

MINUTES OF THE REGULAR JOINT MEETING OF  
THE MONTCLAIR CITY COUNCIL AND SUCCESSOR  
AGENCY AND MONTCLAIR HOUSING CORPORA-  
TION BOARDS HELD ON MONDAY, MAY 6, 2013,  
AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS,  
5111 BENITO STREET, MONTCLAIR, CALIFORNIA

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**I. CALL TO ORDER**

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

**II. INVOCATION**

**Initiated Disciple Deera, Nithyananda Vedic Temple**, gave the Invocation.

**III. PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Ruh 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; Director of Public Works Hudson; City Attorney Robbins; Deputy City Clerk Smith

**V. PRESENTATIONS**

**A. Introduction of New Employee**

Director of Community Development Lustro introduced **Mr. Michael Dorsey**, who was appointed to the position of Building Inspector effective April 29, 2013. He noted Building Inspector Dorsey previously worked as a construction project superintendent for 14 years for **Crestwood Communities** and has over 20 years experience as an electrical and general contractor. He stated that in his spare, Building Inspector Dorsey is an avid rock climber and mountaineer and instructor of a Wilderness Travel Course that teaches survival and navigation in the mountains and desert.

Mayor Eaton welcomed Building Inspector Dorsey to the Montclair City family and presented him with a City pin.

**B. Proclamation Declaring the Week of May 13, 2013, as "Blue Ribbon Week" in the City of Montclair**

Mayor Eaton presented a proclamation to Public Safety Executive Director Jones declaring the week of May 13, 2013, as "Blue Ribbon Week" in the City of Montclair.

Public Safety Executive Director Jones accepted the proclamation and thanked Mayor Eaton.

**C. Proclamation Declaring Montclair a Purple Heart City**

Mayor Eaton presented a proclamation to **Mr. John Melendrez**, Commander, Chapter 2929 of the Military Order of the Purple Heart, with a proclamation declaring Montclair a Purple Heart City.

**Mr. Melendrez** accepted the proclamation and thanked Mayor Eaton. He stated that he understands the sacrifices his brethren have made in our country's wars over the centuries and asked that everyone please greet returning soldiers and welcome them home.

Mayor Eaton thanked **Mr. Melendrez** and the other brave service men and women for their heroism and service to our country.

**VI. PUBLIC COMMENT - None**

**VII. PUBLIC HEARINGS - None**

**VIII. CONSENT CALENDAR**

Moved by Council Member/Director Dutrey, seconded by Mayor Pro Tem/Vice Chairman Ruh, 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 Meeting of April 15, 2013**

The City Council, City Council acting as successor to the Redevelopment Agency Board of Directors, and Montclair Housing Corporation Board of Directors approved the minutes of the April 15, 2013 regular joint meeting.

**B. Administrative Reports**

**1. Setting a Public Hearing to Consider Ordinance No. 13-934 Adding Section 6.16.140 to the Montclair Municipal Code Prohibiting Scavenging in Solid Waste Containers in the City**

The City Council set a public hearing for Monday, May 20, 2013, at 7:00 p.m. in the City Council Chambers to consider Ordinance No. 13-934 prohibiting scavenging in solid waste containers in the City.

**2. Authorization of a \$12,171 Appropriation From the Contingency Account to Purchase Shelter Operations Costs From the San Bernardino County Fire Department**

**Authorization to Receive \$12,171 in Matching Funds From the FY2012 Emergency Management Performance Grant Program to Reimburse the Contingency Account**

The City Council authorized the following:

- (a) Appropriation of \$12,171 from the Contingency Account to purchase shelter operations costs from the San Bernardino County Fire Department.
- (b) Receipt of \$12,171 in matching funds from the FY012 Emergency Management Performance Grant Program to reimburse the Contingency Account.

**3. Authorizing the Installation of Stop Signs at the Intersection of Ramona Avenue and Allesandro Street**

The City Council authorized the installation of stop signs at the intersection of Ramona Avenue and Allesandro Street.

**4. Acceptance of Grant Deed No. 1672, an Easement for Construction, Maintenance, and Use of a Sidewalk Located at 9675 Monte Vista Avenue**

The City Council accepted Grant Deed No. 1672, an easement for construction, maintenance, and use of a sidewalk located at 9675 Monte Vista Avenue.

**5. Approval of City Warrant Register and Payroll Documentation**

The City Council approved the City Warrant Register dated May 6, 2013, totaling \$1,420,508.80 and the Payroll Documentation dated March 24, 2013, amounting to \$573,523.53, with \$405,635.51 being the total cash disbursement.

## C. Agreements

### 1. Approval of *Agreement No. 13-29* With Carl Warren & Company for Liability Claims Administration

The City Council approved *Agreement No. 13-29* with Carl Warren & Company for liability claims administration.

### 2. Approval of *Agreement No. 13-30* With the San Bernardino Public Employees Association Related to Terms and Conditions of Employment

The City Council approved *Agreement No. 13-30* with the San Bernardino Public Employees Association related to terms and conditions of employment.

### 3. Approval of *Agreement No. 13-31-I-88, an Irrevocable Annexation Agreement* With José J. Cabrera and Crystal Jean Cabrera for 11207 College Avenue (APN 1012-392-19)

The City Council approved *Agreement No. 13-31-I-88, an Irrevocable Annexation Agreement* with José J. Cabrera and Crystal Jean Cabrera for emergency connection of their property at 11207 College Avenue (Assessor's Parcel No. 1012-392-19) to the City Sewer System with the proviso that annexation of the property would take place when feasible in the future.

### 4. Approval of *Agreement No. 13-32* With Action Target, Inc., for Firearms Shooting Range Repairs

#### Authorization of a \$17,806 Expenditure From the Contingency Account for Said Repairs

The City Council took the following actions:

- (a) Approved *Agreement No. 13-32* with Action Target, Inc., for firearms shooting range repairs.
- (b) Authorized a \$17,806 expenditure from the Contingency Account for said repairs.

## D. Resolutions

### 1. Adoption of Resolution No. 13-2985 Authorizing Investment of Surplus City of Montclair Funds with the Local Agency Investment Fund

The City Council adopted Resolution No. 13-2985 authorizing investment of surplus City of Montclair funds with the Local Agency Investment Fund.

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

**X. RESPONSE – None**

**XI. COMMUNICATIONS**

**A. City Attorney**

- 1. 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 on the above matter.

**B. City Manager/Executive Director**

1. City Manager Starr asked if the City Council is available on the following dates for a Montclair Police Officers Association Impasse Hearing:

Tuesday, May 21, 2013  
Tuesday, May 28, 2013  
Wednesday, May 29, 2013

Mayor Pro Tem Ruh noted he is not available on May 21.

Council Member Paulitz noted he is not available on May 29.

City Manager Starr noted he would schedule the Impasse Hearing for Tuesday, May 28, 2013, at 6:00 p.m. in the City Council Chambers if a hearing becomes necessary.

**C. Mayor/Chairman**

- 1. Announcement of Vacancies on the Planning Commission**

Mayor Eaton announced there are two vacancies on the Montclair Planning Commission having four-year terms that will expire on June 30, 2017. He advised that applications for the vacancies are available at City Hall and would be accepted through Monday, May 20, 2013, at 5:30 p.m.

2. Mayor/Chairman Eaton commented as follows:
  - (a) He noted his attendance at **San Bernardino Associated Governments (SANBAG)** and **Omnitrans** meetings.
  - (b) He noted he very much enjoyed attending the Mayor's Prayer Luncheon on May 2, 2013. He thanked participants, church leaders, and the **Montclair Chamber of Commerce** and Police Chaplain Vicki Brobeck for facilitating the luncheon, noting the large turnout of 90 members of the community at the event.

**D. City Council/Successor Agency Board/MHC Board/MHA Board**

1. Mayor Pro Tem/Vice Chairman Ruh commented as follows:
  - (a) He congratulated Mayor Eaton on his successful prayer luncheon, noting he was unable to attend because of an out-of-town professional commitment.
  - (b) He announced that the **California Supreme Court** ruled today that marijuana is not 100 percent legal in the state and local governments have an absolute right to ban dispensaries through zoning regulations. He spoke in support of the court's decision.
  - (c) He noted the City Council participated in a workshop earlier this evening on past, present, and future City transportation projects. He discussed the potential for expansion of the I-10 Freeway between the Montclair city limits and the Ford Street exit in Redlands to feature toll lanes. He noted the apparent massive failure for most motorists of the toll lanes implemented in Los Angeles County, advising that those who choose not to drive on the toll lanes add another 10 to 20 minutes to their commute. He stated that residents "have already paid for these freeways over and over again." He expressed his opinion that freeways should not be tolled and that, instead, mass transit projects, such as the **Gold Line**, should be fully funded because rail travel is the future of transportation in the Southland and throughout the country. He spoke in support of extension of the **Gold Line** to Montclair.
  - (d) He recognized Leadworker Jeff Flanders for refurbishing the beautiful bronzed seagulls—crafted in 1965 by renowned local artist **John E. Svenson** for a mobile display around the **Montclair Plaza** clock tower—for display at three separate locations at City Hall. He noted

the display "certainly brightens up City Hall and will allow those in the future to appreciate the work of one of Southern California's premier artists. He stated that **Mr. Svenson**, along with **Betty Davenport Ford** and **Millard Sheets**, were pioneers of the Mid-Century Modern design movement.

2. Council Member/Director Dutrey commented as follows:
  - (a) He likewise recognized Leadworker Flanders for his efforts to refurbish and display the seagulls at City Hall in addition to his work with the Parks crew to renovate the appearance of the south entrance to City Hall.
  - (b) He noted the **United States Senate** is presently considering the Marketplace Fairness Act, which would require online retailers that sell in excess of \$1 million per year to collect sales taxes levied by the various states and local jurisdictions. He stated that most online retailers do not collect sales tax, resulting in a competitive disadvantage for traditional brick-and-mortar retailers. He expressed his hope that **Congress** sees the importance of leveling the playing field for all retailers, not to mention that state and local governments require their share of sales tax revenue to provide services.
  - (c) He noted Mayor Pro Tem Ruh and he met with members of **Congress** or their representatives and representatives from the offices of **U.S. Senators Dianne Feinstein** and **Barbara Boxer** three weeks ago in Washington, D.C, to lobby on behalf of the following projects: (1) Monte Vista Avenue/Union Pacific Railroad Grade Separation Project to receive \$1.6 million in surplus funds from the Ramona Avenue/Union Pacific Railroad Grade Separation Project; and (2) extension of the **Gold Line** to Montclair. He noted they also met with the **U.S. Department of Justice** regarding obtaining **Community Oriented Policing Services (COPS)** and curbing domestic violence grants and with the **National Endowment for the Arts** to apply for support of the Reeder Ranch museum. He expressed his opinion that the trip was a success, noting particularly the support of **Congress** for extension of the **Gold Line** to Montclair. He noted the importance of **SANBAG's** support of the project.

Mayor Eaton noted he spoke with **Mr. Jamie Jones, David Turch and Associates**, who advised him that Mayor Pro Tem Ruh and Council Member Dutrey worked hard while

in Washington and "did a good job. Thank you for what you did."

Mayor Pro Tem Ruh noted they used the **Metro** quite a bit to get around town.

3. Council Member/Director Raft noted her Council colleagues and she attended the annual Human Services Division Volunteer Recognition Dinner on April 23, 2013. She remarked that over 270 volunteers gave over 7,000 hours of their time during 2012, stating, "We have some really great volunteers here who give us a lot of their time. It is just a pleasure to work with them. They always do such a good job. We are really grateful to them, and I think we are very lucky and do better than some of our neighboring cities. We can count ourselves very lucky in Montclair. Thank you, Marcia, you do a good job."
4. Council Member/Director Paulitz commented as follows:
  - (a) He noted he very much enjoyed attending the volunteer dinner as he does every year. He stated that Assistant Director of Human Services Richter is very creative in coming up with a different theme each year for the dinner program; this year it was "Our Volunteers—The Spice of Montclair."
  - (b) He noted his attendance at the Mayor's Prayer Luncheon, which was very well attended as indicated by Mayor Eaton.
  - (c) He announced that the senior lunch program takes place this week at the Community Center because of work being done at the Senior Center. He noted Monday's lunch had one of the lowest attendance of the year, probably because of the rain.

## **E. Committee Meeting Minutes**

### **1. Minutes of Personnel Committee Meeting of April 15, 2013**

The City Council received and filed the Personnel Committee meeting minutes of April 15, 2013, for informational purposes.

**XII. ADJOURNMENT OF SUCCESSOR AGENCY AND MONTCLAIR HOUSING CORPORATION BOARDS OF DIRECTORS**

At 7:22 p.m., Chairman Eaton adjourned the Successor Agency and Montclair Housing Corporation Boards of Directors.

At 7:22 p.m., the City Council went into Closed Session regarding labor negotiations pursuant to Government Code Section 54957.6.

**XIII. CLOSED SESSION ANNOUNCEMENTS**

At 8:06 p.m., the City Council returned from Closed Session. Mayor Eaton announced the City Council met in Closed Session regarding labor negotiations, information was received and direction given to staff, and no further announcements would be made at this time.

**XIV. ADJOURNMENT OF CITY COUNCIL**

At 8:08 p.m., Mayor Eaton adjourned the City Council.

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

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Yvonne L. Smith  
Deputy City Clerk