

**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, JUNE 16, 2014, AT 7:00 P.M. IN
THE CITY COUNCIL CHAMBERS, 5111 BENITO STREET,
MONTCLAIR, CALIFORNIA**

I. CALL TO ORDER

Mayor Pro Tem/Vice Chairman Ruh 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

Reverend Ann Schranz, Monte Vista Unitarian Universalist Church, gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Council Member Raft led those assembled in the Pledge.

IV. ROLL CALL

Deputy City Clerk Smith noted for the record Mayor/Chairman Eaton is not in attendance at tonight's meeting.

Present: 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

Absent: Mayor/Chairman Eaton (excused)

V. PRESENTATIONS

A. Announcement of Eagle Scout Project at Saratoga Park by Candidate Kevin Neuer

Eagle Scout candidate **Kevin Neuer** stated that since 2011, he has donated U.S. and California flags, paid for with proceeds from recycled aluminum cans and glass bottles, to local schools and both Fire stations. He noted he recently graduated high school with honors for lifetime perfect attendance and that he has been

honored as "Scout of the Year" as Senior Patrol Leader of **Troop 2, Boy Scouts of America, Old Baldy Council**. He stated that he has chosen to conduct his Eagle project in Montclair by organizing a group of volunteers and himself to repair or replace the wood of park benches and picnic tables and repaint trash enclosure gates at Saratoga Park, 5419 Kingsley Street, on Saturday, July 12, 2014, beginning at 8:00 a.m. He invited the City Council and public to volunteer their time and consider a monetary donation to help him achieve his goal. He provided the City Council with fliers on his project and noted he would leave some at the entrance to the City Council Chambers.

Council Member Dutrey inquired as follows:

1. How much money would you like to raise?

Mr. Neuer stated that he would like to raise \$2,000, adding that any remaining funds would be donated to the Montclair Youth Center.

2. How many have volunteered so far?

Mr. Neuer noted approximately one hundred to one hundred fifty volunteers have pledged to assist him. He stated that he is overscheduling volunteers in case some persons are unable to attend at the last minute.

Mayor Pro Tem Ruh thanked **Mr. Neuer** for his thoughtful project, noted the City Council is certainly looking forward to it, and stated that the majority of the Council would be joining him on July 12. He stated, "With all the negative publicity that, at times, young people seem to get, I think there are far more people such as **Mr. Neuer** in this world who really care about their communities and want to do more."

VI. PUBLIC COMMENT

Pursuant to Government Code Section 54954.3, Mayor Pro Tem Ruh announced that this section is intended to provide members of the public with an opportunity to address the Council on any subject that does not appear on tonight's agenda. He stated that each speaker will be afforded five minutes to address the City Council, the Successor Agency and Montclair Housing Corporation Boards of Directors, and the Montclair Housing Authority Commissioners.

A. Mr. Bruce Culp, 9016 Sycamore Avenue, Montclair, commented as follows:

1. He noted he moved into The Paseos at Montclair North in December 2013 and that he was one of the first residents of the beautiful new development. He spoke in support of

Montclair's vision for the North Montclair Downtown Specific Plan (NMDSP), stating, "I've always been a big public transit fan and believe Montclair to be uniquely situated at the center of the great renewal of public interest in public transit with its transit center pulling in public transit from both Los Angeles and San Bernardino counties." He noted his personal vision is that it is a perfect combination of multicounty transportation options, and Montclair's plan for this area will soon make Montclair a destination spot for residents of Los Angeles as well as outlying areas of San Bernardino County and the region.

2. He advised that all building has been completed on Sycamore Avenue and that the west buildings have been occupied since December 2013. He noted residents are concerned about the severe parking shortage because Sycamore Avenue is closed and unavailable for use and that management informs him it is working with the City to resolve some issues before paving can be completed. He expressed his understanding that one of the issues is the City is considering tearing up the sidewalks to finish the paving, which would be a major inconvenience for some residents to reach their homes. He further noted the safety issue of Police and Fire vehicles not having access on Sycamore Avenue without first stopping to set aside signs and cones increasing their response times.
3. He expressed his opinion that The Paseos will serve as a shining example as the City moves forward on the North Montclair Downtown Specific Plan; however, the closure of Sycamore Avenue is preventing the City from showcasing it.
4. As a newer resident of Montclair, he noted he plans to become active in City government, advocating for North Montclair and the **Gold Line**, and revitalizing the **Montclair Plaza**.

Mayor Pro Tem Ruh thanked **Mr. Culp** for his comments and told him City Manager Starr has noted **Mr. Culp's** concerns. He expressed his hope that completing the Sycamore Avenue paving would alleviate the residents' parking shortage. He stated, "We, too, want the **Gold Line!**"

At 7:16 p.m., Director of Public Works Hudson left the Council Chambers to assist **Mr. Culp**.

VII. PUBLIC HEARINGS

A. Adoption of Resolution No. 13-2996 Amending the Land Use Element of the General Plan

First Reading – Adoption of Ordinance No. 13-935 Amending Chapters 11.22 and 11.78 and Repealing Chapter 11.90 of the

Montclair Municipal Code Related to Development Standards and Requirements in the R-3 (Residential Medium-High Density) Zoning District

Mayor Pro Tem Ruh declared it the time and place set for public hearing related to adoption of Resolution No. 13-2996 amending the land use element of the General Plan and adoption of the first reading of Ordinance No. 13-935 amending Chapters 11.22 and 11.78 and repealing Chapter 11.90 of the Montclair Municipal Code related to development standards and requirements in the R-3 (Residential Medium-High Density) zoning district and invited comments from the public.

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

Council Member Dutrey noted this item was originally presented to the City Council in August 2013 and has been considered a number of times since with various revisions. He commended Council Member Paulitz for taking an active role in working with staff on this item with the result being a much-improved version of a fifth housing category proposed to be added to the Land Use Element of the General Plan: R-3 (Residential Medium-High Density) Zoning District.

At 7:25 p.m., Director of Public Works Hudson returned to his seat.

Moved by Council Member Dutrey and seconded by Council Member Raft that Resolution No. 13-2996, entitled, "**A Resolution of the City Council of the City of Montclair Approving an Amendment to the Land Use Element of the General Plan,**" be read by number and title only, further reading be waived, and it be declared adopted.

The City Council waived the reading of the Resolution.

Resolution No. 13-2996 was adopted by the following vote:

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

Moved by Council Member Dutrey and seconded by Council Member Raft that Ordinance No. 13-935, entitled, "**An Ordinance of the City Council of the City of Montclair Amending Chapters 11.22 and 11.78 and Repealing Chapter 11.90 of the Montclair Municipal Code Related to Development Standards and Requirements in the R-3 (Residential Medium-High Density) Zoning District (Case**

No. 2013-5)," be read by number and title only, further reading be waived, and this be declared its first reading.

The City Council waived the reading of the Ordinance.

First Reading of Ordinance No. 13-935 was adopted by the following vote:

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

VIII. CONSENT CALENDAR

Moved by Council Member/Director Dutrey, seconded by Council Member/Director Raft, and 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 June 2, 2014

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 June 2, 2014 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 May 31, 2014.

2. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated June 16, 2014, totaling \$477,855.75 and the Payroll Documentation dated May 4, 2014, amounting to \$555,023.20 gross, with \$388,674.56 net 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 May 31, 2014.

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 05.01.14-05.31.14 in the amounts of \$500.00 for the Combined Operating Fund; \$0.00 for the Redevelopment Obligation Retirement Funds; \$135.80 from the Tax-Exempt Bond Proceeds; and \$58.20 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 May 31, 2014.

6. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 05.01.14-05.31.14 in the amount of \$161,538.07.

7. Receiving and Filing of MHA Treasurer's Report

The MHA Commissioners received and filed the MHA Treasurer's Report for the month ending May 31, 2014.

8. Approval of MHA Warrant Register

The MHA Commissioners approved the MHA Warrant Register dated 05.01.14-05.31.14 in the amount of \$0.00.

9. Rejection of All Bids Received for the Sunrise Park Block Wall Improvement Project and Authorization for Staff to Readvertise the Project

The City Council rejected all bids received for the Sunrise Park Block Wall Improvement Project and authorized staff to readvertise the project.

C. Agreements

1. Approval of *Agreement No. 14-35-I-91, an Irrevocable Annexation Agreement With Maglecideth M. Hernandez and Michael G. Hernandez for 4029 Grand Avenue (Assessor's Parcel No. 1001-031-05)*

The City Council approved *Agreement No. 14-35-I-91, an Irrevocable Annexation Agreement with Maglecideth M.*

Hernandez and Michael G. Hernandez for 4029 Grand Avenue (Assessor's Parcel No. 1001-031-05).

2. Approval of *Agreement No. 14-38* With Ontario-Montclair School District to Provide After-School Programs

The City Council approved *Agreement No. 14-38* with the Ontario-Montclair School District to provide After-School Programs.

3. Approval of *Agreement No. 14-40* With the Montclair Chamber of Commerce to Promote Local Economic Development

The City Council approved *Agreement No. 14-40* with the Montclair Chamber of Commerce to promote local economic development.

4. Approval of *Agreement No. 14-41* With San Bernardino County for Access to the Sheriff's Automated Systems

The City Council approved *Agreement No. 14-41* with San Bernardino County for access to the Sheriff's Automated Systems.

5. Approval of *Agreement No. 14-42* With CONFIRE for Dispatch and Communication Services

The City Council approved *Agreement No. 14-42* with CONFIRE for dispatch and communication services.

6. Approval of *Agreement No. 14-43*, a *Memorandum of Understanding* Between the City of Montclair and San Bernardino Public Employees Association

The City Council approved *Agreement No. 14-43*, a Memorandum of Understanding between the City of Montclair and San Bernardino Public Employees Association.

7. Approval of *Agreement No. 14-44* With Chaffey Joint Union High School District for Law Enforcement Services During Fiscal Year 2014-15

The City Council approved *Agreement No. 14-44* with the Chaffey Joint Union High School District for Safe School Zone Officer law enforcement services at Montclair High School during Fiscal Year 2014-15.

8. Approval of *Agreement No. 14-45* With San Bernardino County for Use of the San Bernardino County Sheriff's Department Weapons Firing Range and Live Fire House

The City Council approved *Agreement No. 14-45* with San Bernardino County for use of the San Bernardino County Sheriff's Department Weapons Firing Range and Live Fire House.

9. Approval of Agreement No. 14-46 With the San Bernardino County Department of Aging and Adult Services to Provide a Senior Citizen Nutrition Program

The City Council approved *Agreement No. 14-46* with the San Bernardino County Department of Aging and Adult Services to provide a Senior Citizen Nutrition Program.

D. Resolutions

1. Adoption of Resolution No. 14-3030 Authorizing Approval of the Change in Population in San Bernardino County During 2013 for the Purpose of Calculating the Gann Spending Limit for Fiscal Year 2014-15

The City Council adopted Resolution No. 14-3030 authorizing approval of the change in population in San Bernardino County during 2013 for the purpose of calculating the Gann Spending Limit for Fiscal Year 2014-15.

2. Adoption of Resolution No. 14-3031 Authorizing the Change in Population in California Per Capita Personal Income as the Cost-of-Living Factor for Use in Calculating the Gann Spending Limit for Fiscal Year 2013-14 and Adoption of the Percentage Change in California Per Capita Personal Income During Calendar Year 2013 as the Change in the Cost-of-Living Factor for Fiscal Year 2014-15 for Use in Calculating the Gann Spending Limit for Fiscal Year 2014-15

The City Council adopted Resolution No. 14-3031 authorizing the change in population in California per capita personal income as the cost-of-living factor of use in calculating the Gann Spending Limit for Fiscal Year 2013-14 and adoption of the percentage change in California per capita personal income during Calendar Year 2013 as the change in the cost-of-living factor for Fiscal Year 2014-15 of use in calculating the Gann Spending Limit for Fiscal Year 2014-15.

3. Adoption of Resolution No. 14-3032 Establishing an Appropriations Limit for Fiscal Year 2014-15 Pursuant to Article 13-B of the California Constitution and Section 7910 of the Government Code

The City Council adopted Resolution No. 14-3032 establishing an appropriations limit for Fiscal Year 2014-15 pursuant to

Article 13-B of the California Constitution and Section 7910 of the Government Code.

4. **Adoption of Resolution No. 14-3034 Calling and Giving Notice of the Holding of a General Municipal Election to Be Held on Tuesday, November 4, 2014, for the Election of Certain Officers as Required By the Provisions of the Laws of the State of California Related to General Law Cities**

Adoption of Resolution No. 14-3035 Adopting the Regulations for Candidates for Elective Office Pertaining to Candidate Statements Submitted to the Voters at an Election to Be Held on Tuesday, November 4, 2014

Adoption of Resolution No. 14-3036 Requesting the Board of Supervisors of the County of San Bernardino to Consolidate a General Municipal Election to be Held on Tuesday, November 4, 2014, with the Statewide General Election to be Held on the Date Pursuant to Section 10403 of the California Elections Code

The City Council adopted the following Resolutions:

- (a) Resolution No. 14-3034 establishing an Appropriations Limit for Fiscal Year 2014-15 pursuant to Article 13-B of the California Constitution and Section 7910 of the Government Code.
- (b) Resolution No. 14-3035 adopting regulations for candidates for elective office pertaining to Candidate Statements submitted to the voters at the election to be held on Tuesday, November 4, 2014.
- (c) Resolution No. 14-3036 requesting the Board of Supervisors of the County of San Bernardino to consolidate a General Municipal Election to be held on Tuesday, November 4, 2014, with the Statewide General Election to be held on the date pursuant to Section 10403 of the California Elections Code.

5. **Adoption of Resolution No. 14-3037 Determining the Status of Local Safety Employee Kenneth Roland Pollich**

The City Council adopted Resolution No. 14-3037 determining the status of Local Safety Employee Kenneth Roland Pollich.

6. **Adoption of Resolution No. 14-3038 Adopting the City of Montclair Fiscal Year 2014-15 Annual Budget**

The City Council adopted Resolution No. 14-3038 adopting the City of Montclair Fiscal Year 2014-15 Annual Budget.

7. Montclair Housing Corporation Board of Directors' Adoption of Resolution No. 14-03 Adopting the Montclair Housing Corporation Fiscal Year 2014-15 Annual Budget

The Montclair Housing Corporation Board of Directors adopted Resolution No. 14-03 adopting the Montclair Housing Corporation for Fiscal Year 2014-15 Annual Budget.

IX. PULLED CONSENT CALENDAR ITEMS - None

X. RESPONSE - None

XI. COMMUNICATIONS

A. City Attorney

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

Agency: City of Montclair

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

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

B. City Manager/Executive Director

1. City Manager/Executive Director Starr asked that the City Council adjourn tonight's meeting to Monday, July 7, 2014, at 5:45 p.m. at the City Hall Memorial Garden for dedication of new Paramedic Fire Engine 151. He added that Fire Chief Mayhew will give a presentation on the vehicle's innovative equipment followed by a show-and-tell period.

It was the consensus of the City Council to adjourn tonight's meeting to Monday, July 7, 2014, at 5:45 p.m. at the City Hall Memorial Garden for dedication of Paramedic Fire Engine 151.

C. Mayor/Chairman - Absent

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

1. Council Member/Director Dutrey commented as follows:

(a) He noted the following two Consent Calendar items the City Council approved this evening:

- (1) City of Montclair Fiscal Year 2014-15 Annual Budget. Council Member Dutrey commended staff for producing an excellent balanced budget that involved a tremendous amount of work, noting that despite challenges including increases in retirement costs that all cities are faced with, staff was able to increase the General Fund reserves, maintain the level of services we provide, and promote economic development in the community. As noted earlier by **Mr. Culp**, he stated that the City's plan to transform North Montclair into a transit-oriented development "will make that area much stronger" as it becomes a regional destination that will generate "important sales tax revenues that the City relies upon for its services."
 - (2) *Agreement No. 14-42* with CONFIRE for dispatch and communication services. Council Member Dutrey noted Fire Chief Mayhew and City Manager Starr worked diligently to develop this Agreement that serves to strengthen the collaboration between the cities of Montclair and Upland for command staff sharing and boundary dropping to enhance fire services between the two communities. He expressed his belief that the Montclair Fire Department has been greatly improved under the leadership of Fire Chief Mayhew.
- (b) He noted his participation on Saturday at **OPARC's** first **Heart & Sole Walk & Roll** "fun walk" and health fair presented by **Montclair Hospital Medical Center** at **Ayala Park**, Chino. He noted the fundraiser raised approximately \$14,000 for the nonprofit that is dedicated to helping those with disabilities to achieve their full potential. He recognized his wife, **Anne**, who serves as a Member-at-Large of the **OPARC** Board of Directors.
 - (c) He recognized his parents in the gallery who celebrated their 50th wedding anniversary last month. He noted his parents were married in Pamplona, Spain, where the most famous **Running of the Bulls** is held each year in July in honor of **Saint Fermin**.
 - (d) He recognized staff for their hard work to make the Country Fair Jamboree successful.
 - (e) He invited audience members to attend the **Montclair Chamber of Commerce** Installation of Officers and Directors Awards & Recognition luncheon on Wednesday at 11:30 a.m. at **John's Incredible Pizza**, 5280 Arrow

Highway. Noting he would be unable to attend, he stated that anyone who would like to must call the **Chamber** at (909) 985-5104 to make their reservations.

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

- (a) He invited everyone to attend the **San Emi Apartments** grand opening celebration tomorrow from 10:30 a.m. to 2:00 p.m. at 4115 Kingsley Street. He noted it is a very good project featuring units designed and built specifically for adults with developmental disabilities that was envisioned by the City many years ago. He noted he is pleased that the vision has been achieved because staff has worked very hard to complete the project using former Montclair Redevelopment Agency Low- to Moderate-Income Housing funds. He added that the residents will have "extremely good access to mass transit to take them to many areas, whether it is the San Gabriel Valley or the Inland Empire. This is a very positive step for many people; it is positive for all of us because mass transit is so needed."
- (b) He thanked **Assembly Member Freddie Rodriguez** for his informational workshop, *An Insider's Perspective on State Water Bond Proposals*, held Saturday at the **Chino Basin Water Conservation District** featuring guest speaker **Assembly Member Anthony Rendon**; together they led a discussion on the various bond proposals being considered by the State Legislature to address historic drought conditions. He commended **Assembly Member Rodriguez** for his leadership in educating the public on this critical issue.
- (c) He thanked **Assembly Member Rodriguez** "for his continued support of extension of the **Gold Line** from Azusa to Montclair. it is an important part of the regional transportation network. In Southern California, we love our freeways, we drive our freeways, we think they are wonderful, and they are. But increasingly, they are congested; and by having the **Gold Line** available to move people from Montclair into the San Gabriel Valley is a benefit. And you have heard me say it before: It doesn't just benefit the San Gabriel Valley. It is a huge benefit to the Inland Empire. If you live in Fontana or Rancho Cucamonga or Upland or anywhere in the Inland Empire, you could drive to the station here in Montclair, get on the **Gold Line**, and go to points west that are important to you, either for your work or your pleasure. And I think that we need to start educating the public on this item because I continue to hear, 'Oh, it only benefits

Los Angeles County.' That is not true. It benefits everybody."

- (d) He noted the Country Fair Jamboree was a very good event, though he was, unfortunately, unable to attend this year because of work-related business in his professional life.
- (e) He noted the City Council was presented with the Fiscal Year 2014-15 Preliminary City Budget last week and that he is proud to say, "We are putting money in reserves. We have money put aside. Very few cities are able to say that right now in California. That is a positive. We are not spending the reserves; we are putting them away as we should be doing. I think everybody would do that at home: if you had a little extra money, you would probably put it in a savings account for that rainy day. So that is what we are doing at the City.
- (f) He commended the **Chamber** "for having its installation of officers next week. it will be a good event. We appreciate the leadership and the involvement of the **Chamber** in this community and especially the **Chamber** being involved in our *Online to College* Program, which is a huge effort in this City; and the **Chamber** is a strong backer of that program, which is very much appreciated.

E. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of May 19, 2014

The City Council received and filed the Personnel Committee meeting minutes of June 2, 2014, for informational purposes.

XII. COUNCIL WORKSHOP

A. Dedication of Paramedic Fire Engine 151

It was the consensus of the City Council to adjourn the meeting to Monday, July 7, 2014, at 5:45 p.m. at the City Hall Memorial Garden.

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

At 7:39 p.m., Vice Chairman Ruh adjourned the Successor Agency and Montclair Housing Corporation Boards of Directors and the Montclair Housing Authority Commissioners.

At 7:39 p.m., the City Council went into Closed Session regarding labor negotiations pursuant to Government Code Section 54957.6.

XIV. CLOSED SESSION ANNOUNCEMENTS

At 8:00 p.m., the City Council returned from Closed Session. Mayor Pro Tem Ruh announced the City Council met in Closed Session regarding labor negotiations, information was received and direction given to staff, and no further announcements would be made at this time.

XV. ADJOURNMENT OF CITY COUNCIL

At 8:01 p.m., Mayor Pro Tem Ruh adjourned the City Council to Monday, July 7, 2014, at 5:45 p.m. at the City Hall Memorial Garden.

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

Yvonne L. Smith
Deputy City Clerk