

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, MAY 4, 2015, 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

Ma Tejomayananda Swami, Nithyananda Vedic Temple, gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Mayor Pro Tem Raft led those assembled in the Pledge.

IV. ROLL CALL

Present: Mayor/Chairman Eaton; Mayor Pro Tem/Vice Chairperson Raft; Council Members/Directors Dutrey, Ruh, and Martinez; 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 Phillips

V. PRESENTATIONS

A. Proclamation Recognizing and Congratulating the Community Action Partnership of San Bernardino County on 50 Years of Exemplary Service and Dedication to "Helping People, Changing Lives"

Mayor Eaton read a proclamation recognizing and congratulating the **Community Action Partnership of San Bernardino County** on 50 years of exemplary service and dedication to "helping people, changing lives." He stated that the proclamation would be mailed to the **Community Action Partnership**.

VI. PUBLIC COMMENT

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

A. Mr. Wayne Morin, 2224 Coolcrest Way, Upland, noted he owns a rental property in Montclair and expressed his concerns for residents' safety crossing the busy streets, especially with small children in tow, during street sweeping days when they cannot park near their homes. He proposed some alternative street sweeping schedules and alternating street sweeping days over different segments of the longer streets.

Mayor Eaton advised **Mr. Morin** that Public Works Director Hudson would look into the issue.

- B. **Mr. Christopher Craig**, Field Representative, **52nd District Assembly Member Freddie Rodriguez's District Office**, 13160 7th Street, Chino, introduced himself and stated that he looks forward to working with the City and its residents on local issues.

Mayor Eaton thanked **Mr. Craig** and stated, "It's nice to meet you!"

VII. PUBLIC HEARINGS

- A. **Second Reading - Consider Adoption of Ordinance No. 15-948 Adding Chapter 11.65 to the Montclair Municipal Code Related to Reasonable Accommodations for Disabled Individuals**

Mayor Eaton declared it the time and place set for public hearing related to adoption of Ordinance No. 15-948 adding Chapter 11.65 to the Montclair Municipal Code related to reasonable accommodations for disabled individuals 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 Ruh and seconded by Mayor Pro Tem Raft that the City Council approve Ordinance No. 15-948, entitled, "**An Ordinance of the City Council of the City of Montclair Adding Chapter 11.65 to the Montclair Municipal Code Related to Reasonable Accommodations for Disabled Individuals**," 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. 15-948 was unanimously adopted by the following ROLL CALL vote:

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

- B. **First Reading - Consider Adoption of Ordinance No. 15-949 Amending the Land Use Matrix (Table 3-1) of the North Montclair Specific Plan and Chapter 11.78 of the Montclair Municipal Code to Conditionally Permit Microbreweries in the Manufacturing Industrial Park Land Use District of the North Montclair Specific Plan**

Mayor Eaton declared it the time and place set for public hearing related to adoption of Ordinance No. 15-949 amending the Land Use Matrix (Table 3-1) of the North Montclair Specific Plan and Chapter 11.78 of the Montclair Municipal Code to conditionally permit microbreweries in the Manufacturing Industrial Park Land Use District of the North Montclair Specific Plan 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 Martinez and seconded by Mayor Pro Tem Raft that Ordinance No. 15-949, entitled, "**An Ordinance of the City Council of the City of Montclair Amending the Land Use Matrix (Table 3-1) of the North Montclair Specific Plan and**

Chapter 11.78 of the Montclair Municipal Code to Conditionally Permit Microbreweries in the MIP (Manufacturing Industrial Park) Land Use District of the North Montclair Specific Plan," be read by number and title only, further reading be waived, and this be declared its first reading.

The City Council waived the reading of the Ordinance.

Council Member Dutrey stated he is happy the City is doing this because microbreweries are gaining popularity in the west end of San Bernardino County, and because it complements the development activities in the north portion of Montclair.

Council Member Ruh asked what size trucks would be delivering ingredients to the microbreweries, citing concerns of traffic issues.

Community Development Director Lustro stated that microbreweries are relatively small so the likelihood of larger trucks is low. He noted it would most likely be small box trucks making deliveries to these businesses.

Council Member Ruh thanked Community Development Director Lustro.

First Reading of Ordinance No. 15-949 was unanimously adopted by the following vote:

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

VIII. CONSENT CALENDAR

Council Member/Director Dutrey requested that Item C-1 be removed from the Consent Calendar for comment.

Moved by Council Member/Director Dutrey, seconded by Council Member/Director Martinez, and carried by those present 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 Board/MCF Board Meeting of April 20, 2015

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 April 20, 2015 regular joint meeting.

B. Administrative Reports

1. Setting a Public Hearing to Consider Adoption of Resolution No. 15-3075 Adjusting Transportation Development Impact Fees

The City Council set a public hearing for Monday, June 1, 2015, at 7:00 p.m. in the City Council Chambers to consider adoption of Resolution No. 15-3075 adjusting transportation development impact fees.

2. Remising, Releasing, and Forever Quitclaiming to Montclair, LLC, the Maintenance Agreement Recorded April 19, 2007, as Instrument No. 2007-0239114, Official Records

The City Council approved remising, releasing, and forever quitclaiming to Montclair, LLC, the maintenance agreement recorded April 19, 2007, as Instrument No. 2007-0239114, official records.

3. Authorization to Sell/Trade-In All Existing MP-5 Submachine Guns and Tactical Assault Rifles to Acquire Colt Monolithic 10.3" Short Barrel Tactical Rifles

The City Council authorized staff to sell/trade-in all existing MP-5 submachine guns and tactical assault rifles to acquire colt monolithic 10.3" short barrel tactical rifles.

4. Authorization of a \$10,916.83 Appropriation from the Public Safety Grant Fund to Purchase One Lifelike Human Body Replica (Advanced Life Support Simulation Manikin) from Laerdal Medical Corporation

Authorization to Receive \$10,589 from the FY2014 State Homeland Security Grant Program to Reimburse the Public Safety Grant Fund

The City Council took the following actions:

- (a) Authorized a \$10,916.83 appropriation from the Public Safety Grant Fund to purchase one lifelike human body replica (Advanced Life Support Simulation Manikin) from Laerdal Medical Corporation.
- (b) Authorized receiving \$10,589 from the FY2014 State Homeland Security Grant Program to Reimburse the Public Safety Grant Fund.

5. Approval of Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated May 4, 2015, totaling \$935,143.18, and the Payroll Documentation dated April 19, 2015, amounting to \$571,763.70 gross, with \$395,023.78 net being the total cash disbursement.

C. Agreements

D. Resolutions

1. Adoption of Resolution No. 15-3072 Authorizing Mayor Paul M. Eaton to Sign Administering Agency-State Agreement Program Supplement Agreement No. 007-N (City Agreement No. 15-29)

Approval of *Agreement No. 15-29*, Program Supplement Agreement No. 007-N, with the Department of Transportation for the Traffic Signal Improvement Project at Central Avenue and San Bernardino Street

The City Council took the following actions:

- (a) Adopted Resolution No. 15-3072, a Resolution of the City Council of the City of Montclair Authorizing Mayor Paul M. Eaton to Sign Program Supplement Agreement No. 007-N to Administering Agency-State Agreement No. 08-5326R.
- (b) Approved *Agreement No. 15-29*, Program Supplement Agreement No. 007-N, with the Department of Transportation for the Traffic Signal Improvement Project at Central Avenue and San Bernardino Street.

2. **Adoption of Resolution No. 15-3073 Identifying the Terms and Conditions for Fire Department Response Away From Their Official Duty Station and Assigned to an Emergency Incident**

The City Council adopted Resolution No. 15-3073, a Resolution of the City Council of the City of Montclair Identifying the Terms and Conditions for Fire Department Response Away from their Official Duty Station and Assigned to an Emergency Incident.

3. **Adoption of Resolution No. 15-3074 Authorizing City Manager Edward C. Starr to Sign an Application for Cycle 2 Active Transportation Program for Funding Through California Department of Transportation and Southern California Association of Governments for the Development of a Bike and Pedestrian Master Plan and Safe Routes to School Plan**

The City Council adopted Resolution No. 15-3074, a Resolution of the City Council of the City of Montclair Authorizing City Manager Edward C. Starr to Sign an Application for Funding Through California Department of Transportation and Southern California Association of Governments for the Development of a Bike and Pedestrian Master Plan and Safe Routes to School Plan.

IX. PULLED CONSENT CALENDAR ITEMS

C. Agreements

1. **Approval of *Agreement No. 15-27 Amending Agreement No. 13-100 Between the Cities of Montclair and Upland for Joint Sharing of Fire Department Command Staff and Expansion of Automatic and Mutual Aid Through Mutual Agreement to Vacate Service Boundaries***

Authorizing the City Manager to Execute All Documents on Behalf of the City of Montclair in Relation to Implementation of *Agreement No. 15-27*

Council Member Dutrey complimented staff on implementing the first, second, and third phases of the pilot program with the city of Upland's Fire Department. He added this evening, phase four is being considered in which two administrative staff positions will be shared between the cities. He commended Fire Chief Mayhew and noted his leadership will be missed upon his retirement next month.

Moved by Council Member Dutrey, seconded by Council Member Ruh, and carried unanimously that the City Council take the following actions:

- (a) Approve *Agreement No. 15-27 Amending Agreement No. 13-100* Between the cities of Montclair and Upland for joint sharing of Fire Department command staff and expansion of automatic and mutual aid through mutual agreement to vacate service boundaries.
- (b) Authorize the City Manager to execute all documents on behalf of the City of Montclair in relation to implementation of *Agreement No. 15-27*.

Council Member Ruh noted it makes sense economically to combine services with neighboring cities with rising costs and increasing public safety concerns. He noted he recently read an editorial that reported several cities are combining services

in a similar manner, and he believes the trend will only continue.

X. RESPONSE - None

XI. COMMUNICATIONS

A. City Attorney

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

Susana Okada v. Montclair

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

2. **(Pending Item) Make Certain Findings Related to Quach Investments, LLC**

City Attorney Robbins noted that at a hearing held on April 20, 2015, the City Council denied the appeal of **Quach Investments, LLC (Quach)**, and upheld the City Manager's decision to deny its request for an exemption from the requirement to underground utility lines at its commercial shopping center. She advised that, due to **Quach's** claimed inability to post a payment bond for the required work, the City Council also rejected a new request to delay the requirement for up to five years and allow full tenant occupancy during that time.

City Attorney Robbins noted after the hearing, **Quach's** representative indicated **Quach would** be able to post a bond to guarantee payment for the work to be done at the end of a three to five year period. **Quach** has agreed to post the bond and staff would then allow the remaining five occupancy permits to be issued. Staff now requests the City Council's direction in how to proceed in this matter.

City Attorney Robbins noted this item did not appear on the posted agenda and requested the City Council vote to add the item to the agenda for discussion this evening. She advised a 4-1 vote is required to discuss an item requiring immediate action that did not appear on the posted agenda.

City Attorney Robbins advised this issue came to her attention on Friday, which was the day after the agenda was posted, and that the need for immediate action comes from the fact that there will not be a second meeting held in May to consider the item and **Quach's** loan is coming due in June or July, which necessitates immediate action to gain full occupancy and finalize his financial securities. She advised she and City Manager Starr feel comfortable in issuing full occupancy with the guarantee of the bond, which will be in the amount of approximately \$200,000 to cover the cost of the required undergrounding construction should **Quach** fail to complete it.

Moved by Council Member Dutrey, seconded by Mayor Pro Tem Raft, and carried four to one, Council Member Martinez opposing, that the item be added to the agenda for discussion and immediate action.

2. **Make Certain Findings Related to Quach Investments, LLC**

Mayor Eaton stated his concerns related to **Quach's** history of deceptive practices in dealing with City officials. He asked if the City could trust **Quach** to comply with the requirements.

City Attorney Robbins noted the purpose of posting the bond

would be to provide the City with a guarantee that the work would be done. She advised if **Quach** fails to perform the work in the five-year period, the City would be able to use the proceeds from the bond to complete the undergrounding work.

Council Member Dutrey stated he is comfortable approving staff to negotiate an agreement with **Quach** provided a bond is posted for the work.

Mayor Pro Tem Raft stated she has no problem as long as the City is covered, which was her main concern all along.

Council Member Ruh stated he has tremendous concerns regarding past practices of the firm, and advised he still harbors long-term concerns. He advised that, although he believes in second chances, he would like to ensure the City handles this matter correctly with strict timeline requirements imposed.

City Manager Starr advised that, in addition to the bond, **Quach** would need to immediately issue a \$7,300 check to the City for permits that were not obtained previously and reach an agreement with the City that includes provisions such as the five new occupancy permits would be revoked in three years if the work is not done at that time. He added tenants would need to sign three-year leases and be informed of the terms of continued occupancy that must be fulfilled by **Quach**.

City Manager Starr stated that staff believes this action will guarantee resolution of the issue, which has remained unresolved since 2007. He further advised staff believes this proposed action is the best course for the City Council to pursue.

Council Member Ruh asked if the tenants would be aware of the conditions being imposed on **Quach**.

City Manager Starr stated tenants would be informed through the lease, and a month-to-month lease extension would be forbidden. He noted that the City would also have the option to release the restriction if the work is completed beforehand. He further advised the tenants would be aware that **Quach's** performance would determine whether the leases can be extended or not.

Council Member Ruh thanked City Manager Starr and stated he is satisfied knowing the tenants will be aware of these conditions because he would not wish to see successful businesses be forced out due to another's actions.

Moved by Council Member Dutrey, seconded by Council Member Ruh, and carried that the City Council make certain findings related to Quach Investments, LLC, including authorizing the City Manager and the City Attorney to enter into an agreement with Quach Investments, LLC, related to the undergrounding of utilities.

Motion carried as follows:

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

B. City Manager/Executive Director

City Manager/Executive Director Starr stated the *Inland Valley Daily Bulletin (IVDB)* will no longer be sending representatives to local meetings, instead opting to shift to a format of sending reporters to occasionally meet and discuss local matters with staff.

Mayor/Chairman Eaton stated he regrets to hear of that change because he was under the impression that *IVDB* proclaims, "if it happens in the Inland Valley, we're there," but it appears as though they are abandoning that rhetoric.

Council Member/Director Dutrey facetiously lamented that the reporters will miss any excitement that happens at the meetings.

C. Mayor/Chairman

Mayor/Chairman Eaton commented as follows:

1. He noted that he attended a **Metrolink** meeting.
2. He noted he attended the **Gold Line** Open House event at the Senior Center, which was very well attended.
3. He announced there is one vacancy each on the Planning Commission (PC) and the Community Action Committee (CAC). The PC vacancy is for a four-year term that will expire on June 30, 2019. The CAC vacancy is for a three-year term that will expire on June 30, 2018. He advised that applications are available at City Hall and would be accepted through Monday, May 18, 2015, at 5:30 p.m. He invited those interested to apply.
4. He advised that the May 18, 2015, regular joint meeting of the City Council, Successor Agency and Montclair Housing Corporation Boards, and Montclair Housing Authority Commission has been canceled due to the lack of a quorum.

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

1. Council Member/Director Martinez commented as follows:
 - (a) She noted she and Mayor Eaton met with **Fourth District San Bernardino County Supervisor Curt Hagman** to discuss local issues.
 - (b) She noted she attended the Human Services Department's Volunteer Recognition Dinner. She thanked the staff who waited on volunteers and noted she loved the sailor theme.
 - (c) She noted she spoke with **Mr. Craig**, field representative to **Assembly Member Rodriguez**, and **Supervisor Hagman** at the Senior Center's April birthday party and thanked both for being in attendance, noting it means a lot to the seniors to have them there. She added that many residents were surprised to see an elected official in attendance so far away from the election.
 - (d) She stated the Bunco Bash fundraiser held by the City's Senior Bunco Group and Montclair-Ontario Junior Women's Club went well, which raised money for a new park bench.
 - (e) She noted she was happy to see Montclair Police and Fire Departments represented at a booth during **Our Lady of Lourdes'** annual festival.

- (f) She stated, "I don't know if there are any 'Trekkies' here, but in this month of May I just want to end by saying, *'May the Fourth Be With You!'*"

2. Mayor Pro Tem/Vice Chairperson Raft commented as follows:

- (a) She noted she also attended the Volunteer Recognition Dinner, which celebrated around 200 volunteers who donated over 40,500 hours, which has saved the City over one million dollars. She expressed her pride for Montclair's volunteers and stated the numbers get more impressive every year.
- (b) She noted Governor Brown has proposed legislation to help local officials better enforce water conservation requirements. She reported seeing one residence that has redone their lawn with drought-tolerant landscaping and it looks very nice. She stated her belief that replacement of green turf for drought-tolerant landscaping is likely going to be more prevalent in the future as the cost to maintain green yards rises.
- (c) She stated renovations on the Montclair Plaza are scheduled to begin later this year. She noted the 47-year-old center will have its old Broadway/Macys building demolished to construct an outdoor plaza terrace, which will occur in phases.
- (d) She stated she had the pleasure of meeting with the **Girl Scouts of America**, Troop 1984, who will be volunteering for several community projects this year including the Reeder Ranch orange grove harvest, working on the Community Garden, and helping with the Senior Center birthday parties. She added she is very proud of the **Girl Scouts** and wishes they were around when she was growing up.

3. Council Member/Director Dutrey commented as follows:

- (a) He noted the Police and Fire Departments are beginning enforcement efforts for the Fourth of July celebrations, including getting the message out about "safe and sane" fireworks being illegal in Montclair along with all other fireworks.
- (b) He stated that he, Council Member Martinez, and City Manager Starr toured the new **Metro Honda** showroom. He stated a grand opening event will be held in June.
- (c) He announced the **Montclair High School** girls' softball team won the championship in Mt. Baldy League Softball. He congratulated the team and exclaimed, "Go Cavaliers!"

4. Council Member/Director Ruh commented as follows:

- (a) He emphasized the severity of the drought and urged California residents and businesses to take every measure to aggressively conserve water, especially with landscaping. He outlined some of the adverse effects of overpumping aquifers including sinkholes and sinking landscapes. He discussed the implausibility of several proposals for increasing the water supply including desalinization plants, buying and importing water from neighboring states, and trucking in drinking water in order to continue keeping landscapes watered. He noted the state will need to reassess its local water reduction requirements for each city because some cities and water

districts had misrepresented the information of their water usage. He noted Montclair's conservation rate has changed from 25 percent to 28 percent, and then went back to 24 percent due to the reassessments. He stated his hope that everyone will increase their efforts to be water-conscious.

- (b) He congratulated the **Community Action Partnership of San Bernardino County (CAP)** on its accomplishments. He advised **CAP** is an antipoverty agency that does a lot of work with the homeless population in the County including an individualized development account (IDA), in which **CAP** contributes two dollars to the participant's IDA for every dollar they save, which could be used for education, a business venture, or a home. He stated he is proud to be involved with this organization as a Board Member.
- (c) He noted the Volunteer Recognition Dinner was very successful and he appreciates everything our volunteers do.
- (d) He reported **Assembly Member Rodriguez** hosted two community events at Dolce Café and Starbucks in Montclair. He advised **Assembly Member Rodriguez** discussed his vision for the region and the district including his strong support for bringing the **Gold Line** to Montclair.
- (e) He expressed his enthusiasm for the **Montclair Plaza's** renovation, noting he remembers when it opened in 1968 and reopened with a second floor in the 1980s, which was televised and covered by reporter **Ruth Ashton Taylor**. He noted his hope that the new vision for the mall will receive the same caliber of coverage.
- (f) He stated Thursday, May 7, 2015, will mark 70 years since **Victory in Europe Day**, or **V-E Day**, in 1945 when the French Republic, Britain, and its commonwealth accepted the papers of surrender from the Nazi government marking the end of **World War II** in Europe. He noted this event proved that, as a united front, people of different cultures across the globe could come together to defeat a common evil.

E. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of April 20, 2015

The City Council received and filed the Personnel Committee meeting minutes of April 20, 2015, for informational purposes.

2. Minutes of Code Enforcement/Public Safety Committee Meeting of April 20, 2015

The City Council received and filed the Code Enforcement/Public Safety Committee meeting minutes of April 20, 2015, for informational purposes.

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

At 8:01 p.m., Chairman Eaton adjourned the Successor Agency and Montclair Housing Corporation Boards of Directors, and the Montclair Housing Authority Commissioners.

At 8:01 p.m., the City Council went into Closed Session regarding pending litigation pursuant to Government Code Section 54956.9(d)(1).

XIII. CLOSED SESSION ANNOUNCEMENTS

At 8:15 p.m., the City Council returned from Closed Session. Mayor Eaton announced the City Council met in Closed Session regarding pending 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 8:16 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
Deputy City Clerk