

MINUTES OF THE REGULAR JOINT MEETING OF THE
MONTCLAIR CITY COUNCIL, SUCCESSOR AGENCY
AND MONTCLAIR HOUSING CORPORATION BOARDS,
MONTCLAIR HOUSING AUTHORITY COMMISSION,
AND MONTCLAIR COMMUNITY FOUNDATION
BOARD HELD ON MONDAY, JULY 6, 2015, AT
7:01 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 7:01 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 Juan Campos, New Destiny Fellowship Church, gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Council Member/Director Dutrey 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. Introduction of New Appointee – Interim Fire Chief

Fire Chief Mayhew announced that he is retiring as of this evening, and that he is thankful for having had the opportunity to serve the City of Montclair. He introduced Deputy Fire Chief Dave Corbin, the newly appointed Interim Fire Chief. He noted appointment of the new Fire Chief should take place around September after the recruitment process concludes.

Fire Chief Mayhew stated Interim Fire Chief Corbin started as a reserve Firefighter in Montclair and stated, "I have no doubt he is the perfect man for the job."

Interim Fire Chief Corbin stated he is excited for this new opportunity to serve and continue the Montclair-Upland fire service consolidation process.

Mayor Eaton congratulated Interim Fire Chief Corbin on his appointment and presented him with a City pin.

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, the Montclair

Housing Authority Commissioners, and the Montclair Community Foundation Board of Directors.

- A. **Mr. Bruce Culp**, 9016 Sycamore Avenue, Montclair, spoke in favor of the City Council taking action on the massage parlor ordinance tonight and invited the City Council to a resident's party on July 18, 2015, from 3:00 p.m. to 8:00 p.m. in Paseos Park hosted by the **Paseos at Montclair North**.
- B. **Dr. Michael C. Flores** and **Mr. Alfonzo Sanchez**, Board Members, **Ontario-Montclair School District (OMSD) Board of Trustees**, introduced themselves; **Dr. Flores** stated the Board appreciates the help the City has provided to the school district over the years. He noted he hopes the **OMSD Board** can maintain a good relationship with the City in the years to come.

Mr. Sanchez stated his belief that he is the first Montclair resident to sit on the **OMSD Board** in over five decades. He stated he appreciates the Council's support.

- C. **Mr. Wayne Morin**, 2224 Coolcrest Way, Upland, reminded the City Council that he spoke at the May 4, 2015 meeting. He advised he owns a rental property in the City and reminded the City Council of his previously stated concerns about residents needing to park their cars across the street from their homes on street sweeping days and cross the busy streets. He noted staff has not contacted him and he discovered that Public Works Superintendent Mendez is currently on vacation.

Mayor Eaton advised **Mr. Morin** that he would ensure that Public Works Superintendent Mendez contacts him when he returns from vacation.

- D. **Mr. Sean Brunske**, 5472 Deodar Street, Montclair, stated his support for Donald Trump in the 2016 Presidential Election, noting he is "a surrogate for him." He stated he wants to get involved in politics to fix the country at the local level. He noted his frustration that the City does not lock **MacArthur Park** at 8:00 p.m., which he believes leads to vandalism and drug use in the park. He also stated his frustration that the grass is dying because the park is not being watered regularly, noting it looks like a dirt lot. He added that someone recently drove into the closed gate and broke it off its hinges. He stated that crime is also up in the City due to a lack of police presence.

Mr. Brunske stated the City Manager's "financial package" was reported by the **State Controller** at \$402,000 for 2013. He noted a discrepancy between a statement Mayor Pro Tem Raft allegedly made to him and Finance Director Parker's email to him explaining the breakdown of the City Manager's salary for Fiscal Year 2013 being \$220,000, noting salary is based on a fiscal rather than calendar year as the State reports. He noted the City Council should be better aware of the City Manager's compensation.

Mr. Brunske presented Notices of Intention to Circulate a Recall Petition to Mayor Eaton and Council Members Ruh and Martinez.

Deputy City Clerk Phillips accepted the notices on behalf of the Mayor and named members of the City Council.

Council Member Martinez asked for clarification about the gate that was hit by a car.

Mr. Brunske stated it was the park gate, noting it should close at 8:00 p.m. when it gets dark but it stays open until 10:00 p.m. He advised that visitors who get trapped inside when it closes attempt to drive through it with their cars.

Council Member Martinez thanked **Mr. Brunske** for the clarification, noting the gate does close at night when it is supposed to.

Mayor Eaton asked Finance Director Parker to address **Mr. Brunske's** comments regarding City Manager Starr's salary.

Finance Director Parker noted the **State Controller's** website reports compensation on a calendar year (January–December) basis, whereas the City is on a July–June Fiscal Year schedule. He noted the City Manager's base salary was \$164,000 until 2013, which was also a very abnormal year for compensation reporting.

City Manager Starr explained that his salary remained at \$164,000, the salary he received as Director of Administrative Services, despite the fact that the City Manager's contractual salary is stated as \$220,000. He advised that his voluntary decision to continue his role as Director of Administrative Services while serving as City Manager and electing to forego the authorized City Manager's salary for Fiscal Year 2010–11 was made in consideration of the City's financial situation related to the recession. He noted he continued this practice for the next two years until 2012–13, when he accepted the salary after the City's financial situation had improved dramatically through revenue enhancements and increased development in the City.

City Manager Starr advised that in the beginning of the 2012–13 Fiscal Year on July 1, 2012, when the new \$220,000 salary should have gone into effect, he allowed the City to defer the salary increase payment for six months, resulting in a six-month accrual of the salary adjustment being paid out in January of 2013, which was reported as a calendar year 2013 payment to the **State Controller**. He advised that the salary increase also resulted in increased benefit enhancements that are linked to salary, which resulted in another spike in what was reported to the **State Controller** and tacked onto its 2013 calendar year report.

City Manager Starr emphasized the difference in fiscal reporting and budget operating periods based on Calendar and Fiscal Years, which results in incorrectly attributed payments made in the middle of one reporting period to the beginning of another. He notes most local governments operate on Fiscal Years running from July through June, whereas the state follows the Calendar Year from January to December.

City Manager Starr noted the six-month deferral consisted of a portion of his 2012–13 salary, whereas the State added the deferral as a part of his compensation for the Calendar Year 2013, which is an inaccurately high representation of what the actual Calendar Year's earnings would have been if the increase payments had not been deferred for six months. He emphasized that his salary remained at \$220,000 for both Fiscal Years 2012–13 and 2013–14.

City Manager Starr noted that the Finance Department had also discovered a failure to continue paying certain benefits upon acceptance of his position in 2010. He received retroactive compensation for that discrepancy around the same time as the six-month deferral, which was also reported as compensation for Calendar Year 2013 despite being earned over successive years back to 2010.

City Manager Starr noted the \$402,000 that was reported to the **State Controller** also represents several benefit-related payments that are not take-home income for the City Manager including health, dental, and vision coverage; contributions to deferred compensation received by every Management employee; and unused leave time cash-outs, which every employee in the organization is entitled to. He emphasized that he works practically

every day of the week and rarely takes time off, which results in a large amount of unused leave time that accrues and reaches a cap, and he is authorized to cash out a portion of that time each Fiscal Year as are all full-time employees per their negotiated employment contracts. He emphasized that he often stops earning leave time when his cap is reached.

City Manager Starr stated there are no secret compensation agreements between himself and the City Council, and that an attorney from the now dissolved law firm **Lackie, Dammeier, McGill, and Ethir (LDME)** submitted requests for such nonexistent documents. He noted **LDME** was the law firm sued by the **Peace Officers Research Association of California (PORAC)**, for alleged double- and triple-billing for representation of Police and Fire Employees.

City Manager Starr advised that the City is open to requests from the public to audit the City's financial activities and such an audit would reveal that 2013 was an anomaly year. He noted the City understands that members of the community misunderstood some of the reported information on the **State Controller's** website and that, while it may be clear to the City what the **State Controller's** website reports, it is not as transparent to the community. He advised the City does not hide any information from the state, and was not allowed to provide comments with any of the information provided but is happy to do so for residents who have any questions.

City Manager Starr noted the Montclair City Manager's salary is no better than average compared to area cities. He advised the agreement has provisions that allow for things like leave time cash-outs that may affect earnings. He noted this was explained at the last meeting where **Mr. Brunske** brought it up, but that **Mr. Brunske** left the meeting before hearing the explanation.

City Manager Starr advised that Finance Director Parker is a recognized expert in the State of California on redevelopment law and worked at his own audit firm for 30 years before coming to work for the City. He advised Finance Director Parker has conducted an independent analysis of the items discussed tonight pertaining to the City Manager's compensation and can verify the comments that he made tonight.

City Manager Starr noted several ways in which he has saved the City several hundred thousand dollars including not accepting a wage adjustment upon becoming City Manager and by assuming the responsibilities of other positions that were not filled.

City Manager Starr noted the **State Controller** should allow comments, adding that **California Public Employees Retirement System (CalPERS)** contributions are also reported to the **State Controller** as income. He advised that this rate is based on salary, which increased when he finally accepted the full City Manager's salary. He advised **CalPERS** just increased employer-paid pension contribution costs, mainly for public safety employees, which will appear in the **State Controller's** report as significant compensation increases when in reality those increases will be paid directly to **CalPERS**. He emphasized that this money would not be going directly into the pockets of Police and Fire employees.

City Manager Starr restated that this City always reports all of the information to the **State Controller**, not just what is in the City Manager's contract, and he is not aware of what information other cities report. He noted the City also reports all levels of crime statistics to the FBI. He stated his belief that other cities do not report as fully and transparently as Montclair, and that other cities may use a selective reporting tactic to increase their safe city

ranking. He noted those who live within those communities could likely speak to the contrary when it comes to low crime rates in those supposedly safe cities. He emphasized that everything is based on how and what is reported, noting that the City of Montclair has always been very transparent in reporting information to state and federal agencies.

City Manager Starr stated he has dedicated more than his fair share of time to a City that he appreciates and to which enjoys contributing. He emphasized that his administration has brought **CIM Group** into the City to revitalize the mall, which comprised a tremendous amount of time, work, and dedication on the part of City staff. He added that staff has also brought recent projects such as the **Paseos at Montclair North**, the **Meritage Project**, the **Montclair Shoppes** across from **Costco**, and is bringing future improvements to the community like the **Gold Line** and **Orchard Plaza** retail center.

City Manager Starr noted that he is not being paid as high as the majority of other nearby City Managers are being paid, and urged recall proponents to not do themselves and the residents of Montclair a disservice by basing a recall effort on an issue that is not factually correct. He advised the facts will come out in the press and in future **State Controller's** website reports, and are available to any member of the public who requests the City Manager's contract or an independent audit.

City Manager Starr stated his opinion that this recall effort is simply being pursued by unsuccessful Council candidates from previous elections as an attempt to gain office, and apologized if this assumption is incorrect. He opined that an individual who previously worked in the now-defunct **LDME** law firm is involved in this recall effort as a harassment tactic to force settlement on unrelated lawsuit claims.

City Manager Starr noted that since 2010, when he was appointed City Manager and temporarily declined a wage adjustment, other employees were promoted and granted compensation for their new positions. He noted he did not accept his City Manager salary adjustment for two years because he wanted to demonstrate to the employees and this community that he was in this with them, he understood the issues, and he was not going to personally benefit during the City's period of fiscal distress. He stated, "Two years down the road, if someone wants to say that I have become greedy because I have accepted the compensation that I was authorized to accept two years ago, then so be it. I cannot refute that I finally accepted the wage adjustment because, quite frankly, I believe that I earned that wage adjustment. I have not accepted any salary increase beyond that wage adjustment. I have a four-year contract that takes me through 2018 and I have no plans of coming back to this City Council to ask that I receive any further increases not provided to other employees. If there are increases to be paid by this City Council, it would be in accordance, in my opinion, with what is given to any other employee in this organization and, for frame of reference for my purpose, what you might consider giving Management employees. My contract is not tied to what is given to Management employees; my contract is totally separate and allows me to negotiate with you independently, but I have no plans on negotiating with you separately." He noted he plans to retire at a salary of \$220,000 in 2018 if the City Council does not authorize salary increases for Management employees.

City Manager Starr stated that he truly regrets that this City Council must endure the recall petition actions presented this evening. He stated that if it takes his resignation as City Manager to address this issue and bring in an entirely new City Manager at a compensation that the community thinks is appropriate, then he is willing to

accept that decision and resign as City Manager effective tomorrow if that is what this City Council wants. He noted he has put this offer on the table once before and is doing it again tonight.

City Manager Starr noted he would like for the proponents of this recall to reconsider their efforts because, while the 2013 information reported on the **State Controller's** website is technically correct, it is an anomaly year that is not an accurate representation of the City Manager's typical single-year \$220,000 salary for the reasons discussed this evening.

Finance Director Parker noted the information discussed tonight would be posted on the City's website along with the information posted on the **State Controller's** website, which did not allow for comments or explanations and led to the misinformation presented by **Mr. Brunske**.

Council Member Martinez stated her belief that City Manager Starr is "worth a million," and she believes **Mr. Brunske** was respectfully proven to be wrong tonight. She asked of City Manager Starr, "What hand did I have in your contract negotiations, your salary in 2010-2012? Did I take a part in that discussion?"

City Manager Starr stated, "You played no role; you did not come onto the City Council until December of 2014."

Council Member Martinez concurred and stated that **Mr. Brunske** chose her, Council Member Ruh, and Mayor Eaton as the targets for this recall effort for no other reason than they were the most recently elected to the Council. She asked that **Mr. Brunske** please let her know if she is incorrect.

Council Member Martinez concluded by saying City Manager Starr is doing an excellent job and is worth every single penny.

- E. **Ms. Miriam Espinosa**, 1499 Huntington Drive, Montclair, stated she has been a resident for 15 years, noting her children were raised in the City and attended Montclair schools. She stated her dissatisfaction with the lack of police accountability in the City, noting the law firm that employs her currently has several cases against the City representing clients who were injured by improperly trained Police Officers. She noted one client recently lost an eye, and she had recently learned of another suspect who died in custody over the weekend. She stated the City needs to address this issue by providing more competitive salaries, administering more effective training, and recruiting fewer Officers with little to no experience. She noted she is concerned with the number of lawsuits the City has with Police Officers.

Council Member Martinez asked **Ms. Espinosa** if she has spoken with Police Chief/Public Safety Executive Director deMoet.

Ms. Espinosa stated she is aware of him and does not believe she needs to speak with him because he is doing his job and the City Council approves the funding that allows the Police Department to operate at its current level. She also berated Council Member Martinez for arriving at the meeting just before roll call.

Council Member Martinez apologized for her tardiness.

City Manager Starr stated that **Ms. Espinosa** has addressed the fact that she works for a law firm that is representing a client with a claim against the City and advised the City Council to not engage **Ms. Espinosa** in conversation in light of that fact.

Ms. Espinosa noted she understands and stated she would return next month.

Council Member Dutrey stated he is proud of this Police Department; he noted that Montclair has the highest per-capita Police Department in the area when all positions are filled. He noted it is difficult to hire Police Officers and maintain them due to injury, retirement, and attrition; nevertheless, he advised these issues are faced by Police Departments across the state. He stated he believes Montclair Police Officers respect every resident in the City in a professional manner, and those who do not are investigated and terminated. He stated the City can always and should always be striving to improve, which is what he believes the Police Department is doing.

Council Member Dutrey noted he is proud of Montclair's recent projects including **The Paseos at Montclair North, Montclair Plaza**, and the **Gold Line** and advised that the City Manager has played a big part in those projects. He noted City Manager Starr works at City Hall seven days a week and has continued to carry on his old position as the Director of Administrative Services. He stated his belief that the City is getting a bargain paying the average salary range for a City Manager that works so hard.

Council Member Dutrey stated he is proud to be in a country where residents can recall their elected City Council representatives if that is their wish, and the recall is clearly about what is right versus what is wrong, and the City is willing to provide the facts. He stated his opinion that the recall is being initiated by unsuccessful candidates from the last election attempting to create new opportunities for themselves to get voted onto the Council.

Council Member Dutrey noted he truly believes that, as a 40-year resident who has walked every street in the City, that the residents will agree that this recall is nonsense and this City is well-administered.

Mayor Pro Tem Raft noted she regrets that **Mr. Brunske** did not take her advice in speaking with Finance Director Parker. She noted the Police Officers are becoming very community-oriented and she believes Police Chief/Public Safety Executive Director deMoet is doing a great job. She stated that she is disturbed that someone would accuse the City Council of giving money away when it is not true, especially when the accuser refuses to look at the facts.

VII. PUBLIC HEARINGS

A. **Second Reading – Consider Adoption of Ordinance No. 15-951 Replacing Chapter 4.56 and Amending Chapter 11.78 of the Montclair Municipal Code Related to Massage Establishments and Massage Technicians**

Mayor Eaton declared it the time and place set for public hearing related to adoption of Ordinance No. 15-951 replacing Chapter 4.56 and amending Chapter 11.78 of the Montclair Municipal Code related to massage establishments and massage technicians 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 Raft that Ordinance No. 15-951, entitled, "**An Ordinance of the City Council of the City of Montclair Repealing and Replacing Chapter 4.56 and Amending Chapter 11.78 of the Montclair Municipal Code Relating to Massage Establishments and Massage Technicians,**" 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. 15-951 was unanimously adopted by the following ROLL CALL vote:

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

B. Second Reading – Consider Adoption of Ordinance No. 15-953 Amending Section 10.28.060 of the Montclair Municipal Code Regarding Fire Sprinkler Requirements

Mayor Eaton declared it the time and place set for public hearing related to adoption of Ordinance No. 15-953 amending Section 10.28.060 of the Montclair Municipal Code regarding fire sprinkler requirements 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 Ordinance No. 15-953, entitled, "**An Ordinance of the City Council of the City of Montclair Amending Section 10.28.060 of the Montclair Municipal Code Regarding Fire Sprinkler Requirements,**" 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. 15-953 was unanimously adopted by the following ROLL CALL vote:

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

C. Second Reading – Consider Adoption of Ordinance No. 15-954 Replacing Section 8.32.010 of the Montclair Municipal Code Pertaining to Maximum Speed Limits in the City

Mayor Eaton declared it the time and place set for public hearing related to adoption of Ordinance No. 15-954 replacing Section 8.32.010 of the Montclair Municipal Code pertaining to maximum speed limits in the City and invited comments from the public.

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

Council Member Ruh asked if any public comments were received by the City.

Deputy City Clerk Phillips replied in the negative.

Moved by Mayor Pro Tem Raft and seconded by Council Member Martinez that Ordinance No. 15-954, entitled, "**An Ordinance of the City Council of the City of Montclair Replacing Section 8.32.010 of Title 8 of the Montclair Municipal Code Relating to Maximum Speed Limits**" 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. 15-954 was unanimously adopted by the following ROLL CALL vote:

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

D. First Reading - Consider Adoption of Ordinance No. 15-952 Adding Section 10.20.030 to Chapter 10.20 of the Montclair Municipal Code Related to the Review and Permitting Process for Small Residential Rooftop Solar Systems

Mayor Eaton declared it the time and place set for public hearing related to adoption of Ordinance No. 15-952 adding Section 10.20.030 to Chapter 10.20 of the Montclair Municipal Code related to the review and permitting process for small residential rooftop solar systems and invited comments from the public.

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

Council Member Dutrey asked how these systems are going to be approved quickly over the counter.

Building Official Westerlin noted the state provides forms to contractors, which can be easily reviewed over the counter and matched to the plans. She noted the state does not mandate that it must be done over the counter; it can be taken back and staff can have a reasonable time to review plans. She advised these are only for *small* residential systems, not commercial systems, which are less involved.

Mayor Pro Tem Raft asked if there has been any interest in these solar panel systems in Montclair.

Building Official Westerlin advised that there are currently 135 residential solar panel systems installed on roofs already, and many commercial properties have also installed larger systems including Costco, Target, and Briarwood Manor. She noted the popularity of small systems increases as more incentives are provided. She advised a ten-kilowatt system covers an entire residential bill, which is the largest system that can be installed at a residential property.

Moved by Council Member Dutrey and seconded by Council Member Ruh that Ordinance No. 15-952, entitled, "**An Ordinance of the City Council of the City of Montclair Adding Section 10.20.030 to Chapter 10.20 of the Montclair Municipal Code Related to the Review and Permitting Process for Small Residential Rooftop Solar Energy Systems,**" 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.

First Reading of Ordinance No. 15-952 was unanimously adopted by the following vote:

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

VIII. CONSENT CALENDAR

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

A. Approval of Minutes

1. Minutes of the Regular Joint City Council/Successor Agency Board/MHC Board/MHA Commission Meeting of June 15, 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 June 15, 2015 regular joint meeting.

B. Administrative Reports

1. 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 Phase 2 Project

Release of Retention 30 Days After Recordation of Notice of Completion

The City Council took the following actions:

- (a) Approved 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 Phase 2 Project.
- (b) Approved the release of retention 30 days after recordation of the *Notice of Completion* with the San Bernardino County Recorder's Office.

2. 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 Benson Avenue Cul-De-Sac Closure Project

Release of Retention 30 Days After Recordation of Notice of Completion

The City Council took the following actions:

- (a) Approved 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 Benson Avenue Cul-De-Sac Closure Project.
- (b) Approved the release of retention 30 days after recordation of the *Notice of Completion* with the San Bernardino County Recorder's Office.

3. Authorizing the Appropriation and Expenditure of \$1,595 from the Crime Prevention Fund for the Purchase of Challenge Coins for Use in the Recognition of Special Achievements

The City Council authorized the appropriation and expenditure of \$1,595 from the Crime Prevention Fund for the purchase of challenge coins for use in the recognition of special achievements.

4. **Waiving Local Portion of Transportation Development Impact Fee for Development of Tract No. 19943**

Waiving Local Portion of Transportation Development Impact Fee for Development of 4480 Holt Boulevard

The City Council waived the local portion of the Transportation Development Impact Fees for the development of Tract No. 19943 and 4480 Holt Boulevard.

5. **Approval of Warrant Register and Payroll Documentations**

The City Council approved the City Warrant Register dated July 6, 2015, totaling \$2,749,669.57, and the Payroll Documentations dated June 14, 2015, amounting to \$673,674.14 gross, with \$457,100.13 net being the total cash disbursement; and June 28, 2015, totaling \$549,720.05 gross, with \$382,380.64 net being the total cash disbursement.

C. **Agreements**

1. **Ratification of *Agreement No. 15-09*, a Memorandum of Understanding Between the City of Montclair and San Bernardino Public Employees' Association**

The City Council ratified *Agreement No. 15-09*, a Memorandum of Understanding between the City of Montclair and San Bernardino Public Employees' Association.

2. **Approval of *Agreement No. 15-48* with Liebert Cassidy Whitmore for Participation in the East Inland Empire Employment Relations Consortium**

The City Council approved *Agreement No. 15-48* with Liebert Cassidy Whitmore for participation in the East Inland Empire Employment Relations Consortium.

3. **Approval of *Agreement No. 15-50*, a Memorandum of Understanding with the Metro Gold Line Foothill Extension Construction Authority to Participate in a Fire/Life Safety and Security Committee for Phase 2B of the Metro Gold Line Extension**

The City Council approved *Agreement No. 15-50*, a Memorandum of Understanding with the Metro Gold Line Foothill Extension Construction Authority to participate in a Fire/Life Safety and Security Committee for Phase 2B of the Metro Gold Line Extension.

4. **Approval of *Agreement No. 15-53* with the Inland Empire United Way to Provide Case Management and Funding for Healthy Montclair Programs**

The City Council approved *Agreement No. 15-53* with the Inland Empire United Way to provide case management and funding for Healthy Montclair Programs.

5. **Montclair Community Foundation Board of Directors' Approval of *Agreement No. 15-54* with the Inland Empire United Way to Support the Montclair Online to College Program**

The Montclair Community Foundation Board of Directors approved *Agreement No. 15-54* with the Inland Empire United Way to support the Montclair Online to College Program.

6. Approval of *Agreement No. 15-55* with All City Management Services, Inc., for School Crossing Guard Services

The City Council approved *Agreement No. 15-55* with All City Management Services, Inc., for school crossing guard services.

7. Approval of *Agreement No. 15-56* with David Turch and Associates for Professional Consulting and Federal Legislative Advocacy Services

The City Council approved *Agreement No. 15-56* with David Turch and Associates for professional consulting and federal legislative advocacy services.

D. Resolutions

1. Adoption of Resolution No. 15-3082 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Charges

The City Council adopted Resolution No. 15-3082 authorizing placement of liens on the 190 accounts as listed to Exhibit A of the Resolution for delinquent sewer and trash charges.

2. Adoption of Resolution No. 15-3083 Authorizing Mayor Paul M. Eaton to Sign Administering Agency-State Agreement Program Supplement Agreement No. 008-N (City Agreement No. 15-51)

Approval of Agreement No. 15-51, Program Supplement Agreement No. 008-N, with the Department of Transportation for the Monte Vista Avenue Grade Separation Project

The City Council took the following actions:

(a) Adopted Resolution No. 15-3083 authorizing Mayor Paul M. Eaton to sign Administering Agency-State Agreement Program Supplement Agreement No. 008-N (City Agreement No. 15-51).

(b) Approved *Agreement No. 15-51*, Program Supplement Agreement No. 008-N, with the Department of Transportation for the Monte Vista Avenue Grade Separation Project.

3. Successor Agency Board of Directors' Adoption of Resolution No. 15-03 Approving Agreement No. 15-52 with Integra Realty Resources to Perform an Update to the Appraisal of Vacant Property Located on the Southeast Corner of Ramona Avenue and State Street and Approving a Solicitation Process for Sale of the Property Through the Issuance of a Request for Proposals

The Successor Agency Board of Directors adopted Resolution No. 15-03 approving *Agreement No. 15-52* with Integra Realty Resources to perform an update to the appraisal of the vacant property located on the southeast corner of Ramona Avenue and State Street and approving a solicitation process for sale of the property through the issuance of a request for proposals.

IX. PULLED CONSENT CALENDAR ITEMS - None

X. RESPONSE - None

XI. COMMUNICATIONS

A. City Attorney – None

B. City Manager/Executive Director

1. He noted earlier this evening the Code Enforcement/Public Safety Committee met with the **Monte Vista Water District (MVWD)** to address ways residents and the City can address the drought. He noted staff is taking several actions to address the drought:
 - Staff will be working on educational materials about water conservation;
 - The City is updating its website and will have a section dedicated to posting water conservation educational materials and information including turf replacement program opportunities (he added that the website will have a state-of-the-art design with new and innovative features);
 - The City is working with **MVWD**, the **Chino Basin Water Conservation District (CBWCD)**, and the **Inland Empire Utilities Agency (IEUA)** for grants related to the City's median island turf replacement;
 - City Staff is meeting with **Cal Poly Pomona** students and **CBWCD** to discuss landscape ideas for median islands;
 - The City has applied for a grant through the water district for purple pipes that will bring recycled water to the parks and other City facilities instead of potable water;
 - Staff is researching disallowing turf in new development plans.

He noted Montclair is focusing on becoming a city that demonstrates to other communities that it addresses the drought in a very forthright way. He advised staff will be bringing back recommendations for the City Council to allow staff to proceed in this direction.

2. He addressed public comments made earlier this evening about the Police Department being ineffective, noting an incorrect perception was presented. He emphasized the professionalism of the Police Department with its interactions with the public. He advised Police Officers are provided the necessary training and pointed out that the City complies with **PORAC**, which oversees standards and administers Police Officer training programs in California. He commended Police Chief/Public Safety Executive Director deMoet for improving and expanding the Police Department's community relations programs, and noted that Chief deMoet recently applied for a grant to fund two new officer positions that would interact directly with the public in areas of the community that have exhibited lower levels of trust toward the Police Department. He also noted that, when fully staffed, Montclair maintains one of the highest per-capita Police Departments in the region, and only fell slightly below that level during the recession through attrition.
3. He discussed the expansion of services provided to the community over the years despite lower staffing levels during the recession noting the City has had to learn to do more with less, citing the expanded Online to College Program as an example.

4. He advised the City is facing no more lawsuits related to the Police Department than other cities in the state are facing. He noted many of the lawsuits were initiated by former employees, and others are commonplace lawsuits that are common for most cities.

C. Mayor/Chairman

Mayor/Chairman Eaton commented as follows:

1. **Announcement of Community Action Committee Appointment**

He announced **Ms. Darlene Ferraro** was interviewed for the vacancy on the Community Action Committee (CAC) on June 23, 2015; and the interview panel consisted of Mayor Pro Tem Raft, Council Member Ruh, and CAC Chair Banas. The recommendation is to appoint **Ms. Ferraro** to a three-year term expiring June 30, 2018.

Moved by Council Member Dutrey, seconded by Mayor Pro Tem Raft, and carried to appoint **Ms. Darlene Ferraro** to a three-year term on the Community Action Committee ending June 30, 2018.

2. He stated he believes that the City's public safety employees are doing an excellent job.
3. He urged everyone to do their research to find the facts instead of taking outlandish accusations at face value. He stated, "Mr. Starr, you will be my City Manager as long as I am here. I think you're doing a great job and I think the rest of the Council will say the same thing. Thank you for the job you do."

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

1. Council Member/Director Martinez commented as follows:

- (a) She congratulated Fire Chief Mayhew on his retirement and thanked him for his time and assistance in helping her to become a more informed Council Member in light of the eventual Montclair-Upland Fire Department merger. She welcomed Interim Fire Chief Corbin, noting she looks forward to working with him.
- (b) She wished everyone a happy belated Father's Day.
- (c) She expressed her hope that everyone enjoyed their Independence Day over the weekend.
- (d) She commented on the Supreme Court's landmark decision regarding same-sex marriage, noting she's happy to be able to finally see her sister get married to her significant other of 30 years.
- (e) She advised the Chamber of Commerce will be having a Networking Breakfast on July 9, 2015, at 7:30 a.m. at **Magdalena's** in Upland. She noted there will be a workshop presentation by the **State Board of Equalization** about resources available to small businesses.
- (f) She noted the next Concert in the Park will be held tomorrow night in **Alma Hofman Park** at 7:00 p.m. featuring **The Silverados**, a country music band. She

advised the concert series will take place every Tuesday night until August.

- (g) She stated the Senior Center is hosting a Los Angeles bus tour on August 25, 2015. She advised it is \$65 per person and applications are available in the Senior Center. She advised the trips are open to non-seniors.

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

- (a) She wished Fire Chief Mayhew luck in his future endeavors and asked him to not be a stranger.
- (b) She noted she is glad the City is setting an example regarding water conservation with its plans to replace turf on median islands. She complimented Planning Commissioner Vodvarka on his recently drought-tolerant landscaped yard, noting it could also be a great example for residents looking for ideas.
- (c) She apologized for missing the Montclair Community Garden's grand opening due to a scheduling conflict.
- (d) She stated Southern California law enforcement organizations raised over \$1.5 million for the Special Olympics. She thanked and congratulated Chief deMoet for his department's participation.
- (e) She regrettably announced that **Anna's Linnens** in Montclair is closing its doors as a part of the company's closure of 252 locations. She stated the store will be missed.
- (f) She stated the City Council would never allow a \$400,000 annual salary for the City Manager, noting the figures presented in public comment by **Mr. Brunske** were heavily exaggerated and do not present an accurate representation of the City Manager's salary.

3. Council Member/Director Dutrey commented as follows:

- (a) He addressed comments made regarding crime and **MacArthur Park** this evening, noting crime has been down in Montclair over a four-to-five-year period. He noted any increases in crime over the past two years would probably more likely be attributed to the early prison release program, and the decriminalization of certain crimes. He noted he has not seen graffiti or trash at **MacArthur Park** after visiting several times. He advised that any residents who witness drug use or other illegal activity in the park notify the Police Department.
- (b) He advised those who are interested in learning the facts about any issues brought up tonight are free to contact the City for information. He noted the individual who spoke tonight was clearly not interested in learning the facts because the information was offered to and refused by him.
- (c) He recognized Fire Chief Mayhew, noting he has done a great job leading Montclair's Fire Department along with Upland's.
- (d) He thanked **OMSD Board Member Sanchez** for attending the meeting and stated he feels it is important for the City and the School District to maintain a close relationship.

3. Council Member/Director Ruh commented as follows:
- (a) He wished Fire Chief Mayhew good luck in his future endeavors and stated, "You have done a great job while you were here and I'm glad that we got to know you." He advised the City Council looks forward to working with Interim Fire Chief Corbin and stated he is very valuable to both of the communities he serves.
 - (b) He thanked **OMSD Board Member Sanchez** for being in attendance. He noted he and his family have been very involved with the School District and he is excited that the City is becoming more involved with the School District.
 - (c) He noted several residents exercised their freedom of speech earlier this evening, noting however that much of what was said was not protected free speech because it was a misrepresentation of facts. He encouraged everyone to go beyond what they hear and seek the facts. He noted members of the City Council do have a resident's perspective on issues because they are residents themselves, and they attempt to give staff a resident's perspective when it comes to addressing issues such as the drought. He noted the browned grass at **MacArthur Park** is evidence of the City's water conservation efforts that were implemented at the request of the City Council to set an example for other residents.

He noted he is a product of this community and understands the struggles felt by many residents because he grew up as a "have-not," and was only able to succeed through scholarships he received to achieve higher education.

He requested that those who care about the Community and want to make positive change investigate the issues and get the facts.
 - (d) He stated everyone must do their share in addressing the drought.
 - (e) He stated that, although there are many attempts to divide the nation on several different fronts across the nation, he has personally witnessed several incidents that highlight the opposite including his recent trip to see the Dead Sea Scrolls at the **California Science Center** in Los Angeles. He noted at the exhibit there were so many people of different backgrounds, religious beliefs, and ages in line. He emphasized a lack of division apparent between and among those present.
 - (f) He stated that on Saturday, July 4, 2015, he participated in the **Ontario Independence Day Parade** with Council Member Dutrey. He advised the parade has been a tradition for over 70 years, and notable participants at this year's parade were **Assembly Member Rodriguez** and **OMSD Board Member Sanchez**. He noted a similar lack of division among participants and observers at the parade.
 - (g) He stated later on the same evening he attended the Hollywood Bowl Fourth of July Celebration. He emphasized the event as a microcosm of what America is: people of different backgrounds gathered together in unity.

- (h) He noted this is a time to unite and celebrate our country and continue to move away from the notion of division. He stated attempts to divide this country never go to well and encouraged everyone to ensure that they are basing their opinions on facts rather than conjecture.

E. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of June 15, 2015

The City Council received and filed the Personnel Committee meeting minutes of June 15, 2015, for informational purposes.

2. Minutes of Public Works Committee Meeting of June 18, 2015

The City Council received and filed the Public Works Committee meeting minutes of June 18, 2015, for informational purposes.

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

At 8:51 p.m., Chairman Eaton adjourned the Successor Agency and Montclair Housing Corporation Board of Directors, the Montclair Housing Authority Commissioners, and the Montclair Community Foundation Board of Directors.

At 8:51 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 9:20 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 9:21 p.m., Mayor Eaton adjourned the City Council.

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



Andrea M. Phillips
Deputy City Clerk