

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, DECEMBER 16, 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**

**Pastor Vicki Brobeck, Grace Fellowship Foursquare Church**, gave the Invocation.

**III. PLEDGE OF ALLEGIANCE**

Council Member/Director Paulitz 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; Director of Finance Parker; City Attorney Robbins; Deputy City Clerk Smith

**V. PRESENTATIONS**

**A. 2013 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 16th Annual Holiday Home Decoration Contest 2013 winners while Mayor Eaton presented each with a framed *Award of Excellence* certificate and Montclair restaurant gift card and Field Representative **Zafar Inam**,

**U.S. Representative Gloria Negrete McLeod's** District Office, presented each recipient with a *Certificate of Recognition*.

<i>Category</i>	<i>Winner(s)</i>
Holly Jolly Christmas:	<b>Rodriguez</b> family, 4564 Olive Street
Winter Wonderland:	<b>Rivas</b> family, 5247 Monte Verde Street
Lights, Lights, and More Lights:	<b>Galban</b> family, 9801 Surrey Avenue
Many Faces of Christmas:	<b>Rieger</b> family, 4641 Highland Street

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.cityofmontclair.org](http://www.cityofmontclair.org).

On behalf of the City Council, Mayor Eaton thanked CAC Chairperson Wooton and the CAC for organizing and facilitating this event each year and Human Services and Public Works Departments for staff's hard work over the past several weeks related to Christmas season celebrations. He stated, "You have all done a good job, and we thank you so very much." Lastly, he 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. Ms. Judith Vargas**, 9943 Poulsen Avenue, Montclair, objected to the high water service rate charged by the **Monte Vista Water District**. She noted she received a \$400 bill in January 2013 and a \$554 bill for December 2013 service. She stated that she lives alone and works for a manufacturer from 7:00 a.m. to 5:30 p.m. each weekday. Noting she prepares the **San Bernardino County Special Districts Department** Sanitation Division annual report, she advised that she calculated that she uses an average of 1,900 gallons of water per day. She appealed to the City Council "to do something" for her and others who may also have received high water bills.

Mayor Eaton asked **Ms. Vargas** if she has contacted **MVWD**.

**Ms. Vargas** replied, "Yes," and that she also sent correspondence to the **MVWD** Board of Directors.

Mayor Eaton inquired as to the outcome of her discussions with the **MVWD** Board.

**Ms. Vargas** advised that she was required to pay the January bill and did so in installments. She asserted that she would not pay the very high December bill. She noted **MVWD** Senior Customer Service Representative **Rosa Tock** contacted her before she received the bill to advise **Ms. Vargas** she might have a leak, at which time she hired a plumber who indicated he found no leaks whatsoever after inspecting her home's plumbing. She added that **MVWD** has done nothing about the water that has been gushing for about a year at the intersection of Vernon Avenue and Moreno Street.

Mayor Eaton apologized to **Ms. Vargas** that **MVWD** has not attended to the leak.

Council Member Dutrey noted the subject of dry lawns was addressed at the Code Enforcement Committee earlier this evening, advising that the reason residents have not been watering their lawns regularly is the increase in water rates. He asked **Ms. Vargas** for the time period of the \$500 water bill she received.

**Ms. Vargas** answered, "September 18, 2013, through November 18, 2013." She indicated she would hire an attorney if the City Council is unable to intervene on her behalf.

Mayor Eaton stated, "I am very sorry that this has happened. The **Water District** is not part of the City, and we have no control over the **District**." He advised **Ms. Vargas** she would need to further address her high water bills with **MVWD**.

Mayor Pro Tem Ruh asked **Ms. Vargas** to leave her contact information with staff and stated he would be happy to contact the **MVWD** general manager and the Board Members whom he knows to have them work with her.

**Ms. Vargas** noted she was forced to pay the January bill despite having met with **MVWD** representatives who told her "it is impossible that one person would use 1,900 gallons of water a day."

Council Member Paulitz asked **Ms. Vargas** for her address.

**Ms. Vargas** answered, "9943 Poulsen Avenue."

Council Member Paulitz stated that he made a commitment at this evening's Code Enforcement Committee meeting to contact the **MVWD** general manager because the dry lawns in the community is a concern of the Committee. He added that Committee members heard some "outrageous stories. We want to get to the bottom of this and discern how water rates are determined. There is a separate rate for indoor and outdoor water usage. We have to figure out what is happening here."

**Ms. Vargas** noted another issue relates to her water meter being changed in August 2012 and again this year.

Mayor Eaton stated, "We will be talking to **Water District** representatives. I am pleased you brought this matter to our attention."

**Ms. Vargas** thanked Mayor Eaton and the City Council for any assistance they can give her.

## **VII. PUBLIC HEARINGS**

### **A. First Reading – Adoption of Ordinance No. 13-939 Amending Specific Chapters of Title 10 of the Montclair Municipal Code Related to Adoption of the 2013 Edition of the California Fire Code and to Establish February 5, 2014, as the Effective Date of the Codes**

Mayor Eaton declared it the time and place for a public hearing related to adoption of Ordinance No. 13-939 amending specific Chapters of Title 10 of the Montclair Municipal Code related to adoption of the 2013 Edition of the California Fire Code and to establish February 5, 2014, as the effective date of the codes and invited comments from the public.

There being no one in the audience wishing to speak, Mayor Eaton closed the public hearing and returned the matter to the City Council for its consideration.

Moved by Council Member Dutrey and seconded by Mayor Pro Tem Ruh that Ordinance No. 13-939, entitled, "**An Ordinance of the City Council of the City of Montclair Amending Specified Chapters of Title 10 of the Montclair Municipal Code and Adopting by Reference the 2013 Edition of the California Fire Code, Together With Certain Amendments, Additions, Deletions, and Exceptions Including Fees and Penalties,**" be read by number and title only, further reading be waived, and this be declared its first reading.

The City Council unanimously waived the reading of the Ordinance.

First Reading of Ordinance No. 13-939 was unanimously adopted by the following vote:

AYES:	Dutrey, Raft, Paulitz, Ruh, Eaton
NOES:	None
ABSTAIN:	None
ABSENT:	None

**B. First Reading – Adoption of Ordinance No. 13-940 Amending Section 4.04.100 of the Montclair Municipal Code to Include Exemption of Business License Requirements for City Services, City Suppliers, and Common Carriers and to Establish March 1, 2014, as the Effective Date of the Codes**

Mayor Eaton declared it the time and place for a public hearing related to adoption of Ordinance No. 13-940 amending Section 4.04.100 of the Montclair Municipal Code to include exemption of business license requirements for City Services, city suppliers, and common carriers and to establish March 1, 2014, as the effective date of the codes and invited comments from the public.

There being no one in the audience wishing to speak, Mayor Eaton closed the public hearing and returned the matter to the City Council for its consideration.

Mayor Pro Tem/Vice Chairman Ruh noted proposed Ordinance No. 13-940 "makes a lot of sense in the fact that these are businesses that are providing services to the City—they are contractors to the City and would undoubtedly pass the cost of their business license along to the City in their contracts. I think this makes perfect sense."

Moved by Mayor Pro Tem Ruh and seconded by Council Member Raft that Ordinance No. 13-940, entitled, "**An Ordinance of the City Council of the City of Montclair Amending Section 4.04.100 of the Montclair Municipal Code to Include Exemption of Business License Requirements for City Services, City Suppliers, and Common Carriers,**" be read by number and title only, further reading be waived, and this be declared its first reading.

The City Council unanimously waived the reading of the Ordinance.

First Reading of Ordinance No. 13-940 was unanimously adopted by the following vote:

AYES:	Dutrey, Raft, Paulitz, Ruh, Eaton
NOES:	None
ABSTAIN:	None
ABSENT:	None

**VIII. CONSENT CALENDAR**

Council Member Raft requested that Items B-10 and C-4 be removed from the Consent Calendar for comment.

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/MHA Commission Meeting of December 2, 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 December 2, 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 November 30, 2013.

**2. Approval of City Warrant Register and Payroll Documentations**

The City Council approved the City Warrant Register dated December 16, 2013, totaling \$895,084.83; the Payroll Documentation dated November 17, 2013, amounting to \$539,335.32, with \$378,495.60 being the total cash disbursement; and the Payroll Documentation dated December 1, 2013, amounting to \$639,063.50, with \$438,312.29 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 November 30, 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 11.01.13-11.30.13 in the amounts of \$1,331.67 for Project I; \$0.00 for Project II; \$15,936.77 for Project III; \$11,186.21 for Project IV; \$15,977.73 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 \$22.50 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 November 30, 2013.

**6. Approval of MHC Warrant Register**

The MHC Board approved the MHC Warrant Register dated 11.01.13-11.30.13 in the amount of \$89,146.57.

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

The MHA Commissioners received and filed the MHA Treasurer's Report for the month ending November 30, 2013.

**8. Approval of MHA Warrant Register**

The MHA Commissioners approved the MHA Warrant Register dated 10.01.13-10.31.13 in the amount of \$0.00.

**9. Authorization to Install Stop Signs at the Intersection of Bandera Street and Fremont Avenue**

The City Council authorized installation of a three-way stop at Bandera Street and Fremont Avenue.

**11. Authorization to Purchase a 2013 Multiquip AR13HAR 2.5-Ton Tandem Vibratory Asphalt Roller and Air-Tow T10-7 Hydraulic Lifting Trailer**

The City Council authorized purchase of a 2013 Multiquip AR13HAR 2.5-Ton Tandem Vibratory Asphalt Roller and Air-Tow T10-7 Hydraulic Lifting Trailer.

**12. Declaring City Vehicles as Surplus and Authorizing Their Sale at Auction or as Scrap Metal**

The City Council declared the following City vehicles as surplus and authorized their sale at auction or as scrap metal:

<i>Year and Model</i>	<i>Vehicle Identification Number</i>	<i>Mileage</i>	<i>Estimated Sales Price</i>
1998 Ford CNG Club Wagon	1FMNE31M4WHB29889	38,418	\$1,500
1993 Chevrolet Pickup	1GCGC24N1PE180139	105,296	\$800
1992 Ford Stencil Truck	2FDJF37G9NCB11777	43,969	\$1,500
2006 Ford Crown Victoria	2FAFP71W86X123868	108,206	\$500
2006 Ford Crown Victoria	2FAFP71W66X123867	106,326	\$500

**C. Agreements**

**1. Approval of *Agreement No. 13-97* With Ontario-Montclair School District for Use of Golden Girls Ball Fields**

The City Council approved *Agreement No. 13-98* with the Ontario-Montclair School District for use of Golden Girls Ball Fields.

**2. Approval of *Agreement No. 13-98* With Graffiti Tracker Inc. for Continued Use of Its Database to Track and Analyze Graffiti**

The City Council approved *Agreement No. 13-98* with Graffiti Tracker Inc. for continued use of its database to track and analyze graffiti.

**3. Approval of Tract Map No. 18728 Located on the South Side of Bandera Street West of Central Avenue**

**Authorizing Tract Map No. 18728 to Be Recorded With the Office of the San Bernardino County Recorder**

**Approval of *Agreement No. 13-99* With AGS Construction, Inc., a Subdivision Agreement for Development of Track No. 18728**

The City Council took the following actions:

- (a) Approved Tract Map No. 18728 located on the south side of Bandera Street west of Central Avenue.
- (b) Authorized Tract Map No. 18728 to be recorded with the Office of the San Bernardino County Recorder.
- (c) Approved *Agreement No. 13-99* with AGS Construction, Inc., a Subdivision Agreement for development of Track No. 18728.

**D. Resolutions - None**

**IX. PULLED CONSENT CALENDAR ITEMS**

**B. Administrative Reports**

**10. Approval of Fiscal Year 2013-14 Schedule of Recommendations for Community Benefits Funding**

Council Member Raft noted her attendance at the regular December 4, 2013 Community Action Committee meeting

during which presentations were made from ten worthwhile organizations related to their requests for community benefits assistance. Noting staff is recommending each of the organizations receive \$1,000, she asked if more funding could be provided to these worthy causes in the future "because they help a lot of people in Montclair."

Council Member Dutrey suggested the City Council consider increasing community benefits funding for these very worthwhile organizations during the next fiscal year budget preparation period.

Council Member Raft concurred.

Moved by Council Member Raft, seconded by Mayor Pro Tem Ruh, and carried unanimously that the City Council approve the following Fiscal Year 2013-14 schedule of recommendations for community benefits funding:

FISCAL YEAR 2013-14  
COMMUNITY BENEFITS ASSISTANCE PROGRAM  
AGENCY FUNDING REQUESTS

<i>Requesting Agencies</i>	<i>FY 2013-14 Funding Requests</i>	<i>FY 2013-14 Recommen- dations</i>
(1) Foothill Family Shelter	\$ 2,000	\$ 1,000
(2) House of Ruth	1,500	1,000
(3) Incredible Edible Community Garden	5,000	1,000
(4) Inland Hospice	2,500	1,000
(5) Montclair Community Collaborative	1,000	1,000
(6) Montclair Meals on Wheels	1,500	1,000
(7) OPARC	1,000	1,000
(8) Pomona Valley Workshop	2,623	1,000
(9) Project Sister	1,500	1,000
(10) Visiting Nurse Association	<u>\$ 5,000</u>	<u>\$ 1,000</u>
TOTALS	<u>\$23,623</u>	<u>\$10,000</u>

## C. Agreements

4. **Approval of *Agreement No. 13-100* Between the Cities of Montclair and Upland for Joint Sharing of Fire Department Command Staff and Expansion of Automatic and Mutual Aid Through Mutual Agreement to Vacate Services Boundaries**

**Authorizing City Manager to Execute Documents in Relation to Implementation of *Agreement No. 13-100***

**Authorizing City Manager to Provide the Ontario Communication Division Notice to Terminate *Agreement No. 01-102* for Provision of Fire Service Dispatch and Communication Services**

**Authorizing City Manager to Negotiate an Agreement With CONFIRE for Dispatch and Communication Services and a \$14,320 Allocation For Startup Costs With CONFIRE**

Council Member Raft expressed her opinion this item should have been presented as a public hearing rather than on the Consent Calendar, adding it was her hope a workshop could have been held because she has many questions.

At 7:32 p.m., Council Member Dutrey left the dais.

Mayor Eaton told Council Member Raft that now would be the time to address her concerns.

Council Member Raft compared the \$247,434 salary for the Upland Fire Chief with the Ontario Fire Chief's salary range of between \$137,500 and \$184,200, noting the discrepancy considering the areas of operation. She expressed her concern about increasingly higher salary costs in the future for the Fire Chief position and asked how the City's proposed proportionate 33 percent share of \$81,653 in Fire Chief salary was derived.

At 7:34 p.m., Council Member Dutrey returned to the dais.

City Manager Starr stated that he would need to correct Council Member Raft's misperception regarding the Ontario Fire Chief's salary: The \$247,434 amount is wages and benefits combined.

Council Member Raft concurred.

City Manager Starr advised that the Upland Fire Chief's salary of \$165,073 is comparable to Montclair's former Fire Chief salary of \$158,148 and that the total wages and benefits for

the position in Upland is \$247,434 and in Montclair, \$281,503.

Council Member Raft asked if the City has conducted recent salary surveys.

City Manager Starr replied that staff conducts salary surveys as necessary. He noted the former City Manager made the arbitrary decision to set the previous Fire Chief's salary and stated, "It is certainly the practice of this administration that any time we set salaries for positions that salary surveys be conducted. In this case, the Fire Chief is an employee of the City of Upland and Montclair is not sharing that responsibility, so we have no say in what the Upland Fire Chief is earning in wages and benefits. We will as we go forward; that is part of the proposed Agreement. Part of that Agreement stipulates that the city managers of Montclair and Upland would confer on these matters, so there are levels of control. As to what the Upland Fire Chief is currently making, it is not out of the ordinary and it certainly is not beyond what Montclair was paying our Fire Chief a year and a half ago when we had one."

Council Member Raft noted her concern relates to publication of the salary information in the newspaper. She noted listening to residents' worries about the City of Bell salary scandal during her 2012 reelection campaign and that she did not want Montclair compared to Bell.

City Manager Starr stated that the statement in a recent newspaper article was generated by public safety unions during their campaign to place their candidates in City Council seats, and it was a perception they were trying to create with the public. He added, "Montclair has no relationship with the City of Bell. The practices in this community are nowhere close to what was done to the residents of that community."

Council Member Raft noted there were certain salaries reported in the newspaper that residents took issue with.

City Manager Starr stated, "I would remind the Council that during the previous three years, I accepted no salary increase for performing the duties of the City Manager. I think there is a significant difference between a city manager who receives \$160,000 a year compared to former Bell City Manager **Robert Rizzo** who was receiving \$1.3 million a year. If people want to buy that as a comparison to the City of Bell, I cannot stop them from doing so; but they have no basis of reality in which to draw that conclusion."

Council Member Raft stated, "They were referring to our previous City Manager, not you." She asked why this item was not presented as a public hearing.

City Manager Starr replied that the subject matter does not qualify for a public hearing. He stated that he prepared a formal presentation, copies of which have been provided to the City Council, that he is willing to make at the discretion of the Council that would certainly answer any and all questions.

Council Member Raft asked why this item does not qualify for a public hearing.

City Manager Starr advised that the item does not set fees and does not meet certain standards that require a public hearing be held. He noted the City Council previously considered contracting services with either the California Department of Forestry and Fire Protection (CAL FIRE) or San Bernardino County Fire Protection District (County Fire) at a public hearing, while this item relates to "command staff sharing and dropping service boundaries, which would expand our resources between the two cities, expand service boundaries, and create a better service response to the community during calls for emergency services. From that perspective, because it does not relate to contracting services, a public hearing is not required to be held. In addition, the proposal would reduce our operating costs as opposed to raising costs to the taxpayers, it does not qualify for a public hearing." He reiterated that he is willing to make a formal presentation at the City Council's discretion.

Council Member Raft inquired as to the City of Upland's overtime policy.

City Manager Starr noted proposed *Agreement No. 13-100* contains no overtime provision "because overtime is a fluid situation that changes based on the needs of the department on any given day based on vacation schedules, sick leave, and training. Overtime is budgeted each fiscal year and we hope it falls within that number or, if not, as you know staff comes back to the City Council at midyear to ask for adjustments in overtime. Our projection is it will have a positive effect on the City's overtime, and the reason for that is under the terms of the proposed *Agreement*, we would be reflecting the operations of the City of Upland. We would have one apparatus at each station; that apparatus would be either an engine or a truck—in the case of the City of Upland, it has a truck company—but the staffing on each of those engines and trucks is similar: you have a Captain, a Fire Engineer, and a

Firefighter/Paramedic or a Fire Engineer/Paramedic. We will reflect that staffing and are currently doing that, but we also have a rescue squad in operation in the City, Medic Unit 151. Under this *Agreement* with the City of Upland, again because we are reflecting Upland's operations, Upland does not operate a medic unit; and during at least the first six months of this proposal, we are proposing Medic Unit 151 be parked and not placed in operation. That would allow us to eliminate from the budget six funded Firefighter positions. These positions are funded but remain unfilled; each of those positions is vacant. We intentionally maintained them as vacant positions as we prepared for the process to either contract with Cal Fire or County Fire; or when those two contract proposals fell by the wayside, we looked at this possible merger with the City of Upland recognizing that Upland does not operate a medic unit and knowing that we probably, under that scenario, would not be operating our medic unit. Through attrition, we managed to keep those six positions vacant; and that will save the City about \$534,000 annually in operating costs related to those positions. Because we lose those six Firefighter positions, that alone will impact overtime. We took an average of typical overtime hours over a four-year period of time and came up with a \$635,000 annual overtime expenditure for each of those years. We calculated from that what those six Firefighters would earn during any year under a \$635,000 overtime budget and came up with about \$120,000. From that we presumed that our overtime budget would decline annually by about \$120,000. We typically budget \$400,000 to \$500,000 under a decrease of \$120,000 from a \$635,000 overtime budget, which would bring our overtime down to about \$515,000, which is certainly within what we typically budget for overtime. For the last few years including this year, admittedly our overtime budget has exceeded \$635,000 because of the fact that we have all the vacancies we are maintaining. While we were maintaining those vacancies, we were still operating the medic unit; and in operating the medic unit and having six Firefighter positions vacant as well as a number of injuries on duty, we needed to hire back quite a bit. It was that hiring that caused our overtime numbers to increase. At the same time, those overtime numbers were offset by the fact that we were saving a significant amount of money by not filling these vacant positions. If you take the savings related to the vacant positions and subtract that amount from the overtime expenditures that the City realized during the last two years, our overtime expenditures really were not necessarily any higher than they normally were in any of the previous years when we did not have all of those vacancies.

"The bottom line here is that we expect to see a drop of overtime by about \$120,000 a year with actual overtime expenditures somewhere around \$515,000 a year."

Council Member Raft asked if the \$120,000 would be added to the \$515,000 number.

City Manager Starr answered, "No, the \$120,000 would be deducted from the \$635,000 annual overtime expenditure average, which drops us to the \$515,000 in annual overtime expenditures. Back to your original question of what the City of Upland spends in overtime. I cannot give you numbers, but I will tell you this: In comparison, the City of Montclair has typically spent more on overtime than the City of Upland has. I cannot tell you why exactly that would be; but in my conversations with the City Manager of Upland, while the City of Montclair was spending somewhere in the neighborhood of \$600,000 to \$700,000 in overtime, the City of Upland was spending around a million dollars in overtime, no doubt because it has a much larger Fire Department that is nearly twice the size of Montclair's. So you can see that overtime expenditures in a comparative relationship with what Montclair was spending, for the City of Upland was significantly less. I would presume that under the tutelage of Upland Fire Chief Rick Mayhew, he would bring that level of management control over overtime for Montclair; and we would probably reflect more along the lines of what Upland pays in overtime. Plus, as I have indicated, there is already a significant step being taken in Montclair by the defunding of the six Firefighter positions in the budget—again, I want to stress **defunding** six positions that are vacant. Doing what is being proposed to the City Council this evening does not require the layoff of any single position in either Fire Department. We already have the six vacancies through attrition; so as we go forward, we will not be laying off anyone. The City of Upland will not be laying off anyone. There is no negative impact on existing employees."

Council Member Raft asked if the control of both Fire Departments would be evenly divided between Montclair and Upland.

City Manager Starr responded as follows:

- (a) He stated that the Council would maintain policy control over the Montclair Fire Department and that the Fire Department would be involved in command staff sharing including the Fire Chief, a Fire Marshal, and three Battalion Chiefs as follows:

- (1) Montclair would provide two Battalion Chiefs and Upland would provide the third Battalion Chief, the Fire Marshal, and the Fire Chief. Montclair would pay 33 percent of costs for the Fire Marshal and Fire Chief and pay fully for the two Battalion Chiefs; Upland would pay for its Battalion Chief. The only two positions that would be subject to cost sharing would be the Upland Fire Chief and Fire Marshal because they would both administer the Montclair Fire Department.
  - (2) To guarantee Montclair receives equal share of responsibility and service from the Fire Chief, at some future time well into the pilot program staff would propose the City pay 50 percent of Fire Chief costs so he would be equally responsible for both Montclair and Upland. Doing so would alleviate any Council concerns that the Fire Chief only spends a third of his time in Montclair and would also reduce Upland's costs.
  - (3) Command staff sharing would eliminate redundancy in management positions. Battalion Chiefs would be assigned shifts and would be responsible for shift crews on duty during any 48-hour period in both Montclair and Upland. Montclair would be migrating to the 48/96 work schedule presently deployed at the Upland Fire Department. The schedule reduces sick leave.
- (b) He further clarified the following:
- (1) Montclair would defund six Firefighter positions resulting in a significant cost savings.
  - (2) A number of administrative positions would be evaluated regarding cost sharing including one of the two Battalion Chiefs, thereby further reducing costs to offset the potential of sharing equally the cost of the Fire Chief.
  - (3) This proposal would result in an immediate savings of approximately \$474,000 with the potential of saving in the mid-\$700,000s should all aspects of the Agreement go into play.
  - (4) Staff would be providing the Council with regular reports on the proposed two-year pilot program. Should the Council decide at any time that command staff sharing is not working, staff would provide the

City of Upland with six months notice to exit from the program. Likewise, the City of Upland could do the same.

- (5) By the same token, should the City decide that this effort is a success, the program could be extended for up to three years, with two-year annual automatic increases thereafter. In addition, a joint powers authority could be formed under the auspices of a fire district between the two cities that becomes responsible for both agencies.
- (6) The other part of this proposal is the dropping of service boundaries for purposes of operating and providing fire and emergency medical services to both communities as one entity under the control of this Fire Chief. As one entity, whichever fire station or apparatus is nearest the call for service, that is the fire station/apparatus that would respond to that particular call. An additional apparatus would also be dispatched to that call if additional equipment is necessary.
- (7) Part of the proposed boundary dropping is the requirement that we form a joint dispatching venture. Though the Ontario Communication Division has the potential to provide a consolidated dispatch center for both agencies, it lacks state-of-the-art technology. Consolidated Fire Agencies of San Bernardino County (CONFIRE) serves a large number of communities throughout San Bernardino County and has the necessary technology to allow both agencies to achieve the boundary-drop concept. It utilizes a satellite-based automatic vehicle location (AVL) technology that identifies the physical geographic location of every fire apparatus. Through this technology, CONFIRE would clearly pinpoint exactly where every piece of fire apparatus is in Montclair and Upland and would dispatch accordingly, thereby expanding both agencies' resources and eliminating costs related to different types of apparatus and equipment.
- (8) Both the Montclair Fire Fighters Association and the Upland Firefighters Association are supportive of the proposal.

City Manager Starr noted both Montclair and Upland have agreed that the proposal would be highly beneficial to both

communities because there would be no diminution of services.

Council Member Raft asked for clarification on salary adjustments for command staff.

City Manager Starr replied that a functional aspect of the shared fire command structure would be the formation of a City Manager Committee to provide direction, supervision, and evaluation of the Fire Chief and overall supervision of the joint command staff sharing. He stated that as such, the Committee's recommendations regarding salary adjustments would be presented to the respective City Councils for consideration.

Council Member Raft noted the report provided by City Manager Starr this evening could just as well have been presented at a workshop.

City Manager Starr indicated that he has summarized much of the content of a presentation he prepared on this item, which the Council received in paper format, and that the comprehensive agenda report and paper copy of the presentation on this item should provide the Council with all the information they might need on the subject.

Council Member Raft asserted that she fully supports consolidation of any City services if it would save money. She noted her participation as a member of Committee 2000, a budget advisory board reinstated in 1998 to address fiscal concerns related to an uncertain economy, during which discussions were held related to consolidation or contracting of Fire and Police services. She stated, "I just wanted a few things cleared up."

Council Member Paulitz commented as follows:

- (a) He noted City Manager Starr rightfully pointed out that this item relates to a proposed Agreement for joint sharing of Fire Department command staff between the cities of Montclair and Upland including vacating service boundaries between the two cities.
- (b) In response to Council Member Raft's comment regarding the Ontario Fire Chief's salary, he noted the City of Ontario pays more in salaries and benefits than does Montclair and is one of the highest paying agencies in the region. He expressed his opinion that Montclair has kept costs pretty much in line.

Moved by Council Member Paulitz and seconded by Mayor Pro Tem Ruh that the City Council take the following actions:\*

- (a) Approve *Agreement No. 13-100* between the cities of Montclair and Upland for joint sharing of Fire Department command staff and expansion of automatic and mutual aid through mutual agreement to vacate services boundaries.
- (b) Authorize the City Manager to execute documents in relation to implementation of *Agreement No. 13-100*.
- (c) Authorize the City Manager to provide the Ontario Communication Division notice to terminate *Agreement No. 01-102* for provision of fire service dispatch and communication services.
- (d) Authorize the City Manager to negotiate an Agreement with CONFIRE for dispatch and communication services and a \$14,320 allocation for startup costs with CONFIRE.

Council Member Dutrey commented as follows:

- (a) With regard to Council Member Raft's concerns about salary costs, Council Member Dutrey stated that he is amazed that Firefighter/Paramedics in some of the surrounding cities earn over \$90,000 per year in salary alone. He noted the problem of covering personnel costs while costs continue to rise and revenues remain stagnant.
- (b) He stated that this item is under consideration by the City Council this evening because of the change in the economy. Since the 2008 Great Recession, he noted revenues have dropped significantly while expenditures have increased, especially personnel costs and, more specifically, pension costs.
- (c) He advised that the City has explored over the past year how to more effectively run the Fire Department, noting it was unfortunate that the City was unsuccessful in outsourcing fire protection-related services with either Cal Fire or County Fire. He noted he always felt that Montclair and Upland had much in common in many respects regarding fire protection services and that he has considered consolidating services with Upland for the last two years, including command staff sharing, which he has discussed with the City Manager.

- (d) He noted expressing his concern at a meeting earlier this year regarding the number of baby boomer retirements at the Montclair Fire Department and other Fire Departments, reiterating the importance of younger members of the Fire Department gaining the necessary experience with fighting fires and major incident response as command staff retires.
- (e) He recognized Upland Fire Chief Rick Mayhew in the gallery this evening. He noted Mayor Eaton and he met with Chief Mayhew at Denny's in Upland a month ago and that he has heard "a lot of good things" about Chief Mayhew from Deputy Fire Chief Steve Jackson, retired Division Chief Steve Shull, and Rialto Fire Chief Mat Fratus. He noted Chief Mayhew served as a Battalion Chief for the City of South Pasadena prior to his appointment earlier this year as Fire Chief for the Upland Fire Department. He noted Chief Mayhew looks forward to making the joint effort between Montclair and Upland a success, stating, "I think we are very fortunate to have Rick Mayhew."
- (f) He complimented City Manager Starr on his excellent report this evening on this item, noting he has spent a lot of time in discussions with Upland City Manager Stephen Dunn to develop the proposed Agreement, agenda report, and presentation the City Council received this evening. He stated that he is quite impressed with the amount of detail in proposed *Agreement No. 13-100*.
- (g) He asked that quarterly status reports be provided to the City Council to give the Council an idea of how the program is progressing.
- (h) He asked that an open house be scheduled to include Montclair and Upland officials, Fire Departments, and Chambers of Commerce to celebrate implementation of the pilot program.
- (i) He noted the cities at the east end of San Bernardino County including Rialto, Colton, Redlands, and Loma Linda are interested in the Montclair and Upland pilot program.

Mayor Pro Tem Ruh commented as follows:

- (a) He expressed his appreciation of Council Member Raft's questions on this item, stating, "I think it is very important whenever any of us have questions that they be fully vetted and asked. In government, quite often it is

the questions that are not asked that a year later create the problems, so I appreciate the fact that you took the time to ask questions. I think it is important."

- (b) He thanked the City of Upland and City Manager Starr "for all the work put forward on this" and Administrative Analyst Mikey Fuentes "for all the background work and research. It certainly pays off in the detail. This is something that is a positive for both communities. In Los Angeles County, there are other cities that are considering doing the same—I deal with many of them in my professional life. They wish they had the cooperation that we do with the City of Upland. I have told them that as long as I have been a resident of the City of Montclair, which is my entire life, I have seen the two cities working together on many projects. I go back to the days—Mayor Eaton will remember—of our dear friend Upland Mayor Bob Nolan who worked on bringing Metrolink to the Inland Empire. I think our two cities have that record of cooperation. There is a lot of sharing that has always gone on with our communities. This is something that just adds to that."
  
- (c) He noted he was very impressed to read that one of the projected fire staff costs with one shared Battalion Chief "will save the Montclair community \$587,697. Somebody might say, 'That's not a lot of money'; but think of what it would be over ten years: \$5.8 million. What could one community do by saving \$5.8 million? We live in a region in which many cities, whether in Los Angeles or San Bernardino county, are struggling to provide services; and here we have the opportunity to save some money to continue to provide services. What can we do to enhance both communities with the money they save, to enhance their community, enhance their services, and provide something better for our residents? I know most of our residents are very familiar with Upland, and Upland is very familiar with Montclair. Many of our residents will go to San Antonio Community Hospital, they will recreate at some of the facilities over in Upland. Many Upland residents come here, not just for our Montclair Plaza: We have several programs here that I know Upland residents participate in.

"This is a natural flow. The boundaries aren't there. Our residents don't see them, and now government is recognizing that some of those boundaries don't exist. This is the future for Southern California, and we are setting the model. I really think this is a wonderful opportunity.

"I do hope that as we move through this we will have an opportunity as two communities to continue to communicate this type of cooperation and show to everyone in Southern California that instead of fighting with your neighbors, if you cooperate with your neighbors, we are going to get a lot done. Thank you."

Council Member Raft noted reading in proposed Agreement No. 13-100 that the Fire Chief would be required to attend Montclair Council meetings. She inquired as to when regular meetings of the Upland City Council are held.

City Manager Starr advised that the Fire Chief or his designee would be attending our meetings and that the Upland City Council meetings are held on opposite weeks to Montclair's meetings.

Mayor Eaton commended City Manager Starr and City of Upland staff on the many hours of work and collaboration involved in preparing this item for presentation this evening. He noted his colleagues on the boards of the interagency and external committees and organizations on which he serves have all commented in support and hope of doing the same in their respective cities. He spoke in strong support of the item, stating, "I know it will work."

City Manager Starr pointed out that a copy of proposed Agreement No. 13-100 was placed on the dais this evening for the City Council that was revised by the City Attorneys of Montclair and Upland effective Friday, December 13, 2013. He noted there are not a significant number of changes, which reflects highly on the level of work that went into development of the proposed Agreement, and that the changes are minimal wording revisions highlighted in the documents. He recommended Council Member Paulitz amend his motion on this item to include the revisions to proposed Agreement No. 13-100.

The motion and second on this item were amended as follows:

Moved by Council Member Paulitz and seconded by Mayor Pro Tem Ruh that the City Council take the following actions:\*

- (a) Approve *Agreement No. 13-100*, as amended by the City Attorneys of the cities of Montclair and Upland effective December 13, 2013, for joint sharing of Fire Department command staff and expansion of automatic and mutual aid through mutual agreement to vacate services boundaries.

- (b) Authorize the City Manager to execute documents in relation to implementation of *Agreement No. 13-100*.
- (c) Authorize the City Manager to provide the Ontario Communication Division notice to terminate *Agreement No. 01-102* for provision of fire service dispatch and communication services.
- (d) Authorize the City Manager to negotiate an Agreement with CONFIRE for dispatch and communication services and a \$14,320 allocation for startup costs with CONFIRE.

Motion carried unanimously as follows:

AYES: Dutrey, Raft, Paulitz, Ruh, Eaton  
NOES: None  
ABSTAIN: None  
ABSENT: None

Mayor Pro Tem Ruh asked if all four actions for this item could be approved with one motion.

Mayor Eaton answered, "Yes."

Council Member Paulitz concurred.

Council Member Raft asked if other Council Members had a chance to review the City Attorneys' revisions to Agreement No. 13-100.

Mayor Pro Tem Ruh and Mayor Eaton both indicated they reviewed the minor revisions earlier in the evening.

Council Member Dutrey noted he also reviewed the changes and that he reported to City Manager Starr a section that had been repeated during his initial review of the Agreement over the weekend.

Mayor Eaton stated, "The cities of Montclair and Upland have started something new in collaborating on this program, and we should all be proud of the work that has gone into this effort."

Noting Council Member Dutrey recognized Upland Fire Chief Mayhew in the gallery earlier this evening, City Manager Starr expressed his understanding that the Upland City Council has likewise voted on this new joint venture. He invited Chief Mayhew to comment on the outcome of that vote.

Chief Mayhew stated that he is pleased to advise the City Council and staff this evening on behalf of the Upland City Council that Upland City Manager Dunn called for a special meeting this evening regarding the new program and that the Upland City Council did vote in favor of it.

Council Member Paulitz inquired as to the vote count.

Chief Mayhew answered, "Four to one."

Mayor Eaton stated, "The program received a unanimous vote here."

Council Member Dutrey welcomed Chief Mayhew to the Montclair City family.

Chief Mayhew stated, "Thank you very much. I appreciate that. I am looking forward to working with you."

Chief Mayhew received a round of applause.

**X. RESPONSE - None**

**XI. COMMUNICATIONS**

**A. City Attorney**

**1. Closed Session Pursuant to Section 54956.9(d)(1) of the Government Code Regarding Pending Litigation**

*Patton v. Montclair*

City Attorney Robbins requested a Closed Session on the above item.

**2. City Attorney Robbins commented as follows:**

(a) She concurred with comments made earlier by Mayor Eaton, Mayor Pro Tem Ruh, and Council Member Dutrey that "**Mr. Starr** did an incredibly thorough job" in developing the command staff sharing program with the **City of Upland**. She paraphrased comments made by Mayor Eaton that "'the devil is in the detail' sometimes, and there were a lot of details to work out."

(b) She wished everyone a "happy and healthy Christmas and New Year. See you all back next year."

Mayor Eaton thanked City Attorney Robbins very much for her good wishes.

## **B. City Manager/Executive Director**

1. City Manager/Executive Director Starr commented as follows:
  - (a) He thanked Chief Mayhew, City Manager Dunn, former Public Safety Executive Director Keith Jones, current Public Safety Executive Director Mike deMoet, Acting Deputy Fire Chief Steve Jackson, and Fire Division Chief Bob Crouch "for all their work in helping to push this process forward, in shaping Agreement No. 13-100, as well as stepping forward to conduct the studies that will need to be conducted as we go forward to make certain that implementation of Agreement No. 13-100 is successfully done and that this program is, in fact, a success for both of our communities."
  - (b) He wished everyone, "Happy Holidays."

## **C. Mayor/Chairman**

1. Mayor/Chairman Eaton commented as follows:
  - (a) He noted his attendance at a **San Bernardino Associated Governments (SANBAG)** Board meeting held earlier this month during which **SANBAG** staff was directed to begin a study of the cost of toll lanes, adding that the public would be given plenty of time to voice an opinion on the subject.
  - (b) He also noted his attendance at a recent **Omnitrans** board meeting at which no items concerning the City were addressed.
  - (c) He wished "Happy, Happy Holidays" to everyone.

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

1. Council Member/Director Paulitz commented as follows:
  - (a) He noted he very much enjoyed participating in the well-attended Christmas Party at the Senior Center this month. He stated, "These are the kind of gatherings that really contribute to the community."
  - (b) He wished everybody a "Merry Christmas" and a "Happy New Year." He noted he would be spending Christmas with family in Arizona.

Mayor Eaton wished Council Member Paulitz a safe trip.

2. Council Member/Director Raft commented as follows:
  - (a) She remarked that there were over 600 attendees at the Annual Christmas Tree Lighting Ceremony and Visit With Santa and Mrs. Claus on December 5, 2013. She thanked the Community Action Committee and the Human Services Department, Public Works Department, and Information Technology Division staff for all their work to organize and facilitate the event this year. In addition, she thanked Police Officer Rob Pipersky and Senior Program Specialist Ester Vargas Pipersky for once again volunteering to serve as Santa and Mrs. Claus and Fire and Police Department employees and representatives of Montclair Kiwanis and the Montclair-Ontario Junior Women's Club for their attendance. She stated, "You all did a really good job" at the event that "gets bigger every year."
  - (b) She expressed her regrets that she missed the festive Dashing Through Montclair on December 7, 2013, and that she did not envy staff and volunteers touring the City "in all that rain, though the event did go very well."
  - (c) She wished everybody a "Merry Christmas" and a "Happy New Year," expressing her hope that all wishes come true.
3. Council Member/Director Dutrey commented as follows:
  - (a) He noted he toured the newly redesigned and upgraded **Chino Basin Water Conservation District** facility on November 15, 2013, with General Manager **Eunice Ulloa**, who also serves on the **Chino City Council**. He encouraged everyone to visit the beautiful new facility that was redesigned to educate and inspire persons of all ages to use water more efficiently with a new water-wise demonstration garden; a Water Conservation Center that includes a new boardroom in which a future City Council meeting could be held; and an education building featuring extensive displays teaching the sources of our water, the water cycle, water conservation, maps of the Chino Basin District, and other related topics. He noted the facility's hours of operation are 8:00 a.m. to 5:00 p.m. Monday through Saturday.
  - (b) He stated that, unfortunately, he has been sick and was unable to participate in Dashing Through Montclair and the Christmas Tree Lighting Ceremony, at which his daughter Janine served as one of Santa's elves, earlier this month. He commended Director of Human Services Richter and employees of the Human Services, Public

Works, Police, and Fire Departments for all their work to organize and facilitate both events.

- (c) He noted Medic Unit 151 responded very quickly to his call for emergency assistance earlier this month and did a great job of stabilizing him before an **American Medical Response** ambulance transported him to the hospital. He disclosed that he passed a stress test last week.
- (d) He wished everyone "Happy Holidays."

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

- (a) He noted **U.S. Representative Gloria Negrete McLeod** hosted a Home Rescue Fair in our Senior Center on Saturday and "very effectively helped many families to be able to work on saving their homes or finding relief so they could remain in their homes. On behalf of **Representative McLeod**, he presented Mayor Eaton with a *Certificate of Congressional Recognition* in appreciation of "all the wonderful services" for our residents.
- (b) He noted **San Bernardino County Fourth District Supervisor Gary Ovitt, Assembly Member Freddie Rodriguez, and Senator Norma Torres** attended the Annual Christmas Tree Lighting Ceremony and that one of **Representative McLeod's** field representatives was in attendance because she was in Washington, DC, voting.
- (c) He noted he was pleased to participate in our first Dashing through Montclair and that he had fun riding on the back of the "sleigh" beside Chaplain Vicki Brobeck. He noted the "huge" welcome they received from residents all along the 28-mile route through the City. He noted they were mobbed at a stop at the Montclair Plaza by many who wanted to visit with Santa. He stated, "Just to see the looks on people's faces was worth every single effort." He thanked all the volunteers and staff for their work to develop and carry out the inaugural event.
- (d) He noted Council Member Raft and he joined with the CAC this year to take a look at the nominees for the annual Holiday Home Decoration Contest, though they did not judge the entries. He thanked staff for coordinating this and all events throughout the year that take so much work and dedication to make happen, noting staff is particularly busy at this time of year.
- (e) He stated, "Each year at this time, it seems as if the media decides to highlight what they perceive as a 'war on

Christmas.' Now, they do not talk about the real problems at this time of year, such as the hyper-commercialization of the sacred season where the only focus is on obtaining a cheap gift, even if obtaining the gift means shooting and killing someone to gain a better place in line. That happened somewhere locally and was very sad. They do not talk about the miserly wages paid to some in the retail industry, or the long hours without breaks, or the fact that many retailers are now opening on Thanksgiving and taking away the one small opportunity a family may have to spend together on that day.

"No, they are more concerned as to whether one says, 'Happy Holidays' or 'Merry Christmas.' Well, the media is showing their ignorance because both greetings are very spiritual phrases. 'Happy Holidays' is a contraction from Middle English 'Happy Holy Days,' a greeting to wish one happiness from holy days which began and begin on the First Night of Advent and conclude with the Feast of the Epiphany. In that cycle includes the day of Christmas.

"As for 'Merry Christmas,' it has its origin in the Old English '*Cristesmæsse*': 'Christ's Mass.' It designates the day we celebrate the birth of Christ in the Western liturgical Christian calendar. *Cristesmæsse* is Christmas. If one were to say in another time and place, 'Merry Christmas,' you are wishing them happiness only for that one day, where 'Happy Holy Days' meant for the entire cycle.

"I think the media should research the etymology of phrases before they cast judgment on them and cast judgment on people who may choose to use one or the other. But, of course, to them, it is fine to beat someone to death with a waffle iron, as happened last year, as long as one says, 'Merry Christmas' while doing so. Many of you remember the video of the woman beating to death someone in a store, and she was saying she needed to get a 'Merry Christmas gift' for somebody.

"Well, this year the media has decided once again to divide us and decided to judge the racial background of both Santa Claus and, indeed, **Jesus Christ** as a media pundit has declared both to be white. Now, historically, Santa Claus is drawn from the actual **Saint Nicholas of Myra**. **Saint Nicholas** was a Roman Catholic Bishop living in the 4th century AD. On the eve of *Cristesmæsse*, Christ's Mass, or Christmas, **Saint Nicholas** went through his village and gave little treats, small coins, and trinkets to the poorest of the poor in his village. In time, this became the basis for **Saint Nicholas**, or Santa Claus. It

would be noted that **Saint Nicholas** was Turkish; he would have had the features of those of Turkish ancestry. As for **Jesus**, we know that he was Aramaic and, therefore, olive-complected with Semitic features.

"That media pundit must not be well traveled. In Tahiti, for example, the image of Santa Claus is very Polynesian. Did you know that Santa brings gifts in a canoe, not on a sleigh? The images in the Polynesian community of Jesus are very Polynesian.

"In both cases, the media pundit misses the point that she chooses to distract: Both Santa Claus and Jesus are love—pure love. Love knows no reason, season, or climate; no race, creed, or color; no ethnicities, no boundaries of time and space, no income levels. Personally, I have found the spirit of these holy days, holidays, and *Cristesmæsse* or Christmas in the most humble, poor, and desperate places because love knows nothing but purity of the heart.

"I think the entire thing can be settled in the words of a poem and a Christmas carol. It is one of my very favorites. It was written by **Alfred Burt** and first performed in 1955, a year after his untimely death at the age of 34. He was an executive with **Columbia Records** and produced many, many fine pieces. His father was an Episcopalian minister. The piece is called, 'Some Children See Him':

*Some children see Him lily white,  
the baby Jesus born this night.  
Some children see Him lily white,  
with tresses soft and fair.  
Some children see Him bronzed and brown,  
The Lord of heav'n to earth come down.  
Some children see Him bronzed and brown,  
with dark and heavy hair.*

*Some children see Him almond-eyed,  
this Savior whom we kneel beside.  
Some children see Him almond-eyed,  
with skin of yellow hue.  
Some children see Him dark as they,  
sweet Mary's Son to whom we pray,  
Some children see Him dark as they,  
and, ah! they love him, too!*

*The children in each different place  
will see the baby Jesus' face  
like theirs, but bright with heavenly grace,  
and filled with holy light.  
O lay aside each earthly thing  
and with thy heart as offering,  
come worship now the infant King.  
'Tis love that's born tonight!*

"I think that says everything, and the media pundits should be aware of that.

"But to my Council colleagues, our City staff, all of our Departments, our residents, indeed, all of you, our friends and family, our community: May that love abide with you, comfort you, carry you so that now and forever the days break, and the shadows flee.

"Pacem, Happy Holy Days, peace in New Year's 2014, and, as they say in our fiftieth state: 'Mele Kalikimaka.'"

Mayor Eaton thanked Mayor Pro Tem Ruh for his research on his wonderful Christmas message this evening, noting it is quite fascinating.

#### **E. Committee Meeting Minutes**

##### **1. Minutes of Public Works Committee Meeting of November 21, 2013**

The City Council received and filed the Public Works Committee meeting minutes of November 21, 2013, for informational purposes.

##### **2. Minutes of Personnel Committee Meeting of December 2, 2013**

The City Council received and filed the Personnel Committee meeting minutes of December 2, 2013, for informational purposes.

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

At 8:34 p.m., Chairman Eaton adjourned the Successor Agency and Montclair Housing Corporation Boards of Directors and the Montclair Housing Authority Commissioners.

At 8:34 p.m., the City Council went into Closed Session regarding pending litigation pursuant to Government Code Section 5495.9(d)(1).

**XIII. CLOSED SESSION ANNOUNCEMENTS**

At 8:54 p.m., the City Council returned from Closed Session. Mayor Eaton announced the City Council met in Closed Session regarding pending litigation, information was received and direction given to staff, and no further announcements would be made at this time.

**XIV. ADJOURNMENT**

At 8:55 p.m., Mayor Eaton adjourned the City Council.

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

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Yvonne L. Smith  
Deputy City Clerk