

**MINUTES OF THE REGULAR JOINT MEETING OF
THE MONTCLAIR CITY COUNCIL AND SUCCESSOR
AGENCY AND MONTCLAIR HOUSING CORPORATION
BOARDS HELD ON MONDAY, DECEMBER 17, 2012,
AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS,
5111 BENITO STREET, MONTCLAIR, CALIFORNIA**

I. CALL TO ORDER

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

II. INVOCATION

Pastor Marc S. Anthony Jr., Abiding Love Family Church, gave the Invocation.

III. PLEDGE OF ALLEGIANCE

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

IV. ROLL CALL

Present: Mayor/Chairman Eaton; Mayor Pro Tem/Vice Chairman Ruh; Council Members/Directors Paulitz, Raft, and Dutrey; City Manager/Executive Director Starr; Deputy City Manager/Executive Director of Economic Development Staats; Director of Community Development Lustro; City Engineer Hudson; Finance Director Parker; City Attorney Robbins; Deputy City Clerk Smith

V. PRESENTATIONS

A. 2012 Holiday Home Decoration Contest Winners

Mayor Eaton announced that the Montclair Community Action Committee has once again sponsored its Holiday Home Decoration Contest as part of the City's ongoing efforts to encourage community pride and spirit. He noted CAC Chairperson Wooton would be announcing the contest winners.

CAC Chairperson Wooton announced the following 15th Annual Holiday Home Decoration Contest 2012 winners while Mayor Eaton

presented each with a framed *Award of Excellence* plaque and Montclair restaurant gift card and Field Representatives **Johnny Piñeda**, **Senator Gloria Negrete McLeod's** District Office, and **Inez Canela**, **Assembly Member Norma Torres's** District Office, presented each recipient with a *Certificate of Recognition*.

<i>Category</i>	<i>Winner(s)</i>
Whimsical Christmas:	Hernandez family, 9877 Greenwood Avenue
Bright Lights of Christmas:	Bui family, 10990 Kimberly Avenue
Holiday Light Extravaganza:	Mr. Billy Murray , 9015 Helena Avenue
Children's Fantasy Land:	Sheila and Kirk Billingsley , 9996 Fremont Avenue

CAC Chairperson Wooton congratulated all of the winners and thanked them for sharing their creativity with the community. She encouraged everyone to take a look at these beautifully decorated homes to share in the joy and spirit of Christmas, noting copies of the list of winners are available in the Council Chambers and at City Hall and the winners will be displayed on the City's website at www.ci.montclair.ca.us.

On behalf of the City Council, Mayor Eaton thanked all residents who take the time each year to decorate their homes for the holidays "for your hard work in making your homes beautiful, thereby beautifying Montclair."

Mayor Eaton thanked audience members for their attendance and wished "Merry Christmas" to those who would like to leave the meeting at this time, though they are more than welcome to stay for the remainder of the meeting.

VI. PUBLIC COMMENT

- A. **Mr. David B. Calloway**, 9084 Surrey Avenue, Montclair, wished the City Council "Mele Kalikimaka," which is "Merry Christmas" in Hawaiian. He reiterated his concern about parking enforcement along his street related to parents double parking when dropping their children off at **Moreno Elementary School** and continually blocking access to his and his neighbors' homes during that time. He noted it is disturbing to him when children are dropped off in the middle of the street and cross in traffic to the sidewalk, suggesting parents be instructed to instead drop their children off at curbside for their safety. He asked for increased parking enforcement patrol on his street in the morning on schooldays.

Mayor Eaton told **Mr. Calloway** that staff would do so and thanked him for his remarks.

VII. PUBLIC HEARINGS - None

VIII. CONSENT CALENDAR

City Manager Starr requested that Item C-2 be removed from the Consent Calendar for comment.

Moved by Mayor Pro Tem/Vice Chairman Ruh, seconded by Council Member/Director Paulitz, and carried unanimously to approve the following Consent Items as presented:

A. Approval of Minutes

1. Minutes of the Regular Joint Council/Successor Agency Board/MHC Board/MHA Board of December 3, 2012

The City Council, City Council acting as successor to the Redevelopment Agency Board of Directors, Montclair Housing Corporation Board of Directors, and Montclair Housing Authority Commissioners approved the minutes of the December 3, 2012 regular joint meeting.

B. Administrative Reports

1. Receiving and Filing of City Treasurer's Report

The City Council received and filed the City Treasurer's Report for the month ending November 30, 2012.

2. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated December 17, 2012, totaling \$1,238,292.69 and the Payroll Documentation dated November 18, 2012, amounting to \$592,021.38, with \$408,807.10 being the total cash disbursement.

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

The City Council acting as successor to the Redevelopment Agency Board received and filed the Agency Treasurer's Report for the month ending November 30, 2012.

4. Approval of Successor Agency Warrant Register

The City Council acting as successor to the Redevelopment Agency Board approved the Redevelopment Agency Warrant Register dated 11.01.12-11.30.12 in the amounts of

\$2,724.65 for Project I; \$0.00 for Project II; \$2,228.61 for Project III; \$622.09 for Project IV; \$1,008.26 for Project V; (\$528.61) for the Mission Boulevard Joint Redevelopment Project; and \$0.00 for the Recognized Obligation Retirement Funds.

5. Receiving and Filing of MHC Treasurer's Report

The MHC Board received and filed the MHC Treasurer's Report for the month ending November 30, 2012.

6. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 11.01.12-11.30.12 in the amount of \$114,471.40.

7. Granting Easements to Southern California Edison for Street Lighting and Other Electrical Equipment in Conjunction With Development of Tract No. 18213 - The Paseos

Authorizing Mayor and Deputy City Clerk to Sign the Easement Deed

The City Council took the following actions:

- (a) Granted easements to Southern California Edison for Street lighting and other electrical equipment in conjunction with development of Tract No. 18213 - The Paseos.
- (b) Authorized the Mayor and Deputy City Clerk to sign the easement deed.

8. Approval of Lot Line Adjustment No. 2012-1 and Authorize the Lot Line Adjustment to Be Recorded With the Office of the San Bernardino County Recorder

The City Council approved Lot Line Adjustment No. 2012-1 and authorized the lot line adjustment to be recorded with the Office of the San Bernardino County Recorder.

9. Authorizing Transfer of \$9,270 From the Contingency Account for Homeland Security Grant Program Equipment Purchases

The City Council authorized transfer of \$9,270 from the Contingency Account for Homeland Security Grant Program equipment purchases.

C. Agreements

1. Approval of *Agreement No. 12-104* With Utility Cost Management LLC for Utility Bill Auditing Services

The City Council approved *Agreement No. 12-104* with Utility Cost Management LLC for utility bill auditing services.

3. Approval of *Agreement No. 12-107* With the Department of California Highway Patrol, Inland Division Office, for Use of the Montclair Police Department Firearms Shooting Range

The City Council approved *Agreement No. 12-107* with the Department of California Highway Patrol, Inland Division Office, for use of the Montclair Police Department firearms shooting range.

4. Award of Contract to Gentry Brothers, Inc., in the Amount of \$776,636

Approval of *Agreement No. 12-108* With Gentry Brothers, Inc., for the Northwest Montclair Street Rehabilitation Project

Authorization of an \$80,000 Construction Contingency

The City Council took the following actions:

- (a) Awarded a contract to Gentry Brothers, Inc., in the amount of \$776,636.
- (b) Approved *Agreement No. 12-108* with Gentry Brothers, Inc., for the Northwest Montclair Street Rehabilitation Project.
- (c) Authorized an \$80,000 construction contingency.

D. Resolutions - None

IX. PULLED CONSENT CALENDAR ITEMS

C. Agreements

2. Approval of *Agreement No. 12-105* With the County of San Bernardino for Equipment Maintenance and Access to the County's Emergency Radio Communications Network

City Manager Starr stated that the City Attorney would like the City Council to know that the indemnification clause of proposed *Agreement No. 12-105* is one-sided on behalf of the County of San Bernardino and does not protect the City.

He noted her recommendation is that the Council approve the proposed Agreement subject to any minor revisions if determined necessary to better protect the City related to the indemnification clause.

Mayor Eaton noted there would only be minor changes to proposed Agreement No. 13-105.

City Manager Starr stated, "Perhaps. The County is usually resistant to [any revisions], but the City Attorney wants to see what she can do."

Moved by Council Member Dutrey, seconded by Council Member Raft, and carried unanimously that the City Council approve *Agreement No. 12-105* with the County of San Bernardino for equipment maintenance and access to the County's emergency radio communications network subject to the City Attorney's discretion to make legal changes to the Agreement.

X. RESPONSE - None

XI. COMMUNICATIONS

A. City Attorney

1. Closed Session Pursuant to Section 54956.9(c) of the Government Code Regarding Potential Litigation

City of Montclair Successor Agency v. State of California Department of Finance

2. Closed Session Pursuant to Section 54956.9(a) of the Government Code Regarding Pending Litigation

City of Montclair v. Richard Beltran

3. Closed Session Pursuant to Section 54957.6 of the Government Code Regarding Conference With Designated Labor Negotiator Edward C. Starr

Agency: City of Montclair

*Employee Organizations: Management
Montclair Fire Fighters Association
Montclair Police Officers Association
San Bernardino Public Employees Association*

City Attorney Robbins requested a Closed Session regarding the above three matters.

B. City Manager/Executive Director

1. City Manager Starr commented as follows:
 - (a) He stated, "Along with everyone else in America, our hearts go out to the people of Newtown, Connecticut. The loss of twenty children and seven adults is tragic, of course, and we do hope that the nation, as it pulls together, could look at this situation and examine what the nation can do as we go forward to try to make certain that these senseless acts of violence are limited in the future or, one could only hope, do not every occur again. Again, we express our sincere condolences to the families in Newtown, Connecticut.
 - (b) He wished the City Council, residents, and employees of the organization a "Merry Christmas" and a "Happy New Year."

Mayor Eaton thanked City Manager Starr for his remarks.

C. Mayor/Chairman

1. Mayor/Chairman Eaton commented as follows:
 - (a) He noted his attendance at a number of board and committee meetings including **Omnitrans** and **San Bernardino Associated Governments**.
 - (b) He noted his enjoyment in attending the Police Department's 3rd Annual Holiday Potluck at which Officer Dave Taylor was named Officer of the Year and Officer Amanda Holloway received the Annual Achievement Award.
 - (c) He noted Council Member Dutrey and he enjoyed participating in the annual Santa's Sleigh event on Sunday despite the rain. He thanked all Officers and employees involved in organizing and facilitating the event.
 - (d) He noted the Annual Christmas Tree-Lighting Ceremony and Visit With Santa and Mrs. Claus was a huge success. He told Assistant Director of Human Services Richter and staff, "I think it was a great event. There were literally hundreds of people here, I believe around 700."

CAC Member Padilla stated, "It was over 900. We estimated it was over 1,000."

- (e) He stated, "I am totally saddened by what happened to the small children and the adults who tried to save them at **Sandy Hook Elementary School**. It just breaks my heart to even talk about it today. Let us all keep them close to our hearts and pray for the families and for those who survived. Those children never had a chance."

D. City Council/Successor Agency Board/MHC Board

1. Council Member/Director Paulitz commented as follows:
 - (a) He noted Council Member Dutrey and he attended the Code Enforcement Committee meeting this evening at 6:00 p.m., at which they reviewed properties typically fraught with code violations that the City's prosecutor has made much progress in enforcing.
 - (b) He noted he was honored to administer the Oath of Office to newly elected **Monte Vista Water District** Board Member **Manny Martinez**, who filled the vacancy left by the late **Maynard "Mac" Lenhert**. He expressed his opinion that **MVWD** Board Member Martinez, who also serves on the Planning Commission, "will do a good job."
 - (c) He noted he will be out of town spending the holidays with his family. He wished "everyone a 'Merry Christmas and Happy New Year.'"
2. Council Member/Director Raft commented as follows:
 - (a) She congratulated Officers Taylor and Holloway for "jobs well done."
 - (b) She noted her attendance at her first **West Valley Mosquito and Vector Control District** meeting, at which she was advised to let the public know that "even though winter is here, for some reason this year we still have a problem with mosquito breeding. The West Nile Virus is still active in the community, so everyone, especially if you are outside on a nice night, please still be careful."

Mayor Eaton noted a resident of Orange County passed away today from the virus.
 - (c) She wished "everyone a 'Merry Christmas and Happy New Year,'" expressing her hope that everyone has a safe one.
 - (d) She stated, "Our prayers are with the families in Newtown, Connecticut. God forbid we ever have anything like this happen again."

3. Council Member/Director Dutrey commented as follows:
- (a) He noted he and his family look forward to his son, **Chris**, coming home for Christmas from his post at **Fort Sam Houston**, San Antonio, Texas.
 - (b) He wished everyone a "Merry Christmas and Happy New Year" and best wishes to celebrants of **Hanukkah** and **Kwanzaa**.
 - (c) Noting how special it is to have his family together for the holidays, he stated, "It is unfortunate that certain families in Newtown, Connecticut, will not have an opportunity to celebrate Christmas with their children and other loved ones. I think that now is the time that as a community and as a nation, we should be spending time together with family. As a society, we have become more interested in material things or money and have begun to lose touch with the important things in life. I think that as a community and as a family and as a nation, if we spend more time on the human elements—about caring for other people and about just telling people that you love them or telling people they are doing a great job, that perhaps these types of incidents would become less common. Obviously, other issues are involved, one being mental illness; however, this is a time that as a country and as a family and as a community, we should just spend time with each other, including helping the homeless and those less fortunate. We need to step back and forget about iPods, new cars, and such things that are not as valuable as human beings."
 - (d) He noted he discussed his objectives at the December 6, 2013 Council special meeting, one of them being the importance of making sure Montclair is a great place to live, work, and play. He stated that though the budget was a major challenge for the last four years because of the Great Recession, staff did an excellent job budgeting the City's finances for the current fiscal year that will enable us to move forward. He noted the importance of ensuring costs are under control, though we cannot be certain of what 2013 will bring in the way of revenue, particularly in light of the ensuing "fiscal cliff" that **President Obama** and **Congress** have yet to resolve. "Nonetheless," he stated, "the budget will be my big issue these next four years. In addition, we also need to focus much more in 2013 on economic development, especially in North Montclair to ensure we maintain vibrant businesses in that area of the City that will bring a

lot of people to Montclair—not just to shop but to enjoy our great City." He suggested staff continue to meet with the owners of the **Montclair Plaza** to make certain they are moving forward with their revitalization plans so the center maintains its vitality.

Council Member Dutrey stated that the City has done a tremendous job of maintaining its capital assets, which should continue. He noted "some of our residential streets and sidewalks need attention."

Council Member Dutrey stated that he is looking forward to an "exciting" new term on the Council and that he is very proud to represent the residents of Montclair. He stated, "I am here to represent 36,000 residents. That is what it is about. It is not my City—I just live here. The City belongs to the residents of Montclair."

By way of introduction, Mayor Eaton stated, "Well, folks, as you know, every election cycle we reorganize; and this cycle, we appointed a new Mayor Pro Tem. Former Council Member Bill Ruh is now Mayor Pro Tem Bill Ruh. You are up, Bill."

4. Mayor Pro Tem/Vice Chairman Ruh commented as follows:

- (a) He thanked Mayor Eaton. He expressed his thanks to his Council colleagues for having faith in him for the next two years to fulfill the Office of Mayor Pro Tem. He stated, "I appreciate it, and will continue, as always, to do the best that I can within the abilities of our City, our Council, and our budget to continue to represent our City and make sure that we continue to have a City that really is home for everyone, not just a few, so that everyone feels they have a part of this City. Again, thank you for your support."
- (b) He likewise noted his attendance at the Annual Christmas Tree-Lighting Ceremony. As stated by CAC Member Padilla, the event was attended by between 900 and 1,000 persons. He noted well over a thousand cups were used, which was amazing and wonderful. He thanked the CAC Members who volunteered and City staff who worked the community event.

Mayor Eaton stated, "And everyone got along. There were no problems. It was just amazing."

- (c) He thanked all City employees "who this year have done so much in our City and really did a yeoman's job of

trying to continue their work under sometimes difficult circumstances. We all understand what budgets are, and I think next year things will start to get better. We see some signs of that. Let us hope and continue to believe that it will happen."

- (d) He noted **Assembly Member Torres** is hosting her 4th Annual Holiday Open House and Toy Drive at her District Office, 13160 7th Street, Chino, from 4:00 to 7:00 p.m. He noted **Senator McLeod** is hosting her Holiday Open House on Wednesday, December 19, 2012, at her District Office, 4959 Palo Verde Street, Montclair, from 5:00 to 7:00 p.m. He encouraged everyone to attend these functions, noting **Senator McLeod** is to be congratulated as our U.S. Representative-elect for the 35th District.
- (e) He spoke of the tragedy in Newtown, Connecticut, and "the sadness we all have. The families who are grieving tonight; the images we have seen are horrific. Let us all try as a nation to, as best we can, come together and have a good debate on the gun policy issue. The other day, the *Inland Valley Daily Bulletin* had a wonderful editorial on the subject. There are many different sides; there are many nuances to it. We need to at least open it up and talk about it because if we do not talk about issues, we continue to have problems. There is plenty of room for debate. This is an issue that we need to talk about and find balance.
- (f) He noted he likes to write a message at the end of each year comprising his thoughts to everyone for the year. He noted his message was difficult to compose this year because of the unfortunate incidents in the last week and one half. Mayor Pro Tem Ruh's message reads as follows:

Finding hope in adversity is one of the central themes of Christmas. Jesus was born into a world full of fear. The angels came to a frightened shepherd with hope in their voices. "Fear not," the angels urged. "We bring you tidings of great joy, which shall be to all people. For unto you is born this day in the City of David a savior, who is Christ the Lord."

Although we are capable of great acts of kindness, history teaches us that we sometimes need saving from ourselves, from our recklessness, and from our greed. We know that God sent into this world a unique person, neither a philosopher nor a general, important though they are, but a savior with the power to forgive. Forgiveness lies at the heart of the Christian faith. It can heal broken families, it can restore friendships, and it can reconcile divided communities. For it is in forgiveness that we feel the power of God's love.

In the last verse of the beautiful carol, "O Little Town of Bethlehem," there is really a prayer:

*O holy child of Bethlemlen
Descend to us we pray.
Cast out our sin and enter in
Be born in us today.*

Mayor Pro Tem Ruh stated, "For all of you, it is my prayer at this Christmas season that we might all find some room in our lives for the message of the angels that signaled great love. I wish all of you a very 'Happy Christmas.' For those of you who have just concluded the **Festival of Lights**, the season of **Hanukkah**, I wish you tremendous joy in your homes. For everybody, no matter your faith, your creed, or your philosophical journey, from me, my family, my brother, sisters, to everybody: 'Salaam, shalom, pax, peace.' Thank you. Have a wonderful 2013."

Mayor Eaton thanked Mayor Pro Tem Ruh for his heartfelt Christmas message.

E. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of December 3, 2012

The City Council received and filed the Personnel Committee meeting minutes of December 3, 2012, for informational purposes.

XII. COUNCIL WORKSHOP

A. Governmental Accounting Standards Board (GASB) 45—Other Post Employment Benefit (OPEB) Actuary's Study

Moved by Council Member Dutrey, seconded by Council Member Raft, and carried unanimously to continue this item to an adjourned meeting on Monday, January 7, 2013, at 5:45 p.m. in the City Council Chambers.

XIII. ADJOURNMENT OF SUCCESSOR AGENCY AND MONTCLAIR HOUSING CORPORATION BOARDS OF DIRECTORS AND MONTCLAIR HOUSING AUTHORITY COMMISSIONERS

At 7:36 p.m., Chairman Eaton adjourned the Successor Agency and Montclair Housing Corporation Boards of Directors and Montclair Housing Authority Commissioners in memory of the lives lost in Newtown, Connecticut, stating, "Our nation is in mourning for those little boys and little girls. As Bill noted, there has been a lot said, but we cannot forget them. Let us keep them and their families in our hearts and in our minds. Merry Christmas to all of you. Thank you to our employees for the work that you do. Everybody have a Merry Christmas and Happy New Year. Thank you and goodnight."

At 7:36 p.m., the City Council went into Closed Session regarding potential litigation pursuant to Government Code Section 54956.9(c), pending litigation pursuant to Government Code Section 54956.9(a), and labor negotiations pursuant to Government Code Section 54957.6.

XIV. CLOSED SESSION ANNOUNCEMENTS

At 8:10 p.m., the City Council returned from Closed Session. Mayor Eaton announced the City Council met in Closed Session regarding potential litigation, pending litigation, and labor negotiations; information was received and direction given to staff; and no further announcements would be made at this time.

XV. ADJOURNMENT OF CITY COUNCIL

At 8:12 p.m., Mayor Eaton adjourned the City Council.

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

Yvonne L. Smith
Deputy City Clerk