

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 20, 2015, AT 7:01 P.M. IN  
THE CITY COUNCIL CHAMBERS, 5111 BENITO STREET,  
MONTCLAIR, CALIFORNIA

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**I. CALL TO ORDER**

Mayor/Chairman Eaton called the meeting to order at 7:01 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 Vicki Brobeck, Grace Fellowship Foursquare Church**, gave the Invocation.

**III. PLEDGE OF ALLEGIANCE**

Mayor Pro Tem/Vice Chairperson 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. Donation to the Montclair Community Foundation for the 2015 Holiday Food and Toy Drive**

Police Chaplain/Pastor Brobeck stated the Mayor's Prayer Luncheon has become a traditional event in Montclair held annually for the past three years in conjunction with the National Day of Prayer. She showed a brief PowerPoint presentation that showcased photos from the 2013, 2014, and 2015 events while discussing the event's purpose and goals. She noted there were 88 attendees at the 2013 event, 92 the following year, and 108 at the event that took place this past May. Additionally, she noted the number of sponsors for the event increased to seven this year, which resulted in a surplus of funds from the event.

Police Chaplain/Pastor Brobeck stated the fundraising goal for the event is only to cover the cost of the event itself. She presented a check of \$400 in surplus funds to the Montclair Community Foundation (MCF) for the 2015 Holiday Food and Toy Drive as a way to express hope to the community. She thanked City and Chamber staff for their assistance with the event, as well as the local churches and businesses that made the event a success.

Police Chaplain/Pastor Brobeck declared all future surplus funds from the Mayor's Prayer Luncheon shall be designated to MCF for the City's annual Holiday Food and Toy Drive.

Mayor/Chairman Eaton thanked Police Chaplain/Pastor Brobeck for her generosity and accepted the check on behalf of MCF.

## B. 2015 Home Beautification Awards

Mayor/Chairman Eaton stated that as part of the City's ongoing efforts to encourage pride in home ownership and community spirit, the Community Action Committee (CAC) has once again sponsored the annual *Home Beautification Awards* program. He introduced CAC Board Member Laurie Milhiser to announce the winners.

Board Member Milhiser advised that the CAC has continued to sponsor this program over the past 20 years to recognize Montclair residents who demonstrate community pride by attractively maintaining their homes. She noted the CAC selected three finalists who exemplify a true sense of pride in their homes. She thanked all residents who help to make Montclair a beautiful community in which to live.

A brief PowerPoint presentation showcased the finalists' residences.

The following two finalists were presented with framed City certificates and would later be provided with property identification signs:

*"2015 Most Traditional Home"* - **Hall** family,  
9043 Surrey Avenue

*"2015 Drought Tolerant Home"* - **Fitzgerald** family,  
9050 Ramona Avenue

Mayor/Chairman Eaton congratulated the winners of the *2015 Home Beautification* awards and thanked all residents who have contributed to the beautification of Montclair. He also thanked the CAC for once again organizing and facilitating the program.

## 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. Christopher Craig**, Field Representative, **52nd District Assembly Member Freddie Rodriguez's District Office**, 13160 7th Street, Chino, announced the second annual Summer Open House event on Saturday, July 25, 2015 from 11:00 a.m. to 2:00 p.m. at **Assembly Member Rodriguez's** Chino district office. He stated several Montclair residents will be honored at the event.
- B. **Mr. Gary Brenenstall**, 4231 Flora Street, Montclair, complained of the amount of illegal fireworks he heard being set off between the dates of July 3 and July 5, 2015; and the length of time some traffic lights remain red when traffic is light in the morning. He requested the timers be adjusted so the waits are not so long.
- C. **Mr. Dave Calloway**, 9084 Surrey Avenue, Montclair, expressed his gratitude to the elected officials and City staff for dedicating their time to public service.
- D. **Mr. Sean Brunske**, 5472 Deodar Street, Montclair, made the following comments:
  - He thanked Council Member Dutrey for speaking with him

over the weekend about MacArthur Park and visiting the park himself, and for listening to an issue related to a burglarized neighbor.

- He stated that he recently filed a recall for several City Council Members, and noted he also filed a Public Records Act request for the Council Members' answers to the recall notice. He expressed his frustration with the City's procedure for producing public records, which can take up to two weeks for a response.
- He stated he would like the gate to MacArthur Park to close at dark—because the time of sunset fluctuates depending on the time of the year—to stop the immoral and illegal activities that he believes are occurring in the park after nightfall. He noted he also believes the gate is trapping vehicles inside after closing.
- He noted City parks should be watered regularly during the drought to maintain green grass, expressing his opinion that leaders in southern California should be urging the diversion of water from northern to southern California communities and central California farms.
- He stated he plans to file new Public Records Act requests to obtain copies of lawsuits filed between 2005 and 2015 to determine the amount of money the City has spent fighting lawsuits over the years.
- He expressed outrage at former City Manager Lee McDougal's retirement package, from which he states \$100,000 is paid to Mr. McDougal by the City.

- E. **Mr. Loren Martens**, 4285 Benito Street, requested the City flags be lowered for seven days in honor of the four U.S. Marines that were killed in an act of domestic terrorism in Chattanooga, Tennessee on July 15, 2015.

Council Member/Director Dutrey stated, "I think that is a great idea."

Council Member/Director Martinez concurred.

Mayor/Chairman Eaton stated staff would look into the possibility of lowering the flags.

## VII. PUBLIC HEARINGS

- A. **Second 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.

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 second reading.

The City Council waived the reading of the Ordinance.

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

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

## **VIII. CONSENT CALENDAR**

Moved by Council Member/Director Ruh, 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/MCF Board Meeting of July 6, 2015**

The City Council, City Council acting as successor to the Redevelopment Agency Board of Directors, Montclair Housing Corporation Board of Directors, Montclair Housing Authority Commissioners, and Montclair Community Foundation Board of Directors approved the minutes of the July 6, 2015 regular joint meeting.

### **B. Administrative Reports**

#### **1. Receiving and Filing of City Treasurer's Report**

The City Council received and filed the City Treasurer's Report for the month ending June 30, 2015.

#### **2. Approval of City Warrant Register and Payroll Documentation**

The City Council approved the City Warrant Register dated July 20, 2015, totaling \$1,243,392.91; and the Payroll Documentation dated July 12, 2015, amounting to \$544,416.47 gross, with \$373,053.28 net being the total cash disbursement.

#### **3. Receiving and Filing of Successor Agency Treasurer's Report**

The City Council acting as successor to the Redevelopment Agency Board received and filed the Successor to the Redevelopment Agency Treasurer's Report for the month ending June 30, 2015.

#### **4. Approval of Successor Agency Warrant Register**

The City Council acting as successor to the Redevelopment Agency Board approved the Successor to the Redevelopment Agency Warrant Register dated 6.01.15-6.30.15 in the amounts of \$18,052.29 for the Combined Operating Fund; \$0.00 for the Redevelopment Obligation Retirement Funds; \$0.00 from the Tax Exempt Bond Proceeds; and \$0.00 from the Taxable Bond Proceeds.

**5. Receiving and Filing of MHC Treasurer's Report**

The MHC Board received and filed the MHC Treasurer's Report for the month ending June 30, 2015.

**6. Approval of MHC Warrant Register**

The MHC Board approved the MHC Warrant Register dated 6.01.15-6.30.15 in the amount of \$105,234.21.

**7. Receiving and Filing of MHA Treasurer's Report**

The MHA Commissioners received and filed the MHA Treasurer's Report for the month ending June 30, 2015.

**8. Approval of MHA Warrant Register**

The MHA Commissioners approved the MHA Warrant Register dated 6.01.15-6.30.15 in the amount of \$3,516.00.

**9. Authorizing the Use of \$2,750 in State Asset Forfeiture Funds to Host the 2015 National Night Out Event**

The City Council authorized the use of \$2,750 in State Asset Forfeiture Funds to host the 2015 National Night Out Event.

**10. Authorizing the Use of up to \$2,000 in Federal Asset Forfeiture Funds to Purchase Courier Delivery Services for Police Department Equipment**

The City Council authorized the use of up to \$2,000 in Federal Asset Forfeiture Funds to purchase courier delivery services for Police Department equipment.

**11. Authorization to Advertise for Bid Proposals for the Human Services Recreation Building Remodel Phase 2 Project**

The City Council authorized staff to advertise for bid proposals for the Human Services Recreation Building Remodel Phase 2 Project.

**12. 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 Human Services/Recreation Building Improvement Project**

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

The City Council took the following actions in relation to the Human Services/Recreation Building Improvement Project:

(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.

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

**13. Approval of the Filing of a Notice of Completion for Construction of the 4811 Canoga Street Garage and Deck Improvement Project**

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

The Montclair Housing Corporation Board of Directors took the

following actions in relation to the 4811 Canoga Street Garage and Deck Improvement Project:

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

**14. Authorizing Funding the Full-Time Position of Assistant Director of Housing for the Fiscal Year 2015-16 Montclair Housing Corporation Budget**

The Montclair Housing Corporation Board of Directors took the following actions:

- (a) Authorized funding for the full-time position of Assistant Director of Housing for the Fiscal Year 2015-16 budget effective July 13, 2015.
- (b) Authorized a one-time payment to CalPERS in the amount of \$13,755 required by CalPERS to reinstate former Assistant Director of Housing Christine Caldwell from retirement.

**C. Agreements**

**1. Approval of Agreement No. 15-57, a Consultant Services Agreement with Young Electric Sign Company (YESCO) to Draft Standards for Electronic LED Signs Within Specific Commercial Areas**

**Consider Appropriation of \$12,000 from Redevelopment Project Area No. IV Tax Allocation Bond Funds**

The City Council took the following actions:

- (a) Approved *Agreement No. 15-57*, a Consultant Services Agreement with Young Electric Sign Company (YESCO) to draft standards for electronic LED signs within specific commercial areas.
- (b) Appropriated \$12,000 from Redevelopment Project Area No. IV Tax Allocation Bond proceeds to fund the agreement for consultant services.

**2. Approval of Agreement No. 15-59 with Reed & Davidson, LLP, for Advising Services Related to the Recall Petition and Special Election Processes**

The City Council approved *Agreement No. 15-59* with Reed & Davidson, LLP, for advising services related to the recall petition and special election processes.

**3. Approval of Agreement No. 15-60 with Valued Engineering, Inc., for \$35,000 for On-Call Plan Checking Services for Miscellaneous City Projects**

The City Council approved *Agreement No. 15-60* with Valued Engineering, Inc., for \$35,000 for on-call plan checking services for miscellaneous City projects.

**4. Approval of Agreement No. 15-62 with the San Bernardino County Sheriff's Department for Pre-Employment Polygraph Services**

The City Council approved *Agreement No. 15-62* with the San Bernardino County Sheriff's Department for pre-employment polygraph services.

**D. Resolutions**

**1. Adoption of Resolution No. 15-3085 Related to the Collection of Sewer Standby Assessment Fees for Vacant Properties**

The City Council adopted Resolution No. 15-3085 related to the collection of sewer standby assessment fees for vacant properties.

**IX. PULLED CONSENT CALENDAR ITEMS - None**

**X. RESPONSE - None**

**XI. COMMUNICATIONS**

**A. City Attorney**

City Attorney Robbins requested the City Council meet in closed session regarding the following matters:

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

*Camou v. Montclair*

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

*Patton v. Montclair*

3. Closed Session Pursuant to Government Code Section 54957.6 Regarding Conference with Designated Labor Negotiator Edward C. Starr

Agency: City of Montclair  
Employee Management  
Organizations: Montclair City Confidential Employees Assn.  
Montclair Fire Fighters Association  
Montclair Police Officers Association  
San Bernardino Public Employees - Teamsters Local 1932

**B. City Manager/Executive Director**

1. He responded to several issues that were discussed earlier this evening during Public Comment:

- He stated the City Council may be asked to consider changing the operating hours of MacArthur Park in the near future, advising that it may be appropriate to circulate a petition in the neighborhood to gauge interest of the residents to close the park at an earlier time.
- He stated the Police Department has increased patrol efforts at all parks in the summer and will continue to patrol those parks after closing.
- He advised public parks are not being watered unless they use recycled water, due to the state mandate to reduce

water usage by 24% for the City of Montclair. He advised the City is currently in the application process for a grant that would fund the installation of piping to bring recycled water to the park.

- He noted upon inspection staff discovered the exit loop mechanism for the gate to MacArthur Park was malfunctioning and trapping people inside after park closure, which would necessitate a call to the Police Department to open the gate. He advised the gate has been repaired and is now functioning as intended.

### C. Mayor/Chairman

Mayor/Chairman Eaton commented as follows:

1. He stated the **San Bernardino Associated Governments (SANBAG) Board** did not meet this month, but he attended a **Metrolink** meeting in the Pomona operations center.
2. He stated he shares residents' frustration with illegal fireworks in the City noting he called the police to report illegal firework activity over the holiday weekend.

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

1. Council Member/Director Martinez commented as follows:
  - (a) She noted the next Concert in the Park will be held tomorrow night in **Alma Hofman Park** at 7:00 p.m. featuring **The Ravelers**, a classic rock band. She advised the concert series will take place every Tuesday night until August.
  - (b) She announced the following Senior Center events:
    - Monthly Senior Birthday Party – Wednesday, July 29, 2015, at 10:30 a.m. She stated this month's theme is the Fourth of July. She thanked the representatives of state and federal legislators for attending the senior birthday events and discussing issues with the residents.
    - Senior in the Spotlight: An Afternoon with Gerdy – Wednesday, August 5, 2015, from 2:00 to 3:00 p.m. She noted **Gerdy "Melty" Ungerger, World War II** survivor, will share her personal journey. She noted there will be refreshments and the event is free with RSVP to (909) 625-9483.
    - Ice Cream Social – Thursday, August 13, 2015, at 2:00 p.m. She noted this is also a free event that includes fun activities, ice cream, and live music by **Heart to Heart**.
  - (c) She noted National Night Out will be held on Tuesday, August 4, 2015, at 7:00 p.m. at **Alma Hofman Park**. She stated the event is hosted by both the Police and Fire Departments and includes a movie, snacks for sale, activities, and giveaways as well as informational demonstrations by Police and Fire personnel.
  - (d) She stated the Police Department is participating in the Special Olympics Flame of Hope Torch Run on July 22, 2015, at approximately 11:40 a.m. She advised the

ceremony will take place at the Memorial Garden at City Hall. She encouraged the public to attend.

2. Mayor Pro Tem/Vice Chairperson Raft commented as follows:
  - (a) She stated she attended last week's Concert in the Park and noted it was a very successful event with a larger-than-usual turnout.
  - (b) She noted she also reported the use of illegal fireworks on the **Fourth of July**, noting this happens every year and it is something that is difficult for the police to stop completely because the perpetrators need to be caught in the act.
3. Council Member/Director Dutrey commented as follows:
  - (a) He asked City Attorney Robbins to provide the names of the attorneys and law firms involved in the lawsuits to be discussed in tonight's closed session for the record.

City Attorney Robbins advised the legal counsel in the *Camou v. Montclair* case is **Mr. Dieter Dammeier** of **Dammeier Law Firm**. She noted she does not have the name of the current attorney for *Patton v. Montclair*. She advised a writ action was recently upheld in the City's favor in that case.

Council Member Dutrey requested City Attorney Robbins provide the names later and requested the name be entered into the record once provided.

*City Attorney Robbins later provided the requested information to Council Member Dutrey and Deputy City Clerk Phillips. The attorney representing Ms. Patton in her administrative writ matter is Audra Call, of the firm Green & Shinee, Encino, California. The attorney representing Ms. Patton in her civil lawsuit is Glenn E. Stern of Glenn E. Stern Law Offices, Glendora, California.*

- (b) He noted the Council approved *Agreement No. 15-57* earlier this evening for **Young Electric Sign Company (YESCO)** to provide LED sign design guidelines. He stated there is at least one car dealer on Holt Boulevard who is interested in posting an LED sign. He thanked staff for retaining **YESCO** to develop the sign guidelines that will allow for businesses to post such signs.
- (c) He advised of the passing of **Mr. Robert Haage**, a long-time **Montclair High School (MHS)** history and economics teacher. He stated **Mr. Haage** was one of his teachers while he attended **MHS**. He noted **Mr. Haage** died on June 3, 2015, and asked that tonight's meeting be adjourned in his memory.
- (d) He expressed his appreciation to staff for agreeing to contact the resident whose home was burglarized and work with him to increase security measures related to his proximity to **MacArthur Park** by perhaps adjusting the security gate near his property. He stated he would also support closure of the park at 8:00 p.m. based upon a favorable survey of the residents in the area.
- (e) He recognized the **Monte Vista Water District** for achieving a 24% reduction in water usage this month when compared to June 2014, as mandated by the **State**

**of California Governor's Office.** He stated he admires residents' efforts to reduce water usage through turf removal and reduced lawn watering schedules.

- (f) He stated he believes **Mr. Brunske** cares about the City and its many current and planned improvements, but is initiating the recall for the wrong reasons. He advised that City Manager Starr does not make \$400,000 despite the report to the State Controller showing that amount for 2013. He noted the facts will show that the City Manager earns a \$220,000 salary. He stated that, although it is every citizen's right to initiate a recall election, he believes that this recall is not warranted and is creating distractions from important projects like the **Montclair Plaza** revival and bringing the **Gold Line** to Montclair. He urged **Mr. Brunske** to withdraw the recall petition.

3. Council Member/Director Ruh commented as follows:

- (a) He stated the **Metropolitan Water District** is officially out of rebate money for turf replacement. He advised the **Chino Basin Water Conservation District** has a demonstration garden at 4594 San Bernardino Street in Montclair that the public can visit to learn about turf replacement options. He encouraged residents to visit.
- (b) He stated he, too, had issues with fireworks and called the police to report occurrences. He stated during the recession there were not as many firework complaints but the number of complaints seems to be increasing as the economy recovers.
- (c) He advised the **Southern California Air Quality Management District** has a new car replacement program called Replace Your Ride where residents can trade in their old vehicle to receive a voucher for a newer, cleaner vehicle or for public transportation passes. He advised eligibility is based on income criteria and those who are interested can apply at [ReplaceYourRide.com](http://ReplaceYourRide.com).
- (d) He stated last month, Police Chief/Public Safety Executive Director deMoet presented to Officers Jones and Almeida with the prestigious 10851 Award, which is presented to officers who, within a twelve-month period, meet any of the following criteria:
- Make six separate incident rolling stolen in-custody arrests;
  - Recover a total of twelve stolen vehicles of which a minimum of three must be rolling; or
  - Develop information resulting in the identification of a vehicle theft ring, subsequent arrest of two or more suspects, and the recovery of at least ten vehicles.

He stated he believes it is important to recognize these officers and commended the Police Department for the time and effort it takes to note these praiseworthy Officers.

## E. Committee Meeting Minutes

1. **Minutes of Personnel Committee Meeting of July 6, 2015**

The City Council received and filed the Personnel Committee meeting minutes of July 6, 2015, for informational purposes.

2. **Minutes of Code Enforcement/Public Safety Committee Meeting of July 6, 2015**

The City Council received and filed the Code Enforcement/Public Safety Committee meeting minutes of July 6, 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 7:48 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.

Mayor Eaton announced that he just received a message that longtime resident **Mrs. Mary Novelli** passed away. He stated she was very active in the community and will be missed.

Council Member Ruh stated she was involved with the **Montclair Women's Club**.

Council Member Dutrey stated that she was involved with the Community Action Committee as well as with **Our Lady of Lourdes Catholic Church** and asked that the meeting be adjourned in her memory in addition to **Mr. Haage's**.

At 7:50 p.m., the City Council went into Closed Session regarding pending litigation pursuant to Government Code Section 54956.9(d)(1).

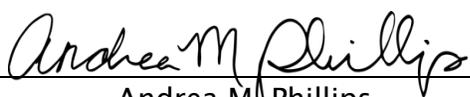
**XIII. CLOSED SESSION ANNOUNCEMENTS**

At 8:43 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 given to staff; and no further announcements would be made at this time.

**XIV. ADJOURNMENT OF CITY COUNCIL**

At 8:44 p.m., Mayor Eaton adjourned the City Council in loving memory of **Mr. Robert M. Haage** and **Mrs. Mary A. Novelli**.

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