

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, JULY 21, 2014, AT 7:00 P.M. IN
THE CITY COUNCIL CHAMBERS, 5111 BENITO STREET,
MONTCLAIR, CALIFORNIA

I. CALL TO ORDER

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

II. INVOCATION

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

III. PLEDGE OF ALLEGIANCE

Mayor Pro Tem Ruh led those assembled in the Pledge.

IV. ROLL CALL

Deputy City Clerk Smith noted for the record that Council Member/Director Dutrey is not in attendance at the meeting.

Present: Mayor/Chairman Eaton; Mayor Pro Tem/Vice Chairman Ruh; Council Members/Directors Paulitz and Raft; 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: Council Member/Director Dutrey (excused)

V. PRESENTATIONS - None

VI. PUBLIC COMMENT

A. Mr. Nelson L. Womack, 4844 Benito Street, Montclair, identified himself as a 47-year resident and expressed his concern that certain members of the community "are starting to have a lack of respect for others and their property." He complained about the public nuisance of fireworks explosions in his neighborhood at 2:00 a.m. Saturday morning and discussed the potential danger of

his home burning from a spark from exploding illegal fireworks. He asked the City Council to meet with the City Attorney related to passing a law that homeowners should be equally as responsible as fireworks scofflaws. He suggested it would be relatively easy for the City to notify the community that fireworks are illegal in Montclair through utility bills.

Mayor Eaton concurred with **Mr. Womack** and thanked him for his comments. He stated, "We do try to do a good job of advertising 'No Fireworks in the City of Montclair.'"

Council Member Paulitz suggested staff explain the City's fireworks policy and report on violations this year.

City Manager Starr stated, "We are a zero-tolerance community in relation to fireworks, and we do start a public relations campaign at least a couple months prior to **July 4** of each year. Then on the day of the **Fourth of July** and the evening prior to, we do have special teams out conducting surveillance, not only with the Police Department but also Fire Department and Code Enforcement Division, trying to attack it from various angles. Of course, the problem is that you have people who come out in the nighttime and they set off their fireworks; and by the time a call comes in, they retreat back into the security of their homes and it is difficult to locate them. We do have success oftentimes; in fact, this year I believe we had a number of arrests related to individuals who were setting off fireworks on the **Fourth of July**, and we continue that enforcement effort for the duration of the week knowing individuals continue setting off remaining fireworks until their supplies are completely depleted. Although we continue that enforcement effort throughout the balance of the week, as our speaker this evening indicated, typically that practice will continue oftentimes until January 1 when the new year rolls around. Then we do not see the fireworks again until after they replenish their supplies for the next **July 4**. It is an ongoing effort. We are continually attacking it. We have a zero tolerance. Most of the communities around here have zero tolerance; in fact, I think that Chino may be the only city that currently allows fireworks in our immediate area. Beyond that, there is very little we can do if we do not catch the individuals setting off the fireworks; and when we do, typically nowadays, the fireworks they are setting off are not the 'safe and sane' type. They are the type that are purchased either outside the State of California either from one of the adjoining states or from our neighbor to the south; and the fireworks are brought illegally into the area. We do confiscate the fireworks in that instance and, of course, individuals who are using illegal fireworks often face criminal charges beyond simple infraction."

Mr. Womack stated that if the City issued constant reminders in utility bills, they would reinforce the warning against such illegal

activity. He noted tenants are temporary residents who just do not care, while homeowners are usually in the community for a lifetime.

Mayor Eaton thanked **Mr. Womack** and told him staff would do a better job of enforcement in the future.

Mr. Womack thanked Mayor Eaton, the City Council, and staff.

- B. Mr. T. J. Fiorenza**, Rancho Cucamonga, identified himself as **Montclair High School's** head Varsity Football Coach and noted he would be sure to address the City's zero-tolerance fireworks policy with his team. He invited the City Council, staff, and public to the following **MHS** events:

1. Car wash fundraiser on Saturday, July 26, 2014, from 8:00 a.m. to 2:00 p.m. at **MHS, John's Incredible Pizza** parking lot, and **Arco** gas station, 4920 Holt Boulevard.

In response to an audience member's inquiry about the water shortage, **Mr. Fiorenza** stated that the car washer volunteers would conserve water as much as possible.

2. **Cavaliers** stadium dedication ceremony on Friday, August 29, 2014, at 7:00 p.m. The **Cavaliers** will officially be the only team playing at the newly renovated stadium this year.

Mayor Eaton noted his attendance at the **MHS** graduation ceremony last month and stated, "The field is beautiful." He thanked **Mr. Fiorenza** for the invitations.

- C. Ms. Peggy Banas**, Montclair, thanked the City Council for its support in reappointing her to serve another four years on the Community Action Committee, noting she has thoroughly enjoyed being part of the CAC for the past four years. She expressed her appreciation of all the wonderful things the City does throughout the year.

Mayor Eaton stated, "We are glad you are here."

Mayor Pro Tem Ruh stated, "Thank you for your service. I know you spend a lot of time at our events—from Halloween, to Easter, to Memorial Day, and the Christmas Tree Lighting Ceremony—thank you."

- D. Mr. Mark N. Kinsey**, General Manager, **Monte Vista Water District (MVWD)**, 10575 Central Avenue, Montclair, noted **MVWD** Board Vice President **Tony Lopez** and Public Affairs Director **Justin Scott-Coe** are in the audience this evening. He advised that car washes are OK with the use of automatic shutoff nozzles on the hoses.

He reviewed a State Drought Emergency Conservation Regulations Fact Sheet.

Mr. Kinsey noted there has been quite a bit in the news lately about state-mandated water conservation activities with fines up to \$500 for anyone caught ignoring conservation regulations. He indicated that there has not been any significant rainfall in California since late 2012, when rainfall and snowfall in the Sierras was well above average. He noted it has stopped raining since then with very little rainfall in the last 18 months. He advised that the Governor declared a statewide drought emergency in January 2014, calling on Californians to voluntarily reduce water consumption by 20 percent, and in April 2014 issued a second executive order authorizing the **State Water Resources Control Board** to adopt unprecedented emergency conservation regulations, which it did on July 15, 2014. He noted the following Emergency Conservation Regulations take effect August 1, 2014:

1. All Californians: Prohibited Wasteful Water Use Practices
 - o No excessive irrigation runoff
 - o No hosing down of paved surfaces
 - o No washing vehicles without a hose shutoff nozzle
 - o No excessive potable water in fountains or other water features without recirculation
2. Urban Water Agencies: Implement Mandatory Outdoor Water Use Restrictions
3. Urban Water Agencies: Report Monthly Production Data, intended to be a measurement of changes in water consumption from the prior year

Mr. Kinsey advised that the state established fines up to \$500 for prohibited individual homeowner wasteful water use practices, and **MVWD** could be fined up to \$10,000 a day for not providing the required monthly production data.

Mr. Kinsey reported that since 2009, **MVWD** has seen about a 20 percent reduction in water consumption by its customers in part because irrigation of City parks and school sites has been switched over to reclaimed water which, under state guidelines, does not count as consumption because it is not a potable water supply source. In addition, he noted that in 2010 **MVWD** implemented a budget-based rate structure that established individual water budgets for homeowners based on an allocation of water. He added that customers have responded well to using water more efficiently.

Mr. Kinsey detailed other **MVWD** responses to the state mandate including Ordinance 33 "Best Practices": permanent year-round

mandatory water use restrictions adopted in 2010, enforcement of which includes fines up to \$150; extensive customer communications including information on the **District's** website, bill messages and inserts, **MVWD's** customer service lobby, and letters to customers; conservation programs that target outdoor water usage, the majority of water consumption, as well as a new program targeting Tier 4 customers and drought-response clinics; and **MVWD** Board of Directors actions including enhanced enforcement of existing water use restrictions and authorization for a public hearing to consider shortage declaration.

Mr. Kinsey stated that he looks forward to returning to give a more detailed presentation on **MVWD's** rate structure, state-mandated cutbacks, water-conservation issues, and neighborhood assistance programs in September 2014.

Mayor Eaton stated that he is very aware of the water shortage and has made a lot of changes in the watering of his landscape at home, noting he received a "congratulations" on his last water bill that his home is within normal usage. He stated, "We could all do a good job of watching how much water we use."

Mr. Kinsey noted **MVWD** and the municipalities it serves, on a per person basis, are by far some of the lowest water users in the region, mainly because its customers have been very responsible over the last 18 months.

Mayor Eaton thanked **Mr. Kinsey** for his report, stating, "Let's all do a good job of being careful how we use our water."

VII. PUBLIC HEARINGS

A. First Reading - Adoption of Ordinance No. 14-943 Adding Chapter 11.67 to the Montclair Municipal Code Related to Shopping Cart Containment and Management

Mayor Eaton declared it the time and place set for public hearing related to Ordinance No. 14-943 adding Chapter 11.67 to the Montclair Municipal Code related to shopping cart containment and management 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.

Council Member Raft asked if staff has received any feedback from stores in the community that do not use cart containment devices.

City Manager Starr stated that as indicated in the agenda report, notices were sent to all Montclair retailers and coin-operated laundry businesses and to the Montclair Chamber of Commerce

regarding tonight's public hearing on this item. He noted he is unaware of any responses staff might have received.

Director of Community Development Lustro replied that staff received one email from the operator of a coin laundry on Holt Boulevard who did not object to proposed Ordinance No. 14-943. He stated that the operator indicated his customers use the laundry carts he provides and that while he does not have a containment system in place, his customers are very good about returning the laundry carts to the facility after loading their laundry in their cars.

Council Member Raft spoke in support of proposed Ordinance No. 14-943 and reiterated that a cart containment system would go far in reducing the number of abandoned shopping carts in the community.

Council Member Paulitz noted proposed Ordinance No. 14-943 was vetted through the Code Enforcement Committee and spoke in support of it.

Moved by Council Member Paulitz and seconded by Council Member Raft that Ordinance No. 14-943, entitled, "**An Ordinance of the City Council of the City of Montclair Adding Chapter 11.67 to the Montclair Municipal Code Related to Shopping Cart Containment and Management,**" be read by number and title only, further reading be waived, and this be declared its first reading.*

Mayor Pro Tem Ruh noted he has discussed this item with some Montclair merchants, most of whom feel it is a good idea and several who have indicated the minimal upfront cost would be paid back when their carts cease to disappear.

*The City Council waived the reading of the Ordinance.

First Reading of Ordinance No. 14-943 was adopted by the following vote:

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

VIII. CONSENT CALENDAR

Mayor Eaton requested that Items B-9 and B-10 be removed from the Consent Calendar for comment.

Moved by Mayor Pro Tem/Vice Chairman Ruh, seconded by Council Member/Director Raft, and carried to approve the following Consent Items as presented:

A. Approval of Minutes – None

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.

11. Authorization to Advertise for Bid Proposals for the Human Services and Recreation Building Remodel Project

The City Council authorized staff to advertise for bid proposals for the Human Services and Recreation Building Remodel Project.

12. Designation of Voting Delegate to the League of California Cities 2014 Annual Conference & Expo, September 3-5, 2014, Los Angeles, California

The City Council designated Council Member Dutrey as Montclair's voting delegate to the League of California Cities 2014 Annual Business Meeting to be held Friday, September 5, 2014, at the Los Angeles Convention Center.

C. Agreements

1. Approval of *Agreement No. 14-57* With the San Bernardino County Fire Protection District to Receive Approximately \$15,118 in Matching Funds Form the FY2014 Emergency Management Performance Grant Program

The City Council approved *Agreement No. 14-57* with the San Bernardino County Fire Protection District to receive approximately \$15,118 in matching funds from the FY2014 Emergency Management Performance Grant Program.

2. Approval of *Agreement No. 14-58* With Moule & Polyzoides, Architects and Urbanists

The City Council approved *Agreement No. 14-58* with Moule & Polyzoides, Architects and Urbanists.

3. Approval of *Agreement No. 14-59* With Best Best & Krieger, LLP, Regarding a Montclair Plaza Project

The City Council approved *Agreement No. 14-59* with Best Best & Krieger, LLP, regarding a Montclair Plaza project.

4. Approval of *Agreement No. 14-60* With Bilingual Family Counseling Services to Provide Case Management Services

The City Council approved *Agreement No. 14-60* with Bilingual Family Counseling Services to provide case management services.

5. **Approval of *Agreement No. 14-62* With Kaiser Foundation Hospitals, Ontario, to Fund a Portion of the Costs Associated With the Montclair Golden Express Program**

The City Council approved *Agreement No. 14-62* with Kaiser Foundation Hospitals, Ontario, to fund a portion of the costs associated with the Montclair Golden Express Program.

D. Resolutions

1. **Adoption of Resolution No. 14-3043 Declaring the Need for Emergency Contracting Procedures and Authorizing Performance Related to Sewer Mainline Repairs**

Authorization of a \$20,000 Appropriation From the Sewer Maintenance Fund for Sewer Mainline Repairs Adjacent to the 8900 Block of Fremont Avenue

The City Council took the following actions:

- (a) Adopted Resolution No. 14-3043 declaring the need for emergency contracting procedures and authorizing performance related to sewer mainline repairs.
- (b) Authorized a \$20,000 appropriation from the Sewer Maintenance Fund for sewer mainline repairs adjacent to the 8900 block of Fremont Avenue.

IX. PULLED CONSENT CALENDAR ITEMS

B. Administrative Reports

9. **Authorization to Purchase One 2014 Honda ST1300 PA Police Motorcycle From Huntington Beach Honda**

10. **Authorizing Creation of the Police Department Traffic Safety Division**

Mayor Eaton noted he has discussed return of the Motor Officer Program with Police Chief/Public Safety Executive Director deMoet for increased public safety. He expressed his concern related to some of the unsafe driving maneuvers he has observed. He spoke in strong support of the item.

Council Member Paulitz spoke in support of continuation of the Motor Officer Program, stating, "I just hope that we keep it going."

Mayor Eaton spoke in support of creation of a Traffic Safety Division, stating, "I think it is a great idea. Chief, you have

come up with a good process; and I wish you all the luck in the world with it."

Mayor Pro Tem Ruh noted he has discussed both items over the years and has considered the Motor Officer Program "very important to our public safety component, not only because it enhances the service. A motorcycle can go places that a car cannot. We have some tighter alleys in town that a motorcycle could get through, and a car cannot necessarily do that easily. [The program] will enhance that aspect as well. In addition, I have mentioned over the years as we all have regarding some type of Police Department Traffic Safety Division, and I think it is long overdue. I am certainly in favor of both of these items."

Council Member Raft concurred, noting she was disappointed when the Motor Officer Program was discontinued. She noted asking former Police Chief Keith Jones why the program was not being continued because motorcycles can more easily access areas that a car cannot. She spoke in support of the item as well as adding a second motor officer as soon as is feasible. She stated, "Chief, you are doing a great job. Thank you."

Council Member Paulitz asked if Police motorcycles are equipped with the same communication devices as Police cars.

Police Chief/Public Safety Executive Director deMoet stated, "They will be."

Mayor Eaton noted Chief deMoet has advised him that there will be increased patrol at community schools during peak hours.

Moved by Council Member Paulitz, seconded by Mayor Eaton, and carried that the City Council authorize the following:

- (a) Purchase of one 2014 Honda ST1300 PA Police motorcycle from Huntington Beach Honda.
- (b) Creation of the Police Department Traffic Safety Division.

X. RESPONSE – None

XI. COMMUNICATIONS

A. City Attorney – No comments

B. City Manager/Executive Director

1. City Manager/Executive Director Starr commented as follows:

- (a) He asked that the City Council adjourn tonight's meeting to Monday, August 4, 2014, at 5:45 p.m. for a presentation on bond refinancing options related to the 2005 Issue of Lease Revenue Bonds and any other bond-related discussion.

Mayor Eaton noted he would be unable to attend the meetings on August 4, 2014, because he would be out of state.

Council Member Raft noted she has a conflict and would be unable to attend the workshop.

Mayor Pro Tem Ruh noted he would be available to attend the workshop.

- (b) He asked the City Council to consider scheduling a personnel appeal hearing on August 20, 2014, at 6:00 p.m.

Council Member Paulitz noted he may be on vacation around that date and would know for certain at the end of the week.

Mayor Pro Tem Ruh noted he would be available to attend the appeal hearing.

City Manager Starr noted the appeal hearing would tentatively be scheduled for Wednesday, August 20, 2014, at 6:00 p.m.

C. Mayor/Chairman

1. Mayor/Chairman Eaton commented as follows:

- (a) He noted he pulled Nomination Papers for reelection and submitted them today for validation.
- (b) He noted his attendance at the Police Department Open House on Saturday that drew approximately 350 attendees, adding that those with whom he spoke told him they very much enjoyed the event.
- (c) He noted his attendance at **Assembly Member Freddie Rodriguez's Open House/Summer Barbecue** on Saturday at which CAC Member **Arturo Padilla** was recognized as Veteran of the Year, **Ms. Shelby De Graff** was recognized

as Woman of the Year, and **Los Portales** was recognized as a great family-owned Small Business.

- (d) He noted his attendance at a recent **Metrolink** workshop and advised that unfortunately, because of a funding dispute between **Metrolink** and the **San Bernardino Associated Governments**, two midday trains and two last runs will be scrapped effective October 1, 2014. He noted he voted against the Board's decision.

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

1. Council Member/Director Paulitz commented as follows:

- (a) He noted he likewise attended the well-attended Police Department Open House and expressed his hope that the event will continue to be held.
- (b) He noted his **My Viewpoint** newsletter was mailed on Saturday and those who voted in the 2010 and 2012 General Municipal Elections would be receiving a copy.
- (c) He advised that the Code Enforcement Committee meeting scheduled for today has been postponed to Monday, July 28, 2014, at 6:00 p.m. in Council Member Dutrey's absence.

2. Council Member/Director Raft commented as follows:

- (a) She noted she worked on Saturday so she was unable to attend the Police Department Open House and that she apologized to Chief deMoet for her absence.
- (b) She advised that unfortunately, four more mosquito samples between Montclair and Ontario have tested positive for West Nile Virus. She noted "Chikungunya," a mosquito-borne virus that has swept through Puerto Rico and the Caribbean in recent months, is making gains in the United States. She noted the relatively new virus is carried by the Asian Tiger mosquito, is not deadly like the West Nile Virus, and has been found in El Monte, South El Monte, and Arcadia. She cautioned residents to take precautions against these infections.

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

- (a) He likewise noted his attendance at the very successful Police Department Open House, adding that he was glad to see the large turnout including individuals from other communities.

- (b) He noted his participation as emcee at **Assembly Member Rodriguez's Open House/Summer Barbecue** and awards ceremony. He stated that because of the large turnout, they completely ran out of food. He reiterated that CAC Member **Padilla, Ms. Shelby De Graff,** and **Los Portales** were honored at the ceremony, stating, "These are the people who are invested in our community. They also honored several people from the **Ontario-Montclair School District (OMSD)**. The region was well represented. I thank the Assembly Member for his efforts. It is not easy to find individuals who have done some very unique and special things in our community, but he managed to find them. The entire area was very well represented. There were probably 350 people or more who attended. That says a lot about the honorees and a lot about our Assembly Member."
- (c) He noted on July 17, 2014, **Governor Jerry Brown** signed **AB 1561** introduced by **Assembly Member Rodriguez** to fund the California Firefighters and Peace Officers Memorials. He stated that California residents could voluntarily contribute to the memorial funds by checking off boxes on their personal income tax forms, and **AB 1561** extends the expiration date of this option from January 1, 2016, to January 1, 2021. He noted the memorials located in Sacramento are quite impressive and expressed his appreciation of the Assembly Member's efforts on behalf of the memorial funds. He noted the Assembly Member is an emergency medical technician by trade who understands the need for these memorial funds.
- (d) He noted on July 21, 2014, **Governor Brown** signed **SB 972** introduced by **Senator Norma Torres** to diversify the expertise of Covered California's Board of Directors. He noted previous law limited the expertise of Board Members to only those with experience in the health care field; and the new law expands the eligibility criteria to allow individuals with expertise in marketing, information technology, management information systems, and cultural competence in enrollment counseling to serve on the Board.
- (e) He noted **U.S. Representative Gloria Negrete McLeod** voted last week in support of **H.R. 5031**, the **STEM Education Act of 2014**, a bipartisan bill that authorizes education programs in science, technology, engineering, and mathematics at the **National Sciences Foundation**. He advised the bill will give greater flexibility to school STEM programs, stating, "We know this is the wave of the

future because if we want to compete with the Pacific Rim, if we want to compete in the global economy, our students need to have a better grasp of science, technology, engineering, and mathematics. We appreciate Representative McLeod's efforts. There is an **OMSD** magnet school that will benefit from this bill.

E. Committee Meeting Minutes

1. Minutes of Code Enforcement Committee Meeting of June 16, 2014

The City Council received and filed the Code Enforcement Committee meeting minutes of June 16, 2014, for informational purposes.

2. Minutes of Personnel Committee Meeting of July 7, 2014

The City Council received and filed the Personnel Committee meeting minutes of July 7, 2014, for informational purposes.

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

At 7:46 p.m., Chairman Eaton adjourned the Successor Agency and Montclair Housing Corporation Boards of Directors and the Montclair Housing Authority Commissioners.

At 7:46 p.m., Mayor Eaton adjourned the City Council to Monday, August 4, 2014, at 5:45 p.m. at the City Council Chambers.

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

Yvonne L. Smith
Deputy City Clerk