

**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, JANUARY 6, 2014, 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 Juan Campos, New Destiny Fellowship Church,** gave the Invocation.

**III. PLEDGE OF ALLEGIANCE**

Council Member/Director Raft 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. Introduction of New Employee/Appointee/Promotee**

Director of Public Works Hudson introduced Maintenance Worker Christopher de los Rios, who was appointed to his position effective November 4, 2013, after working as a part-time Maintenance Worker since August 26, 2013. He noted Maintenance Worker de los Rios has a wide range of experience working in the Streets, Sewer, and Parks Divisions, having gained public works experience while working for the cities of Fontana, Rancho Cucamonga, and Claremont.

Mayor Eaton welcomed Maintenance Worker de los Rios to the Montclair City family and presented him with a City pin.

Director of Public Works Hudson introduced Maintenance Worker Brandon Lane, who was appointed to his position effective December 6, 2013.

Mayor Eaton welcomed Maintenance Worker Lane to the Montclair City family and presented him with a City pin.

Director of Public Works Hudson introduced Leadworker Alex Cardona, who was promoted to his position effective December 30, 2013, after working as a Maintenance Worker in the Streets Division since March 2008.

Mayor Eaton welcomed Leadworker Cardona to the Montclair City family and presented him with a City pin.

**VI. PUBLIC COMMENT - None**

**VII. PUBLIC HEARINGS**

**A. Second 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**

**Adoption of Resolution No. 14-3014 Making Express Findings Regarding Modifications to the 2013 Edition of the California Fire Code**

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 along with adoption of Resolution No. 14-3014 making express findings regarding modifications to the 2013 Edition of the California Fire Code 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.

City Manager Starr noted Fire Chief Rick Mayhew's attendance at his first meeting since implementation of the joint command staff sharing Agreement.

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

1. 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 second reading.
2. That Resolution No.14-3014, entitled, "**A Resolution of the City Council of the City of Montclair Making Express Findings Regarding Modifications to the California Fire Code, 2013 Edition, to Comply With State of California Health and Safety Code Sections 17922, 17958, 17958.5, and 17958.7(a) and the California Building Standards Commission,**" be read by number and title only, further reading be waived, and it be declared adopted.

Mayor Pro Tem Ruh advised the public that "this is a fairly routine item; we are simply adopting current standards of the California Fire Code."

\*The City Council unanimously waived the readings of the Ordinance and Resolution.

Second Reading of Ordinance No.13-939 and Resolution No. 14-3014 were unanimously adopted by the following ROLL CALL vote:

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

**B. Second Reading – Consider 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 licenses 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 second reading.

The City Council unanimously waived the reading of the Ordinance.

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

AYES: Dutrey, Raft, Paulitz, Ruh, Eaton  
NOES: None  
ABSTAIN: None  
ABSENT: 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 - None**
- B. **Administrative Reports**
  - 1. **Setting a Public Hearing for January 21, 2014, to Consider Adoption of Resolution No. 14-3016 Related to a Proposed Five-Year Schedule of Maximum Monthly Rate Caps for Residential Refuse Services and Setting Refuse Rates Initially at Those Proposed to Be Effective February 21, 2014**

The City Council set a public hearing for Tuesday, January 21, 2014, to consider adoption of Resolution No. 14-3016 related to a proposed five-year schedule of maximum monthly rate caps for residential refuse services and setting refuse rates initially at those proposed to be effective February 21, 2014.

2. **Setting a Public Hearing for January 21, 2014, to Consider Adoption of Resolution No. 14-3017 Related to a Proposed Five-Year Schedule of Maximum Monthly Rate Caps for Commercial Refuse Services and Setting Refuse Rates Initially at Those Proposed to Be Effective February 21, 2014**

The City Council set a public hearing for Tuesday, January 21, 2014, to consider adoption of Resolution No. 14-3017 related to a proposed five-year schedule of maximum monthly rate caps for commercial refuse services and setting refuse rates initially at those proposed to be effective February 21, 2014.

### **C. Agreements**

1. **Approval of *Agreement No. 14-03, a Communications Site Lease Agreement With Los Angeles SMSA Limited Partnership (Verizon Wireless) Located at Alma Hofman Park***

**Approval of *Agreement No. 14-04, a Right-of-Entry Agreement With Verizon Wireless Related to Agreement No. 14-03***

The City Council approved the following Agreements:

- (a) *Agreement No. 14-03, a Communications Site Lease Agreement with Los Angeles SMSA Limited Partnership (Verizon Wireless) for construction of an equipment enclosure at Alma Hofman Park in anticipation of collocating on the wireless telecommunications monopine at the park.*
- (b) *Agreement No. 14-04, a Right-of-Entry Agreement with Verizon Wireless related to Agreement No. 14-03.*

### **D. Resolutions - None**

### **IX. PULLED CONSENT CALENDAR ITEMS - None**

### **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**

*Kenneth Pollich v. Montclair*

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

**B. City Manager/Executive Director – No comments**

**C. Mayor/Chairman**

1. Mayor/Chairman Eaton commented as follows:
  - (a) He noted all the interagency and external committees on which he serves were dark during the holidays.
  - (b) He noted Council Member Dutrey and he attended a press conference today for **San Bernardino County Fourth District Supervisor Gary Ovitt** at which the Supervisor indicated he would not seek reelection in November 2014. He stated that **Supervisor Ovitt** "has done a wonderful job" for the County and that he will be sad to see him go. He noted **Supervisor Ovitt** has assured him that though the Supervisor would not be in office, he would not be gone and would still be available to help anyone in need.
  - (c) He told City Manager Starr to take as much time as he needs for his family.

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

1. Council Member/Director Paulitz noted he very much enjoyed his time with family in Arizona during the holidays.
2. Council Member/Director Raft wished everyone a "Happy 2014" and expressed her hope that this will be a "really good year."
3. Council Member/Director Dutrey commented as follows:
  - (a) He wished a "Happy 2014" to everyone and noted he has been feeling much better.
  - (b) He advised that **Supervisor Ovitt** has done much for the County and particularly Montclair and stated, "His leadership has brought us some good things, such as the Splash Pad and funding for conversion of the former Police station to the Youth Center. We are certainly going to miss his leadership as a member of the **San Bernardino County Board of Supervisors** and his friendship to the City."
  - (c) He gave his condolences to City Manager Starr in the tragic loss of City Manager Starr's brother-in-law. He encouraged City Manager Starr to take some time for his family, noting Deputy City Manager/Economic Development Executive Director Staats and staff would manage the City in his absence.

4. Mayor Pro Tem/Vice Chairman Ruh commented as follows:
- (a) He stated that with the loss of redevelopment funding that "has made it impossible for the cities to do much to assist small businesses—it would be a gift of public funds if we were to do so—the **Inland Empire Small Business Financial Development Corporation** can help them." He noted the organization is located in Ontario and provides small businesses in the community with an opportunity to receive façade improvements, window replacement, and a number of other programs including the PACE (Property Assessed Clean Energy) Program, which allows the owners of commercial centers to perform energy retrofitting at a lower cost and reduced rates. He stated that in the meantime, he has referred the **Inland Empire Small Business Financial Development Corporation** to the **Montclair Chamber of Commerce**.
  - (b) He noted "another looming issue for 2014" that he has mentioned before and certainly opposes "is the attempt to toll the I-10 Freeway from Montclair to the Ford Street exit in Redlands." He noted local economist **John E. Husing, Ph.D.**, has indicated in recent reports that "it is a wonderful idea because the people in Los Angeles County who use our freeway will pay for it. Well, those who are supporting the proposal and that philosophy have probably never driven the I-10 Freeway. In the morning, if you travel eastbound from Montclair to Redlands, the freeway flows fairly freely—it is not very congested at all. It is open. If you travel westbound from Redlands all the way through to Montclair into Los Angeles County, it is congested. The reason is that it is our residents who are commuting to their jobs in Los Angeles or perhaps Orange County if they use California State Route 57 from the I-10 Freeway and then come back in the evening. They are the ones who are going to pay this toll because eastbound in the evening on the I-10 Freeway is very congested, and the westbound traffic moves very freely in the evening. I do not know why we want to tax our own residents again. One has to consider that this is a working-class region. We do not need to add more burden to our residents. The freeway has been paid for once. Why are we asking motorists to pay for it again?"

"We continue to receive gasoline tax revenue. I understand that several business entities have come together to say they think it is a wonderful idea and that it would reduce lost time at the workplace. Well, I do not think it

will do that because as those who have taken toll lanes know, those who can afford to pay the toll move freely—the rest of us do not—so there will be more lost time there. If these businesses are willing to let everybody who has had to pay the toll be reimbursed at the end of the month, that is their business; but that is not going to happen. If the economist or these business people really think this is a great idea, then they can toll the roads in front of their houses first to see how that works.

"We cannot do any more damage to the working-class people of this region, and that is exactly what this would do. It would create a lot of lost time, a lot of lost opportunity, and people will then make the decision, 'Do I go to work, or do I simply not go to work and stay home?' It may be economically that simple for some people. I would hope that better thought will prevail and we do what Orange County, where residents are fairly affluent, did. They turned down the toll lane idea. They said, 'We do not want any more of them.' Let us hope we move in that direction. I think it will be a better idea for all of us."

- (c) He welcomed Fire Chief Mayhew to his first official meeting this evening and thanked him for attending. He stated that the joint command staff sharing Agreement seems to be working very well so far and that the *San Gabriel Valley Tribune* and *Pasadena Star News* have reported "it is a model for the rest of the region. Indeed, cities in Los Angeles County are seeing this is a good idea and are considering implementing a similar agreement. Regionalization of services is the way to go in the future because the cost of local government is just going up, and this is what you would do at home. We are going to continue to provide wonderful service in both communities."
- (d) He expressed his condolences to City Manager Starr and his family, stating, "Take care of your family because it is the most important thing."

## **E. Committee Meeting Minutes**

### **1. Minutes of Personnel Committee Meeting of December 16, 2013**

The City Council received and filed the Personnel Committee meeting minutes of December 16, 2013, for informational purposes.

## **XII. COUNCIL WORKSHOP**

### **A. Strategic Planning Session**

Mayor Eaton stated the Strategic Planning Session has been postponed indefinitely.

Council Member Dutrey asked that an item regarding the Measure I: I-10 Corridor Project alternatives be addressed at the Strategic Planning Session, noting the City might have an opportunity to receive funding to widen the Monte Vista Avenue bridge, thereby allowing the City to widen Monte Vista Avenue, should one of two build alternatives be approved.

City Manager Starr stated, "The agenda has not yet been developed, so the item could certainly be included."

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

At 7:23 p.m., Chairman Eaton adjourned the Successor Agency and Montclair Housing Corporation Boards of Directors and the Montclair Housing Authority Commissioners.

At 7:23 p.m., the City Council went into Closed Session regarding pending litigation pursuant to Government Code Section 5495.9(d)(1).

## **XIV. CLOSED SESSION ANNOUNCEMENTS**

At 7:58 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.

## **XV. ADJOURNMENT**

At 7:59 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