

**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 2, 2013, AT 7:00 P.M.
IN THE CITY COUNCIL CHAMBERS, 5111 BENITO
STREET, MONTCLAIR, CALIFORNIA**

I. CALL TO ORDER

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

II. INVOCATION

Pastor Josh Matlock, Bethany Baptist 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 Member/Director 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 Paulitz (excused); Council Member/Director Dutrey (excused)

V. PRESENTATIONS - None

VI. PUBLIC COMMENT - None

VII. PUBLIC HEARINGS

A. Second Reading - Adoption of Ordinance No. 13-938 Amending Specific Chapters of Title 10 of the Montclair Municipal Code Related to Adoption of Building Codes to Regulate Construction in the City of Montclair and to Establish January 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. 13-938 amending specific

chapters of Title 10 of the Montclair Municipal Code related to adoption of building codes to regulate construction in the City of Montclair and to establish January 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.

Moved by Mayor Pro Tem Ruh and seconded by Council Member Raft that Ordinance No. 13-938, entitled, **"An Ordinance of the City Council of the City of Montclair Amending Specific Chapters of Title 10 of the Montclair Municipal Code and Adopting by Reference the 2013 Edition of the California Building Code, Volumes 1 and 2, Including Appendix Chapters "C," "F," "I," and "J"; the 2013 Edition of the California Residential Code; the 2013 Edition of the California Plumbing Code; the 2013 Edition of the California Electrical Code; the 2013 Edition of the California Mechanical Code; and the 2013 Edition of the California Green Building Standards 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.

The City Council waived the reading of the Ordinance.

Second Reading of Ordinance No. 13-938 was adopted by the following ROLL CALL vote:

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

VIII. CONSENT CALENDAR

Moved by Council Member/Director Raft, seconded by Mayor Pro Tem/Vice Chairman Ruh, 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 November 18, 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 November 18, 2013 regular joint meeting.

B. Administrative Reports

- 1. Setting a Public Hearing to Consider 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**

The City Council set a public hearing for Monday, December 16, 2013, at 7:00 p.m. in the City Council Chambers to consider 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.

- 2. Setting a Public Hearing to Consider 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 Establishing March 1, 2014, as the Effective Date of the Amendment**

The City Council set a public hearing for Monday, December 16, 2013, at 7:00 p.m. in the City Council Chambers to consider 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 establishing March 1, 2014, as the effective date of the amendment.

- 3. Authorization of a \$10,000 Appropriation From the General Fund Contingency Account to Purchase Various Items for the Purpose of Preventing Metal Theft at City Facilities**

The City Council authorized a \$10,000 appropriation from the General Fund Contingency Account to purchase various items for the purpose of preventing metal theft at City facilities.

- 4. Authorization of an Additional \$10,460 Appropriation From the General Fund – Reserve Technology Fund for Additional Services Related to Upgrading the City's Springbrook Software Suite From Version 6.5 to Version 7**

Authorization of an Additional \$1,275 Appropriation From the Sewer Maintenance Fund for Its Proportionate Share of the Costs for Additional Services Related to Upgrading

the City's Springbrook Software Suite From Version 6.5 to Version 7

The City Council authorized the following related to upgrading the City's Springbrook software suite from Version 6.5 to Version 7:

- (a) An additional \$10,460 appropriation from the General Fund – Reserve Technology Fund for additional services.
- (b) An additional \$1,275 appropriation from the Sewer Maintenance Fund for its proportionate share of the costs for additional services.

5. Approval of the Filing of a *Notice of Completion*, Reduction of *Faithful Performance Bond* to 10 Percent, and Retention of *Payment Bond* for Six Months for the Northeast Montclair Street Rehabilitation Project

Authorizing Release of Retention 30 Days After Recordation of *Notice of Completion*

The City Council took the following actions related to completion of the Northeast Montclair Street Rehabilitation Project:

- (a) Approved the filing of a *Notice of Completion* with the Office of the San Bernardino County Recorder.
- (b) Authorized reduction of *Faithful Performance Bond* to 10 percent.
- (c) Authorized retention of *Payment Bond* for six months.
- (d) Authorized release of retention 30 days after recordation of *Notice of Completion*.

6. Approval of the Filing of a *Notice of Completion*, Reduction of *Faithful Performance Bond* to 10 Percent, and Retention of *Payment Bond* for Six Months for the Community Center Restroom and Tenant Improvement Project

Authorizing Release of Retention 30 Days After Recordation of *Notice of Completion*

Authorization of an Additional \$10,336.91 Construction Contingency for Costs Related to the Community Center Restroom and Tenant Improvement Project

The City Council took the following actions related to completion of the Community Center Restroom and Tenant Improvement Project:

- (a) Approved the filing of a *Notice of Completion* with the Office of the San Bernardino County Recorder.
- (b) Authorized reduction of *Faithful Performance Bond* to 10 percent.
- (c) Authorized retention of *Payment Bond* for six months.
- (d) Authorized release of retention 30 days after recordation of *Notice of Completion*.
- (e) Authorized an additional \$10,336.91 construction contingency for related costs.

7. Montclair Housing Authority Commissioners' Review and Acceptance of Annual Report for Fiscal Year 2012-13

The Montclair Housing Authority Commissioners accepted the Montclair Housing Authority Annual Report for Fiscal Year 2012-13.

8. Approval of City Warrant Register and Payroll Documentations

The City Council approved the City Warrant Register dated December 2, 2013, totaling \$948,012.64; the Payroll Documentation dated October 20, 2013, amounting to \$560,742.21, with \$381,089.77 being the total cash disbursement; and the Payroll Documentation dated November 3, 2013, amounting to \$582,455.27, with \$397,033.85 being the total cash disbursement.

C. Agreements

1. Approval of Agreement No. 13-93 With Southern California Transcription Services

The City Council approved *Agreement No. 13-93* with Southern California Transcription Services for transcription of audio recorded material including employee interviews and meetings, dispatch recordings, and Officer belt recordings.

2. Approval of Agreement No. 13-94 With Construction Testing and Engineering, Inc., for \$30,000 for On-Call Testing and Inspection Services

The City Council approved *Agreement No. 13-94* with Construction Testing and Engineering, Inc., for \$30,000 for on-call testing and inspection services for miscellaneous City projects.

3. Approval of *Agreement No. 13-95* With Albert Grover & Associates for Traffic Engineering Services

The City Council approved *Agreement No. 13-95* with Albert Grover & Associates for traffic engineering services.

4. Approval of *Agreement No. 13-96* With the San Bernardino County Fire Protection District Office of Emergency Services to Receive Approximately \$11,122 From the FY2013 Homeland Security Grant Program

The City Council approved *Agreement No. 13-96* with the San Bernardino County Fire Protection District Office of Emergency Services to receive approximately \$11,122 from the FY2013 Homeland Security Grant Program.

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

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

Laura Hale v. Montclair

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

Megan Stafford v. Montclair

4. Closed Session Pursuant to Section 54956.9(d)(2) of the Government Code Regarding Significant Exposure to Litigation

Tom Stoudt v. Montclair

City Attorney Robbins requested a Closed Session on Items 1, 2, and 4 and withdrew Item 3 from City Council consideration.

B. City Manager/Executive Director

1. City Manager/Executive Director Starr noted Police Chief/Public Safety Executive Director deMoet gave an excellent update on the Community Relations Division at a workshop earlier this evening, which reminded him that "as an organization, we are all, in fact, a team." With regard to Chief deMoet's comment that a large number of different activities and events interspersed throughout the year attended by members of the Police and Fire Departments, he stated that he would like to remind the Council that "members of other City departments also attend these events; in fact, many of these events are put on by other departments in the organization. Human Services Department is directly responsible for the majority of events that this community annually celebrates. Members of the Public Works Department are responsible for setting up a number of these events and making certain that the community is able to attend them. As Chief deMoet indicated, the Information Technology Division is responsible for the technology-related programs. Administration and Community Development are also intricately involved in a number of these programs as well.

"The reason I bring this up is I want to point out to the City Council that there have been recent media reports in the various news outlets indicating that the **City of Upland** is taking action on approving the merger of our two Fire Departments. To read the reports that are being written about in the various media, it would suggest that Montclair is a tagalong in this process. I want to make it perfectly clear that Montclair is anything but a tagalong. Montclair is the catalyst for this process. Montclair initiated this from the very beginning, not only in relation to looking at contracting out our fire services, perhaps with the **California Department of Forestry and Fire Protection** or the **San Bernardino County Fire Protection District**. Council will recall we went through a rather elaborate process in relation to that. Unfortunately, or fortunately, depending upon your perspective, the contracting did not occur.

"In relation to that, the City of Montclair did follow up with the **City of Upland** on pursuing discussions related to the potential for command staff sharing as well as for dropping our service boundaries so we could form a relationship that would better enhance services to both of our respective communities. Montclair engaged the **City of Upland** on a number of occasions in relation to pursuing these discussions. Montclair was adamant that these discussions were important to improving the quality of fire services to both of our communities. Montclair took the initiative to prepare and draft

the agreement that both agencies are now considering. I want to emphasize that this is a team approach. Upland was very much a major part of these discussions; but without Upland, obviously we would not be going forward with this effort. I want to clarify and correct the perception that the media reports are presenting to the public that this was an effort that was pushed forward by the **City of Upland**, and Montclair was a lesser part of this. We were a team the entire way. We will continue to be a team. We need to emphasize the team aspect of it as we go forward, particularly since we will be sharing our command structure together and we will be dropping our service boundaries should the respective City Councils approve this action that comes before them. The item will be presented to our City Council at the December 16, 2013 regular joint meeting for your consideration. Staff has put a lot of work and effort into preparing the agenda report for you to consider as well as the agreement. We thank our partners in Upland for participating with us in this venture. As I indicated, we could not do this without their involvement. I certainly want to again emphasize that the merger was a two-way street, and Montclair was every bit an equal partner in this venture. As we go forward, I expect that will continue."

Mayor Eaton thanked City Manager Starr for clarifying the merger proposal for the public.

C. Mayor/Chairman

1. Mayor/Chairman Eaton commented as follows:
 - (a) He noted his attendance on November 19, 2013 at the **Montclair Chamber of Commerce** Annual Firefighters Recognition Breakfast.
 - (b) He noted his attendance at the 2013 *Por La Vida* Graduation ceremony honoring 15 graduates on November 20, 2013.
 - (c) He noted he very much enjoyed the Montclair City Employees Association Holiday Party on November 22, 2013.

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

1. Council Member/Director Raft commented as follows:
 - (a) She congratulated Fire Captain David Pohl for being honored as 2012 Fire Department Employee of the Year and Firefighter Brian Ciszek for being named 2012 Firefighter of the Year at the Annual Firefighters Recognition Breakfast. She noted Engineer Derek Holloway and Fire-

fighter/Paramedic Narak Babayan were recognized for their quick response in rescuing **Mr. Nigel Bailey**, who attended the breakfast, from full cardiac arrest brought on by an asthma attack. She stated, "If I am in Montclair and something happens to me, I am pleased to know that I would be in very capable hands. I would hope I would be as lucky if something similar happens to me." She commended Engineer Holloway and Firefighter/Paramedic Babayan for their quick assessment of **Mr. Bailey's** ailment and thanked them for saving his life.

- (b) She announced the City's Annual Christmas Tree Lighting ceremony and Visit with Santa and Mrs. Claus would be held this Thursday, December 2, 2013, at 6:00 p.m. at the Youth Center, expressing her hope that as many families attend as last year. She recognized the Human Services and Public Works departments and Information Technology Division staff for all their hard work in putting on this event.
- (c) She announced that Dashing Through Montclair would be held this Saturday, December 7, 2013, noting Santa's sleigh would leave Police headquarters at 11:00 a.m. and dash along City streets, making stops at **Lehigh Elementary School** and Essex, Saratoga, Alma Hofman, and MacArthur parks to collect toys for needy Montclair children. She stated the sleigh ride would end at the Police Department at 6:00 p.m., noting she would be attending for a holiday sing-along at that time.
- (d) She noted Montclair Police Officers John Minook and Eric Ruziecki were honored for having the most driving under the influence (DUI) arrests in San Bernardino County during 2013 by **Mothers Against Drunk Driving**, the **California Office of Traffic Safety**, and the **San Bernardino County AVOID Coalition** at the *Law Enforcement Recognition & DUI Seminar* at the **National Orange Show**, San Bernardino, on November 20, 2013. She stated that she congratulated Officers Ruziecki and Minook for each having the most DUI arrests during the last three and two years, respectively, and stated, "Please keep up the good work because we do not want drunken drivers on our streets."
- (e) She noted Officer Ashlee Westall was the runner-up and Property Custody Clerk Haidee Reyes the recipient of the 2013 Achievement Award, Crime Suppression Unit Officer Ruziecki was presented a commendation for organizing a **San Bernardino Movement Against Street Hoodlums** operation last month, and Officer Javier Aguilar was sworn into duty at a November 19, 2013 Police Department

general assembly. She stated, "It is nice to know we have a lot of good people working for the City—some good volunteers and good employees—we are very lucky here in Montclair." She asked that Police Chief/Public Safety Executive Director deMoet please relay her congratulations to Officers Westall, Ruziecki, and Aguilar and Property Custody Clerk Reyes.

Mayor Eaton thanked Council Member Raft "for recognizing these fine individuals."

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

- (a) He seconded Council Member Raft's sentiments regarding the Fire and Police Department employees mentioned this evening, stating, "It is good to see so many people commended for their good work."
- (b) He congratulated Sergeant Byron Kelly, Officer Eric Rivera, Officer Westall, Detective Mike Zerr, Officer Andy Graziano, and Sergeant Kelly and Officer Minook for their respective appointments as President, Vice President, Secretary, Treasurer, Sergeant at Arms, and negotiators of the Montclair Police Officers Association. He noted we congratulate these officers for the faith and confidence instilled in them by their colleagues on the force, which is very much appreciated.
- (c) He noted Police Chief/Public Safety Executive Director deMoet and he attended the swearing-in ceremony for new **52nd District Assembly Member Freddie Rodriguez** on November 23, 2013, at **Assembly Member Rodriguez's** District office. He noted it was a positive for Montclair that **Assembly Member Rodriguez** noticed Police Chief/Public Safety Executive Director deMoet's attendance at the event.
- (d) He noted City Manager Starr, Deputy City Manager/Economic Development Executive Director Staats, Director of Community Development Lustro, and he gave **Assembly Member Rodriguez** a tour of the Vista Del Cielo and San Marino projects in the San Antonio Gateway area of South Montclair. He noted **Assembly Member Rodriguez** was very impressed by the family projects as well as the programs and services we offer for such a small City. He stated, "There is something for everybody: Every lifestyle and every range can avail themselves of a program that will fit them. That is a positive for our community."
- (e) He reminded the public that **U.S. Representative Gloria Negrete McLeod** will be hosting a Home Rescue Fair

for homeowners needing assistance with their mortgages on Saturday, December 14, 2013, from 10:00 a.m. to 2:00 p.m. at the Montclair Civic Center.

E. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of November 18, 2013

The City Council received and filed the Personnel Committee meeting minutes of November 18, 2013, for informational purposes.

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

At 7:17 p.m., Chairman Eaton adjourned the Successor Agency and Montclair Housing Corporation Boards of Directors and the Montclair Housing Authority Commissioners.

At 7:17 p.m., the City Council went into Closed Session regarding pending litigation pursuant to Government Code Section 5495.9(d)(1) and significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2).

XIII. CLOSED SESSION ANNOUNCEMENTS

At 7:43 p.m., the City Council returned from Closed Session. Mayor Eaton announced the City Council met in Closed Session regarding pending litigation and significant exposure to litigation, information was received and direction given to staff, and no further announcements would be made at this time.

XIV. ADJOURNMENT OF CITY COUNCIL

At 7:44 p.m., Mayor Eaton adjourned the City Council.

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

Yvonne L. Smith
Deputy City Clerk