

**MINUTES OF THE REGULAR JOINT MEETING  
OF THE MONTCLAIR CITY COUNCIL, SUCCE-  
SOR AGENCY, MONTCLAIR HOUSING CORPOR-  
ATION, AND MONTCLAIR PUBLIC FINANC-  
ING AUTHORITY BOARDS, AND MONTCLAIR  
HOUSING AUTHORITY COMMISSION HELD ON  
MONDAY, OCTOBER 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 Vicki Brobeck, Grace Fellowship Foursquare Church, gave the Invocation.**

**III. PLEDGE OF ALLEGIANCE**

Council Member Paulitz led those assembled in the Pledge.

**IV. ROLL CALL**

Present: Mayor/Chairman Eaton; Mayor Pro Tem/Vice Chairman Ruh; Council Members/Directors Paulitz, Raft, and Dutrey; City Manager/Executive Director Starr; Deputy City Manager/Economic Development Executive Director Staats; Director of Community Development Lustro; City Attorney Robbins; Acting Deputy City Clerk Phillips

**V. PRESENTATIONS**

**A. Proclamation Declaring October 15, 2014, as "White Cane Safety Day" in the City of Montclair**

Mayor Eaton read a proclamation declaring October 15, 2014, as "White Cane Safety Day" in the City of Montclair. He stated that the proclamation would be mailed to the **National Federation of the Blind.**

**B. Proclamation Declaring October 19 Through 25, 2014, as "Freedom from Workplace Bullies Week" in the City of Montclair**

Mayor Eaton read a proclamation declaring October 19 through 25, 2014, as "Freedom from Workplace Bullies Week" in the City of Montclair. He stated that the proclamation would be mailed to the **California Healthy Workplace Advocates.**

**VI. PUBLIC COMMENT - None**

**VII. PUBLIC HEARINGS**

**A. Adoption of Resolution No. 14-01, a Resolution of the Board of Directors of the Montclair Public Financing Authority Approving the Preparation and Sale of Lease Revenue Refunding Bonds (Public Facilities Projects), Issue of 2014, in the Approximate Principal Amount of Forty-Two Million Four Hundred Ten Thousand Dollars (\$42,410,000) by the Montclair Public Financing Authority and Approving Certain Documents and Authorizing Certain Actions in Connection Therewith**

**Adoption of Resolution No. 14-3051, a Resolution of the City Council of the City of Montclair Approving the Preparation and Sale of Lease Revenue Refunding Bonds (Public Facilities Projects), Issue of 2014, in the Approximate Principal Amount of Forty-Two Million Four Hundred Ten Thousand Dollars (\$42,410,000) by the Montclair Public Financing Authority and Approving Certain Documents and Authorizing Certain Actions in Connection Therewith**

Mayor/Chairman Eaton declared it the time and place set for public hearing related to Montclair Public Financing Authority (MPFA) Resolution No. 14-01 and City Council Resolution No. 14-3051 approving the preparation and sale of Lease Revenue Refunding Bonds (Public Facilities Projects), Issue of 2014, in the approximate principal amount of forty-two million four hundred ten thousand dollars (\$42,410,000) and approving certain documents and authorizing certain actions in connection therewith and invited comments from the public.

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

Staff and Bond Counsel responded to questions from the City Council/MPFA Board of Directors related to the proposed project costs, the bond redemption process, and the risk factor of the lease agreement.

Moved by Vice Chairperson Ruh and seconded by Director Raft that Resolution No. 14-01, entitled, "**A Resolution of the Board of Directors of the Montclair Public Financing Authority Approving the Preparation and Sale of Lease Revenue Refunding Bonds (Public Facilities Projects), Issue of 2014, in the Approximate Principal Amount of Forty-Two Million Four Hundred Ten Thousand Dollars (\$42,410,000) by the Montclair Public Financing Authority and Approving Certain Documents and Authorizing Certain Actions in Connection Therewith,**" be read by number and title only, further reading be waived, and it be declared adopted.

The Montclair Public Financing Authority unanimously waived the reading of the Resolution.

Resolution No. 14-01 was unanimously adopted by the following ROLL CALL vote:

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

Moved by Mayor Pro Tem Ruh and seconded by Council Member Raft that Resolution No. 14-3051, entitled, "**A Resolution of the City Council of the City of Montclair Approving the Preparation and Sale of Lease Revenue Refunding Bonds (Public Facilities Projects), Issue of 2014, in the Approximate Principal Amount of Forty-Two Million Four Hundred Ten Thousand Dollars (\$42,410,000) by the Montclair Public Financing Authority and Approving Certain Documents and Authorizing Certain Actions in Connection Therewith,**" be read by number and title only, further reading be waived, and it be declared adopted.

The City Council unanimously waived the reading of the Resolution.

Resolution No. 14-3051 was adopted unanimously by the following ROLL CALL vote:

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

**B. First Reading – Adoption of Ordinance No. 14-947 Amending Chapter 8.16.020 of the Montclair Municipal Code Related to Restricted Streets**

Mayor Eaton declared it the time and place for a public hearing related to Ordinance No. 14-947 amending Chapter 8.16.020 of the Montclair Municipal Code related to restricted streets and invited comments from the public.

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

Moved by Council Member Dutrey and seconded by Mayor Pro Tem Ruh that Ordinance No. 14-947, entitled, "**An Ordinance of the City Council of the City of Montclair Amending Chapter 8.16.020 of the Montclair Municipal Code,**" be read by number and title only, further reading be waived, and this be declared its first reading.

The City Council unanimously waived the reading of the Ordinance.

First Reading of Ordinance No. 14-947 was unanimously adopted by the following vote:

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

**C. Second Reading – Adoption of Ordinance No. 14-946 Amending Chapter 11.78 of the Montclair Municipal Code Related to Thrift Stores and Second-Hand Merchandise Stores**

Mayor Eaton declared it the time and place set for public hearing related to Ordinance No. 14-946 amending Chapter 11.78 of the Montclair Municipal Code related to thrift stores and second-hand merchandise stores and invited comments from the public.

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

Moved by Council Member Dutrey and seconded by Council Member Raft that Ordinance No. 14-946, entitled, "**An Ordinance of the City Council of the City of Montclair Amending Chapter 11.78 of the Montclair Municipal Code Related to Thrift Stores and Second-Hand Merchandise Stores,**" 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. 14-946 was unanimously adopted by the following ROLL CALL vote:

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

## VIII. CONSENT CALENDAR

City Manager Starr requested that Item D-1 be removed from the Consent Calendar for comment.

Moved by Council Member/Director Dutrey, seconded by Council Member/Director Raft, and unanimously 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 September 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 September 2, 2014 regular joint meeting.

#### 2. Minutes of the Regular Joint Council/Successor Agency Board/MHC Board/MHA Commission Meeting of September 15, 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 September 15, 2014 regular joint meeting.

### B. Administrative Reports

#### 1. Approval of the City of Montclair Capital Improvement Program for Fiscal Years 2014-2019

##### **Appropriation of Funds as Indicated in the Attached Capital Improvement Program and the Fiscal Impact Section of this Report**

The City Council took the following actions:

- (a) Approved the City of Montclair Capital Improvement Program for Fiscal Years 2014-2019.
- (b) Appropriated funds as indicated in the Capital Improvement Program attachment to the agenda report on this item and in the Fiscal Impact section of the report.

#### 2. Authorizing the Allocation and Expenditure of Supplemental Law Enforcement Services Account Grant Funds

The City Council authorized the allocation and expenditure of Supplemental Law Enforcement Services Account grant funds to outfit the Mobile Command Trailer.

#### 3. Acceptance of a Grant From the Community Clinic Association of San Bernardino County in the Amount of \$4,166.70 for Purchase of Medical Equipment and Supplies for the Montclair Medical Clinic

The City Council accepted a grant from the Community Clinic Association of San Bernardino County in the amount of \$4,166.70 for purchase of medical equipment and supplies for the Montclair Medical Clinic.

#### 4. Authorization to Purchase New Patches and Uniform Badges for Police Department Personnel Utilizing Federal Asset Forfeiture Funds

The City Council authorized the purchase of new patches and uniform badges for Police Department personnel utilizing Federal Asset Forfeiture Funds.

**5. Declaring 25 Turnout Coats and 35 Pairs of Turnout Pants as Surplus and Available for Donation to the Mt. San Antonio College Fire Technology Program**

The City Council declared 25 turnout coats and 35 pairs of turnout pants as surplus and available for donation to the Mt. San Antonio College Fire Technology Program.

**6. Declaring Certain City Property and Unclaimed Property in Police Custody as Surplus and Available for Auction**

The City Council declared certain City property and unclaimed property in Police custody as surplus and available for auction.

**7. 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 Monte Vista Avenue Widening Project**

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

**Authorizing an Additional \$31,191.09 for Costs Related to the Monte Vista Avenue Widening Project**

The City Council took the following actions related to completion of the Monte Vista Avenue Widening 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 the *Notice of Completion*.
- (e) Authorized an additional \$31,191.09 construction contingency for related costs.

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

The City Council approved the City Warrant Register dated October 6, 2014, totaling \$1,447,527.91 and the Payroll Documentations dated August 24, 2014, amounting to \$547,910.12 gross, with \$383,965.17 net being the total cash disbursement; and September 7, 2014, amounting to \$571,432.83 gross, with \$385,303.96 net being the total cash disbursement.

**C. Agreements**

**1. Approval of *Agreement No. 14-76* With LAE Associates, Inc., for Project Management Services for the Central Avenue/UPRR Bridge Replacement Project**

The City Council approved *Agreement No. 14-76* with LAE Associates, Inc., for project management services for the Central Avenue/UPRR Bridge Replacement Project.

**2. Approval of Agreement No. 14-82 With Paseos at Montclair Property, LLC, for Undergrounding of Utilities on Arrow Highway**

The City Council approved *Agreement No. 14-82* with Paseos at Montclair Property, LLC, for undergrounding of utilities on Arrow Highway.

**3. Approval of Agreement No. 14-92 With Bair Analytics, Inc., for Purchase of ATACRAIDS Crime Analysis Software**

The City Council approved *Agreement No. 14-92* with Bair Analytics, Inc., for Purchase of ATACRAIDS Crime Analysis Software.

**4. Approval of Agreement No. 14-93 Amending Agreement No. 10-95 With the Claremont Police Department for Use of the Montclair Police Department Firearms Shooting Range**

The City Council approved *Agreement No. 14-93* amending *Agreement No. 10-95* with the Claremont Police Department for use of the Montclair Police Department Firearms Shooting Range.

**IX. PULLED CONSENT CALENDAR ITEMS**

**D. Resolutions**

**1. Consider Adoption of Resolution No. 14-3053 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Charges**

City Manager/Executive Director Starr requested removal of the \$475.81 delinquency for 4743 Manzanita Street from Exhibit A, "Report of Delinquent Civil Debts - October 2014," to proposed Resolution No. 14-3053, advising the property owner has requested an opportunity to resolve the issue with the Finance Department.

Moved by Council Member Dutrey, seconded by Council Member Raft, and carried unanimously that the City Council adopt Resolution No. 14-3053 authorizing placement of liens on the 172 properties listed on Exhibit A to the Resolution for delinquent sewer and trash charges, noting the removal from Exhibit A of the \$475.81 delinquency for 4743 Manzanita Street to give the property owner time to pay the delinquency to prevent a lien against the property.

**X. RESPONSE - None**

**XI. COMMUNICATIONS**

**A. City Attorney**

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

*Montclair v. Beltran*

**2. Closed Session Pursuant to Government Code Section 54957 Regarding Public Employee Performance Evaluation**

City Manager/Executive Director

**3. 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  
Montclair City Confidential Employees Assn.  
San Bernardino Public Employees Association*

City Attorney Robbins requested a Closed Session on the above three matters.

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

1. City Manager Starr stated that the City Council is invited to the Foothill Gold Line Track Completion Ceremony on Saturday, October 18, 2014, at 10:00 a.m. at the Azusa downtown station, 795 North Dalton Avenue, noting the event signifies completion of the nearly twelve miles of track from Pasadena to Azusa. He stated that the next step of the project, Phase 2B, will extend the track from Azusa to Montclair.

City Manager Starr noted a meeting is scheduled with **Assembly Member Rodriguez** to discuss alternatives to extending the **Gold Line** into San Bernardino County. He stated that the City's main focus is bringing the **Gold Line** to Montclair, and that the City is working diligently with **Senator Torres, Assembly Member Rodriguez,** and the **Federal Transit Administration** to identify potential funding opportunities. He noted he will meet with **San Bernardino Associated Governments** representatives to discuss funding for the **Gold Line**.

2. City Manager Starr asked the City Council to consider rescheduling a personnel appeal hearing on one of the following dates: October 28, 29, 30 or November 12 or 13, 2014, at 6:00 p.m.

Council Member Dutrey noted he is available on all proposed days.

Mayor Pro Tem Ruh noted he could arrange his schedule to meet on November 12 or 13, 2014.

Mayor Eaton and Council Members Raft and Paulitz stated that they did not object to any of the proposed dates.

City Manager Starr advised that the appeal hearing would be scheduled for either November 12 or 13, at 6:00 p.m. in the City Council Chambers and that the Council would be advised of the chosen date.

#### **C. Mayor/Chairman**

1. Mayor/Chairman Eaton noted he attended the "very successful" **Chaffey Joint Union High School District** Report to the Community event, at which **Superintendent Holton** commended the *Online to College* program.

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

1. Council Member/Director Paulitz noted next week he will meet with Human Services Director Richter and representatives from **Incredible Edible Community Garden; Burrtec Waste Industries, Inc.;** and the **Monte Vista Water District** to discuss final plans for the community garden at Ramona Avenue and Palo Verde Street before the grand opening.

2. Mayor Eaton announced the following free Human Services Department events on behalf of Council Member Raft:

*Lights On Afterschool* - Thursday, October 16, 2014 6:30 to 8:00 p.m.  
Community Center

*Youth Talent Showcase* - Friday, October 17, 2014 6:00 p.m.  
Community Center

*Community Health Fair* - Tuesday, October 21, 2014  
9:00 a.m. to 12:00 p.m.,  
Community Center

*Montclair Fruit Park  
First Anniversary* - Saturday, October 25, 2014, 10:30 a.m.  
Sunset Park

*Annual Children's  
Halloween Party* - Friday, October 31, 2014 5:30  
to 8:00 p.m.  
Community Center

3. Council Member/Director Dutrey commented as follows:

(a) He noted his attendance at a recent **Montclair High School** football game against **Pomona High School**. He recognized the school for its recent football field and parking lot improvements as well as the football team, which is currently 4-1 this season. He wished the team well and expressed his hope that it will make it to the CIF playoffs this year.

(b) He commended staff and **Fourth District Supervisor Gary Ovitt** for working with **Prime Healthcare Services** to keep the Montclair Medical Clinic open for the benefit of low-income residents. He noted **Prime Healthcare Services** opened a new facility at the northwest corner of San Bernardino County and Fremont Avenue.

(c) He recognized Detective Raul Perez who, with the assistance of Detectives Amanda Holloway and John Minook, was instrumental in the apprehension and arrest by **Milipitas Police Department** of a suspect linked by a DNA match to a 1985 cold case homicide in Montclair. He noted the suspect is awaiting trial for the murder.

(d) He recognized Code Enforcement for proactively working with residents to care for their lawns by laying mulch donated by tree contractors. Staff is also encouraging residents to visit a local nursery to obtain drought-resistant plants.

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

(a) He noted his attendance three weeks ago along with City Manager Starr and Administrative Analyst Fuentes at an infra-structure workshop hosted by **Assembly Member Rodriguez** at which participants overwhelmingly supported a shift from congested freeways to improved mass transit infrastructure. He expressed his belief about the importance of mass transit to the economy, environment, and community for the entire region.

(b) He commended **Assembly Members Rodriguez, Holden, and Hernandez** for recently holding a pet adoption fair at the **Inland Valley Humane Society**. He strongly encouraged the public to consider adoption when looking for a new pet.

**E. Committee Meeting Minutes**

**1. Minutes of Personnel Committee Meeting of September 15, 2014**

The City Council received and filed the Personnel Committee meeting minutes of September 15, 2014, for informational purposes.

**2. Minutes of Public Works Committee Meeting of September 18, 2014**

The City Council received and filed the Public Works Committee meeting minutes of September 18, 2014, for informational purposes.

**XII. COUNCIL WORKSHOP**

**A. Discussion of Audit Responsibilities and Process With Governing Board of City (Audit Committee) by Van Lant & Fankhanel, LLP, the City of Montclair's Independent Auditing Firm**

Moved by Mayor Pro Tem Ruh, seconded by Council Member Paulitz, and carried unanimously to continue this item to an adjourned meeting on Monday, October 20, 2014, at 5:45 p.m. in the City Council Chambers.

**XIII. ADJOURNMENT OF SUCCESSOR AGENCY, MONTCLAIR HOUSING CORPORATION, AND MONTCLAIR PUBLIC FINANCING AUTHORITY BOARDS OF DIRECTORS AND MONTCLAIR HOUSING AUTHORITY COMMISSIONERS**

At 7:55 p.m., Chairman Eaton adjourned the Successor Agency, Montclair Housing Corporation, and Montclair Public Financing Authority Boards of Directors and the Montclair Housing Authority Commissioners.

At 7:55 p.m., the City Council went into Closed Session regarding pending litigation, public employee performance valuation, and labor negotiations pursuant to respective Government Code Sections 54956.9(d)(1), 54957, and 54957.6.

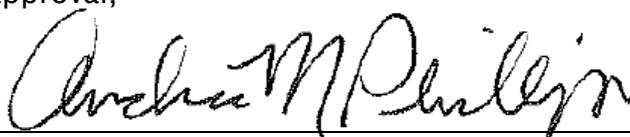
**XIV. CLOSED SESSION ANNOUNCEMENTS**

At 8:45 p.m., the City Council returned from Closed Session. Mayor Eaton announced the City Council met in Closed Session regarding pending litigation, public employee performance evaluation, and 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 8:46 p.m., Mayor Eaton adjourned the City Council.

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



Andrea M. Phillips  
Acting Deputy City Clerk