway segments (assumed number of study area locations; no SBCTA model runs were done at that time).
- Analysis of Existing, Short-Range, and Long-Range conditions, without and with buildout of Specific Plan.

In 2018, with authorization from the City, Dudek's in-house Transportation Services group took-over the preparation of the TIA, and added Translutions to the team as they are an SBCTA-approved traffic model sub-consultant. In June 2019, Dudek received the updated Specific Plan with revised land use types (residential, retail/commercial, and office uses) and their and sizes. With that information, Dudek proceeded with Task 1: Project Scoping. Below is the scope for Task 1: Project Scoping, as approved in our August 3, 2017 EIR proposal:

Task 1: Project Scoping – Trip generation will be calculated for the proposed project using the latest version of ITE rates for related land uses. Any potential reductions for pass-by or linked trips, including TOD-oriented possibilities will be taken. Stantec (now, Dudek/Translutions) will then use the SBCTA model to distribute the trips along the project roadways. This information will be used to determine the exact project area and intersections to be analyzed. Please note that the San Bernardino County Congestion Management Plan was updated in June 2016, which includes the Guidelines for CMP Traffic Impact Analysis Reports (now Appendix B). These guidelines state that the project area may extend up to 5 miles beyond the site, or where the project has dissipated to under 50 trips per intersection.

The revised Specific Plan project description was input into the SBCTA model, and select zone model runs were completed to determine the project's trip distribution and assignment to the local and regional transportation network. The proposed project's daily, and AM and PM peak hour trip generation estimates; study area; and, AM and PM peak hour trip assignments (based on 50 peak hour trip threshold) are attached. Based on that information, the following are the revised TIA assumptions:

- Revised Specific Plan development of 6,321 residential dwelling units (DUs), 331,056 square feet (SF) of general office uses, 201,452 SF of medical office uses, (approximate) 250 room hotel and an additional 512,635 square feet (SF) of new commercial uses above the Phase 1 mall approval.
- Study area of 56 intersections (additional 28 intersections; 25 original study intersections have already been counted), 27 roadway segments (27 original roadway segments have already been counted; no additional roadway segments), and 8 freeway segments (based on City's 100 trip threshold for freeway segments; traffic volumes provided by Caltrans PeMS). The study area has been determined based on SBCTA model runs, with review and approval by City Engineer on September 3, 2019 (via e-mail).
- Analysis of Existing, Short-Range, and Long-Range conditions, without and with buildout of Specific Plan (no change).

All other, tasks of Subtask 2A: Prepare Traffic Impact Study and the recently authorized VMT analysis would remain the same, as currently authorized. The other tasks under Subtask 2A: Prepare Traffic Impact

Marilyn Staats, Deputy City Manager

Subject: Montclair Plaza District Specific Plan – Budget Amendment Request #3

Study include: Task 2: Data Collection/Existing Conditions (task is underway for already counted locations); Task 3: Existing Conditions Analysis (task is underway for already counted locations); Task 4: Short-Range Analysis; Task 5: Long-Range Analysis; Task 6: Mitigation Measures; Task 7: Special Issues; Task 8: Traffic Report; and, Task 9: Meetings/Hearings and EIR Support.

COST ESTIMATE: **\$57,000** (includes new traffic counts and additional SBTAM modeling tasks)

Authorization to Proceed

City Representative

Date



38 North Marengo Avenue
Pasadena, CA 91101
Phone: (626) 204-9822, Fax: (626) 204-9834

AGREEMENT AMENDMENT AUTHORIZATION

To: Marilyn Staats, Deputy City Manager

Client:	City of Montclair		
Address:	5111 Benito Street		
City:	Montclair	State:	CA
Phone:	909-625-9412	Zip:	91763
		Fax:	

This form is provided to document Client's written authorization to amend our existing Agreement as discussed. By documenting Client's written authorization for an Agreement amendment, Dudek hopes to avoid any misunderstanding between Client and Dudek, and to expedite the changes requested. All other terms and conditions of the original Agreement between Client and Dudek remain in effect.

Contract Name:	Agreement No. 17-75		
Contract/Purchase Order No.:	17-75		
Dudek Job No.:	10665	Dudek Project Manager:	Ruta K. Thomas
Contract Effective Date:	9/5/2017		

AMENDED/ADDITIONAL SERVICES/DISCIPLINE			
See Attached Scope of Work.			
Original Budget:	\$267,983	Compensation scheme for this Agreement Amendment (choose one of the three options below):	
Previous Amendments:	\$71,410		
This Amendment:	\$57,000		
Reimbursable Costs:	\$0	Time and Expenses Estimated To Be:	<input type="checkbox"/>
New Agreement Amount:	\$396,393	Time and Expenses Not to Exceed:	<input checked="" type="checkbox"/>
		Fixed Fee Plus Expenses:	<input type="checkbox"/>

Client Authorized Signature:			
Title:		Date:	

TO EXPEDITE EXTRA SERVICES, PLEASE SIGN AND FAX OR SIGN, SCAN AND E-MAIL BACK TO DUDEK



AGENDA REPORT

DATE:	OCTOBER 21, 2019	FILE I.D.:	HSV030
SECTION:	AGREEMENTS	DEPT.:	HUMAN SVCS.
ITEM NO.:	2	PREPARER:	A. COLUNGA
SUBJECT:	CONSIDER APPROVAL OF AGREEMENT NO. 19-97 WITH ALL'S WELL HEALTHCARE SERVICES TO PROVIDE STAFFING RECRUITMENT SERVICES FOR THE MONTCLAIR MEDICAL CLINIC		

REASON FOR CONSIDERATION: The City Council is requested to consider approval of Agreement No. 19-97 with All's Well Healthcare Services to provide staffing services for the Montclair Medical Clinic. A copy of proposed Agreement No. 19-97 is attached for review and consideration by the City Council.

BACKGROUND: Since 1978, the Montclair Medical Clinic (MMC) has served the community by offering physical exams, general family practice, low-cost laboratory, radiology and mammogram referrals, prescriptions, and limited gynecological services. MMC, housed in the Recreation Center for over thirty years, moved in early 2017 to the newly renovated Health Service Alliance Building owned by Dr. James Lally.

Recruiting for the nurse position has become increasingly difficult throughout the years, with this year proving to be the most challenging. Understanding the urgent need to be fully staffed, the Human Services Department and Personnel have partnered to develop creative solutions to reduce staffing shortages as quickly as possible. The City's current hiring process does not allow for the type of recruitment needed to attract a nurse that is able to work the limited hours of the Montclair Medical Clinic. Personnel and Human Services have met with various staffing agencies in the past to determine their abilities to fulfill the needs of the City. The City Council approved Agreement No. 19-24 with AppleOne Staffing, the sister company of All's Well, in March 2019 to provide temporary staff for the Montclair After-School Program—a partnership that has proven to be successful.

The Human Services Department would like to partner with All's Well Healthcare Services to recruit Medical Clinic staff. Human Services Staff and All's Well Healthcare Services negotiated the cost of the agreement, as the initial quote was the equivalent of the percentage of the annual salary or approximately \$11,000 once the staff member is hired. The final agreement includes a flat fee cost of \$3,500 once the staff member is hired with no contractual obligation to continue All's Well's services. The agreement also includes a provision for a 90-day guarantee, which means that if the employee resigns or is terminated prior to 90 days from their start date, All's Well will replace that employee at no cost.

If approved, All's Well will recruit Medical Clinic staff as needed and the City will only be required to pay for the recruitments that results in successful hires. The total amount of funding required for Agreement No. 19-97 is dependent on the number of staff hired.

The term of proposed Agreement No. 19-97 is October 14, 2019, and will continue unless terminated prior.

FISCAL IMPACT: If approved, Agreement No. 19-97 would be funded with existing budgets the Human Services Department has received to support the Montclair Medical Clinic Program. There would be no adverse impact to the City's General Fund associated with the City Council's approval of Agreement No. 19-97.

RECOMMENDATION: Staff recommends the City Council approve Agreement No. 19-97 with All's Well Healthcare Services to provide staffing recruitment services for the Montclair Medical Clinic.



Direct Hire Services Agreement

The Client, City of Montclair, located at 5111 Benito Street Montclair, CA 91763, from time to time, may retain ALL's WELL Health Care Services ("All's Well") on a non-exclusive basis to present to the Client, one or more Candidate(s) for employment positions with the Client ("Direct Hire Services"). This agreement sets forth the terms and conditions pursuant to which All's Well will perform Direct Hire Services.

Terms and Conditions of Direct Hire Services:

1. The Candidate referral shall be valid for six (6) months from the date the identity of the Candidate is provided to the Client. If Candidate is employed at anytime during the specified six (6) months, fees shall be deemed earned and due and payable.
2. Fees shall be deemed earned when a Candidate, referred by All's Well, is employed by the Client, a subsidiary or related entity of the Client, or if any party affiliated with the Client refers the Candidate to any other employer and said Candidate becomes employed by that employer.
3. The Client shall notify All's Well in writing of the Client's decision to hire or to pass on any Candidate as promptly as possible after such decision.
4. **Fee structure** – \$3500 Flat Rate for LVN
5. As part of All's Well's standard service, All's Well will perform: (a) two professional reference checks; (b) verification of professional licensure; and (c) the I-9 verification process.
6. Upon Client's written request, and All's Well's written agreement to such request, All's Well can arrange, for an additional fee, to have additional screenings performed on Candidate(s), including but not limited to criminal background screenings. The fee for any agreed upon additional screenings of Candidate(s) shall be determined by All's Well and presented to the Client and shall be paid by the Client at the time such service is performed.
7. Notwithstanding the above, the Client agrees and acknowledges that the Client shall be solely responsible for, and All's Well shall not have any responsibility for, any pre-employment or post-employment screening, testing, inquiries or investigations of any kind, including, without limitation: (a) general screening of Candidate(s), including, the determination or verification of social security numbers, criminal records, or educational background; ~~(b) determining, ensuring or otherwise verifying that Candidate(s) are properly insured, licensed, educated, certified, qualified or experienced;~~ (c) medical screening of Candidate(s); (d) screening for professional negligence by Candidate(s), or allegations thereof; (e) the supervision or training of Candidate(s); or (f) screening Candidate(s) for drug and alcohol abuse, or the use of illegal or banned drugs or substances. Client further agrees and acknowledges that the Client will be hiring Candidate(s) solely on the basis of the Client's own due diligence, screening, testing, inquiries and/or investigations of Candidate(s), and that the Client is not relying on any representation whatsoever by All's Well. All's Well makes no

warranty or representation that any referral is competent, has the required knowledge, experience, or skills needed to perform any particular task.

8. All's Well is dedicated to complying with its obligations as an equal opportunity/affirmative action employer. Our recruiting and hiring procedures are free of discrimination based on race, religion, color, age, sex, national origin, disability, Vietnam era/disabled veteran status, or any other protected group status.
9. Payment for services is due upon receipt of invoice or start date, whichever is later. The 90 Calendar-Day Free Replacement Guarantee is subject to payment of invoices within 10 calendar days of their due dates.
10. **90 Calendar-Day Free Replacement Guarantee**: Upon termination or resignation of original Candidate within the first 90 calendar days of employment, All's Well will provide a one-time free replacement for the same position.
 - 10.1. The 90 Calendar-Day Free Replacement Guarantee is not available in the event of employee termination or resignation due to change or relocation of place of employment, significant change in compensation or other benefits of employment, unlawful conduct of the employer, harassment of the employee, or other conditions or events not in keeping with a professional and reasonable working environment.
 - 10.2. The 90 Calendar-Day Free Replacement Guarantee will be satisfied when All's Well presents up to a maximum of three (3) replacement Candidates for that open job order that All's Well has determined meet the original job specifications of the original order or placement. Once All's Well has made those three (3) presentations, its obligations under the guarantee are met, whether the company/employer chooses to hire one of the Candidates presented or not.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the last date specified below.

Client:	<u>City of Montclair</u>		<u>ALL's WELL Health Care Services</u>
Signature:	_____	Signature:	_____
Printed:	_____	Printed:	_____
Title:	_____	Title:	_____
Date:	_____	Date:	_____

Following the bid opening, all proposals were reviewed for completeness and accuracy. The low bid proposal received from R Dependable Construction, Inc was accurate, but deemed non-responsive for failure to list a qualified roofing contractor.

The City uses a specific roofing manufacturer, Tremco Incorporated. The Tremco Incorporated roofing system exists on each of the buildings located within the Civic Center complex, City Yard, and both Fire Stations. Tremco is specific as to whom can make repairs or install new material on the existing roof. By failing to use a certified Tremco installer, the City would forfeit existing warranties.

The project was advertised with language specifying that the roofing contractor be a certified Tremco installer. The bid proposal received from R Dependable Construction, Inc. did not list a sub-contractor for roofing. Per the Standard Specifications for Public Works Construction, section 2-3.1 (a), R Dependable Construction would be required to self-perform the work or hire a sub-contractor for less than one-half of one percent of their bid proposal price. In this case, R Dependable Construction is not a certified Tremco installer and they cannot hire a certified installer for less than one-half of one percent of their bid proposal.

Rasmussen Brothers Construction, Inc. submitted the second-lowest responsive bid proposal. A letter of protest was received from the third-lowest bidder, Thomco Construction, Inc., regarding the bid proposal of Rasmussen Brothers Construction. The letter contained several areas of concerns; however, staff did not find any of the concerns to be detrimental to the integrity of the bid proposal. The bid proposal was reviewed and found to be complete and accurate, deeming Rasmussen Brothers Construction, Inc. the lowest responsible and responsive bidder. Rasmussen Brothers Construction, Inc. does have prior work history with the City. Rasmussen Brothers Construction, Inc. is known to be professional and have the experience and equipment necessary to complete the project.

FISCAL IMPACT: The City of Montclair City Hall Remodel Phase 2 Project is funded with Lease Revenue Bond Proceeds.

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

1. Reject the bid proposal from R Dependable Construction, Inc., for the City of Montclair City Hall Remodel Phase 2 Remodel Project.
2. Award of contract for the City of Montclair City Hall Remodel Phase 2 Project to Rasmussen Brothers Construction, Inc., in the amount of \$862,833.
3. Approve Agreement No. 19-98 with Rasmussen Brothers Construction, Inc., for construction of the City of Montclair City Hall Remodel Phase 2 Project.
4. Authorize a \$90,000 construction contingency.

KNOW ALL MEN BY THESE PRESENTS: That the following Agreement is made and entered into as of the date executed by the City Clerk and the Mayor, by and between **RASMUSSEN BROTHERS CONSTRUCTION, INC.**, a **CORPORATION**, hereinafter referred to as "CONTRACTOR" and the CITY OF MONTCLAIR, hereinafter referred to as "CITY."

A. Recitals.

- (i) Pursuant to Notice Inviting Sealed Bids or Proposals, bids were received, publicly opened, and declared on the date specified in said notice.
- (ii) CITY did accept the bid of CONTRACTOR.
- (iii) CITY has authorized the City Clerk and Mayor to enter into a written contract with CONTRACTOR for furnishing labor, equipment, and material for the construction of:
- (iv)

**CITY OF MONTCLAIR CITY HALL REMODEL PHASE 2 PROJECT
FINANCE DEPARTMENT REMODEL**

"PROJECT" hereinafter.

B. Resolution.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, it is agreed:

1. **GENERAL SCOPE OF WORK:** CONTRACTOR shall furnish all necessary labor, tools, materials, appliances, and equipment for and do all work contemplated and embraced for the PROJECT. Said PROJECT to be performed in accordance with specifications and standards on file in the Office of the City Engineer and in accordance with bid prices hereinafter mentioned and in accordance with the instructions of the Engineer.
2. **INCORPORATED DOCUMENTS TO BE CONSIDERED COMPLEMENTARY:** The aforesaid specifications are incorporated herein by reference thereto and made a part hereof with like force and effect as if all of said documents were set forth in full herein. Said documents, the Notice Inviting Bids, the Instructions to Bidders, the Proposal and any City-issued addenda, together with this written Agreement, shall constitute the contract between the parties. This contract is intended to require a complete and finished piece of work and anything necessary to complete the work properly and in accordance with the law and lawful governmental regulations shall be performed by the CONTRACTOR whether set out specifically in the contract or not. Should it be ascertained that any inconsistency exists between the aforesaid documents and this written Agreement, the provisions of this written Agreement shall control.
3. **TERMS OF CONTRACT:** The CONTRACTOR agrees to execute the contract within ten (10) calendar days from the date of notice of award of the contract and to complete his portion of PROJECT within the time specified in the Special Provisions.

AGREEMENT

CONTRACTOR agrees further to the assessment of liquidated damages in the amount specified in the Special Provisions or the Standard Specifications, whichever is higher, for each calendar day PROJECT remains incomplete beyond the expiration of the completion date. CITY may deduct the amount thereof from any moneys due or that may become due the CONTRACTOR under this contract. Progress payments made after the scheduled date of completion shall not constitute a waiver of liquidated damages.

4. GOVERNING LAW: The City and Contractor understand and agree that the laws of the State of California shall govern the rights, obligations, duties, and liabilities of the parties to this Agreement and also govern the interpretation of this Agreement. Any litigation concerning this Agreement shall take place in the municipal, superior, or federal district court with jurisdiction over the City of Montclair.

5. INSURANCE: The CONTRACTOR shall not commence work under this contract until he has obtained all insurance required hereunder in a company or companies acceptable to CITY nor shall the CONTRACTOR allow any subcontractor to commence work on his subcontract until all insurance required of the subcontractor has been obtained. The CONTRACTOR shall take out and maintain at all times during the life of this contract the following policies of insurance:

a. Compensation Insurance: Before beginning work, the CONTRACTOR shall furnish to the Engineer a policy of insurance or proper endorsement as proof that he has taken out full compensation insurance for all persons whom he may employ directly or through subcontractors in carrying out the work specified herein, in accordance with the laws of the State of California. Such insurance shall be maintained in full force and effect during the period covered by this contract.

In accordance with the provisions of §3700 of the California Labor Code, every contractor shall secure the payment of compensation to his employees. CONTRACTOR, prior to commencing work, shall sign and file with CITY a certification as follows:

"I am aware of the provisions of §3700 of the Labor Code which require every employer to be insured against liability for worker's compensation or to undertake self insurance in accordance with the provisions of that Code, and I will comply with such provisions before commencing the performance of the work of this contract."

b. For all operations of the CONTRACTOR or any subcontractor in performing the work provided for herein, insurance with the following minimum limits and coverage:

- (1) Public Liability - Bodily Injury (not auto) \$1,000,000 each person; \$2,000,000 each accident.
- (2) Public Liability - Property Damage (not auto) \$500,000 each accident; \$1,000,000 aggregate.
- (3) Contractor's Protective - Bodily Injury \$1,000,000 each person; \$2,000,000 each accident.

AGREEMENT

- (4) Contractor's Protective - Property Damage \$500,000 each accident; \$1,000,000 aggregate.
 - (5) Automobile - Bodily Injury \$1,000,000 each person; \$2,000,000 each accident.
 - (6) Automobile - Property Damage \$500,000 each accident.
- c. The policy of insurance provided for in subparagraph a. shall contain an endorsement which:
- (1) Waives all right of subrogation against all persons and entities specified in subparagraph 4.d.(2) hereof to be listed as additional insureds in the policy of insurance provided for in paragraph b. by reason of any claim arising out of or connected with the operations of CONTRACTOR or any subcontractor in performing the work provided for herein;
 - (2) Provides it shall not be canceled or altered without thirty (30) days' written notice thereof given to CITY by registered mail.
- d. Each such policy of insurance provided for in paragraph b. shall:
- (1) Be issued by an insurance company approved in writing by CITY, which is qualified to do business in the State of California;
 - (2) Name as additional insureds the CITY, its officers, agents and employees, and any other parties specified in the bid documents to be so included;
 - (3) Specify it acts as primary insurance and that no insurance held or owned by the designated additional insureds shall be called upon to cover a loss under said policy;
 - (4) Contain a clause substantially in the following words:

"It is hereby understood and agreed that this policy may not be canceled nor the amount of the coverage thereof reduced until thirty (30) days after receipt by CITY of a written notice of such cancellation or reduction of coverage as evidenced by receipt of a registered letter."
 - (5) Otherwise be in form satisfactory to CITY.
- e. The CONTRACTOR shall at the time of the execution of the contract present the original policies of insurance required in paragraphs a. and b., hereof, or present an endorsement of the insurance company, showing the issuance of such insurance, and the additional insureds and other provisions required herein.

AGREEMENT

6. CONTRACTOR'S LIABILITY: The City of Montclair and its respective officers, agents and employees shall not be answerable or accountable in any manner for any loss or damage that may happen to the project or any part thereof, or for any of the materials or other things used or employed in performing the project; or for injury or damage to any person or persons, either workmen, employees of the CONTRACTOR or his subcontractors or the public, whatsoever arising out of or in connection with the performance of the project. The CONTRACTOR shall be responsible for any damage or injury to any person or property resulting from defects or obstructions or from any cause whatsoever, except the sole negligence or willful misconduct of CITY, its employees, servants, or independent contractors who are directly responsible to CITY during the progress of the project or at any time before its completion and final acceptance.

The CONTRACTOR will indemnify CITY against and will hold and save CITY harmless from any and all actions, claims, damages to persons or property, penalties, obligations, or liabilities that may be asserted or claimed by any person, firm, entity, corporation, political subdivision, or other organization arising out of or in connection with the work, operation, or activities of the CONTRACTOR, his agents, employees, subcontractors, or invitees provided for herein, whether or not there is concurrent passive or active negligence on the part of CITY, but excluding such actions, claims, damages to persons or property, penalties, obligations, or liabilities arising from the sole negligence or willful misconduct of CITY, its employees, servants, or independent contractors who are directly responsible to CITY, and in connection therewith:

- a. The CONTRACTOR will defend any action or actions filed in connection with any of said claims, damages, penalties, obligations, or liabilities and will pay all costs and expenses, including attorneys' fees incurred in connection therewith.
- b. The CONTRACTOR will promptly pay any judgment or award rendered against the CONTRACTOR or CITY covering such claims, damages, penalties, obligations, and liabilities arising out of or in connection with such work, operations, or activities of the CONTRACTOR hereunder or reasonable settlement in lieu of judgment or award, and the CONTRACTOR agrees to save and hold the CITY harmless therefrom.
- c. In the event CITY is made a party to any action or proceeding filed or prosecuted against the CONTRACTOR for damages or other claims arising out of or in connection with the project, operation, or activities of the CONTRACTOR hereunder, the CONTRACTOR agrees to pay to CITY any and all costs and expenses incurred by CITY in such action or proceeding together with reasonable attorneys' fees.

Money due to the CONTRACTOR under and by virtue of the contract, as shall be considered necessary by CITY, may be retained by CITY until disposition has been made of such actions or claims for damage as aforesaid.

AGREEMENT

7. **NONDISCRIMINATION:** No discrimination shall be made in the employment of persons upon public works because of the race, color, sex, sexual preference, sexual orientation, or religion of such persons, and every contractor for public works violating this section is subject to all the penalties imposed for a violation of Division 2, Part 7, Chapter 1 of the Labor Code in accordance with the provisions of § 1735 of said Code.

8. **INELIGIBLE SUBCONTRACTORS:** The CONTRACTOR shall be prohibited from performing work on this project with a subcontractor who is ineligible to perform on the project pursuant to § 1777.1 and § 1777.7 of the Labor Code.

9. **CONTRACT PRICE AND PAYMENT:** CITY shall pay to the CONTRACTOR for furnishing the material and doing the prescribed work the unit prices set forth in accordance with CONTRACTOR's Proposal dated **September 19, 2019**.

10. **ATTORNEYS' FEES:** In the event that any action or proceeding is brought by either party to enforce any term or provision of this Agreement, the prevailing party shall recover its reasonable attorneys' fees and costs incurred with respect thereto.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be duly executed with all the formalities required by law on the respective dates set forth opposite their signatures.

CONTRACTOR

CITY

**RASMUSSEN BROTHERS
CONSTRUCTION, INC.**
40441 Galvin Mountain Rd
Fallbrook, CA 92028

CITY OF MONTLAIR, CALIFORNIA

By: _____

Javier "John" Dutrey
Mayor

Title

ATTEST:

By: _____

Andrea M. Phillips
City Clerk

Title

APPROVED AS TO FORM:

Diane E. Robbins
City Attorney



AGENDA REPORT

DATE:	OCTOBER 21, 2019	FILE I.D.:	STA700
SECTION:	AGREEMENTS	DEPT.:	PUBLIC WORKS
ITEM NO.:	4	PREPARER:	X. MENDEZ
SUBJECT:	CONSIDER APPROVAL OF AGREEMENT NO. 19-99 EXTENDING AGREEMENT NO. 19-79 WITH WEST COAST ARBORISTS FOR TREE MAINTENANCE SERVICES THROUGH DECEMBER 15, 2019		

REASON FOR CONSIDERATION: Agreement No. 19-79 with West Coast Arborists (WCA) was a temporary extension expiring on October 15, 2019, which was adopted while negotiations for a new contract continue. The negotiations are not yet complete and another extension is required. City Council approval is required for all Agreement renewals and extensions.

BACKGROUND: At its meeting of June 6, 2016, the City Council approved Agreement No. 16-42 with WCA for tree maintenance services. Agreement No. 16-42 is a three-year agreement expiring on June 30, 2019. Agreement No. 16-42 was renewed with a 3 percent cost of living increase with Agreement No. 17-42 in July of 2017 and then again in July of 2018 with Agreement No. 18-32. Upon expiration of Agreement 18-32 the City of Montclair proposed new insurance requirements from WCA prior to entering into a new multi-year agreement for tree trimming services. Unfortunately, WCA was unable to obtain quotes for the new insurance requirements from their vendors prior to the start of the new 19-20 Fiscal Year. Agreement No. 19-79, approved by the City Council at its meeting on August 19, 2019, extended the term of Agreement No. 18-32 through October 15, 2019, allowing WCA time to obtain new insurance quotes and thereby providing new rates for tree-trimming services to the City of Montclair. WCA is continuing to work on obtaining the insurance required. The proposed agreement is to extend the term of the Agreement through December 15, 2019.

WCA continues to provide the City with high quality tree-trimming and other tree-related services. WCA has been under contract with the City to trim trees since October 2000. The company is responsive to staff's requests and has established an internet-based inventory of all City trees at no additional cost. Public Works staff uses the inventory in its annual tree-trimming program. The inventory provides location, species, work history, and value of each City tree. This year, WCA completed a full inventory of all City-owned, privately-owned, and vacant locations of trees on public, residential, and commercial properties, and has incorporated them into GIS form.

FISCAL IMPACT: The cost to provide tree-maintenance services for Fiscal Year 2019-20 is unknown at this time; however, funds of \$122,000 are included in the Fiscal Year 2019-20 Public Works budget for this purpose and would be used to cover this temporary contract extension.

RECOMMENDATION: Staff recommends that the City Council approve Agreement No. 19-99 extending Agreement No. 19-79 with West Coast Arborists for tree maintenance services through December 15, 2019.

AMENDMENT TO AGREEMENT NOS. 18-32, 19-68, AND 19-79

WITH

WEST COAST ARBORISTS

FOR

TREE MAINTENANCE SERVICES

This agreement is made effective this 15th day of October 2019, by and between the CITY OF MONTCLAIR, a municipal corporation hereinafter designated as "City," and WEST COAST ARBORISTS, INC., a California corporation, hereinafter designated as "Contractor," and collectively designated as the "Parties."

RECITALS

WHEREAS, Parties have previously entered into Agreement No. 18-32 on June 4, 2018, for tree maintenance services; and

WHEREAS, the Parties amended Agreement No. 18-32 by entering into Agreement No. 19-68 effective July 1, 2019;

WHEREAS, the Parties entered into Agreement 19-79 to extend the term of Agreement 19-68 through October 15, 2019; and

WHEREAS, the Parties desire to amend Agreement No. 19-79 to extend the term of the Agreement through December 15, 2019;

AGREEMENT

NOW, THEREFORE, IT IS AGREED by and between City and Contractor to extend the expiration date of Agreement No. 18-32, as amended by Agreement Nos. 19-68 and 19-79, to December 15, 2019.

BE IT FURTHER AGREED by and between City and Contractor that except as provided above, all other terms of Agreement No. 18-32, as amended by Agreement Nos. 19-68 and 19-79, shall remain as set forth therein.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

CITY OF MONTCLAIR, CALIFORNIA

WEST COAST ARBORISTS, INC.

By: _____
Javier John Dutrey, Mayor

By: _____
Title:

Attest: _____
Andrea Phillips, City Clerk

By: _____
Title:

Approved as to form:

Diane E. Robbins, City Attorney



AGENDA REPORT

DATE:	OCTOBER 21, 2019	FILE I.D.:	PKG275-E
SECTION:	RESPONSE	DEPT.:	PUBLIC WORKS
ITEM NO.:	A	PREPARER:	N. CASTILLO
SUBJECT:	CONSIDER RECEIVING AND FILING A PERMIT PARKING REQUEST FOR THE 9700 AND 9800 BLOCK OF FREMONT AVENUE OR PROVIDING DIRECTION TO STAFF IN RELATION THERETO		

REASON FOR CONSIDERATION: Residents on the west side of Fremont Avenue between San Bernardino Street to the north and Benito Street to the south have submitted a petition requesting a "residents only" Parking Permit restriction.

The City Council does have a policy to implement parking permit zone restrictions when on-street parking is impacted by spillover factors external to neighborhood residents.

Examples of on-street parking restrictions are as follows:

1. Neighborhood streets on the north side of Benito Street, across from Montclair High School, from 7 a.m. to 5 p.m. when school is in regular session. Residents in this tract requested on-street parking restrictions due to the large number of Montclair High School students using residential streets for parking during school hours.
2. The east side of Fremont Avenue, between Palo Verde Street to the north and San Bernardino Street to the south, 24-hours per day. Residents in this tract requested on-street parking restrictions due to the large number of employees from the Metro Autoplex on the north side of Palo Verde Street using available on-street parking.
3. The east and west sides of Marion Avenue, between Palo Verde Street to the north and Harvard Street to the south, 24-hours per day. Residents in this tract requested on-street parking restrictions due to the large number of employees from the Metro Autoplex on the north side of Palo Verde Street using available on-street parking.
4. The east and west sides of Carrillo Avenue, north of Palo Verde Street, 7 a.m. to 5 p.m. Residents in this tract requested on-street parking restrictions due to the large number of employees from the Metro Autoplex on the north side of Palo Verde Street using available on-street parking.

The City Council, by resolution, determines which streets in the City are subject to permit parking programs.

BACKGROUND: In 2018, residents on the west side of Fremont Avenue, between Benito Street to the south and San Bernardino Street to the north, submitted to the Public Works Committee a petition to implement an on-street permit parking program for the west side of Fremont Avenue.

The petition for the Fremont Avenue parking restriction is reportedly based on the limited availability of on-street parking available to residents on the west side of Fremont Avenue, between Benito Street to the south and San Bernardino Street to the north, due to the use of on-street parking on both sides of Fremont Avenue by residents of the Town Center Townhomes; conversely, residents on the west side of Fremont Avenue can also use the available parking on both the west and east sides of Fremont Avenue.

Over the past year, City staff has responded to the parking concerns expressed by residents on the west side of Fremont Avenue by making a number of adjustments to the on-street parking inventory on San Bernardino Avenue and Benito Street, contiguous to the Town Center Townhomes. By reducing red and green curb footage, City staff has made available on-street parking for an additional 37 vehicles.

In addition, the Town Center Townhomes residents' homeowners' association has made internal adjustments to their parking management plan—adjustments that have positively reduced the requirement for Fremont Avenue on-street parking by residents of the Town Center Townhomes.

Ongoing monitoring of the on-street parking demand in the subject area appears to indicate that positive improvements have been made, particularly as they relate to the availability of parking on the west side of Fremont Avenue for each day of the week.

An audit has determined that a majority of public streets in the City are adequately designed to accommodate demand for on-street parking on both sides of the street without regulatory restrictions. On-street parking restrictions may, however, be appropriate in the following circumstances:

- When demand for residential on-street parking is impacted by spillover from other uses including employees at nearby businesses or large institutions such as hospitals or schools. In such instances, on-street parking may be restricted for residents only during certain times of each weekday, each weekend, certain times of the year, or 7 days per week.
- When two-way traffic causes sight-distance problems, making it difficult to see opposing traffic.
- When on-street parking needs to be restricted on a temporary basis for infrastructure and development projects.
- When on-street parking needs to be restricted on a temporary basis for events.
- When on-street parking needs to be restricted for street sweeping or other City-related or utility district activities.
- When on-street parking needs to be restricted at certain times on weekdays, weekends, or 7 days per week to address public safety matters or for unanticipated events or emergencies.

Implementation of a neighborhood parking permit zone program generally addresses ongoing concerns related to on-street parking demand that is disrupted or otherwise routinely impacted by forces separate from the neighborhood, for example: (1) when

students attending a school use residential streets for parking; (2) when public transit riders use residential streets for vehicle storage; and (3) when customers or employees of a business use residential streets for on-street parking.

Because implementation of a parking permit zone is generally considered a permanent and final action, its creation should be considered as a last option. On-street parking is a public good, and regulatory restrictions should not be encouraged as a solution to resolve competing, same-street neighborhood demand for on-street parking.

In such instances when competing neighborhood demand for on-street parking requires municipal regulation, the on-street parking supply is typically regulated by time-limited or fee-based parking programs. While these types of regulatory programs are not typical of suburban areas, they are common in more urbanized areas, including in and around transit districts.

The City of Montclair does not presently have fee-based or time-limited parking programs; however, the implementation of such regulatory programs may need to be considered as the City develops out its transit district in North Montclair. Fee-based or time-limited parking solutions may also emerge as part of a larger, comprehensive parking management analysis that studies parking issues throughout a community.

As they currently exist, the City's parking permit zones are generally fragmented, lack a defined and cohesive parking management strategy, are confusing to the public, and make administration and enforcement difficult. It may be appropriate, then, for the City Council to direct City staff to undertake a comprehensive, Citywide parking management study to examine alternatives to addressing the demand for on-street parking, vis-à-vis the evolving nature of the community, particularly in North Montclair.

Typically, the peak period for on-street residential parking occurs in the late afternoon and early evening, as residents return home from employment centers and students return home from education centers. With the exception of neighborhoods that host concentrated high-density housing, available on-street residential parking in Montclair appears adequate to meet both day and night-time demand. However, as the community continues to evolve, development of an on-street parking strategy may be appropriate.

In some of the City's older neighborhoods, where many residential properties were built with limited or no off-street parking, permit zones may be appropriate, particularly when demand for on-street parking is impacted by spillover demand from other uses such as demand from employees at nearby businesses or large institutions such as hospitals or schools.

The demand for on-street parking on Fremont Avenue derives from local residents, not spillover demand. Further, for residences on the west side of Fremont Avenue, there is no deficiency in off-street parking, as each home appears to have sufficient garage and driveway parking for a minimum of four vehicles.

Parking permit zones are also used in neighborhoods that are impacted by regional commuters who park in a neighborhood that has convenient access to a transit node, such as a rail station or bus lines.

Typically, the threshold for the number of non-resident vehicles that must be counted to justify a parking permit zone is 40 to 50 percent. On-street parking demand for Fremont Avenue does not appear to meet this threshold.

In contemplating the potential formation of a parking permit zone for Fremont Avenue, the City Council should consider the following:

1. The primary goal of a parking permit zone is to manage parking “spillover” into residential neighborhoods. Parking permit zones work best in neighborhoods that are impacted by high parking demand from other uses.
2. Parking permit zones may be appropriate in older, established neighborhoods where many residences were built with limited or no off-street parking.
3. Suburban parking permit programs are typically not cost-neutral, and require the dedication of significant resources to achieve effective management.
4. Parking enforcement falls to law enforcement agencies, which are typically overtaxed and are unable to dedicate sufficient resources to address parking permit zone issues.
5. Parking permit zone programs may not adequately address the mismatch between the limited supply of on-street parking and the high demand for this parking at its current below-market price. Montclair's permit parking zone programs operate at no cost to residents. This approach fails to incentivize residents to find alternatives to on-street parking. In contrast, the more expensive it is for a resident to participate in a parking permit zone program, the more likely it is that a resident will make space in a garage to increase off-street parking or reduce the number of non-essential vehicles registered to the property. Further, on-street parking fees may encourage a shift to other travel modes such as public transit.
6. Permit parking generally benefits a narrow class of users—in this case residents on the west side of Fremont Avenue who would not be restricted from parking on either side of the street. In essence, the available parking supply for west-side residents would actually increase because they would have increased on-street availability on the west side of Fremont Avenue, as well as the flexibility to park on the east side of Fremont Avenue. Furthermore, implementation of a permit program for the west side of Fremont Avenue could inspire a similar restriction for residents on the east side of Fremont Avenue, compounding issues related to on-street parking demand, particularly on days scheduled for street sweeping.
7. Permit parking zones are not an effective parking management strategy. The typical suburban dweller drives to work, vacating the on-street parking for the day. In a permit parking zone, valuable on-street parking spaces that could benefit other users would be unavailable, creating a mismanagement of on-street parking.
8. Before establishing a parking permit zone, a parking study should be completed to determine if spillover parking at a 40 to 50 percent threshold exists.

9. Parking permit zones typically become a permanent feature of a community's parking management strategy. While most municipal codes allow for the dissolution of parking permit zones, few are revoked once established. Therefore, even if the parking characteristics of a neighborhood change, it is unlikely that the parking permit zone will adjust to meet those changes.
10. For the most part, Montclair's parking permit zones have been established in an ad hoc fashion based on resident complaints and petitions. Established parking permit zones are also of varying size and lack consistency in their regulatory requirements, producing a disjointed and confusing regulatory framework for the public and law enforcement. In practice, the fragmented nature of the City's parking permit program limits the ability to introduce a cohesive parking management strategy, makes administration and enforcement difficult, and can be confusing to the public.

FISCAL IMPACT: Suburban parking permit programs are typically not cost-neutral. The exact funding impact is unknown but would be a negative fiscal impact to the City's General Fund, potentially through administration of the permit parking program and through increased parking enforcement by law enforcement.

RECOMMENDATION: Staff recommends the City Council consider the following recommendations:

1. Receive and file the report with no action taken; or
2. Direct City staff to develop a permit parking program for the west side of Fremont Avenue, between Benito Street to the south and San Bernardino Street to the north; or
3. Direct City staff to develop a permit parking program for both sides of Fremont Avenue, between Benito Street to the south and San Bernardino Street to the north; or
4. Direct City staff to pursue development of a citywide parking management study and strategy.



AGENDA REPORT

DATE: OCTOBER 21, 2019 **FILE I.D.:** CYC050
SECTION: BUSINESS ITEMS **DEPT.:** CITY MGR.
ITEM NO.: A **PREPARER:** A. PHILLIPS
SUBJECT: CONSIDER AND SELECT FROM OPTIONS RELATED TO FILLING A VACANCY ON THE CITY COUNCIL

REASON FOR CONSIDERATION: Pursuant to Section 36512(b) of the Government Code, the Montclair City Council is, under certain circumstances, required to take action to fill a vacancy that occurs in an elective office on the City of Montclair governing board. The vacancy can be filled either by appointment or by special election held on the next regularly established election date not less than 114 days from the call of the special election.

The City Council is requested to consider and select from a list of options related to filling the vacancy created by the untimely passing of Council Member Trisha Martinez.

BACKGROUND: Council Member Trisha Martinez, first elected to the City Council in 2014, was re-elected to a second four-year term on the City Council on November 6, 2018. Sadly and unexpectedly, Council Member Martinez passed away before completing the first year of her new term.

There are approximately three years remaining in the term of the office vacated by Council Member Martinez. A vacancy in the office of City Council Member is filled pursuant to Government Code Section 36512(b).

Government Code Section 36512(b)

If a vacancy occurs in an elective office provided for in this chapter, the council shall, within 60 days from the commencement of the vacancy, either fill the vacancy by appointment or call a special election to fill the vacancy.

(1) If the council calls a special election, the special election shall be held on the next regularly established election date not less than 114 days from the call of the special election. A person elected to fill a vacancy holds office for the unexpired term of the former incumbent.

(2) If the council fills the vacancy by appointment, the person appointed to fill the vacancy shall hold office pursuant to one of the following:

(A) If the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general municipal election, the person appointed to fill the vacancy shall hold office until the next general municipal election that is scheduled 130 or more days after the date the council is notified of the vacancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office.

(B) If the vacancy occurs in the first half of a term of office, but less than 130 days prior to the next general municipal election, or if the vacancy occurs in the second half of a term of office, the person appointed to fill the vacancy shall hold office for the unexpired term of the former incumbent. (this option is not applicable)

In filling a vacancy created on Montclair’s governing board, the City Council may consider the following options:

- (1) Appointment. Make an at-large appointment of a Montclair resident.
 - a. *Optional* — Initiate an Application, Interview, and Appointment Process, in which applications would be accepted at City Hall from Montclair residents during an established filing period, qualified applicants would be interviewed by the City Council *en banc*, and an appointment would be made from among the candidates.

Staff recommends following the same procedure that was used for the process to fill the City Council vacancy earlier this year (attached to this report as Exhibit A), using the same application (attached to this report as Exhibit B), and following the proposed schedule:

<i>Tuesday, October 22, 2019</i>	Application Period Begins. Application (attached as Exhibit A) shall be posted on the City’s website, available in hard copy at City Hall, and e-mailed and/or mailed to Planning and Community Activities Commissioners, council candidates from the 2018 election, and prior applicants for the vacancy in January. Those who submitted an application during the January process and who do not wish to make any changes to their prior application may fill out a supplemental form stating they would like to re-submit their application (attached as Exhibit C).
<i>Thursday, October 31, 2019 5:00 p.m.</i>	Deadline to submit applications. Staff will complete review of applications for completeness and to ensure applicants are legally eligible for appointment. Applications will remain confidential until November 4, 2019.
<i>Monday, November 4, 2019 7:00 p.m. City Council meeting</i>	Names of qualifying applicants will be released, and the City Council will receive applications for review. Applications (minus personal/confidential information) will be posted on the City’s website.
<i>Week of November 4, 2019 Wednesday, November 6, 2019 5:30 p.m. (proposed/tentative)</i>	City Council holds a special meeting at 5:30 p.m. to interview candidates and consider appointments.
<i>Week of November 11, 2019</i>	Hold a special meeting to continue the interview and appointment process, if needed.
<i>Thursday, November 21, 2019</i>	Deadline for the City Council to make an appointment or call an election if an appointment is not made.

A person appointed to fill the vacancy must be a legally registered voter at their residence located in the City of Montclair at the time of appointment, and must remain so during the term of the appointment.

The appointee would resume the unexpired term of office, serving for approximately one year, until the results of the November 3, 2020 General Municipal Election are certified and the newly-elected Council Member is seated. The appointee may run for election to the office. The newly-elected

Council Member would serve the balance of the term—approximately two years, through the end of 2022.

The two-year term will be a separate contest on the November 2020 ballot from the two full terms that will be up for election, and all candidates will need to indicate whether they are running for one of the two full four-year terms, or the partial two-year term.

- (2) Call an Election. Call for a special election to take place on the next regularly scheduled election date.

Pursuant to Sections 1000 and 1500 of the Elections Code, the following are potential election dates for 2020 to hold special elections:

a. *Polling Place Election*.

- i. The City Council may call a special Polling Place Election to be held Tuesday, March 3, 2020 on or before Friday, November 8, 2019.
- ii. After November 8, 2019, and on or before Thursday, November 21, 2019, the City Council may call a special Polling Place Election to be held on Tuesday, April 14, 2020.

- b. *Mail Ballot-Only Election*. The City Council may call a special Mail Ballot-Only Election to be held on Tuesday, May 5, 2020 on or before November 21, 2019.

A person elected to fill the vacancy shall hold office for the unexpired term of the former incumbent and must be a legally registered voter at their residence located in the City of Montclair at the time of election, and must remain so during the term of the office.

FISCAL IMPACT: The City Council's action to fill a vacancy on the City Council would continue the schedule of compensation and benefits for the person appointed to fill the vacancy. Funds for compensation and benefits are allocated in the Fiscal Year 2019-20 General Fund Budget.

The calling of a special election would have an additional fiscal impact in relation to costs of conducting an election, which are unknown at this time. A mail ballot-only election would be more costly than a polling place election due to a lack of cost-sharing benefits with other jurisdictions and additional vote center requirements for holding such an election.

RECOMMENDATION: Staff recommends the City Council consider and select from the above-described options related to filling a vacancy on the City Council.

City Council Vacancy Appointment Guidelines

1. Application Period
2. Application Submission
3. City Council Application Review
4. City Council Vacancy Interviews
5. City Council Vacancy Appointment

1. Application Period:

- a. Applications shall be accepted by the City Clerk's Office from Tuesday, October 22, 2019 through 5:00 p.m. on Thursday, October 31, 2019.
- b. City Council-approved Application Packages will be available by 12:00 p.m. (noon) on Tuesday, October 22, 2019, at Montclair City Hall and online at the City's Internet Homepage at www.cityofmontclair.org.
- c. Notice of the application period will be posted (i) online via the City's Internet Homepage at www.cityofmontclair.org and on City-sponsored social media accounts; (ii) on all bulletin boards used for the posting of public notices at City facilities and at the Montclair Branch of the San Bernardino County Library; (iii) in the City Manager's Weekly Report published on Thursday, October 24, 2019; (iv) on the public access cable television channel; and (v) on the *Announcements* PowerPoint displayed on monitors in the east and west lobbies of City Hall.
- d. On Tuesday, October 22, 2019, application packages will be mailed and/or emailed to (i) each Montclair Mayoral and City Council candidate whose name appeared on the November 6, 2018, General Election Ballot and who was not elected to, or who is not serving in, either the office of Montclair Mayor or City Council Member; (ii) to each Commissioner serving on the Montclair Planning Commission and Community Activities Commission; and (iii) to each person who submitted an application for the City Council vacancy that was filled on February 6, 2019.

2. Application Submission:

- a. All components of the application package shall be fully completed and submitted to the Montclair City Clerk in hardcopy format no later than 5:00 p.m. on Thursday, October 31, 2019, and shall be time stamped by the City Clerk. Online submission of application packages is not permitted; however, a PDF version of the application package available on the City's Internet Homepage at www.cityofmontclair.org can be completed electronically, but must be printed and submitted to the City in hardcopy format. All signatures of the applicant in the Application Package must be original signatures and not digitally printed or stamped signatures.

- b. Completed application packages mailed to the Office of the City Clerk must be received at Montclair City Hall by 5:00 p.m. on Thursday, October 31, 2019. Postmarks will not be considered as the date received to meet the deadline.
- c. Late applications will not be accepted.
- d. Applications not fully completed as required by “2.a.”, above, may be rejected by the City Council.
- e. Submitted applications not in full compliance with the requirements of the application process, or not meeting application criteria, will be rejected.
- f. Applications submitted by an applicant who is not a resident of Montclair will be rejected.
- g. Applications submitted by an applicant who is a Montclair resident but who is not registered to vote in the City of Montclair at the time of application submission will be rejected.
- h. Copies of each application certified by the Montclair City Clerk for compliance with the application process will be provided to each member of the City Council for review and consideration. Other than for completeness and compliance with the application process and application criteria, the Montclair City Clerk shall make no judgement as to questionnaire responses nor reject any application based on the quality of responses.
- i. Each member of the City Council will be provided with a list of any applicants not certified for consideration and the reason for rejection.
- j. By 12:00 p.m. on Monday, November 4, 2019, the City Clerk will post on the City’s Internet Homepage at www.cityofmontclair.org a list of all applicants certified for consideration.
- k. Pursuant to the California Public Records Act (CPRA), all submitted applications become public record and are discoverable under a CPRA request.

3. City Council Application Review:

- a. On Monday, November 4, 2019, application packages will be provided to each member of the City Council for review prior to the Monday, November 4, 2019 regularly scheduled meeting of the City Council.
 - i. Council Members may independently review submitted applications and shall not discuss the applications or applicants with other members of the City Council during the City Council Application Review Period.
 - ii. Prior to City Council Interviews, Council Members shall not contact applicants to ask questions, make inquiries, or otherwise pre-interview applicants.

4. City Council Interviews:

- a. At its regularly scheduled meeting on Monday, November 4, 2019, the City Council shall determine which applicants shall be interviewed at a special meeting to be scheduled for 5:30 p.m. on Wednesday, November 6, 2019.
- b. On Monday, November 4, 2019, upon completion of “4.a.” above, the City Clerk shall randomly assign the order of applicant interviews to be conducted before the Montclair City Council at a Special Meeting to be scheduled for 5:30 p.m. on Wednesday, November 6, 2019, in the City Council Chambers.
 - i. The City Clerk shall enter the names of all interviewees, in alphabetical order based on the applicants’ surnames, into the online list randomizer tool at <http://www.random.org/lists/> and have the list randomized a number of times determined by a dice roll, which will be performed at that time.
 - ii. The City Clerk shall post the order in which applicants are to be interviewed on the City’s Internet Homepage at www.cityofmontclair.org by 10:00 a.m. on Tuesday, November 5, 2019.
- c. If necessary, the City Council may adjourn the Special Meeting at which interviews commence to a future date and time on or before November 21, 2019, to complete interviews and/or make an appointment.
- d. Each interviewee shall be provided up to five minutes to make an opening statement.
- e. Each member of the City Council may ask an interviewee (i) any follow-up question regarding submitted responses to the application questionnaire; (ii) any question regarding an interviewee’s qualifications; (iii) any question a Council Member deems appropriate for a decision to appoint; or (iv) any structured question(s) to be asked of all interviewees. The City Council may elect to provide approximately 15 minutes for follow-up questions with each interviewee.
- f. At the conclusion of all interviews, the City Council may (i) elect to discuss reducing the number of interviewees for final consideration; (ii) consider additional follow-up questions for a finalized list of interviewees; (iii) adjourn the Special Meeting to a future date and time on or before November 21, 2019, to continue interviews; or (iv) immediately move to nominations.

5. City Council Appointment:

- a. At the conclusion of the interview process, and subject to “4.f.” above, the Mayor may call for nominations for the Montclair City Council vacancy.

- b.** The City Council may vote on each nominee until a nominee receives a majority vote.
 - i.** The nominee selected by the City Council to fill the vacancy shall be sworn into office immediately following the appointment. A ceremonial swearing-in may be conducted at the following regular meeting of the City Council.
- c.** If the nomination process again fails to produce consensus on a nominee, the City Council may consider the following:
 - i.** If the date is November 8, 2019 or earlier, a motion to agendaize for consideration calling a special Polling Place Election to be conducted on Tuesday, March 3, 2020, and direct the City Clerk to schedule with the Elections Office of the Elections Office of the San Bernardino County Registrar of Voters a special Polling Place Election;
 - ii.** If the date is November 9, 2019 or later, a motion to agendaize for consideration calling a special Polling Place Election to be conducted on Tuesday, April 14, 2020;
 - iii.** A motion to agendaize for consideration calling a special Mail Ballot-Only Election to be conducted on Tuesday, May 5, 2020.



CITY OF MONTCLAIR
CITY COUNCIL VACANCY

Date Received:
Exhibit B

REQUEST FOR CONSIDERATION FOR
APPOINTMENT TO CITY COUNCIL VACANCY

Please type or print clearly.

This application package is available online at www.cityofmontclair.org and may be filled out electronically.

Name: _____ Date: _____
Are you a registered voter? Yes [] No [] (Registration will be verified by the City Clerk).
Are you a resident of the City of Montclair? Yes [] No []
How long have you lived in the City of Montclair? _____
NOTE: This application is a public record and will be included with the applicable City Council materials, posted on the City's website, and made available to the press and public. Personal data will be redacted.

This application is to fill a vacancy on the City Council in the City of Montclair. Only voters registered in Montclair who have submitted a complete application packet by the deadline will be considered for appointment.

When submitting please include all of the following:

- [] Application [] Questionnaire [] Form 700

A COMPLETED AND SIGNED APPLICATION MUST BE FILED WITH THE CITY CLERK BY:
THURSDAY, OCTOBER 31, 2019 AT 5:00 PM

BECOMING A MEMBER OF THE CITY COUNCIL

Private Versus Public: Becoming a candidate for public office means that information about you will become a matter of public record immediately. With a few exceptions, this includes any and all documents submitted to the City during the course of the application period. As such, these documents must, by law, be available to the public for inspection and/or copying. Redacted copies of submitted applications will be available on the City website.

Interview Process: Interviews will take place at a Special Council meeting to be held at 5:30 p.m. on Wednesday, November 6, 2019 in the Montclair City Council Chambers located in the northwest wing of City Hall at 5111 Benito Street in Montclair. Applicants participating in the interview process are required to attend their scheduled interviews.

Term of Office: The term of office to fill the vacancy on the City Council by the interview, application, and appointment process will continue through the November 3, 2020 General Municipal Election.

City Council: The City of Montclair operates under the City Council-Manager form of governance in which the electorate chooses members of the City Council and the City Council hires the City Manager to implement City Council policy and run the day-to-day affairs and oversee all departments and operations of the City.

The Mayor and City Council are elected independently in non-partisan elections to serve four-year terms in office. The Mayor Pro-Tem is an appointed position from among the City Council members, voted upon at the meeting in which new officers are installed for new terms. The City of Montclair has no term limits.



CITY OF MONTCLAIR

CITY COUNCIL VACANCY

Applicant's Name:

Council Member Duties:

- Attend all City Council meetings as an appointed member.
- Attend all special meetings, work sessions, and other meetings as scheduled.
- Actively participate and serve on various outside agency liaisons, committees, and commissions as assigned.
- Council Members are required, by law, to complete and file a Form 700 Statement of Economic Interests disclosing various financial interests. The form may be downloaded from the FPPC website at <http://www.fppc.ca.gov/Form700.html>.

Meetings: The City Council holds regular meetings on the 1st and 3rd Mondays of the month in the City Council Chambers located in the northwest wing of City Hall at 5111 Benito Street, Montclair, California, 91763. If necessary to conduct City business, special meetings may be called from time to time depending on the Council's availability.

The schedule of upcoming Council meetings is located on the City website at <https://www.cityofmontclair.org/city-government/city-council/meeting-agendas-and-minutes/-selcat-1>

More information about the City Council can be found on the City's website at the following address: <https://www.cityofmontclair.org/city-government/city-council>

Interview Dates and Times: All interviews will be held in the City Council Chambers located in the northwest wing of City Hall at 5111 Benito Street, Montclair, California, 91763. The interviews will occur on the following dates and times:

- Wednesday, November 6, 2019, at 5:30 p.m.
- A future date(s) and time(s) to be determined by the City Council, occurring on or before Thursday, November 21, 2019, if needed.

Your interest in serving on the City Council of the City of Montclair is greatly appreciated.



CITY OF MONTCLAIR
CITY COUNCIL VACANCY

Applicant's Name:

APPLICATION

Please type or print clearly.

PERSONAL			
Name:			
Address:	City:	State:	Zip:
Home Phone:	Cell Phone:		
Email Address:			

EMPLOYMENT		
Employer:		
City:	Industry:	Dates:
Employer:		
City:	Industry:	Dates:

EDUCATION			
College/Universities Attended (Name/Location)	Major	Degree	Year Completed
Licenses or Special Certificates Held:			

CIVIC EXPERIENCE		
Prior or Current Civic Experience (Include Membership in Professional, charitable, or community organizations)	Office Held (if any)	Dates of Service/Membership



CITY OF MONTCLAIR
CITY COUNCIL VACANCY

Applicant's Name: _____

QUESTIONNAIRE FOR CITY COUNCIL APPOINTMENT

This application package is available online and may be filled out electronically.

Please answer all of the following questions to the best of your knowledge and ability (type or print clearly).

1. Please describe professional work experience you have that would facilitate your ability to serve as City Council member.
2. Please describe any Montclair-related volunteer and/or service activities you have been associated with in recent years.
3. Have you served as an appointee to any boards or commissions and, if so, what were they?
4. Please discuss your understanding of the City's finances and any financial concerns facing Montclair.
5. Please share your thoughts on the City's efforts to transform North Montclair into a transit-oriented district.
6. Please describe how you believe the City should respond to the state and region's housing shortage.
7. In your opinion, how critical is Gold Line light rail service to Montclair's future success? If you support the Gold Line, what course of action would you take to try and ensure it reaches Montclair?
8. Relationships are critical to accomplishing the business of government. Please share what you would bring to this City Council in terms of your service to the community, including your connection with local, state, and federal elected leaders.
9. What issues would you want to see the City Council work on if you become a member of the City Council and what significant policy issues do you see facing the City? Please list your top three issues.
10. What, in your opinion, do you think the owners of Montclair Place need to do to make the shopping center; (1) viable in the face of a changing retail market; and (2) relevant for the Montclair community?
11. What, to your understanding, is a conflict of interest, and as a City Council Member how would you respond if you have a conflict of interest on an issue that comes before the City Council?
12. How would you work with other council members to resolve disagreement and achieve consensus?
13. How do you view the relationship and roles between members of the City Council and City Staff, including City Manager, Department Heads, and line employees?

I hereby certify that all statements made in this application are true and complete. I understand that any false or misleading statements made in this application shall be grounds for immediate disqualification. I legally reside in the City of Montclair. I am 18 years of age or older. In compliance with State law, I understand that I will be required to file a Statement of Economic Interests upon appointment to office and annually thereafter. I understand that my application and materials will be considered a public record and thus will be available for public inspection and copying.

Applicant Name (Print)

Applicant Signature

Date



CITY OF MONTCLAIR
CITY COUNCIL VACANCY

Applicant's Name:

1. Please describe professional work experience you have that would facilitate your ability to serve as City Council member.



CITY OF MONTCLAIR
CITY COUNCIL VACANCY

Applicant's Name:

2. Please describe any Montclair-related volunteer and/or service activities you have been associated with in recent years.



CITY OF MONTCLAIR
CITY COUNCIL VACANCY

Applicant's Name:

3. Have you served as an appointee to any boards or commissions and, if so, what were they?



CITY OF MONTCLAIR
CITY COUNCIL VACANCY

Applicant's Name:

4. Please discuss your understanding of the City's finances and any financial concerns facing Montclair.



CITY OF MONTCLAIR
CITY COUNCIL VACANCY

Applicant's Name:

5. Please share your thoughts on the City's efforts to transform North Montclair into a transit-oriented district.



CITY OF MONTCLAIR
CITY COUNCIL VACANCY

Applicant's Name:

6. Please describe how you believe the City should respond to the state and region's housing shortage.



CITY OF MONTCLAIR
CITY COUNCIL VACANCY

Applicant's Name:

7. In your opinion, how critical is Gold Line light rail service to Montclair's future success? If you support the Gold Line, what course of action would you take to try and ensure it reaches Montclair?



CITY OF MONTCLAIR
CITY COUNCIL VACANCY

Applicant's Name:

8. Relationships are critical to accomplishing the business of government. Please share what you would bring to this City Council in terms of your service to the community, including your connection with local, state, and federal elected leaders.



CITY OF MONTCLAIR
CITY COUNCIL VACANCY

Applicant's Name:

9. What issues would you want to see the City Council work on if you become a member of the City Council and what significant policy issues do you see facing the City? Please list your top three issues.



CITY OF MONTCLAIR
CITY COUNCIL VACANCY

Applicant's Name:

10. What, in your opinion, do you think the owners of Montclair Place need to do to make the shopping center; (1) viable in the face of a changing retail market; and (2) relevant for the Montclair community?



CITY OF MONTCLAIR
CITY COUNCIL VACANCY

Applicant's Name:

11. What, to your understanding, is a conflict of interest, and as a City Council Member how would you respond if you have a conflict of interest on an issue that comes before the City Council?



CITY OF MONTCLAIR
CITY COUNCIL VACANCY

Applicant's Name:

12. How would you work with other council members to resolve disagreement and achieve consensus?



CITY OF MONTCLAIR
CITY COUNCIL VACANCY

Applicant's Name:

13. How do you view the relationship and roles between members of the City Council and City Staff, including City Manager, Department Heads, and line employees?



CITY OF MONTCLAIR
CITY COUNCIL VACANCY
SUPPLEMENTAL APPLICATION

Date Received:

EXHIBIT C

REQUEST FOR CONSIDERATION FOR
APPOINTMENT TO CITY COUNCIL VACANCY

I, (Print Name) _____, submitted a complete application packet to the City of Montclair City Clerk's Office to be considered for appointment to a vacancy on the City Council between January 22, 2019, and January 30, 2019, and I wish to resubmit my application for consideration for appointment to the current vacancy on the City Council. All information contained in the prior application remains current, I am a voter registered and living in the City of Montclair at the address provided in my prior application.

I have completed and signed a new Form 700 Statement of Economic Interests that covers the period of January 1, 2019, through the date the form was completed.

I understand that my application and materials are considered a public record and thus will be available for public inspection and copying.

Applicant Signature

Date

COMPLETED AND SIGNED SUPPLEMENT AND FORM 700 MUST BE FILED WITH THE CITY CLERK BY:
THURSDAY, OCTOBER 31, 2019 AT 5:00 PM

CITY CLERK'S ACKNOWLEDGMENT

I, Andrea Phillips, City Clerk of the City of Montclair, certify that an application for the above-stated individual is on file in my office, and was originally received by the City of Montclair on _____.

City Clerk Signature

Date



CITY OF MONTCLAIR

CITY COUNCIL VACANCY SUPPLEMENTAL APPLICATION

BECOMING A MEMBER OF THE CITY COUNCIL

Private Versus Public: Becoming a candidate for public office means that information about you will become a matter of public record immediately. With a few exceptions, this includes any and all documents submitted to the City during the course of the application period. As such, these documents must, by law, be available to the public for inspection and/or copying. Redacted copies of submitted applications will be available on the City website.

Interview Process: Interviews will take place at a Special Council meeting to be held at 5:30 p.m. on Wednesday, November 6, 2019 in the Montclair City Council Chambers located in the northwest wing of City Hall at 5111 Benito Street in Montclair. Applicants participating in the interview process are required to attend their scheduled interviews.

Term of Office: The term of office to fill the vacancy on the City Council by the interview, application, and appointment process will continue through the November 3, 2020 General Municipal Election.

City Council: The City of Montclair operates under the City Council–Manager form of governance in which the electorate chooses members of the City Council and the City Council hires the City Manager to implement City Council policy and run the day-to-day affairs and oversee all departments and operations of the City.

The Mayor and City Council are elected independently in non-partisan elections to serve four-year terms in office. The Mayor Pro-Tem is an appointed position from among the City Council members, voted upon at the meeting in which new officers are installed for new terms. The City of Montclair has no term limits.

Council Member Duties:

- Attend all City Council meetings as an appointed member.
- Attend all special meetings, work sessions, and other meetings as scheduled.
- Actively participate and serve on various outside agency liaisons, committees, and commissions as assigned.
- Council Members are required, by law, to complete and file a Form 700 Statement of Economic Interests disclosing various financial interests. The form may be downloaded from the FPPC website at <http://www.fppc.ca.gov/Form700.html>.

Meetings: The City Council holds regular meetings on the 1st and 3rd Mondays of the month in the City Council Chambers located in the northwest wing of City Hall at 5111 Benito Street, Montclair, California, 91763. If necessary to conduct City business, special meetings may be called from time to time depending on the Council's availability.

The schedule of upcoming Council meetings is located on the City website at:

<https://www.cityofmontclair.org/city-government/city-council/meeting-agendas-and-minutes/-selcat-1>

More information about the City Council can be found on the City's website at the following address:

<https://www.cityofmontclair.org/city-government/city-council>

Interview Dates and Times: All interviews will be held in the City Council Chambers located in the northwest wing of City Hall at 5111 Benito Street, Montclair, California, 91763. The interviews will occur on the following dates and times:

- Wednesday, November 6, 2019, at 5:30 p.m.
- A future date(s) and time(s) to be determined by the City Council, occurring on or before Thursday, November 21, 2019, if needed.

Your interest in serving on the City Council of the City of Montclair is greatly appreciated.

**MINUTES OF THE MEETING OF THE MONTCLAIR
PERSONNEL COMMITTEE HELD ON MONDAY,
OCTOBER 7, 2019, AT 6:30 P.M. IN THE CITY
ADMINISTRATIVE OFFICES, 5111 BENITO STREET,
MONTCLAIR, CALIFORNIA**

I. CALL TO ORDER

Mayor Pro Tem Raft called the meeting to order at 6:30 p.m.

II. ROLL CALL

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

III. APPROVAL OF MINUTES

A. Minutes of the Regular Personnel Committee Meeting of September 16, 2019.

Moved by Council Member Ruh, seconded by Mayor Pro Tem Raft, and carried unanimously to approve the minutes of the Personnel Committee meeting of September 16, 2019.

IV. PUBLIC COMMENT - None

V. CLOSED SESSION

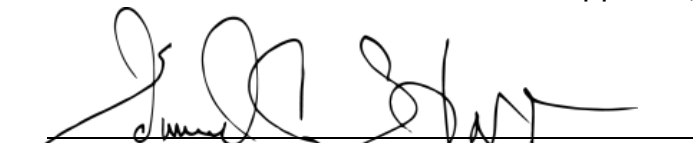
At 6:31 p.m., the Personnel Committee went into Closed Session regarding personnel matters related to appointments, resignations/terminations, and evaluations of employee performance.

At 6:50 p.m., the Personnel Committee returned from Closed Session. Mayor Pro Tem Raft stated that no announcements would be made at this time.

VI. ADJOURNMENT

At 6:50 p.m., Mayor Pro Tem Raft adjourned the Personnel Committee.

Submitted for Personnel Committee approval,



Edward C. Starr
City Manager