

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, NOVEMBER 3, 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

Council Member Paulitz gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Council Member/Director Raft led those assembled in the Pledge.

IV. ROLL CALL

Present: Mayor/Chairman Eaton; Mayor Pro Tem/Vice Chairman Ruh; Council Members/Directors Paulitz; Raft, and Dutrey; City Manager/Executive Director Starr; Deputy City Manager/Economic Development Executive Director Staats; Director of Community Development Lustro; Director of Public Works Hudson; Director of Finance Parker; City Attorney Robbins; Administrative Specialist Phillips

V. PRESENTATIONS – None

VI. PUBLIC COMMENT

A. Mr. Sean Brunske, 5472 Deodar Street, Montclair, responded to comments made at the last Council meeting regarding the Candidate's Forum held on October 15, 2014. He criticized the City Council Department's budget totaling approximately \$300,000 in salaries, benefits, and supplies; alleged there is a lack of street paving and patrol officers in the City; criticized the City's efforts to provide advanced funding for the Gold Line; and lamented the apparent lack of economic development at the Montclair Plaza and the vacant lot across from Costco.

- B. Mr. Daniel Luevanos, City Ambassador, One Legacy Foundation, a Donate Life organization, explained the importance of organ donation and advised One Legacy has enacted a campaign to educate the public about organ donation and how to register as a donor. He invited the Mayor to visit the Foundation's float for the 2015 Rose Parade in December to place the City of Montclair's dedication rose. He stated Donate Life's 2015 Rose Parade theme is "The Never-Ending Story," representing the fact that one person can change the lives of up to fifty people by becoming an organ donor. He noted he is an organ recipient, having had his surgery eleven years ago, and can now participate in physical activities he never thought possible before.**

Mr. Luevanos advised that those who are interested in becoming organ donors can register online at www.donatelifeca.org or register at your local **Department of Motor Vehicles**.

VII. PUBLIC HEARINGS - None

VIII. CONSENT CALENDAR

Mayor Eaton announced that City Attorney Robbins would like to remove Item C-1 from the Consent Calendar for comment.

Moved by Council Member Dutrey, seconded by Council Member Raft, and carried unanimously 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/Montclair Public Financing Authority Board Meeting of October 20, 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 October 20, 2014 regular joint meeting.

B. Administrative Reports

- 1. Declaring Nine Sets of Mattresses and Box Springs as Surplus and Available for Destruction**

The City Council declared nine sets of mattresses and box springs as surplus and available for destruction.

- 2. Approval of City Warrant Register and Payroll Documentations**

The City Council approved the City Warrant Register dated November 3, 2014, totaling \$595,087.42; the Payroll Documentation dated October 5, 2014, amounting to \$575,721.78 gross, with \$388,407.00 net being the total cash disbursement; and the Payroll Documentation dated October 19, 2014, amounting to \$577,603.90 gross, with \$404,583.22 net being the total cash disbursement.

C. Agreements

D. Resolutions

1. Adoption of Resolution No. 14-3055 Recertifying and Updating the Sewer System Management Plan

The City Council adopted Resolution No. 14-3055 recertifying and updating the Sewer System Management Plan.

2. Adoption of Resolution No. 14-3057 Placing Liens on Certain Properties for Delinquent Sewer and Trash Charges

The City Council adopted Resolution No. 14-3057 placing liens on the 163 accounts listed on *Exhibit A* to the Resolution for delinquent sewer and trash charges.

IX. PULLED CONSENT CALENDAR ITEMS

C. Agreements

1. Approval of Agreement No. 14-88 Between the City of Montclair/Montclair Successor Redevelopment Agency/ Successor Housing Authority/Housing Corporation and Edward C. Starr for Professional City Manager Services for the Period November 3, 2014, to December 31, 2018.

City Attorney Robbins stated she has reviewed *Agreement No. 14-88* and has made some slight revisions. She advised the changes relate to removing references to the Executive Management agreement so the agreement can stand on its own. She noted the revised version was distributed to the City Council this evening, which is the version that shall be considered for approval this evening.

The City Council approved *Agreement No. 14-88* between the City of Montclair/Montclair Successor Redevelopment Agency/ Successor Housing Authority/Housing Corporation and Edward C. Starr for professional City Manager Services for the period November 3, 2014, to December 31, 2018.

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

Montclair v. Beltran

2. 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 withdrew Communications Item A-2 and requested a Closed Session on the remaining matter.

B. City Manager/Executive Director

1. City Manager Starr commented as follows:

(a) He responded to comments made during the Public Comments segment of the meeting.

- *Staffing Levels in the Police Department.* He noted Montclair has maintained one of the highest per capita police departments in the area despite cutbacks the City made during the Great Recession.
- *Mutual Aid.* He noted that mutual aid is essential to the relationship the City has established with the City of Upland and other surrounding agencies. He added this mutual aid was fundamental in capturing the suspects related to a recent homicide that occurred in the City last week.
- *Labor Relations with Police and Fire Units.* He reported the relationships between the Police and Fire labor units and the City have dramatically improved since the 2012 election and will likely continue to enjoy mutual respect and good faith in the negotiation process going forward.

- *Advancement of Funds related to the Gold Line Extension.* He asserted the City Council has agreed, in concept, to *advance* funds totaling \$2.16 million to the Gold Line Construction Authority for the **San Bernardino Associated Governments' (SANBAG)** share of environmental consulting and advanced engineering work costs related to extension of the **Gold Line** from the Los Angeles–San Bernardino County line to Montclair (Phase 2B). He explained that no money has been put forward at this time and that the City would be billed on a monthly basis for the project costs, which would then be reimbursed by **SANBAG**. He described the City's diligent efforts to seek state and federal funding sources for the actual construction of Phase 2B of the **Gold Line** extension project, which is an important aspect of plans for the new North Montclair Plaza District.
- *Montclair Plaza Renovation.* He noted since February 2014, staff has been in weekly discussions with **CIM Group**, the new owners of the Montclair Plaza, about redevelopment plans for the mall. He stated construction on the plaza's renovation should begin in the first or second quarter of 2015.
- *Vacant Lot near Costco.* He addressed the vacant lot across from Costco, noting the owner of that property has already submitted development plans and signed tenant businesses for the stores that will be built. Staff anticipates construction will begin in 2015 for that project as well.
- *Residential Street Paving.* He noted the City has a residential street paving program that breaks the City down into segments and paves areas of the City on a rotating schedule. He noted the first half of the neighborhood south of the 10 Freeway on the east side of Central Avenue is scheduled to be paved in the first half of 2015.
- *Funding for Public Projects.* He added the City Council recently passed a \$42 million bond issue that will fund public facilities projects throughout the City. He noted the return on refunding the 2005 bond issue and initiating the 2014 issue appears to be higher than anticipated, with the latest update reporting a \$21–23 million return rather than the projected \$18 million. He noted the City Council will ultimately choose which projects to fund and prioritize with the bond proceeds.

- *City Council Budget.* He noted the City Council salaries are based on state law, which sets limits based on the size of the jurisdiction. He stated Montclair City Council Members are paid one of the lowest salaries in the state because of the size of the community. He noted benefits are limited by state law as well; however, he added that members of the City Council who were elected or appointed before January 1, 1995 are exempted from some of these restrictions due to the grandfather clause. He noted the Services and Supplies section of the City Council Department's budget are related to several programs and services that are sponsored by the City Council Budget, such as the production costs for the annual State of the City presentation video. He noted City memberships in agencies like the National League of Cities, the League of California Cities, and others are budgeted through the City Council budget, which are not expenditures on the Council. He reaffirmed that the only cost components related to the City Council Members are the costs of wages, benefits, travel, and meetings.

C. Mayor/Chairman

1. Mayor Eaton commented as follows:
 - (a) He declared that his salary as Mayor is \$12,000 per year.
 - (b) He noted he recently attended several ribbon cuttings in the Community.
 - (c) He noted he attended Monte Vista Elementary School where approximately 200 volunteers worked to paint and clean the school.
 - (d) He noted he attended the Montclair Fruit Park Anniversary Event, which was very well attended.

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

1. Council Member Paulitz commented as follows:
 - (a) He noted he attended the Fruit Park One-Year Commemoration and the dedication of the new park benches.
 - (b) He noted he attended the City's annual Halloween Party on Friday, adding it is always a great event and he saw all the Council Members in attendance.

- (c) He noted the October Senior Birthday Party went very well. He stated most attendants to his knowledge do not live in Montclair but love the senior party and attend every month. He noted he is proud of Montclair for providing such quality programs and services that are the envy of other cities.
- (d) He noted yesterday a resident expressed concerns with unlicensed dogs running loose in his neighborhood, which the resident believes belong to a neighbor. He noted the **Humane Society** used to canvass the neighborhoods once per year to license dogs; he noted he has not noticed this activity happening in recent years and asked City Manager Starr if it still happens.

City Manager Starr concurred, stating he reported in the City Manager's Weekly Report publication over the summer that the **Humane Society** had been canvassing. He clarified the **Humane Society** does not attempt to track down unlicensed dogs, noting they simply canvass neighborhoods to find out if residents have any dogs they would like to have licensed.

2. Council Member/Director Raft commented as follows:

- (a) She noted the Senior Birthday Parties are always well attended by over 250 seniors and are a lot of fun.
- (b) She noted the Montclair Fruit Park was beautiful during the anniversary event. She noted the park is very well-kept and the newly installed redwood benches, which were hand-made by the donor, are beautiful.
- (c) She stated she had fun at the annual Halloween event.

3. Council Member/Director Dutrey commented as follows:

- (a) He noted that, as a resident for 40 years, he is excited with the direction the City is going. He listed several projects that are anticipated to begin in the upcoming year like the Montclair Plaza, street repavement, I-10 freeway on-ramp and off-ramp improvements, and landscaping and beautification of those areas. He added residents of Los Angeles County praise the services available to Montclair residents, and the City's Online to College program is the envy of many area cities as well. He stated he is looking forward to 2015 and all of the excitement it will bring for the City.

- (b) He commended the Montclair Police Department for apprehending two murder suspects in the homicide that occurred last week with the help of the Ontario Police Department within 24 hours of the crime.
- (c) He declared his prayers go out to recently deceased Pomona Police Officer Shaun Diamond and his family.
- (d) He noted that last Wednesday he, Mayor Pro Tem Ruh, Mayor Eaton, and City Manager Starr attended a meeting with the **San Gabriel Valley Council of Governments** and the west-end cities of **SANBAG**. He expressed his hope that these meetings will continue to facilitate discussions related to regional issues and areas of interest including transportation projects like the **Gold Line**.
- (e) He wished "good luck" to the candidates of the 2014 Montclair General Municipal Election.

Mayor Eaton noted that, before Mayor Pro Tem Ruh begins speaking, he would like to propose the creation of a Gold Line Committee consisting of himself and Mayor Pro Tem Ruh to "keep on top of the Gold Line situation" and requested concurrence from the City Council.

Council Member Dutrey noted there appears to be no opposition to the creation of a Gold Line Committee from the Council.

Moved by Mayor Eaton, seconded by Council Member Dutrey, and carried unanimously to create a Gold Line Committee consisting of Mayor Eaton and Mayor Pro Tem Ruh.

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

- (a) He attested that the Humane Society did canvass neighborhoods this year to license dogs, noting he was visited by some of the canvassers.
- (b) He noted the Montclair Fruit Park was a success and a big portion of that success is owed to the **Benitez family**, who created and donated the benches to the fruit park and who also donate a lot of volunteer time to educate students using the fruit park. He added that a student's involvement in the fruit park can help to facilitate future learning endeavors including college studies in landscape architecture, botany, and agronomy.
- (c) He noted the annual Halloween event was really well done. He thanked City staff and Community Action Committee members who attended. He commended the

City for providing a safe place for children to enjoy Halloween without the dangers of walking on busy streets at night.

- (d) He congratulated the Police Department for the apprehension of the murder suspects.
- (e) He noted earlier this evening, Montclair/Upland Fire Chief Mayhew gave a presentation about the Montclair-Upland Fire Department command staff merger, which is saving both cities a lot of money and providing better services to residents through shared resources.
- (f) He stated the **County of San Bernardino Board of Supervisors** recently adopted Proposition 90 transfers into San Bernardino County so that homeowners aged 55 and older who are moving into San Bernardino County can transfer their property tax base to their new home as long as the property is of equal or lesser value to the previous home. He noted that he had been working with County staff members on this legislation and commended the County Board of Supervisors for taking action to unanimously adopt Proposition 90.
- (g) He described the severity of the drought in California and urged residents and members of the community to conserve water.
- (h) He noted his attendance at the meeting Council Member Dutrey spoke of with the **San Gabriel Valley Council of Governments** and the west-end cities of **SANBAG**, noting he participated in a follow-up meeting with **Assembly Member Freddie Rodriguez**, who is working on reintroducing a bill to facilitate the **Gold Line's** extension further into San Bernardino County with the goal of reaching **Ontario International Airport**. He explained the importance of the **Gold Line** and debunked the commonly espoused suggestion that the Metrolink is a viable alternative for all rail commuters, noting the two use completely different travel routes. He described how the **Gold Line** can benefit students, the elderly, and work commuters.
- (i) He urged everyone to get out and vote tomorrow, "because our democracy depends on each one of us voting."

E. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of October 20, 2014

The City Council received and filed the Personnel Committee meeting minutes of October 20, 2014, for informational purposes.

XII. APPEAL HEARING OF SHANE BUSCHINI

Moved by Council Member Dutrey, seconded by Mayor Pro Tem Ruh, and carried unanimously to continue this item to an adjourned meeting on Wednesday, November 12, 2014, at 6:00 p.m. in the City Council Chambers.

XIII. COUNCIL WORKSHOP

A. David Turch & Associates Presentation

Moved by Mayor Eaton, seconded by Council Member Paulitz, and carried unanimously to continue this item to an adjourned meeting on Monday, November 17, 2014, at 5:45 p.m. in the City Council Chambers.

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

At 7:37 p.m., Chairman Eaton adjourned the Successor Agency and Montclair Housing Corporation Boards of Directors and the Montclair Housing Authority Commissioners.

At 7:38 p.m., a member from the audience requested to speak to the Council.

Mayor Eaton allowed him three minutes to speak because the Public Comment segment of the meeting had passed.

Mr. Salvador Morales, 11178 Carrillo Avenue, Montclair, asked the Council to address his concerns related to a vacant lot adjacent to his home that has become a visual nuisance where old mattresses and other unsanitary debris are illegally disposed of. He stated staff has been aware of the property and when action is taken to have the property cleared, the issue returns within the month. He went on to say he does not feel proud to live in Montclair due to this issue and wants to know who he can go to for help.

City Manager Starr informed **Mr. Morales** that Public Works Director Hudson would speak with him about this issue.

At 7:44 p.m., the City Council went into Closed Session regarding pending litigation pursuant to Government Code Section 54956.9(d)(1).

XV. CLOSED SESSION ANNOUNCEMENTS

At 7:52 p.m., the City Council returned from Closed Session. Mayor Eaton announced the City Council met in Closed Session regarding pending litigation and labor negotiations, information was received and direction provided to staff, and no further announcements would be made at this time.

XVI. ADJOURNMENT OF CITY COUNCIL

At 7:53 p.m., Mayor Eaton adjourned the City Council.

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



Andrea M. Phillips
Administrative Specialist