

MINUTES OF THE REGULAR JOINT MEETING OF THE
MONTCLAIR CITY COUNCIL, SUCCESSOR AGENCY AND
MONTCLAIR HOUSING CORPORATION BOARDS, AND
MONTCLAIR HOUSING AUTHORITY COMMISSION HELD
ON MONDAY, SEPTEMBER 16, 2013, AT 7:00 P.M. IN
THE CITY COUNCIL CHAMBERS, 5111 BENITO STREET,
MONTCLAIR, CALIFORNIA

I. CALL TO ORDER

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

II. INVOCATION

Pastor Marc S. Anthony, Abiding Love Family Church, 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/Economic Development Executive Director Staats; Director of Community Development Lustro; Director of Public Works Hudson; Finance Director Parker; City Attorney Robbins; Deputy City Clerk Smith

V. PRESENTATIONS

A. Introduction of New Employee

Police Chief/Public Safety Executive Director deMoet introduced Police Officer Andrew Schwab, who was appointed to his position effective September 9, 2013. He noted Officer Schwab graduated from **Calvary Murrieta Christian High School** and continued his education at **Riverside Community College; Mount San Jacinto Community College;** and **California State University, San Marcos.** Officer Schwab worked for **Office Depot** and **Southwest Electric** as an electrician apprentice while attending school, he added.

Mayor Eaton welcomed Officer Schwab to the Montclair City family and presented him with a City pin.

VI. PUBLIC COMMENT

A. **Mr. Zafar Inam**, Field Representative, **U.S. Representative Gloria Negrete McLeod's District Office**, 4959 Palo Verde Street, Montclair, reviewed **Representative McLeod's** recent activities as follows:

1. District Field Hearing on Veterans' Issues on August 14, 2013, at **Fontana City Hall**
2. Federal Education Grants Workshop on August 19, 2013, at the **Bronco Student Center**; URSA Minor Room; **California Polytechnic University, Pomona**
3. **Affordable Care Act** Town Hall Meeting on August 24, 2013, in the Montclair Council Chambers

Representative Inam reported that **Veterans Administration Secretary Eric Shinseki**, a former four-star general and **Army Chief of Staff**, was successful in reaching a goal set three years ago to assist the **U.S. Department of Veterans Affairs** to receive the funding necessary to modernize inefficient paper-driven claims processing and other transformative operations to clear the huge backlog of disability claims. He noted the regional **Veterans Affairs** offices in San Diego, Oakland, and Los Angeles would be provided with 12 additional processors to decide on backlogged **VA** disability claims at least 125 days old.

Representative Inam stated that the District Office is open weekdays from 9:00 a.m. to 5:00 p.m., telephone number (909) 626-2054, to address federal issues of the residents in the 35th Congressional District.

Council Member Raft stated, "We appreciate **Representative McLeod's** efforts in Montclair. I always hear very positive things about the Field Representatives at the District Office, so thank you."

Mayor Eaton told **Representative Inam**, "We appreciate the update. Anytime you are available, come on in and let us know what is happening."

VII. PUBLIC HEARINGS - None

VIII. CONSENT CALENDAR

Moved by Mayor Pro Tem/Vice Chairman Ruh, seconded by Council Member/Director Paulitz, and unanimously carried 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 Commission Meeting of September 3, 2013

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 September 3, 2013 regular joint meeting.

B. Administrative Reports

1. Receiving and Filing of City Treasurer's Report

The City Council received and filed the City Treasurer's Report for the month ending August 31, 2013.

2. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated September 16, 2013, totaling \$2,454,536.78 and the Payroll Documentation dated July 28, 2013, amounting to \$561,672.19, with \$385,431.39 being the total cash disbursement.

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

The City Council acting as successor to the Redevelopment Agency Board received and filed the Successor to the Redevelopment Agency Treasurer's Report for the month ending August 31, 2013.

4. Approval of Successor Agency Warrant Register

The City Council acting as successor to the Redevelopment Agency Board approved the Successor to the Redevelopment Agency Warrant Register dated 8.01.13-8.31.13 in the amounts of \$3,303.80 for Project I; \$0.00 for Project II; \$38,399.50 for Project III; \$26,710.25 for Project IV; \$46,737.25 for Project V; \$0.00 for the Mission Boulevard Joint Redevelopment Project; \$0.00 for the Redevelopment Obligation Retirement Funds; \$0.00 from the Tax-Exempt Bond Proceeds; and \$0.00 from the Taxable Bond Proceeds.

5. Receiving and Filing of MHC Treasurer's Report

The MHC Board received and filed the MHC Treasurer's Report for the month ending August 31, 2013.

6. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 8.01.13–8.31.13 in the amount of \$175,244.19.

7. Receiving and Filing of MHA Treasurer's Report

The MHA Commissioners received and filed the MHA Treasurer's Report for the month ending August 31, 2013.

8. Approval of MHA Warrant Register

The MHA Commissioners approved the MHA Warrant Register dated 8.01.13–8.31.13 in the amount of \$0.00.

9. Setting a Public Hearing to Consider Ordinance No. 13–937 Amending Chapter 9.02 of the Montclair Municipal Code and Adding Chapter 9.14 to the Montclair Municipal Code Related to Use of the Montclair Transcenter and City-Owned Properties

The City Council set a public hearing for Monday, October 7, 2013, at 7:00 p.m. in the City Council Chambers to consider Ordinance No. 13–937 amending Chapter 9.02 of the Montclair Municipal Code and adding Chapter 9.14 to the Montclair Municipal Code related to use of the Montclair Transcenter and City-owned properties.

10. Setting a Public Hearing to Consider Adoption of Resolution No. 13–3007 Amending the Fee Schedule for the Collection and Disposal of Residential Refuse

The City Council set a public hearing for Monday, October 7, 2013, at 7:00 p.m. in the City Council Chambers to consider adoption of Resolution No. 13–3007 amending the fee schedule for the collection and disposal of residential refuse.

11. Setting a Public Hearing to Consider Adoption of Resolution No. 13–3008 Amending the Fee Schedule for the Collection and Disposal of Commercial Refuse

The City Council set a public hearing for Monday, October 7, 2013, at 7:00 p.m. in the City Council Chambers to consider adoption of Resolution No. 13–3008 amending the fee schedule for the collection and disposal of commercial refuse.

12. **Authorization of a \$7,698.20 Appropriation From the Contingency Fund to Replace Hydraulic Hoses, Fittings, and Adapters on Holmatro© Rescue Equipment Assigned to Engine 151 and Medic Engine 152**

The City Council authorized a \$7,698.20 appropriation from the Contingency Fund to replace hydraulic hoses, fittings, and adapters on Holmatro© rescue equipment assigned to Engine 151 and Medic Engine 152.

13. **Authorization to Purchase 50 TASER® Cartridges From TASER International, Inc.**

The City Council authorized purchase of 50 TASER® cartridges from TASER International, Inc.

C. Agreements

1. **Approval of Agreement No. 13-73 With the YWCA San Gabriel Valley and Inland Communities to Serve as a Resource Agency for the Human Services Department**

The City Council approved *Agreement No. 13-73* with the YWCA San Gabriel Valley and Inland Communities to serve as a Resource Agency for the Human Services Department.

2. **Approval of Agreement No. 13-77 Amending Agreement No. 13-35 With the San Bernardino County Department of Aging and Adult Services to Divide Funding for the Senior Citizen Nutrition Program Into Two Budget Periods**

The City Council approved *Agreement No. 13-77* amending *Agreement No. 13-35* with the San Bernardino County Department of Aging and Adult Services to divide funding for the Senior Citizen Nutrition Program into two budget periods.

3. **Approval of Agreement No. 13-78 With Montclair Golden Girls Softball League, Agreement Nos. 13-79 and 13-80 With Montclair Little League, and Agreement Nos. 13-81 and 13-82 With All Cities Youth Baseball for Use of Ball Field Facilities**

The City Council approved *Agreement No. 13-78* with Montclair Golden Girls Softball League for use of Vernon Park, *Agreement Nos. 13-79 and 13-80* with Montclair Little League for use of respective Kingsley and Saratoga Parks, and *Agreement Nos. 13-81 and 13-82* with All Cities Youth Baseball for use of respective Kingsley and Essex Parks.

D. Resolutions

1. Adoption of Resolution No. 13-3009 Urging the Governor to Veto SB 313 (de León) – Public Safety Officers Procedural Bill of Rights Act

The City Council adopted Resolution No. 13-3009 urging the Governor to veto SB 313 (de León) – Public Safety Officers Procedural Bill of Rights Act.

2. Adoption of Resolution No. 13-08 Adopting a Recognized Obligation Payment Schedule for January 1, 2014, Through June 30, 2014, and Authorizing Certain Other Actions Pursuant to Section 34177 of Part 1.85 of the Health and Safety Code

The City Council, acting as Successor Agency to the City of Montclair Redevelopment Agency Board of Directors, adopted Resolution No. 13-08 adopting a Recognized Obligation Payment Schedule for January 1, 2014, through June 30, 2014, and authorizing certain other actions pursuant to Section 34177 of Part 1.85 of the Health and Safety Code.

IX. PULLED CONSENT CALENDAR ITEMS – None

X. RESPONSE

A. Response to City Council Inquiry Regarding Consideration of Ordinance No. 13-935 Amending Chapters 11.22, 11.78, and 11.90 of the Montclair Municipal Code Related to Development Standards and Requirements in the R-3 (Residential Medium-High Density) Zoning District

Council Member Dutrey expressed his appreciation of the information provided on this item, noting he spent a few hours Sunday reviewing the legislative version of the proposed Montclair Municipal Code amendment. He noted Council Member Paulitz will be unable to attend the workshop on this item because he will be out of town. He requested staff provide a map depicting the vacant parcels in the R-3 Zoning District, as well as information on how the proposed Code amendment would affect the approval process for development in the North Montclair Downtown Specific Plan.

Noting he spoke earlier with Council Member Paulitz regarding his absence at the workshop on October 21, 2013, City Manager Starr advised that the workshop would be rescheduled, possibly to November 18, 2013, provided **RBF Consulting** is available on that date.

City Manager Starr noted excerpts summarizing primary and significant changes being recommended were included in the City Council's agenda packets. Noting the Ordinance is quite extensive in both its original content and alterations being recommended for the City Council's review this evening, he expressed his hope staff would accommodate and address all the Council's concerns in providing an Ordinance that meets the Council's expectations when the item is returned to the City Council after the workshop.

Council Member Paulitz expressed his appreciation that the workshop is proposed to be rescheduled for the second meeting in November 2013. He noted he still has some concerns, though not as many as he had originally, mainly regarding the minimum lot area, lot dimensions, maximum density, as well as the minimum floor area. He added that if those items could remain as is, he could support all the balance of the proposed changes including resident parking, tandem parking, and guest parking. He expressed his opinion that the operational management standard is a particularly good addition. He stated, "I just want to see quality development, especially in the remaining vacant areas in North Montclair. Once the City is built out—there are only some smaller vacant areas in South Montclair—the character of the City will be set for good or bad. I would like to see that it would be for the good. I am looking forward to the workshop."

It was the consensus of the City Council to receive and file the report and retain Exhibit "A" when this item is returned for City Council review and consideration.

XI. COMMUNICATIONS

A. City Attorney

1. City Attorney Robbins stated that she is pleased to report there are no Closed Session items this evening.

B. City Manager/Executive Director - No comments

C. Mayor/Chairman

1. Announcement of Appointment to the Community Action Committee

Mayor Eaton stated that Community Action Committee (CAC) Vice Chair Manny Martinez's appointment to the Montclair Planning Commission effective June 17, 2013, left a vacancy on the CAC. He noted he is pleased to announce the appointment of **Ms. Hollis Judkins** to fulfill Planning Commissioner Martinez's term through June 30, 2014. He noted CAC

Member Judkins previously served on the CAC and looks forward to continuing to serve the community. He stated, "Hollis, congratulations and welcome back."

2. As a member of the **Metrolink** Board of Directors, Mayor/Chairman Eaton reported that an internal review of the \$196 million agency in January 2013 revealed shoddy accounting practices that have gone on for years and that an audit in February 2013 found that financial accounting has been sloppy and ripe for potential fraud. Noting the commuter railroad's treasurer and chief financial officer resigned two days after the Board discussed the audit report, he stated that one of the largest auditing firms in the **City of Los Angeles** has been hired to examine all of **Metrolink's** finances. He expressed his hope that the serious accounting deficiencies could soon be resolved.

Council Member Paulitz inquired concerning the withholding of federal funding from the agency.

City Manager Starr reported the **U.S. Department of Labor (DOL)** decided to withhold \$54 million from **Sacramento Regional Transit** earlier this month after ruling the transit district implemented California's pension law—the **California Public Employees' Pension Reform Act of 2013 (PEPRA)**—in violation of a 1964 federal law that requires agencies to preserve employees' collective representation to receive mass-transit funds. He added that with a series of similar **DOL** rulings likely, which would disrupt \$1.6 billion in grants statewide for this year alone, the Governor's office indicated he supports **Assembly Bill 1222**, which would exempt mass-transit employees from the pension law while the matter is hashed out in federal court and, at the same time, sets up a \$26 million state loan program for transit operators, which must be repaid to the State Transportation Fund by January 1, 2019. He indicated that the Governor's pension law compromise would allow federal grant funding to flow to **Metrolink** and other transit agencies.

Mayor Eaton noted **Omnitrans** was prepared to lay off just under 200 bus drivers and drastically reduce bus service and that, thankfully, these actions are now on hold.

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

1. Council Member/Director Raft reported there have been three positive cases of West Nile virus in the **West Valley Mosquito and Vector Control District (WVMVCD)** and that

over 300 Ontario property owners have been notified to immediately correct their murky algae-infested swimming pools. She asked those who are aware of similar conditions or areas of standing water that is breeding mosquitoes to please notify **WVMVCD**.

2. Council Member/Director Dutrey commented as follows:
 - (a) He noted he was, unfortunately, unable to attend Montclair Day at the Fair and that his daughter, **Janine**, was particularly unhappy that she could not attend. He recognized Montclair's Community Heroes, volunteer **Police Chaplain Vicki Brobeck** and **Mr. Walter Askier**, who volunteers at the **Habitat for Humanity ReStore**.
 - (b) He recognized returning CAC Member Hollis Judkins on her reappointment and told her, "Welcome back to the CAC. I always felt you should be there in the first place. Thank you for serving our residents once again."
 - (c) He recognized the **Montclair High School Cavaliers** for winning Friday's away nonconference game against Duarte with a score of 38 to 14. He expressed his hope that the **Cavaliers** have a winning season this school year.
3. Mayor Pro Tem/Vice Chairman Ruh commented as follows:
 - (a) He noted the **Metrolink Holiday Toy Express** has been a very popular fixture in Montclair over the years as a way of accumulating toys for the annual toy drive. He noted it is unfortunate **Metrolink** does not have the funding to roll out the holiday toy train this year; however, the CAC has come up with "Dashing Through Montclair," which will feature drop points along a route, culminating at the Montclair Police headquarters, for residents to leave toys. He noted the CAC hopes to start a tradition with the event, which is something the City could do on its own that would dovetail with some of the City's other holiday events. He stated that residents would be advised of the date of the first Dashing Through Montclair.
 - (b) He congratulated CAC Member Judkins on her reappointment to the CAC and stated, "We look forward to seeing you participating at our many activities throughout the year."
 - (c) He noted he had an opportunity to tour **Mr. Ervin "Magic" Johnson Jr.'s** project The Paseos at Montclair North

currently under construction at the northeast corner of Moreno Street and Monte Vista Avenue, directly north of the **Montclair Plaza**. He stated that he is pleased with the truly wonderful high-quality development that features white buildings with red-tiled roofs in the Santa Barbara architectural style and includes an environmental landscape bioswale to remove silt and pollution from surface runoff water at the site. He noted a project manager advised him of the interest of passersby and callers in being placed on a waiting list to rent the units. He noted the development will be a hallmark of the City that will add to the quality of the community.

- (d) He expressed his condolences on behalf of school crossing guard **Ms. Donna Omlin**, who was unfortunately run down by a hit-and-run driver last Thursday, sustaining multiple lacerations and a possible broken leg as she walked in a crosswalk at Fremont Avenue and Orchard Street, and wished her a speedy recovery.
- (e) He expressed his good wishes to Economic Development Coordinator Miguel Garcia, who is leaving the City effective September 19, 2013, because he has accepted a fellowship in the Master of Fine Arts Program in Playwriting at the **University of California, Los Angeles, School of Theater, Film and Television**. He noted **Miguel** will be working at the **Geffen Playhouse** during his studies and that he is very well known in Los Angeles as a playwright and director, having produced some one-person shows. He advised that one of **Miguel's** plays was so well known that he was invited to perform it in Dublin, Ireland, in the last four months. He stated, "It really is great to see somebody who is from our Montclair family moving on. I said to him that when he is famous someday and receiving his **Academy Award, Emmy Award**, and all his other accolades, that he gives a shout out to Montclair!"

He stated, "**Miguel**, we really, really wish you well."

E. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of September 3, 2013

The City Council received and filed the Personnel Committee meeting minutes of September 3, 2013, for informational purposes.

XII. ADJOURNMENT OF CITY COUNCIL, SUCCESSOR AGENCY AND MONTCLAIR HOUSING CORPORATION BOARDS OF DIRECTORS, AND MONTCLAIR HOUSING AUTHORITY COMMISSIONERS

At 7:26 p.m., Chairman Eaton adjourned the City Council, Successor Agency and Montclair Housing Corporation Boards of Directors, and the Montclair Housing Authority Commissioners.

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

Yvonne L. Smith
Deputy City Clerk